

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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TRAIN CRASH IN CROZIER CANYON *

NEAR KINGMAN, ARIZONA * Accident No.: RRD18FR009

JUNE 5, 2018 *

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Interview of: NICHOLAS TOWER

Holiday Inn Express
Kingman, Arizona

Thursday,
June 7, 2018

APPEARANCES:

TOMAS TORRES, Rail Accident Investigator
National Transportation Safety Board

TROY LLOYD, Rail Accident Investigator
National Transportation Safety Board

JIM McVICKER, Track Inspector
Region 7
Federal Railroad Administration

DAVID CARR, Operations Safety Inspector
Federal Railroad Administration

JOHN REMINGTON, Superintendent Operating Practices,
Southwest Division
BNSF Railway

AARON RATLEDGE, General Director, Operating Practices
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SCOTT JONES
National Safety Team
International Association of Sheet Metal, Air, Rail and
Transportation Workers (SMART)

RONALD SPRAGUE
Safety Task Force
Brotherhood of Locomotive Engineers and Trainmen (BLET)

MICHAEL MIRANDA
(On behalf of Mr. Tower)

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I N T E R V I E W

1
2 MR. TORRES: Okay, this is a NTSB interview informal
3 interview. My name is Tomas Torres, T-O-M-A-S, T-O-R-R-E-S.
4 Today's date is June 7th, 2018. We're at the Holiday Inn Express
5 in Kingsman, Arizona. We're interviewing the engineer in
6 connection with an accident that occurred at Crozier Canyon,
7 Arizona, on the date of June the 5th , 2018. The NTSB accident
8 number is RRD18FR009.

9 The purpose of the investigation is to increase safety, not
10 to assign fault, blame or liability. NTSB cannot offer any
11 guaranty of confidentiality or immunity from legal or certificate
12 actions. A transcript or summary of the interview will go in the
13 public docket.

14 The interviewee can have one representative of the
15 interviewee's choice. And you have one.

16 Do you understand that this interview is being recorded?

17 MR. TOWER: Yes.

18 MR. TORRES: Please state your name and spell it.

19 MS. TOWER: Nicholas, N-I-C-H-O-L-A-S, Tower, T-O-W-E-R.

20 MR. TORRES: And your representative?

21 MR. MIRANDA: Michael R. Miranda, M-I-R-A-N-D-A.

22 MR TORRES: Last name?

23 MR. MIRANDA: Michael Miranda, M-I-R-A-N-D-A.

24 MR. TORRES: Oh, I'm sorry. Troy?

25 MR. LLOYD: My name is Troy Lloyd. Last name is L-L-O-Y-D,

1 with the NTSB.

2 MR. SPRAGUE: Ronald Sprague, with Brotherhood of Locomotive
3 engineers to Trains, Safety Task Force.

4 MR. CARR: David Carr, with the FRA, Operating Practices,
5 Region 7.

6 MR. McVICKER: Jim McVicker, Region 7, Track, FRA.

7 MR. REMINGTON: John Remington, Superintendent of Operating
8 Practices, Southwest Division, BNSF Railway.

9 MR. RATLEDGE: Aaron Ratledge, R-A-T-L-E-D-G-E, General
10 Director, Operating Practices and Rules, BNSF Railway.

11 MR. JONES: Scott Jones. SMART Union Transportation
12 Division, National Safety Team.

13 INTERVIEW OF NICHOLAS TOWER

14 BY MR. TORRES:

15 Q. Okay. Tomas Torres, with the NTSB. Do you go by Nicholas?
16 Nick?

17 A. Nick's fine.

18 Q. Nick, okay Nick. On the day of the incident, can you please
19 tell us what time you went on duty, and what -- you know.

20 A. 9:16. We were called to dog catch. Went on duty at 9:16
21 Mountain Time, out of Needles. And --

22 Q. Just tell us what happened during the course of the day.

23 A. Okay. So made it to the depot. Briefed with my conductor
24 and got paperwork to go relieve the first train and we were
25 instructed to get in the van and go to Franconia, road crossing on

1 East Franconia. So we drove out there and waited approximately 10
2 or 15 minutes. The train came in and we climbed on. It was a
3 stack train and we brought it in to Needles and we doubled it
4 over. So we put it into Track 3, into Track 4, tied it down, and
5 we went in. We made a phone call. Called the dispatcher to see
6 where else we were going to go, and he instructed to go to Peach
7 Springs and get another stack train, the one that we were on.

8 And so we drove out there and we waited roughly, I don't know
9 -- I don't know time-wise, but it came. It didn't -- we weren't
10 out there very long when the stack train came in. And we climbed
11 on. We had a clear block and we toned-up the dispatcher,
12 initialized the PTC, and we took off, and let him know that we
13 were on. And the dispatcher had asked us, which one were we,
14 because I guess there was multiple out. So we, you know, we told
15 him who we were, what train we were on, and went on signal
16 indication until we stopped at -- I don't know what the signal is
17 right there, but it's the entrance into Crozier Canyon. So --

18 Q. On your -- did you have paperwork? Was there anything on
19 your paperwork, speed restrictions or anything like that?

20 A. There was, on our DTBs there were speed restrictions for
21 different locations. I don't know what. I can't remember off the
22 top of my head where they were, but I know there was only a few
23 that were going to affect us, but they were west of Valentine, as
24 far as I can remember.

25 Q. Um-hum. So you say you stopped there at the signal there to

1 the entrance at Crozier Canyon?

2 A. Um-hum.

3 Q. Can you describe what signal Indication you got before you
4 came to a stop?

5 A. Before we came to the stop, we had a flashing yellow, to a
6 yellow, to a red, and we stopped at that intermediate block
7 signal.

8 Q. And the flashing yellow requires you to do what?

9 A. Reduce your speed, not passing the -- prepare to pass the
10 next signal. Not exceeding 40 miles an hour.

11 Q. And the yellow?

12 A. Yellow is proceed, prepare to stop. Actually now, it's
13 proceed, prepare to pass the next signal at restricted speed.

14 Q. So that when you came to a stop -- why did you stop at the
15 intermediate signal?

16 A. At the entrance? Because Crozier Canyon's almost 3 miles
17 long with blind curves, and we -- I briefed with my conductor. I
18 said do you want to flag this signal? And he said no, let's just
19 wait to see if we get a better signal. So we stopped and we
20 waited.

21 Q. Okay. So how long were you there?

22 A. About an hour.

23 Q. An hour. And then, what took place after that, after the 1
24 hour?

25 A. We were just waiting, and two westbound trains went by us on

1 main track 2. And that's what peaked us to something must be up.
2 You know, what's -- so I asked him, do you want to -- well, we
3 talked, do you want to creep down? He said yeah, let's go down,
4 let's see. Because I've had it to where, you know, signals have
5 just been red and then there's been nothing. So --

6 Q. Did you guys make an attempt to communicate with anybody?
7 train dispatcher?

8 A. We did not.

9 Q. And the reason for it?

10 A. We knew that there was a work train out ahead of us. But I
11 can only speak for myself, what I heard was them talking to the
12 dispatcher about clearing up at Hackberry. So in my mind they
13 were much farther down the hill. So we knew there could be, you
14 know, they could -- they're there, there could be trains, but for
15 them to run two around us, it didn't really make sense to why it
16 would run -- why would they run trains behind us, you know,
17 across, so, you know, so we just decided to go down.

18 Q. And Hackberry, is that a siding? Or what is --

19 A. It's a stage, there's a stage -- there's a siding on the
20 north side.

21 Q. So is that siding beyond the next signal, intermediate
22 signal? Or is it --

23 A. It's -- miles wise?

24 Q. No, no, but is it between signals? Or is it beyond the next
25 signal? You stopped at Crozier, right?

1 A. Yeah.

2 Q. So that siding, where's it at? I mean, where --

3 A. It's west of Valentine.

4 Q. And where would the next signal be?

5 A. Valentine.

6 Q. So it'd be west --

7 A. West.

8 Q. -- of that. And, you thought that he was already there or --

9 A. I thought they were down in that location.

10 Q. So once you departed Crozier Canyon, explain to us, you know,
11 how you were navigating through it.

12 A. Just proceeding at restricted speed, looking out. Coming
13 around the curves I would just reduce the speed, and when I could
14 see, I just kind of just carried momentum, you know, through. And
15 when we came around, we were, I want to say maybe roughly halfway
16 through, and we came -- encounter with the rail train.

17 Q. Do you recall what kind of braking and speeds that you were
18 operating?

19 A. When -- what I can recall off my head, I was probably 14
20 miles an hour. I wasn't in full dynos because of the speed. I
21 wasn't -- I was just cruise, you know, just -- I don't know what
22 the word I'm looking for, but I didn't have it buried. I wasn't
23 -- just maintaining speed, just looking out and was doing about
24 14, I felt as if it was a safe speed to navigate through there. I
25 felt comfortable with the movement of the train.

1 Q. And the visibility, I mean, like sight distance, you know,
2 what it's like, what is it like?

3 A. At that spot was -- we were coming around the curve and it's
4 -- I mean it wasn't foggy or anything like that. That's what
5 you're asking for?

6 Q. Well, I'm talking about sight distance, like how far distance
7 -- how far can you see, you know, to see another object on the
8 track, like how far? Is there any obstructions?

9 A. There wasn't an obstruction, no. I mean, there wasn't --
10 other than the trees off to the right. There was, I mean, there
11 was -- as soon as we saw it, I mean, there was nothing in plain
12 view of the track that was obstructing me. That's what you're
13 asking me?

14 Q. Yeah, well, anything like rock formations --

15 A. Yeah.

16 Q. -- like you say, trees? That's what I'm asking you.

17 A. Yeah. Wasn't like a severe blind curve, no. But I still
18 felt comfortable coming around that curve, you know.

19 Q. Okay. So you're going down there, so all the way up to the
20 incident -- can you describe, you know, all the way up to the
21 incident?

22 A. We were -- we weren't talking much, just looking out, just
23 going around the curves. There was no radio communication. And
24 when we saw the train shoving, I don't know if anything was said,
25 but I just know I plugged it and kind of just braced. I know he

1 called out emergency and we just -- it was kind of more of a
2 disbelief that they were on our track shoving back, because we
3 didn't even know that they were out there.

4 Q. So he had already assumed that they were at Hackberry or --

5 A. Yeah.

6 Q. So how long have you been operating on this area?

7 A. I've been out here since 2012.

8 Q. So you're pretty familiar with it, I mean --

9 A. Correct.

10 Q. So when they have work trains out there, I mean, how do they
11 usually operate their work trains? When they got on the track, do
12 they usually -- is it standard to have work trains out there
13 without a Form B or some kind of track and time?

14 A. The ones that I've had, that I've been on that I could speak
15 from myself, I know we -- I can't recall if we've had -- we
16 wouldn't have Form B protection; I can say that. But I can't
17 recall if we've had track and time, but --

18 Q. Recently, has there been a lot of work out there, you know, a
19 lot of work trains?

20 A. I don't know. I haven't been called on it. I don't know how
21 many.

22 Q. No, no, not you, but say you're on a freight train, have you
23 encountered work trains out there?

24 A. No, I haven't personally.

25 Q. So there would be like -- when's the last time saw a work

1 train out there that you were following or had to wait on?

2 A. It would have been on -- 2 days ago.

3 Q. And before that you don't know?

4 A. Probably the one that I worked a few years ago.

5 MR. TORRES: Okay. At this time, I'll pass it to Troy.

6 BY MR. LLOYD:

7 Q. Hi, I'm Troy Lloyd, L-L-O-Y-D, with the NTSB. I just got a
8 couple questions following up from Mr. Torres. So you're coming
9 out through the area and you come to this intermediate stop
10 signal, right? What's the procedures once you get to that stop
11 signal? What's the engineer going to -- what's the authority?
12 What's the rules that you have to do to pass that signal?

13 A. Now we can just pass it. There's no -- it's not a stop and
14 proceed indication anymore. It's a proceed at restricted speed.
15 I don't have to -- we don't --

16 Q. You don't have to call a dispatcher saying --

17 A. No.

18 Q. -- that a stop signal's displayed and (indiscernible) ---

19 A. It's considered a proceed indication.

20 Q. Okay. So it's proceed at restricted speed on a signal
21 indication. So no contact with the train dispatcher has to be --

22 A. Correct.

23 Q. -- before you move. When was the last time -- what was the
24 most recent trip down through this -- I'm going to call this the
25 Canyon Line. What was your most recent trip down through there?

1 How often do you traverse that?

2 A. I had, prior -- I just worked that prior. I don't know the
3 date, but I was off for quite some time before the trip. So prior
4 to going to work on Tuesday, I believe that's when we run this
5 train, 2 days prior to that I worked on that subdivision.

6 Q. Okay. Was the work train out there working?

7 A. Not when we went through.

8 Q. Not on your last run, work train wasn't there? Did you
9 notice what you -- once you come to the stop that you waited for
10 an hour before you proceed west, did you notice any type of radio
11 chatter out there between maybe the train dispatcher and the work
12 train that was --

13 A. No.

14 Q. -- west of your intermediate? So no radio chatter that
15 you've heard?

16 A. Not while we were, not while we were stopped. No, we didn't
17 hear them talking while we were stopped.

18 Q. Now I -- you did sit there and say that you knew that this
19 work train was out there.

20 A. Prior, as we were coming down to stopping, that's when we
21 heard them; that's when I heard them talking. I heard the
22 conductor, the brakeman, whoever; I don't know who it was that was
23 talking on the radio to the dispatcher about clearing up at
24 Hackberry.

25 Q. So you heard the work train prior to you getting that

1 (indiscernible) --

2 A. Prior to stopping.

3 Q. -- you heard this work train talking to the train dispatcher
4 it was in front of you?

5 A. Um-hum.

6 Q. Did you know that they were still in front of you when you
7 and your conductor proceeded west --

8 A. No, because they didn't -- we never heard anything after
9 that.

10 Q. So you had -- so you were stopped on main line track 1 at
11 this intermediate signal and you had trains run around you on main
12 line 2, correct?

13 A. Correct.

14 Q. Did that put up any type of flags that, I mean, they're
15 running trains around me for some reason, you know, there could be
16 something out there? Did that put up any type of flags? I mean,
17 you had to run around me, so main line track 2 must be -- it's
18 clear --

19 A. It's clear.

20 Q. -- to run around me, that maybe this stop signal is there
21 because of something else?

22 A. I mean, did it -- it was just -- it threw up a "Man, why are
23 we stopped here?" maybe. But we just briefed, and we thought,
24 let's -- let's go down to see what's going on. I mean, the work
25 train didn't pop into my mind that they were there, no.

1 Q. Did the train dispatcher warn you, once you were stopped and
2 waited (indiscernible), did the train dispatcher come back in and
3 say, hey, you've been setting here for an hour --

4 A. No.

5 Q. -- you know, be aware that that work train is still within
6 that --

7 A. No, sir.

8 Q. -- between the two control points?

9 A. No.

10 Q. The train dispatcher never came back and told you that?

11 A. No.

12 Q. Did you guys just confirm -- did you guys tell the train
13 dispatcher that you were stopped at that intermediate signal? Did
14 you --

15 A. No.

16 Q. So you did not.

17 MR. LLOYD: That's all I have, Mr. Torres.

18 BY MR. SPRAGUE:

19 Q. Ron Sprague with the BLET Safety Task Force. Just a few
20 questions. Were your dynamics working properly?

21 A. Yes.

22 Q. Okay. Train air brakes working property?

23 A. Yes.

24 Q, When you stopped at the intermediate signal, did you have to
25 make any kind of acknowledgements with the PTC screen?

1 A. No.

2 Q. And you could operate by the signal because you were
3 operating at a restricted speed under the PTC setup, and there was
4 no warning to you that there were men or equipment in the next
5 block?

6 A. Correct.

7 Q. Okay. You had stated earlier you thought that the work train
8 was west of Valentine from the clear-out. Was there another
9 freight train ahead of you, prior to that?

10 A. From when we looked, prior to leaving, did we notice quite a
11 bit of trains. We knew that there was Z-trains out there and we
12 had passed some Z-trains as we were driving up. We thought maybe
13 there was another freight train the Z-train got around, you know,
14 because they run those train around other ones. But we thought
15 maybe there was just one in front of us that might have been, you
16 know, stacked up a couple coming into East Valentine. That was
17 out thought, maybe it was just backed up a little bit.

18 Q. And the next control point was at East Valentine?

19 A. That's correct.

20 Q. Would that have been your next signal after the stop and
21 proceed signal you went by?

22 A. No. There would have been another intermediate signal
23 exiting Crozier Canyon.

24 MR. SPRAGUE: Okay. I don't have any more questions right
25 now.

1 BY MR. CARR:

2 Q. All right. Dave Carr, with the FRA. You know, thanks for
3 being here Nick. It's a tough situation to be in. I just kind of
4 want to go back to the time where you guys are stopped at the red
5 signal. You stated you guys were stopped there for approximately
6 an hour.

7 A. Yeah.

8 Q. Can you tell me what you guys were doing during that hour
9 time frame discussions, or --

10 A. We did -- we talked prior to leaving. I mean, we talked --
11 or I asked him, do you want to flag this signal? He said no, and
12 we came to a stop. And that was, we kind of just stopped talking
13 and I did -- I pulled out my phone and I was on mine. I made some
14 texts, a phone call. But other than that, we were just sitting
15 there. I don't know what he was doing. I wasn't -- honestly, I
16 wasn't paying attention to him.

17 When the first one went by, we had talked and said, oh, they
18 ran a dog around us. And then, kind of we just sat there. And
19 then, they ran a vehicle train around us. And that's when we
20 said, do you want to flag and creep down? He said yeah. So put
21 our stuff away and we went on our way.

22 Q. Well, you mentioned that you were on your phone. Did you
23 guys suspend operations at that point or did you have a briefing,
24 or --

25 A. We just -- the briefing that we had was that we weren't going

1 to take the signal, we weren't going to flag it. We weren't going
2 to -- we were stopped. We were just going to wait.

3 Q. And then, I guess, that kind of brings us to you guys
4 entering the block. I just want to kind of get an idea, you guys
5 saw these trains going around you and that kind of prompted you
6 to, hey, let's take the signal; is that correct?

7 A. Um-hum.

8 Q. And creep down, creep down the hill?

9 A. Yeah.

10 Q. You stated I believe that you were doing about 14 mph, when,
11 you know, you got up to speed going through the canyon.

12 A. Um-hum.

13 Q. Now, with the -- how often do you run -- like how many trains
14 have you run through that territory in like, let's say, the last 6
15 months? Just a, maybe on a monthly basis or weekly basis, how
16 often do you traverse the territory?

17 A. Quite a few. I'm comfortable with it.

18 Q. So are you comfortable?

19 A. Yes.

20 Q. That's kind of -- I'm trying to, you know, get a sense of the
21 crew and you guys.

22 A. Um-hum.

23 Q. With this train -- you guys were on the stack train, from the
24 information we got from BNSF, I think, what was it, 7500 tons,
25 6500-foot train. To safely bring the train to a stop, how much

1 distance would you say it would take to bring your train to a
2 stop?

3 A. I don't know. I don't -- couldn't give you a number. I
4 don't know. I guess I don't ever think about -- I judge it based
5 off of, you know, the conditions. Those spots right there, I
6 mean, aren't typically spots where we normally stop, you know. So
7 as far as footage-wise through there, I don't -- I mean, I
8 couldn't give you an exact number, or a distance or a car count.
9 I don't know.

10 Q. Yeah. I'm just trying to get a sense of --

11 A. I guess I could, all I could say is the train felt
12 comfortable, dynos felt strong at that speed, and I didn't have
13 any problems with the air brakes.

14 Q. Okay. So the crew is moving at restricted speed when you
15 passed the intermediate correct?

16 A. Correct.

17 Q. Can you tell me what restricted speed means to you?

18 A. Means to me is looking out for anything on the tracks and
19 also stopping within half the range of your vision.

20 Q. Half the range of your vision.

21 A. Yeah. I wish I could recite it to you, but I don't -- I
22 couldn't recite it word for word.

23 Q. Yeah. No, I just want to get a sense of the feeling of, you
24 know, where you guys --

25 A. It's just being alert and, you know, (indiscernible).

1 Q. So the crew, you guys make this decision to creep into the
2 block not sure what to expect. So there was no discussion to call
3 the dispatcher and ask the dispatcher what might be going on?

4 A. There wasn't at the time, no.

5 Q. And, you stated you were aware there was a work train out
6 there but in your mind you -- or you said you thought the train
7 was west of Valentine.

8 A. That's correct.

9 MR. CARR: No further questions at this time. Thanks.

10 BY MR. RATLEDGE:

11 Q. Aaron Ratledge, BNSF. Nick, again, I know under the
12 circumstances, we appreciate you being here. As engineers, I
13 think this is the last thing we want to occur so, I really
14 appreciate it. Mr. Carr asked you a lot of questions about what
15 was going on in the cab when you guys were stopped. It was about
16 an hour --

17 A. About an hour.

18 Q. -- I think that's what you said. You guys suspended the
19 operations, you pulled your phone out, sent a couple text, maybe a
20 phone call. Was the conductor doing the same, or --

21 A. Honestly, I wasn't looking over at him.

22 Q. Okay.

23 A. I know he was reclining in his seat, but that's about it.

24 Q. Okay.

25 A. And we know wasn't typical, it just kind of when we're

1 stopped, you know, you just kind of hang out and like down-time,
2 so --

3 Q. So if you don't mind, take us through the moments when you
4 noticed that there was the work equipment or the work train in
5 front of you. Kind of take us through what was going through your
6 head.

7 A. Disbelief.

8 Q. Okay.

9 A. Shock. Kind of like this isn't really happening.

10 Q. Was it at that point that was shock that they were coming at
11 you or that there was something actually --

12 A. Both.

13 Q. -- in the block with you?

14 A. Both. Yeah, because we knew -- it's just you, I don't know,
15 your mind's racing, and as soon as I saw it come around, it was --
16 I mean, everything was within half-seconds, and just no way, and
17 just plugged it. At least that's what it felt like. It was -- I
18 saw it and I plugged it. And just in hopes that it was going to
19 stop.

20 Q. Was there a moment for you to kind of ask yourself, is he
21 really on my track?

22 A. All in that time, yes. Yeah.

23 Q. When you are operating in restricted speed, are you always
24 looking out for something in front of you, whether it be moving
25 your direction or stopped?

1 A. Yeah.

2 Q. Was that that was a possibility, as you were referring to
3 there, that's what you were referring to?

4 A. Um-hum.

5 Q. So what is -- just kind of explain to us what's your
6 perception of restricted speed means to you? I know you defined
7 the rule, you said it -- you couldn't quote it verbatim, but
8 that's fine.

9 A. It's just -- well, yeah, it's just looking out, you know,
10 looking out for anything in the tracks. And looking out for, you
11 know -- me, what I think of is looking for a ETD flashing or a DP
12 motor headlight. I would say men and equipment, but, for the most
13 part, we know that men and equipment are out there. I've never
14 had an instance where I didn't know that there was work in front
15 of us. This is a first.

16 Q. Okay. So it's traveling, and I don't want to put words in
17 your mouth, so just tell me if I'm off here, but it's traveling at
18 a speed that allows you to stop within half the range of your
19 vision --

20 A. Correct.

21 Q. -- short of what was on the track.

22 So it's the last question. Kind of take us through what time
23 you saw the equipment -- you told us you plugged it. You put the
24 train in emergency. Take us through the moments that lead up to
25 the actual impact and your actions after that.

1 A. That lead up to the impact?

2 Q. Yeah.

3 A. Seen the individual in the truck and hoping that he was going
4 to jump out. Just bracing for it. I didn't think about jumping.
5 In my mind, I didn't think about it. It just seemed -- it was
6 like slow motion in fast forward, as that distance closed
7 extremely fast when two trains are going at each other. It was,
8 there it is and there's the impact.

9 Q. So equipment came to a stop.

10 A. Correct.

11 Q. And then what happened?

12 A. We -- Will said let's go, we got to go. There was fuel. We
13 could smell it. Grabbed out stuff that was right there and we
14 climbed out of the back door, and we slipped off and jumped onto
15 the ballast.

16 Q. Were you able to get all of your grips, all of your --

17 A. I just grabbed the -- it was behind my chair. I just grabbed
18 what was there.

19 Q. The pod, was he sitting on the -- oh, I guess he was off the
20 pod at that time.

21 A. The what?

22 Q. The pod seat on the --

23 A. Yeah.

24 Q. The helper seat.

25 A. Yeah. I know my hat was left up there. I had a food warmer

1 that was plugged in. My water cup was left up there. So there
2 was -- I mean, that stuff is unimportant to me. But I just
3 grabbed my bags that were just right there. I just grabbed those
4 and jumped off.

5 Q. Okay. Opened the back door --

6 A. Opened the back door.

7 Q. And you weren't able to go out of the rear of the locomotive,
8 right?

9 A. We slid -- right. Yeah, we just -- we climbed down right off
10 the side, yeah. We just wanted to get off because there was fuel
11 on top of the -- well, I didn't know if they're spilling out of
12 the motors, but we knew from the impact there was --

13 Q. Right. Anything else after that that you recall?

14 A. Well, we -- I ran. Will was looking for the brakeman. I
15 didn't know who it was at time. I know, I mean, he's a friend.
16 We work together.

17 Q. Sure.

18 A. But we just went running down the hill, and I made sure that
19 he was okay. He was fine. And got in contact with the other -- I
20 guess it would be the crew, the ones that pull the rail off. I
21 don't remember the young guy's name, but he was hollering that he
22 needed some help. So we climbed over and tried to be of
23 assistance.

24 Q. Thank you again very much for answering our questions.

25 A. No problem.

1 BY MR. JONES:

2 Q, Scott Jones, SMART Transpiration Division, National Safety
3 Team. Nick, I too want to thank you, under the circumstance
4 coming right back in here and talking to us. We can get a lot of
5 this cleared up and move forward and make sure this never happens
6 again on our railroad.

7 A. Um-hum.

8 Q. Leading up to your duty day that day, what kind of time do
9 you have off? We know these lineups can be crazy especially being
10 on --

11 A. Fifty-one hours and -- I have my time. It was 51 hours.

12 Q. Off?

13 A. Off.

14 Q. Okay. So you're fully rested?

15 A. Um-hum.

16 Q. Do you know approximately how long you were on duty when you
17 actually stepped on the stack train, the second dog catch?

18 A. We were on duty at 9:16, roughly. I don't -- maybe 4 hours?

19 Q. Okay.

20 UNIDENTIFIED SPEAKER: What was your last question? I'm
21 sorry.

22 BY MR. JONES:

23 Q. What time did they actually step on the stack train, their
24 second dog catch? So they were on duty at 0916, and then they got
25 to Franconia train in and -- just trying to get an approximate

1 time frame here for it. And then at that point, you proceeded
2 westward and then stopped at the intermediate signal for about an
3 hour.

4 A. Correct

5 Q. Okay. Then I just wanted to clarify, these recordings can be
6 crazy sometimes, that you did not know there was a work train out
7 there through any type of correspondence or any -- it was only
8 through what you heard once you were stopped with what you thought
9 was correspondence between a work train and the dispatcher,
10 correct?

11 A. Prior to stopping, we were still moving is when I heard --

12 Q. I see.

13 A. -- one of the workers from the work train, whether it was the
14 conductor, brakeman talking to the dispatcher about clearing up at
15 Hackberry.

16 Q. Okay.

17 A. And then we came to a stop.

18 MR. JONES: Okay. Great. Thank you.

19 BY MR TORRES:

20 Q. Okay, Tomas Torres with the NTSB. Nick, we just kind of
21 asked you, on the 3 or 4 day previous, previous to going on duty
22 the day of the incident, you know, can you describe what -- when
23 you went on duty, you know, your -- what your rest was like?

24 A. My rest was fine. I slept all night. We went on duty at
25 9:16 in the morning. I don't remember what time I went to bed,

1 but I was well rested.

2 Q. And the days prior to that, you know, what was your schedule
3 like?

4 A. Pretty lax. I hung out with my kids. Nothing over exerted.

5 Q. Yeah, but did you work previous days?

6 A. Nah, my last trip was to Winslow and I deadheaded back, and
7 then I was off for 51 hours.

8 Q. Okay.

9 A. Yeah.

10 Q. Do you take prescription or non-prescription drugs?

11 A. No.

12 Q. None, none at all? Can you tell us a little bit about your
13 work history, like your hired date, you know --

14 A. I hired out in 2011, in December. You want the exact date?

15 Q. No, that's fine.

16 A. Okay.

17 Q. And what are your job description, like you're an engineer,
18 conductor or --

19 A. I'm an engineer.

20 Q. Yeah. And what's your area? What's the territory you
21 operate?

22 A. I work on the extra board site. So I cover all the boards
23 out of Needles.

24 Q. Okay. So you're pretty familiar with this area?

25 A. Yes.

1 Q. When's your last certification date? When'd you last
2 certify?

3 A. When did I last certify?

4 Q. As an engineer.

5 A. Yeah. Is that the last one? So the issue date was 5/30/17.

6 UNIDENTIFIED SPEAKER: So you're 5/29 --

7 MR. TOWER: 5/29/20 is the expiration date.

8 BY MR. TORRES:

9 Q. Okay. So it's current and up-to-date?

10 A. Yeah.

11 Q. When's the last time a supervisor rode with you or -- and got
12 tested, you know, proficiency test.

13 A. I cannot recall.

14 Q. All right. Have you every been tested for restricted speed?

15 A. Yes.

16 Q. How long ago?

17 A. I can't -- actually it's just been-- they come up on the
18 screen, you know the ops test.

19 Q. Has it been this year, last year, or?

20 A. I don't know if it's been this -- like I said, probably last
21 year. I don't know if it's been this year.

22 Q. Can you describe how -- what that test was like?

23 A. I didn't even know he was doing it.

24 Q. So they didn't communicate with you whether you passed,
25 failed or what?

1 A. Uh-uh.

2 Q. Did your training prepare you for the requirements of the
3 job?

4 A. Yes.

5 Q. Did you use your cell phone while on duty?

6 A. No.

7 Q. We inspected locomotive yesterday, we found some ear phones
8 or ear buds.

9 A. Okay.

10 Q. Are those yours, or --

11 A. They probably could be. Like I said, when we stopped there
12 it was on, my phone was on, and then when we departed, I turned it
13 off, put it in my bag.

14 Q. Is this a safe place to work? You know, BNSF?

15 A. I think so.

16 Q. Okay. Is there anything you want to add? Anything else you
17 want to express?

18 A. Not at this time, no.

19 MR. TORRES: Okay. Troy?

20 BY MR. LLOYD:

21 Q. Yeah, I got a couple follow-ups. This is Troy Lloyd,
22 L-L-O-Y-D, with the NTSB. Again, I hate to beat the dead
23 restricted speed horse, but according to restricted speed, that's
24 a speed that's safe for you to stop within half of a range of
25 vision (indiscernible) which is all that stuff. What would be a

1 safe restricted speed for that area -- in a worse-case scenario,
2 what would be your worst, like this is out there, (indiscernible)?

3 A. What would be the worst sight?

4 Q. What would be worst sight distance where blind curve,
5 obstructions, things of that nature, distance wise?

6 A. I don't know. I mean, you're asking the questions that if --
7 I don't know how to answer that. Like --

8 Q. When you sit in the operator or in the engineer's seat,
9 what's probably the furthest you can see, a safe distance wise
10 that you can definitely say now I can see 300 feet in front of me,
11 I should be able to stop at 150 feet; I can see 500 feet in front
12 of me, I should be able to stop at whatever feet. So what's
13 probably the worse case scenario, what's the worst sight distance
14 probably out there?

15 A. In that area?

16 Q. Yeah.

17 A. Any of the blind curves. I don't know, I don't have a
18 specific one. But -- I don't know if like footage wise --

19 Q. That's okay. Well, then that's there, then -- now, if you
20 can't determine footage, you have to determine what your safe
21 braking distance is, which is half the range of distance. If I
22 can't estimate that I'm 500 feet away from that blind curve, I may
23 be able to stop at 250 feet, that's what restricted speed is,
24 correct?

25 A. I just --

1 Q. So how would I -- how would you determine what's your safe --

2 A. The way, I guess the way I can answer is, where we were to
3 where the train -- where we first -- if it was, if that train was
4 stopped, I felt comfortable I'd have that train stopped before --
5 if that eastbound train that was shoving, if they were stopped
6 where they were at, I could have brought my train to a stop.

7 Q. So restricted speed is no faster than 15 mile an hour, right?
8 Is that what it is? Once --

9 A. No more than 20 miles an hour.

10 Q. So no more -- so we're not stopping (indiscernible) more than
11 20. But it depends on -- that doesn't mean that I can go 20 and
12 be safe.

13 A. Correct.

14 Q. It depends on I might have to go 7, I might have to go 9 or
15 5?

16 A. Correct.

17 Q. Is 20 mile an hour, is 15 mile an hour a safe traveling
18 distance at restricted speed once I leave that area with the sight
19 distance or obstructions that I had?

20 A. Where I was at that time, doing that speed was -- but I know
21 I wasn't just 14 or 15 through that whole canyon. I know I
22 brought it down on certain, in certain spots. Because I was
23 watching that. Because there is blind curves. There is spots
24 where I could see it before the conductor. The conductor can see
25 before I could also. So we were, we were -- you know, he wasn't

1 saying anything to me about the speed. I didn't feel
2 uncomfortable with the speed that I was running.

3 Q. If you would have known -- if this work crew -- if you would
4 have known about this work crew being out there in that location,
5 maybe working running towards you, would you and your conductor
6 took that signal?

7 A. No. Absolutely not.

8 Q. So what could be a better signal -- what would be a better
9 solution, once I come to a stop signal? I'm an engineer and
10 operator, and I got a stop signal. I'm allowed to go restricted
11 speed, through sticky blind curves, and all that stuff. What
12 would be a better -- is there a better rule that we can use, that
13 we could be utilize, as we said, so this wouldn't have occurred?

14 A. I mean, I can't speak for, you know, what's going on. I
15 mean, you play these scenarios in your head like, you know, why
16 did it happen? So you can ask yourself, should I have gone
17 slower? Should, you know -- so I don't know what could have been
18 different. I mean, we have rules in place for a reason. You
19 know, you got -- it's like, you know, I think about that half the
20 range, how do you judge half the range when you have a train
21 coming at you? I mean, you don't expect that. You don't expect
22 to get lined into a situation like that.

23 So, you know, I'd love to answer all your questions with like
24 specifics, but I can't do it. I don't know like -- I just know
25 what -- I hate to say it was a normal day, but I feel I'm a good

1 engineer and I can handle my trains, and the train felt great. It
2 felt fine. I didn't have any issues with it. And I felt like I
3 was under control. I always feel, if my conductor is not freaking
4 out or yelling at me, then I'm doing my job.

5 Q. And again, you had no prior knowledge of this work train that
6 was moving in your direction?

7 A. Eastward. No, we did not sir.

8 Q. You had no prior knowledge of this --

9 A. I knew he was out there, but not that close.

10 MR. LLOYD: Okay. That's all I have. Thanks.

11 BY MR. SPRAGUE:

12 Q. Ron Sprague, with the BLET Safety Task Force. I just have
13 quick question. You were going around a curve to the right, and
14 you first became aware that the train was coming at you.

15 A. Um-hum.

16 Q. Did your conductor yell out first, or did you see it
17 simultaneously?

18 A. I think it was a simultaneously. I don't know what was said.
19 All I can remember is him yelling out emergency. My thoughts were
20 just, there's no way this train is coming at us.

21 Q. Okay.

22 A. There was no doubt that it was on the other track. It was
23 there, right there.

24 Q. And within seconds you knew you had to put it into emergency.

25 A. Yes.

1 Q. Okay.

2 A. Because I knew that they were moving towards us.

3 Q. Okay. And after you put it into emergency, all you could do
4 is go along for the ride.

5 A. That's it.

6 Q. Now, I know it's tasking because there were a million things
7 going through your mind, but was that train still moving upon
8 impact towards you?

9 A. Yes.

10 MR. SPRAGUE: I don't have any further questions.

11 BY MR. CARR:

12 Q. Dave Carr with the FRA. Just got a couple follow-up
13 questions that were jogged during the discussions here. Have you
14 worked -- and I don't know if you answered this question earlier.
15 I'm sorry. Have you been on work trains before on this territory?

16 A. Not on the Seligman sub.

17 Q. But you have worked work trains in the past?

18 A. Um-hum.

19 Q. And if you can give me an approximation or how many can you
20 recall from memory that you've worked?

21 A. Just the -- one that like was the other day? I worked on
22 one.

23 Q. Okay. So it was fairly recent, in --

24 A. Well, the one that was the rail train, I worked a rail train
25 like that before. The other type of work train I worked was the

1 big washouts that we had, but I was a brakeman as they were
2 dumping ballast. But as far as this specific type, I was the
3 engineer on a rail train once before, a couple years ago, maybe?

4 Q. Okay. Did you say this -- do I understand it correctly, you
5 would -- you've been on a work train within the last week or two?

6 A. No.

7 Q. Oh, what was the most recent?

8 A. The most recent would have been the rail train that I ran,
9 but I know that wasn't last year. It may have been the year
10 before that. But that was on the Needles subdivision.

11 Q. And it was doing the same thing, loading or unloading rail?

12 A. I believe we were off-loading.

13 Q. Off-loading rail.

14 A. Off-loading the rail, yes.

15 Q. Do you recall the type of protection you guys were using
16 then?

17 A. I think we just had like the block signals where they -- you
18 know, there's a train, I want to say it was between Katies and
19 Danby on main 2, so there was no -- we had that whole area --

20 Q. No Form B, no track and time?

21 A. No track and time.

22 Q. You were using signal protection --

23 A. It was signal protection, yeah.

24 Q. Now I just want to go back to again the decision you and the
25 crew made, or you and your conductor, you made the decision to

1 pass this red intermediate signal. You have -- you don't know why
2 it's red, correct?

3 A. Correct.

4 Q. So what is going through your mind as far as what do you
5 anticipate seeing or why, you know, you guys have a red signal,
6 what in your mind are you anticipating seeing here?

7 A. I guess the worst case would have been just a stopped train
8 up ahead. That'd been worst, you know, I guess worst case. But
9 this was a worst case, what just happened.

10 Q. Yeah.

11 A. But, you know, you do -- you know, these are now proceed
12 indications. They're not stop and proceed. I mean, we stop
13 because of the territory, but that rule changed. Now it's a
14 proceed; it's not even a stop signal anymore. So --

15 Q. So in your mind, you're thinking worst-case scenario you're
16 going to see either a DP unit or --

17 A. Probably.

18 Q. -- an ETD?

19 A. ETD.

20 Q. And you were comfortable with the speed you were going?

21 A. Um-hum. I was comfortable with the speed I was going.

22 MR. CARR: No further questions.

23 BY MR. REMINGTON:

24 Q. John Remington, BNSF. You talked earlier that you heard
25 conversation as you was pulling up to the signal to stop. After

1 y'all decided to flag, did you hear any radio communication at
2 all, after that?

3 A. Zero.

4 Q. Okay. And then, while you were flagging, were you having
5 conversations with your conductor about how you were proceeding at
6 that point? Any conversations about what might be in front of
7 you?

8 A. We were just kind of tossing around, ahead there could be a
9 train or we were thinking maybe it was just a bad signal, you
10 know, leading up to Valentine. I mean, we were just talking about
11 old, kind of old -- like just trying to bring up situations like
12 what could have -- what could be up here? Trying to just keep our
13 head in the game. Looking out and trying to keep that situational
14 awareness of what was going on.

15 That was kind of right at the beginning. There wasn't a
16 whole lot of talk, you know, that I can recall prior to passing
17 that signal. That was more of like kind of at the beginning. As
18 we started to move it was, you know, I wonder if a train's up
19 here? Or maybe it's just a bad signal and if we get through it,
20 we'll tone him -- I mean, if that was even said; I don't recall.
21 Maybe that was just running through my mind. But thinking of
22 different scenarios that could pop up to kind of keep our head in
23 the game. But --

24 MR. REMINGTON: That's all I got.

25 BY MR. RATLEDGE:

1 Q. Aaron Ratledge, BNSF. Just a few more questions. So
2 previous someone was talking about the operations testing, how
3 you're notified. Sometimes they're verbal and sometimes they're
4 notified when you when you tie up for the night?

5 A. All of mine have been notified on the tie up, or when you log
6 in. Normally it's when you log in it pops up. And it let's you
7 know that you've been tested, who tested you, and if it's a pass
8 or fails, and what it was.

9 Q. Okay. So we also talked about restricting signals. At one
10 point in time on BNSF it was a stop and the proceed, right?

11 A. Correct.

12 Q. So that's an intermediate signal with a number plate?

13 A. Yes.

14 Q. Okay. So did it, did -- whenever you come up to an
15 intermediate signal, back whenever required to stop and proceed,
16 where did you typically stop in front of those stop and proceeds?

17 A. Like distance?

18 Q. Yeah. All over the board, or was it always 400 feet or was
19 it 200 feet?

20 A. I don't know. That's pretty close.

21 Q. Just as long as you stopped --

22 A. Before it.

23 Q. -- before it, and then you can proceed?

24 A. Yeah.

25 Q. So after you stop, and then you proceed by the intermediate,

1 at what speeds do you typically go by those, when they were at
2 stop and proceed?

3 A. I couldn't tell you on those. I mean, depends on how far you
4 stop back. As passing, like what speed to I pass that signal?

5 Q. Yeah.

6 A. Oh, yeah it would depend on if you're going uphill or
7 downhill.

8 Q. Good point. So in today's operation, it's now a restricting
9 signal.

10 A. Correct.

11 Q. You no longer have to stop and then proceed at restricted
12 speed.

13 A. Correct.

14 Q. Okay. So, at what point in time would you have to stop for
15 something beyond that signal if there was something ahead of you?

16 A. Well, if -- what would --

17 Q. Yeah, when would you be required to stop for an obstruction
18 beyond that restricting signal?

19 A. When I saw it.

20 Q. Okay. So it could be 2 feet --

21 A. Correct.

22 Q. -- or it could be 2,000, could be a mile down the railroad.
23 But is it fair to say that you've got to be running a speed that
24 allows you to stop just beyond that restricting signal?

25 A. If I were to initiate movement?

1 Q. Yeah. If you were to initiate movement before --

2 A. Well, here, I'll -- I can see where you're getting at. If I
3 am going downhill and --

4 Q. Or uphill.

5 A. -- and I, it's going to require me to stop, you know,
6 whatever footage, pretty close to after the signal because there's
7 something there, well, I wouldn't kick it off because I wouldn't
8 have enough time to recover my air. Going uphill, probably the
9 same situation, and I would have to pull on it so I wouldn't roll
10 backwards. So from where we were to the distance that we saw,
11 there was nothing in front of us, so I knew -- yeah, it -- how
12 fast does your air charge up.

13 Q. And so, I guess, I'd probably do a better job asking a
14 question. At what point in time are you required to stop your
15 train beyond that restricting signal?

16 A. When I would see an obstruction.

17 Q. So your understanding of restricted speed -- and again you
18 have clearly indicated to the group today extensive knowledge of
19 the Seligman sub, you've worked for the railroad for several
20 years, you know what's going on out there. Kind of take us
21 through again what your viewpoint of restricted speed is. You
22 made an indication earlier about whenever you're flagging through
23 a signal or within a block. Is it just as long as if you get
24 stopped before the equipment, before striking it, is that okay, or
25 does the rule require you to stop within half the vision short of

1 that obstruction?

2 A. Well, I know, black and white, the paper says half the range
3 of vision.

4 MR. RATLEDGE: Okay. That's all I have.

5 BY MR. LLOYD:

6 Q. I just got one more question real quick. From the point you
7 left the intermediate signal, just vaguely how -- what distance,
8 how far did you travel before that work train first came into
9 sight?

10 A. When I was looking at the PTC screen because I was looking at
11 mileposts to see where we were at, it was probably halfway
12 through, roughly, through the canyon. Because it's from the
13 signal to signal's on what -- it's right about 3 miles. I think
14 it's just right at 3 miles. I want to say it was probably about a
15 mile and a half into it, from where we left to the encounter.
16 That's, that's my best guess.

17 MR. LLOYD: All right.

18 UNIDENTIFIED SPEAKER: I don't have any more questions.

19 BY MR. CARR:

20 Q. Dave Carr with the FRA. A couple questions just got jogged
21 by the discussion here, Nick. And just to put this to bed, you
22 stated before you guys entered the block, you turned -- or you put
23 your phone away. Was your phone on or off when you guys passed
24 the red signal?

25 A. It was off.

1 Q. It was off.

2 A. Yeah.

3 Q. Going back to operations testing, how often would you say
4 you're tested per month? And just --

5 A. It's not, it's not every month.

6 Q. So you've gone months without being tested?

7 A. Um-hum.

8 Q. Can -- have you had any recent test failures?

9 A. I've never had an operations test failure.

10 Q. After you guys entered the block, what is the next signal you
11 would encounter?

12 A. Another intermediate.

13 Q. Another intermediate?

14 A. Correct.

15 Q. And then --

16 A. Then it would be, I believe it would be East Valentine.

17 Q. East Valentine. And this should be my last question. What
18 is -- would -- we discussed the restricted speed, and I don't know
19 if you've ever thought about this before, but do you know why
20 you're required to stop within half the range of vision?

21 A. Specifically?

22 Q. Yeah.

23 A. I guess no, I don't know why. It was never explained why
24 it's half the -- we -- it's just in the rule, black and white,
25 written out.

1 Q. And, you know, I've had some experience with conductor new
2 hire training and that's why, I guess, I felt I wanted to ask this
3 question. Because, you know, why don't we just require you to
4 stop short of some visual obstruction? Why doesn't it just say,
5 you know, travel at a speed that allows you to stop short of an
6 obstruction? The rules specifically states within half the visual
7 range of the obstruction. So that's, you know --

8 A. So you can -- I guess, what you're saying is so you can
9 better control your train.

10 Q. Well, even more so, the rule is to take into effect that
11 possibility of another object coming at you. Because if you have
12 two objects traveling at restricted speed and both of them can
13 stop within half the visual range of them initially seeing
14 something, you know, theoretically in a perfect situation, you're
15 going to be able to stop short without contact if both people are
16 complying at restricted speed. And I know that's something that I
17 don't know if people think of as a worse-case scenario. Because,
18 you know, talking to you earlier, your mindset was what were we
19 possibly going to see, you know, a ETD, a stopped train. And
20 that's, you know --

21 A. And that's all I can give you is what is going through my
22 mind.

23 MR. CARR: Okay. No further questions. Thank you.

24 BY MR. RATLEDGE:

25 Q. Aaron Ratledge. One more. If the work train was making a

1 reverse movement within the same signal block, what speed should
2 they have been traveling at?

3 A. The work train's that I've work, I don't think you can shove
4 more than 10 miles an hour on those. I think that's a speed
5 restriction to those, and I think forward is 15.

6 Q. In your mind, would they have been required to travel at
7 restricted speed?

8 A. Making a reverse movement?

9 Q. Yeah. And again, I don't expect you to quote the rule. I
10 just -- by happenstance if you would have known, if you're making
11 a reverse movement in the same signal block, is it your
12 understanding they're to be required to move at restricted speed
13 also?

14 A. No, because it's -- well, it's -- I really can't -- I don't
15 know how many times they went back and forth. You know, did they
16 change direction? So I couldn't answer.

17 Q. I understand.

18 A. Yeah.

19 MR. RATLEDGE: Thank you, Nick.

20 MR. TOWER: Yeah.

21 MR. TORRES: Tomas Torres with the NTSB. No further
22 questions. This will conclude the interview.

23 Thank you very much.

24 MR. TOWER: You're welcome.

25 (Whereupon, the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

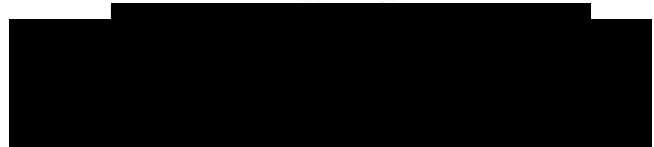
IN THE MATTER OF: TRAIN CRASH IN CROZIER CANYON
 NEAR KINGMAN, ARIZONA
 JUNE 5, 2018
 Interview of Nicholas Tower

ACCIDENT NO.: RRD18FR009

PLACE: Kingman, Arizona

DATE: June 7, 2018

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
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Transcriber