



I, Sergio Torres, have read the foregoing pages of a copy of my interview with NTSB that was held on July 17, 2022, regarding accident RRD22FR011. 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

4 20 Union Representative not Union Rail

Cover Pg Date of Interview wrong July 17, 2022 not July 17, 2021

7 22 Pack set not Pax set

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: 9-15-22

Witness: [Redacted Signature]

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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AMTRAK TRAIN COLLIDES WITH *

EXCAVATOR IN EAST OAKLAND, *

Accident No.: RRD22FR011

CALIFORNIA ON JULY 15, 2022 *

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Interview of: SERGIO TORRES, Backhoe Operator
Union Pacific Railroad

Oakland, California

Sunday,
July 17, 2021

APPEARANCES:

JOE GORDON, Investigator in Charge
Roadway Worker Protection Group Chairman
National Transportation Safety Board

ADAM ALLEN,
Brotherhood of Maintenance of Way Employees

FELIPE AYALA, Track Inspector
Federal Railroad Administration

JAMES RIDGWAY, Track
California Public Utilities Commission

ROBERT NAGEL, Deputy Division Engineer
Amtrak

JEREMY RITCH,
Union Pacific Railroad

NARCISO ACOSTA,
Union Rail with Brotherhood of
Maintenance of Way Employees

INTERPRETER

I N D E X

ITEM

PAGE

Interview of Sergio Torres:

By Mr. Gordon

5

I N T E R V I E W

1
2 MR. GORDON: Okay, good morning. My name is Joe Gordon; I'm
3 the NTSB Roadway Work Group Chairman. We're here today on July
4 17, 2022, in Oakland, California, to conduct an interview with
5 Sergio Tovar [sic], who works for Union Pacific Railroad.

6 This interview is in support of the NTSB investigation
7 RRD22FR011. In this accident a roadway maintenance machine was
8 struck by an Amtrak passenger train on July 15, 2022.

9 Before we begin with the questions, we're going to go around
10 the room and formally introduce ourselves. I'm Joe Gordon;
11 spelling of the last name is G-O-R-D-O-N, with the NTSB.

12 MR. ALLEN: My name is Adam Allen, I'm with the BMW, last
13 name is A-L-L-E-N.

14 MR. FELIPE AYALA: Felipe Ayala, A-Y-A-L-A, FRA Track
15 Inspector.

16 MR. RIDGWAY: James Ridgway, R-I-D-G-W-A-Y, CPUC Track.

17 MR. NAGEL: Robert Nagel, Amtrak, last name is N-A-G-E-L.

18 MR. RITCH: Jeremy Ritch, R-I-T-C-H, Union Pacific
19 Railroad.

20 MR. ACOSTA: Narciso Acosta, A-C-O-S-T-A, Union Rail with
21 BMW.

22 MR. TORRES: Sergio Torres from -- I work for Union Pacific
23 as a backhoe operator.

24 MR. GORDON: All right, thank you, Sergio. And, as we
25 discussed before, we're going to be recording the interview today

Correction
for Joe
Gordon

The
interviewee
was Mr.
Sergio
Torres

1 and have it transcribed and give you a chance to review it. It
2 will eventually be a part of the docket, of the public docket, so
3 we can't guarantee any confidentiality. Do we have your
4 permission to record today?

5 MR. TORRES: Okay.

6 MR. GORDON: Thank you. And you have a representative with
7 you today?

8 INTERPRETER: (Untranslated).

9 MR. GORDON: Okay, thank you. And so we'll just start with
10 railroad experience and then go to the day of the accident and
11 Felipe's going to ask you some questions.

12 INTERVIEW OF SERGIO TORRES

13 (Interpreter asked a series of questions and received answers
14 from Mr. Torres in Spanish.)

15 INTERPRETER: I think I covered all the questions that we
16 had.

17 MR. GORDON: Okay. Just a few that I -- did we ask about the
18 job briefing as far as what Sal was to do, did he hear what Sal
19 was to do when he got to the crossing?

20 INTERPRETER: I did ask him that and he said he wasn't sure
21 what they --

22 MR. GORDON: Okay.

23 INTERPRETER: -- discussed as far as what Jose instructed
24 Sal.

25 MR. GORDON: Okay, okay. And when the work was done in the

Comment by
Joe Gordon

Mr. Felipe
Ayala was
asked to
interpret
for this
interview

1 past was it the same group? Was it always Jose and Sal?

2 INTERPRETER: He said that three previous times it was Jose,
3 Sal and Sergio on the PDs and but he said that two of the times
4 that he helped they only used the backhoe.

5 MR. GORDON: Okay.

6 INTERPRETER: So, you know, he was --

7 MR. GORDON: Okay, okay. And while he was at the crossing
8 did he recall any trains passing on No. 2 track?

9 (Interpreter questioned Mr. Torres in Spanish.)

10 INTERPRETER: He said he's not sure. He said he's not
11 because he was eating when he got there.

12 MR. GORDON: Right. And you get so used to trains passing
13 you don't pay attention to them all the time, I understand that.

14 MR. TORRES: Well, that's normal, you're thinking you're
15 going to eat your lunch and do the process what you're going to
16 do.

17 MR. GORDON: Right.

18 MR. TORRES: And it's like I ate my lunch before I go in
19 there. Well, I did it before and there's so much garbage and it's
20 like -- I came home and the wife, oh, no thank you.

21 MR. GORDON: Yeah, yeah, exactly, I get it.

22 MR. TORRES: No.

23 MR. GORDON: Yeah, you've got to come out of those clothes
24 immediately.

25 MR. TORRES: Well she has to -- the garbage and tires they're

1 so stinky you don't want to see no food at all.

2 MR. GORDON: I understand, understand. Was the -- does your
3 backhoe got high rail gear, is it high rail equipped?

4 MR. TORRES: No.

5 MR. GORDON: No. And do you remember when you saw the speed
6 swing if the strobe light, the flashlight on top, was it -- do you
7 recall if you saw it functioning?

8 MR. TORRES: No, I don't remember seeing that.

9 MR. GORDON: Okay. All right. That's all I've got. Anybody
10 have follow-up questions?

11 UNIDENTIFIED SPEAKER: Have you operated the speed swing?

12 MR. TORRES: No.

13 UNIDENTIFIED SPEAKER: Are you --

14 MR. TORRES: No.

15 UNIDENTIFIED SPEAKER NO. 2: Is his backhoe equipped with a
16 radio?

17 (Interpreter questioned Mr. Torres in Spanish.)

18 MR. TORRES: No.

19 (Interpreter questioned Mr. Torres in Spanish.)

20 Well, I got the -- what's it?

21 INTEPRETER: The backhoe's not equipped with a radio but he
22 had a Pax, you know.

23 UNIDENTIFIED SPEAKER: Understood.

24 INTERPRETER: But, you know, I asked him earlier and he said
25 he had it off while he was in transit.

1 MR. GORDON: I think we've got what we need.

2 UNIDENTIFIED SPEAKER: I'm good.

3 MR. GORDON: So we're going to go off the record here.

4 (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: AMTRAK TRAIN COLLIDES WITH
 EXCAVATOR IN EAST OAKLAND,
 CALIFORNIA ON JULY 15, 2022
 Interview of Sergio Torres

ACCIDENT NO.: RRD22FR011

PLACE: Oakland, California

DATE: July 17, 2022

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.


Cheryl Farner Donovan
Transcriber