

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: VICTOR MUNOZ, Senior Manager of Bridge Construction
Union Pacific Railroad

San Antonio, Texas

Saturday,
September 25, 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

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I N T E R V I E W

1
2 MR. LLOYD: Today is September 25th, 2021. We're located at
3 1711 Quintana Road in San Antonio, Texas, at the UP office. We're
4 here today with Mr. Victor Munoz.

5 MR. MUNOZ: Munoz.

6 MR. LLOYD: He is a UP senior manager of bridge construction.
7 So today is September 25th, 2021. My name is Troy Lloyd. I'm
8 from the National Transportation Safety Board. We're here today
9 to conduct an investigation with UP senior manager of bridge
10 construction, Mr. Victor Munoz, who is here today to answer a
11 couple questions for us.

12 Victor, I told you we're being recorded. That way we can
13 give you a transcript. You'll be able to go through your
14 transcript and all that stuff. I'll email it to you. That just
15 shows proof of what questions we asked you, you answered. You'll
16 see everything that's taken place that's on top. You'll be able
17 to read that.

18 A couple things. The interview is not to assign blame,
19 fault, or liability of any kind. We just -- we're trying to get
20 the facts of -- about the accident, what happened, what might have
21 leaded up to what we can do to help it from occurring again.

22 The NTSB doesn't have any -- doesn't assign fault or blame or
23 liability, cannot do anything with any certification, liability,
24 all that stuff. So you got any questions?

25 MR. MUNOZ: No.

1 MR. LLOYD: So let's start. So Victor tell me -- oh, I'm
2 sorry. No, I'm sorry. So -- yeah. I apologize. Very good. So
3 everybody is going to go around the room, say your first name,
4 spell your last name. That way we can get everything on record.
5 Speak clearly. And I'll start with myself. My name is Troy
6 Lloyd. Last name L-l-o-y-d. I'm with the National Transportation
7 Safety Board. I'm the investigator in charge.

8 MR. MOLGREN: Andrew Molgren, M-o-l-g-r-e-n, safety inspector
9 with the Federal Railroad Administration, out of District 5, San
10 Antonio.

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

13 MR. LUCERO: Dave Lucero, L-u-c-e-r-o, accident investigation
14 chief for hazardous materials division.

15 MR. MUNOZ: Victor M. Munoz, V-i-c-t-o-r, M. Last name M-u-
16 n-o-z. I'm the senior manager of bridge construction for Union
17 Pacific Railroad.

18 MR. LLOYD: Thanks guys for straightening me out there. My
19 computer didn't bring up the interview format for some reason.

20 INTERVIEW OF VICTOR MUNOZ

21 BY MR. LLOYD:

22 Q. Victor, thanks for being here. Let's go and start out. So
23 tell me your railroad career with UP. How long you been with
24 them? How did you end up being the senior manager of bridge
25 construction? That seems like it's a pretty good title, pretty

1 cool title.

2 A. So I started with Union Pacific in 1988. Started in Arkansas
3 in the track department. Briefly, after that, a month or so, I
4 came back to Texas. I lived in Texas. Bid back to the bridge --
5 or to the bridge because that's when I started on the bridge. And
6 I've been on the bridge department since then, 1988. I started as
7 a laborer, then carpenter. Back then it was different levels of
8 -- it was carpenter I, carpenter II. So I've been through all
9 those seniorities.

10 Then as the years went by, I started to get involved with the
11 cranes. I was an assistant operator. Then an operator, which now
12 we call it hoisting engineers. Ran pile drivers. After that, I
13 started as a foreman, bridge foreman. Then after that, I got the
14 supervisor job, approximately five years as a supervisor. After
15 that, I've been a manager for about eight years.

16 First, I was three years as an MBM which is manager bridge
17 maintenance. Then they moved me to where I'm at now. And I've
18 been in this position for five years. It was called a different
19 title before. It was called bridge construction manager. Then
20 like I explained to you guys earlier, they change our title. Now
21 they change our title again. Now we're -- my title is senior
22 manager of bridge construction. Any questions?

23 Q. Yeah. So that's an awesome career. You got hired the same
24 year I did on the railroad, 1988.

25 A. Yes, sir.

1 Q. Yep. So do you got the whole shebang or is your territory
2 divided up? Is there another senior manager of bridge
3 construction that shares your duties or do you have the whole
4 UP --

5 A. I -- no, I have Texas and Louisiana.

6 Q. So you have -- so you're the senior manager of bridge for
7 Texas and Louisiana.

8 A. And Louisiana. Yes, sir.

9 Q. So as a senior manager of bridge construction -- so we got
10 this accident that was with WT Byler who is a contractor -- what
11 does the bridge division -- I'll call it the bridge division, the
12 bridge group, whatever -- does -- do they supply any type of scope
13 of work, site specific work plans to a contractor that comes in to
14 do the work that was taking place on the bridge where the accident
15 occurred? Do they get some kind of work plan? This is what we
16 want done. This is how we want it done. All that?

17 A. No, not in that specific task.

18 Q. So what would be provided to them so they would know what to
19 go in and do? Is it like a sit-down meeting? Is it a walking --
20 do they go out and they walk the bridge? They figure out, okay,
21 we'll do this, we'll do that, we'll need this type of equipment,
22 that type of equipment.

23 A. Can you be more specific on that?

24 Q. Yeah. So I own Troy Lloyd Contractor. Okay? And UP has got
25 a bridge contract. I said, yep, I can do it. Us four here can do

1 it. I don't know anything about bridges and I got two pieces of
2 equipment. How do I prove to myself as a contractor that I'm able
3 to come in and do a job? It's -- I would figure that UP would go,
4 here's a contract, and this is everything you have to have.
5 Training, number of people, equipment, all that stuff, and you
6 want 100 percent tie replacement for this bridge. If you achieve
7 all this, you can bid on the project. So I'm talking about like a
8 bidding type of stuff. Is something -- is that put out for bid
9 for these jobs to occur?

10 A. Yeah. So our department does not have to do anything with
11 their contracts. Union Pacific has contractors for us. We're not
12 involved in any kind of contract for this contractors. So if we
13 want a contractor, obviously, we know most of them, but we can go
14 in SourceHUB which is a system and we can just search and who is
15 the local contractor. If we don't know the territory. Now,
16 obviously, we know the territory. Right?

17 So then we just pick the contractor that fits better for our
18 needs. That's how we go. I mean, there's so many different types
19 of contractors. So --

20 Q. So there is a division of UP that handles writing the
21 contracts when these bids go out?

22 A. Yes.

23 Q. Is that how that is?

24 A. Contract about getting -- how much they charge --

25 Q. Yeah.

1 A. -- per hour? That's what we're talking about. Right?

2 Q. Yeah. How much they charge, what's -- you know, what's it
3 going to take to do this job. You know, give us our bids. But
4 I'm looking more of a document that says that WT Byler meets X, Y,
5 and Z to be able to come on the UP property to do this job.
6 That's --

7 A. I have nothing to do with that. That is totally between the
8 supply department --

9 Q. Supply department.

10 A. The supply department and the contractors.

11 MR. MACK: Darius. Just a follow-up. On that -- so WT
12 Byler, are they bid for specific jobs or you have them like a
13 recurring thing? So whenever a bridge department needs something,
14 that's just -- they're already on site, I guess. Or is each
15 specific bridge or job --

16 MR. MUNOZ: So to answer your question, specifically, yes
17 (indiscernible) WT Byler. They're under an as-needed contract.
18 So if we need any kind of machine that they are in contract, we
19 just call them and we need such piece of equipment; can you supply
20 it for us. They say yes and we -- then we just tell them what
21 time, where to show up, and that's how it works on our end. You
22 know what I'm saying?

23 BY MR. LLOYD:

24 Q. So you guys are totally out of the bidding wars, what we'll
25 call it.

1 A. Yes, sir.

2 Q. The bidding wars and --

3 A. We're totally out of that.

4 Q. Yep. So it could be another company that comes in and
5 underbids WT Byler that gets the next bridge project. That's how
6 it works, I guess. Correct?

7 A. Yes. That's basically correct.

8 MR. LLOYD: Andrew?

9 MR. MOLGREN: I don't have any specific questions pertaining
10 to that at this time.

11 MR. LLOYD: Okay.

12 MR. MOLGREN: I've got other questions if you'd like me to --

13 MR. LLOYD: Absolutely. Ask away.

14 BY MR. MOLGREN:

15 Q. Andrew Molgren, FRA. Victor, thanks for being here this
16 morning. How many bridge gangs roll up to you?

17 A. (Indiscernible) I'm in charge of?

18 Q. Yeah.

19 A. Right now it's six gangs. Six gangs.

20 Q. How common is it for the bridge gangs to do the type of work
21 that was being performed the day of the accident in terms of
22 removing all the walkways, the handrails, all of that? How common
23 is that for any of the bridge gangs that roll up to you?

24 A. Well, say, if you have that type of machine like we have --
25 because there's different types of machines, that's -- that is

1 common. Because that's what they use with a job. That machine
2 would just grab.

3 Q. The tie inserter?

4 A. The tie inserter head. So it is common on that particular
5 machine.

6 Q. So it's not uncommon to use that particular machine with that
7 work head to remove the walkway planks?

8 A. Can you repeat that again? I'm trying to analyze your
9 question.

10 Q. You're saying it's common to use that machine with that work
11 head to remove the walkway planks?

12 A. No, no. What I'm saying, Andrew, is that with that machine,
13 it is common to handle the grating the way they did. That's what
14 I'm saying. Because it doesn't have another attachment. So
15 that's what I'm saying.

16 Q. How -- let me ask you this. How common is it with the --
17 with your other five gangs that roll up to you? Are any of your
18 other five gangs using that same process to remove the walkway
19 planks or is it just this one gang that was using that piece of
20 equipment with that work head?

21 A. I've seen it mostly with that piece of equipment that has
22 that type of job.

23 Q. You mean with -- like with that specific gang?

24 A. No, that specific machine.

25 MR. LLOYD: You've seen that used multiple times?

1 MR. MUNOZ: That's what I've seen. With that specific
2 machine. I've seen it handle like that before.

3 BY MR. MOLGREN:

4 Q. So the other five gangs that you have is -- do you know how
5 many of those five gangs are using that same process to remove the
6 walkway planks?

7 A. So that machine that we're talking about, sometimes it
8 rotates.

9 Q. It's kind of shared between gangs?

10 A. So we finish a project. That same machine -- we might call
11 Byler and they might have it available. They'll send it to the
12 next location. And I don't know how old that thing is but it's
13 pretty new. And so, they will use the same method like they did.
14 They'll take everything up and (indiscernible) scrap walkway.
15 They just grab it and place it kind of. I'm not going to say it's
16 an exact method. But that's how they grab it. I don't know all
17 the procedures, how the operators do it. It's up to them.

18 Q. So you said it's up to the operators how they do it. But
19 does Union Pacific ultimately -- I mean, if you or one of your
20 supervisors that directly manages the gang -- if they thought
21 there was a safer, better option and way to do -- perform that
22 work, would they be able to make the call and say, no, we're not
23 going to use this type of machine; it's safer to do it with, say,
24 a grapple truck or whatever it might be? Does Union Pacific have
25 the authority to dictate how the work gets performed or is it

1 solely up to the operator of that machine to determine how the
2 work is going to be performed?

3 A. No. We can determine something like that. But if you
4 analyze what I'm going to tell you, that takes a lot of risk on
5 our people. Instead of having people go up there and hook up
6 things, they're completely out of the way, and the machine just
7 grabs it, puts it in place, out of the way. That eliminates a lot
8 of risk on our people, on our employees by doing it that way.
9 Some other gangs like you were asking me do it a different way
10 because we don't have that type of machine. Does that make sense
11 to you?

12 Q. It does make sense. Can you give me a little more detail on
13 what some of the other gangs do?

14 A. Yes, sir. So we use two-legged slings or chains, small, thin
15 -- and we just grab it in two separate parts, keep it evenly, and
16 just travel with it, with tag lines, proper control of it. We'll
17 set it down. Do the same procedure again.

18 Q. Is -- in your opinion, is that a safe way to complete that
19 task?

20 A. Yeah. That is a safe way as long as they're out of the way,
21 they keep their distance. (Indiscernible) our own employees, you
22 need to have tag line. So yeah, that's the way you use that
23 method. And it works as long as they don't touch that material.
24 We have tag lines and we don't put our hands in the material.
25 That's safer from my perspective.

1 Q. So Victor, do you know why that type of work process wasn't
2 being utilized on the gang that had the fatal accident on
3 Wednesday?

4 A. I don't know, Andrew. It's -- so that was their second day
5 there. And I didn't know which machine they had. My territory is
6 big. All I know -- that they were stripping the bridge. I didn't
7 know what type of machine they had, obviously, until the accident
8 happened. Then it -- then --

9 Q. Right.

10 A. -- I found out what type of machine. But I don't know why it
11 wasn't used like that.

12 Q. There was another bridge gang that was working within a few
13 miles of the location where the fatality occurred. I believe it
14 was Mr. Fuentes was the foreman of that gang. Are you familiar
15 with --

16 A. Yes.

17 Q. -- what they were doing?

18 A. Yes. Joe told me he was using the two-legged chains or
19 slings just like I mentioned before.

20 Q. So they were using that --

21 A. We were using the other method.

22 Q. Was there any contractors involved with that particular
23 removal of the walkways?

24 A. Yeah. It was another piece of machine from Byler. You've
25 seen the machine. It was right there at the crossing. A little

1 bigger machine.

2 Q. Yeah, okay.

3 A. (Indiscernible).

4 Q. That was from the other job site?

5 A. Yes, sir.

6 Q. Does Union Pacific have any type of approved process for
7 removing those walkways? Is there anything in your safety rules
8 in terms of, hey, this is the best practice in terms of removing
9 walkways? Is there anything that UP has that specifies what the
10 best practice is for removing the walkways, how it's rigged, how
11 it's chained, whether it's metal chain, nylon, you know, any
12 specifics on the rigging?

13 A. No. We don't have any specifics on the rigging. Obviously,
14 we do have specifics at any time we lift anything. We're not
15 supposed to touch -- nobody is supposed to touch it. We need to
16 keep tag lines on it. Everybody's hands out of the way.
17 Everybody needs to stay out of the way with the proper distance.

18 Q. And Victor, I don't know if you'll be able to answer this or
19 not. It may be outside of your department. But I'm just curious.
20 It's fairly common for UP to utilize contractor support in the
21 bridge department. Is that fair?

22 A. Yes.

23 Q. It's fairly common. How do you -- how does -- let's say, one
24 of your bridge supervisors who is with that gang every day, day
25 in, day out, where you might not see a particular gang for, what,

1 maybe a month sometimes, maybe more --

2 A. Yes.

3 Q. -- depending on --

4 A. Yes.

5 Q. How would the immediate supervisors -- how would they go
6 about determining whether or not a particular contractor had the
7 current qualifications to run a particular piece of machine? Is
8 there anything -- have you been given any kind of guidance, or
9 your supervisors any kind of guidance on following up with the
10 contractor and requiring proof that they have been trained on that
11 machine, they have been deemed proficient? Is there any guidance
12 that your supervisors have to verify that these contractors who
13 may be running multiple different pieces of equipment are actually
14 qualified on them?

15 A. No. We don't have any guidance. That's completely between
16 supply and us. I mean, sometimes we do get contractors that we
17 pull them out of the machine if we do feel that they're unsafe.
18 And we -- those same questions we bring up. But no, the
19 supervisors or me, we don't have no access of knowing that.

20 Q. Has this ever come up before where, you know, maybe you had
21 issues with a particular gang or a particular machine operator
22 that was a contractor and -- yeah, either yourself or maybe one of
23 your immediate supervisors felt like, hey, I need to know that
24 you've been trained on this particular machine because from what
25 I'm observing out here, it doesn't seem like you're qualified to

1 run it. And you're a real safety risk to everybody out here. Has
2 that ever come up before?

3 A. I really cannot recall. Because what normal process is -- if
4 we feel they're -- or anything on site, we don't want them
5 operators at all.

6 Q. But your supervisors really have no way of knowing, initially
7 -- like day one, if they haven't been out there with that machine
8 operator, nobody knows with Union Pacific whether or not that
9 contractor is qualified on that piece of equipment. Correct?

10 A. To answer your question, not my supervisors or me. I'm sure
11 there is somebody that has those records but we don't.

12 MR. MOLGREN: Somebody within Union Pacific?

13 BY MR. LLOYD:

14 Q. Would that be that supply, the people that probably --

15 A. Supply --

16 Q. -- reviews the bids and says, yep, these people meet all the
17 -- this contractor meets the requirements, they are allowed to
18 perform this job?

19 A. That will be the more appropriate people.

20 Q. It would be the more so supply. Is that --

21 A. That's what I will say. Yes, sir.

22 Q. So they would be the ones -- not to interrupt, Andrew. I
23 apologize. It's Troy from the NTSB. They would be the ones to
24 sit there and say, WT Byler's people are roadway worker trained.
25 Check. WT Byler's equipment operators are fully trained and their

1 equipment has -- meets a safety standard, an RMM safety standard.
2 Check. WT Byler has enough sufficient people to perform this job.
3 Check. Supply would be the ones that we would maybe want to reach
4 out to at a later date and go, hey, talk us through that bidding
5 process.

6 How Troy Lloyd Contractor can win a bridge job at WP [sic].
7 What do I have to have in order to be able to even bid that job.
8 Is it a number of people, is it -- then the class of my company
9 whether it's a class A, B, or C. You know, I got to have the
10 number of piece of equipment available. That kind of stuff. So
11 supply would be the one that maybe we want to reach out to later
12 on.

13 A. If I have an issue, that's where I will go. That's what
14 I'll --

15 Q. Yep, so I would --

16 A. That is my resources.

17 Q. So you have nothing --

18 A. I couldn't think about nobody else that I can think. Yes,
19 sir.

20 Q. It's -- so it's -- I'd say -- I hate to use the word
21 assumption, but it's an assumption that when a contractor comes
22 out, you and Enrique and Seth who was all there that day -- they
23 were -- obviously, they were the foreman, the supervisor, the
24 safety oversight people, the UP safety oversight people -- WT
25 Byler is there. WT Byler won that contract. They must have got

1 through the bidding process somehow. Right?

2 A. Um-hum.

3 Q. So when you all get out there it's -- yep, they've won it,
4 here it is. They met the requirements. You guys don't have
5 anything to do with any of those check box during that bidding
6 process. Right?

7 A. Yes, sir. We cannot actually provide that information,
8 they're qualified or not. They have to provide whatever the
9 supply department require them to be qualified.

10 Q. Yeah. And I hate to ask redundant questions. I'm just
11 trying to get --

12 A. No, that's fine.

13 Q. Yeah. Because it's -- you know, I've -- and me, I've been a
14 track supervisor out there working with, you know, crane masters
15 and stuff that do a lot of work on the East Coast. I'll show up,
16 give the foreman (indiscernible). I mean, I know the guys like
17 you guys know the WT Byler guys. I know the crane master guys,
18 good friends. They went through the process somehow. You know,
19 it's that. You would figure, they made it that far, they've
20 stepped on the property so somebody had to give them that
21 signature that they were okay. And that's --

22 A. Yes, sir.

23 Q. And that would be the supply company that we would want to
24 talk to?

25 A. Yes, sir.

1 Q. Got you.

2 A. That's correct.

3 Q. I do want to ask you a question. You've been a foreman,
4 you've been a supervisor. Now you got the foreman and the
5 supervisors reporting to you. If I do a job safety briefing -- I
6 got my guys and I'm pretty much a fanatic on quality job safety
7 briefings because a non-quality job safety briefing is mostly
8 strike one. You got a 50/50 chance something is going to go wrong
9 because I just didn't tell you everything you need to know. I
10 can't tell you where every slip, trip, and fall is.

11 But I'm going to give you a quality job safety briefing on
12 making sure you understand the working limits. Making sure you
13 understand the job that's going to be taking place, what equipment
14 is going to be used. Then I'm going to have that equipment
15 operator talk about what's the safety applications of this
16 equipment. What's my safe spacing. Who is going to be in my
17 rear. What hand signs we going to use. That stuff. That's a
18 quality job safety briefing. What's a pertinent safety rule that
19 pertains to bridge work, 214 bridge safety, things of that nature.
20 Quality job safety briefing.

21 Are those done by your UP foremen that reports to that
22 supervisor? Are those -- does that UP bridge foreman that's
23 overseeing that WT Byler job, do they perform job safety briefings
24 with those folks before they go topside?

25 A. What do you mean? Topside like (indiscernible) --

1 Q. Up on the tracks.

2 A. Oh, okay.

3 Q. Yeah.

4 A. Yes. To answer your question, yes. They have to have a job
5 briefing. We all do. Just -- when I got tracking time yesterday,
6 I had to give everybody a job briefing. Any time you get on the
7 track. Then my guys have to give a job briefing. And I prefer it
8 be a written job briefing. But it doesn't say nothing wrong if
9 they give at least a verbal job briefing. Right? But I'd rather
10 have them -- a written job briefing so I can trace back and see if
11 they really did that. And obviously, yeah, like any other
12 company. That's a requirement for all my guys.

13 Q. So example. We went out yesterday. You got tracking time.
14 We got a good quality job safety briefing from you. Andrew got
15 into the adjacent track protection stuff. And as a senior
16 manager, you're not getting a lot of tracking time. So you don't
17 even think about -- it's not like that foreman that does it every
18 day.

19 You know, they didn't think about the adjacent track
20 protection that, you know, if we bring in a roadway maintenance
21 machine or something, that they've now got to discuss that
22 adjacent track protection. Faster trains need to slow down to 40.
23 Freight is 25. Things of that nature. That's your adjacent track
24 where you don't have to put watchmen or anything like that.

25 Your -- so yesterday, you did that job safety briefing. So

1 what happens if I would have come there late and you guys was on
2 the track, and I would have said, hey, I'm here and I'm going to
3 walk up there, would you allow that?

4 A. I'm here, I'm going to walk up there? No.

5 Q. Yeah. So after you gave --

6 A. Absolutely not.

7 Q. -- your job safety briefing, you guys were walking up the
8 track and I came pulling in late. Didn't receive a job safety
9 briefing. What would I have to do? Would I still be allowed to
10 go out there and walk up there and meet you guys without having a
11 briefing?

12 A. I wouldn't get on the track. I don't care what people --

13 Q. You wouldn't?

14 A. I wouldn't get on the track. I got to have some kind of
15 information.

16 Q. Right. So let's use yesterday's example. You gave the
17 briefing to all of us.

18 A. Yes, sir.

19 Q. Let's say, I came in late and didn't get your briefing, but
20 pulled in, you guys were already walking up the track and I hurry
21 up, put my stuff on. Would you stop me from going -- hey, you
22 haven't got a briefing yet, you can't come up here?

23 A. If I'm aware of, yeah, I would. But you have to understand,
24 it's just like safety. It's everybody's responsibility.

25 Contractors or my employees and myself. That we know better.

1 We're not going to get on the track unless we have a job briefing
2 from somebody. And we understand that we're protected whatever
3 the situation may be.

4 MR. LLOYD: I'm good.

5 BY MR. MOLGREN:

6 Q. So -- Andrew Molgren. So Victor, do you know what kind of
7 job briefing took place that morning between the Union Pacific
8 employees -- specifically the foreman because he would be the one
9 who is tasked with making sure the contractors know what the on-
10 track safety is, number one. What type of work is going to be
11 performed. Any special circumstances surrounding that work. What
12 needs to be done first, second, third. Who is going where, who is
13 doing what. Do you know what kind of job briefing took place
14 between the roadway worker in charge or the EIC for the UP and the
15 contractors that morning?

16 A. I don't know, Andrew. So just to make a short story. When I
17 got called, I tried to hurry up. I was six hours away. I got
18 here late. The guys -- everybody was gone. Came in the next
19 morning early. I didn't have a chance -- nobody is letting me go
20 in to ask anybody. So you guys been interviewing my guys. I
21 haven't had the chance to actually sit down and talk to my guys.
22 They've been stressed out. I've been -- all these issues. So my
23 director -- when they got in the container with all the UP people,
24 they didn't want me in there. You were in there. I wasn't in
25 there. I haven't had a chance to -- so I'm sorry, I just cannot

1 answer that question. I have not had the opportunity to sit down
2 and talk to my guys.

3 BY MR. LLOYD:

4 Q. So you wasn't even around --

5 A. No, sir.

6 Q. In the area when this accident --

7 A. I was six hours away. Yes, sir. I do want to talk to them
8 but --

9 Q. Oh, yeah. Absolutely.

10 A. -- I haven't had the chance.

11 Q. Agreed.

12 A. That's definitely something I need to talk to them about.

13 BY MR. LUCERO:

14 Q. Dave Lucero. Mr. Munoz, on the written job briefing, is it
15 on a sheet of paper or is it on a job briefing book? I mean, I
16 think that's what --

17 A. It is a job briefing book.

18 Q. So we can go back and request that, if needed, to see what
19 was covered?

20 A. Yeah, yes. That's true. There was copies right there.

21 Q. Okay, fantastic.

22 A. And I have the originals. I'm going to keep them. If
23 anybody needs to see them.

24 Q. Fantastic. Does it mention or do they write down who was
25 present? I mean, obviously, you're not like a system gang where

1 you have 200 guys on it. But I don't know. I haven't seen it
2 yet.

3 A. Well, David, job briefing book specifies each step. Like I
4 said, he has a copy right there. It tells you every detail of the
5 job briefing. You go step by step. And I require my guys to go
6 step by step, check off what is not applicable. Give us as
7 thorough job briefing as I can.

8 Q. Correct.

9 A. But it definitely needs to be in writing in the book.

10 MR. LUCERO: Thank you. I think that's the only thing I had
11 really.

12 BY MR. LLOYD:

13 Q. So believe me, I thank you for this. This is good
14 information. So the job safety briefing -- so I see Seth's name,
15 Seth Sparkman. So he's the one that conducted --

16 A. Yes, sir.

17 Q. -- the briefing.

18 A. He was the foreman that just bumped in that morning.

19 Q. Yeah. So he bumped in that morning so he would have been the
20 person that was in charge of performing --

21 A. Yes.

22 Q. -- the job -- because I see his name up here. He's got
23 emergency response information. Then I have day's work prep,
24 removing walkways. Scott -- he had D.J. He had a man lift
25 underneath. Then he's got down -- he's got Tyler boys [sic],

1 Travis, Rudy --

2 A. It's the Byler boys.

3 Q. Yeah, yeah, yeah. The Byler boys.

4 A. Oh, I thought you said Tyler. Yeah, yeah.

5 Q. Yeah, the Byler boys. So Seth would have been the one that
6 filled this --

7 A. Yes.

8 Q. -- information out.

9 A. Well, obviously, each employee fills his own book. He runs
10 through the information.

11 Q. Now, who -- I'm just asking. Who is Davis?

12 A. Travis Davis.

13 MR. MACK: Travis.

14 Q. So Travis Davis did a briefing, as well?

15 A. Yes.

16 Q. The 22nd? And then --

17 A. I believe it was four people.

18 MR. LLOYD: Rudy?

19 MR. LUCERO: No. So what I think is there -- this is Lucero.
20 Each individual employee has to write their own. So --

21 MR. MUNOZ: That's correct.

22 MR. LUCERO: Does somebody give it a verbal then, Mr. Munoz?
23 Somebody give a verbal and then everybody fills in the verbal -- I
24 mean, fills in their job briefing book from that verbal?

25 MR. MUNOZ: That's correct.

1 MR. LLOYD: Yeah.

2 MR. MUNOZ: That is correct.

3 BY MR. LLOYD:

4 Q. Yeah, so that's -- and that's a good question, Dave. So it's
5 -- everybody does their own separate on-track job safety briefing.
6 Correct? Everybody you said will write down their own stuff?

7 A. With their own handwriting. Yes.

8 Q. Yes. So who is the guy standing in the middle of the group?

9 A. The EIC.

10 Q. Who is that?

11 A. EIC which is (indiscernible).

12 Q. Yeah. So who was that that day? Seth?

13 A. Seth Sparkman.

14 Q. So Seth was the one that stood in the middle of the group and
15 said, I'm the general, this is what we're doing. This is how
16 we're going to work safe. Here is our working limits. When I --
17 you know, when I say clear, we're going to clear here. I'm going
18 to keep coordination of the train movements. We're doing walkways
19 today. We're going to unscrew this stuff, make sure you wear your
20 fall protection. Make sure you put on your clamp sliding device
21 on the rail. He's the one that's talking to UP bridge people and
22 the WT Byler guys? He's the one that's leading that first initial
23 job safety briefing as the foreman. Correct?

24 A. Correct.

25 Q. My man, got you. Then everybody else writes down what that

1 guy is telling me. Okay, I'm going to have this in case someone
2 comes up and says, did you have a briefing. Yes, sir. And I
3 wrote down everything that Victor told me. So I can
4 (indiscernible) where was the limits. Right here, guy. So --
5 okay.

6 A. Yeah, the contractor -- we -- 99 percent of the time we give
7 them those same books.

8 Q. They're given -- when it's filled out for them.

9 A. We give it to them. No.

10 Q. So they'll write down stuff, too, as well?

11 A. Exactly. We give them a blank one. They got to write it
12 down.

13 Q. Okay. So Seth was the leader of the pack on the day of the
14 accident giving that initial briefing and everybody was writing
15 down everything he was saying?

16 A. That's correct.

17 MR. LLOYD: Got you. Okay. Thank you very much. I don't
18 have any questions. Chief?

19 MR. LUCERO: All good.

20 MR. LLOYD: You've been extremely, extremely helpful. And I
21 appreciate it the documents you've been providing, the questions
22 that you've been answered. When it comes to the bridges, the
23 information out there -- you're the go-to guy. I've done figured
24 that out. You are. When I need chain markers and -- you're --

25 MR. MUNOZ: (Indiscernible) --

1 MR. LLOYD: -- (indiscernible) mile posts --

2 MR. MUNOZ: -- figure out what happened. I mean, just
3 tragic. Tragic all the way around.

4 MR. LLOYD: I want to thank you just for -- yeah, your
5 knowledge, skills, and abilities, being here part of this team is
6 going to be a lot of help, especially with everything you provided
7 here and question -- dumb questions I've asked about the bridge
8 and stuff. You --

9 MR. MUNOZ: Yes, sir.

10 MR. LLOYD: -- were right there and answered everything. So
11 I appreciate that. But going around the horn one more time.
12 Good?

13 MR. MACK: I'm good.

14 MR. LUCERO: I'm good.

15 MR. LLOYD: All right, gentlemen. We are off the record.

16 (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 EMPLOYEE
 FATALITY IN SAN ANTONIO, TEXAS
 ON SEPTEMBER 22, 2021
 Interview of Victor Munoz

ACCIDENT NO.: RRD21LR016

PLACE: San Antonio, Texas

DATE: September 25, 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