

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: GEOFF POSPISIL, Director of Risk Safety & Management
WT Byler

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 are located at
3 1711 Quintana Road, San Antonio, Texas, at the UP office. My name
4 is Troy Lloyd with the National Transportation Safety Board.
5 Today is September 25th, 2021. We are conducting an interview
6 with Geoff -- please say your last name.

7 MR. POSPISIL: Pospisil.

8 MR. LLOYD: From WT Byler. He is the director of risk safety
9 and management for WP [sic] Byler Railroad Division. This
10 interview is in connection with an accident that occurred on
11 September 22nd, 2021, where a WT Byler equipment operator was
12 fatally injured when he was transporting a load of steel walking
13 grates with a tie crane. The walking grates were being removed
14 from an open deck bridge in order for WT Byler Group to do 100
15 percent tie replacing on an open deck bridge. The accident
16 occurred in Castroville, Texas on UP's Del Rio Subdivision.

17 The NTSB accident reference number is RRD21LR016. The
18 purpose of this investigation is to increase safety; not to assign
19 blame, fault, or liability. The NTSB cannot offer any guarantee
20 to confidentiality or immunity from legal or certificate actions.

21 A transcript of the summary will -- of this interview will go
22 into the public docket. I've told you -- remember I told you --

23 MR. POSPISIL: Yes, sir.

24 MR. LLOYD: -- yesterday about the public docket once
25 everything is done during the organization meeting. The interview

1 -- you can have a representative if you want. I mean, if you want
2 this gentleman to sit in with you --

3 MR. POSPISIL: We're okay.

4 MR. LLOYD: You're okay?

5 MR. POSPISIL: Yes, sir.

6 MR. LLOYD: So he's refused a representative to sit in on the
7 interview. You understand it's being recorded? A lot of people
8 don't like (indiscernible) because you're going to get the
9 transcript.

10 MR. POSPISIL: Yes, sir.

11 MR. LLOYD: And you'll be able to see everything we
12 discussed.

13 MR. POSPISIL: I understand.

14 MR. LLOYD: Before we start the interview, everybody speak
15 clearly. I know we got our masks on so I know things are going to
16 be muffled. But when we go around the room, make -- say your
17 first name, spell your last name. When you go on record to ask a
18 question, last name and who you're with.

19 I'll start with myself. My name is Troy Lloyd. Spelling of
20 my last name is L-l-o-y-d. I'm with the National Transportation
21 Safety Board and I'm the investigator in charge of this accident.

22 MR. MOLGREN: Andrew Molgren, M-o-l-g-r-e-n, safety inspector
23 with the Federal Railroad Administration based out of San Antonio,
24 Texas, district 5.

25 MR. MACK: Darius Mack, M-a-c-k, Federal Railroad

1 Administration, track specialist, district 5.

2 MR. LUCERO: David Lucero, L-u-c-e-r-o. Accident
3 investigation chief for the hazardous material division, FRA.

4 MR. POSPISIL: Geoff Pospisil, WT Byler Company, director of
5 safety and risk management. Houston -- out of Houston, Texas.

6 INTERVIEW OF GEOFF POSPISIL

7 BY MR. LLOYD:

8 Q. Thank you, Geoff --

9 A. Yes, sir.

10 Q. -- for being here. You know we're here to investigate the
11 accident that happened with one of our equipment operators. And
12 we're just trying to get the facts and the evidence needed to --
13 just to see what happened and what we need to do to fix so it
14 doesn't -- this doesn't happen again. So let's start off. Tell
15 me about yourself, the director of risk safety.

16 A. Yes, sir.

17 Q. Director of safety and risk management. Pretty big title.
18 So tell me how you got there, how you started with them people,
19 how long you been there, and how did you get to where you're at.

20 A. Been with the company for 35 years.

21 Q. Wow.

22 A. Started kind of at the bottom. We were a little mom and pop
23 business. I say mom and pop. It's been one owner basically.
24 Handed off to his son. Just rose through the ranks. We started a
25 safety program. Kind of rose through the ranks. And we got two

1 divisions. We got a site division and a railroad maintenance
2 division which this is here. And kind of just grew into that. So
3 I've been with them for 35 years.

4 Q. Thirty-five years. Started from the ground up with them
5 guys.

6 A. Yes, sir.

7 Q. And you was working on them bridges from labor on up as a
8 foreman, all that stuff.

9 A. So I started -- we have a survey division. So I started the
10 survey. So like I say, we have a site division and a railroad
11 division.

12 Q. I got you.

13 A. I didn't ever work in the railroad division.

14 Q. Okay.

15 A. Yeah.

16 Q. But that 35 years, that's --

17 A. Yes, sir. Yes, sir.

18 Q. You've seen a lot of stuff out there.

19 A. A lot of stuff. Yes, sir.

20 Q. That's awesome. So tell me your everyday job. When you go
21 to work at WT Byler and you know you got -- how many crews does WT
22 Byler have working at any one time?

23 A. Throughout the whole company, site, and everything?

24 Q. Yes.

25 A. Probably --

1 Q. Doing this type of bridge work.

2 A. Doing this type of bridge work?

3 Q. Yeah.

4 A. Oh. So this -- maybe three or four. I don't know. I don't
5 -- I would have to -- I mean, we probably got 650 employees. But
6 again, the bulk of our business is the site prep side of our
7 business.

8 Q. So the site prep stuff.

9 A. So that -- yes, sir. That would be -- the site prep would be
10 -- you'd be doing -- we'd work into a petrochemical plants. You
11 know, everything from building Walmarts, HEBs, type -- you know,
12 prepping the site for that. Then, again, we have this railroad
13 maintenance that we've -- that really the company was founded on.
14 But the other part just grew so much larger. And we have these
15 contracts with the railroad. These railroad maintenance -- and we
16 do do -- we do also do new construction railroad also.

17 Q. So this is normal WT Byler business to come in and --

18 A. Yes, sir.

19 Q. Win a bid on a bridge and go in there and totally 100 percent
20 replacement, 100 percent tie replacement. That's normal --

21 A. So -- and I don't know exactly on this, but I'm assuming it's
22 not a bid. This is a contract. Which is -- I assume is a two to
23 three-year contract. So there's other contractors. There's an
24 order, I guess, how they do it. Who they choose what contractor
25 they get. So there's three or four contractors in the area that

1 has a certain division. And we're one of them. Now, that's the
2 best of my knowledge on this one.

3 Q. Tell me the everyday duties of the director of safety and
4 risk management for WT Byler.

5 A. Well, got to kind of look over all the safety course -- all
6 the safety plans from the site side, any -- I got people working
7 under me, for new hires. They go through our training there, our
8 onboarding process, physicals, drug testing.

9 There's everything from unemployment. You know, it's all
10 part of -- under my umbrella. HR is under my umbrella. Safety
11 being just anything -- I mean, anything to do with safety, I mean,
12 for the most part. So --

13 Q. So if Troy Lloyd would want to go to work for WT Byler --

14 A. Yes, sir.

15 Q. And I come in, do my interview, pass my interview. Then they
16 say, you know, I get that handshake, welcome aboard. I'm going to
17 be working in the railroad division. I'm sure I can apply for
18 various, whatever --

19 A. Yes, sir.

20 Q. I want to be in the railroad division. I want to work on
21 bridges. Talk to me about my onboarding process. What do I do,
22 training, all that stuff, before I step foot and work on a bridge?

23 A. So I assume -- I don't know where you're hired at. If you're
24 hired here or in Houston. Houston you would go through an
25 orientation, our WT Byler orientation. You would go through an

1 on-track safety class. You would go through the ERail system
2 which is a full day. All this is a full day. So that would be
3 your onboarding. Of course you would -- prior to all that, you
4 would have gone and taken a physical and a drug test, background
5 checks would have been involved. Then we'd have to -- we'd place
6 you knowing what your knowledge is or what have you.

7 Q. So I come in, get hired as a laborer, I go through the
8 orientation, the drug test, the physical. Everything comes back
9 clean.

10 A. Yes, sir.

11 Q. What specific training do I have -- do I have to have before
12 I go to do bridge work? Because I know I got federal regs I got
13 to worry about, you know, 214 fall protection. I need to know
14 bridge worker safety railway protection, all that.

15 A. So the on-track safety is going to cover the -- if he's on a
16 bridge, we would go through a fall protection. That would be a
17 third party. We'd do a third party fall protection. We don't do
18 the fall protection in house. It's third party. Now, again, I
19 don't necessarily set that class up. I'm not exactly in the
20 middle of every -- when they're hired, I don't know who is even
21 being hired. I don't know. I got people that's running them
22 through these classes. And we're just -- I'm just in the
23 monitoring system.

24 But if there is a class -- I mean, we may set up a third
25 party -- if there's -- you know, you'd like to do multiple people

1 at one time if there's a fall protection class. We know we got a
2 bridge assignment coming up, we would have a class for them. So
3 yes, sir.

4 Q. Would WT Byler put a new hire out working on -- working in a
5 bridge gang without the fall protection?

6 A. I would hope not.

7 Q. Buddy is utilizing without an RWP class. Buddy is getting a
8 briefing from a foreman and he's hearing working limits and train
9 clearing and I don't even know what --

10 A. I would hope not.

11 Q. -- we're talking about but I'm up here listening to this guy
12 telling me, hey, you know, clear up.

13 A. Should not be. No, sir. I would hope not.

14 Q. Who would be that guy that would look at that and go, hey,
15 this is happening, this has to stop? Would that be you?

16 A. So if it was brought to my attention -- so again, I don't
17 know everybody's hire. So and again, I don't know if we're
18 talking here or we're talking San Antonio. So I don't have as
19 much access to things here because they're here and it's a
20 satellite office. We have people in place here when they're -- I
21 don't even -- I wouldn't even know if somebody is being hired
22 here.

23 Q. I understand. Yeah.

24 A. So but if there's somebody in Houston, absolutely, we -- if
25 somebody -- we have a vice president of operations. We would get

1 together. Hey, we're getting ready -- we got these guys going
2 out. We got to do a class.

3 Q. Got you.

4 A. They should not be going out the door without the class.

5 Q. Now, who helps you out? So 650 people, you got to be
6 overwhelmed. So now, do you have -- you got -- and WT Byler
7 stretches from where to where? They got all of Texas?

8 A. Yeah, we're Texas. We get a little bit of Louisiana. I
9 mean, I don't -- I don't know what our exact contracts for the
10 railroad maintenance is. I know we're --

11 Q. But various locations, I'm sure they're --

12 A. So we got contracts in Houston and we got contracts here. So
13 we got the same type of work in Houston in railroad maintenance.
14 Again, I want to make sure we divide -- there's a site preparation
15 division which is probably 90 to 96 percent of our business.

16 Q. Yep.

17 A. Then we got this railroad maintenance.

18 Q. Got you. So who helps you out -- 650 people. So who helps
19 the director out that says, listen, railroad division safety
20 manager, you --

21 A. Yeah, so we got --

22 Q. -- got new hires coming in, let's make sure -- so who do you
23 have --

24 A. Yes. So we got a manager in Houston and we got -- and then
25 Mr. Kim (ph.), we got the managers here that will -- that they're

1 bringing people in and hiring them. We have a gentleman in our
2 office in Houston that does all my training when it comes to
3 railroad. He's trained. He does all the UP. He does all -- he's
4 trained to do KCS's training. So that's how it's done there.

5 Then what we do is we have -- twice a year -- so we do it
6 every six months. And I know it's -- renew every year. But twice
7 a year, we do an on-track safety. We bring all our guys in. We
8 -- so we got a training room in our office. So we did one in
9 April here. We did our last class in April here. We did a class
10 in April in Houston. We usually do it twice a year but with COVID
11 this past year, we only -- we settled down to once a year. So we
12 will -- everybody will come into that class and they'll go through
13 the on-track safety again.

14 Q. So you --

15 A. But usually they'll do it twice.

16 Q. So you guys, WT Byler, provides an on-track safety class --

17 A. Correct. And we have a PowerPoint I'll be more than happy to
18 share with you guys. I'm assuming you all would want to see it.

19 Q. I would love -- I mean, if you want to provide that to the
20 group, that's great. Now, do you know if that program has been
21 vetted through the FRA and come back --

22 A. FRA --

23 Q. -- and said, yep, approved process.

24 A. FRA has come through our system and came to our office and
25 looked it over. Yes, sir.

1 Q. So it is an approved --

2 A. I know they have approved our drug and -- you know, approved
3 the FRA drug and alcohol policy. And I would say that was
4 probably -- and I don't know if they -- I mean, he just said -- he
5 came to our office and looked at it and said, he felt good with it
6 and left. I don't know if he did a checkmark or what have you. I
7 don't know. I don't know if there's --

8 Q. No. So and you would do -- or someone would do, within the
9 WT Byler organization, that on-track safety class --

10 A. Correct.

11 Q. -- to the people.

12 A. Correct.

13 Q. So it's not a third party like your --

14 A. No, we --

15 Q. -- fall protection.

16 A. We do that. Now -- yes, sir. Now, if -- yeah, and -- now,
17 if we had done KCS, there for a while we were doing third party.
18 But we do -- we have our own training. They allow us to have our
19 own trainer.

20 MR. LLOYD: I'm good for right now.

21 BY MR. MOLGREN:

22 Q. Yeah. Andrew Molgren. So Geoff, you had mentioned earlier
23 that you would know if employees had training in Houston since
24 that's where you're based out of. But you alluded to the fact
25 that, you know, like say here in San Antonio, a satellite office,

1 you might not have your finger on it quite as much. And maybe not
2 understand what specific training certain employees might have
3 here in a satellite office as opposed to Houston where your office
4 is directly.

5 A. Yes, sir.

6 Q. Correct?

7 A. So they're going through the same training. So again, we do
8 the training twice a year here also just to make sure we haven't
9 missed anybody or anybody that needs to be caught up. So we do --
10 the same thing we do in Houston, we do it here. And --

11 Q. That's the Roadway Worker Protection training?

12 A. Yes, sir. The on-track -- yes, sir. Yes, sir.

13 Q. So if you do it twice a year -- and you said it -- did it in
14 April was the last class?

15 A. Yes, sir. Of this year. Yes, sir.

16 Q. So if an employee hired on, let's just say, a month after the
17 training was provided in April -- let's say an employee was hired
18 in May at some point. And they weren't going to be able to get
19 that training for another six months, twelve months, whatever,
20 what would that employee be expected to do at that point? Like,
21 would he be sent out to the field to work on track?

22 A. No. So let me try to explain myself. So we do the training
23 two times a year just to keep the training going. Okay. So
24 whether they've -- whether they hired yesterday and they were
25 trained yesterday and then we had a class tomorrow, they would

1 still go through the training again.

2 If they go through -- so we have that training -- if a new
3 hire comes in, before he goes on railroad property, before he goes
4 and does anything, he would go through the training. So --

5 Q. In house?

6 A. In house. I want to make that clear that he would go through
7 -- he should be going through the training. So everybody that is
8 new hired in Houston, let's say, whether you're going to go work
9 at a Walmart and build a building pad, you mostly likely have gone
10 through that training just in case there's a derailment.

11 Sometimes we got to pull the site people over if there's a
12 derailment or there's -- whatever. There's a flood or there's
13 some type of something that they got to get on the railroad
14 property or get near.

15 We try to run everybody through it. Because at the end of
16 the day, they're all operators for the most part. But to answer
17 your question, Andrew, everybody -- every new hire should go
18 through the training as they come through. Does that answer your
19 -- I don't know if that answers your question.

20 Q. It does. I have a follow-up question. Ultimately, within WT
21 Byler, whose responsibility would it be to ensure that said
22 employee in San Antonio had that particular training before being
23 assigned a position to go work, you know, on a UP project out on a
24 bridge doing whatever track work you may be doing? Who within
25 Byler would be responsible to make the call and say, yes, this

1 employee has received the proper training and he's cleared to go
2 out and be a roadway worker for Union Pacific?

3 A. So we got multiple managers here. We got one manager that's
4 over the whole deal. So -- Mr. Campbell that was here. So he --
5 I guess at the end of the day -- I don't -- but there's
6 supervision in that office over here. So any of them would be the
7 -- I don't know if Mr. Campbell even knows who is being hired.
8 Because he's not even part of that. He's probably not even the
9 guy -- I know he's not hiring them.

10 I know he's not the one interviewing them. I would have to
11 -- I don't know because we got two or three superintendents over
12 here that would be the final say of going and putting them through
13 the orientation.

14 Q. So is there any kind of process that you guys have internally
15 to ensure that an employee has had that proper training? Because
16 it just -- it sounds --

17 A. I agree.

18 Q. -- like there would be potential for some employees to kind
19 of fall through the cracks if --

20 A. Absolutely.

21 Q. Just -- I don't know if you guys have internal controls is
22 what I'm asking.

23 A. So I'm getting in this investigation just like you guys are.
24 So I'm finding some -- a deficiency there, too. I mean, about as
25 much as I can say on the matter, on that part of it. That I am

1 kind of going through our investigation, looking at things, too,
2 and kind of hearing what you're saying.

3 Q. Okay. I've got some follow-up questions that are -- continue
4 along the lines of training but really geared more towards the
5 machine operators.

6 A. Yes, sir.

7 Q. So can you walk me through -- when you hire a machine
8 operator, what's the process for -- you know, what kind of
9 training do they get, number one? And number two, who within
10 Byler signs off, you know, evaluates the employee, and determines,
11 yes, this employee is qualified to run this particular machine;
12 he's been through this training and we observed him operating the
13 machine and I'm supervisor, Bill, or whoever, and I'm signing off
14 here that I've observed him running this piece of equipment. He's
15 been through the training. He's showed me he's proficient. Can
16 you just walk me through the process, what you guys -- what Byler
17 does to qualify machine operators.

18 A. So I guess when you're an operator, you're kind of a close-
19 knit family. You've gone through (indiscernible) you know that
20 guy has probably come from another company. That's a competitor
21 or whatever. So that's number one. You know the guy can operate.
22 You kind of -- he's got keys. You know, if you walk into my
23 office and say, hey, I want to hire on as an operator and I ask
24 you, okay, what kind of track hoe is that over there and you say
25 it's, I don't know, CAT. But what size? You don't know. Let me

1 see your keys. You don't have no keys. Every operator basically
2 has their own key. So that's the starting step one.

3 So we'll look and -- he's got all the information. Then what
4 we'll do -- there is no certification on heavy equipment. There
5 is -- other than cranes and, I guess, forklifts, as far as I know.
6 There is no certification. So basically, what you're doing is
7 you're looking at the operator. And you're looking at him saying,
8 hey, can he operate. So each operator -- they -- we give them a
9 card.

10 And it's got everything -- again, you got to remember, we
11 have a site department. But it's got anything from dozers,
12 bulldozers on it, to a water truck, to an excavator, to a loader.
13 It's all -- a roller. It's all on this. And then, whoever is his
14 supervision or supervisor, will qualify him as being competent on
15 that piece of equipment.

16 Q. So his immediate supervisor is the one that makes the
17 determination.

18 A. Correct, correct. But again, if a guy is coming in, you've
19 done some research. You know, again, there is absolutely -- as
20 far as I know, no -- and then sometimes you may just put them out
21 somewhere for a little just to make sure he can run what he says
22 he can do. I mean, you would never put a guy up on a bridge doing
23 what Jose was doing on day one that you really didn't have any --
24 know if he had any experience or not.

25 We, actually, in our Houston office have a -- we've -- I

1 don't know what you want to -- we manufactured a piece of rail. I
2 don't know how long it is. But it's kind of -- it's to show the
3 operator, hey, if he can take out ties and how to get on and off
4 the track, things like that. So we actually have that at our
5 office.

6 Q. In -- that's in Houston?

7 A. Yes, sir. Yes, sir.

8 Q. Do you know if that's in place at any of your other satellite
9 offices?

10 A. This would be the only other satellite office and no, I don't
11 believe so. No, sir.

12 Q. Moving on, I've got some additional questions. I appreciate
13 you answering up to this point.

14 A. Yes, sir.

15 Q. I'm just curious what oversight Byler has in place currently
16 to ensure that Byler employees are compliant with your own
17 internal safety rules.

18 A. Yes, sir.

19 Q. Then as well as the railroad safety rules and operating
20 rules.

21 A. So again, we have safety people. They're in Houston area.
22 You met our regional manager. He's not really in the railroad end
23 of it. But we have a consultant. He's a third party that worked
24 for Union Pacific for 40 years, I believe, or 35 years. He is our
25 -- he's our safety rep for our railroad. He goes --

1 BY MR. LLOYD:

2 Q. And who is that?

3 A. His name is Billy Sosa.

4 Q. And he's a safety rep?

5 A. He -- well, he's our consultant for safety. Yes. He goes
6 out there and he checks -- he'll go to -- now, again, he's a
7 consultant. He works --

8 Q. So he works -- a consultant for you. He's not a WT Byler --

9 A. He's not a WT Byler employee.

10 Q. So he helps you with safety. Oaky.

11 A. He works about every two -- every other week. And there's
12 times when he'll go multiple weeks in a row. But he's out on the
13 projects. He's talking to the guys. He's interacting with them.
14 He's checking credentials. He's checking machines. He does an
15 inspection. He does the daily -- he'll send a daily into us and
16 say what he saw or -- good or bad, whatever, the dailies. What
17 needs to be repaired, fixed, what have you.

18 Then we will -- if it's something that ain't like earth
19 shattering that needs to be fixed right then, if it could be --
20 you know, it could just be a beacon light that needs to be
21 replaced or whatever. We'll get to it when we can. But if
22 there's something serious, we stop that, stop it.

23 So he interviews the employees. If a train is coming through
24 their zone or whatever, he'll stop them and have a meeting with
25 them. Take the time to have a meeting with them. A lot of times

1 -- I'm not saying he's at every one, but a lot of times he'll be
2 at our on-track safety meetings when we have them that -- I know
3 you told you twice a year. Here and Houston.

4 BY MR. MOLGREN:

5 Q. So how often would you say he's on property typically to --
6 just in a given month? How many times is he employed to be out in
7 the field?

8 A. Well, he works about two -- I would say about three weeks a
9 year. I mean, three weeks a month.

10 Q. Three weeks a month?

11 A. Yeah, yes, sir.

12 Q. Does he --

13 A. That's not -- but that's all -- that's the whole region.
14 That's from Houston to here. Louisiana.

15 Q. That's all divisions. That's --

16 A. No. Not site division. He's strictly railroad.

17 Q. Oh, he's strictly railroad.

18 MR. LLOYD: He's strictly railroad.

19 A. Strictly railroad. Yes, sir.

20 Q. Thank you.

21 A. Now, again, we got new construction railroad so there is --
22 we're building -- we are doing some sidings. And you're building
23 some new -- so it's new construction. So he would -- there were
24 some on-track safety issues there at times that he will be -- get
25 involved with. So but he is strictly our railroad for railroad.

1 Q. Does he provide you guys with any kind of formal reports on
2 his --

3 A. He does.

4 Q. -- findings throughout the day?

5 A. Yes, sir. He'll send us inspections. He does inspections.
6 Everything from -- you know, you got your PPE until you've got
7 cell phone. I caught this guy with a cell phone and I caught --
8 you know, this guy was doing this or whatever. Then he does a
9 daily report. Yes, sir.

10 Q. So I understand you have a third party that you employed to
11 help do some of the oversight. Anything within WT Byler that the
12 supervisors are required to do in terms of auditing employees for
13 safety -- rules, compliance, whether it's safety rules, operating
14 rules, whether it's your own rules, or the railroad rules? Is
15 there any formal process for the supervisors to observe the Byler
16 employees and see if they're compliant with the rules and --

17 A. No, not a formal -- no, sir.

18 Q. Do you know what your supervisors are currently doing
19 informally to ensure compliance within Byler?

20 A. Well, I assume we're -- before we send them out to a project,
21 are they qualified and are they -- I mean, if that's your
22 question, are they qualified or have they been trained. I mean,
23 yes. I know we do that before we send them out of Houston. I
24 mean, we want to make sure we know it's -- there's too many UP
25 guys out there. And you guys are out there.

1 We know -- I'm not going to say we've never been dinged. You
2 know, FRA has been out there. They looked at us. I mean, you
3 know, it is what -- you know. So they want to make sure they got
4 the (indiscernible) badges, make sure they got their on-track
5 safety card. And we give them a card with the on-track safety.

6 BY MR. MACK:

7 Q. Darius Mack. So as far as those eRail and on-track safety
8 cards, is that -- those records of those rail employees are
9 located here?

10 A. In Houston.

11 Q. They are in Houston (indiscernible).

12 A. Yeah. Sign-in sheet. The sign-in sheet for the meeting,
13 what have you, would be -- of course, they carry the card on them.
14 Yes, sir.

15 Q. So as far as -- I mean, from what you were describing, sounds
16 more -- sounds pretty much on the lines of operation testing plan.
17 Is that an actual program that you have where your consultant goes
18 out and checks for specific items or it's just basically oversight
19 of everything or anything that you could --

20 A. I'm sorry. I didn't hear the -- I didn't understand the
21 first part of the question.

22 Q. No. I'm just asking. It sounds like an operation testing
23 program is what you were kind of describing when you said you had
24 a consultant that's kind of doing oversight.

25 A. I don't know what you mean by operating testing.

1 Q. Okay, so --

2 A. I'm sorry.

3 Q. Basically what you described. Someone that is -- or a
4 supervisor or manager that's out looking at employees and
5 determining if they're working safe and if they're not, they are
6 -- you know, telling them, okay, we need to do this and provide
7 you a report like you said that you -- you know, he provides you
8 with a report saying that things are not right. And it kind of
9 allows you to be able to determine trends or notice --

10 A. Correct.

11 Q. -- this crew and this crew --

12 A. Correct.

13 Q. -- is not doing that or they didn't have the proper PPE or
14 whatever the issue was. So I just wondered if there was an actual
15 written program that that consultant goes by in order to look for
16 those items.

17 A. No, sir. No, sir.

18 MR. MACK: No?

19 BY MR. LUCERO:

20 Q. Lucero. What -- excuse me. What was Billy's last name
21 again?

22 A. S-o-s-a.

23 Q. Sosa.

24 A. And he actually goes by -- he goes by Billy but his first
25 name is Abel.

1 Q. Abel, okay. So your -- the eRail and your on-track safety is
2 coming out of Houston. So you actually send your person from
3 Houston, your training guy from Houston, down here?

4 A. It's not coming out of Houston. They have their own --
5 they're doing their own here. eRail does go back to Houston.
6 Yes. They do send everything to Houston for eRail so --

7 Q. No, no. The opposite. So you're sending your trainer. Your
8 trainer is based in Houston and he comes out here and gives --

9 A. No, sir.

10 Q. -- the class?

11 A. No, sir. The trainer we have in Houston only stays in
12 Houston. They're doing their own training here. That's where
13 we're sending the (indiscernible).

14 MR. LLOYD: Two separate trainers.

15 MR. POSPISIL: Correct. Two separate trainers.

16 MR. LLOYD: (Indiscernible).

17 MR. POSPISIL: And then when we do the massive, you know, the
18 class together, then we would have them come here.

19 MR. LUCERO: So who would be providing the training here?

20 MR. POSPISIL: I'm assuming Vincent Alcorta or -- yes. I'm
21 assuming Vincent Alcorta which is the assistant manager here.
22 He's sending them out. Yes.

23 MR. LLOYD: And he hasn't been involved in --

24 MR. POSPISIL: No, sir. No, sir.

25 MR. LUCERO: Vincent?

1 MR. POSPISIL: Alcorta.

2 MR. LLOYD: Is he located here?

3 MR. POSPISIL: I believe he's in -- yes, he's out of --
4 somewhere in San Antonio. Yes, sir.

5 BY MR. LUCERO:

6 Q. That's good. Is that an in-person learning? Is that an in-
7 class thing, CPT, you know, computer-based training?

8 A. In person.

9 Q. In person. All right. Face to face.

10 A. But we have started this PowerPoint so we're thinking about
11 making it computer based.

12 Q. Thank you. Fall protection is a third party. Do you know
13 when the last time the fall protection class was provided here in
14 San Antone?

15 A. San Antone -- I'm going to say within the last two months
16 maybe. We probably get five or six people. And guys, I'm just
17 guessing at that offhand.

18 MR. LUCERO: No, that's great. I think that's all I got.

19 BY MR. MOLGREN:

20 Q. Geoff, I just had a few last questions here. Does WT Byler
21 have specific rules regarding job briefings for their employees,
22 specifically in the railroad division?

23 A. Absolutely. Yes, sir.

24 Q. What's -- what are your guys' rule requirements?

1 A. Well, their rule is to have a job briefing every morning
2 before they go to work which is given by Union Pacific. We are
3 under the direction of Union Pacific. We cannot go to work
4 without them. We can't get on that track without them. They tell
5 us where to go. They tell us what to bring. They tell us what
6 employees to bring. We cannot do anything without their
7 permission. They are the one that gives the job briefing to us.

8 Q. Have you guys had issues or incidents in the past, problems
9 with the Union Pacific providing job briefings to the Byler
10 employees?

11 A. You know, I -- not recently. I mean, years ago maybe. I
12 mean, I'm talking years ago there's been an issue. But it is --
13 when we go through the FRA -- when we go through the on-track
14 safety class, the one thing we beat on them is the job briefing.
15 If there's one thing that's most important on your day, more
16 important than the work, it's the one thing that's going to save
17 your life, it's the one thing that's going to save your
18 pocketbook, it's the one thing that's going to get you through the
19 day. So we beat it -- I mean (indiscernible) on-track safety, it
20 is probably the biggest topic we talk about is the job briefing.
21 I don't know if I answered your question. I'm sorry.

22 Q. You did. I would ask a follow-up question, however. What
23 steps is the Byler management taking to ensure -- I mean, if
24 that's important, you know, and it's that critical, what steps is
25 Byler taking from a management perspective to ensure that the

1 employees in the field are in fact getting that job briefing and
2 having a good job briefing before they go to work?

3 A. I mean, your question is -- I mean, they've all -- they all
4 each got their own book. They got their own book, their job
5 briefing. But again, they know not to go to work unless they had
6 a job briefing. Whether the UP foreman says, look, guys, let's go
7 to work -- we tell them every time, I cannot go to work without a
8 job briefing. Whether it's one guy with that group or whether
9 it's ten guys with that worker.

10 If for some reason, you show up 10 minutes late and he's
11 already given job briefings, he may be pissed off and don't want
12 to give another job briefing. You know, some of these job
13 briefings can be anywhere from 10 minutes to 30 minutes or
14 whatever. He don't want to go back through it. We tell our -- so
15 they're going to be sent home. To -- we just -- they're basically
16 (indiscernible) workers out there.

17 You got to just -- they're under the direction, they're under
18 the protection of Union Pacific. I mean, I'm assuming if they're
19 protected, our guys are protected. They're doing -- they're going
20 through the exact same process as Union Pacific is. The exact
21 same process.

22 They're the one giving the job briefing. But on the other
23 hand, I tell our guys, if I walk up, you are to be able to give me
24 the exact same job briefing that he just did. They got them
25 written down in their -- we made it -- they all got -- we copied

1 Union Pacific's job briefing book. Our books look identical to --
2 other than our logo on it. It's got the exact same writing in it,
3 the exact same -- everything from mile posts or rule of the day to
4 whether you're under a form B, to whether your protection --
5 whatever you are. So --

6 Q. So on the day -- the morning of the accident here this last
7 Wednesday, there would have been three Byler employees out there,
8 two laborers and a machine operator, Mr. Vargas. Do you know what
9 kind of job briefing they were provided that morning?

10 A. I have no idea at this point. No, sir. Well, I say that. I
11 did glance at the two guys' books yesterday. Glanced at them.

12 Q. At the two laborers' books?

13 A. Yes, sir.

14 Q. What did you find?

15 A. I just glanced at it. I just wanted to know if we had them.
16 That's all I -- I haven't looked at it that hard.

17 MR. LLOYD: We do.

18 MR. POSPISIL: What's that?

19 MR. LUCERO: Do we have copies of theirs or do we only have
20 UP's?

21 MR. LLOYD: No.

22 MR. LUCERO: Do you think you could --

23 MR. LLOYD: (Indiscernible).

24 MR. LUCERO: -- provide us copies --

1 MR. POSPISIL: I tell you what, I had them in my hand and I
2 kept them for us because I thought that was going to be a question
3 for you guys that you all were going to interview them. So I
4 wanted to make sure they had it with them. So evidently, you all
5 didn't ask them for them, so they have them.

6 BY MR. MOLGREN:

7 Q. So you didn't have a conversation with either of the laborers
8 about what kind of job briefing they had that morning?

9 A. I have not. No, sir. Like I said, we been tied up with
10 this. I haven't even had a -- we -- I got -- nobody has talked to
11 them. But we just talked about the accident itself. We didn't
12 talk about the job briefing. Because at the time we were looking
13 at the incident, they were no where near the incident, they didn't
14 see anything. And that's what I was focusing on at that moment.

15 Now, eventually, we will get into more stuff on the incident.
16 But I've been here for three days or four days trying to help the
17 situation. So we're doing our internal investigation, too, just
18 like everybody else. So and I understand what you all are saying.
19 So we're seeing things, too.

20 Q. Yeah. No, I'm not saying anything, Geoff. I'm just --

21 A. I know. I know.

22 Q. -- asking questions.

23 A. I mean, I understand. And we're trying to get to the bottom,
24 too. But no, to answer your question, I have not looked at -- I
25 had not had the conversation with them. I didn't even know they

1 were even on site. I mean, because when I was -- I was actually
2 in Houston when the call -- I was in my office. And it was a one-
3 person event. And at the time I had been notified, I got on the
4 road immediately. Straight from the office to here. And got the
5 call in between that the fatality did occur. So by the time I got
6 here, the body was -- everything was being already removed
7 basically at that time.

8 MR. MOLGREN: Thanks, Geoff.

9 MR. POSPISIL: Yes, sir. Thank you, Andrew.

10 BY MR. LUCERO:

11 Q. The morning we were out in front of your office and it looked
12 like you guys were having a job briefing out there with your
13 employees. Is that a normal occurrence, is that a daily thing?
14 Do -- in other words, do the WT Byler guys show up here first
15 before they head out to the site?

16 A. Certain jobs do. I tell you what that was. We did have a
17 little meeting with everybody. But that was more of, hey, we're
18 family here. We had a fatality. Does anybody need to seek any
19 type of counseling. You know, the guy -- and I say the guy --
20 Mr. Vargas was out of Houston so a lot of them didn't know them.
21 A lot of -- this is all the people in San Antonio. He was
22 actually an operator out of Houston. I don't know if you all are
23 aware of that.

24 MR. LLOYD: Vargas was?

25 MR. POSPISIL: Yes, sir.

1 MR. LLOYD: Okay.

2 MR. POSPISIL: So he's out of Houston. So he's not even out
3 of this office. So -- but that's what you saw. We -- and that
4 does happen periodically. It's so hard to get everybody together
5 because --

6 MR. LUCERO: Different sites.

7 MR. POSPISIL: They may be in Laredo working with the
8 railroad. Or they may be in Del Rio. Or they could be, you know,
9 wherever. So you can't get -- we usually have our meetings --
10 when we have our meetings, they're usually on a Thursday evening.
11 That's why yesterday when you asked the question to come in. I
12 asked you what time because it's more convenient for when
13 everybody is coming in off of their trips and off of per diem and
14 everything else. So that's kind of why -- but anyway.

15 MR. LUCERO: I want to thank you for providing that to your
16 employees that --

17 MR. POSPISIL: Yes, sir.

18 MR. LUCERO: The mental health of your employees are very
19 important.

20 MR. POSPISIL: Yes, sir.

21 MR. LLOYD: Very important.

22 MR. LUCERO: So yeah, personally, I appreciate that.

23 MR. LLOYD: Very important.

24 BY MR. LUCERO:

1 Q. So -- okay, so they don't necessarily come in here. They
2 usually just go to their site. And go out there and go off of
3 whatever UP says.

4 A. Well, yeah. I mean, most of them -- I mean, the trucks are
5 parked there. We want our trucks back at the yard but they may be
6 leaving early enough that -- and I say they don't go directly onto
7 the site. I mean, a lot of them do. But you somehow got to come
8 through here first for the most part.

9 If you're picking up your -- you know, say you're on a
10 grapple truck or you're on -- you're in a dump truck or you got a
11 combo with the backhoe. They're just not all -- you know, a gang
12 may not be getting in Castroville until 10:00. So there's no use
13 sending my -- again, this is probably more for Mr. Campbell than
14 me because I don't know the day-to-day operations. So I may be
15 talking --

16 Q. Yeah. No, no, no.

17 A. -- out the side of my mouth here, but --

18 Q. I appreciate it. I just kind of want to know the --

19 A. Yes, sir.

20 Q. -- procedure. Talking about trucks. Was there a grapple
21 truck out there assigned that day?

22 A. I don't know.

23 Q. There was nothing out there?

1 A. I don't know. I wouldn't know that. I didn't see one at the
2 -- I didn't see one that evening and I didn't see one when we were
3 over at La Coste. So I did not see one.

4 BY MR. LLOYD:

5 Q. You wouldn't even get involved with --

6 A. I would not get involved.

7 Q. And you wouldn't even get involved with the operations,
8 what --

9 A. No, sir.

10 Q. -- equipment is out there or anything.

11 A. No, sir.

12 Q. You're safety, safety only.

13 A. Yes, sir.

14 Q. Risk management, things of that.

15 A. Yes, sir. Yes, sir.

16 Q. If they were using grapple trucks --

17 A. Risk management.

18 Q. -- and -- right.

19 A. When something like this happens, insurance. Involved with
20 all the insurance.

21 Q. Understood. Right.

22 A. The family. Getting the drug testing completed.

23 Q. Right, right.

24 A. Yes, yes. But I would not have -- I mean, Mr. Campbell.

25 Q. I do got a question for you.

1 A. Yes.

2 Q. I hate to be the -- burden of bad news.

3 A. Yes, sir.

4 Q. Not -- I don't want to say bad news but -- would it surprise
5 you if there were employees out there working on the tracks with
6 no fall protection training, with no roadway worker protection
7 training, things of that nature from WT Byler?

8 A. It would surprise me. It would surprise.

9 Q. Not surprised or it is?

10 A. It is surprising. It would surprise me that -- now, I don't
11 know the --

12 Q. And that's why I asked about your --

13 A. I don't know --

14 Q. -- new hire orientation.

15 A. I don't know necessarily if there's rails up, do you have to
16 -- was there -- was UP -- I mean, was their fall protection need
17 to be -- I don't know exactly. I don't know if there's -- on
18 something like that. I do know -- and I guess you're telling me
19 these guys are new hires, I guess. I haven't even got that far
20 into my stuff to even know. Because I pretty much know everybody
21 down here at least. I do know the employees for the most part.

22 Q. And that's why I asked you about --

23 A. Yes, sir.

24 Q. -- the new hire orientation. If Troy Lloyd would get hired,
25 what does he got to go through because --

1 A. Yes, sir.

2 Q. You know, we're seeing -- I know you're investigating this
3 accident --

4 A. Yes, sir.

5 Q. And we're all going to learn -- you're going to learn things.
6 You know, you'll see pieces here and you'll see a piece there.
7 And you're going to piece them together. But I'm just saying, you
8 know, does it surprise you that --

9 A. It would surprise me.

10 Q. -- there would be employees out there working --

11 A. I can tell you it is our policy not to send anybody out on
12 the rail without on-track safety. I mean, it is our policy. Now,
13 does it happen?

14 Q. Got you. Yeah.

15 A. Your --

16 Q. Wanted to bring it up.

17 A. Yes, sir.

18 Q. Yep. That's -- you know.

19 A. Again, like I said, I will be here next week and we're going
20 to --

21 Q. Understood.

22 A. -- run some -- once we get finished our end of this.

23 Q. Geoff, and this kind of information that you hear through
24 interviews and what we're doing with the interview is only going

1 to -- it makes you guys better. Now you know something that's --
2 hey, I need to get over --

3 A. Yeah. Well, this is --

4 Q. -- here and start -- you know what I'm saying?

5 A. (Indiscernible). There's a fatality here. And you take it
6 personal.

7 Q. You do. And you got to learn from it.

8 A. And it wears on you. You say it's on your watch or not your
9 watch, and like I said, I'm not here to put blame on anybody. I
10 mean, it is a bad situation that we're in. And --

11 Q. Of course.

12 A. But anyway.

13 MR. LLOYD: But I don't have anything.

14 MR. MOLGREN: I'm good.

15 MR. LLOYD: You good? Geoff, I appreciate you being here.

16 MR. POSPISIL: Thank you, guys. I appreciate it.

17 MR. LLOYD: You know, it's -- I'm saying, I apologize for
18 some of the questions but --

19 MR. POSPISIL: No, no, no.

20 MR. LLOYD: -- that's just how I'm getting --

21 MR. POSPISIL: Yes, sir. We're here to help, guys.

22 MR. LLOYD: Absolutely. And --

23 MR. POSPISIL: I want everybody to understand we're here to
24 help.

25 MR. LLOYD: Yep, yep.

1 MR. POSPISIL: I will say this, I told the laborers going
2 there yesterday, I told them, you know, whatever you do, do not
3 lie. If you don't have the -- if the answer is something no,
4 whatever, don't fabricate something. I want --

5 MR. LLOYD: Yeah. And some of the questions we ask are
6 directly to --

7 MR. POSPISIL: Yeah.

8 MR. LLOYD: -- the way particular people do business, you
9 know, did you know this was going on out there without your
10 knowledge.

11 MR. POSPISIL: Right. But I --

12 MR. LLOYD: Now you know what to look into and stuff.

13 MR. POSPISIL: But -- and I know I'm probably going down a
14 road I shouldn't be going down. But again, I don't know if
15 protection was a cause of -- I don't think we think this is a
16 cause of the --

17 MR. LLOYD: Oh, no, no, no.

18 MR. MOLGREN: (Indiscernible).

19 MR. POSPISIL: I know there's some deeper issues here.

20 MR. LLOYD: No. Oh, absolutely. Yeah, yes.

21 MR. POSPISIL: But --

22 MR. LLOYD: I mean, the way I look at it just digging in that
23 deep --

24 MR. POSPISIL: Yes, sir.

25 MR. LLOYD: -- (indiscernible) stuff. I'm looking at what --

1 MR. POSPISIL: I understand.

2 MR. LLOYD: -- could happen next without them --

3 MR. POSPISIL: Yes, sir.

4 MR. LLOYD: You know sending people up there without the fall
5 protection stuff or put on (indiscernible) harness or using the
6 fall protection without that OSHA-required training. You know,
7 and that's --

8 MR. POSPISIL: I'm (indiscernible).

9 MR. LLOYD: -- preventing that next thing from --

10 MR. POSPISIL: I'm with you.

11 MR. LLOYD: -- happening. But I'm -- gentlemen, I'm good.

12 MR. MOLGREN: All right. Yep, good.

13 MR. LLOYD: Geoff, I appreciate you being here. I really do.

14 MR. POSPISIL: Thank you, guys. Yeah. I appreciate you
15 guys.

16 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

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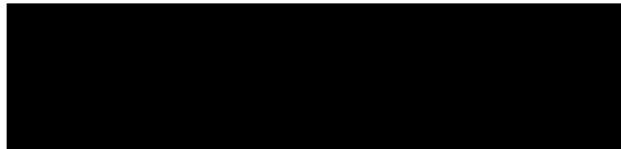
IN THE MATTER OF: UNION PACIFIC EMPLOYEE
 FATALITY IN SAN ANTONIO, TEXAS
 ON SEPTEMBER 22, 2021
 Interview of Geoff Pospisil

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