



I, Don Rhodes, have read the foregoing pages of a copy of my testimony given during the NTSB investigation into the January 31, 2021 accident in Vail, AZ (RRD21LR007). These pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

PAGE NO:    LINE NO:    CHANGE AND REASON FOR CHANGE

NO Changes Needed

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 2-28-2021

Witness: [Redacted Signature]




I, Randy Ruiz, have read the foregoing pages of a copy of my testimony given during the NTSB investigation into the January 31, 2021 accident in Vail, AZ (RRD21LR007). These pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
10	14	Randy Ruiz NOT Unidentified Speaker
10	15	Tieplate NOT (idiscernible)
17	9	Consist NOT Contest
17	12	Consist NOT Contest

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 3/11/21

Witness: 



I, Randy Ruiz, have read the foregoing pages of a copy of my testimony given during the NTSB investigation into the January 31, 2021 accident in Vail, AZ (RRD21LR007). These pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
18	12	Tappers Not Tamperers
21	17	QE NOT TC
38	16	assistant Not System
46	8	Tophoj NOT (Indiscernible)

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 3/11/21

Witness: [Redacted Signature]

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

\*

UNION PACIFIC RAILROAD ROADWAY \*

WORKER FATALITY IN VAIL, \*

Accident No.: RRD21LR007

ARIZONA, ON JANUARY 31, 2021 \*

\*

\* \* \* \* \*

Interview of: DON RHODES, Work Equipment Manager  
Union Pacific Railroad

RANDY RUIZ, Manager of Track Programs  
Union Pacific Railroad

Via telephone

Friday,  
February 5, 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

DREW BOKENKAMP, General Director for Track Programs  
Union Pacific Railroad

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I N T E R V I E W

(11:00 a.m.)

1  
2  
3 MR. GORDON: My name is Joe Gordon. I'm a rail accident  
4 investigator with the NTSB, the National Transportation Safety  
5 Board. This phone interview is being conducted on February 5th at  
6 about 11:00 a.m. Eastern, and today we are speaking with Don  
7 Rhodes and Randy Ruiz from the UP Railroad.

8 This interview is in conjunction with the NTSB's  
9 investigation of the January 31st, 2021, accident where a UP  
10 roadway worker was fatally injured near Vail, Arizona. The NTSB  
11 accident reference number is RRD21LR007, and the purpose of this  
12 investigation is to increase safety, not to assign fault, blame,  
13 or liability.

14 Before we begin the interview and question, we'll go around  
15 and introduce ourselves, and I'll just call by organization. I'll  
16 ask that you state your name, spell your last name, tell us who  
17 you are representing and your job title.

18 And, just to remind everyone, since we are recording to speak  
19 clearly for the recording. And, again, my name is Joe Gordon,  
20 spelling of my last name is G-o-r-d-o-n, and I'm a railroad  
21 accident investigator with the NTSB.

22 Go on to Dr. Hoepf.

23 DR. HOEPF: This is Mike Hoepf, last name is H-o-e-p-f. I'm  
24 a human performance and system safety investigator with the NTSB.

25 MR. MANUTES: My name is John Manutes, M-a-n-u-t-e-s. I'm a

1 rail accident investigator with the NTSB.

2 MR. GORDON: Okay. And we'll go then to FRA, Pat.

3 MR. SHARP: This is Patrick Sharp, S-h-a-r-p. I'm a signal  
4 and train control inspector in District 7 for the Federal Railroad  
5 Administration.

6 MR. GORDON: Okay. And Drew, UP.

7 MR. BOKENKAMP: Yeah, Drew Bokenkamp, B-o-k-e-n-k-a-m-p. I'm  
8 the general director for track program for United Pacific  
9 Railroad.

10 MR. GORDON: Okay. And Don and Randy, just to let you guys  
11 know, you know, FRA and NTSB, we're kind of working these  
12 investigations independently but parallel where we can -- you  
13 know, trying to get the interviews done together as well as the  
14 information, you know, get the information and documents and  
15 things back and forth.

16 Try to burden you guys on the railroad as little as we can,  
17 but, you know, Pat has his investigation that he'll be conducting,  
18 as do we. So, as we spoke before we actually started today, do  
19 you understand that these interviews will be recorded? We have  
20 your permission to record?

21 MR. RUIZ: This is Randy Ruiz; I agree to the recording.

22 MR. GORDON: Okay. And, Don?

23 MR. RHODES: Yes, Don Rhodes, agree to the recording also.

24 MR. GORDON: Okay, thank you. And these -- so we'll  
25 record -- we'll have a transcript, and then that transcript will



1 become a part of the public docket, so we can't guarantee any  
2 confidentiality. You guys understand that?

3 MR. RUIZ: Randy Ruiz understands (indiscernible).

4 MR. RHODES: Yes.

5 MR. GORDON: All right, thank you. And as we discussed prior  
6 to, you guys could have a representative or anyone of your choice  
7 sit in with you today, and you declined that as well so --

8 MR. RUIZ: Yes, Randy Ruiz declines.

9 MR. GORDON: All right.

10 MR. RHODES: Don Rhodes declines.

11 MR. GORDON: All right, thank you. So, before we get started  
12 with the questions, Don, first, if you would just give us your  
13 name, the spelling of your last name, and your job title?

14 MR. RHODES: Don Rhodes, R-h-o-d-e-s, work equipment manager  
15 for Union Pacific Railroad.

16 MR. GORDON: Okay. And, Randy?

17 MR. RUIZ: My name is Randy Ruiz, last name's spelled  
18 R-u-i-z. I'm manager of track programs, Union Pacific Railroad.

19 MR. GORDON: Okay. And, once again, thanks, thank you guys  
20 for being on here and giving us some insight.

21 INTERVIEW OF DON RHODES AND RANDY RUIZ

22 MR. GORDON: We'll start with Don. If you would just kind of  
23 give us a background of your work experience and kind of, you  
24 know, let us know when you hired out with the railroad and kind of  
25 the progression that you took with your positions to get into the

1 position that you're currently in?

2 MR. RHODES: All right. I started June 17th, 2007, started  
3 out as a mechanic, worked down at TRT workgroup a year and a half.  
4 Put in for an (indiscernible) position, which is a supervisor  
5 position, and got that position. I've been in that position up  
6 until present day. I remember they swapped me to a manager from a  
7 supervisor.

8 MR. GORDON: Okay.

9 MR. RHODES: I have been working in the mechanic  
10 (indiscernible) for about 35 years.

11 MR. GORDON: Okay. And so you hired out as an equipment  
12 mechanic, and how long did you work on the equipment before the  
13 promotion?

14 MR. RHODES: A year and a half.

15 MR. GORDON: Okay, okay, thank you.

16 And, Randy, if you could give us a rundown on yours as well?

17 MR. RUIZ: Yeah, hired on the Union Pacific as a track  
18 laborer on April 7th of 1997, worked my way through the ranks, you  
19 know, driver, operator, system foreman, foreman. And then, in  
20 2006, I became a track ARSA with the track programs. And then, in  
21 2014, I became a manager, and then been doing that ever since.

22 MR. GORDON: Okay. All right. So I'll try to kind of keep  
23 these next questions to get a little bit more understanding of the  
24 workgroup that you guys -- the team that you guys were out there  
25 supervising. I'll kind of try to keep it in your area of

1 specialty, but if you -- you know, feel free to jump in if we need  
2 to clarify something.

3       So we'll just start with Don. Don, could you give us a  
4 little bit of an overview of the work equipment that's assigned to  
5 the 9062 work team?

6       (No audible response).

7       UNIDENTIFIED SPEAKER: Did we lose Don or was that just me?

8       MR. GORDON: Yeah, he might have dropped off.

9       MR. RHODES: No, I'm back.

10       MR. GORDON: Okay. Yeah, if you could just give us, you  
11 know, kind of an overview of the number of equipment and what that  
12 equipment is and kind of how you guys lay the gang out for the  
13 work that you do?

14       MR. RHODES: It's about 23 pieces of equipment on the sly  
15 (ph.) game. Starting out, we have machines that pull the spikes,  
16 we have machines that pull the ties, we have machines that line  
17 the ties, we have machines that insert the ties, we have machines  
18 that pull the tie close to the rail, we have machines that install  
19 the plates, and then we have the machines that (indiscernible) the  
20 ties back up after every -- all the other processes are complete.

21       MR. GORDON: Okay. And then this surfacing equipment that is  
22 kind of the focus of this investigation, where is that in the  
23 order of the equipment?

24       MR. RHODES: It's basically in the middle of the gang, in the  
25 middle of the contest (ph.), and it's a machine that holds the tie

1 up close to or tight up against the rail.

2 MR. GORDON: Okay. And, Don, I believe that -- I don't know  
3 that I have the equipment number, but I know it's a TMT -- is that  
4 a 1602? Was that the --

5 MR. RHODES: Yes, yes, that's correct.

6 MR. GORDON: Okay. And that TMT, that's not what you would  
7 consider a production tamper, can you -- does that TMT, does that  
8 stand for something that you're aware of?

9 MR. RHODES: That's a track maintenance tamper.

10 MR. GORDON: Okay.

11 MR. RHODES: It's the acronym.

12 MR. GORDON: Okay, and it's very similar to a switch tamper,  
13 just more the utilization of the machine, right? If you're using  
14 it out there, there's not -- I mean, I guess it would be most akin  
15 to a switch tamper as far as if you're looking at the size of the  
16 machine?

17 MR. RHODES: Yes.

18 MR. GORDON: Okay. All right. All right, thank you there.  
19 And we'll probably circle back to that, to talk more about that  
20 machine and a little bit about the work process.

21 But, Randy, if you could do the same and just kind of without  
22 -- with the manpower that you guys have out there on this  
23 equipment. So 23 pieces of equipment, you probably have at least  
24 23 operators, and then if you'd talk to us a little bit more about  
25 the remainder of the makeup of that gang.

1 MR. RUIZ: Yeah, with the 23 pieces of equipment, we have  
2 (indiscernible) that go on it, two operators and the two  
3 production tampers with the (indiscernible) both have two  
4 operators on it, so that would be an additional four. So you're  
5 talking in the realm of 27, 28 operators on the gang.

6 The rest are foremen and track laborers and truck drivers  
7 throughout the contest, making sure that, you know, throughout the  
8 production day and leading up to it, we have all the OTM and ties  
9 throughout the gang that we need to be productive.

10 MR. GORDON: Okay. Okay. So I believe the head count that  
11 we had talked about before was somewhere between 40 and 50 men,  
12 employees?

13 MR. RUIZ: Yes.

14 UNIDENTIFIED SPEAKER: Standard contest is 42. We have 50  
15 guys on this contest now because we're handling (indiscernible) so  
16 we've got -- have an extra five for that, and we have an extra  
17 tamper and regulator for this -- these projects we're starting out  
18 with, so that's three extra operators. That's how we come up the  
19 50.

20 MR. GORDON: Okay. Okay. And then, so the equipment  
21 operators, do they take care of what would be considered kind of  
22 routine maintenance? Can you -- one of you talk a little bit  
23 about the breakdown of kind of the maintenance of the machine?

24 MR. RUIZ: Do you want to take that Don -- Dan -- Don? I'm  
25 sorry.

1 MR. RHODES: Their responsibility is to do adjustments,  
2 maintain the Dubert (ph.) K7 machine, and then adjusting work  
3 heads, adjusting the brake systems.

4 MR. GORDON: Okay.

5 MR. RHODES: And then, like I said, the maintaining of the  
6 machines.

7 MR. GORDON: Okay.

8 MR. RUIZ: And the inspections, the daily inspections also.

9 MR. GORDON: Okay, okay. So fair to characterize it, you  
10 know, if they do the daily inspection, if it's kind of routine  
11 maintenance, they take care of that. If it's anything that  
12 requires a more heavy lift, are there roadway maintenance  
13 mechanics that are assigned to that team?

14 MR. RUIZ: Yes, I have four that were assigned to that team.

15 MR. GORDON: Okay. And, Don, those roadway maintenance  
16 mechanics, are they included in that 50-person head count?

17 MR. RHODES: I honestly don't know if they're in that head  
18 count. I don't believe they are. I believe they're  
19 (indiscernible).

20 MR. RUIZ: No, they are not, no.

21 MR. GORDON: Okay, okay. And, Don, but they answered they  
22 would report to you, Don, is that right?

23 MR. RHODES: One (indiscernible).

24 MR. GORDON: Okay. All right. I'm going to -- that's the  
25 biggest thing that I wanted to do as far as kind of setting that,

1 you know, getting a better understanding of the gang. We can --  
2 and I'll kind of leave it up to the people on the phone. We can  
3 go with a round of questions to understand more about the gang and  
4 how that work is done, or we can have Don and Randy both give us,  
5 you know, their account of the day of the accident.

6 And that's -- you know, I'm trying to figure out what  
7 everybody thinks would be the best way to go as far as flow. I  
8 mean, I guess if you -- if anyone on the phone has substantially  
9 more questions about the makeup of the gang, we could go ahead and  
10 do that now before we move to the day of the accident.

11 UNIDENTIFIED SPEAKER: Joe, I don't have anything. I think  
12 we should probably move onto the day of the accident except for  
13 one follow-up.

14 When you give the gang number -- which I missed; I know we  
15 have it in our notes -- would you also assign sort of an official  
16 name to the gang? I mean, I know we called it a tie gang. Is  
17 there a more -- you know, we've all been in the railroad industry  
18 a long time, and sometimes we get used to slang. Is there a more  
19 official name for the gang?

20 MR. RUIZ: No, it's just tie gang.

21 UNIDENTIFIED SPEAKER: Tie gang, good, okay.

22 MR. RUIZ: 9062, yeah.

23 UNIDENTIFIED SPEAKER: Okay, thank you. That's all I had.

24 MR. GORDON: Thank you. Yeah. All right, thanks.

25 Anyone else on kind of this round of questions before we go

1 to the day of the accident? Pat, you got anything?

2 MR. SHARP: No, I think we pretty much understand, or at  
3 least I do, the makeup of the gang and kind of the role of each of  
4 the folks involved, so I'm good.

5 MR. GORDON: Okay.

6 DR. HOEPF: Hey, Joe, I just have -- oh, I'm sorry --

7 MR. GORDON: Oh, no, no, you're fine. You're fine, Mike, I  
8 was, I was going to you next.

9 DR. HOEPF: Okay, thanks, Joe. I'm good to move on to the  
10 day of the accident minus just one general question for kind of my  
11 clarification.

12 I'm just kind of wondering about the speed that -- you know,  
13 maybe it would be good to think about in terms of how much  
14 tracking do you cover in a day, or I'm not sure -- if, you know,  
15 if you were to be kind of moving along the track, how many miles  
16 per hour or, you know, how should I think about just kind of the  
17 process for, I guess, a day's worth of -- you know, what is the  
18 rate that the gang is moving down the track?

19 MR. GORDON: Okay. Yeah, and I think Randy or Don could give  
20 us just kind of a footage tie account, you know, what your goals  
21 are for a day. And I know it's going to change with geography and  
22 different things, but yeah, if you could just kind of let us know  
23 what your goals were for that area and kind of the time of the  
24 accident?

25 MR. RUIZ: Our scheduled goal rate is 1,452 ties in a day,



1 and we've been averaging fairly close to that. We've been getting  
2 the ties -- depending on the tie density, it's right around two  
3 miles, give or take a quarter mile, somewhere in there, depending  
4 on the tie density and how much we will cover.

5 And the work of -- the work speed is fairly slow. Obviously  
6 two miles in an eight, nine hour day, you know, you can walk  
7 faster than that. So the actual work speed of the progress of the  
8 gang is probably fairly slow, you know, depending on a lot of  
9 circumstances in between there obviously.

10 MR. GORDON: Okay. Yeah, and I think that's definitely what  
11 the clarification that Mike was looking for. So I think probably  
12 best to just approach that day the same way.

13 If you guys could -- I guess we'll start with Randy. If you  
14 would give us an overview of like the job briefing, what took  
15 place prior to the work starting, and then, you know, we'll hear  
16 from Don if there was anything different that he did with his  
17 people and just kind of go from there.

18 MR. RUIZ: Well, I mean, roughly the way the day started is  
19 the gang shows up, job briefing starts at 8:00 in the morning,  
20 8:00 a.m. The foreman starts 15 minutes earlier, so it would be  
21 7:45, to make sure we've got all our plans straight with each  
22 other so we can present it to the team at the job briefing.

23 And so we have a little foreman's meeting, get-together to  
24 make sure that all our, you know, Is are dotted, Ts are crossed  
25 before we present our plan for the day with the group. And we

1 have a job briefing with the entire group, and we talk about  
2 today's plan.

3 If there's a Form B, we talk about a Form B. Because of the  
4 wide track centers, we didn't have a Form B for that day, but --  
5 so if we did have a Form B, we would have talked about that. We  
6 talked about where we're going to start that day and what the  
7 rough goal that day is depending on the time (indiscernible).

8 MR. GORDON: Okay.

9 MR. RUIZ: Also talked about any -- if there's weather  
10 conditions we're worried about, we'll talk about it then. If  
11 there's special track conditions that we're going to cover that  
12 day, we'll talk about them. Anything that -- any added risk  
13 beyond our normal workday. And that job (indiscernible) lasts  
14 anywhere from 25 to 35 minutes depending on the amount of  
15 information we need to share.

16 MR. GORDON: All right, thank you.

17 And how about from your perspective, Don, on getting the  
18 equipment moving? Anything in addition on the job briefing side?

19 MR. RHODES: On the job briefing side, it's always discussed  
20 if they have any machine issues that need to be addressed that we  
21 don't already know about. I have two mechanics that started the  
22 same as the gang, and I have two mechanics that started two hours  
23 later. We kind of stagger them so we have coverage up into the  
24 night if something major needs to be repaired, breaks down.

25 MR. GORDON: Okay. All right. So I want to focus a little

1 bit more on that area of the gang, and I guess first it may help  
2 me to understand more -- and I believe, Randy, this will probably  
3 be for you -- what are the procedures as far as where the ground  
4 people are working in close proximity to equipment?

5 So, you know, we know that the makeup of the gang now -- so,  
6 you know, you've got a lot of equipment that's out there being  
7 operated, but there are also a lot of people. You know, it  
8 requires people with boots on the ground doing some other things,  
9 tie up plates, marking ties.

10 So if we just kind of focus on that work that was going on in  
11 the area of that TMT 1602 pup tamper and Mr. Garcia and  
12 Mr. Morgan. So the procedures that are in place to safely  
13 maintain a distance between the machine and the employee, can you  
14 talk a little bit about what those are and, you know, kind of how  
15 those are reinforced?

16 MR. RUIZ: Yeah, the standard distance between men and  
17 machines is 25 feet. That is the standard that we have. It not  
18 only works for us between men and machines, but also with if we're  
19 running a Form B and we've got the FRA, for the FRA requirements  
20 for passing trains on adjacent tracks. So we maintain that 25  
21 feet, and obviously myself or the foreman or Don or really anybody  
22 sees that, someone approaching that without -- during the work,  
23 that we'll stop and talk to them and reinforce it that way.

24 Now, we do have a special exception, and it is for the pup  
25 tamper, and it's 70 feet because the pup tamper does have blind

1 spots in it that, when a guy -- especially depending on the style  
2 of pup tamper, the blind spot is right in front of it, and if a  
3 guy's standing only 25 feet away from it, he can't be seen. So  
4 that's why we've increased the distance of 70 feet around the pup  
5 tampers because of the blind spots that are involved with the pup  
6 tampers. So it's supposed to be 70 feet between the pup tamper  
7 and any ground personnel.

8 MR. GORDON: Okay.

9 MR. RUIZ: And so the contest is in that area -- don't have a  
10 question, I'm sorry.

11 MR. GORDON: Oh, no, you're fine.

12 MR. RUIZ: Okay, okay. The contest is a rail lifter, RLTI,  
13 which is a machine that's actually sliding the plates underneath  
14 the rail, okay.

15 MR. GORDON: Okay.

16 MR. RUIZ: It lifts the rail up, slides the plates  
17 underneath, and then what we have is we have a trackman behind him  
18 25 -- he needs to maintain 25 feet behind him. What he's doing is  
19 he's always at his (indiscernible) basically and he's marking ties  
20 -- old ties, not new ties that we're installing, but old ties that  
21 have fallen down when he sees a gap between the rail and the  
22 plate, that way we can get those.

23 So he'll mark the center of the tie, telling the operator  
24 behind him in that pup tamper that he needs to tamp that tie, that  
25 old tie, so we don't -- throughout the process, we don't get

1 rocked between the rail and the tie plate, just for our quality  
2 control purposes. So that's what he was doing. And then the pup  
3 tamper behind him, that TMT, he's supposed to maintain 70 feet  
4 from that trackman that is working in front of him.

5 MR. GORDON: Okay.

6 MR. RUIZ: And then, so we've got that pup tamper, and then  
7 behind the pup tamper, we have two to three laborers. That day we  
8 actually had three laborers that were tamping plates to straighten  
9 the plate, because after -- on the new ties, after the pup tamper  
10 tamps the new tie, that plate, because it's got a vibrator on it,  
11 that plate could vibrate where it's not directly centered on the  
12 tie, so those -- we call them plate tampers, behind there, behind  
13 the pup tamper. You just tamp on the plates to get them square,  
14 perfectly centered on the plate -- or on the tie, I'm sorry, the  
15 plate on the tie.

16 MR. GORDON: Okay. So fair assessment that it would have  
17 been -- so we'll just use the name of the employees that were  
18 involved then, it would have been Mr. Morgan's responsibility to  
19 maintain 25 feet separation between him, and you said that was the  
20 lifter that he was directly behind?

21 MR. RUIZ: Right.

22 MR. GORDON: And then the responsibility of the 70 feet, he's  
23 not the one that's required to maintain that 70 feet behind him;  
24 that would be the responsibility of the pup tamper operator?

25 MR. RUIZ: Correct, absolutely.

1 MR. GORDON: Okay. Okay. All right. Yeah, that really  
2 helps. I certainly appreciate that. So while we've got Randy in  
3 on that work, you know, that work procedure that was going on  
4 there, we may go around with a round of questions for Randy.

5 And I think everybody's been doing a good job of it -- I'm  
6 probably the one that hasn't -- if -- when you got to ask a  
7 question, if you'll just give your name for the transcriptionist.

8 Mike, do you have any questions for Randy on this work  
9 procedure?

10 DR. HOEPF: Yeah, I do have a couple questions. Thanks Joe.  
11 This is Mike with NTSB.

12 I just kind of want to talk a little bit about, you know,  
13 this work process, I guess, in terms of, you know, what can go  
14 wrong from a safety perspective here? Basically, you said that  
15 the pup tamper has a bit of a (indiscernible) but directly in  
16 front of it and so, you know, added some extra distance there.

17 I mean, I'm just wondering, has it ever been an issue in the  
18 past where you've seen either these employees or other employees  
19 that tend to have less than that distance? Is that pretty easy  
20 for people to maintain or is that something that you see people  
21 sometimes come in there and, you know, you kind of have to come in  
22 there and spread them out a little bit?

23 MR. RUIZ: It's pretty easy to maintain, yes, but there are  
24 times I would say, I mean, me, as a manager, there has been times  
25 where I've had to separate them. And it's usually not between the

1 machines and the ground men, because the ground men usually will  
2 shoo them out pretty quick because they don't like to be crowded.

3 But it's usually between machines. The machine is where we  
4 find the most crowding happening. Usually the ground men  
5 themselves will shoo off the operator that's crowding them,  
6 getting in there -- getting too close or they're feeling they're  
7 too close.

8 But have I this year had to correct them? No, have not this  
9 year. But have I in the past? Yes. I wouldn't say it's a common  
10 thing, but does it happen? Yes.

11 DR. HOEPF: Got you, got you. You know, let me just ask you,  
12 too, I mean, I know we're kind of talking about the work process,  
13 but this tamper, in terms of the control of the input of it, I'm  
14 not sure if you've heard much about what happened on the day of  
15 the accident, but have you ever had operator have an issue with  
16 maybe thinking that they're in a work mode but they're actually in  
17 a tram mode or something like that or, you know, have some sort of  
18 uncontrolled movement where they've gone further than they want  
19 to? I mean, has that ever been a safety issue in the past?

20 MR. RUIZ: Not that I've ever been aware of in the past, no.

21 DR. HOEPF: Okay, okay. Okay. That's the first step.

22 MR. RUIZ: No, never been brought to my attention by anybody  
23 in the past.

24 DR. HOEPF: Okay. Well, thank you. That's all the questions  
25 I have on that topic. I'll let some other people ask questions.

1 Thank you.

2 MR. GORDON: All right, thanks, Mike.

3 Anything from you, John?

4 MR. MANUTES: Yeah, real quickly. John Manutes, NTSB.

5 I just wanted to understand the working a little bit better.  
6 The employee working in front of the TMT pup tamper, is the  
7 operator -- should the operator of the tamper always expect that  
8 there's an employee between him and the next machine, or is it  
9 only sometimes that there's an employee between him and the next  
10 machine, 90 percent of the time? Can you sort of help me with my  
11 understanding of that?

12 MR. RUIZ: I would say it's like 90 percent of the time. If  
13 we get real shorthanded, like guys may have emergencies and we're  
14 shorthanded, eventually that guy will be taken away, plus to  
15 maintain, you know, the work process. But that's really -- once  
16 we take a guy away from there, we end up paying for it in the back  
17 in the final TC with a lot of down ties.

18 MR. MANUTES: I see.

19 MR. RUIZ: So we -- it's pretty high on the trackmen list,  
20 but we can work without them.

21 MR. MANUTES: And then this is getting ahead of myself a  
22 little bit.

23 MR. RUIZ: But --

24 MR. MANUTES: Would you say, on that day, that there was  
25 somebody there all day?



1 MR. RUIZ: There was someone there all day, and I think  
2 there's been someone there all year so far. We haven't been --

3 MR. MANUTES: Okay, okay.

4 MR. RUIZ: -- so shorthanded that we haven't needed anybody  
5 there that we had to take that guy away.

6 MR. MANUTES: Thank you.

7 MR. GORDON: All right, thanks, John.

8 Pat, anything for Randy?

9 MR. SHARP: No, not at this time. Thanks.

10 MR. GORDON: All right.

11 And, Drew, I wasn't trying to leave you out on that last  
12 round. You got anything for Randy before we start to talk with  
13 Don about the equipment?

14 MR. BOKENKAMP: Nope, I think you guys are doing a good job  
15 getting the layout there.

16 MR. GORDON: All right, thank you.

17 Yeah, one final question, Randy, on this round before we move  
18 on to Don, and I think we've got an understanding of this, I just  
19 wanted to verify with you. That tamper, the TMT 1602, his work  
20 process is to tamp every new tie, correct, and then the ties that  
21 are marked are the existing ties that need to be tamped as well?

22 MR. RUIZ: That is correct, every new tie, any down tie that  
23 is identified or marked in front of him.

24 MR. GORDON: Okay, all right. Thank you. That really helps.

25 So, Don, would like to talk to you a little bit about the

1 equipment, and we'll just kind of focus on this TMT 1602. We  
2 heard a little bit about a drive motor. Can you give us an  
3 assessment of kind of the inspections and what, you know, the  
4 state of the equipment when it went out to work that morning?

5 MR. RHODES: Okay. Don Rhodes, work equipment manager for  
6 Union Pacific. That machine had prior, a couple days, had one of  
7 the rear -- well, the rear travel motor blew out, blew a seal and  
8 was leaking hydraulic fluid. So that night, we took the time to  
9 remove that travel motor and put a new one in it. And we put a  
10 new one in it.

11 The next morning, the gang went out and couldn't take off;  
12 lasted about an hour before the new motor blew out again. So, at  
13 that point, we checked the lines because the machine can operate  
14 on 1000 (indiscernible) which was the front travel motor. The  
15 rear one was disconnected.

16 MR. GORDON: Okay. And was that the only condition that was  
17 identified on the machine?

18 MR. RHODES: That was the only condition at that point that  
19 was identified on its travel system.

20 MR. GORDON: Okay, okay. And now you said that it could  
21 operate with only one of the travel motors, and it was the front  
22 travel motor. Is that the same -- had it been the front travel  
23 motor that was out, can it still operate with only the rear travel  
24 motor, as long as it has one or the other?

25 MR. RHODES: Yes.

1 MR. GORDON: Okay, okay. And I know that, you know, Mike's  
2 probably going to have some questions on the visibility side and  
3 kind of the controls of the equipment.

4 So, Mike, if you want to start with that, and we'll pass that  
5 around the room.

6 DR. HOEPF: Yeah. Thank you, Joe.

7 Yeah, as Joe alluded to, I'm wondering if you could just kind  
8 of give us a little bit of an overview of this piece of equipment  
9 and the control of it? You know, I know you said that it could  
10 operate with one motor, but can you -- I guess, can you start with  
11 what impact you would expect that to have on the performance of  
12 the machine? I believe we heard yesterday that maybe it couldn't  
13 move as quickly. Does that ring a bell or sound familiar -- or  
14 accurate, I should say?

15 MR. RHODES: It would slow the machines --

16 DR. HOEPF: Okay.

17 MR. RHODES: -- down for us to do that.

18 DR. HOEPF: Okay, okay. And I'm sorry, sir, if you could  
19 maybe just speak up just a little bit. I'm having just a little  
20 bit of trouble hearing you this morning. But yes, I think you  
21 said it just -- it would slow it down a little bit.

22 If you could just clarify, is that just with respect to the  
23 speed at which the machine would travel down the track, or would  
24 that also have an impact on other systems, like, for example, you  
25 know, the actual tamping that the machine would do?

1 MR. RHODES: Well, it would travel slower down the track; it  
2 would work slower. The tamping power of the machine, it would not  
3 -- I do not believe it would affect the tamping power of the  
4 machine. Stopping power, because it's an air brake system, not a  
5 hydraulic system on the stopping power of the machine, with  
6 respect -- it is like a hydrostatic (indiscernible) system, and  
7 any time power is taken away from the hydrostat, the machine will  
8 stop. But overall on that, the braking system will air operate.

9 DR. HOEPF: Okay. And sorry, I apologize, I'm not a -- I'm a  
10 psychologist, not a mechanical person here. So you were saying  
11 that the power kind of overall would be reduced, but I think you  
12 were trying to clarify the impact on the brake system. So you  
13 were saying that it would or it would not impact the braking  
14 system?

15 MR. RHODES: It would not impact the overall braking system  
16 of the machine.

17 DR. HOEPF: It would not?

18 MR. RHODES: It would not.

19 DR. HOEPF: Okay. I apologize just again; I'm having a  
20 little bit of volume issue hearing today. I apologize for that.  
21 Thank you for clarifying that.

22 I'm just -- I guess, I'm just kind of -- it's kind of -- is  
23 it something you've had before where you had to -- and obviously,  
24 I understand, you're trying to keep an operation going. Have you  
25 ever had a motor, one of two motors blow out on a piece of

1 machinery before? Is that a relatively common occurrence, or was  
2 this kind of an atypical situation?

3 MR. RHODES: No, we've had it in the past with different  
4 machines. A lot of the machines have a front and a rear travel  
5 system, and sometimes the hydraulics, the motors will go bad, and  
6 they'll either blow out a seal or something like that, or they'll  
7 bypass internally and the motor basically -- whichever motor it is  
8 isn't moving at all, it's just being (indiscernible). And yeah,  
9 we've had that in the past.

10 DR. HOEPF: Okay. Great, thanks. And so is there like -- is  
11 it -- would it be up to the mechanic, or I don't know if it would  
12 be a decision for you to make; does somebody have to kind of make  
13 an assessment of, you know, go or no go for a piece of equipment  
14 for the day? Does somebody have to say, okay, this is going to be  
15 fine from a safety perspective? Is that -- mechanic would make  
16 that decision or you, or how does that work?

17 MR. RHODES: The mechanic would assess it, but overall, I  
18 feel that it would be my decision on whether or not it should go  
19 out or not.

20 DR. HOEPF: So that's -- okay, sounds good. And so the next  
21 thing I just wanted to do is to talk a little bit about the  
22 control of this machine. Could you just kind of give us a quick  
23 overview of the -- how you would control this particular machine  
24 in terms of the inputs? You know, I'm thinking, if you're driving  
25 a stick shift car, you've got a couple of pedals on the floor, and

1 you've got the wheel and the stick and all that kind of stuff.  
2 Can you just kind of describe the inputs on this machine and how  
3 you would operate it, just briefly at high level?

4 MR. RHODES: This machine has foot controls for stopping and  
5 forward and reverse. It also has a joystick that you can push  
6 forward for it to go forward, and it also has, on that same  
7 joystick, if you move it to the -- I can't remember if it's left  
8 or right, it will reverse, and then if you pull it to another  
9 position, the work vents go up and down.

10 DR. HOEPF: Okay. So when you're -- okay. So I guess my  
11 understanding was also that there's like a tram -- there's like a  
12 travel mode and then there's a work mode; is that accurate?

13 MR. RHODES: One's for (indiscernible).

14 DR. HOEPF: Okay.

15 MR. RHODES: There's a toggle switch that puts it in work  
16 mode or travel mode.

17 DR. HOEPF: Okay. Where is that -- can you tell me where  
18 that toggle switch is located?

19 MR. RHODES: It's to the left and back behind the operator a  
20 little bit as you (indiscernible) in that seat.

21 DR. HOEPF: Okay. Okay, okay. I got you. Is that something  
22 that could be accidentally bumped or anything like that, or is  
23 that pretty secured out of the way?

24 MR. RHODES: I think it's pretty secured out of the way to  
25 where, I mean, you'd really have to reach your arm back to bump

1 backwards.

2 DR. HOEPF: Okay, okay.

3 MR. RHODES: To back bump it.

4 DR. HOEPF: I got you. So, in terms of -- you know, is that  
5 a switch that you would be hitting throughout the day, like on a  
6 regular basis, or would you pretty much just be in work mode  
7 throughout the duration of the work day that, and then they would  
8 just go to the tram mode once you're done for the day?

9 MR. RHODES: It would be pretty much in work mode most of the  
10 day unless they need to bump and then, you know, make up ground  
11 with moving toward the other piece of equipment, you know, tie up  
12 location or something like that. But yeah, it would be most of  
13 the day in work mode.

14 DR. HOEPF: Okay. Okay, great. Thanks. And then, so you  
15 talked about the braking system. I guess -- I heard there's a  
16 service brake and like a parking brake. Can you talk about kind  
17 of the difference between those and maybe some other braking  
18 systems to just kind of give us a picture of that?

19 MR. RHODES: And the park brake is, you know, you've got to  
20 kind of pictorialize a large commercial truck that's got a  
21 (indiscernible), whatever you want to call it, until you push on  
22 it and it sets the parking brake, and then to release it, you pull  
23 it out. The service brake is usually on a pedal or on a joystick,  
24 and the minute you touch that service brake, the machine will  
25 stop. Or you can, you know, center the joystick, and it usually

1 sets the service brake.

2 DR. HOEPF: Okay. So the service brake is controlled by the  
3 joystick also?

4 MR. RHODES: Yes.

5 DR. HOEPF: Okay. Okay. And so -- all right. And I really  
6 appreciate your help here clarifying these things. So really the  
7 last topic that I just want to talk about, we -- yesterday, we had  
8 talked about -- my understanding, anyway, was that, in order for  
9 this -- in order to move the tamper forward, you basically have to  
10 have your hand on the joystick. Is that -- pushing, pushing it  
11 forward. Is that accurate, or will --

12 MR. RHODES: Yes.

13 DR. HOEPF: -- do you have the --

14 MR. RHODES: Yes.

15 DR. HOEPF: Okay. So, as soon as you take your hand off the  
16 joystick, this machine will stop?

17 MR. RHODES: It should stop, yes.

18 DR. HOEPF: Okay. And are there any situations where that  
19 wouldn't be true?

20 MR. RHODES: Only if the joystick malfunctions or -- other  
21 than that, no, it should stop (indiscernible) the joystick.

22 DR. HOEPF: Okay. And how about if it was in the travel  
23 mode? Would it kind of coast, you know, kind of like putting a  
24 car in neutral?

25 MR. RHODES: It may coast a little bit, but not much at all.



1 It still should come to a stop.

2 DR. HOEPF: Yeah, okay. Okay. Thank you so much. That's  
3 all the questions I have for now. I appreciate it.

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

5 John, you got anything?

6 MR. MANUTES: Yes, I think that I might. John Manutes, NTSB.

7 Can you double back on a comment you made -- did I hear you  
8 say that the equipment has foot pedals as well as a joystick for  
9 travel?

10 MR. RHODES: I believe it does.

11 MR. MANUTES: Okay. We won't hold you to it because I don't  
12 know the equipment any better than, well, anyone for that matter.  
13 I haven't seen it yet, I guess is what I'm saying. With COVID  
14 stuff, they've got us locked down.

15 MR. RHODES: I (indiscernible).

16 MR. MANUTES: Yeah, okay, that's fair. Let me be  
17 (indiscernible). Since we don't have the equipment in front of us  
18 and we can't run out and look at it, let's assume for a second  
19 that the machine may or may not have foot pedals and maybe talk in  
20 generalities with other types of similar equipment that you're  
21 familiar with.

22 If the equipment had foot pedals, would it be -- it would  
23 then be the case that you could operate the machine forwards and  
24 backwards with a joystick or move the equipment forwards or  
25 backwards with a foot pedal?

1 MR. RHODES: Yes.

2 MR. MANUTES: Okay. And do you have any sense of what might  
3 happen if the joystick input conflicted with the foot pedal input?  
4 For example, you know, you rest your foot on the go forward foot  
5 pedal, but you're trying to go backwards with the joystick?

6 MR. RHODES: It would probably override it.

7 MR. MANUTES: Which -- do you have a sense for which would  
8 override which? Would the foot pedal normally win or the  
9 joystick?

10 MR. RHODES: The joystick should bring it to a stop.

11 MR. MANUTES: Okay.

12 MR. RHODES: And I believe if --

13 MR. MANUTES: I'm sorry, I interrupted you. You believe --  
14 you were saying?

15 MR. RHODES: If you stepped on the foot pedal, it would  
16 reenergize the signal and (indiscernible).

17 MR. MANUTES: Yeah, okay. I don't think I have any other  
18 questions. Thanks, thanks for that.

19 MR. GORDON: Okay.

20 And, Pat, do you have anything?

21 MR. SHARP: Yes. Pat Sharp with the FRA.

22 Don, is there a procedure in the startup process or sometime  
23 after the job briefing or whatever with the machine operator, do  
24 they ever press the emergency stop button?

25 MR. RHODES: They should. When they go through their

1 inspection, it says to check all the controls, and then you can  
2 mark off whether or not they worked as intended or give an  
3 exception, which would be, you know, a safety write-up on the  
4 machine. And yes, all controls of that machine need to be  
5 inspected daily.

6 MR. SHARP: Okay. So it's --

7 MR. RHODES: Yes.

8 MR. SHARP: -- it should be a part of their daily startup  
9 test procedure. When they're going through all the controls and  
10 the brake systems, they do their walk around, they get on and they  
11 fire the machine up, and then they go through that checklist.  
12 That would be a part of that check, would be to hit that emergency  
13 stop --

14 MR. RHODES: Yes.

15 MR. SHARP: -- and verify that it works? Okay. And as I  
16 understand it --

17 MR. RHODES: It doesn't --

18 MR. SHARP: I'm sorry.

19 MR. RHODES: It doesn't say directly to check it, but it just  
20 says (indiscernible) make sure all your controls work as intended.

21 MR. SHARP: Okay. All right. And it's my understanding  
22 that, if they test that, it actually would shut the machine down?  
23 It actually kills the machine; is that correct? And if they let  
24 off of that, does it restart automatically, or do they have to  
25 restart the machine?

1 MR. RHODES: It does kill the machine, and yes, they would  
2 have to physically restart the machine.

3 MR. SHARP: Okay, okay. Now, I wanted a little clarification  
4 because I wasn't certain that, if they let off of it, the machine  
5 would reenergize itself and just start back up, so that answers  
6 that.

7 MR. RHODES: No, they -- it's not -- you can let off of -- I  
8 mean, you physically have to push the button down and pull it back  
9 up, and it will snap back up.

10 MR. SHARP: Okay, okay. That makes sense. I just wanted to  
11 get a clarification, in my mind, if there was part of the startup  
12 procedure or sometime during the day they validated that emergency  
13 stop work.

14 So thank you for that. That was what I had. Thank you.

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

16 Drew, do you have anything?

17 MR. BOKENKAMP: Yeah, I do have a quick question for you,  
18 Don. So you talk about the park brake; you talk about the service  
19 brake. Is there also another button in there for like an  
20 emergency stop?

21 MR. RHODES: The emergency stop button. You push that down,  
22 and it locks down, and it kills everything. Just the power locks  
23 on the machine, and the machine will die.

24 MR. BOKENKAMP: Where is that at in retrospect?

25 MR. RHODES: The (indiscernible).

1 MR. BOKENKAMP: Go ahead.

2 MR. RHODES: I think it's on the overhead. I'm not positive.

3 MR. BOKENKAMP: Okay.

4 MR. RHODES: I can't (indiscernible) machine.

5 MR. BOKENKAMP: That's fine. How far away are those  
6 basically brake systems from where the operator is sitting? If  
7 I'm sitting in the operator's seat, where are they in conjunction  
8 to where I'm sitting, or my hands are, I guess, on the rest?

9 MR. RHODES: They should be within arm's length.

10 MR. BOKENKAMP: Okay. And really for either you or Randy,  
11 did the operator do a stop test in the morning or test his brakes?

12 MR. RHODES: (Indiscernible).

13 MR. RUIZ: Yeah, this is Randy. He told me he did test his  
14 brakes going out of the hole, a couple times, he told me. And  
15 then also, I did know that the emergency stop button is on the  
16 control panel on the seat on the left front, on his left side. So  
17 he does -- it is definitely close to him.

18 MR. BOKENKAMP: So did he -- in the morning logbook, did he  
19 note any defects additional from the day prior or any days prior?  
20 Was there anything else written as far as defects that he saw on  
21 the machine?

22 MR. RHODES: Other than the travel motor, no.

23 MR. BOKENKAMP: Okay. Okay, that's all I've got there.

24 Thank you.

25 MR. GORDON: All right. Don, I've got just a few more

1 questions with the machine, and then I guess probably some  
2 questions that might be for you and Randy together.

3           We talked about the work mode of the equipment and the  
4 indexing feature where, you know, it's moving basically a nominal  
5 tie space to put you in position for the next tie. There might  
6 need to be a little bit of movement to get in perfect position,  
7 but it's supposed to get you there close. But when -- so if you  
8 move the joystick forward, and it indexes, but then if your hand's  
9 off of the control, and that joystick is back in the centered  
10 position, then the machine stops, correct?

11           MR. RHODES: Yes, that is correct.

12           MR. GORDON: Okay. Now, is that stop, is that based on any  
13 brake application or is that stop just based on the fact that I no  
14 longer have any power to my axels?

15           MR. RHODES: (Indiscernible) the hydraulic fluid, which it  
16 will control the hydraulic fluid to where --

17           MR. GORDON: Okay.

18           MR. RHODES: -- it doesn't receive a signal to  
19 (indiscernible).

20           MR. GORDON: Okay. So there's no brake; we're just working  
21 this equipment on railroad grade, so typically, we're not on  
22 anything steep. But I guess, hypothetically, if you were on a  
23 significant grade, that index feature -- the machine could move  
24 uncontrollably; is that -- I mean, because there's no brake  
25 application; it's just a disengagement of the hydraulics?

1 MR. RHODES: They will -- well, no, I take that back. They  
2 will set -- it will set the air brakes.

3 MR. GORDON: Okay, okay. That makes more sense. And also  
4 understanding that the way that a hydraulic system works, you've  
5 got significant drag on this. So, I mean, that equipment's not  
6 freewheeling unless you manipulate mechanical means to make it  
7 freewheel, so there would always be drag on the axels?

8 MR. RHODES: Correct.

9 MR. GORDON: Okay. That helps. And this is wishful  
10 thinking, but got to ask the question. There is no recording --  
11 event recording function to any of this machine, there's nothing  
12 that records any of the position of the controls, nothing like  
13 that, correct?

14 MR. RHODES: None at all.

15 MR. GORDON: Okay. I didn't think we'd gotten there, but I  
16 tell you, with the way technology is going, we're remiss if we  
17 don't ask, because I was in an accident not long ago where I  
18 didn't realize that the EOTs on the rear of trains were actually  
19 recording data now. So yeah, that helps to know that there's  
20 nothing available there.

21 So my last question -- and this is probably for you both --  
22 do you have a close call, near miss reporting system that the guys  
23 on the gang, if there's an incident that they -- you know, that  
24 maybe they got two pieces of equipment close together but they  
25 didn't strike, is there an avenue for them to report those kind of

1 things?

2 MR. RUIZ: Yeah -- this is Randy. Yeah, there's multiple  
3 ways for them to. If they don't want to, obviously they can come  
4 to me and notify me, and then I will put it in our close call  
5 database that is entered by managers. But they also have what  
6 they call a close call hotline that they can call the hotline and  
7 stay anonymous so they don't -- so, you know, that way no one can  
8 get in trouble. And so they have that avenue. They also have  
9 safety captains that they can work through, stuff like that. They  
10 have multiple ways that they can record that with, depending on  
11 how they want to do it.

12 MR. GORDON: Okay. And, to your knowledge, are you aware of  
13 any close call reporting, you know, dealing with an uncontrolled  
14 movement or a braking issue with equipment?

15 MR. RUIZ: No, I'm not aware of any, no.

16 MR. GORDON: Okay. All right. That helps give us a little  
17 historical perspective there as well. I don't believe I have  
18 anything else right now. I'm going to go back around.

19 Mike Hoepf, do you have any additional questions?

20 DR. HOEPF: Yeah. Thanks, Joe.

21 Yes. Just, you know, while we're kind of doing a final round  
22 of clarification, things like that. Kind of standard performance  
23 questions that we typically ask people in supervisory positions,  
24 you know.

25 As far the gentlemen that were, you know, involved in this



1 incident, can you give us an assessment of just their performance  
2 in general? Have there been any safety issues with these  
3 gentlemen in the past or work performance deficiencies or, you  
4 know, any issues that you're aware of from just kind of a  
5 management perspective?

6 MR. RUIZ: Yeah, this is Randy. I have worked with both of  
7 them. Both of them both came this year to me at the beginning of  
8 January. I've worked with Raymond multiple times over the years,  
9 and he's been an operator from even back when I was a foreman.

10 James, I have not had as much work around him in the past, so  
11 he's obviously a seasoned employee. And really that position  
12 there, marking down ties, is a premium labor position; there's not  
13 a lot of hard work involved, just identifying down ties and  
14 marking them.

15 So that tells you right there that those guys, the foremen,  
16 the system foremen that are in charge of that group and the guys  
17 who are out there, they're putting them in a place where he can  
18 succeed and help the gang out. So no, I don't know of any  
19 negative job performance or safety performance involved with those  
20 guys at all.

21 DR. HOEPF: Okay. Appreciate that. That's helpful. Are you  
22 -- would you be aware of any issues with either of these gentlemen  
23 in terms of, you know, maybe any issues that make them struggle to  
24 do their job, maybe like hearing issues or any vision issues or  
25 anything like that, that might make their ability to perceive or

1 hear equipment or something like that? Any issues like that that  
2 you're aware of?

3 MR. RUIZ: Not that I'm aware of. And when -- the first  
4 thing on the gang, before anybody goes to work, the first day they  
5 come to a gang, we have a one-on-one where we spend -- as a  
6 manager and employees spend time together, and that's one of the  
7 questions we do ask is, do you have any medical condition that  
8 would interrupt -- you know, will keep you from performing your  
9 duties.

10 DR. HOEPF: Great. Appreciate that, thanks. And then just  
11 kind of, you know, along that similar vein of question, in terms  
12 of the day of the accident, I don't know about kind of where you  
13 typically find yourself, and I don't know if you're kind of -- you  
14 know, understood there's a lot of equipment, a lot of people out  
15 there.

16 Do you recall at any point during the day, you know,  
17 specifically watching these gentlemen at their work process? Did  
18 you get a chance to check in on them at all and see how they were  
19 doing throughout -- on the day of the accident, specifically, that  
20 you can recall?

21 MR. RUIZ: Yeah. They backed out of the hole there at Marsh,  
22 came across the crossing, moved forward across the crossing at Red  
23 Ranch Road -- Red Hill Ranch Road, that is -- and I watched the  
24 gang both travel through there.

25 And then they went up there and got started, and I drove up

1 past where they were at, where they had already started working,  
2 about a quarter mile and stationed myself on the other side of the  
3 hill and was watching the whole gang work by me there.

4 And so I did drive by them on the right-of-way road as they  
5 had already started. Didn't see anything that piqued my interest,  
6 as you would say, and I stationed myself up there about a quarter  
7 mile ahead of where the incident happened, and I was watching the  
8 gang work by me there.

9 DR. HOEPF: So --

10 MR. RUIZ: Which is normally my standard procedure is watch  
11 the gang travel out and then drive by them as they get started and  
12 then position in a good spot where I'm out of everybody's way and  
13 watch them work by.

14 DR. HOEPF: And nothing remarkable that day?

15 MR. RUIZ: Yeah, nothing piqued my interest that told me I  
16 should stop and talk to anybody.

17 DR. HOEPF: Okay. And any other issues that day, anything  
18 abnormal with any challenges, environmental, anything, you know,  
19 anything noteworthy?

20 MR. RUIZ: No. That day, the weather was great. It wasn't  
21 as windy as it had been. I mean, really we were setup for a  
22 really good success. We had the track fairly -- almost on time,  
23 which has been not a usual thing there. So, I mean, everything  
24 had been working really -- been a really smooth day up until that  
25 point.

1 DR. HOEPF: Okay. Well, you know what, while I'm asking  
2 questions here, I guess I'll just kind of ask just the final  
3 question, for me at least. You know, we're just the safety people  
4 here; we're just trying to prevent a reoccurrence of it. And, I  
5 mean, is there anything that you want to add that you think might  
6 be helpful? I mean, do you have any insight at all as to what you  
7 think might have went wrong here? Any investigative direction you  
8 can point us in or anything you think we should take a look at or  
9 we should know, anything?

10 MR. RUIZ: Me, myself, I'm not mechanical. You know, that  
11 was the first thing he brought up, was there something wrong with  
12 the machine? And, of course, we take that to heart and we did --  
13 you know, that's where we focused our investigation and all at  
14 first, you know. And I really -- I'm really confused about the  
15 whole deal and how it could happen myself, so I've got no insight  
16 on how it happened.

17 DR. HOEPF: Okay. Well, I appreciate your time. Thank you.  
18 Thank you, both.

19 That's all from me, Joe.

20 MR. GORDON: All right. Thank you.

21 And, John?

22 MR. MANUTES: Yeah, before I forget, I want to ask one  
23 question just for the record. It follows up on your question  
24 about data recorders and what we learned on the EOT and motives  
25 from a recent accident. Just for the record, is there any video

1 or audio recording on this equipment or any of the equipment on  
2 the gang?

3 MR. RHODES: No, there is not.

4 MR. MANUTES: Okay, thank you.

5 MR. GORDON: All right, thanks.

6 Anything else, John, you good?

7 MR. MANUTES: Yeah, I need to ask an ignorant question. I'm  
8 sorry. John Manutes, NSTB.

9 My background in the rail industry is mostly mechanical with  
10 a dabbling of passenger on the side, but your gang, to me, as I've  
11 watched over the years from a distance, rail gangs in general seem  
12 to have a unique relationship in the rail industry in that you  
13 work together very closely, and in some respects, at least for a  
14 time period during the month, you in some way live near each other  
15 also, where other employees might sort of scatter into the wind  
16 until the next shift.

17 Is there anything either at work or after work, as you think  
18 about your time with either of the employees involved in this  
19 incident, the track laborer or the operator, that you might have  
20 seen off property that would give you any indication that they  
21 would have a performance issue at work this day?

22 MR. RUIZ: And this is Randy. Yeah, I have not seen  
23 personally or really been -- you know, heard any rumors or  
24 anything like that about either one of these employees. You know,  
25 and there's plenty of gossip going around, so I haven't heard

1 anything. You know, every day on the railroad, as you know, but  
2 nothing pertaining to either one of these employees.

3 MR. MANUTES: Okay, thank you for that candid answer. I  
4 appreciate it.

5 That's all, Joe.

6 MR. GORDON: All right, thank you.

7 And, Pat?

8 MR. SHARP: No, I think I'm good. I really appreciate the  
9 information that we've gotten this morning, though, and I  
10 appreciate the guys talking with us.

11 MR. GORDON: Yeah, thank you, Pat.

12 And how about you, Drew? Anything to clarify?

13 MR. BOKENKAMP: No, I don't -- I really don't think so.  
14 Appreciate it.

15 MR. GORDON: Okay, all right.

16 I've just got a few, guys, and we're almost done.

17 So, Randy, you mentioned the post-accident testing. Have you  
18 guys both been involved in post-accident -- I know, as far as the  
19 post-accident testing of the equipment, Nordco was out there. As  
20 far as, to your knowledge, that post-accident testing you've come  
21 up with, have you nothing, to your knowledge, of interest on that  
22 equipment?

23 MR. RUIZ: Well, this is Randy, and I'll speak for myself  
24 right away that I haven't been involved with it, and I wouldn't be  
25 much help with it. I'm not a mechanic or have much experience

1 there, so I'd definitely say no to that part.

2 MR. GORDON: Okay.

3 How about you, Don? Have you -- do you got any insight into  
4 that post-accident testing?

5 MR. RHODES: This is Don. I was there when Nordco was there,  
6 when they operated the machine, and we didn't -- I didn't see  
7 anything that would be out of the ordinary. I mean, the machine  
8 stopped. It did as it was intended to do. I'm not saying that --  
9 you know, I'm not saying anything -- at that point in time that  
10 the accident happened, that something didn't happen, but we could  
11 not get it to reoccur.

12 MR. GORDON: Yeah. Yeah, and that's -- sometimes, you know,  
13 those -- just like your personal vehicles, the intermittent  
14 problems, I refer to them as gremlins that show up sometimes, and  
15 I don't know how many times I've gone to my mechanic and said,  
16 it's making a noise, and he's like, no, it's not, and we can't get  
17 it to make the noise. So yeah, I mean, I understand, you know, we  
18 certainly can't count anything out there yet, but my understanding  
19 is nothing's really come to light in that post-accident testing to  
20 this point.

21 So I've got, I guess, one for Don and one for Randy. We  
22 heard about this new work schedule where, you know, it's basically  
23 you've got relief operators that are coming on, and this equipment  
24 is working pretty much seven days a week and most of a full month.  
25 How does the equipment maintenance -- how have you guys -- have

1 you had to do anything different as far as how you maintain the  
2 equipment off-shift or anything like that?

3 MR. RUIZ: This is Randy. Although this is new to these two  
4 gangs working, sharing this equipment, this is not a new schedule  
5 at all. We've done this for a lot of years on different gangs  
6 over the years. So it should -- it's not new to us as guys  
7 working in the field. We worked through it. We've worked back to  
8 back gangs -- we call them back to back gangs. We've done that a  
9 lot over the years, so -- and then it does definitely require a  
10 lot more communication between the gangs and then -- and a lot of  
11 coordination with the equipment guys. And I'll let Don talk on  
12 the equipment side there for those back to back gangs.

13 MR. GORDON: Okay.

14 MR. RHODES: Yeah, this is Don. Yeah, we have a lot -- I  
15 mean, the communication has to be top notch. I mean, we have to  
16 know everything that's going on with all the equipment.  
17 (Indiscernible) seven days a week. I mean, we document, we get  
18 the check sheets from each piece of equipment and (indiscernible).  
19 We document that. We assign -- we order parts if we don't have  
20 them and do our best to even install those parts on the machine.

21 MR. GORDON: Okay.

22 MR. RHODES: Communication (indiscernible).

23 MR. GORDON: Okay, yeah. Well, thanks. And thank you for  
24 more insight into that not being new. I know this -- you know,  
25 that work equipment production is what -- you know, maintaining



1 your track structure and production is the backbone of the  
2 railroad, so I know it's important to keep it out there moving as  
3 much as you can. I appreciate the insight into that.

4 And I guess the last one that I've got is for Randy. The  
5 roadway worker in charge, is that your responsibility or is that  
6 somebody assigned to someone else on the gang?

7 MR. RUIZ: Yeah, that's -- we call it EIC, employee in  
8 charge, and that's Kevin (indiscernible) on our gang.

9 MR. GORDON: Okay. And is he qualified -- I mean, do those  
10 guys kind of trade out as you cover the territory, or is he  
11 qualified to get, you know, track authority everywhere that you  
12 go?

13 MR. RUIZ: He's qualified everywhere that we go. If we're  
14 going to a location that he's not comfortable with, we'll get like  
15 a local track inspector to be with him for a couple days until he  
16 gets his feet on the ground. I mean, we have -- and that's pretty  
17 standard.

18 MR. GORDON: Okay, okay, yeah. Just wanted to check that box  
19 and close that door. No, no issues -- I mean, we haven't seen, of  
20 course, anything, but you guys had no issues with the type of  
21 protection that was in place that day?

22 MR. RUIZ: No, sir.

23 MR. GORDON: Okay. All right. That's all I've got, and I'm  
24 going to just ask one more time around the room if anybody has any  
25 questions before we go off of the record here?

1 (No audible response).

2 MR. GORDON: I think everyone got them in the last round. So  
3 with that, I'm going to stop the recording. I'll ask you guys to  
4 hang on just a minute.

5 (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 Don Rhodes and Randy Ruiz

ACCIDENT NO.:                RRD21LR007

PLACE:                         Via telephone

DATE:                         February 5, 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.

  
\_\_\_\_\_  
Wade Donovan  
Transcriber