

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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UNION PACIFIC RAILROAD ROADWAY *

WORKER FATALITY IN VAIL, *

Accident No.: RRD21LR007

ARIZONA, ON JANUARY 31, 2021 *

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Interview of: ANDY ROBINSON, Safety Captain
Union Pacific

Via telephone

Tuesday

March 16, 2021

APPEARANCES:

ROBERT "JOE" GORDON, Investigator in Charge
National Transportation Safety Board

MICHAEL HOEPF, Operations Group Chairman
National Transportation Safety Board

JOHN MANUTES, Rail Accident Investigator
National Transportation Safety Board

DAVID CARR, Operating Practices Inspector
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I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Andy Robinson:	
By Mr. Hoepf	5
By Mr. Gordon	11
By Mr. Carr	16
By Mr. Morrison	20
By Mr. Hoepf	21
By Mr. Gordon	27
By Mr. Manutes	29
By Mr. Carr	34
By Mr. Morrison	36
By Mr. Farrar	37
By Mr. Hoepf	38

I N T E R V I E W

1
2 MR. HOEPF: Okay. My name is Mike Hoepf. Today is March 16,
3 2021, and we're conducting a phone interview with Andy Robinson, a
4 safety captain, in connection with an accident that occurred in
5 Vail, Arizona, on January 31, 2021.

6 The NTSB accident number is RRD21LR007. The purpose of the
7 investigation is to increase safety, not to assign fault, blame,
8 or liability. NTSB cannot offer any guarantee of confidentiality
9 or immunity from legal or certificate actions.

10 A transcript or a summary of the interview will go in the
11 public docket. The interviewee can have one representative of the
12 interviewee's choice.

13 Andy, do you understand this interview is being recorded?

14 MR. ROBINSON: Yes, sir, I do.

15 MR. HOEPF: Okay. Great. Thank you. Okay. Andy, if you
16 could go ahead and state your name and how you spell it for the
17 record.

18 MR. ROBINSON: Yes, sir. My name is Andy Robinson. That's
19 A-n-d-y, Robinson is R-o-b-i-n-s-o-n.

20 MR. HOEPF: Okay. Great. Thank you. And I'm going to do
21 the same, and we're going to ask everybody else to as well. So my
22 name, again, is Mike Hoepf. I'm the operations group chairman for
23 this investigation. My last name is spelled H-o-e-p-f. And I'll
24 start with the NTSB next, so Joe?

25 MR. GORDON: Yes. Joe Gordon, G-o-r-d-o-n, and I am the

1 investigator in charge for this accident.

2 MR HOEPF: John?

3 MR. MANUTES: Hey, good afternoon. My name is John Manutes,
4 M-a-n-u-t-e-s. I'm a rail accident investigator with the NTSB.

5 MR. HOEPF: Okay. Thanks, John.

6 And the FRA, Pat?

7 (No audible response.)

8 MR. HOEPF: I'm sorry. Is Pat online today?

9 (No audible response.)

10 MR. HOEPF: I may have misheard. Is it just Dave then online
11 from the FRA today?

12 MR. CARR: Yeah, Dave Carr is on, C-a-r-r, operating
13 practices inspector, FRA. And I'm not sure if Pat got on there.

14 MR. HOEPF: Okay. I must have heard wrong, so -- okay.
15 Thank you, Dave.

16 All right. Roy?

17 MR. MORRISON: Roy Morrison, M-o-r-r-i-s-o-n, Director of
18 Safety for the Brotherhood of Maintenance of Way.

19 MR. HOEPF: Okay. And Jay?

20 MR. FARRAR: Jay Farrar, F-a-r-r-a-r, Director of Track
21 Programs, Union Pacific.

22 MR. HOEPF: Okay. Thank you, Jay.

23 All right. Well, I'll get us started today.

24 INTERVIEW OF ANDY ROBINSON

25 BY MR. HOEPF:

1 Q. Andy, can you just give us your job title, and talk to us a
2 little bit about your railroad background?

3 A. Yes, sir. My job title currently is help out -- position is
4 a tamper operator, and I help out on our gang as a safety captain
5 with the 9063 and also with the 9063 and the 9062 work groups,
6 both of the tie gang work groups.

7 Q. Okay, great.

8 A. And a little -- I'm sorry. A little bit about me, I'm 47
9 years old. I've worked on the railroad for 27 years. I've been
10 involved with safety for quite a few years. I was a safety
11 captain kind of when they -- we first started safety captain on
12 the railroad, and I helped out our former director of ties (ph.)
13 north, Mr. Cooper (ph.), with the other safety captain and helped
14 out the other safety captain. And then, when TSC came around, I
15 was involved with TSC as a facilitator and also a coordinator and
16 helped out the other TSC facilitators for ties north and ties
17 south.

18 And I'm back in the ranks now. Like I said, I'm a tamper
19 operator on a Jackson 6700 and -- but I count that capability as a
20 privilege to help my work group out and try to be a safety captain
21 and bring up safety ideas and (indiscernible) co-workers when they
22 don't want to bring something forward, I take it (indiscernible)
23 and I try to resolve issues or take care of issues, stuff like
24 that.

25 Q. Okay, great. Thank you for that. And do you think you could

1 just talk to us a little bit about, you know, your -- a little bit
2 more about your duties as a safety captain in terms of, you know,
3 you say that you're a tamper operator, but you're also a safety
4 captain. So can you just kind of help us to understand, you know,
5 how that works in terms of, you know, kind of how you split your
6 time?

7 A. Yeah, I can do that. I mean, I can go over our SOP that we
8 have for the safety captain position. I can just recap or kind of
9 break things -- give you guys general knowledge in that area, what
10 is says in there. Your day is -- 90 percent of your day is to be
11 out on the tracks with your gang; you're to be a positive team
12 member, make each day a safer day than the day before, maintain a
13 daily activity log -- activity log, and send that -- send a copy
14 to your manager (indiscernible), the first of each month,
15 demonstrate safe work behaviors, recognize co-workers for their
16 safe and (audio skip) behaviors that spark other opportunities to
17 behaviors that need to be helped changed, support employee's
18 involvement (indiscernible).

19 And then also (indiscernible) a job briefing to the
20 (indiscernible), so prepare your job briefing areas daily, walk
21 them through those stations for hidden hazards, update job
22 briefing monitors, (indiscernible) job briefing (indiscernible),
23 and also there is a de-briefing. Discuss gang safety issues,
24 concerns, close calls, near misses, and stuff like that, send it
25 for review and explain the role changes (indiscernible) updated.

1 They either appoint someone to do the warmup work exercises, pass
2 out safety supplies to the gang.

3 And then with the TSC is the model of support that TSC
4 observation and feedback process, participate in TSC process
5 (indiscernible) the meeting and then do formal observation, track
6 your progress -- that's for once a month -- and then input your
7 TSC observations into the database, build your graph and share
8 that data with your group and also with your TSC facilitators.
9 And then just recognize and celebrate successful change, set goals
10 to try and further your TSC education.

11 And then I keep our (indiscernible) board up to date. And
12 our safety assessment, we'll go out and kind of do off-site
13 observation of TSC just like the supervisors do for different
14 areas of work procedures. The (indiscernible) tool prevention,
15 track tools, operator tools. On our RWP, do observations of
16 lockout/tagout, (indiscernible). If there's happen to be, deal
17 with any fire prevention, audit, (indiscernible).

18 Just ensure that both (indiscernible) is correct and given
19 out with their EIC. Watch the gang coming in out of the hole,
20 making sure that everyone is doing their (indiscernible) safety
21 stuff, and then waiting to be flagged in. Inspect their first aid
22 kit, trauma kit, AEP. Find logbooks and make sure that all of our
23 FRA defects are being taken care of, the machine paperworks are
24 all up to date. For example, (indiscernible) also having assign
25 (indiscernible), inspect fire extinguishers, making sure that

1 they're up to date, that they're in good working condition.

2 If we have to use the (indiscernible), as weather provides,
3 we have to put the (indiscernible), pass out proof of
4 (indiscernible), and then I help at the end of the day, the COVID
5 (indiscernible), I sanitize all our vehicles at the end of each
6 day. And then I do our safety meeting (indiscernible), hand out
7 the meeting minutes, the third day of every month.

8 That's a little bit of some of the stuff that I do every day
9 and I -- trying to help be a voice for our personnel while they're
10 here.

11 Q. Okay. That's great. Thank you. Thank you for that summary.
12 And I can hear you pretty well, Andy, but if you can maybe just
13 speak up just a little tiny bit, I'd appreciate it. It's just a
14 little bit soft coming through the volume there. But I appreciate
15 the detail on your position there, so thank you.

16 So the next thing I want to talk to you about today is
17 your -- any input that you can have, you know, regarding this
18 incident. So can you walk us through the day of the incident from
19 your perspective?

20 A. I can start with the beginning of the day. I did the job
21 briefing that day. We were in Vail, Colorado -- or, excuse me,
22 Vail, Arizona. I gave the job briefing that day and, you know, we
23 went through what our TSC focus was for the day and our daily
24 risk, and talked about our aim (indiscernible) for the day was
25 (indiscernible) and talked about our emergency response plan and,

1 you know, we were talking about that back in Vail because Vail is
2 where our -- the dispatch channels, which (indiscernible) I went
3 through all of our job briefing.

4 I would say (indiscernible) ever since the (indiscernible)
5 accident on the Union Pacific Railroad back in -- I believe it's
6 October or early November, we had a (indiscernible) in a railway,
7 and so with our groups, ever since then we were in (indiscernible)
8 but we've really been pushing the (indiscernible) and some of the
9 (indiscernible) first, you know, if they don't respond to you
10 back, then you get off your machine and you start going through
11 the (indiscernible) and let them know that you are stopped. And
12 we really stressed the workspace, the 25 between personnel to
13 equipment, 50 from machine to machine, 70 rail to pup tamper, 150
14 for the (indiscernible) gang equipment when they're working, and
15 at least 300 from the track.

16 You know, that incident that we had on Union Pacific, they
17 were traveling, so their workspace would have been pretty
18 cluttered, but the guy didn't hear that the equipment was stopping
19 in front of him, and (indiscernible) hit the machine, and then
20 that employee was actually in front of that machine, and it about
21 ran over that employee (indiscernible).

22 Ever since then, we've talked about -- you know, with TSC,
23 we've talked about, how does that affect you? (Indiscernible).
24 So we really talked about what does that look like here
25 (indiscernible) if that machine in front of you or behind you does

1 not acknowledge (indiscernible) start going towards
2 (indiscernible) track for you to be run over, that kind of stuff.
3 So that was the major push back in October or November there when
4 that happened, you know, just like this, trying not to have this
5 incident happen again. So that was a lot of talks that we had at
6 jobs that day -- or not just that day, but since then.

7 And then, you know, that day, at the time of the accident, I
8 was up there. I had to run some errands. After we got out and
9 got tracking times that day, I had gone into where our trailers
10 were to get some new tools and get some other supplies for the
11 gang since I'm -- I have a van for our group that I'm able to do
12 that versus the boss having to go in there do that kind of stuff.

13 MR. HOEPF: Um-hum, um-hum. Okay, great, Andy. That's
14 really helpful. So what I'm actually going to do at this point is
15 pass off to -- let Joe and the rest of the group ask a couple of
16 questions in case anybody else wants to ask questions about the
17 job briefing or the day of the incident.

18 So, Joe, did you have any questions?

19 BY MR. GORDON:

20 Q. Yeah. Just -- Andy, thanks for the rundown. You know, that
21 helps to understand what it is that, you know, that your role is
22 there. I did have a question. When we're talking about -- and I
23 know you touched on the spacing and the different requirements for
24 different equipment. With you being someone, you know, appear on
25 the gang that the guys can come back and talk -- with the nature

1 of production work and men working on the ground, you know, in
2 close proximity to that equipment, is that an issue that you hear
3 much? Is that a safety concern that's passed up to you? You
4 know, in your time filling that role, you know, just anything to
5 do with near misses or, you know, when -- has any of the ground
6 people talked to you about being uncomfortable in a situation out
7 there with the equipment?

8 A. In the past that area has not been -- we have not had a lot
9 of conversations from people back in that area being concerned or
10 worried about their safety in the (indiscernible) that I've been
11 around or anyone has brought up to me. Since the accident has
12 happened, one of the laborers that we usually have, Mark Valentine
13 (ph.), he has been very nervous about that, worried, you know,
14 people -- that operator now that's on that machine to stand
15 further back and that kind of stuff. So we have addressed some of
16 those things to make that laborer feel more secure, you know.

17 And really, you know, we -- there's a 70 foot span around it
18 (indiscernible) just for visibility for that reason. And then
19 also, we've had -- we've talked to the operator and that laborer
20 out in front up till now, and that laborer feels more secure, but
21 when that machine is stopped and he (indiscernible) head in the
22 ground. So we've tried to do that as well to try to comfort that
23 -- those feelings that -- you know, until we get further along,
24 you know, not going to stay that way -- resort back, but just
25 trying to help out some of those feelings for that guy out there.

1 Q. Understand. Yeah, yeah. Well, thank you for that. And
2 yeah, so I did this type of work. I didn't spend a lot of time
3 around production gangs. I spent the majority of my time at the
4 railroad doing track inspection and car inspection. But, you
5 know, one of the rules that -- I guess, rules and safety emphasis
6 that kind of stands across all the railroads is that always expect
7 the movement of trains or other on-track equipment at any time,
8 you know, from any direction.

9 And so, you know, can you speak to that a little bit as far
10 as, when you're out there monitoring the gang, is that something
11 that you're looking for as far as the employees on the ground kind
12 of keeping their head on a swivel, you know, just being aware of
13 what is going on around them and having that opportunity to -- you
14 know, if he sees that that tampers within -- getting closer or
15 close to that 70 feet spacing, you know, is that part of what
16 you're watching for when you're out there watching the working of
17 the gang?

18 A. Yes, sir. That is also some of the stuff that we look out
19 for. You know, we want to make sure that everyone is safe and,
20 you know, we try to remind the operators, too, you know, if we do
21 see an operator getting closer than the 50 feet, or the 70 feet in
22 the pup tamper's case, we remind them, and then -- just like as
23 well, you know, we want -- we definitely want that laborer on the
24 ground there being the first person to be able to speak to that
25 operator and say, hey, back off, you know, give me my space. So

1 that is some more observation opportunities that we look for as
2 well.

3 Q. Okay. And so is -- would that normally be handled in kind of
4 a peer-to-peer, just a discussion there on the track, or would
5 there be any record of kind of the number of occurrences that you
6 noted when you -- when you're out there doing observations?

7 A. That is just something that we handle peer-to-peer, but we --
8 I don't have the record of that other than if I could go back
9 through our TSC data and see -- we, we -- in our TSC data, we
10 don't put what machine it is or what operator it is, you know,
11 unlike the management side of the house where that would be in
12 their pins (ph.) if there were reoccurrences and stuff like that,
13 that type of stuff.

14 Q. And can you give me that acronym again of what was the data?

15 A. I'm sorry. What --

16 Q. Was that PSE? Is that what --

17 A. TSC, Total Safety Culture.

18 MR. GORDON: Oh, okay. Okay, thank you. Yeah, I wasn't able
19 to get the acronym there. Yeah, no, that's all the questions I
20 have, and we'll pass it over to finish up with NTSB, John Manutes.

21 MR. MANUTES: Mike, let me ask you real quick, are we going
22 do just one round of questions, or are we going to come back for
23 another round?

24 MR. HOEPF: We'll probably do a couple of rounds, but feel
25 free to just ask any questions you want.

1 MR. MANUTES: Even -- can I get into the machine for a second
2 then?

3 MR. HOEPF: Oh, just -- yeah. Please go ahead, go ahead.

4 MR. MANUTES: Okay. All right. I didn't want to take this
5 too far off course.

6 So in your -- thank you. Again, this is John Manutes, NTSB.
7 I appreciate your time today. I want to express our condolences
8 for your loss out there and the gang. It's a tough situation.

9 In your role as the safety captain and with Total Safety
10 Culture, have you experienced any reports or informal observations
11 with regard to the pup tamper itself? Unexpected movements,
12 inability to stop, difficulty understanding how any of the
13 controls work, training, anything at all that would help our
14 investigation that you've seen mechanically with that piece of
15 equipment in the last, I don't know, year or -- pick any time
16 frame, it doesn't really matter.

17 MR. ROBINSON: No, sir. I can't -- no, sir.

18 MR. MANUTES: Okay. All right.

19 MR. ROBINSON: Not even back for years.

20 MR. MANUTES: Okay. Well -- all right, I appreciate that.
21 Thank you. I don't think I have anything else for right now.

22 MR. ROBINSON: Okay.

23 MR. HOEPF: All righty. Thank you. Thank you, John.

24 Dave, do you have any questions at this time?

25 MR. CARR: Yeah.

1 BY MR. CARR:

2 Q. Good afternoon. Dave Carr, FRA. Andy, you said -- and I
3 apologize, I didn't -- I wasn't part of the first interview that
4 was conducted. But, on the day of the incident, approximately
5 what time did you guys conduct your job safety briefing?

6 A. Oh, shoot. I want to say, at Vail, we were -- I don't -- I
7 can't recall honestly off the top of my head, but I want to say we
8 were meeting before sun came up out at Vail, because we were using
9 light plant. So I'm going to estimate just roughly 6 o'clock
10 maybe. The job briefing area is where we're using light plant for
11 everyone to write down their tracking times so -- but I can't tell
12 you honestly that's what it was.

13 Q. Got you. And was your equipment right there when you began
14 the day, or did you guys have to travel out to the equipment?

15 A. We had to travel probably about 20, 30 minutes by pup (ph.).

16 Q. Okay, got you. And do you recall, like how is the lunch
17 typically handled on the job there? Do you know what -- do you
18 guys break for lunch, or do you guys kind of eat on the fly, or
19 can you cover that, if you know on this particular date, how lunch
20 was handled or if you'd even had lunch at this point?

21 A. You know, I don't know about this day for sure, but typically
22 it just depends on kind of where we're at in the day and how it's
23 going. That's a --

24 Q. So you --

25 A. -- call that the foreman makes (indiscernible).

1 Q. And do you guys -- does the whole team kind of break for
2 lunch when it's decided it's lunchtime?

3 A. Sometimes we do, and sometimes we don't. Sometimes, you
4 know, a certain -- the back of the group may continue to work as
5 they catch up to the front and stuff like that.

6 Q. Got you, got you. And I'm sorry, you were -- oh, go ahead.

7 A. Oh, I'm sorry. I didn't mean to interrupt you. I was just
8 going to say that, you know, that's the -- you know, if the --
9 whatever the foreman needs. If the front of gang is struggling
10 and it's about lunch, then he'll have the back take lunch or, you
11 know, whatever he thinks is going to best fit for our work group
12 that day.

13 Q. Okay, got you. And you were a little broken up when you were
14 kind of covering that morning, but did I understand that, at the
15 time of the incident, you weren't on site; you were getting tools?

16 A. Yes, sir. At the time of the incident, I was away from the
17 gang.

18 Q. Okay. And so you wouldn't have known if they had had lunch
19 yet or --

20 A. No, sir, I wouldn't know that.

21 Q. Right.

22 A. And I'm not sure if --

23 Q. I'm sorry. You're not sure if they'd had lunch?

24 A. If they had lunch that day, no, sir. I don't know.

25 Q. All right. I appreciate it. And one last thing to help me

1 just understand the operation of this tamper. Have you operated
2 this type of equipment before or this model of tamper?

3 A. I've been around that -- a pup tamper like that because I was
4 the (indiscernible) group coordinator; I was the assistant foreman
5 in that area for about a year prior to that -- to me getting the
6 tamper bid. So I've been back in this -- in the -- back in the
7 ranks on the gang for about 3 years now, and I had, I had -- I was
8 the assistant foreman that ran that area for, oh, about a year.

9 Q. And would you know like -- I guess I'm just trying to
10 understand. So I understand he's following behind the laborer
11 who's marking ties. When he's advancing the machine, I've heard
12 the term indexing. I'm assuming -- would you be able to answer
13 this question? Like are you moving a joystick forward and then
14 releasing it when you're over the tie you're going to tamp?

15 A. Yes, sir. That is correct.

16 Q. And so you're holding the joystick forward and then releasing
17 it when you're over the tie to tamp. Now, if -- in your case,
18 then -- I don't mean to put you on the spot, but I'm just trying
19 to understand, if the machine didn't stop at that time, what would
20 be your typical course of action or what do you think you would
21 have done in that situation?

22 A. I would have -- if it would have just tried to keep going, I
23 would have used my emergency brake, or I would have -- being in
24 work mode, it automatically, you know, it kind of (indiscernible)
25 and as soon as you let off of it, it brakes itself. But if it was

1 surging forward without letting you do that, I would use my
2 emergency brake, or nothing else, try to shut the -- try to kill
3 the emergency stop or even turn the key, or put the work head in
4 the ground and -- you know, you'd hate to damage equipment, but on
5 the other hand, you don't want to -- what had happened.

6 Q. Got you. And if you pull back on the joystick, is that --
7 would that drop the working head there?

8 A. On that model, I'm not specifically sure. On our tamper, it
9 -- you have a joystick for your head.

10 Q. Is it a separate joystick?

11 A. It is all in one, so --

12 Q. Oh, okay. Okay, yeah. And I'm sorry, and I'm not trying to
13 get you to (indiscernible), I'm just trying to understand, if you
14 pulled the -- or released the joystick and anticipate it working,
15 I'm just wondering, what would happen if you pulled back on the
16 joystick? What would be the expectation what the machine would
17 do?

18 A. On the pup tamper, I'm not for sure, but I know that they
19 have to push it forward, so in my understanding of it, or when I
20 was -- when the former -- the employee that I was around, he would
21 push it forward to index, and when he would let off, it would --
22 the head would tamp, and then he would push forward when he wanted
23 to index to the next tie, was my understanding of it watching the
24 operation.

25 MR. CARR: All right. Thank you very much, Andy. I don't

1 have any further questions at this time.

2 Mike?

3 MR. HOEPF: Okay. Thank you, Dave.

4 Roy, how about you? Any questions for us today?

5 MR. MORRISON: Yeah.

6 BY MR. MORRISON:

7 Q. This is -- hey, Andy. This is Roy Morrison. Long time no
8 see. Most of the questions I had have been asked, so I was just
9 curious, with your experience at the morning safety briefing that
10 morning or any of the mornings leading up to it, had the condition
11 of the slick rail from hydraulic leaks on the tamper had been
12 brought up?

13 A. Yes, that was -- that had been brought up several times
14 because we were having some equipment issues and, you know, it was
15 kind of a reoccurrence every day. We were -- there was going to
16 be slick rail somewhere, so we were talking about it continuously.
17 You know, we would just bring our equipment down from Iowa and,
18 you know, we've been working on it all January as we've been down
19 here, and we were having some hydraulic leaks. And we've talked
20 about in the job briefings, we had talked about it throughout the
21 day, bring it up, you know, especially before we went to travel to
22 and from the hole. So --

23 Q. Okay.

24 A. -- let everybody know just to expand on their travel
25 distance.

1 MR. MORRISON: All right. So all the other question I had
2 have already been asked, so I thank you for your time, Andy. I
3 appreciate you.

4 MR. ROBINSON: Yes, sir. Thank you, Roy.

5 MR. HOEPF: All righty. Thank you, Roy.

6 Jay, do you have any questions for us today?

7 MR. FARRAR: No, I just wanted to make sure, when he was
8 using the acronyms at first, you guys understood that safety
9 captain and Total Safety Culture. Our Total Safety Culture,
10 basically, that's our safety title, so when he was using that, I
11 didn't know if that was screwing you guys up. But I think you got
12 a clarification from that from Joe.

13 MR. HOEPF: All righty. Thanks. Thank you, Jay, for the
14 clarification. Appreciate that.

15 BY MR. HOEPF:

16 Q. I suppose that brings us back to me. So, while we're on the
17 topic of, you know, just clarifying there, Andy, do you want to
18 speak any more to the Total Safety Culture -- would you call it an
19 initiative at UP?

20 A. I'm sorry. I guess I misunderstood what -- I'm not
21 understanding exactly what you're asking.

22 Q. Yeah. So I guess my question would be, you know, I think
23 you've already talked about your job description, but maybe you
24 could just kind of speak to -- is the position of safety captain
25 something that is a part of the Total Safety Culture program? Is

1 that a new position that -- is this a new program or is this
2 something that's been around for a while?

3 A. It's something that's been around for a while. We've had
4 safety captains on the gang in the past, and when we reduced our
5 TSC facilitators, we went back to just one. So they asked me if I
6 would help out with this group, because we only had the one
7 facilitator for all the tie gangs, and they asked me to just -- to
8 try to take a role within the -- our two groups that work near
9 each other. It's nothing new that we've ever done. It's
10 something that we've done in the past and it's just someone trying
11 to stay in the faces of everyone to keep safety a number one, you
12 know, push every day. But it's nothing new that the railroad has
13 done -- it's nothing they haven't done in the past.

14 Q. Okay. Sounds good. Thank you. Okay. Well, Andy, I've just
15 got a couple of different questions here, just want to go ahead
16 and move forward with. So did you know the tamper operator
17 involved in this incident?

18 A. Yes, sir. I do.

19 Q. Okay. And do -- what is your assessment of his performance
20 in the past? Did he have any safety issues or anything like?

21 A. Well, he just came back to our group, I don't know, just
22 shortly before that, bumped on as the backhoe operator. And I've
23 worked with Ray in the past, so I knew Ray and I'm friends with
24 Ray, but I hadn't seen him in years, and then he bumped on our
25 gang as a backhoe operator and then got bumped like a week later,

1 or a half later, and then he bumped as the tamper operator, pup
2 tamper operator. In my experience with Ray, he's always been a
3 very good operator, just a really, really good guy. I don't have
4 any issues with Ray at all. I think he's a very good operator and
5 very -- tried to be very safety conscious.

6 Q. Okay. All right. Appreciate that. So let me just ask you a
7 little bit more about the -- you know, your job briefing. So --
8 and I apologize, I think the phone might have been breaking up a
9 little bit earlier when you were talking about this. So there was
10 a 70-foot rule indicated in the job briefing on the day of the
11 incident, is that correct, in terms of a minimum standoff
12 distances between equipment?

13 A. Yes, sir. When you're working around the equipment, it's 25
14 for personnel to the equipment, 50 from machine to machine, 70
15 around the pup tamper because of visibility, 150 for the
16 (indiscernible) equipment, and 300 when we're traveling. Minimum
17 distance, but those can be increased as needed in -- you know, for
18 slick rail, for instance, or (indiscernible) visibility or
19 anything like that.

20 Q. Okay, okay. So the -- so I -- just trying to clarify. So
21 talking about the tamper, the distance -- the minimum distance, as
22 specified in the job briefing, between the tamper and persons on
23 the ground was 70 feet, or was that between equipment?

24 A. Yes, between personnel and to the pup tamper.

25 Q. Okay. And --

- 1 A. Also (indiscernible) equipment.
- 2 Q. Okay. And you said that was because of visibility?
- 3 A. Yes, visibility.
- 4 Q. Can you just clarify a little bit?
- 5 A. Yeah. So the tamping head in the front -- you know, the
6 windows and trying to see out the front is -- he has visibility
7 issues there that kind of -- you know, he has stuff in his line of
8 sight, so that's why we increased those distances there. It's not
9 just like you can just glance up at your -- like your car window
10 -- windshield where you can just glance out easily. He has a few
11 more items in his -- or in his vision there, and especially if
12 he's doing any backup moves, like when he's traveling and stuff,
13 because that big motor and stuff is behind him.
- 14 Q. Okay, I got you. So the the 70 feet that you've come up
15 with, is that something that was decided at the job briefing or is
16 that something that -- you know, would that 70 feet have been what
17 you would have specified, you know, the prior day as well? Is
18 that something that, you know, you kind of -- I guess I'm just
19 trying to understand --
- 20 A. That, that --
- 21 Q. Go ahead, go ahead.
- 22 A. That is not something that just we do. It's something that
23 every one of our tie gangs do for tie (indiscernible). We've
24 increased that distance for all our tie gangs, 70 feet around that
25 machine for those reasons.

1 Q. Okay. So it was discussed at the job briefing, but that
2 wasn't really just specific to that day in that job briefing; that
3 was a bigger decision you've made around that tamper in general?

4 A. Right. That isn't just something new that day that we did
5 for that day. That is something that we do every day for our
6 equipment.

7 Q. Okay. Okay, I got you. Thank you for clarifying that. And
8 I just wanted to talk a little bit more about -- and, again, I
9 think -- unfortunately, I think you were breaking up a little bit
10 when you were talking about there was a prior incident where it
11 sounded like there was a machine collided with another machine and
12 then that bumped into a person, or almost bumped into a person.
13 Did I hear you correctly on that?

14 A. Yes. I'm sorry for my phone. Back in October or November,
15 we had an incident (indiscernible) on UP where (indiscernible)
16 traveling didn't -- did not see the anchor squeezer in front of
17 him come to a stop at where they were going to start that day. So
18 that machine in front of him stopped, and that's where the
19 machines in front of him were stopped, and he flashed his lights,
20 and then he stopped the machine behind him. The (indiscernible)
21 acknowledged that, but he had to pee, so that morning -- it was
22 early morning -- he went out in front of his machine and stood in
23 between the track and was peeing on (indiscernible) and then the
24 (indiscernible) didn't see that he stopped, and he tried to stop
25 at the last moment but hit the machine, and then the machine also

1 hit the employee as he was trying to use the restroom and about
2 ran him over.

3 So ever since then, you know, back in -- it was late October,
4 November, so we took that as we were having quite a few bumping
5 and stuff like that and used it as a tool, tried to prevent that
6 from happening to our group, because we were having quite a few
7 people bumping in and stuff like that and wanted to keep that, you
8 know, and everyone staying safe and stuff. So we talked about it
9 quite specifically, and we still have, even through this other
10 incident. So, you know, we've talked about especially keeping
11 your work distance, (indiscernible), we've talked about if someone
12 doesn't acknowledge the stop signal and you don't get the flashing
13 lights back to you or whatever signal you guys have in your job
14 briefing, then you go towards that employee and let them know, you
15 know, flag them down, that kind of thing. You know, we've tried
16 to take that bad thing that has happened and try to -- so it
17 doesn't happen in our group.

18 Q. Got you, got you. Okay. I appreciate you kind of clarifying
19 there. So, I mean, did I understand you saying that it sounds
20 like it was a little bit of an issue -- I mean, there was this
21 incident, but it sounds like there was some other bumping
22 incidents as well that happened that were maybe more minor in
23 nature, or did I hear you wrong there?

24 A. No. No, I'm sorry. That's the only one I knew of. We have
25 not had any until this incident. And that's the only one that I

1 know of on the railroad (audio skip).

2 MR. HOEPF: Okay, okay. I got you, okay. All right. Thank
3 you, Andy, for clarifying that. I'm going to go around and see if
4 anybody else has any other questions at this point.

5 Joe, did you have any questions?

6 MR. GORDON: Yeah, Mike. Just a couple.

7 BY MR. GORDON:

8 Q. Andy, are you doing all right? You don't need a break or
9 anything?

10 A. No, sir. I'm good. Thank you for asking.

11 Q. No? All right. Yeah, we'll try to get finished up as
12 quickly as we can here. So we heard a little discussion, and I'm
13 not exactly sure the timeframe or anything like that, but there --
14 it seems like you guys are working kind of an extended schedule
15 where you're working more consecutive days, but then you've got
16 more days off. Is that -- am I characterizing that correctly?

17 A. Yes, sir. We work 8 days on and 6 days off.

18 Q. Okay. And how -- about how long have you been doing that
19 with the production gang that you've been involved with?

20 A. Oh, shoot. Years.

21 Q. Okay.

22 A. Like 15 years. It's been a long time since we've worked 4/10
23 or 5/8.

24 Q. Okay. Yeah, that really helps. I was going to ask if
25 you've, you know, noticed any significant difference, you know, as

1 far as the fatigue on the workers or the fatigue on the equipment.
2 But, you know, if you guys have been doing it that long, then I'm
3 sure it would be hard to recall the days prior to that.

4 So yeah, I just have, I guess, one final question. As far
5 as, you know, with you working around these gangs and being
6 familiar with the way that they work, would you say that it's not
7 uncommon -- like this wouldn't be the only segment of that tie
8 team where you have a person on the ground working in between
9 equipment; is that safe to say?

10 A. Oh, absolutely. Yes, that's safe to say. We have personnel
11 behind the extracting PTO that throw the plates out. We have
12 personnel behind the inserting PTO that put the plates back on,
13 and then the -- then right behind the plater there, that's where
14 that gentleman was that was marking the down ties, and then we've
15 got people behind that PTO that tap the plates after he -- the pup
16 tamper tamps it up to put the plates on the square on the tie.

17 Q. Okay. So it's kind of a coordinated effort between the folks
18 on the ground that are required to be there to do the manual
19 portion of it and then the bigger equipment that's doing the
20 heavier lift. That's a good way to think about that?

21 A. Yes, sir.

22 Q. Okay. All right.

23 A. Just like an assembly line going down the rail.

24 Q. Yep, yep. That's a good way to think about it.

25 MR. GORDON: Yeah, Andy, that's all I have and we'll -- Mike,

1 if you want to pass it on around?

2 MR. HOEPF: Thank you, Joe.

3 John, any additional questions for us today?

4 MR. MANUTES: Yeah.

5 BY MR. MANUTES:

6 Q. In the event that this might be our last round, I just -- if
7 you could, you know, back up to a 30,000-foot view for us for a
8 second and take all your experience as a TSC coordinator and a
9 safety captain on the gang, you know, what you do know about the
10 incident, is there anything that you would like to make sure that
11 we, as an investigative team, leave with out of this interview
12 with you that would help us either understand what could have
13 caused this, understand what could have prevented this?

14 You are closer to the machine, you're closer to the men and
15 the people, you are closer to the equipment than we'll ever be, so
16 your opinions here are valuable to us. So anything that you've
17 got that, you know, rabbit holes you'd like us to beat down, clues
18 that you think, you know, we might be missing; is there anything
19 like that that you'd like to tell us about?

20 A. I don't know where your guys' investigation is currently or
21 what all questions that you guys have asked re: Ray, so I'm not
22 exactly sure what all information that you guys have or have
23 received through all of that, so I'm really not sure what I would
24 be -- you know, exactly what you already have that I -- or don't
25 have that I can give you.

1 You know, I just know that we're doing everything that we can
2 to not have it ever happen again. If, you know, we've -- I don't
3 know, you know, we -- this week, in our work tasks, we've gone
4 through all of our equipment operators on our -- this work group
5 and we've done stop (indiscernible), and we've tested everything
6 with them. They'll know exactly what a normal stop -- stopping
7 distance for their machine is.

8 We've gone through having (indiscernible) emergency stop
9 button, the brakes, anything that their machines would do, with
10 Mr. Reeves (ph.) and the operators (indiscernible) to try to give
11 them more understanding and knowledge and feeling comfortable.
12 You know, at the end of the day, what does it take for their
13 machine to stop, (indiscernible) muscle memory of just -- you
14 know, train yourself to -- if your machine does index and take
15 off, you know, will you stay calm enough to reach up there and hit
16 the emergency stop button there? Would you hit the air brake, or
17 would you hit the key switch? We've gone through those things
18 with every one of our machines and every one of our operators, and
19 even the operators that have multiple operators per machine, we've
20 done it with each operator on that machine.

21 Q. Okay. Well, thank you for that. I mean, that highlights
22 that we are all, you know, reaching towards the same thing, right?
23 You are the safety captain (indiscernible) this team. We want to
24 just prevent this from happening again, and we applaud those
25 efforts you're making with the folks out on the gang.

1 To build on some of what we just talked about, would you say
2 that the emergency button stop testing, the keeping your muscle
3 memory trained and keeping your sort of -- I don't know the word
4 you used, but keeping your wits about you -- calm I think is the
5 word you used -- in an event like this where -- would you reach
6 for the air brakes? Would you reach for the emergency stop
7 button? How do you characterize the training that you're doing
8 now against what was going on pre-incident? And did -- so my
9 question, bluntly, is did you do this kind of training prior to
10 the incident? And I don't just mean you, but I mean UP as a
11 system. Was there this kind of training available?

12 A. We do the stop test, but we took it -- we've taken it further
13 in this incident because we -- in the past, we've always just gone
14 out and said, you know, go do a stop test, you know, and show the
15 employee how far it takes to stop. In this incident, we've gone
16 back and not only just, you know, at his speed that he's traveling
17 at but and show him the distance that it takes to stop.

18 We've also gone back and shown him okay, now let's go back
19 after we have that and expand it further, you know, through all
20 those other -- all those other things per machine, you know,
21 because each machine is different; each machine won't stop the
22 same, has different functions. So we've tried to expand that with
23 each operator to give him more knowledge in what -- you know, it's
24 like muscle memory; hopefully it's second nature to you now and
25 keep yourself trained.

1 Just kind of, you know, don't be afraid to hit those buttons
2 because we did have other equipment operators on the gang feel
3 nervous when Frank (ph.) told them to hit the emergency stop
4 button. We had some of them express, you know, hey, I don't want
5 to tear up the machine, and he told him, hey, I -- you know, we're
6 going to do it at a controlled speed so it won't tear up the
7 machine, but also, I want you to know what that machine will do if
8 you did do that.

9 So we don't want flat spots on the machine, we don't -- you
10 know, trying to (indiscernible) around it necessarily or anything,
11 but at least you know in your mind exactly what that machine is
12 going to do to react, because on some of them, when they hit the
13 emergency stop, it took it a second for it to, you know, kill all
14 the hydraulics and kill the air and kill, you know, all those
15 difference resources that takes for that machine to do that.

16 Q. Okay. So that's a helpful answer. So you did do -- so, to
17 characterize that, you did do stop tests -- is it fair to say you
18 did stop test training prior to the accident?

19 A. Yes. We do them about, I would say, twice a year.

20 Q. Okay, about twice a year. And -- but, even so, is what you
21 said that, with this latest round of training, you still have some
22 operators express that they were nervous to damage the machine in
23 some way when you did it, even this most recent time. Does that
24 that characterize your comment?

25 A. Yes. And there were -- I'll just say this. To hit the

1 emergency stop button or hit the (indiscernible) brakes or, you
2 know, that kind of stuff, not that they, you know, don't know how
3 to operate or whatever; we do it -- we've done it in the past, and
4 I just want to clarify this so you don't think that, you know, the
5 machine operators didn't know how to or whatever, didn't have the
6 knowledge; our machine operators were just nervous that they were
7 going to tear up the machine if they hit the emergency stop.
8 We've -- in the past, we've always used, you know, just come to a
9 controlled stop and let's see what that distance is for a stop
10 test.

11 Q. Okay. That's helpful. Thank you. And then, do you recall
12 or can you recall any specific time where you were involved with a
13 stop test and Ray, the operator at the time of the accident? Did
14 you ever participate in a stop test with him?

15 A. No --

16 Q. Did you -- okay.

17 A. Ray, Ray had just come back to work, like I said, about a
18 month prior, you know, and spent it half or so on the backhoe, and
19 then that half, even though -- that half or two prior to backhoe,
20 and then half (indiscernible) on the pup tamper.

21 Q. Yeah, okay.

22 MR. MANUTES: I don't think I -- I appreciate it. I don't
23 think I have any other questions. I appreciate it.

24 MR. ROBINSON: Yes, sir.

25 MR. HOEPF: All right. Thank you, John.

1 Dave?

2 MR. CARR: Thanks, Mike.

3 BY MR. CARR:

4 Q. Dave Carr, FRA, Andy. I just wanted -- I had a couple kind
5 of follow-up questions on that same line of questioning. As far
6 as the -- after like the job safety briefing, and you guys are
7 moving the equipment out of the siting, is there any kind of test
8 done to check the brakes on the equipment before you guys start
9 traveling, or is it just kind of -- well, I'll just leave it at
10 that, let you answer there.

11 A. That machine operator knows his machine, you know, far more
12 than I do. I can just tell you this, you know: we have
13 (indiscernible) in the past to, you know, and -- obviously, but
14 then slick rail that we had going on, to just test -- we
15 (indiscernible) them to test their brakes and just make sure
16 everything's working, you know, as they're coming out of the hole,
17 they're going slow. We were going over jump frogs (ph.) at that
18 location, so they were testing their brakes, you know, because
19 they'd have to bump up and slow down and bump up and slow down and
20 stuff like that. So I'm sure that, you know, each morning, each
21 machine operator had an opportunity to kind of know about his
22 brakes and stuff like that.

23 Q. Got you. And then regarding like stop tests, how they're
24 conducted previous to this incident, would it be just individual
25 operators were occasionally tested, or would like a whole group be

1 tested at one time, stopping their equipment?

2 A. In the past, we've done the whole work group. They only get
3 a few machines per day, but it's the entire work group is done in
4 that --

5 Q. Got you. Thanks.

6 A. -- period of time.

7 Q. And then going back to the days you were working in this
8 particular stretch, you guys -- you stated you typically work
9 eight on/six off. Is there -- was there an average time you guys
10 ended shift each day? Would you be able to articulate -- were you
11 ending about the same time every day during this stretch? And
12 what time was that?

13 A. Like I said earlier, I don't remember exactly what our start
14 time was. We were working four -- or excuse me, 10-hour days,
15 8 days off -- I remember job briefing in the dark because that's
16 turning the -- getting there early in the morning to turn on the
17 light lens so those guys could drive into the parking lot, be able
18 to see where they were going, and use the light lamps for job
19 briefing. You know, 12 hours after start shift, (indiscernible)
20 off work. We didn't put in much overtime up there, so --

21 Q. And would overtime begin after 12 or after 10 hours?

22 A. After 10 hour -- at the end of our 10-hour day.

23 Q. Got you. And just one final question: was the date of this
24 incident on the last day of your 8-day stretch?

25 A. No, it was day six of eight.

1 Q. Day six of eight.

2 MR. CARR: Okay, I appreciate that. Thanks, Andy. I don't
3 have any further questions.

4 MR. HOEPF: All righty, thank you, Dave.
5 Roy?

6 BY MR. MORRISON:

7 Q. Hey, Andy. I just had a couple of clarifying questions going
8 back to Joe's line of questioning a little bit. I know you've
9 been working compressed halves for 15-plus years. In the last
10 couple of years, those halves have changed just a little bit. You
11 used to get more days off, right?

12 A. Yes, sir. We used to work eight on/seven off. They changed
13 it, made it to Tuesday, so now we work eight on and six off.

14 Q. And that change happened just within the last couple of years
15 or a year?

16 A. Yeah. I think the last like three (indiscernible) or
17 something, two years (indiscernible) something like that, and one
18 of those things we used to --

19 Q. You guys are --

20 A. I'm sorry. The work groups used to work the 1st through the
21 5th -- or 1st through the 8th and then the 8th through the 15th
22 would be depending on if you worked Team One or Team Two. And
23 then the next half, which you would work -- we worked Team One so
24 I can speak to that. So Team One was like the 1st through the 8th
25 and then also the 15th through the 23rd. And it depended on how

1 many days were in the calendar for the Team Two, especially on the
2 second (indiscernible).

3 Q. And those long days off are pretty necessary because you guys
4 have a rather large territory and oftentimes are pretty far from
5 home. What's the longest you'd say you ever had to -- farthest
6 you ever had to commute to get to work?

7 A. I've been to Mount (indiscernible) I think at one time
8 when -- before we were able to drive -- or, excuse me, before we
9 were able to fly, before we got that (indiscernible) I think it
10 would take me 24 hours to drive. I live in (indiscernible),
11 Wyoming, and I've, you know, gone about (indiscernible) 24-hour
12 time, I think, (indiscernible) Landing down here to Phoenix
13 (indiscernible) is like 15, so yeah.

14 MR. MORRISON: Thanks, Andy. I just wanted to kind of make
15 sure these guys understood the gravity of the schedule you guys
16 work.

17 MR. ROBINSON: Yes, sir.

18 MR. HOEPF: All righty, thank you, Dave -- or I'm sorry,
19 thanks, Roy. My bad.

20 Jay, any questions?

21 BY MR. FARRAR:

22 Q. I think in the spirit of Roy's questioning, which I obviously
23 like, so Andy, when you guys used to work the old schedule, would
24 you say you guys got longer time on track, or less time on track
25 than you get now?

1 A. We probably got more time on track, Jay.

2 Q. So it occurred to you the work windows were longer back when
3 we worked the other work schedule versus what your track time now
4 is?

5 A. Yeah. Obviously, because, I mean, we're getting squeezed all
6 the time work time schedules but not on the track right now.

7 Q. Got it.

8 MR. FARRAR: No, I do want to say you've done a phenomenal
9 job today, Andy, and I appreciate you helping these fellows out.
10 I really do.

11 MR. HOEPF: All righty, thank you, Jay. Appreciate that.

12 And, Andy, thank you very much for your time today. I think
13 we are just about done. I have just a couple of -- well, one
14 quick clarification question and then just kind of an open
15 question. But before I do that, I just wanted to verify, give the
16 group a final opportunity, if anybody has any other questions, you
17 can just speak up and let me know now.

18 (No audible response.)

19 BY MR. HOEPF:

20 Q. Okay, so -- yeah, so, Andy, first, just one more quick
21 clarification question and then just an open-ended question. I
22 know you said you gave the job briefing on the day of the
23 incident, and I'm just wondering, can you confirm that the tamper
24 operator was present for the job interview, do you recall -- or,
25 sorry, for the job briefing, do you recall?

1 A. So, you know, I know Ray, you know, he had to be there. All
2 of our employees are there when we go to work and, you know, we do
3 roll call, and then we proceed with the (indiscernible) both had,
4 so no, I would say he was there, you know, present, participating.

5 Q. Okay, great. Excellent. Thank you, thank you. And the last
6 one, I know, you know, John kind of already, you know, had asked
7 you this, but is there anything else you would like to add? Just
8 anything -- suggestions for future safety interventions or
9 otherwise?

10 A. No, I don't. I think we're all in the same category to try
11 to prevent this from happening again, and I think (indiscernible)
12 you know, like someone said earlier, you know, if you had 30,000
13 feet or, you know, more at the ground level, but I think we're all
14 good (indiscernible) trying to achieve.

15 MR. HOEPF: Well, thank you very much for offering your time
16 today and your perspective. It's very much appreciated. So with
17 that, we'll go ahead and go off the record.

18 (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 RAILWAY ROADWAY
 WORKER FATALITY IN VAIL,
 ARIZONA, ON JANUARY 31, 2021
 Interview of Andy Robinson

ACCIDENT NO.: RRD21LR007

PLACE: Via telephone

DATE: March 16, 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.


Ashley Daumit
Transcriber