

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: \*

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FATAL AMTRAK DERAILMENT \*

NEAR JOPLIN, MONTANA \* Accident No.: RRD21MR017

ON SEPTEMBER 25, 2021 \*

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Interview of: ROBERT A. CLARY, III, Engineer  
Amtrak

Shelby, Montana

Monday,  
September 27, 2021

APPEARANCES:

ZACH ZAGATA, Investigator, Operations Group Chairman  
National Transportation Safety Board

STEPHEN JENNER, Ph.D., Human Performance Investigator  
National Transportation Safety Board

STACEY THOMPSON, Operating Practices Specialist  
Federal Railroad Administration

STACY CHAVEZ, Operating Practices Inspector  
Federal Railroad Administration

AARON RATLEDGE, Assistant Vice President Operating  
Practices and Rules  
BNSF Railway

PAUL O'MARA, Assistant Vice President Transportation  
Amtrak

PATRICK SULLIVAN, Superintendent of Transportation  
Amtrak

BRIAN FRANSEN, Member, Safety Task Force  
Brotherhood of Locomotive Engineers & Trainmen (BLET)

JIM CHASE, Member, National Safety Team  
SMART Transportation Division

JAMES J. BACH, Vice Local Chairman  
BLET Division 60

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I N T E R V I E W

1  
2 MR. ZAGATA: Good morning. My name is Zach Zagata, and I am  
3 the NTSB operations group chairman for this accident. We are  
4 conducting an interview on September 27, 2021, with Robert Clary,  
5 who works for Amtrak. This interview is in conjunction with  
6 NTSB's investigation of the accident near Joplin, Montana. The  
7 NTSB accident reference number is RRD21MR017. The purpose of this  
8 investigation is to increase safety and not assign, fault, blame  
9 or liability.

10 Before we begin our interview and questions, let's go around  
11 the room and introduce ourselves. Please spell your last name,  
12 and your title. I'll start off and then pass to my right. Again,  
13 my name is Zach, Z-a-c-h, last name Zagata, Z-a-g-a-t-a, and I am  
14 the NTSB operations group chairman.

15 MR. CLARY: My name is Robert Anthony Clary, III. I am with  
16 Amtrak and I'm an engineer. It's R-o-b-e-r-t, middle initial A;  
17 Clary is C-l-a-r-y, and then III at the end of for the third.

18 MR. BACH: I'm James Bach, vice local chairman for BLET  
19 Division 60 here in Shelby. J-a-m-e-s, middle initial J, B-a-c-h.

20 MR. FRANSEN: Brian Fransen, B-r-i-a-n, F-r-a-n-s-e-n, and I  
21 am with the BLET Safety Task Force, party spokesman.

22 MR. CHASE: I'm Jim Chase, J-i-m, C-h-a-s-e, and I'm on the  
23 SMART National Safety Team.

24 MS. THOMPSON: Stacey Thompson, District 8 operating  
25 practices specialist. Stacey, S-t-a-c-e-y, Thompson,

1 T-h-o-m-p-s-o-n.

2 MR. RATLEDGE: My name is Aaron Ratledge, A-a-r-o-n,  
3 R-a-t-l-e-d-g-e, AVP operating practices and rules, transportation  
4 safety, BNSF Railway.

5 MR. O'MARA: My name is Paul O'Mara, assistant vice president  
6 transportation for Amtrak. P-a-u-l, O-M-a-r-a.

7 MR. CHAVEZ: My name is Stacy Chavez. I'm the FRA operating  
8 practices inspector, Helena, Montana. S-t-a-c-y, C-h-a-v-e-z.

9 DR. JENNER: I'm Stephen Jenner, S-t-e-p-h-e-n, J-e-n-n-e-r.  
10 I'm a human performance investigator with the NTSB.

11 MR. ZAGATA: Okay. Thank you.

12 And then, Robert, do we have your permission to record our --

13 MR. SULLIVAN: You never got to me.

14 MR. ZAGATA: Okay. Go ahead. Sorry.

15 MR. SULLIVAN: Patrick Sullivan, P-a-t-r-i-c-k,  
16 S-u-l-l-i-v-a-n. I'm the Amtrak superintendent of transportation.

17 MR. ZAGATA: Okay. Thank you.

18 Do we have your permission to record our discussion with you  
19 today?

20 MR. CLARY: Yes, you do.

21 MR. ZAGATA: Thank you.

22 Do you understand the transcript will be part of the public  
23 docket and, as such, we cannot guarantee any confidentiality?

24 MR. CLARY: Yes.

25 INTERVIEW OF ROBERT A. CLARY, III

1 BY MR. ZAGATA:

2 Q. All right. So before we begin our questions, if you could  
3 just kind of give us a brief description of your railroad career  
4 to start off with?

5 A. I started with Amtrak a little over 11 years ago. I was an  
6 assistant conductor for probably 3 or 4 -- 3 of those years. Then  
7 I was promoted to a qualified conductor, still on the extra board.  
8 I was, I guess, a conductor for 2 years. And then after, I  
9 interviewed with Amtrak for an engineer position, got the engineer  
10 position, have been an engineer for 5½ years. I don't know, do  
11 you want something else or --

12 Q. No. That's perfect.

13 A. Okay.

14 Q. Okay. Now if you could kind of walk us through your day on  
15 the day of the accident.

16 A. You bet. We showed up for work -- our on-duty time in Minot  
17 is 0821. We actually had to call for our GTBs to the dispatch. I  
18 received four copies of those. Went through our job briefing --  
19 safety, the whole gamut, at the beginning, safety rules, do our  
20 GTBs, looked at the slow orders. Passed out my stuff, walked up  
21 to the engine. Let Minot mechanical do their thing, of course,  
22 all their safety air tests. After they were done, released the  
23 blue flags and we logged into PTC. My fellow engineer, Scott  
24 Larson, he ran first, so it was his ID and passcode that went into  
25 PTC.

1 Left Minot on time. Was having a good trip. Actually had to  
2 wait for a train to come into Minot, so we lost a little time  
3 there before Stanley. I think we left Williston on time. That's  
4 where I started to run. I'm the second portion of the trip, which  
5 is Williston to Glasgow, Montana. Good trip from Williston to  
6 Glasgow. Left Glasgow on time and started running. In the  
7 meantime, engine is good, speedo is good. Checked the wheel in  
8 Minot; wheel size was 38-1/4. We had a test mile at 2 or 3/10ths  
9 on the worn side, so that would be -- 79 miles an hour gives you  
10 79.2. Went from Glasgow -- Scott ran Glasgow to Havre, no  
11 problems. PTC was working fine. No issues with that.

12 I got in the seat at Havre after our station -- or fueling,  
13 and then we pull up for our station work. Left Havre on time,  
14 3:04, 1504. We were on clears until a little bit after Lohman,  
15 which is right outside of Havre. We had to follow a train from  
16 Kremlin to Gildford, is where we got around that train. The  
17 advance signal to Gildford was an advance approach. We turned out  
18 50 miles an hour. We were on main 2. Then we have a straight  
19 shot from Gildford to Joplin. We don't have to turn out at  
20 Joplin. Main 2, you go straight onto the main at Joplin. Joplin  
21 was a clear block. PTC showed a green line.

22 Right after Joplin, like probably, I'd say, 200, 300 feet --  
23 that's just a rough estimate, there's a private crossing. I  
24 whistled for that crossing. Continued on. There's a gated  
25 crossing at kind of downtown Joplin, whistled for that.

1 Everything was clear. PTC showed clear. There is another private  
2 crossing before you get to East Buell, whistled for that. That  
3 crossing was clear.

4 After that crossing is where you start into the -- I guess  
5 it's a right-hand curve, go right into the curve. I looked at the  
6 signal at East Buell. It was clear. I looked down at my speed to  
7 make sure I was maintaining 79 miles an hour. Once I did that, I  
8 looked back up. I felt a big jerk to the right and then another  
9 jerk to the left, and then another jerk to the right. And then  
10 the accordion action started. Then the train went into emergency.

11 If you need me to slow down, I can slow down. Sorry. I'm a  
12 little nervous.

13 Q. Okay. You're good.

14 A. So the train went into emergency. I then put the AVV into  
15 emergency. I made the radio announcement, "Emergency, emergency,  
16 emergency, Amtrak 74 East is in emergency." I said, at East  
17 Buell, and then I repeated we were stopped close to milepost 1015.

18 I then dialed up the Havre West dispatcher on 2-8-0. That's  
19 the Rudyard radio. He was very, you know, quick to respond, so I  
20 didn't have to dial 911. I then told him we were in emergency and  
21 we were on the ground at close to -- we were stopped at close to  
22 milepost 1015. He then asked me -- I actually thought he said  
23 "Did you make the emergency call over the radio?" and I said yes,  
24 I made the emergency call over the radio, when actually he said,  
25 do you need emergency responders? And I believe Scott got on the



1 radio then and said, yes, bring what you can. And I said, bring  
2 what you can.

3 Then conductor got on the radio. He was in what we call the  
4 dorm car, making sure we were okay. And I said if he was okay.  
5 And then he called back to the assistant conductor, who was --  
6 told me he was sitting in the lounge car, which was on its side.  
7 And he eventually got his whereabouts and was able to call Dennis  
8 and let him know he was okay.

9 In the meantime, my second engineer, Scott Larson, got on the  
10 ground, went back to the second unit, turned off the HEP,  
11 deenergized the HEP from the train. He also walked what he could  
12 to see that the two units, bag car, and from what he could see,  
13 the dorm car was on the rail, the rest of the train was on the  
14 ground and some of it was on its side. I stayed up in the  
15 controlling unit and manned the radio for any calls from the  
16 dispatcher and anything from the conductor and assistant conductor  
17 that they needed. Yeah, that's kind of my day.

18 Q. I appreciate it. Are you okay? Do you need a break or --

19 A. I'm a little shaky and pale and white, but yes --

20 Q. Do you want some water?

21 A. -- keep going.

22 Q. All right. This was your regular assignment?

23 A. Yes, sir. I work every week. My week starts on Friday to  
24 Minot, back Saturday to Shelby. Then I go Minot again on Sunday,  
25 back to Shelby on Monday. And then I have a trip to Whitefish

1 Tuesday, back to Shelby Wednesday, and my day off is Thursday.

2 Q. Okay. How long have you been holding that job for?

3 A. Since we went back to full time, May of '21.

4 Q. Okay. So you're pretty familiar with the territory?

5 A. Yes, sir.

6 Q. Okay. Have you ever experienced anything like that rocking  
7 you felt there before or --

8 A. A little bit at -- it would be -- what is that? Before you  
9 get to Stanley, what's that, where that 40 is?

10 UNIDENTIFIED SPEAKER: Oh, at --

11 MR. ZAGATA: We can't talk.

12 UNIDENTIFIED SPEAKER: Oh, okay.

13 MR. CLARY: Right before you get to Stanley, there's a  
14 switch. They have a 40-mile-an-hour speed restriction on there;  
15 there wasn't previous. It's been on there for quite some time  
16 now, but there was a little like that, but there is a slow order  
17 on that now, which helps. But, yes, we -- I mean nothing to that  
18 extent, of course. Never felt anything quite as severe as I felt  
19 that first and second right to left.

20 Q. Okay. And at the time of the accident, so you were at the  
21 controls, and where was Scott at, you say?

22 A. Scott, actually about 10 to 15 seconds earlier went back to  
23 the bathroom. He was in the bathroom at that time.

24 Q. Okay. And at that time was there any electronic devices in  
25 the cab of the locomotive turned on?

1 A. No, sir.

2 MR. ZAGATA: Okay. That's all I have for questions now.  
3 I'll pass them over to my right, to Brian.

4 MR. FRANSEN: I don't believe I have any questions for you,  
5 Bob, at this time. That was a really good description of what  
6 happened, so I don't have any follow-ups.

7 MR. ZAGATA: If you could state -- before you start talking,  
8 if you could state your name.

9 MR. CHASE: Okay. This is Jim Chase with SMART  
10 Transportation.

11 BY MR. CHASE:

12 Q. Does Amtrak have an emergency plan for something like this  
13 when it happens?

14 A. Yes. We have a critical incident, go through training and  
15 have that in place.

16 Q. Okay. And how do you think that played into -- how did it  
17 work in this situation? Are you familiar with what happened back  
18 there, getting people out?

19 A. I'm really not. I was in the controlling unit, but from what  
20 I have heard on the radio and with what the conductors were, you  
21 know, saying back and forth, I believe they really do need to be  
22 commended for the job that they did in the situation that they  
23 were in. They did what they could to the best of their abilities  
24 from what I heard from the controlling unit.

25 MR. CHASE: That's all I have. Thank you.

1 MS. THOMPSON: I didn't get through my little list here, and  
2 I may have to come back to me.

3 MR. ZAGATA: State your name.

4 MS. THOMPSON: Stacey Thompson.

5 BY MS. THOMPSON:

6 Q. Are you guys required on the head end to keep any kind of  
7 signal awareness form?

8 A. No, we're not.

9 Q. And -- or you said no issues with the train from Minot up to  
10 there?

11 A. No, ma'am.

12 Q. Dynamic brakes, braking, anything like that?

13 A. Nothing, nothing was a problem. Everything was working as  
14 intended.

15 MS. THOMPSON: Okay. Go around the -- if I think of  
16 something, I'll come back. Thank you.

17 MR. RATLEDGE: Aaron Ratledge, BNSF.

18 BY MR. RATLEDGE:

19 Q. So this area around Stanley, could you be a little more  
20 specific -- I know you're having a hard time knowing exactly  
21 where. Not wanting to be precise, but is it east of Stanley; is  
22 it west of Stanley?

23 A. It's west of Stanley, west of our station stop. And actually  
24 it's the switch that they go into their industry yard.

25 Q. So a switch location?

1 A. It's a switch location, yeah. It's been reported numerous  
2 times and they do have a 40 on there. There is still a little  
3 back and forth when you go through, but it's not a --

4 Q. Okay. And if I've heard you correctly -- I don't want to  
5 misstate you, but you said you really have never felt anything  
6 like that before ever?

7 A. No, sir.

8 MR. RATLEDGE: Okay. Thanks. That's all I have at this  
9 time.

10 MR. O'MARA: Paul O'Mara with Amtrak.

11 BY MR. O'MARA:

12 Q. What's the maximum operating speed at the area where the  
13 incident occurred?

14 A. Seventy-nine miles an hour.

15 Q. Do you recall what notch you were in at the time?

16 A. I believe I was in notch 7 or 8 to keep speed because there  
17 is a hill there. Coming out of Joplin, of course I was in either  
18 idle or 1, and then notched back to 3, and then 4, 5, and then  
19 whistled for the crossing. And then when you go -- you go kind of  
20 down into the curve, and then you go up, and that's where I  
21 notched back to 7 or 8 to make sure to maintain my speed at 79  
22 miles an hour.

23 Q. So it's a grade increase coming out of there?

24 A. Yes.

25 MR. O'MARA: Thank you.

1 DR. JENNER: This is Steve Jenner.

2 BY DR. JENNER:

3 Q. I just want to do a few follow-ups from the questions I heard  
4 earlier.

5 A. Okay.

6 Q. You had just mentioned feeling a back and forth. If you  
7 could just give some details about what area and what you  
8 experienced previously?

9 A. Probably -- time flew in the moment. I'm sorry if the  
10 timeline, you know, I mean -- from the right to left to right it  
11 was probably 4 or 5 seconds. I felt -- it felt like an accordion  
12 kind of, that you come back and forth. And in that time, the  
13 train put itself into emergency and then I put it in emergency  
14 with the AVV.

15 Q. Okay. Was there any part of that area or any part of your  
16 trip up into that area where you had concerns? Any type of minor  
17 back and forth or had concerns about the track?

18 A. No, sir.

19 Q. Okay. Was there anything unusual about your trip up until  
20 that point?

21 A. No, sir.

22 Q. Had you -- have you heard from other engineers or conductors  
23 about, you know, concerns with track for the territory that you  
24 operated over?

25 A. There's, you know, spots here and there that are a little

1 rough, kind of bouncy. I mean it's not near to what we went  
2 through, nowhere near it. There's always rough track, but most of  
3 the time there's slow orders on that portion of track.

4 Q. Were there any -- did you discuss -- I'm sorry -- slow orders  
5 on any part that you had operated over?

6 A. Yes. We have a job briefing in the morning before we get on  
7 the train to go over our general track bulletins. That covers all  
8 of our territory from Minot station to a little past Shelby. And  
9 we go over what slow orders are where, milepost sightings.

10 Q. Okay. Let me move you to the post-incident. Did you ever  
11 have face-to-face discussion with any of the emergency responders?

12 A. No, I did not.

13 Q. So did I understand that you remained in the locomotive?

14 A. I was manning the radio. Yes, sir.

15 Q. Okay. Besides what you had already described, over the next  
16 several minutes or hours, were you in communications with  
17 dispatchers or other officials?

18 A. Yes. We were in communications. The conductor at one point  
19 told me one of the ambulance crew asked him to have me call the  
20 dispatcher and say the Inverness ambulance needed to come. So I  
21 toned up the dispatcher and relayed that information. And also,  
22 after that point, at some time the dispatcher got on the radio and  
23 told me that CNOC, our central -- we call it CNOC. They needed  
24 the conductor to call them. The conductor was very, very busy at  
25 that point in time, so I'm not sure when CNOC got called, but that

1 was another thing that the dispatcher had relayed. Also we needed  
2 more ladders, so I relayed that we needed more ladders. When  
3 ladder trucks came, I just kind of pointed.

4 Q. Um-hum.

5 A. But, yeah.

6 Q. Okay. Do you receive from Amtrak training for incidents like  
7 this?

8 A. We have a critical incident plan in place, yes. We do have  
9 block training and we go through that in our block training. I've  
10 never been through anything like this. I don't think anything can  
11 prepare you for something this -- I mean it -- sorry, but it was  
12 catastrophic. It --

13 Q. Sure.

14 MR. ZAGATA: Do you need to take a break?

15 DR. JENNER: Why don't we take a break?

16 MR. ZAGATA: Yeah.

17 (Off the record.)

18 (On the record.)

19 MR. ZAGATA: And resuming after a break with Mr. Jenner.

20 BY DR. JENNER:

21 Q. What I'd like to do is -- I wasn't writing down fast enough  
22 on the part where you detailed the days that you worked and the  
23 trips that you took leading up to this day. So if you could just  
24 back up 3 or 4 days, please?

25 A. Yeah. So I'll just start with my Whitefish trip on last



1 Tuesday. We're on duty at 4:37 on Tuesday to go to Whitefish.

2 Q. Is that a.m. or p.m.?

3 A. That is p.m.

4 Q. Okay.

5 A. Got to Whitefish in pretty good time. I think we had to wait  
6 for a freight train at CP 1213.1 for a little bit, but I think I  
7 was off duty at 9 -- I want to say 9:30 that night. I walked to  
8 the hotel, got my rest. On duty at 6:56 on Wednesday.

9 Q. 6:56 a.m.?

10 A. A.M. Sorry. And then got to Shelby right around noon. So I  
11 would be off say -- Amtrak gives us a 15-minute window to put in  
12 our time and do things, so 12:15-ish. And so Wednesday, from  
13 12:15, I was off until Friday at 10:48 a.m.

14 Q. So, I'm sorry, were you off Thursday as well or you were  
15 working?

16 A. Thursday is my relief day, yes.

17 Q. Okay.

18 A. That's my only day off during the week. So that's my rest  
19 period, is from Wednesday -- on an on-time train, we can get in  
20 Wednesday at 11:04, 11:07-ish, right in there, and that's a.m.,  
21 till Friday on duty at 10:48, unless the train is late and we get  
22 set back, of course.

23 Q. On duty 10:48 a.m. Friday?

24 A. Yes.

25 Q. Okay. I'm sorry. I missed the 11:04 part.

1 A. Oh, that's our arrival time into Shelby from Whitefish. We  
2 can be in as early as that when we leave the previous station, Cut  
3 Bank, Montana, on time.

4 Q. Okay. So on duty 10:48 a.m. Friday.

5 A. Yes. Yeah. So, and that's the day before the accident  
6 happened.

7 Q. Um-hum.

8 A. So we made it to Minot on Friday. We got in -- I think we  
9 were 10 minutes late. So on time into Minot is 2027 Mountain  
10 Time. We were off duty at 2047 Mountain Time, and then went to  
11 the hotel and got rest.

12 Q. Okay. Can you give me just specifics about your rest, when  
13 you like fell asleep and when you woke up on that night?

14 A. So we got in at -- we got to the hotel probably a little  
15 after 8:50. I talked with my wife and children, watched a little  
16 TV. I think I was asleep probably by -- I never look at the  
17 clock. I would say at least 10:30, 11 o'clock. I have my alarm  
18 set for 0645 in the morning to meet downstairs in the lobby at the  
19 hotel at 0745, is when we meet in the lobby. We're on duty at  
20 the -- our on-duty time is 0821.

21 Q. Okay. And that morning -- that evening, did you get -- how  
22 was your rest? Did you --

23 A. I actually slept pretty good. The beds there are difficult  
24 sometimes in those rooms. They're fairly old, so it's nice to get  
25 a room with a good bed. But yeah, I slept good.

1 Q. Okay. Did you wake up feeling alert? A little, very, or --

2 A. I woke up to my alarm. I was mad that it went off, but who  
3 isn't?

4 Q. Sure.

5 A. But, yes -- no, I felt fine. I got up with my alarm and  
6 turned on the shower, and it takes about sometimes 10, 15 minutes  
7 to get the water hot enough in that hotel, but got the shower, got  
8 dressed, and went downstairs by 07:45 in the morning.

9 Q. Okay. And when you're operating, you're taking turns  
10 operating, about how many hours would you -- are you operating  
11 before you switch?

12 A. So from Minot to Williston is our first stage. We leave  
13 Minot at 0906 in the morning. And then we get to Williston  
14 probably at -- we leave Williston at 10:07 Mountain -- so should I  
15 say Central Time? I mean we're in Central Time, but -- this is  
16 all Mountain Time I'm giving you.

17 Q. Okay. Mountain Time.

18 A. So it's probably 11 o'clock Mountain Time when we get into  
19 Willison. Leave Williston on time is 11:07 Mountain Time. So  
20 that's the first stretch in hours.

21 The second run is from Williston to Glasgow, and like I said,  
22 Williston Mountain Time is 11:07. We get out of Glasgow at 12:26,  
23 is on time out of Glasgow, so that's the hours' stretch in that  
24 run. That's the second run.

25 Third run, the guy is from Glasgow to Havre. Like I said, we

1 leave Glasgow at 12:26 and, if we're on time into Havre, we're out  
2 of Havre at 1 -- or 1304 Mountain Time. So that's the third  
3 stretch.

4 And then the fourth stretch of course is Havre to Shelby.  
5 And we leave Havre at 1304 and we can get into Shelby as early as  
6 probably 1440 Mountain Time, but on time into Shelby is 1717  
7 Mountain Time.

8 Q. Okay.

9 A. So that's kind of the breakdown of shifts.

10 Q. Great. Thank you. That's helpful. And I'm just going to  
11 change pace a bit and just ask you about your overall health.  
12 Before the incident, you know, how would you regard your overall  
13 health?

14 A. I'm in pretty -- I am a bigger individual, but I'm in pretty  
15 good shape. I do have a Peloton at home that I ride. I had a  
16 physical in June. Everything was fine there. Got checked out,  
17 everything looked good. So I would say I'm in good health.

18 Q. Okay. Do you have any chronic medical conditions? Heart --

19 A. No, sir.

20 Q. Any more allergy related or colds or anything like that?

21 A. No, sir.

22 Q. Okay. Have you ever been diagnosed for any type of sleep  
23 disorder?

24 A. No, sir.

25 Q. Okay. Are you on any type of prescription or nonprescription

1 medications?

2 A. No, sir.

3 Q. That Peloton's really working out for you, then?

4 A. Yeah. I like the Peloton. I like to spin, so --

5 DR. JENNER: Okay. I appreciate all that. So that's all I  
6 have. Thank you.

7 MR. ZAGATA: Zach Zagata, NTSB.

8 BY MR. ZAGATA:

9 Q. Just a few follow-up questions for you. So you said you  
10 marked up on the job May of '21 approximately; is that correct?

11 A. Yeah. We were -- previous to this with Covid, we were doing  
12 3 days a week, and it was sometime in May that we went back to  
13 full time on Amtrak and I was awarded this job.

14 Q. Okay. So as far as months or years, how long would you say  
15 you've been operating over this territory where the accident  
16 happened?

17 A. I've been an engineer for a little over 5 years, so 5 years.

18 Q. Five years? Okay.

19 A. Well, more than that as a conductor, AC, I mean, so over that  
20 territory for 11.

21 Q. Eleven years. Okay. And then how many -- I know it kind of  
22 slowed down with Covid and that, but since May and it picked back  
23 up, how many trips are you making over that territory in a month,  
24 say, average?

25 A. A month?

1 Q. Yeah.

2 A. I work to Minot and back 4 days a week. For a month, that's  
3 a week -- roughly 14 a month.

4 Q. Okay.

5 A. About.

6 Q. Okay. Appreciate it.

7 As far as reporting track conditions, if you guys do notice  
8 something, how do you do that?

9 A. We tone up the dispatcher, give him the milepost location of  
10 where we think the track is rough, and report it that way.

11 Q. Okay. And then after you report that, is it usually taken  
12 care of pretty quickly? Are they responsive to it or do you  
13 notice it's still there for an extended period of time?

14 A. Some spots are still there; some spots they fix right away.  
15 So it varies.

16 Q. And then at that location, are you aware of any track work  
17 that was being done?

18 A. About 2 weeks ago -- 2 or 2½, 3, right in there, they did  
19 have a tie gang there replacing ties from a little after --  
20 probably after East Buell to -- for a ways, and they did have  
21 speed restrictions on that when they were doing that.

22 MR. ZAGATA: I appreciate it. That's all I got. I'll pass  
23 it on to Brian.

24 MR. FRANSEN: Brian Fransen, BLET Safety Task Force.

25 BY MR. FRANSEN:

1 Q. I just had one -- a follow-up question, Bob, about from --  
2 what would be your estimate -- I don't think this was answered,  
3 but in your estimate, from the time you went into emergency to the  
4 time that you were relieved off of that train, the amount of time  
5 that you and the crew were out there in the -- at the accident  
6 site, I guess, from the time you were in a van, I'm assuming, when  
7 you left there?

8 A. Yeah.

9 Q. What would be the total time that that took to get you off  
10 the train?

11 A. I would say at least like 2½, 3 hours. I don't know the  
12 exact, but 2½ to 3 hours, we were there.

13 Q. And you all left together?

14 A. Yes. In separate vehicles, because the vehicles weren't big  
15 enough to get all four of us in. But myself and Scott Larson and  
16 actually one of the other extras that came out that were needed,  
17 we got in Mark -- our RFE, Mark Blevins' vehicle, and then the  
18 conductor and assistant conductor went with a BN official.

19 MR. FRANSEN: All right. Thank you.

20 MR. CHASE: Jim Chase, SMART, again.

21 BY MR. CHASE:

22 Q. You had mentioned that there were some other locations that  
23 you had gone over that were -- you had had experienced it was  
24 rough. In this specific location, in your career, have you had  
25 any experience with any rough there or slow orders or anything of

1 that nature?

2 A. Yeah. There's been probably a slow order there. There's  
3 been a slow order a lot of places. I'm sorry, but I've never --  
4 with that curve and doing 79, so it's (snaps fingers) like that, I  
5 really haven't felt a lot of jogging on that curve previously.

6 Q. Okay. What I was trying to get at is if there was something  
7 specific that you could remember there in that specific spot that  
8 stuck out in your head in the past?

9 A. No.

10 Q. It's just like every other piece of track? There was nothing  
11 that specifically stuck out?

12 A. Yeah. No.

13 MS. THOMPSON: Stacy Thompson, FRA.

14 BY MS. THOMPSON:

15 Q. Thanks for hanging with us, Robert. Okay. Coming into the  
16 derailment site, was there anything going on that could have  
17 caused you guys a distraction or anything? Radio chatter,  
18 anything that you remember that --

19 A. A little bit previous to that we did get a crossing warning  
20 at a grade crossing in Chester. So the other engineer was writing  
21 that down while I was at the controls. So I would say, no, we  
22 weren't distracted. Or I was not distracted, I should say.

23 Q. After you had placed the train into emergency, do you recall  
24 if you moved the controls from emergency or you did it just remain  
25 in emergency from the time you -- till the time you got off?



1 A. So when the accordion action was happening, I -- once the  
2 train went into emergency, I put it in emergency. And when it  
3 came back, my arm -- my hand was still on the valve. It came back  
4 a little bit. I put it back into emergency and left the controls  
5 where they were for the remainder of that time.

6 Q. Until you were relieved from the train?

7 A. Until I was relieved from the train, the train was in  
8 emergency. We were in idle. Independent was fully set.

9 Q. Thank you for that. And on your shift runs, were you guys --

10 A. Oh, I'm sorry. We did set hand brakes on both of the units  
11 as well. I forgot about that.

12 Q. When you talk about the engineers swapping on and off from  
13 Minot to Williston and stuff, do you always do the same stages or  
14 do you guys switch back and forth?

15 A. On my particular job, we switch. So Friday and Saturday I  
16 run second. I run the second and fourth legs on Friday and  
17 Saturday, to Minot and back. On the second trip, which is my  
18 Sunday/Monday trip, I run the first leg Saturday -- or Sunday and  
19 Monday. So we do switch so we're not running over the same thing  
20 over and over and over again. I mean, we are running over the  
21 same thing over and over and over again, so -- yes.

22 Q. Okay. And once you guys were relieved, where did you guys go  
23 from there, when you were in the vehicles with the Blevins and the  
24 BNSF management?

25 A. We came here first, where the assistant conductor and

1 conductor dropped off their bags, and our road foreman could get  
2 the FRA tox kit. Then we got back in the vehicles and went to --  
3 straight to the hospital for our urine exam, blood and breath.

4 Q. Do you recall what hospital that was?

5 A. Morias Health Care, I believe is what it's called.

6 Q. Okay. And from there?

7 A. Once we were -- Scott and I were done with our drug test, I  
8 guess you would call it, the road foreman took us to our vehicles  
9 at the station. Loaded up in my vehicle and I went home to my  
10 family.

11 MS. THOMPSON: All right. Thanks, Robert.

12 MR. CLARY: Um-hum.

13 MS. THOMPSON: I'm good.

14 UNIDENTIFIED SPEAKER: So, Robert, we're actually going to  
15 have to request from you a little information about your cell  
16 phone, phone number, carrier. You got -- I don't know if you want  
17 that on record now or you just want me to get after this?

18 MR. ZAGATA: Let's get it after. Let's get it after.

19 UNIDENTIFIED SPEAKER: Okay. Okay. Before you leave, I'll  
20 talk to you.

21 MR. CLARY: Okay.

22 UNIDENTIFIED SPEAKER: Thank you.

23 DR. JENNER: This is Steve Jenner. I do not have any more  
24 questions. Thank you.

25 MR. ZAGATA: Zach Zagata. I don't have any more questions.

1 Do you have anything you'd like to add?

2 MR. CLARY: No.

3 MR. ZAGATA: Okay. All right. Once again, thank you for  
4 taking the time to talk to us. We appreciate it. If there's  
5 anything you need, be sure to let us know. All right?

6 MR. CLARY: Okay.

7 MR. ZAGATA: Okay. With that, we'll conclude. Thank you.

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

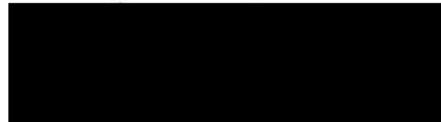
IN THE MATTER OF:            FATAL AMTRAK DERAILMENT  
                                      NEAR JOPLIN, MONTANA  
                                      ON SEPTEMBER 25, 2021  
                                      Interview of Robert A. Clary, III

ACCIDENT NO.:                RRD21MR017

PLACE:                         Shelby, Montana

DATE:                         September 27, 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.



Kay Maurer  
Transcriber