

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: ANGEL VASQUEZ, Laborer

WT Byler

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

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I N T E R V I E W

1  
2 MR. LLOYD: Okay. We are on the record, again. Interviewing  
3 a Mr. Angel --

4 MR. VASQUEZ: Provasquez (ph.).

5 MR. LLOYD: Sevasquez (ph.)?

6 MR. VASQUEZ: Yes, sir.

7 MR. LLOYD: Who is a Laborer for WT Byler, and you spell  
8 Angel's last name is V-a-s-q-u-e-z, for the record. Okay. I'm  
9 going to go through a little formal process here, little reading  
10 here, and then we're going to go into the questions. Okay?

11 My name is Troy Lloyd. I'm with the National Transportation  
12 Safety Board. Today is September 24th, 2021, and we are  
13 conducting an interview with Angel Vasquez, who is a laborer for  
14 WT Byler. We are interviewing Angel who works for WT Byler  
15 railroad contractor.

16 This interview is in connection with an accident that  
17 occurred on September 22nd, 2021, where a WT Byler Equipment  
18 Operator was fatally injured when he was transporting a load of  
19 steel walking plates with a tie crane. The steel walking plates  
20 were being removed from an open deck bridge for the process of  
21 changing out the bridge ties. The accident occurred in  
22 Castroville, Texas on UP's Del Rio subdivision.

23 We are located today at 1711 Quintana Road, San Antonio,  
24 Texas at the UP office. The NTSB accident referent -- reference  
25 number is RRD21LR016. The purpose of this investigation is to

1 increase safety, not to assign blame, fault, or liability. Okay?

2 NTSB cannot offer any guarantee of confidentiality or  
3 immunity from legal or certificate actions. A transcript or, a  
4 transcript or summary of the interview will go into the public  
5 docket. You will also receive a copy of that so you can review it  
6 for accuracy.

7 The train -- the interview will have one representative of  
8 his choice. You -- do you want anybody to come in here and sit  
9 with you while we're interviewing? One of your work colleagues,  
10 or are you okay by yourself or --

11 MR. VASQUEZ: (No audible response).

12 MR. LLOYD: You okay by yourself?

13 MR. VASQUEZ: Yes, sir.

14 MR. LLOYD: Okay. Before we start the interview, we're going  
15 to go around the room. Make sure you speak clearly. We'll start  
16 out with the first name. Please spell your last. When we ask  
17 questions, say your name so we can get it on the record correctly.

18 So I'll start off with myself. My name is Troy Lloyd. The  
19 spelling of my lastname is L-l-o-y-d. I'm with the National  
20 Transportation Safety Board, and I'm the Investigator in charge of  
21 this accident.

22 MR. MOLGREN: Andrew Molgren, M-o-l-g-r-e-n, with the Federal  
23 Railroad Administration. I'm a Safety Inspector based out of San  
24 Antonio, Texas District 5.

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

1 Administration. Track Specialist, District 5.

2 MR. LUCERO: David Lucero, L-u-c-e-r-o. Hazardous Material  
3 Division, Accident Investigation Chief.

4 MR. LLOYD: Say your first name, spell your last name.

5 MR. VASQUEZ: Angel Vasquez, V-a-s-q-u-e-z. Labor Hand for  
6 WT Byler.

7 MR. LLOYD: Excellent. Thanks for letting us interview you  
8 today. Angel, we're just going to get into a couple questions.  
9 So let's start off.

10 INTERVIEW OF ANGEL VASQUEZ

11 BY MR. LLOYD:

12 Q. Tell me how long you've been a laborer with WT Byler  
13 division?

14 A. Today is my fifth day.

15 Q. Five years?

16 A. No.

17 Q. Or fifth day?

18 A. Fifth day.

19 Q. Wow. Five days. Five days with WT Byler. Any other railroad  
20 experience prior to that? None?

21 A. (No audible response).

22 Q. How did you find out about this job?

23 A. My friend told me about it.

24 Q. Okay. Good for you. You like it?

25 A. (Indiscernible).

1 Q. Good, good. So in five days, it's -- I'm sure you had -- you  
2 have -- you got a lot to go, it's -- but tell me -- we'll get  
3 right in -- tell me, the day of the accident that occurred, tell  
4 me what you were tasked with. What was your daily duties for that  
5 day?

6 A. Take off the screws from the walkway. If they wouldn't come  
7 out, just leave them there, and then take off the cable because  
8 there is a cable kind of like a hand rope. There are cables, take  
9 those off as well.

10 Q. Okay. So your duties that day was to -- you were going to  
11 untie the steel walkways --

12 A. Yes, sir.

13 Q. -- unlag (ph.) them, get them loose to where they can be  
14 removed --

15 A. Yes, sir.

16 Q. -- from the bridge. That was -- so who was you working  
17 with when you were doing that?

18 A. It was me and Brandon.

19 Q. You and Brandon?

20 A. Yes, sir, and that -- there was DJ (ph.).

21 Q. Yep. So I know he's been -- Brandon's been here three  
22 months. You've been here five days. So was you pretty much  
23 following his lead on how to do things, or were you pretty much  
24 picking it up pretty easy or --

25 A. Yes, it's pretty much -- pretty easy.

1 Q. Okay.

2 A. But I was asking questions (indiscernible).

3 Q. Pretty much common sense work? Okay.

4 A. Yes, sir.

5 Q. How did -- how was you and Brandon working that day? Pretty  
6 good? Talking amongst one another?

7 A. Yes, sir.

8 Q. Tell me how your day started that day. Tell me Angel's day;  
9 what takes place from getting up in the morning, what do you do?  
10 Do you go to breakfast? Where do you meet for your job sites?  
11 Get into all that stuff until you meet in the morning below that  
12 bridge. Tell me everything.

13 A. Wake up, brush my teeth, finding fuel -- stuff for fuel, go  
14 to Brandon's house, and from Brandon's house, we would go to the  
15 spot we'd meet -- where we were working at.

16 Q. Okay. So you arrive at the job site, right?

17 A. Yes, sir.

18 Q. So who all was there?

19 A. Me and Brandon, and the four UP guys.

20 Q. And four UP guys? Do you remember who they were?

21 A. Seth -- there was five -- Travis, DJ, Scott, Diablo. Or  
22 Rudy, we call him Diablo but his name's Rudy.

23 Q. So what was the UP's jobs? Were they working separate from  
24 you guys?

25 A. No, we were all working together.



1 Q. So what were they doing while you're unscrewing these --

2 A. One guy was helping me. Diablo was sort of watching us and  
3 Seth as well.

4 Q. So are they -- were they topside when you guys -- were they  
5 up on the track with you when you guys were working, these UP  
6 guys?

7 A. Yes, sir.

8 Q. So they were up on the track with you?

9 A. Except for Seth was down there going through paperwork.

10 Q. So you and Brandon are going through removing these screw  
11 lags, picking up these steel walking plates. Who was up there  
12 with you guys watching you guys do this?

13 A. DJ was -- we'd alternate because I had an impact grid onto me  
14 taking them out. And then Diablo was watching us as we were doing  
15 it.

16 Q. Okay. What -- he more of overseeing you -- like, your -- I  
17 guess, overseeing your safety?

18 A. And looking at what you were doing; yes, sir.

19 Q. So that morning you got there -- we'll get into the safety  
20 aspect, did anybody talk to you about what you were going to be  
21 doing that day?

22 A. Yes, sir.

23 Q. Tell me who did that?

24 A. Seth.

25 Q. So Seth talked to you about your safety duties, so he gave

1 you your tracked (ph.) out service limits, you know what that  
2 means? So when he says, okay, you've got -- you walk up top to do  
3 your work, I got a brick wall here, and I got a brick wall here;  
4 trains can't come in here. So it's called exclusive, obvious,  
5 it's boundaries. They talk to you about that?

6 A. Yes, sir.

7 Q. Track's out of service from point A to point B, right?

8 A. Yes, sir.

9 Q. So did anybody give you, like, any type of formal job safety  
10 briefings, talked to you about your safety, you know, your slip,  
11 trips, falls, watch what you're doing?

12 A. Yes, sir.

13 Q. Well, good. Very good. What type of protections did you use  
14 up on that bridge?

15 A. The -- a harness. I guess they call them sliders, which they  
16 tie up to the sliders.

17 Q. Yep. So you had a rail clamp, and you had a class three  
18 harness that you'd tied into with a carabiner, right?

19 A. Yes, sir.

20 Q. And I know with five days being on the job -- what kind of  
21 training did you go through to to learn how to use all that stuff?  
22 They're hard to learn.

23 A. None, really. I was just -- I mean, I've used them plenty of  
24 times --

25 Q. Oh, you've used them before?

1 A. Yes, sir. (Indiscernible).

2 Q. I gotcha.

3 A. We go up (indiscernible).

4 Q. So did WT Byler division, did they put you any -- through any  
5 type of -- any kind of safety training before you started working  
6 with them on this day?

7 A. No, sir.

8 Q. Like how to protect yourself on the tracks, how to walk on  
9 the tracks, roadway worker protection rules; what does that stuff  
10 mean, that stuff's telling you track's out of service -- have you  
11 been through any kind of training?

12 A. Just a little bit, not much.

13 Q. And what about using a harness and the rail size, did you  
14 have any formal training with that through --

15 A. No, sir.

16 Q. So how did you feel about the job safety briefing, talking  
17 about your work details and all that stuff that Seth gave?

18 A. I was pretty comfortable -- I mean, what not and what to do  
19 and what to do.

20 Q. So you understood everything he was asking you and all that  
21 stuff?

22 A. Yes, sir.

23 Q. Did you feel it was a pretty good job safety briefing? He  
24 told you everything you needed to do to be safe?

25 A. Yes, sir.

1 Q. Okay. All right, very good.

2 MR. LLOYD: What do you got, Andrew?

3 MR. MOLGREN: Andrew Molgren. Angel, I'd like to hear a  
4 little bit more about that job briefing.

5 BY. MR. MOLGREN:

6 Q. Who all was present during that job briefing that morning?

7 A. Me, Brandon, Seth, Scott, DJ, and Diablo -- Travis.

8 Q. I'm sorry, I'm a little bit behind you writing this down. It  
9 was you, Brandon --

10 A. Diablo.

11 Q. That's?

12 MR. LLOYD: Rudy.

13 MR. MOLGREN: Rudy.

14 MR. VASQUEZ: Scott, Travis, DJ, and Seth.

15 BY MR. MOLGREN:

16 Q. So that sounds like almost everybody that was on the site was  
17 there for that job briefing?

18 A. Yes, sir.

19 Q. Okay. Where was the briefing -- where did it take place?

20 A. Like right -- because the bridge is like that -- kind of  
21 like, far back where we park our vehicles by the port-a-potties.

22 Q. Okay. And who led that job briefing?

23 A. Seth.

24 Q. What all was discussed in the briefing that morning?

25 A. Just the safety, to be careful, and it -- turn -- make sure

1 you turn off on the road -- on the railroad whenever you take off  
2 the handrails, just to be safe.

3 Q. So you talked about the -- your fall protection while you  
4 were on the bridge?

5 A. Yes, sir.

6 Q. Okay. What else?

7 A. Just to get off whenever -- because I know they let some  
8 trains pass by -- to get off of the bridge when they pass by.

9 Q. So getting clear when they ran trains?

10 A. Yes, sir.

11 Q. Okay. Was there anything else that was discussed during that  
12 job briefing?

13 A. (No audible response.)

14 Q. No?

15 A. Not that I can remember right now.

16 Q. Okay. How participative would you say that job briefing was?  
17 Was there any questions from you or any of the other employees who  
18 were present at the briefing?

19 A. No, sir.

20 Q. So nobody asked any questions?

21 A. No, sir.

22 Q. Okay. And Seth, he was the one that gave the job briefing;  
23 is that correct?

24 A. Yes, sir.

25 Q. How long would you say the job briefing lasted from the time

1 it started until it stopped and -- your best guess?

2 A. Like, 10, 15 minutes.

3 Q. I noticed when you listed who all was present for the job  
4 briefing that you didn't list Mr. Vargas (ph.). Do you know where  
5 he was during the job briefing?

6 A. No, sir.

7 Q. Did you see him that morning when you showed up to the job  
8 site?

9 A. No, sir.

10 Q. What time did you guys show up to the job site that day?

11 A. Like 7:15-ish.

12 Q. And what time did the job briefing take place?

13 A. Somewhere after eight-ish.

14 Q. So -- but you didn't see Mr. Vargas at any point from when  
15 you showed up at 7:15 until the briefing at eight o'clock; is that  
16 correct?

17 A. Yes, sir.

18 (Pause)

19 Q. And do you recall when you first saw Mr. Vargas that day?

20 A. When he was coming -- when they were coming up to get those  
21 gratings -- or whatever you all call them.

22 Q. Wasn't that towards the end of the day, or -- what -- I guess  
23 what time of day was that?

24 A. Towards the end.

25 Q. So you didn't see Mr. Vargas from seven o'clock -- 7:15 in

1 the morning until the afternoon that day?

2 A. Yes, sir.

3 (Pause)

4 Q. And you mentioned earlier you were working on the bridge --  
5 on top of the bridge?

6 A. Yes, sir.

7 Q. Throughout the day?

8 A. Yes, sir.

9 Q. Okay.

10 (Pause)

11 Q. So how did you become aware that some -- a serious incident  
12 had taken place that afternoon?

13 A. Oh, when Brandon came back to the truck and told me.

14 Q. And what did he tell you?

15 A. That 911 was on -- in route.

16 Q. Did he say why?

17 A. Yes.

18 MR. MOLGREN: Okay. That's all the questions that I have.  
19 Troy?

20 MR. LLOYD: What do you got, Darrius?

21 MR. MACK: Probably -- Darrius Mack. Just a few follow-ups  
22 to what he was talking about.

23 BY MR. MACK:

24 Q. So as far as the job safety briefing, do you know what type  
25 of protection you guys are -- were using at the time?

- 1 A. What do you mean? Like, on the -- for the railroad?
- 2 Q. Yeah.
- 3 A. Just a harness and the --
- 4 Q. No, no. I mean, like, on track protection. Like, what  
5 protection were you using to -- what authority were you using to  
6 be on the track, I guess?
- 7 A. Oh, Form B.
- 8 Q. You were using Form B? Okay. And as far as the -- I guess,  
9 you just started Monday, correct?
- 10 A. Yes, sir. I was only the track for two days.
- 11 Q. So I mean, it's a short amount of time, but it -- was there  
12 anything different that day as far as the type of equipment that  
13 was used? Was it the same that it had been the day before?
- 14 A. From what I had seen, it was the same.
- 15 Q. Same, same equipment? So the briefing covered using a Form  
16 B, and you said safety things, but was there anything in  
17 particular as far as the safety? Did they -- you know, as far as  
18 finish points, or did they talk about slip, trips and falls?
- 19 A. Well they talked about on the stairways, to be careful going  
20 up and down them.
- 21 Q. Okay.
- 22 A. And to make sure we tied off.
- 23 Q. Okay.
- 24 A. Whenever.
- 25 Q. They had you tie off whenever you removed cable?



1 A. Yes, sir.

2 Q. What about when you pulled the lags up?

3 A. Oh, we had a -- yes, sir. We had that out there as well.

4 Q. You had the -- out there, stay -- okay.

5 MR. MACK: That's all I got. You got anything?

6 MR. LLOYD: Good? The only I got -- just -- I just want to  
7 verify and let me go down through the list here, Angel. We've got  
8 your contact information. You're a laborer for WB Tyler [sic],  
9 five days with your company.

10 Now, I thought you said you was with -- did he say with track  
11 or no? He didn't say any -- this -- you've only worked --

12 MR. VASQUEZ: Oh, no, I said that I only worked on the track  
13 two days.

14 MR. MACK: Yeah.

15 MR. LLOYD: Okay. Two days. Gotcha, gotcha.

16 MR. VASQUEZ: (Indiscernible).

17 MR. LLOYD: Okay, okay.

18 MR. VASQUEZ: And Monday was --

19 MR. LLOYD: Yeah. So you guys did your job safety briefings.  
20 You said there was five days -- five guys on site when you did  
21 your job safety briefing?

22 MR. MACK: Seven.

23 MR. LLOYD: Or seven?

24 MR. VASQUEZ: Yeah, I forgot Travis in there.

25 MR. LLOYD: Yeah, so how many is that?

1 MR. VASQUEZ: One, two, three -- seven.

2 MR. MACK: Seven.

3 MR. LLOYD: Seven?

4 UNIDENTIFIED SPEAKER: Seven including him.

5 MR. LLOYD: Seven including him?

6 UNIDENTIFIED SPEAKER: Um-hmm.

7 MR. LLOYD: Gotcha. Seven of them, yeah.

8 BY MR. LLOYD:

9 Q. Really no formal -- the -- Darrius asked you a question about  
10 on track protection and you said -- you answered -- you knew you  
11 were under Form B. No formal RWP training, roadway worker  
12 protection has been provided to you from -- for -- from WT Byler?

13 Like, a training session would teach you the railroad terms,  
14 what a Form B means, what it does, what working limits are, have  
15 you had any kind of training like that? Okay. So, no formal  
16 training.

17 So you said UP Seth was the person who gave you the briefing  
18 around eight o'clock in the morning. All personnel was on site,  
19 there was seven of you, and how did you feel about that? Do you  
20 feel that was a pretty -- did you feel it was a -- felt it was a  
21 quality --

22 A. Yes, sir.

23 Q. -- job safety briefing? He told you everything you needed to  
24 know to perform your work safely?

25 A. Yes, sir.

1 Q. Okay. And you said job -- Seth led the job safety briefing.  
2 Nobody had any questions or concerns once he gave that briefing.  
3 You said it lasted about 10 or 15 minutes, correct?

4 A. Yes, sir.

5 Q. All right. You said Mr. Vargas, who the operator was that  
6 day, was not in attendance at that briefing. You did not see him  
7 at that briefing, correct?

8 A. Yes, sir.

9 Q. Okay. Did you ever see or talk to Mr. Vargas that day, or  
10 you didn't see him until --

11 A. Until the end of the day when he --

12 Q. Did you ever see him track trailing back and forth and  
13 grabbing stuff and going back and grabbing stuff? Did you witness  
14 how he might have been using his equipment? Because when you guys  
15 unbolted these steel planks -- we'll call them planks -- did you  
16 all leave them in place, and he had to reach over and grab them  
17 and pick them up? Then he had to go on this side because there  
18 was two spans.

19 A. Yes, sir.

20 Q. So he would pick these up and go. Then he'd pick these up  
21 and go, so he was using that machine. You guys wasn't helping him  
22 load or chain them up, he was by himself doing this as a lone  
23 person. Correct?

24 A. Yes, sir.

25 Q. You guys had no process in that work process whatsoever.

- 1 A. No, sir.
- 2 Q. Okay. Did you witness him pick these things up? Did you see  
3 how he was grabbing them? Could you tell us how he was doing  
4 that?
- 5 A. I was --
- 6 Q. Couldn't see that?
- 7 A. (Indiscernible) picking up over here.
- 8 Q. Okay. But you did see him up there working?
- 9 A. Yes, sir.
- 10 Q. And nobody else was up on the track when he was --
- 11 A. No, no sir --
- 12 Q. -- doing that? You guys were down the bottom?
- 13 A. Yes, sir.
- 14 Q. And you said you got to the job site between 7:15, 7:30. You  
15 did not see or speak with the operator that day at all, correct?
- 16 A. I'd seen him (indiscernible).
- 17 Q. You saw him --
- 18 A. Yes, sir.
- 19 Q. And -- but didn't speak to him, didn't work with him,  
20 anything like that, right?
- 21 A. (No audible response.)
- 22 Q. Okay. And I think Andrew asked you when the accident  
23 occurred, you wasn't even aware that it -- you wasn't even aware  
24 that happened. Where were you at when the accident happened?
- 25 A. We were going to move to the other spot because there was

1 another spot that they were going to.

2 Q. Maybe down by the Conex Box?

3 A. Yes, sir.

4 Q. Or something? Okay, so you're going down to where he was

5 staging that material.

6 A. Yes, sir.

7 Q. So that's -- you all were moving when this accident --

8 A. Yes, sir.

9 Q. -- happened, so you wasn't even aware --

10 A. No, sir.

11 Q. -- until you heard someone saying they were calling 911 or

12 something, correct?

13 A. Yes.

14 Q. And you stated that you did understand that you were under

15 Form D [sic] protection?

16 MR. MACK: Form B.

17 MR. LLOYD: Well, let me ask you, what's a form D?

18 MR. MACK: Bravo, B.

19 UNIDENTIFIED SPEAKER: Bravo.

20 UNIDENTIFIED SPEAKER: It's "B".

21 MR. LLOYD: Form B? Okay. Form B as in Bravo.

22 BY MR. LLOYD:

23 Q. I don't know what a Form B is. What is it?

24 A. I don't know either. I just (indiscernible) it's like a --

25 the safety --

1 Q. Okay. So you can't explain to me what a form -- you got --  
2 because I'm asking you what a Form B is. What does it do?

3 A. Just tells us, like, our safety --

4 Q. So it's safety. Does it -- I mean, like -- I don't know.  
5 Does Form B -- got to do with, like, PPE and all that?

6 A. I'm not sure.

7 Q. You don't -- I -- yeah. Okay.

8 MR. LLOYD: All right. Well, that's all I have. Anything,  
9 Darrius?

10 MR. MACK: I don't have anything else.

11 MR. LLOYD: Angel, let me ask you a question. I know you've  
12 only five days. I like leaving out of an investigation with a  
13 positive note. If you could turn back the hands of time and go  
14 back and do something differently or what -- how do you think we  
15 -- this job could have done -- how do you think this job could  
16 have been done better, safely -- or safer-wise?

17 MR. VASQUEZ: Yeah, I really don't know. I don't how they do  
18 things. I'm new to this.

19 MR. LLOYD: Okay. That's fine. I see you -- you're five  
20 days, but I just, -- you know, sometimes the newer are ones that  
21 come up with those newer thoughts. You know? But -- that's all I  
22 have, going around the horn. We good?

23 UNIDENTIFIED SPEAKER: Good.

24 UNIDENTIFIED SPEAKER: Good.

25 MR. LLOYD: All right. We are off the record.

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(Whereupon, the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

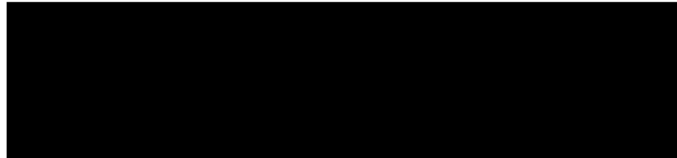
IN THE MATTER OF:            UNION PACIFIC EMPLOYEE  
   FATALITY IN SAN ANTONIO, TEXAS  
   ON SEPTEMBER 22, 2021  
   Interview of Angel Vasquez

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.



Kali Haney  
Transcriber