

Supplement Dictated by M. A. Mendoza #7975 on 01/31/21 at 1623 hrs.
Total Dictation Time = 14:18 mins.

On 01/31/21 at approximately 1247 hours I responded to a public accident report at the cross coordinates of X:-110.536537 and Y:31.997434. Through my GPS mapping system I was able to observe that the call was being reported in very close proximity to Marsh Station Road and West Interstate 10. The call was being reported in reference to a foreman with the Union Pacific Railroad. There was a worker that was trapped under pieces of track equipment. The call was transferred to the Rincon Valley Fire Department.

I along with several additional deputies responded to this incident. I arrived in the area of Marsh Station Road and Interstate 10 at the same time as Deputy C. L. Davenport #8096. While we were responding toward the cross coordinates we were able to flag down one of the Union Pacific Railroad employees that were in one of their marked vehicles. The railroad worker was able to lead us to the area where the worker was. We traveled through Marsh Station Road to Red Hill Ranch Road. There were workers throughout the entire railroad that were conducting work on adjusting, fixing, and changing out railroad ties. We were led on the south side of the railroad tracks eastbound.

Ultimately we came to a grouping of workers near a very large, hydraulic, heavy equipment work vehicle. As I was getting closer to the vehicle I was able to see orange colored shirts that were reaching under the vehicle. I was able to see that there was somebody underneath the machine. I made contact with several of the workers that were standing by in the area. They advised me that the male subject was a 60 year old male diabetic who was the male that was trapped under the vehicle. The male was alert and talking to the workers, describing pain in his leg. He appeared to be lying extremely still. He was mostly stable from what I could see and the vehicle was no longer moving. The male subject was directly under the middle of the vehicle. He was later identified to me as James Morgan.

I asked workers what the operating capacity of the vehicle was and how the vehicle would have moved from its location. Ultimately it was described that there were hydraulic arms that were pressured into the ground to stop the vehicle from further movement. One of the workers who was standing, who was identified to me by other deputies as Raymond Garcia, was the driver of the vehicle. Initially he told me that he was in the vehicle operating the machine. He indicated that his vehicle where he was working was approximately 25 feet back from where we were located. He told me they were moving eastbound, so his vehicle was approximately 25 feet to the west of where it was currently stationed. He told me as he was operating the vehicle like he normally did, the forks that dug into the ground were not catching and the vehicle continued to move forward. He told me he attempted to apply the brakes to pressurize the vehicle, to stop it from moving. The vehicle operated on the tracks like a train and the brakes were supposed to lock up the wheels from making any movement. However, according to Raymond, the vehicle continued to move forward despite the brakes being applied. He told me that James was ultimately struck by the vehicle. He stated he immediately started using the forks to push them deep into the ground to cause the vehicle to stop. He ultimately told me that the vehicle only stopped because of the hydraulic forks at the front of the tractor that pushed far enough into the ground causing the vehicle to abruptly stop. According to Raymond, he did not have any idea why the vehicle lurched forward and would not stop when pressure was being applied.

There were additional resources that were arriving on scene, to include law enforcement personnel and Union Pacific Railroad personnel. Ultimately I spoke to the manager on scene. The Union Pacific Railroad manager of the track program identified himself to me as Randy Ruiz. He told me he did not have any additional information except for what Raymond was already reporting to law

enforcement. He stated he was not exactly sure of how the mechanics could have done this. He stated he had never had any issues with this machine in the past. He also told me there was going to be an additional equipment manager that was going to come and check out the machine to see what could have possibly gone wrong. He stated they were going to do a full investigation on their end as well, but he only provided me with the basic information that was already being reported. Randy also identified to me that the equipment manager who was going to be responding to check out the tractor equipment in question was Don Rhodes. He provided me with contact phone numbers for both him and Don Rhodes.

At this point there were no attempts to move the vehicle or to try to move James. Deputies secured the scene and a very short time later paramedics were responding down the dirt road toward our location. I was also made aware by other deputies that were helping around on scene that there was going to be a helicopter responding and there was going to be a location for a landing zone required so we could get the helicopter to land. Deputy Davenport immediately started working on trying to secure a landing zone for the helicopter. For his involvement refer to his supplemental case report.

While paramedics were working on trying to extract James from underneath the machine I started documenting photographs of the scene. I made an observation that the tractor equipment had a weight advisement on the side of its paneling showing that the machine itself weighed approximately 31,500 pounds. I took entire 360-degree photographs of the tractor, the railroad, where the machine was supposed to stop at the railroad ties and where it continued to its ultimate resting spot, as well as the surrounding environment.

The remainder of my contact at this time was just as scene security and assisting paramedics and firefighter personnel while they were trying to conduct an extraction. I along with other deputies was able to assist in holding the backboard and assisting medical personnel with other requests and requirements to try to get James removed from under the machine.

Deputy B. A. Gill #7326, who was also on scene assisting, advised me that notifications were already made and that traffic units were going to be responding to conduct follow-up investigation.

I stood by until ultimately James was successfully removed from under the train with minimal movement. He was placed on a backboard to be transported out of the area. Ultimately, working with deputies, fire personnel, and paramedics, we were able to lift and maneuver the backboard with James on it all the way to the nearby waiting ambulance. The ambulance ultimately transported James over the next hill to where the helicopter was waiting at the landing zone.

Notifications were made to on-scene supervisors as well as to Traffic by additional deputies that were responding.

I was initially going to do a hospital follow-up; however, at this time I just remained on scene until, a short time thereafter, traffic units started to show up who took over and did further investigation. I maintained scene security throughout the remainder of my time at the incident location until I was no longer needed and left a short time thereafter.

This concludes my involvement.

NFI Transcribed by #7634 on Sun Jan 31 18:17:51 MST 2021.
Reviewed by #7975 and updated by #7634 on Sat Feb 06 16:00:52 MST 2021.

Supplement Dictated by C. M. Francis #8349 on 01/31/21 at 1606 hrs.
Total Dictation Time = 7:54 mins.

On 01/31/21 I was assigned to the Rural Patrol Unit and I was riding along with Deputy B. A. Gill #7326 in a two-man unit when we observed on the screen a public accident at the coordinates of -110.536537 and 31.997434. Per the call text the reportee was a foreman with the Union Pacific Railroad who advised a worker was trapped under pieces of track equipment and injured.

Upon our arrival at approximately 1317 hours we were able to locate the scene. I had taken a dirt access road along the railroad tracks and upon arrival Deputy M. A. Mendoza #7975 and Deputy C. L. Davenport #8096 were already on scene with multiple workers standing around us. I observed a large piece of railroad equipment but I am not certain exactly what this equipment was called but it was a very large piece of equipment that showed a weight of 31,500 pounds. At first we made contact with a couple of workers standing by. I asked them if they had seen or knew what had happened and the ones that I spoke with said they did not witness it and did not know exactly what had occurred.

At this point Deputy Davenport had been checking on the victim, who was later positively identified via Arizona driver's license as James Morgan. He went to provide information with Deputy Mendoza and I went to check on James. I also noted that another worker was down on the ground talking to him. I noted that James was directly beneath this heavy piece of railroad equipment but he was not trapped by the equipment, just that it appeared he was too weak and possibly injured enough that he could not move to get out from underneath the piece of equipment, mainly that the clearance was not very high off of the ground or off of the railroad tracks. James was able to provide me with his name and date of birth. I asked him about pain that he had. He stated that his chest, his hip, and his back were hurting but he was unsure if anything was broken at this time as he had not experienced any previous fractures of his bones. Although, it was difficult for him to move about.

I asked another worker, who identified himself as Danny, to stand by with James to keep talking to him while we gathered further information and I asked him if he knew who was operating the machine. He stated an individual by the name of Ray Ray, who was later found to be identified as Raymond Garcia. I noted that Deputy Gill had already spoken with Raymond but I made brief contact with him and asked him what had occurred. He stated that he was operating the piece of machinery and that James was in front of him using paint to mark areas on the track for him to fix, and as he was slowly moving forward the machine that Raymond was operating was not stopping and it had lurched forward and that Raymond was unable to get the machine to stop. He had attempted to pull on the air horn rope although he was not able to access it, and he stated that must have been when he hit James and James was now under the machine. While briefly speaking with Raymond I did not note any signs or symptoms of intoxication and just under the very brief contact I had with him.

I went back to check on James, asking him if he knew what happened. He was still speaking with Danny and other individuals who were checking on him at that time. James stated he did not know what happened as he was hit in the back by the machine and had gone underneath it, where he was currently at. He did not hear or note anything else that he was able to tell me.

I stood by on scene until Rincon Valley Fire Department (RVFD) had arrived. They were able to assess James and devise a plan to get him out from underneath the machine. I assisted them in doing so. After James was able to be removed from the machine I noted that the large, orange, reflective jacket that he was wearing when I first had seen him had been cut off by the fire department. I asked about the status of his injuries. Fire department personnel advised that

they believed that he had broken ribs and possible internal injuries but nothing else significant that they could note at that time.

I contacted Sergeant E. C. Curtin #1154 with the Traffic Unit to see if he had already been advised by other deputies of the accident itself. I provided him with details of the suspected injuries and he advised that Traffic detectives would be en route to conduct an investigation.

I stood by on scene insuring that the machinery was not moved or manipulated. I also noted that Union Pacific Railroad Police Officer Jarvis had arrived on scene for his investigation as well. Once the Traffic Unit detectives, being Deputy D. A. Caballero #7969, had arrived on scene I provided him with the information that we had at that point. I was advised that Deputy Gill and I could clear the scene at that time.

This concludes my involvement.

NFI Transcribed by #8654 on Sun Jan 31 17:34:04 MST 2021

Supplement Dictated by C. L. Alvarez #7642 on 01/31/21 at 1737 hrs.
Total Dictation Time = 6:10 mins.

VICTIM:
James Morgan

TRAUMA NAME:
I195

TRAUMA ROOM:
Banner University Medical Center Main, Trauma Room #3

TIME OF DEATH:
1704 hours

PRONOUNCED BY:
Dr. Gries

NARRATIVE:

On 01/31/21, at approximately 1540 hours, I was asked to relieve Deputy J. Navarro-Toruga #9044 at Banner University Medical Center (UMC) Main Campus, Trauma Room 3. This was in reference to the incident that happened on the railroad tracks.

I first made telephonic contact with Deputy Navarro-Toruga. She advised me that she was waiting in the parking lot. The victim, who was given the trauma name of I195, and later identified by his Arizona driver's license as James Morgan, was in Trauma Room 3. According to the other deputy, he was getting ready to be taken for some scans for his injuries.

I was able to make contact with Deputy J. A. Creller #7868 of the Traffic Unit and was on scene at the incident. I was advised to give updates of any injuries and of any new involvements. Deputy J. Rodriguez #5818 of the Traffic Unit was also en route to me. I noted that Sergeant E. C. Curtin #1154, the supervisor of the Traffic Unit, was advised that I was on scene. He was the one to tell me that Deputy Rodriguez was on his way to UMC as well.

When I arrived in Trauma Room #3 there were many people working on Mr. Morgan. According to one of the nurses who was standing outside, his health was declining. I was told by the nurse that Mr. Morgan had severe injuries to his pelvis and hip and that he was going into shock as we were standing there.

A short time later, at approximately 1615 hours, Mr. Morgan was intubated. Shortly after, he began to code.

NOTE: I overheard the medical staff give the time of 1615 hours.

I noted that the doctors worked on Mr. Morgan for quite some time, to include giving him multiple rounds of CPR. At 1704 hours, Dr. Greis pronounced Mr. Morgan deceased.

Deputy Rodriguez was on scene at this point. He handled the next of kin notification with the hospital staff. I stood by until Deputy Rodriguez stated that my assistance on scene was no longer needed. Please see reports by all other deputies for any further information.

This concludes my involvement.

NFI Transcribed by #5371 on Sun Jan 31 18:04:44 MST 2021

Supplement Dictated by C. L. Davenport #8096 on 01/31/21 at 1534 hrs.
Total Dictation Time = 6:06 mins.

On 01/31/21 at approximately 1247 hours I was dispatched as a backup deputy to an area near the XY coordinates, which happened approximately two miles east of the Union Pacific Railroad crossing at Red Hill Ranch Road. The closest intersection was possibly South Taurus Place and East Pegasus Run Court, approximately half a mile south and east of that intersection.

Referencing a public accident, Communications advised that the reportee was a foreman for Union Pacific Railroad and stated that a worker was trapped under pieces of track equipment and was injured. The call was transferred to the Rincon Valley Fire Department. While en route I asked Communications to please pass along the information to the Mescal Fire Department, due to the fact they were possibly closer than any units in the Tucson metro area. It should be noted it was a great distance from the main Tucson metro area, approximately 30 minutes.

While en route Communications and other deputies provided routing. They stated that you probably needed to go north on Red Hill Ranch Road and then proceed eastbound along the railroad tracks using the access roads to get access to the location. While en route I managed to make my way to the Marsh Station Road exit and Interstate 10 where I met up with a Union Pacific worker who was in a pickup truck. I asked him if he was aware of the situation. He stated yes. I asked him if he knew where the person was. He stated yes. I then asked that worker to please escort me and other deputies who were currently behind me to the location of the incident. We proceeded back westbound down Marsh Station Road all the way to Red Hill Ranch Road and proceeded northbound from there. Following the dirt road we came to the railroad tracks, where there were flaggers. We then proceeded eastbound along the railroad track down the access road.

We proceeded approximately a mile and a half to two miles down the roadway till we came upon the incident. It appeared to be a railroad tie machine that was on the railroad track itself doing some work and there were several workers standing beside it. I then exited my patrol vehicle and grabbed my first aid kit along with my personal protective equipment bag and ran over to the railroad tie machine. On the side was a person lying on the ground and I could see immediately there was another person underneath the machine. The person on the ground was talking to the person underneath the machine, who was later identified to me as James. James was conscious, alert, and talking. The information I was able to gather from him was that he was run over by the railroad tie machine while he was working on the track. I did not observe any amputations, I did not observe any active bleeding or compound fractures at that moment, and James was talking to me. He was obviously in pain because he had just been run over by several-ton heavy machinery. His main chief complaint was some chest pain and some labored breathing. Again, I did not observe any active bleeding. James did not state that he believed he had any currently broken bones that he could feel at the time, but he was currently in pain. Again, he was actively answering my questions and he was breathing appropriately.

I relayed this information to Communications, who in turn relayed the information to medical providers. It was advised that a helicopter would be called in for a Life Flight to get James out from underneath the vehicle. I asked the employee who was there, the foreman with Union Pacific, to stay with James while we gathered the information and relayed it to medical personnel. James was currently at that moment in a stable position. We left him in place there due to the fact it was a confined area and we did not want to risk any further injury to him.

While the coordination was getting together with Medical, I was advised to

secure a landing zone somewhere in the near area. I then proceeded eastbound over a hill approximately 200 yards from the location of the incident and found a suitable landing zone. I cleared the landing zone of any debris, noting there were no overhead power lines and no obstructions for the helicopter to land. I placed a temporary windsock on a fence post located next to the open pasture where the landing zone would be located. I stood by as scene security advising other workers who were currently on the railroad track and other personnel and supervisors that a helicopter would be landing shortly to take their coworker to the hospital. Again I stood by as scene security until the Rincon Valley Fire Department arrived on scene and began their medical evaluation. I then met up with the firefighter captain, who assisted with securing the landing zone along with me. He provided radio communication with the helicopter and guided them in to the landing zone. Again I stood by as scene security until James was loaded up onto a gurney from the ambulance to the helicopter and then departed the location. I then cleaned up the landing zone and departed the location.

This concludes my involvement.

NFI Transcribed by #7634 on Sun Jan 31 19:07:53 MST 2021.

Supplement Dictated by J. Navarro-Toruga #9044 on 01/31/21 at 1611 hrs.
Total Dictation Time = 7:56 mins.

On 01/31/21 at approximately 1250 hours I responded to a report of a public accident within 6 meters of the following coordinates: -110.536537, 31.997434. The call text indicated the complainant was a foreman with the railroad and advised a worker was trapped under pieces of track equipment and injured. The call was transferred to a fire department. Mescal Fire advised they would call back with an ETA.

While responding to the reported location it was advised for the last unit to stand by to escort medical personnel to the location and I stood by at the overpass of Marsh Station Road. One Cochise deputy and one Cochise sergeant stopped and I advised them which direction to take for the incident location.

At a later time it was advised that the patient, later identified as James Morgan, would be flown to UMC-Banner Main. Sergeant W. P. Phillips #886 advised me to conduct a hospital follow-up. Upon arriving at UMC Main I made contact with hospital staff who advised James was sedated and had life threatening injuries to include a broken pelvis, broken ribs, and possibly a dislocated right femur. At that time it was unknown regarding any head injury and internal bleeding and I was advised that the scan results would take time to receive. At this time I advised Sergeant G. Marchal #5804 and Deputy C. L. Alvarez #7642 and sent Deputy Alvarez to relieve me. I attempted to take photographs; however, James was surrounded by medical staff. Photos were uploaded into DIMS at a later time.

NOTE: Sergeants Marchal, Phillips, and E. C. Curtin #1154 were advised of what medical staff had told me.

This concludes my involvement.

NFI Transcribed by #7634 on Sun Jan 31 19:31:26 MST 2021.

Supplement Dictated by J. A. Creller #7868 on 01/31/21 at 1853 hrs.
Total Dictation Time = 5:51 mins.

On 01/31/21 I was contacted by Sergeant E. C. Curtin #1154 of the Traffic Unit and asked to respond to a public accident in Rincon Beat One. The exact location of the incident was listed in Global Positioning System (GPS) coordinates in the call; however, it was north of Marsh Stationing Road. At the time I was on call. I then gathered my equipment and responded to the scene. While en route I was also advised that the nature of the call involved a railroad-type of vehicle that is exclusively driven on the tracks which had collided with a railroad worker. The railroad worker had been airlifted out of the scene by medical staff for medical care.

I arrived at the incident location at 1531 hours. There I met with Deputy D. A. Caballero #7969. He indicated to me that his investigation was nearly complete. There had been no witnesses to the incident and both parties that were directly involved in the incident were transported away. I noted that there was a single maintenance type of vehicle on the single set of railroad tracks going east and westbound. Having no prior training or experience with this type of equipment, I took note that it appeared as though it had been performing maintenance work on the railroad tracks and ties that are underneath the tracks themselves. I noted that the maintenance equipment did have an operator's cab that was enclosed by glass and had a single door which was locked. The front section of glass on the bottom portion was broken and there were several outdoor riggers which appeared to be pullout mechanisms to grab onto the railroad tracks.

I assisted Pima County Sheriff's Department (PCSD) forensic technicians in photographing the maintenance equipment and I also made contact with Union Pacific Railroad Employee Jason Taliaferro. Jason advised me that he was the one responsible for locking the cab of the equipment and he had done so approximately five minutes after the incident. He provided me with the key, to which I unlocked it to gain access to the operator's cab. The cab was photographed. I took note that there appeared to be a large, red, round emergency stop button on the left side of the operator's chair which had not been actuated to the on position. Additionally, on the ground in front of where the operator would sit there was a yellow metal box approximately eight inches wide and five inches tall, inside of which was a foot-actuated pedal, black in color. The overall position of this box was off to the passenger's side, so to speak, of this vehicle and not in any natural position which would be easily accessible to operate by foot. After the inside of the cab was photographed I then locked it back up and returned the key to Jason. I then stood by as an observer for the Small Unmanned Aircraft System (SUAS).

This concludes my involvement in this incident.

NFI

Transcribed by #8654 on Sun Jan 31 19:38:16 MST 2021

Supplement Dictated by B. A. Gill #7326 on 02/01/21 at 0330 hrs.
Total Dictation Time = 7:40 mins.

On 01/31/21, at 1247 hours, Deputy C. M. Francis #8349 and I, who were patrolling as a two-man unit, responded to the following coordinates in reference to a public accident. The coordinates are X:-110.536537, Y:31.997434.

The information that Deputy Francis and I had was that a railroad worker was trapped under pieces of track equipment and was injured.

Deputy Francis and I responded expedited with our lights and sirens engaged. Medical personnel had been advised and they were also en route.

When Deputy Francis and I arrived on scene, I saw that the incident location was right on the railroad tracks themselves. There was a very large and heavy piece of railroad track construction equipment on the tracks and the victim in this case was underneath the equipment. He was approximately halfway between the front of the vehicle and the rear of the equipment.

Other deputies arrived and made contact with the victim. He was complaining of pain throughout his body, including his legs, back, hips, and head; however, he was conscious and speaking with us. At this point in time, there was no emergent need to move him out from underneath the vehicle as the vehicle had been stopped and he was in a safe position for now.

I was able to speak with the equipment operator who I identified as Raymond Garcia who worked for the railroad. He advised that the piece of equipment he had been driving was meant to adjust the height of the railroad ties under the track. They did this by driving over the top of the railroad tie and the machine then grabbed the railroad tie lifting it up slightly allowing ballast to get underneath the railroad tie. He stated he knew which railroad ties to address because there was an individual on foot walking in front of the machine marking the railroad ties to be adjusted with green spray paint. This individual was the victim, a man by the name of James Morgan.

Initially when I was speaking with the driver, Raymond, he stated that James was walking ahead of him on the railroad tracks marking the railroad ties to be adjusted and he was driving forward. He stated that he had just adjusted one of those railroad ties when he was moving forward to the next one and the equipment lunged forward, started driving forward, and he was unable to stop it. He then stated he tried to reach for the horn to alert James that he was unable to stop the vehicle; however, he was unable to do that as well and as a last ditch effort in stopping the vehicle, he extended the railroad tie grabbing equipment into the ground. It was at this point in time that equipment ran into a railroad tie that was stuck in the ground and it stopped the machine. He then got out of the machine and saw that James had gone underneath the machine.

Raymond advised that the equipment had two gears, one for traveling to the location of construction and one that was a work speed. He stated that at work speed, it only went so fast.

When I asked Raymond again about how fast it was going, he said he did not know. When I mentioned it lurching forward and how that would happen, he stated he did not understand how that would have happened. He just knew that it was moving forward and he could not stop it.

Medical personnel arrived on scene and were able to begin administering aid to James and we stood by to help as necessary. Medical personnel advised us that he had some abrasions on his body and it looked like he had a possible deformity in his lower back; however, it was not clear at that point in time. They ultimately

decided to move him out from underneath the railroad machine. They moved him from under there, onto to a backboard, and into a stokes basket. As I looked at James, I was able to see that he had an abrasion on his left shin and he was complaining of pain all over his body. We assisted medical personnel in transferring him off the railroad tracks on the stokes basket to a gurney down on the roadway that ran next to the railroad tracks and into the ambulance. A helicopter had already been dispatched to the area and the ambulance then transported James to the landing zone where he was transported.

I advised Sergeant W. P. Phillips #886 who had arrived on scene of what was going on. I also advised Sergeant E. C. Curtin #1154 of what was going on. Sergeant Curtin ultimately dispatched traffic units to the scene.

After James was airlifted to Banner-University Medical Center, Deputy Francis and I stood by until Deputy D. A. Caballero #7969 arrived from the Traffic Unit.

This ends my involvement in this case. Please see all other deputies' reports for more information.

NFI

Transcribed by #8714 on Mon Feb 01 07:06:17 MST 2021

Initial Case Narrative by D. A. Caballero #7969 on 02/01/21 at 1156 hrs.
Total Dictation Time = 14:26 mins.

EQUIPMENT OPERATOR:

Raymond Garcia

VICTIM/DECEASED:

James Morgan

EQUIPMENT:

Track maintenance tamper also known as pup tamper

Make: Nordco
Model: HSTY
Serial #220114
ID #TMT-1602

Union Pacific Railroad (UPR) Risk Manager Contact: Aaron Goodson
Risk Management Case #RMCC2021-0131096LCW

NARRATIVE:

On 01/31/21 at approximately 1400 hours, Detective S. A. McMillan #7498 and I were contacted by Sergeant E. C. Curtin #1154, the Traffic Unit supervisor, and were requested to respond to the following coordinates reference a public accident to assist with the investigation. The coordinates were -110.536537 by 31.997.434. We were briefed that an employee of the railroad was struck by one of the equipment working on the railroad tracks. We responded to that location and I arrived on scene at approximately 1458 hours.

NOTE: Detective McMillan responded to a separate incident not related to this call.

Upon arriving to the incident location, I was briefed by Deputy Gill and Deputy C. M. Francis #8349. They identified the operator of the equipment to me as Raymond Garcia and advised he was referred to as Ray Ray. The victim who was struck by the equipment was identified to me as James Morgan. A briefing I received was that Raymond was working on the railroad tracks, adjusting the railroad ties and for an unknown reason, he stated the equipment lunged forward and he was unable to stop the equipment in time before striking Mr. Morgan.

After speaking with both of them, I went over and made contact with several UPR employees who were standing by near the equipment. They advised the Risk Manager who would later be identified to me as Aaron Goodson was currently taking photographs and had just finished speaking with the operator. Once Mr. Goodson finished speaking with the operator, Mr. Garcia, I interviewed him. At the time, he was seated in the front seat of one of the work trucks. Upon speaking with him, I asked him if he had a driver's license or any identification to identify him, providing me with his New Mexico driver's license identifying him as Raymond Garcia. Once I got his initial information, I explained to him I would like to speak with him a little further about the incident and we would be recording our conversation.

At that time, I started the recorder and a synopsis of our conversation is as follows. For a more detailed description of the interview, please see the recording. I initially spoke with Raymond and asked him about the piece of equipment, what it did, and how long he had been operating it. He stated he was

certified to use that equipment, that he recently got the bid for that specific piece of equipment and this was his first week using it. I asked if he noticed anything odd or irregular about how the equipment was operating. He stated they had a problem with the travel mode on the equipment and had to remove the chain from the travel mode. Other than that, he did not note anything out of the ordinary with it.

I asked him what exactly his machine did. He explained to me there was an individual who walked along the track, in this case, it was Mr. Morgan, and marked any railroad ties that were sunken down below the rails. When he marked those specific ties, Mr. Garcia drove his equipment over the railroad ties and used it to bring the railroad ties up too so they were flush with the rails and they could be staked in place. After he finished his last railroad tie and began to move forward to the next one which he pointed out just to the north of where we currently were in the pickup truck, he stated the equipment suddenly lunged forward. That was when he saw Mr. Morgan on the tracks. He stated he tried to stop the equipment but it would not stop. That was when he went to reach for the horn to try and alert Mr. Morgan so he could jump out of the way; however, he believed he panicked and did not grab the horn. After striking Mr. Morgan and before he hit the piece of equipment in front of him, that was when he pulled the levers to lunge the grabbing arms down into the railroad tracks to stop the equipment.

I tried to ask Mr. Garcia if maybe he put the vehicle in to travel mode or what would have caused it to go forward; however, he did not know. I asked him how he got the equipment to stop once he located the next railroad tie to be adjusted. He said the equipment stopped on its own; however, it did not do that this time. I asked him if he had consumed any alcohol the previous night. He stated no. I asked if he used any illegal drugs. Again, he stated no. I asked him if he got a good night's sleep. He said yes. He went to bed around 2130 hours and woke up at 0600 hours. They started work around 0800 hours.

After speaking with Mr. Garcia, I went and began looking at the equipment. With the help of other UPR employees, I was able to locate all the above listed information for the equipment, identifying it and while looking at the railroad ties near the front of the equipment, I could see where the arms were pushed down into the ground as there was scraping on top of the railroad tie as well as the wood itself had been damaged from hitting the tie.

I stood by until Forensics responded. Once the Forensic Technician K. D. Kim #4070 arrived, I walked with him as he photographed and assisted with the overall photographs of the equipment.

NOTE: During my conversation with Mr. Garcia, he said when the equipment came to a quick stop, he was lunged forward and hit the glass in front of the equipment. While looking at it, I noted the lower portion of the front glass was shattered.

Once we completed all of our overall photographs, I stood by as the scene was scanned using the Laica and once that was completed, I prepared and mapped the scene using the Small Unmanned Aerial System (SUAS) or drone. I mapped the scene with Deputy J. A. Creller #7868 as my visual observer. Once the scene was mapped, all of the equipment was secured. I spoke with the Risk Manager, Aaron Goodson. He advised me he would be taking care of the next of kin as at that time, we had been notified by the detective at the hospital that Mr. Morgan passed away as a result of his injuries. Mr. Goodson said they would take care of the next of kin notification as well as all of the OSHA notifications. Once we completed there on scene, I ensured there was nothing further needed of us. I cleared from the scene.

This concludes my involvement.

NFI

Transcribed by #8456 on Mon Feb 01 13:03:43 MST 2021

Supplement to case #210131129 submitted by Forensic Technician K. Kim, #4070 on 02/1/2021.

On 01/31/2021, At the request of the Traffic unit I responded to a UPRR accident at -110.536537 X 31.997434 involving a UPRR track maintenance vehicle and a worker on the tracks, I arrived at 1531 hrs. and completed the assignment at 1722 hrs.

At the request of DEP. D. Caballero, #7969, I photographed the location of a track maintenance vehicle just east of track mile marker 10.5. Overall exterior photographs of the maintenance vehicle marked TMT-1602, model HSTX, SN: 220114, location of the vehicle, the wheels and brake pad positions, operation signs on the exterior of the vehicle, interior of the operator cab, position of the controls and pedal switch on the floor.

Photographs of the railroad ties between the tamping forks at the front of the machine, the damaged rail ties, and spikes. Photos of the position of the tamping forks and the glass between the rails and the gravel below the broken out lower observation window.

Photos under the machine showing the location of a paint marking stick, glasses, medical debris, and gloves. Photos of paint marks on the railroad ties and track rail plates.

Leica 3D scans were made of the location, processed and the raw data, and published data were uploaded to DIMS.

NFI

Supplement Typed by T. Kranz #8705

On 1/31/21, photographs were taken of the incident scene by an Unmanned Aerial System (UAS).

Using the photographs, I created an incident scene using the Pix4d software. The scene included a point cloud file and an overhead mosaic photo. On 2/1/21, I uploaded the photos, digital models and other Pix4d files into the DIMS evidence server.

NFI 8705

Supplement typed by Forensic Technician Donovan Mathesen #8214
Wed Feb 03 12:24:40 MST 2021

Case # 2101-31-129

On 2/2/21 I responded to the Office of the Medical Examiner at the request of Dep. Caballero #7969 reference an autopsy call.

Upon my arrival I met with Dep. Caballero, he advised that there was a deceased male that needed to be documented during an autopsy. I was told the deceased male had been involved in an accident while working on a train track.

I first took a photo showing the seal in place on the body bag. The bag was then opened and I took overall photos of the body as it was. Photos were then taken of all injuries with scale as pointed out by the doctor.

I then cleared after the doctor advised she had completed the autopsy.

NFI