

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

*

UNION PACIFIC RAILROAD COLLISION *

GRANITE CANYON, WYOMING *

* Accident No.: RRD19FR001

OCTOBER 4, 2018 *

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Interview of: F.J. HARMYCH
Conductor

Plains Hotel
Cheyenne, Wyoming

Saturday,
October 6, 2018

APPEARANCES:

TED T. TURPIN, Railroad Accident Investigator
National Transportation Safety Board

DONALD MAI, Operating Practices Safety Inspector
Federal Railroad Administration (FRA)

JOHN ALLBERRY, General Director Safety
Union Pacific Railroad

JON ELLEFSON, Manager of Operating Practices
Union Pacific Railroad

BRIAN FRANSEN, Primary Investigator
Brotherhood of Locomotive Engineers & Trainmen
(BLET)

CARL SMITH, Safety Team Member
SMART Transportation Division

KOREY McDANIEL, Safety Team Member
SMART Transportation Division

BRAD WARREN, Union Representative
(On behalf of Mr. Harmych)

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I N T E R V I E W

1
2 MR. TURPIN: My name is Ted Turpin and we are conducting an
3 interview in the connection with an accident that happened near
4 Granite Canyon, Wyoming on October 4, 2018. The accident number
5 is RR19FR001 [sic.]. Today is October 6, 2018, and we're at the
6 Plains Hotel in Cheyenne, Wyoming interviewing the conductor on a
7 standing train.

8 Do you understand that this is being recorded?

9 MR. HARMYCH: Yes.

10 MR. TURPIN: Thank you. Would you state your name and spell
11 your last name?

12 MR. HARMYCH: My name is F.J. Harmych, H-A-R-M-Y-C-H.

13 MR. TURPIN: All right, thank you. Now we'll go around the
14 room and do the same thing with everyone.

15 MR. WARREN: Brad Warren, W-A-R-R-E-N.

16 MR. TURPIN: And you represent?

17 MR. WARREN: I'm Mr. Harmych's union representative.

18 MR. TURPIN: Thank you.

19 MR. ALLBERRY: John Allberry, A-L-L-B-E-R-R-Y. Union
20 Pacific, operating practices.

21 MR. FRANSEN: Brian Fransen, B-R-I-A-N, F-R-A-N-S-E-N. BLET
22 Safety Task Force.

23 MR. McDANIEL: Korey McDaniel, K-O-R-E-Y, M-C-D-A-N-I-E-L.
24 SMART TD, Safety Team.

25 MR. SMITH: Carl Smith, C-A-R-L, S-M-I-T-H. SMART

1 Transportation Division, Safety Team.

2 MR. ELLEFSON: Jon Ellefson, manager of operating practices.
3 J-O-N, E-L-L-E-F-S-O-N.

4 MR. MAI: Donald Mai, operating practices inspector for the
5 Federal Railroad Administration, Denver, Colorado. Spelled M-A-I.

6 MR. TURPIN: Is there anyone in the room you're uncomfortable
7 with having here?

8 MR. HARMYCH: No.

9 MR. TURPIN: Okay. Cool. Thank you.

10 INTERVIEW OF F.J. HARMYCH

11 BY MR. TURPIN:

12 Q. Let's just start -- just go ahead and tell us what happened.

13 A. We were stopped short of -- we were on main 1, stopped short
14 of the crew that was on main 2. They were calling themselves the
15 Granite crew, and they were tying down their train. We stopped so
16 that they could do that safely without, you know, coming by a
17 conductor who's trying to tie hand brakes.

18 And then they cleared their red zone and gave us the okay to
19 go by them. And we were stopped far enough back that restricted
20 speed was what we had to do to the next signal. And so we started
21 around them, and I noticed that it wasn't a Granite train. That
22 added to my confusion. And then I figured out it was a CYGR right
23 away.

24 Anyway, we were coming around it, and we heard the emergency
25 call at 530, milepost 530. And at that point I didn't know what

1 -- where this equipment was that was moving. If they said it, I
2 missed it the first time. And then they said emergency again, and
3 we were stopping, didn't know what was going on. One of us asked
4 for clarification at this point. I cannot remember which of us it
5 was or if it was both of us, even. And the next thing I remember
6 hearing was, just get out of the train or just get off the cab.

7 And the engineer put it into emergency, and we exited the cab
8 field side, toward the highway. We climbed up the embankment in
9 case there was anything, any cars going to come our way or
10 hazardous materials. We didn't know what was on the other train.
11 We weren't even aware what the other train was that contacted our
12 rear end.

13 And from that point, the van -- there was a van driver, a PTI
14 van driver that -- we didn't know who it was, but we walked down
15 to see what was going on because I didn't have my radio. We just
16 exited the cab as fast as we could. And then Jon started getting
17 on the radio. I don't know what all he was doing, but I remember
18 him at least saying that we were okay.

19 We got into the van. It's foggy. I don't remember quite
20 what we did right after that. But then we had to get back to our
21 train, our head end, to get our train list and my emergency
22 response guidebook, and so we could find out what was back there.
23 And we found out right away that the last car was a phosphoric
24 acid empty tank car. Called that out over the radio to whoever
25 had been asking. I never knew whether it was the dispatcher or

1 the yardmaster that was calling out the emergency. We were
2 already on -- channels 2727. And I don't think we ever heard
3 anything from the train that rear-ended us.

4 And after that, after we got that information, we started
5 passing it along. And figured out we had to tie the hand brakes
6 on the train and then just get away from it. So we tied the -- I
7 tied 33 hand brakes. The other crew -- there were actually five
8 guys on that train, which I didn't know at the time. But the
9 other crew is like, well -- because Jon told me, you have to tie
10 66 or 68. I can't remember the number. And I said, I'm not going
11 that near not knowing what it looks like back there. And the
12 other crew got on and said, well, you're estimating on your whole
13 train being on the rails and it's not; 33 is enough. The PTI van
14 was right there. So I stopped at 33, climbed in, and then we went
15 back to the head end. And that's -- I stayed off the radio
16 because I -- after that, I didn't have anything else to say. I
17 let the other guys do the talking.

18 Q. Okay. Good. So are you a qualified engineer as well?

19 A. No.

20 Q. And I know you said this, but you don't believe you heard the
21 other train on the radio at any time?

22 A. I don't believe so. I know Benji -- knew Benji. And I did
23 not hear his voice. Jason, I had only worked with on the trip out
24 to Rawlins, so I didn't know his voice over the radio. So if I --
25 if he said anything, I wouldn't have known it was him. But I do

1 not recall hearing Benji's voice.

2 Q. Okay. So you had worked with the engineer, but just one
3 time?

4 A. Just the trip out from Cheyenne to Rawlins the day before.

5 Q. Okay. And how was he as an engineer?

6 A. Great. I have nothing --

7 Q. Good trip?

8 A. It was a good trip. It was a smooth trip. You know, that's
9 what I judge an engineer on, is if he keeps me in the seat and,
10 you know, am I bouncing around in the seat? There was none of
11 that. He controlled the train, as far as I could tell. I don't
12 remember any run-ins or runouts or anything like that.

13 MR. TURPIN: Okay. I got a couple others, but for later. I
14 think for now I just -- I'll go around the room, if anybody has
15 any questions. You can add clarifications if there's anything you
16 want to add.

17 John? Brian?

18 MR. FRANSEN: I'm good, actually.

19 MR. TURPIN: Korey?

20 MR. McDANIEL: Yeah, Korey McDaniel, SMART.

21 BY MR. McDANIEL:

22 Q. F.J., have you ever experienced in that mountain grade a loss
23 of com with FRED in your runs?

24 A. That trip, actually we had -- we were restricted a few times
25 because of loss of communication. It would come back pretty

1 quickly, but Jon, he would tell me, you know -- well, I could hear
2 the beeps. And I heard them enough that I knew what they meant,
3 because I'm not familiar with all the noises they all make. And
4 every time it happened, Jon would slow us down, tell me we are out
5 of communication. And then you'd press the button until it came
6 back.

7 Q. Sorry, can you repeat that? So the train that you were on
8 that day had loss of com that day that -- in question?

9 A. Yes.

10 Q. And have you experienced it before then?

11 A. All the time. Com loss seems pretty common to me. The
12 engineer says we've lost com, we slow down, and usually it comes
13 back pretty quickly. And they always -- the engineers I've worked
14 with have always said, you know, we lost it; we'll get it back
15 here. And they're usually right within, you know, quarter-mile,
16 eighth of a mile.

17 Q. So you feel like there's known areas on that run where
18 there's a common loss of FRED communication -- or sorry -- end-of-
19 train device communication?

20 A. I can't comment on that. I'm not an engineer and I don't
21 know if I want to be an engineer, so I'm not paying attention to
22 what they do. So I'm not riding -- I'm not looking for trends.
23 Because it doesn't happen every trip. So I wasn't looking for
24 trends. That's all I can say on that.

25 MR. McDANIEL: Okay. Thank you.

1 UNIDENTIFIED SPEAKER: I'm good.

2 Don, do you have anything?

3 MR. MAI: No, sir.

4 BY MR. TURPIN:

5 Q. Sir, are you saying there's a loss of com to the end-of-train
6 device or a loss of com to the DPU? Can you clarify --

7 MR. WARREN: Can I clarify that --

8 MR. TURPIN: Yeah.

9 MR. WARREN: -- just a little bit? I think F.J. stated that
10 he didn't necessarily pay attention to the -- didn't know all the
11 different beeps and everything.

12 MR. TURPIN: Right.

13 MR. WARREN: The loss of DPU com is different than the loss
14 of EOT com. Front-to-rear com beeps are different than the D,
15 loss of DP beeps. So I don't -- I mean --

16 MR. TURPIN: What's the requirement? Is it different if you
17 lose a DPU or you lose the end-of-train?

18 MR. WARREN: They're absolutely different. If you lose
19 front-to-rear communication with your head end, the EOT -- you
20 don't have the ability to place the EOT in emergency from the head
21 end anymore. So you're required to slow down to 30 miles per hour
22 until you regain that communication. If you lose communication
23 with your distributive power, you can continue on at the same
24 speed. If you lose it for a certain amount of time, it will shut
25 itself -- it won't shut itself down, but it'll go to idle. So

1 that's going to change the way that you would operate the train
2 anyway. Or to be able to operate the train.

3 MR. TURPIN: And to go back to your -- what you said earlier.
4 He actually had to slow the train, so it definitely was --

5 MR. HARMYCH: We were slowing the train down.

6 MR. TURPIN: -- end-of-train device. Okay. Okay.

7 BY MR. TURPIN:

8 Q. Earlier, we heard that there was two restrictions when you're
9 in a heavy grade, that if you get 5 over the miles per hour
10 allowed, then you have to bring the train to a stop.

11 A. Okay.

12 Q. Have you ever seen or encountered that, or had some engineer
13 have to do that?

14 A. I have never seen a -- never been on a locomotive that was
15 going more than 3 miles an hour, and that was only for a short
16 time, over the speed limit. The warnings come up and all of the
17 -- everyone I've worked with has brought the train or been
18 bringing the train down to below that before it beeped. So I've
19 never seen the --

20 Q. Okay. That would be in an overspeed situation. What I'm
21 asking actually is additional speed restrictions. So if you have
22 heavy trains, you can fall into this chart.

23 A. Oh. Okay --

24 Q. So say you're going -- you're required 30 and it hits 35. By
25 rule, you're supposed to stop the train.

1 A. I have never seen anybody -- I've never been in the situation
2 where I have had to stop the train or tell them to stop the train,
3 because I've never seen the speed.

4 Q. Okay. The other restriction is if you exceed 18-pound
5 application or reduction. Have you ever seen that happen? Where
6 somebody got too much air in them, had to get it -- had to stop?

7 A. I have seen it once that I remember. It was explained to me
8 -- well, we stopped because he set too much air. I didn't ask
9 what -- how much he set, but he said, I'm just going to stop it,
10 make sure we get our air back. And that's exactly what we did.

11 Q. Did you have to tie hand brakes to help recharge?

12 A. No, not on that occasion because we had AC motors. And I
13 asked -- I know that I might have to do it if it's DCs. I asked
14 him. He said no, we're going to be fine here.

15 MR. TURPIN: Okay. Cool. Thank you.

16 Anybody else have anything else?

17 MR. MAI: I have a quick question.

18 MR. TURPIN: Go ahead, Don.

19 BY MR. MAI:

20 Q. Don Mai with the FRA. How did you know when it was safe to
21 go back to tie your train down? I mean, did somebody call you out
22 and tell you?

23 A. We were in contact with that other crew, or Jon was. Like I
24 said, I stayed off the radio, but he said -- they said the cloud
25 was down and they weren't -- the dust cloud, which we assumed

1 immediately was either the tank car we hit or -- I'm sorry -- that
2 got hit on our train, or the dust from the ballast. They said the
3 cloud had gone down and didn't -- they didn't smell anything.
4 They didn't see another cloud forming. And so that's when I
5 decided that it would be safe for me to go start tying some hand
6 brakes to secure the train.

7 Q. Okay. So that was the crew on main 2?

8 A. I believe it was the crew on main 2. I only knew personally
9 one of the other five guys. I wouldn't recognize the voices over
10 the radio, so I couldn't tell you. Somebody just said, the
11 cloud's down; there's no cloud now, you need to tie hand brakes.
12 And we tied -- I tied the hand brakes.

13 MR. MAI: Okay. Thank you.

14 MR. TURPIN: Yeah.

15 MR. McDANIEL: Follow-up.

16 MR. TURPIN: Korey.

17 BY MR. McDANIEL:

18 Q. Now earlier you said that you heard the call to just get out
19 of the cab. Did that come from inside the cab, your engineer, or
20 it came --

21 A. No. It came over the radio.

22 Q. So possibly a dispatcher, yardmaster or somebody, or some
23 official said get out of the cab?

24 A. Somebody -- I won't even speculate that it was some official.
25 It could have been somebody from that other crew. But I don't

1 know. I just heard, get out of the cab. We followed directions.

2 Q. And on the change of radio channels, you were on channel
3 2727. And up top, they have a channel of 2424; is that correct,
4 that you're running on coming down the mountain?

5 A. That changes at mile pole -- or CPW530.

6 Q. 530. Okay. Do you see an issue with that change of radio,
7 not being able to communicate with somebody up on top of the
8 mountain? Or do you switch channels to talk to -- possibly to
9 talk to a train that's coming up on -- that's up top of the
10 mountain and you're on the bottom?

11 A. I'm not qualified to answer that. Smarter people than I have
12 put time into where they change the radio channels.

13 MR. McDANIEL: Okay. Thank you.

14 BY MR. TURPIN:

15 Q. The question would be, have you ever tried to talk to
16 somebody on the other side of that break in the channel, and has
17 it caused you any issues?

18 A. It's brought us to a stop because of -- the dispatcher will
19 not line you through till they give you a slow order that we might
20 be coming upon.

21 MR. TURPIN: Makes sense.

22 MR. WARREN: I'm sorry. Can I interject something there too?

23 MR. TURPIN: Yeah.

24 MR. WARREN: This happened to -- I still -- I don't just
25 represent. I also work out there as an engineer. And 3 days ago

1 now, it was -- maybe it was 4 days ago. I was in a situation
2 where the dispatcher that works on 2424, the other side of 530,
3 called me when I was in Cheyenne to tell me that -- to turn
4 locomotives on so that I could then take a different route going
5 up over the top. So even the dispatchers have problems sometimes
6 communicating with the right people to get trains moving the way
7 they should.

8 MR. TURPIN: Okay. All right. Thanks for the input on that.

9 BY MR. TURPIN:

10 Q. Earlier, the engineer told us that he had seen the striking
11 train actually at Laramie when they were doing some work. Did you
12 notice them?

13 A. We passed them as they were shoving back to their train.

14 Q. Did you hear any of their conversations?

15 A. Not that I can recall. I heard them making their shoving
16 calls, this many cars to a safety stop, so -- I assumed so that
17 the conductor could get off the equipment. And then we went on
18 by.

19 Q. Okay. So this has come up before and I forgot to ask it.
20 Does this red zone -- can you describe that red zone work? It
21 sounds like it applies to multiple track?

22 A. Red zone applies to the train only. You cannot get a red
23 zone from one engineer for a different train. The red zone is
24 only for the train that -- it's got to have a locomotive hooked to
25 it. So yeah, it's just on that one train.

1 Q. And the requirements are?

2 A. The requirements are you call it out to let the people know
3 you're -- you need to work between equipment. And the engineer
4 responds, and the engineer has to have it -- the reverser set and
5 centered so that no movement can occur. And then you call back
6 and say, I understand I have that red zone. And then you
7 understand that nobody's going to move that train that's on that
8 train. And then I wait for slack, if I feel there's going to be
9 some slack, and then you can do your work. And then when you're
10 finished, you clear the red zone, give the engineer control back
11 to the movement -- of the movement of the train.

12 Q. Okay. So the westbound train was under a red zone
13 circumstance. What prompted you on the adjacent track not to go
14 by them? A personal decision or advisory from someone?

15 A. Jon would have made that decision. He talked to the train.
16 And that would be a decision he makes. I don't -- I can't move
17 the train, so I can't make that decision. And I've never run into
18 a situation where I disagreed with their decision whether to or
19 not to go around a train.

20 Q. It sounds like he might have said that out loud, though,
21 right? He says I think I'll stop here because they got a red
22 zone. You know, so you understood why he was doing what he was
23 doing?

24 A. I would have known even if he hadn't said it out loud because
25 I -- when you're working on closed tracks, you don't like people

1 going by you. And they would've had to call for track breach
2 protection if the tracks are too close, and I never heard track
3 breach protection given. The dispatcher would have given it to me
4 or our train. I would've had to take that down, and we would've
5 known that there's somebody there. But we didn't get track breach
6 protection. We just stopped the train.

7 Q. Okay. It would have been different, though, if you'd have
8 been operating, say, on green signals, though.

9 A. Not being -- I can't tell you how an engineer would respond
10 to that. We would -- if we're given track breach protection, we
11 would call the conductor that is doing the work and find out how
12 he feels we should proceed past his train: at restricted speed,
13 stop, stop and see me, you know, if you need some help --

14 Q. But that's only if it's raised to the level of track breach
15 protection. If you just hear in the distance somebody get a red
16 zone and you have green signals, do you start talking to them or
17 you just keep running on the train?

18 A. When we get close enough to -- when we would get close enough
19 to a train, I would -- we would talk to them and be prepared to
20 stop in case there is some kind of issue.

21 MR. TURPIN: All right. This is actually relating to a
22 different accident that I'm working currently.

23 UNIDNETIFIED SPEAKER: I wondered where you were going.

24 MR. TURPIN: Yeah. No, I'm curious what rules are in place
25 to protect people working on adjacent tracks, and I just -- it's

1 just curiosity. I'm not putting you on the spot here. I want to
2 know how it works here on the UP. And I'll look into this track
3 breach protection definitely.

4 All right. Anything else in the room?

5 MR. FRANSEN: I do.

6 BY MR. FRANSEN:

7 Q. F.J., so if you're down -- if you're close to Cheyenne and
8 you're on 27 and you need to contact somebody at 530 or west
9 there, can you just punch your radio to 2424 and call them then?

10 A. No. Our radios on the conductor's side do not have the --

11 Q. But I mean in the cab. Somebody could just go to 24 to talk
12 to somebody if they needed to?

13 A. Yes, they could.

14 MR. MAI: Don Mai with the FRA. One quick question.

15 BY MR. MAI:

16 Q. So where the radios change, is that where the dispatchers
17 change also?

18 A. Yes.

19 Q. Okay. So 27 is one dispatcher and 24 is a different
20 dispatcher. Okay. So the 27 would be, what, the Sidney --

21 A. Sidney sub dispatcher.

22 Q. And the 24 is --

23 A. Sherman Hills or Laramie, whichever they call out. I don't
24 know.

25 MR. WARREN: And just for clarification. In the Harriman

1 center, they're by numbers. So the dispatcher that handles
2 Cheyenne -- well, from 530 east is Dispatcher 13. The one west of
3 that, from 530 to 710, is Dispatcher 14.

4 MR. MAI: Okay. Thanks. Appreciate it.

5 MR. WARREN: You're welcome.

6 MR. SMITH: Yeah, Carl Smith of SMART.

7 BY MR. SMITH:

8 Q. F.J., is there a voice detector; DED, dragging equipment
9 detector; hot box detector on either -- coming either direction
10 that you would need to stay on that channel to make sure, on the
11 27 going westbound or 24 eastbound?

12 A. You mean to stay on that channel past where you're normally
13 supposed to?

14 Q. When you're trying to talk to the other dispatcher, but is
15 there something that compels you to stay on the other channel
16 because you're going over a detector, a voice detector of some
17 sort or the other? In either direction.

18 A. No. You'll be clear of each detector on either side of that.
19 So you -- that would not force you to stay on the channel, like,
20 oh, it's not clearing up, it's not clearing up.

21 MR. SMITH: Okay. All right, thank you.

22 MR. WARREN: Can I clarify on that one too?

23 MR. SMITH: Yeah.

24 MR. WARREN: There is -- so there is a dragging equipment hot
25 box detector at milepost 534.6.

1 MR. HARMYCH: Seven.

2 MR. WARREN: Does it say 7 on --

3 MR. HARMYCH: I thought it was 534 all --

4 MR. WARREN: It's right there. If you come --

5 MR. TURPIN: If it's in writing somewhere, we'll find it.

6 MR. WARREN: If you're coming east on 1 or 2 track, depending
7 on your train length, the hold signal where that detector will
8 keep you from going past if it detects a problem is 528. So
9 depending on your train length, that detector won't necessarily
10 clear you past that until you've gotten close to 530 where the
11 radio change is. So it depends on how long you are, basically,
12 whether you would have to stay on 2727 to hear what that detector
13 was saying.

14 MR. TURPIN: Got it. That makes sense. And just -- I don't
15 know if you've worked other territories, but I'm sure anytime
16 there's a radio split or a dispatcher split, all these kind of
17 issues can potentially happen, right? So it's kind of hard to say
18 where you're going to make the split, you know, because you're
19 always going to have some sort of, you know, opposing positions or
20 issues that show up when you have a split in the radio, so -- but
21 I appreciate your input on that. Radio change does have a
22 problem.

23 Yes?

24 UNIDENTIFIED SPEAKER: No, I'm good.

25 MR. MAI: Okay. Don Mai again with the FRA.

1 I'm just trying to figure out something in my head, because
2 we went to the head end of your train and looked at it. Do you
3 remember anybody -- if your engineer reset the air on that?

4 MR. HARMYCH: I don't remember.

5 MR. TURPIN: All good?

6 All right. You have anything you want to add?

7 All right. Thank you. Let me get this shut off.

8 (Whereupon, the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: UNION PACIFIC RAILROAD COLLISION
 GRANITE CANYON, WYOMING
 OCTOBER 4, 2018
 Interview of: F.J. Harmych

ACCIDENT NO.: RRD19FR001

PLACE: Cheyenne, Wyoming

DATE: October 6, 2018

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.


Eileen Gonzalez
Transcriber