

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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UNION PACIFIC EMPLOYEE *

FATALITY IN SAN ANTONIO, * Accident No.: RRD21LR016

TEXAS ON SEPTEMBER 22, 2021 *

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Interview of: SETH SPARKMAN, Bridge Foreman
Union Pacific Railroad

San Antonio, Texas

Friday,
September 24, 2021

APPEARANCES:

TROY LLOYD, Investigator
National Transportation Safety Board

ANDREW MOLGREN, Safety Inspector
Federal Railroad Administration

DARRIUS MACK, District 5 Track Specialist
Federal Railroad Administration

DAVID LUCERO, Accident Investigation Chief
Federal Railroad Administration

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Seth Sparkman:	
By Mr. Lloyd	5
By Mr. Mack	26
By Mr. Lloyd	26
By Mr. Lucero	28
By Mr. Molgren	29
By Mr. Lloyd	32

I N T E R V I E W

1
2 MR. LLOYD: All righty. We are on the record. Today is
3 September 24th, 2021. We are located at 1711 Quintana Road in San
4 Antonio, Texas, at the UP office.

5 My name is Troy Lloyd. I'm with the National Transportation
6 Safety Board. Today is September 24th, 2021, and we are
7 conducting an interview with Mr. Seth Sparkman. We are
8 interviewing Mr. Sparkman who works for Union Pacific Railroad.
9 And he is a BNB mechanic foreman, bridge foreman.

10 MR. SPARKMAN: Bridge foreman. I'm not a mechanic.

11 MR. LLOYD: Bridge foreman. UP bridge foreman. This
12 interview is in conjunction with an accident that occurred on
13 September 22nd, 2021, where a WT Byler equipment operator was
14 fatally injured when he was transporting a load of steel walking
15 plates with a tie crane.

16 The steel walking plates had to be removed due to the process
17 of future tie replacement on an open deck bridge. The accident
18 occurred in Castroville, Texas, on UP's Del Rio Subdivision. The
19 NTSB accident reference number is RRD21LR016.

20 The purpose of this investigation is to increase safety, not
21 to assign blame. The NTSB cannot guarantee any confidentiality or
22 immunity from legal or certificate actions. A transcript or
23 summary of this interview will go into the public docket.

24 Remember talking about that this morning? We will have a public
25 docket on this. Talking to the interviewee about having a legal

1 rep. He does not have one. He understands that the interview is
2 being recorded.

3 Before we start the interviews, let's go around the room,
4 introduce ourselves. Please speak clearly and loudly. When I get
5 to you, first name, spell your last name, what agency you're with,
6 and what title you have. That's the purpose of you being here.
7 So we'll start off with myself. My name is Troy Lloyd. Spelling
8 of my last name is Lloyd. And I'm with the National
9 Transportation Safety Board and I'm the investigator in charge.

10 MR. MOLGREN: Andrew Molgren, M-o-l-g-r-e-n. With the
11 Federal Railroad Administration. Job title is safety inspector
12 out of San Antonio, District 5.

13 MR. MACK: Darius Mack, M-a-c-k. Federal Railroad
14 Administration, track specialist, District 5.

15 MR. LUCERO: Dave Lucero, Federal Railroad Administration,
16 accident investigation chief for the hazardous material division.

17 MR. SPARKMAN: Seth Sparkman, foreman, Southern Bridge, Union
18 Pacific Railroad.

19 MR. LLOYD: Thank you, Seth.

20 INTERVIEW OF SETH SPARKMAN

21 Q. So we'll -- so Seth, tell me a little bit about your railroad
22 career, how you got started with UP, how much seniority you have,
23 what you had just from the day you got hired, worked your way up.
24 Tell me about that.

25 A. I've been here eight-and-a-half years. May I take this off?

1 Eight-and-a-half years. Ended up at the railroad right before the
2 oil field crash. Worker for Halliburton before that. Ran fiber
3 optic cable for them.

4 I started out on track for a year-and-a-half. Moved over to
5 bridge. Been at bridge ever since. Held every position on bridge
6 so far. Been bumped many, many, many times, more than to count.
7 Currently I just bumped in the day of the accident. I bumped in
8 -- I bumped the foreman the day of the accident so that's where I
9 am now.

10 Q. So eight-and-a-half years of UP. You did a year-and-a-half
11 with track.

12 A. Yes, sir.

13 Q. Best job in the railroad, track.

14 A. Well, I got assistant foreman rights, I got truck driver
15 rights, trackman rights. So --

16 Q. So you got your trackman rights, you got your truck driver
17 rights.

18 A. And assistant foreman.

19 Q. You got your assistant foreman --

20 A. Assistant foreman was my first job I caught after my first 60
21 days. They said, bid. I bid and that's what I caught.

22 Q. You got it. And now you got your foreman rights.

23 A. Well, it saved me January 1st. So --

24 Q. Yep. So you got your foreman rights as a bridge foreman for
25 UP. Right?

1 A. Oh, I've had them.

2 Q. Okay, good.

3 A. I've had -- for UP, I've had them, I don't know, two or three
4 years.

5 Q. Two or three. You had your rights two or three years as a
6 foreman?

7 A. Yes, sir.

8 Q. Okay, good deal. Good job. So tell us about this -- tell us
9 about that day of the accident, Seth. So tell me about the
10 morning. Just go through the whole spill of what your day from --
11 I want to hear about when you get up --

12 A. (Indiscernible) --

13 Q. What's your habits, what did you do when you leave the house,
14 come here, you get your orders, you go out. I want to hear
15 everything.

16 A. Everything?

17 Q. Everything.

18 A. Okay. Well, get up at the hotel. Take my breathing machine
19 off. Go take a piss. Turn the lights on, start doing morning
20 things. Make coffee, make breakfast, get dressed, leave the room.
21 Staying in Hondo. Drove to La Coste for the first day. Got there
22 around 6:40-ish, 6:45-ish. Have to be there before 7 to bump in.

23 Got there, bumped in. Allowed the previous foreman that was
24 there to give the job briefing since I didn't know what was going
25 on. I didn't know anything yet. I don't know the truck numbers.

1 I don't -- didn't know where EIC checklists are. I didn't know
2 nothing yet. I just got there.

3 So he gave the briefing. After that, we went to go get ice
4 at the store. That store would not sell us ice. So Enrique said,
5 we'll just go out to the bridge and I'll get you all the ice. And
6 he brought it to us later.

7 We put the flags out for the form B because it was getting
8 about that time. Form B started at 8:30. Think we started
9 putting boards out between -- around 8:15-ish, I would assume. I
10 can't assume. I don't know the exact time that we started doing
11 that. But it was before the form B went into effect.

12 We got the boards up, went back to the bridge. Met the Byler
13 guys. Introduced myself. And then, we proceeded to get things
14 ready to go. Get work started. I know DJ and Scott Wicky (ph.)
15 got on the man lift. Well, hold on. DJ got on the bulldozer
16 first to clear out a little bit more under the bridge. They were
17 having problems moving around the previous day. So he got on that
18 dozer and bladed some stuff out under the bridge so they'd have
19 better mobility under the bridge with that man lift. Then they
20 got on the man lift and they proceeded to start taking bolts off
21 of the walkway posts.

22 We had about four or five trains that day. So we would go
23 up, come down. Go up, come down. We first started doing the wire
24 rope, unhooking it from all the posts, dropped it down. As they
25 were doing that, they were unbolting the posts underneath with the

1 man lift. Had to come down, let a couple of trains go by. Go
2 back up. When they went back up, they knocked off the post onto
3 the ground. Travis got into the mini, picked all the posts up,
4 put them in a pile.

5 In between trains, the guys rolled up the cable, zip-tied it
6 up, put it to the side. After the, I guess the fourth train went
7 by, we went back up there, started taking off all the dome heads.
8 The dome heads hold the grating down. Start pulling up all those
9 dome heads. And then we had a Byler grapple track bring in the
10 rest of our ties that were at the crossing to the east end of the
11 bridge. That's where Wicky and Rudy were in charge of that.

12 I was down low in the truck. I was going through paperwork
13 that we have. I was making sure that we had paperwork that is
14 needed for the job. I was going over the blueprints, I was doing
15 things like that. Trying to get familiar with this gang.
16 Watching them, seeing how they work, how they communicate. It's
17 just -- I was trying to get my mind back into being a foreman. I
18 hadn't been a foreman for a year. So I've been a welder and an
19 assistant foreman but not a foreman.

20 As an assistant foreman and a welder, you think one step
21 ahead. As a foreman, you got to think two, three, four steps
22 ahead. You have to -- it's just a mind -- changing of the mind
23 frame which was something I was getting into.

24 Nothing bad happened then. Enrique called me up -- because I
25 was having trouble with the trains. I couldn't hear them on the

1 radio. And I couldn't hear the dispatcher. I could hear the next
2 gang over. But I couldn't hear trains and dispatcher. So I gave
3 -- Enrique offered to take the book and go up to the top of the
4 hill where the crossing is. And he said that he would clear
5 trains from there and just confer with me first, make sure
6 everybody is clear off the track, and then we'd clear trains that
7 way. That's what we did. We did that that way. I know I'm kind
8 of bouncing around. It's just -- just coming in.

9 Q. I got you. Yeah, take your time.

10 A. So grapple truck came back down. We -- after all the trains
11 were done, the grapple truck came back down, unloaded stuff. We
12 were going to use the grapple truck for the panels. But the truck
13 had to be gone before 2:00. Well, with all the trains that
14 morning put us further behind where we wanted to be at the time.
15 So after the grapple truck was done with the ties or what -- or
16 whenever the time frame hit. I think it was -- I want to say
17 1:30-ish but I'm not for sure. I don't -- I'm not real for sure
18 on times. I really wasn't paying attention to that during this.

19 But he went. Rudy got on the radio. Said, hey, Enrique,
20 we're sending the grapple truck out. And send Vargas out. But
21 before that happened, Enrique called me. Said, hey, man, can you
22 come over here. So I jumped in the gang truck. Left everybody
23 there working and went around, drove around over there to talk to
24 Enrique. Vargas was sitting in his truck. So I BS-ed with him a
25 little bit. Known him for a few years. And we BS-ed a little

1 bit. Joked around, you know. Then I went and talked to Enrique.
2 Did that.

3 Then I went back around, back down under. Two more trains
4 went by and then the grapple truck came out, left. Vargas came
5 out. And all the dome heads were up. And the only thing we had
6 to do was pull the grating up and take it out. So that's what
7 Vargas was sent out to do. He was sent out to pick up the grating
8 and get it off the bridge. Then I heard on the radio -- I think
9 it was a double check of Vargas saying, hey, you -- I am taking
10 this back to the crossing. And Enrique said yeah.

11 So we sat down in the truck. Everybody came down. Nobody is
12 up on the bridge anymore. Once Vargas starts pulling everything
13 up, everybody was already down. And so, we let him do all his
14 stuff. He had all the grating pulled up. It was all on the west
15 end of the bridge of me looking -- like, did you drive up to the
16 bridge?

17 Q. Yes.

18 A. Okay. Right --

19 Q. Well, we drove -- we parked on the Conex box and we walked
20 up. But we went up to the bridge --

21 A. Did you go down low?

22 Q. We saw the under clearing.

23 A. Okay, you saw the under clearing?

24 Q. We saw the underneath. Yeah, we saw --

25 A. Okay.

1 Q. The little track hoe down there, I guess, what you're using

2 --

3 A. So I was parked right beside track hoe.

4 Q. I got you.

5 A. And looking at the bridge.

6 Q. I got you. Yeah. I know exactly where you're at. Yes.

7 A. Okay. So we sat there and watched him do all this stuff.

8 Then he kind of -- he went off to the side. And you know right at
9 the dump, it goes trees.

10 Q. Yes.

11 A. So you can't see him past that.

12 Q. Right.

13 A. So I'd see him kind of back up every now and then right then
14 and there. So I knew he was still there. Then about -- I want to
15 say about 2:45 -- it was about 2:45 about, in that area, I was
16 like, okay, so tomorrow we're putting ties in. And there's a key
17 tie that goes in the front. Well, it's got to be trimmed an inch-
18 and-a-half on each side. So I was like, okay, guys, we're going
19 to go over to the Conex. We're going to get the chainsaws ready.
20 We're going to start prepping for tomorrow.

21 So we loaded everybody up, we went around, and started doing
22 that. Some of the guys in the back seat jumped out, went in the
23 Conex, grabbed the chainsaw, the chain, the oil. They were
24 getting ready. So I -- Enrique pulled up and he stopped right in
25 front of the Conex on the road. So that's when I went up and -- I

1 was going to go talk to him. He had the radio in his hand and he
2 was calling for Vargas.

3 Well, Vargas is very good about radio. Never had a problem.
4 You call Vargas, Vargas answers. Vargas wasn't answering. And
5 Enrique is like, man, where is he. Vargas, Vargas. You know,
6 nothing. Was like, hang tight, let me walk up to the track and
7 let me look down, see if I can see him.

8 So I go down there and I see -- and I get to the side of the
9 track and I looked down and the grating is going through the
10 windshield. About a quarter mile down, I guess. I'm
11 guesstimating. Eighth of -- quarter -- I don't know. Down at the
12 curve. I run back to Enrique. Hey, dude, the fucking -- looks
13 like the paneling went through the fucking windshield.

14 So Travis and DJ run up to the track where I was. Looked
15 down the track and see that -- they saw what I saw and they just
16 took off running. Enrique pulled the truck up to the track, saw
17 what we saw. Got out, started running. I started running with
18 him. He told me to stay here and wait by the radio. He said,
19 make sure the dispatcher doesn't call because we're getting close
20 to time, give up track.

21 They run down there. Enrique calls me on the phone, get the
22 ambulance out here now. Called 911. Got the ambulance out here.
23 Told the little Byler guys to go down to that corner, wait for the
24 ambulance and you tell them where we're at. After I did all that,
25 I called dispatcher. Told the dispatcher, hey, man, we're not

1 going to be able to give up the track. We got an impaled man --
2 who I think is an impaled man on the track. You're not getting it
3 back anytime soon. And something to that aspect. I don't
4 remember my exact words.

5 So he's like, keep me informed. I got your back. Do I need
6 to call EMS. I was like, no, sir, I already did it. So after
7 that, I went and got to the six-pack. I told the guys we need to
8 get the six-pack on the track now. So we cleared everything off
9 the tailgate, chainsaw, and all that shit. Close it up. Got on
10 the crossing. And I was waiting there for the EMS so I could take
11 them down there.

12 EMS showed up. I backed up a little bit. They pulled up,
13 put all their shit on the back, jumped in the back, and I drove
14 them back. DJ was with him the whole time, I think, up until the
15 end. I don't think he would have left him still alive. So when
16 he was walking down the track, I passed by him looking at him and
17 he just shook his head at me, no. So we -- excuse me.

18 Q. Take a drink of water, bub. Take a break. You want to take
19 a break for a couple minutes?

20 A. I'm all right.

21 Q. Okay.

22 A. It's just hard to talk --

23 Q. I hear you, I hear you.

24 A. So we backed up. Got the EMS guys there. Thank you. They
25 got off. Started jumping up in there. There's three of them.

1 One lady, two guys. They were trying to find a pulse, just trying
2 to find something. They didn't find anything. (Indiscernible).
3 The grating was right here. I could see the left-hand side of
4 him. I could see his left foot. I couldn't see anything here
5 except for his hands sticking up at the top. He had blood
6 trickling down the side of his body.

7 So I left him there. Went back. I got the fire department.
8 The fire department showed up. Got them loaded up. Took them
9 back. And when I came back, I was bringing somebody out --
10 Enrique took me out of the truck. He goes, dude, you ain't doing
11 that no more. He goes, I'll take it over. I said, no, man, I got
12 it. He goes, no, I got it. So he -- Enrique took over after
13 that. How much more do you want to know?

14 Q. You want a break? You want to take a break?

15 A. No. I just want to get this over with.

16 Q. You sure?

17 A. Yes, sir. I'm very sure.

18 Q. Good to move on?

19 A. Yeah.

20 Q. So prior to what you just told me, you came in, you bumped in
21 as a foreman.

22 A. Yes, sir.

23 Q. You were previously working as a welder.

24 A. Yes, sir. I was.

25 Q. And all that stuff. So you come in -- and just --

1 A. On another gang. Yes, sir.

2 Q. Yeah. So what was the reason bumping here? Did you get
3 bumped from there and you came in or just --

4 A. What happened -- first off, they cut a position again, as
5 usual. Reposted it as something else. That guy -- another guy
6 caught that job so I ended up -- because my job -- I was the
7 lowest man on the totem pole. So my job got -- was getting cut
8 off, reposted. So I waited to see who won the bid, see if I could
9 bump them. Couldn't bump them. So I bumped one of the other --
10 the lowest welder on that gang.

11 Q. Got you.

12 A. So just staying on that gang. Then the next hitch, something
13 happened on a gang in Louisiana where they cut the truck driver
14 position off, reposted it as a welder. That guy didn't catch it
15 so he bumped another guy on that gang. That guy came and bumped
16 me.

17 Q. Triple effect.

18 A. Yes.

19 Q. Yeah.

20 A. So last hitch, I just took vacation.

21 Q. Got you. Understood.

22 A. So first day of this hitch, I came to bump on Joe's gang, the
23 one that's right next to us. And something -- I was told to meet
24 at Hondo -- in the Hondo yard. And that didn't work out because
25 they ended up meeting at the bridge. So by the time I got there,

1 it was past 7. But I was there at 6:40. And then things just
2 didn't work out right. Things weren't working out right. I had
3 to go see Enrique at this bridge.

4 And by the time we got everything sorted out, it was like
5 11:00. And he's like, dude, you know, you bumping in over there,
6 the guys are going to bitch, blah, blah, blah. I was like
7 whatever. I'd rather get this stuff straightened and I'll bump
8 tomorrow.

9 So I called one of my friends, one of the (indiscernible)
10 friends of mine just to get his advice. Because I started
11 wrapping my head around from going from that gang to this gang to
12 being a foreman again. He's like, dude, take the foreman job. He
13 goes, you do good as a foreman. You were doing just fine before
14 you got bumped. Go back to being a foreman. Okay.

15 Well, I leave the bridge after me and Enrique are done.
16 Drive around, stop, and talk to Vargas. Vargas was one of my
17 machine operators on my bridge last year. I've known Vargas for
18 years but he was -- he's like, dude, don't even think about it.
19 Don't even think about it. He goes, you come in here, you're
20 bumping the foreman, that's it. You do it. You be my foreman
21 again. Okay. All right. Well, that's what I did the next day.
22 So I show up the next morning, bump in.

23 Q. Yeah. Well, it sounds like you were well respected with the
24 guys telling you to take the foreman job. It sounds like on them
25 last jobs they trusted what you did, trusted your judgment.

- 1 Sounds like you got along with everybody. Right?
- 2 A. Yes, sir. I did.
- 3 Q. Yeah, that's good. That's good. So tell me the job of a
4 bridge foreman. What are your duties? What does a UP bridge
5 foreman -- what's their daily duties?
- 6 A. My main purpose is keeping my men safe. That was my main
7 purpose. My main purpose is to provide protection for them.
8 Second job is to do the job. But safety is first. My men come
9 first.
- 10 Q. So are you in charge of -- is that bridge foreman -- he's the
11 one that takes the track out of service to form Bs, he does all
12 that.
- 13 A. Yes, sir.
- 14 Q. He does the tracking times, all that stuff.
- 15 A. Yes, sir. He puts time in for the men, he pays them, he does
16 everything.
- 17 Q. So you're -- okay.
- 18 A. Yes, sir.
- 19 Q. So you're the go to guy as a foreman for that gang.
- 20 A. Everything. If anything happens, it falls on me.
- 21 Q. Got you. Understood.
- 22 A. So the morning, tell me about -- you mentioned -- and I love
23 the word safety. Sounds like you definitely cared for the
24 workers. How do you do your job safety briefings? Did you do a
25 job safety briefing in the morning with the WT Byler guys?

1 A. No, sir. I did not. What was going on there -- like I said,
2 my first day. I didn't know exactly what was going on.

3 Q. Understood.

4 A. I didn't know where they were on the bridge. I didn't know
5 really anything. I'm just bumping in. Travis -- since Travis
6 gave the job briefing in the morning, I allowed him to brief the
7 guys because he knew -- I mean, he was the foreman, he was there
8 the day before. He knew what was going on.

9 I tried to introduce myself to the guys. I was getting my
10 bearings. I was looking around. I was kind of walking around
11 looking at the area, looking for potholes, you know, things
12 sticking out of the ground. I was just kind of scanning.

13 The first -- when I bump into a gang, it doesn't matter what
14 position I am, the first day I kind of like to sit back and see
15 how the gang works. I like to know who is communicating with who,
16 I like to know who is buddy, buddy. I like to know everything. I
17 just -- I'm more of a visual person because I retain better when I
18 see it.

19 Q. Same here.

20 A. So I just -- my first day, especially as a foreman -- because
21 usually they will leave the foreman there for a day or two for you
22 to get your bearings.

23 Q. Got you.

24 A. Because it's such an important position to be in. So the
25 first day I like to -- that's what I like to do.

1 Q. Got you.

2 A. So me and Enrique, we're talking. And like I said, we're
3 having the radio issues. Being down in that hole, I couldn't
4 hear. So he offered to take the form B up there with -- to the
5 crossing and he'll get in touch with me before he clears trains
6 and then let him clear the trains.

7 Q. So were you present when Travis briefed the guys?

8 A. I was on the other side of the truck. I wasn't actually
9 involved with what he was saying with them. But I just know that
10 was happening.

11 Q. But he did -- but a briefing was conducted with Travis?

12 A. It wasn't like --

13 Q. He was the guy you bumped. Correct?

14 A. Yes, sir.

15 Q. Okay.

16 A. It wasn't like pull your books out, we're going over exactly
17 what we went over there. It was more of a verbal like -- like we
18 said, as the day goes on, we do verbal briefings. So it was more
19 like that.

20 Q. Who all was present? Do you remember who all was present
21 when Travis gave that briefing?

22 A. No, sir. I don't. I know exactly where everybody was at
23 that time.

24 Q. So it wasn't a whole --

25 A. It wasn't --

1 Q. -- group of guys?

2 A. No, sir. I think -- I'm not going to speculate. I don't
3 know. No, sir. I don't know exactly who was there. I know those
4 two. And once Travis started talking to them, I kind of started
5 walking off doing something else. So I wasn't --

6 MR. MACK: So it wasn't a thing where Travis did the on-track
7 safety portion and you did maybe something else or you didn't have
8 any --

9 MR. SPARKMAN: At the bridge?

10 MR. MACK: Yeah, at the bridge.

11 MR. SPARKMAN: No, sir. I didn't do the job briefing.

12 MR. MACK: (Indiscernible).

13 MR. SPARKMAN: Since he did the job briefing in the morning,
14 I wasn't -- like I said, I wasn't doing that. I was trying to
15 figure out everything else.

16 MR. MACK: Got you.

17 MR. SPARKMAN: So I opened -- you know, I was opening the
18 book, I was going through their paperwork. I was looking at the
19 blueprints. You know, stuff like that. Talking with Enrique and
20 coordinating with that stuff.

21 BY MR. LLOYD:

22 Q. So that morning, they have a job safety briefing. Then these
23 guys go to work. They go up top side after the on-track
24 protection is already in place.

25 A. Well, may I add something?

1 Q. Yeah.

2 A. I already mentioned this to Enrique that morning. But
3 everything that happened that morning, I'm changing. And I said
4 that before anything happened. I'm moving that Conex out of that
5 town and it's going up there on the hill. Anybody that's going to
6 be on my work site will be in that job briefing. And that's it.
7 Because I -- that's one of the things I asked in the morning. I
8 was like where are the Byler guys.

9 And they were like, well, they're over -- they're already at
10 the bridge. Well, that's not going to happen with me. There's
11 some things I'm going to change. And I said I was going to change
12 them before anything happened. So that's just not how I roll.

13 Q. So on that day after the briefing, a couple guys went up, I
14 guess, the WT Byler laborers went up and they were --

15 A. Those are some good boys.

16 Q. Yeah. Sound like they're some hard workers. They do some
17 hard work. They run screwing these steel wall plates going down,
18 I guess, un-lagging them or whatever so they can be free. Then
19 they were going to be removed off the bridge. I know they were
20 taken back and they were being staged where you said that tree
21 line started. So if I'm looking at the bridge, it would have been
22 track right. If I'm looking at the bridge, we see --

23 A. It would be track left. Near the west end.

24 Q. Oh, okay.

25 A. If you're sitting where I was sitting by the excavator, by

1 the mini excavator, looking at the bridge --

2 Q. Yeah (indiscernible) track -- yeah, so -- yeah. So I'm
3 standing -- if I'm standing in the track gauge and I'm looking at
4 that bridge --

5 A. Oh, if you're on top?

6 Q. Yeah. If I'm on top. So we can see where they had a staging
7 area I guess where he was moving back and then picking them up
8 from there and taking them.

9 A. He was putting them on the side where the crossing is.

10 Q. Yes. Where the tree -- where that tree line starts.

11 A. Yes, sir. But I didn't go up there so I don't know exactly
12 where he placed them. I just know they were over there.

13 Q. Right. So tell me about that operation. Is that -- I mean,
14 it sounds like you've been on a ton of bridge projects like this
15 and all that. So tell me about it. Is that normal routine that
16 they would use a tie handler to grab these long grates, move them
17 into position? How is that done? I mean, does he go up, is he
18 track traveling forward toward the bridge and grabbing them, and
19 then spinning around, and then going -- talk to me about -- I'm
20 trying to get a grasp on how it was -- how he was told to be --
21 how he was told to do the work.

22 A. Vargas is very experienced. Vargas has 15, 20 minutes on
23 that machine. I don't know exactly how long he was on it. But
24 it's substantial. He's a very good operator. If you just --
25 Vargas has been around us for years. If you just tell him what

1 we're doing, he knows what to do.

2 As far as that particular machine, I have never been a
3 foreman with one of those machines before. Yes, we use grapple
4 tracks, we use boom trucks. We use four-way slings, we use two-
5 way slings. There's multiple ways that we do it.

6 Q. But you haven't used a tie crane --

7 A. Me, personally?

8 Q. -- particularly -- right.

9 A. No. We have used -- see, our -- the minis that I'm used to
10 using are our John Deeres. You can't pick up a grating with
11 those. Because they don't even close all the way.

12 Q. Understood, yep.

13 A. I know that these tie handlers close all the way. So -- and
14 they actually -- I think they have rubber on the inside, if I'm
15 not mistaken, on the inside of the clamps. (Indiscernible) --

16 Q. Oh, they got a thing that folds in.

17 A. Yeah.

18 Q. Yeah. They got a jaw that closes.

19 A. Yeah, that --

20 Q. Yeah, understood.

21 A. It's hinged up here and it closes all the way --

22 Q. Yes. Yeah, absolutely.

23 A. -- at the bottom.

24 Q. Yes.

25 A. So that's a different -- it's a different beast. So I

1 personally haven't used one of those machines. I know other
2 people have. I don't know what they do. Like I said, we planned
3 on using the grapple truck to pick things up so you can just pick
4 them up, throw them in the back.

5 Q. Throw them right on the back, get them out of there.

6 A. Get them out of there. But the grapple truck had to leave.
7 With the four or five trains we had previous put us even further
8 behind with our tracking time. It was getting closer to 3 and --

9 MR. LLOYD: I got you.

10 MR. MACK: What was the reason that the grapple truck has to
11 leave the work site?

12 MR. SPARKMAN: I didn't get a reason, sir. I just know he
13 had to be gone before 2. I'm assuming he had somewhere else he
14 had to be.

15 MR. MACK: So it's not that the machine had to be somewhere.
16 It's just that individual operating it had to be gone, I guess.

17 MR. SPARKMAN: And the truck, I guess. Yes, sir. But he was
18 the only one -- there's usually only one guy on the grapple truck.

19 BY MR. LLOYD:

20 Q. UP truck, UP (indiscernible)?

21 A. No, sir. Byler.

22 Q. It was a Byler truck?

23 A. It was a Byler truck.

24 MR. LLOYD: Andrew, you have anything?

25 MR. MOLGREN: Nope. That was the question I was going to ask

1 was why the grapple truck had to be done by 2. May I?

2 MR. LLOYD: It's yours. It's yours, brother.

3 BY MR. MACK:

4 Q. So just quick. As far as your own training, you said you
5 were previously --

6 A. I'm sorry, sir. Say that again.

7 Q. Sorry. You were previously a foreman before. So as far as
8 your railway worker training yourself, do you know when the last
9 time you had railway worker training, on-track safety training?
10 I'm trying to think of what UP calls it. Rules training.

11 A. Well, we have to do CBT training every year. We got classes
12 we have to take every year.

13 Q. Yeah. I mean, as far as protection, as far as providing
14 protection.

15 A. Yes, sir.

16 Q. (Indiscernible) CBT?

17 A. Every year, every year.

18 BY MR. LLOYD:

19 Q. (Indiscernible) rules, all that stuff.

20 A. Yeah. We can't work if we don't finish them by a certain
21 time. And it also depends on what position you're in, too.

22 Q. Sure.

23 A. Don't let me get that shaded. If you're an assistant foreman
24 or a foreman, you have more classes to take than you do as a
25 welder. But yes, every year.

1 Q. Of course.

2 A. So if you bump into a position, you haven't taken that yet,
3 you can't bump in. Because the computer will let you know you're
4 not qualified. So you click on the qualified button. You see,
5 one, you're not qualified. Then you go take your classes and then
6 you can do whatever you need to do.

7 Q. So is this the first time -- it sounds like you've worked
8 with WT Byler for many times.

9 A. Many times, sir. Yes, sir.

10 Q. Correct. So what about -- do they -- I guess they get
11 railroad training, RWP training, all that stuff?

12 A. They have railroad cards, so I'm assuming, yes, sir, they do.

13 Q. Do you know if anybody checked or -- I'm just throwing it out
14 there.

15 A. Well, we just -- it's Vargas. Vargas is cleared on
16 everything that we do. He's always -- does he stuff.

17 Q. So those WT -- when they -- those WT Byler guys, when they
18 step on track, they --

19 A. They have their cards --

20 Q. They got their cards. They go through training. All that
21 stuff?

22 A. Yes, sir. I've never been to one of the classes. I don't
23 exactly what they do. But as far as I know, they have their --
24 long as they have rail safe cards, they can be out there with us.

25 Q. They understand what working limits are, what a form D is,

1 form B, they know all that stuff?

2 A. Especially Vargas. Vargas knows what to do the next day
3 before we even tell him what to do.

4 MR. MACK: You were saying typically they are part of the
5 main -- because it sounds like you had like a main -- a UP
6 briefing with just UP employees and then when --

7 MR. SPARKMAN: Well, that's not going to happen with me.

8 MR. MACK: But that's what happened that day.

9 MR. SPARKMAN: That's what happened. Yes, sir. And if
10 somebody comes into my work zone that was not in my job briefing,
11 they have to brief with me before they can even enter my work
12 limits.

13 MR. LLOYD: Chief?

14 BY MR. LUCERO:

15 Q. Lucero. I got a question for you. You said that --

16 A. No math questions.

17 Q. Yeah. About 8:15 you were putting up your boards. Does a
18 foreman usually put up the boards or is it somebody else that does
19 it?

20 A. There was three of us. I was riding in the truck. I was
21 doing my foreman duties in the truck. I have -- DJ was driving
22 and Rudy was in the back seat. And they would get out to put the
23 boards up while I was doing whatever I needed to do.

24 Q. All right. So --

25 A. I waw just riding in the truck with them.

1 Q. So that was about 8:15, more or less (untranslated Spanish)
2 there?

3 A. Si. It was -- because it went into effect at 8:30, so we
4 needed to get the boards up before then.

5 Q. And your boards are -- your yellow/red flags and --

6 A. Go up first before your red.

7 Q. Stuff like that.

8 A. Yes, sir.

9 Q. Yes, sir. 8:15. What time do you think --

10 A. You actually want me to speculate something?

11 Q. Yeah. Travis -- so Travis did the job briefing prior to you
12 putting up the yellow --

13 A. No, sir. They couldn't even get on the track before the
14 boards are up.

15 Q. So when did he give his job briefing? After --

16 A. After we're done with the boards.

17 MR. LUCERO: That's all I've got.

18 MR. LLOYD: Darius, anything?

19 MR. MACK: That's it.

20 MR. LLOYD: Andrew?

21 BY MR. MOLGREN:

22 Q. Yeah, Andrew Molgren. I guess I'm just curious -- so if it's
23 8:15 roughly when you're putting up the boards and Byler --

24 A. 8:15, 8:20, yeah, something like that.

25 Q. Yeah, it's not real important. But --

- 1 A. Oh, okay.
- 2 Q. And the briefing with the Byler employees didn't happen until
3 after the boards were put up. But the Byler employees, they were
4 out there at 7, 7:30 at the latest. Is that right?
- 5 A. They were out there before we were. I don't know what time
6 they got there.
- 7 Q. So what --
- 8 A. I just know that they were there when we got there.
- 9 Q. What were they doing from 7:30 to 8:30 for that hour?
- 10 A. Probably just sitting in their trucks.
- 11 Q. Waiting to get a job briefing?
- 12 A. Um-hum.
- 13 Q. Do you --
- 14 A. I can't speculate on that. I wasn't there. I don't know.
15 My guess would be they're just sitting there waiting for us.
- 16 Q. And you know -- like how would you describe your relationship
17 with the two laborer Byler employees that were out there that day?
18 Like --
- 19 A. How do you have a relationship with somebody when you just
20 meet them?
- 21 Q. So would they be able to differentiate you and Travis?
- 22 A. I introduced myself to them. I told you all that earlier.
- 23 Q. So they would have no confusion about who you are versus who
24 Travis is?
- 25 A. No, sir.

1 MR. MOLGREN: Thank you.

2 MR. SPARKMAN: You're welcome. But yeah, the -- that's --
3 it's a changing of the guard. It happens all the time. And it
4 happens too much if you ask me.

5 MR. LLOYD: Yeah, you're telling --

6 MR. SPARKMAN: Too much cutting. Too much moving. Too much
7 bullshit. It's not the same railroad it used to be.

8 MR. LLOYD: You know, that's not the first -- you're not the
9 first person we've heard that from.

10 MR. SPARKMAN: And in my opinion, that causes more harm than
11 anything.

12 MR. LLOYD: A lot of confusion. Yep.

13 MR. SPARKMAN: Because you get guys on gangs that are -- they
14 work good together. They know how they work. I know what this
15 guys is going to do before I know what that guy is going to do.
16 He knows what I'm going to do. But all of a sudden, you start
17 cutting fucking jobs, some guys from another guy is bumping in.
18 Doesn't know what the fuck is going on. Then you're expecting us
19 to do the same production. It doesn't work like that. Safety
20 doesn't work like that. Cutting truck drivers off. We could have
21 had -- if we had a truck driver, we could have had that fucking
22 boom truck up there. No truck drivers. They cut them all off.
23 Just saying.

24 MR. LLOYD: I hear you, my friend. I tell you what, I been
25 in your shoes. Just like I told him, I been -- I was bumped three

1 times in one day. Searching around --

2 MR. SPARKMAN: I've been bumped --

3 MR. LLOYD: Searching around for a job.

4 MR. SPARKMAN: I was bumped in Chicago this year. I had to
5 go to track and be on the rail gang for like five months because I
6 couldn't hold on the bridge side.

7 MR. LLOYD: One thing I've always learned, the more roster
8 times you get, the better you are. It's -- the railroad, you
9 know, it's -- the more you get your name on the book, sometimes
10 that's the saving grace of having -- being able to hold somewhere.

11 MR. SPARKMAN: Yes, sir.

12 MR. LLOYD: It is. Believe me, I've been there.

13 MR. SPARKMAN: I apologize to you. I didn't mean to be rude.

14 MR. MOLGREN: You're fine.

15 MR. SPARKMAN: It just kind of came out that way. I
16 apologize.

17 BY MR. LLOYD:

18 Q. So I like to end -- I don't know -- I don't want to sit there
19 and say -- a good note. But I always like to leave with the
20 interviewee the last thoughts. If you could turn back the hands
21 of time, and you go back to that morning, looking at that job, how
22 everything was done -- because I didn't do everything that I
23 wanted to about the work processes and, you know, does UP give WT
24 Byler a pamphlet that says, this is how we want it done, we'll use
25 this type of equipment. But if you could turn back those hands of

1 time, what would you have done differently with maybe moving these
2 panels and things of that nature?

3 A. You're not talking about the whole day? You're talking about
4 the end of the day?

5 Q. Yeah, I'm talking about --

6 A. What would I have done different?

7 Q. Yeah.

8 A. Knowing what I know now or not knowing?

9 Q. What's that?

10 A. Knowing what I know now?

11 Q. Yeah.

12 A. I would have just left them at the fucking bridge. Tear them
13 off, throw them to the side, and leave them. We'll pick them up
14 later.

15 Q. So knock them off to the side underneath that clearing? And
16 then --

17 A. Off the bridge, off to the side.

18 Q. And then come back and get them later?

19 A. We'll just reload them later.

20 Q. And then have a grapple truck come in the next day and --

21 A. That or --

22 Q. Scoop them up.

23 A. Maybe take the boom truck out the next day or something. I
24 mean --

25 Q. Rather than moving them three times, move them once. I hear

1 you. Seth, I appreciate you being here. I appreciate everything
2 you do. Believe me, I've been in your shoes when you're getting
3 bumped here and come into a new segment and just trying to get
4 your head wrapped around that, how they do business. Been that --
5 been there, done that, my brother. I have.

6 A. And I just sit here and think, if this -- something like this
7 would have happened further into the hitch, would I have caught
8 something. I don't know.

9 MR. LLOYD: You guys got anything else?

10 MR. MACK: I do not.

11 MR. LLOYD: You want to end it right here, brother? We're
12 going off the record.

13 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

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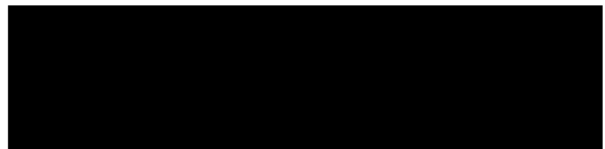
IN THE MATTER OF: UNION PACIFIC EMPLOYEE
 FATALITY IN SAN ANTONIO, TEXAS
 ON SEPTEMBER 22, 2021
 Interview of Seth Sparkman

ACCIDENT NO.: RRD21LR016

PLACE: San Antonio, Texas

DATE: September 24, 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.



Katie Leach
Transcriber