

**PUBLIC REPORT OF INVESTIGATION**

Nodaway, IA

3/17/01

Amtrak/BNSF

DCA01MR003

Passenger Train  
Derailment

**No. 3**

**Crew Interviews**

NATIONAL TRANSPORTATION SAFETY BOARD

\*\*\*\*\*  
 In the Matter of: \*  
 \*  
 AMTRAK TRAIN NO. 5 \*  
 DERAILMENT ON BURLINGTON \* Docket No. DCA01MR003  
 NORTHERN SANTA FE RAILWAY \* Nodaway, Iowa  
 \*\*\*\*\*

PRESENT: RUSSELL F. GOBER

INTERVIEW OF:

RICHARD FERTIG

ORIGINAL

RECEIVED  
 NTSB OFC OF JUDGES  
 WASHINGTON, D.C.  
 2001 MAY -3 P 2 51

## P R O C E E D I N G S

1  
2 MR. GOBER: This is Russell Gober, National  
3 Transportation Safety Board. I am Operating Practices,  
4 or Operations Group Chairman for the Safety Board. We  
5 are here today to develop the facts, conditions and  
6 circumstances surrounding the derailment on Amtrak  
7 which occurred on March 17, 2001 at Corning, or  
8 somebody help me. Nodaway, Iowa, about 11:40 p.m., on  
9 March 17, 2001.

10 We are now going to interview the locomotive  
11 engineer on that train. And if you would tell us your  
12 name?

13 MR. FERTIG: My name is Richard L. Fertig.

14 MR. GOBER: Could you spell Fertig?

15 MR. FERTIG: F-E-R-T-I-G.

16 MR. GOBER: Okay. Richard, could you give me  
17 your telephone number and your address?

18 MR. FERTIG: Okay. My home telephone number  
19 is area code ~~505~~. My address is  
20 ~~1000~~ Collins, C-O-L-L-I-N-S,  
21 Iowa 50055.

22 MR. GOBER: Okay. Could you tell us how long  
23 you have worked with Amtrak?

24 MR. FERTIG: I have been with Amtrak since,  
25 let's see April 12 of 1990.

1 MR. GOBER: Okay. Have you had any railroad  
2 experience prior to working with Amtrak?

3 MR. FERTIG: Yes, I worked for Conrail for a  
4 few months, before that I worked for Metro North  
5 Commuter as a block operator for approximately four  
6 years.

7 MR. GOBER: Okay. Just getting a little bit  
8 of history out of the way. When is the last time you  
9 had a physical?

10 MR. FERTIG: It was early spring of last year.

11 MR. GOBER: Okay. Did you have an eye  
12 examination?

13 MR. FERTIG: Yes, I did.

14 MR. GOBER: Did you pass your physical?

15 MR. FERTIG: Yes, certainly.

16 MR. GOBER: Okay. Are you a certified  
17 locomotive engineer?

18 MR. FERTIG: Yes, I am.

19 MR. GOBER: When did you last have your  
20 certification?

21 MR. FERTIG: Last year, in 2000.

22 MR. GOBER: Okay. Do you remember about what  
23 month that was?

24 MR. FERTIG: I don't remember for sure, I  
25 would say it was sometime around maybe April, but I

1 would have to look to see for sure.

2 MR. GOBER: All right. What about operating  
3 rules classes?

4 MR. FERTIG: It was last February.

5 MR. GOBER: What kind of scores do you make on  
6 the rules exam?

7 MR. FERTIG: Usually upper 90s.

8 MR. GOBER: Have you had rules training that  
9 would go over the use of horns and radios and that kind  
10 of thing?

11 MR. FERTIG: Right, that is included in the  
12 general.

13 MR. GOBER: Okay. Have you had any  
14 experience with horn failures or problems?

15 MR. FERTIG: I have never had a horn failure  
16 before Saturday night.

17 MR. GOBER: Did you have one Saturday night

18 MR. FERTIG: Yes, I did.

19 MR. GOBER: Just to give me an idea of what  
20 happened, just tell me what your first knowledge was  
21 and then what you did afterwards?

22 MR. FERTIG: Okay. Well, in the vicinity of  
23 Osceola, which is about milepost 360, I seemed to  
24 perceive that the whistle was getting somewhat softer,  
25 although it was a subtle difference. And I thought it

1 might just be my imagination or sometimes depending on  
2 the wind conditions, it will cause the whistle to sound  
3 different with regard to the loudness, with the whistle  
4 sounds. And then as I left Osceola, and proceeded over  
5 towards Murray, the whistle noticeably got quieter and  
6 quieter over the course of going through just a couple  
7 of crossings and then just as leaving Murray, the last  
8 crossing, it just faded away to nothing. I mean, I  
9 knew it was just bad. And at that point, I put the  
10 brakes on, I slowed the train down, and I had to go to  
11 my rule book because I had never had a whistle failure,  
12 so, I did, you know, just a minute I found the rule,  
13 read the rule. I then called the dispatcher, and  
14 confirmed with the dispatcher the correct procedure to  
15 follow with regard to that rule, and they confirmed  
16 that it was correct.

17 MR. GOBER: In a nutshell, can you tell us  
18 what that rule is and what you did?

19 MR. FERTIG: Right. It is rule, I believe it  
20 is 5.8.9. It says that when the whistle fails at any  
21 crossing with accurate protection, you are required to  
22 be prepared to stop unless you can see that the  
23 protection is working, if it is working, you can  
24 proceed through the crossing without stopping. At any  
25 crossing with passive protection, you are required to

1 be prepared to stop. If you see an automobile  
2 approaching the crossing, stop at the crossing. And  
3 that is the rule that we followed from that point on.

4 MR. GOBER: Okay. Did you have any other  
5 locomotive or whistles that you could use to augment  
6 your situation?

7 MR. FERTIG: Well, yeah, we did. There were  
8 two units. The 140 was in the lead and the 141 was  
9 trailing. And after getting squared away with this  
10 rule procedure, we talked to the dispatcher and they  
11 informed us that if we could get someone in the rear  
12 unit to blow that whistle at the crossings, that would  
13 allow us to proceed at normal speed. So, at Creston,  
14 Iowa, which was the next stop after Osceola, the  
15 conductor boarded the rear locomotive and we worked out  
16 an arrangement that at the crossings, I would turn on  
17 the rear headlight and when he saw the headlight, he  
18 would blow the whistle until I extinguished the rear  
19 headlight and then he would stop blowing the whistle.  
20 So, we did that from Creston until Corning, and at  
21 Corning the dispatcher called us back and said that  
22 they had received further clarification and that we  
23 were not going to be able to do this and we would have  
24 to go back to stopping and protecting the crossings.  
25 So, at Corning, the conductor came back up to the lead

1 locomotive with me and it was just four miles after  
2 that that we experienced the derailment.

3 MR. GOBER: Okay. Did the dispatcher give  
4 you any idea why they changed their, their decision on  
5 how to comply?

6 MR. FERTIG: No, they did not. No, they did  
7 not.

8 MR. GOBER: Okay.

9 MR. FERTIG: And I said, well, that is too bad  
10 because it is going to really incur substantial delay  
11 because there are several crossings and so we were  
12 pretty, you know, we are not real happy about it  
13 because we try to keep the train on time, but, of  
14 course, I think we all know now that it turned out to  
15 be just a huge blessing in disguise because otherwise  
16 at the derailment site we would have been traveling  
17 probably 79 miles per hour.

18 MR. GOBER: Okay. Let's back up just a  
19 little bit, whenever you went on duty, on the 17th,  
20 what time did you go on duty?

21 MR. FERTIG: 19:54.

22 MR. GOBER: Okay. So, those of us that are  
23 not military --

24 MR. FERTIG: Oh, I am sorry, 7:54 p.m.

25 MR. GOBER: Seven fifty four p.m. Where did

1 you go on duty?

2 MR. FERTIG: Ottumwa, Iowa.

3 MR. GOBER: Okay. How much rest from hours  
4 of service point of view did you have?

5 MR. FERTIG: I believe it was eight hours and  
6 51 minutes.

7 MR. GOBER: Okay. Had you worked another  
8 train the day before?

9 MR. FERTIG: Well, that morning I worked Train  
10 number six from Lincoln, Nebraska to Ottumwa, Iowa.

11 MR. GOBER: Okay. Do you feel you were  
12 rested in accordance with the regulations?

13 MR. FERTIG: Absolutely.

14 MR. GOBER: Okay. How many days per week do  
15 you work?

16 MR. FERTIG: I am on the extra board, so it  
17 varies greatly. Sometimes I work one trip a week or  
18 one day a week and other times I work five or six, or  
19 seven days a week. It just depends on the --

20 MR. GOBER: Well, in the past five days, how  
21 many days did you work and how many days were you off  
22 prior to the wreck?

23 MR. FERTIG: Yes, in the past five days, I  
24 made one trip, prior to the day of the wreck and that  
25 was on a Wednesday, I believe it was Wednesday.

1 MR. GOBER: Okay. In your, when you reported  
2 for duty, you felt like you were rested okay.

3 MR. FERTIG: Yes.

4 MR. GOBER: You operate by yourself on the  
5 locomotive as a rule.

6 MR. FERTIG: Yes, I do.

7 MR. GOBER: How many miles is this run that  
8 you were on?

9 MR. FERTIG: Two hundred and eighty.

10 MR. GOBER: Roughly how many hours does it  
11 take you to make that run?

12 MR. FERTIG: Approximately five hours.

13 MR. GOBER: Okay. What time did you depart  
14 Ottumwa?

15 MR. FERTIG: That evening. We departed at  
16 9:01 p.m.

17 MR. GOBER: Okay. Was the train on time?

18 MR. FERTIG: No, it was late. We are due out  
19 of there at 8:24.

20 MR. GOBER: Okay. Did you have to make up  
21 any time or did you just maintain a schedule based on a  
22 delay?

23 MR. FERTIG: Well, we maintained the schedule  
24 based on the delay and any extra time that the schedule  
25 that would allow us to make up time.

1 MR. GOBER: Okay. Did you have any  
2 difficulty with your train at any time after you left  
3 Ottumwa prior to the accident, other than the whistle?

4 MR. FERTIG: No.

5 MR. GOBER: Okay. How many miles had you  
6 operated before the accident occurred?

7 MR. FERTIG: Well, Ottumwa is approximately  
8 milepost 280 and the derailment site was milepost 420,  
9 so that is, what is that 140 miles?

10 MR. GOBER: Roughly, yes. Okay. During that  
11 time do you have occasion to look your train over when  
12 you go around curves?

13 MR. FERTIG: Well, right hand curves, yes.

14 MR. GOBER: Okay. Did you see any sparks or  
15 anything?

16 MR. FERTIG: No, I did not.

17 MR. GOBER: Okay. Do you have any hot box or  
18 dragging equipment detectors that you cross over?

19 MR. FERTIG: Yes, the last one before the  
20 wreck site was approximately milepost 290, no, let me  
21 think that is not right. It was approximately milepost  
22 398, so about 12 miles before the derailment.

23 MR. GOBER: Okay. Did it give you any  
24 indications when you went over it?

25 MR. FERTIG: Right, it gave us the axle count

1 and stated no defects and it gave a temperature.

2 MR. GOBER: Okay. Do you remember what those  
3 were by any chance?

4 MR. FERTIG: Well, let's see I believe the  
5 axle count was 72 and I don't remember the temperature,  
6 but I think it could have been 27 degrees.

7 MR. GOBER: Okay. That is 72 axles.

8 MR. FERTIG: Right.

9 MR. GOBER: Do you remember how many, how many  
10 pieces of equipment you had on your train?

11 MR. FERTIG: Sixteen. Well, not, including  
12 the locomotives, 18.

13 MR. GOBER: Okay. You had two locomotives?

14 MR. FERTIG: Right.

15 MR. GOBER: And then 15.

16 MR. FERTIG: Sixteen cars.

17 MR. GOBER: Okay. And one of those would  
18 have been a Metro car?

19 MR. FERTIG: You mean the deadhead couch for  
20 California?

21 MR. GOBER: Yes.

22 MR. FERTIG: Right, that was right behind the  
23 engine.

24 MR. GOBER: Okay. Do you know what the speed  
25 limit on the track was where you had the derailment?

1 MR. FERTIG: Yes, it is for passenger, it is  
2 79.

3 MR. GOBER: Okay. What kind of method of  
4 operations did you have on that run from Ottumwa to  
5 where the accident occurred?

6 MR. FERTIG: What do you mean by method?

7 MR. GOBER: Okay. You, you have certain  
8 types of signal indications --

9 MR. FERTIG: Oh, I am sorry, you mean at CTC?

10 MR. GOBER: Yes. Was it CTC all the way?

11 MR. FERTIG: No, it was AVS from Ottumwa to  
12 basically Creston. There is a short island of CTC  
13 around, basically Ottumwa from Creston it is AVS, and  
14 then from Creston on west it is CTC.

15 MR. GOBER: Okay. And CTC, if you would from  
16 a railroader's perspective, tell me what that means?

17 MR. FERTIG: Well, CTC, of course, stands for  
18 centralized traffic control, and basically means that  
19 the signals, the absolute signals are directly  
20 controlled by the dispatcher and they establish a full  
21 traffic, in which they are running trains. It is a  
22 more controlled method of operations, if you will, as  
23 opposed to AVS.

24 MR. GOBER: Like when you were on Conrail, the  
25 CPs, control points, at the positive blocks.

1 MR. FERTIG: Right.

2 MR. GOBER: Okay. At the derailment, were  
3 you on single track or double track?

4 MR. FERTIG: Single track.

5 MR. GOBER: Okay. And what was that section  
6 of track called, do you remember? Under your CTC, it  
7 would be some block between two points.

8 MR. FERTIG: I am sorry, I am not  
9 understanding your question.

10 MR. GOBER: Okay. What, what are your  
11 control points between --

12 MR. FERTIG: Oh, okay. The control point to  
13 the west is control point 422.2 and the one to the east  
14 of the derailment site would be control point 412.

15 MR. GOBER: Okay. At the point of derailment  
16 were you operating on tangent track, straight track or  
17 curved track?

18 MR. FERTIG: I believe the derailment was  
19 initiated right as we entered the left hand curve.  
20 Tangent track to a left hand curve to a tangent track  
21 and I think we started the derail right as we entered  
22 the left hand curve.

23 MR. GOBER: What would make you think that?

24 MR. FERTIG: Well, because my recollection  
25 tells me that I perceived that something was wrong

1 right as we were starting into the curve and  
2 subsequently put the train into emergency.

3 MR. GOBER: Okay. So you placed the train in  
4 emergency.

5 MR. FERTIG: Yes, I did.

6 MR. GOBER: All right. Well, what was your  
7 perception that made you believe there was a problem?

8 MR. FERTIG: Okay. Well, there were a  
9 couple of things that happened almost concurrently. I  
10 felt a resistance in the seat of my pants, like the  
11 train pulling on me, and almost concurrently with that  
12 sensation, I sensed that something did not feel right  
13 with the locomotive. And I am not sure how to describe  
14 it, but it just, the ride just didn't feel right. And  
15 then almost at the same time, I could hear something, a  
16 grinding, screeching noise and at that instance I knew  
17 we were on the ground and I placed the train in  
18 emergency.

19 MR. GOBER: Okay. Approaching the derailment  
20 area, when you had your last signal, was the signal  
21 displaying a good signal?

22 MR. FERTIG: It was displaying a proceed  
23 indication, clear signal.

24 MR. GOBER: Okay. Do you remember what the  
25 lights would be on that?

1 MR. FERTIG: It would be one green light.

2 MR. GOBER: One green light. Was it a solid,  
3 non flicking, good, positive, what you would feel like  
4 a good circuit that had no, was the circuit set  
5 adequately?

6 MR. FERTIG: I would say so. The signal was  
7 very fairly visible and it looked just as normal as you  
8 would expect a signal to look.

9 MR. GOBER: The reason I asked the question,  
10 if you had a broken rail, could it cause the signal to  
11 flicker?

12 MR. FERTIG: Well, yes, it could. I would  
13 hope that would happen, but unfortunately it didn't in  
14 this case.

15 MR. GOBER: Okay. So, you saw nothing but  
16 green.

17 MR. FERTIG: That is correct.

18 MR. GOBER: And you were operating on  
19 basically tangent track and you were entering a left  
20 hand curve.

21 MR. FERTIG: Yes.

22 MR. GOBER: You heard something, you felt a  
23 tug, did you feel the engine drop down?

24 MR. FERTIG: No.

25 MR. GOBER: You didn't.

1 MR. FERTIG: I didn't sense that. I just felt  
2 the right just suddenly become, I don't know, I just  
3 knew it wasn't right. There was just a, I don't know  
4 what the right word is, a vibration combination  
5 roughness. I don't know exactly how to, but I didn't  
6 feel a bump as if the engine just dropped to the ground  
7 like that.

8 MR. GOBER: Okay. Do you, you said you were  
9 on the extra board and you didn't work but one trip in  
10 the last five days.

11 MR. FERTIG: That is correct.

12 MR. GOBER: But, do you have occasion to work  
13 this territory very often?

14 MR. FERTIG: I work this, I have made this run  
15 many, many, many times, yes.

16 MR. GOBER: Okay. From a perspective of a  
17 locomotive engineer, you have some responsibility to  
18 tell the dispatcher if there is anything wrong, like  
19 you did with the whistle.

20 MR. FERTIG: Yes.

21 MR. GOBER: Have you ever had a problem with  
22 this track in the area where this accident occurred  
23 previously?

24 MR. FERTIG: Not that I can recall within a  
25 couple of miles of the wreck location, although I will

1 say that we have had a long history of reporting rough  
2 track conditions generally between Ottumwa Island and -  
3 -

4 MR. GOBER: Okay. So, that later on I listen  
5 to this tape, I will know where were are at. What  
6 division were you on, what subdivision?

7 MR. FERTIG: Okay. We were on the Creston  
8 subdivision and it is considered the Nebraska Division.

9 MR. GOBER: Okay. What division is it on  
10 Amtrak?

11 MR. FERTIG: Well, maybe, I believe it is  
12 Intercity or Midwest. Amtrak considers that, maybe  
13 George could help me out with that. Intercity,  
14 Midwest? Intercity. Okay.

15 MR. GOBER: Okay. What was the name of your  
16 train and then the number?

17 MR. FERTIG: It was the California Zephyr,  
18 Train number five.

19 MR. GOBER: Okay. Of the 17th?

20 MR. FERTIG: That is correct.

21 MR. GOBER: Okay. You have been pretty sharp  
22 on the answers, from your perspective is there anything  
23 that you need to tell me that you haven't told me? Do  
24 you have anything you would like to add?

25 MR. FERTIG: Well, all I would say is, like I

1 say, we have, it is surprising the derailment occurred  
2 where it did because of all of the places that, you  
3 know, you talk to some of the conductors that work that  
4 train were always rather concerned about the right  
5 quality of the track we operate on because in places it  
6 is very, very rough. And a lot of us have felt for  
7 some time that we were concerned that, you know, it  
8 might be a cause for a derailment because of this rough  
9 track, although the BNSF assured that it is, there is a  
10 separate issue of being right quality versus safety.  
11 And they assured us the track was safe, although the  
12 right quality might not be what we want it to be. And  
13 I think it is just very surprising the derailment  
14 occurred just where it did. And seemingly, of all the  
15 track, that track where the wreck occurred was  
16 relatively smooth and nice riding piece of track.

17 MR. GOBER: Did you have any knowledge of any  
18 work that had been done in that area recently?

19 MR. FERTIG: No, I did not.

20 MR. GOBER: Okay. Did you have any track  
21 orders or bulletin for your operation on the evening  
22 the derailment occurred?

23 MR. FERTIG: Yes, I did.

24 MR. GOBER: Can you describe what those were?

25 MR. FERTIG: Okay. Well, we had numerous

1 form A's, which are slow orders. There were no form  
2 B's. There were a few form C's, which are just  
3 informational, that doesn't necessarily pertain to a  
4 speed type restriction. But, there was a form A for a  
5 slow order just about, let me think here, six miles  
6 prior to the derailment site. It was right new the  
7 town of Corning. We had to slow down for a 60 mile  
8 slow order. And the next speed restriction after that  
9 would have been over around Stanton, which is about  
10 milepost 435, if my memory serves me correctly. Those  
11 were the only two form A's in that vicinity.

12 MR. GOBER: Okay. You mentioned earlier  
13 about a little whistle problem and you are running  
14 slower than normal because of that. And you said the  
15 speed limit was 79 miles per hour. And that would be  
16 what your normal speed would be through there.

17 MR. FERTIG: Yes.

18 MR. GOBER: Okay. To the best of your  
19 memory, how fast were you going when you derailed?

20 MR. FERTIG: I believe I was going around 50.

21 MR. GOBER: Okay. Whenever you went into  
22 emergency, what was the first thing you did after that?

23 MR. FERTIG: The first thing I did was I  
24 picked up the radio receiver and I, or handset, and I  
25 made an emergency call on the radio as prescribed by

1 the rules. And right after I made that call, I dialed  
2 911 on the keypad. And initially I didn't hear a  
3 response, so I dialed 911 a second time, and that time  
4 the dispatcher answered the emergency call and I  
5 proceeded to tell her that we had derailed and gave her  
6 a location and started to request emergency assistance.

7 MR. GOBER: Do you know where your dispatcher  
8 is located?

9 MR. FERTIG: Yes, the dispatchers to my  
10 knowledge are located in Fort Worth, Texas.

11 MR. GOBER: Is that the BNSF's central  
12 dispatcher control center?

13 MR. FERTIG: Yes, yes, it is.

14 MR. GOBER: Okay. Your radio frequency and  
15 keypad and all of that, is pretty much standard. Does  
16 Amtrak give you any training on how to use the radio in  
17 emergency situations?

18 MR. FERTIG: Well, yes, I mean, that is, you  
19 know, for one thing that is covered in the operating  
20 rules, and then sometimes special instructions have  
21 further modifications and that is something we cover in  
22 the rules classes given by the Amtrak personnel.

23 MR. GOBER: Was, was radio usage and  
24 particularly emergency problems discussed in your last  
25 rules class in 2000?

1 MR. FERTIG: Yes, it was.

2 MR. GOBER: Was it 2000 or 2001?

3 MR. FERTIG: It was 2000.

4 MR. GOBER: Okay. Okay. Did they talk to  
5 you about these radio procedures as something new or  
6 different or added or anything different than what you  
7 had over the years?

8 MR. FERTIG: Well, I would say not, I would  
9 just say it was, that is one aspect of, I think, that  
10 they always make a point of touching on, the emergency  
11 procedures. And we did cover that last time, yes.

12 MR. GOBER: Good. Did you have any, any  
13 difficulty in making a decision on exactly what to do  
14 when it came to using the radio to call the dispatcher?  
15 You said you hit 911 after you did emergency,  
16 emergency.

17 MR. FERTIG: Right.

18 MR. GOBER: Okay. So, due to your rules  
19 timetable and special instructions and training, you  
20 knew what to do and how to do it?

21 MR. FERTIG: Oh, it was quite instinctive, I  
22 didn't, it was very natural. I knew exactly what to  
23 do.

24 MR. GOBER: Okay. Did you have good  
25 communications with the dispatcher?

1 MR. FERTIG: Yes, I did.

2 MR. GOBER: Okay. What did you do in  
3 reference to your train crew after that?

4 MR. FERTIG: Well, we called the assistant  
5 conductor, the first thing we did after I got the  
6 emergency call put out, we called our assistant  
7 conductor to try to ascertain his condition, and he  
8 said he was okay and he also informed us that the  
9 dormitory car on its side. And that is the first  
10 indication that we had that the wreck was quite  
11 serious. Of course, I didn't know, I assumed maybe just  
12 the locomotive was on the ground. So, at that point,  
13 you know, after getting that communication from the  
14 assistant conductor, I went back to the dispatcher and  
15 informed her that the wreck was apparently quite  
16 serious and we needed a lot of assistance.

17 MR. GOBER: Okay. So, that I get this in the  
18 record, it was dark, correct?

19 MR. FERTIG: Yes.

20 MR. GOBER: Okay. How was the weather?

21 MR. FERTIG: The weather was clear. It was  
22 actually a really nice night with some nice stars out.  
23 And it was not windy, a clear night.

24 MR. GOBER: And you said just a few miles  
25 before that the wide load detector told you what the

1 temperature was approximately.

2 MR. FERTIG: Yes.

3 MR. GOBER: And what do you remember that was?

4 MR. FERTIG: Well, to the best of my memory, I  
5 thought it said 27 degrees, but I certainly wouldn't  
6 swear to that.

7 MR. GOBER: Okay. So, it was really cold  
8 atmosphere out there and people needed to be looked  
9 after.

10 MR. FERTIG: Oh, certainly.

11 MR. GOBER: Okay. How do you, after you make  
12 your emergency call, you call the assistant conductor,  
13 how do you handle a wreck like this after that?

14 MR. FERTIG: Well, I just, the first thing I  
15 did, up to this point, you know, I had been trying to  
16 ascertain the AC was okay, and then I told the  
17 dispatcher the wreck was quite serious and from that  
18 point I worked with the dispatcher trying to describe  
19 the location accurately as possible to expedite, to try  
20 to, you know, provide the most expedite response by the  
21 emergency people. And then just at that time the  
22 conductor was leaving the locomotive to go back and you  
23 know, to try ascertain what had happened, provide  
24 assistance and then from that point on I just basically  
25 tried to fulfil the function of communication relay

1 between the dispatcher and, you know, giving her  
2 updated information as I could.

3 MR. GOBER: Okay. What did the dispatcher  
4 first tell you about what she was doing? Did she give  
5 you any?

6 MR. FERTIG: Well, the only thing she told me  
7 she was doing, is she said that she had notified the  
8 BNSF central operation center and they were going to  
9 provide the request for emergency assistance.

10 MR. GOBER: Do you have any idea how long it  
11 took before your first emergency responders arrived?

12 MR. FERTIG: I didn't time it literally, but  
13 my estimation is between 10 and 15 minutes.

14 MR. GOBER: That is pretty good.

15 MR. FERTIG: I think it is excellent  
16 considering that we were about five miles from the  
17 nearest paved road and it was, it was tough to get to  
18 us because they had to come down the side of the tracks  
19 for about two miles from the west. And I think it was  
20 an excellent response time.

21 MR. GOBER: Did you have any personal contact  
22 with any EMS people?

23 MR. FERTIG: Well, yes, I did. After, a  
24 couple, it had probably been five minutes after the  
25 wreck, after I had gotten the preliminary communication

1 out of the way, I had a minute and a second and I  
2 called 911 on my personal cell phone and talked to the  
3 state police, myself, to make sure that they had  
4 received the call. They assured me that they did and  
5 then I hung up from them and sometime later I called  
6 the Adams County 911, and at that point, this was later  
7 on, at that point, we were trying to coordinate buses  
8 to take the non injured passengers to a community  
9 center in Nodaway and I was trying to help get that set  
10 up.

11 MR. GOBER: How did you know to get in touch  
12 with the Adams County people?

13 MR. FERTIG: Well, because I had also been in  
14 contact with Amtrak Operations in Philadelphia,  
15 wherever they are, and they had told me that they were  
16 trying to set up a settlement in Nodaway for non  
17 injured people. And they said that they were trying to  
18 arrange buses so that is when I thought to call the  
19 Adams County 911 and I wanted to put them in touch with  
20 Amtrak Operations. And so, after I spoke to them, I  
21 called Amtrak Operations, I gave them the phone number  
22 for Adams County and then they talked and were able to  
23 coordinate their efforts for transportation.

24 MR. GOBER: How many years do you say you have  
25 been railroading now?

1 MR. FERTIG: Well, about 15, I guess.

2 MR. GOBER: Have you been involved in anything  
3 like this before?

4 MR. FERTIG: One time before in 1996 I was the  
5 engineer, I was actually the assigned fireman, but I  
6 was operating locomotive on train number 55, the  
7 Vermonter, we struck a log truck in Roxbury, Vermont  
8 and derailed an engine and six cars and we only had  
9 five minor injuries.

10 MR. GOBER: Okay. How many years ago was  
11 that?

12 MR. FERTIG: That was in August of 1996.

13 MR. GOBER: Okay. Did you see any difference  
14 in the way Amtrak handled this emergency from the  
15 original one that you had?

16 MR. FERTIG: Well, I would say no. I would  
17 say in both instances my perspective was Amtrak had a  
18 really impressive response in both instances. They had  
19 people on the scene as quickly as possible and from  
20 what I could perceive, they provided excellent  
21 passenger support, customer support.

22 MR. GOBER: Okay. Did you have any contact  
23 with Burlington people other than the train dispatcher?

24 MR. FERTIG: Not that I recall via telephone  
25 or radio, but, eventually I think he is a local foreman

1 or train master by the name of Tom Nagel, and some  
2 associates of his, came on the locomotive to interview  
3 me.

4 MR. GOBER: Okay. Roughly what did you tell  
5 them?

6 MR. FERTIG: Well, I gave them a narrative of  
7 the circumstances to the best of my memory and then I  
8 answered whatever questions they had.

9 MR. GOBER: Okay. Have you had any  
10 opportunity to talk to any of your fellow locomotive  
11 engineers about this territory, about how they perceive  
12 it to be as far as the signals and the smoothness of  
13 the track?

14 MR. FERTIG: You mean since the accident?

15 MR. GOBER: Yes.

16 MR. FERTIG: No.

17 MR. GOBER: Okay. Before the accident, have  
18 you all ever talked about it?

19 MR. FERTIG: Oh, quite often.

20 MR. GOBER: Bottom line, what were your  
21 conclusions on your discussions?

22 MR. FERTIG: Well, our conclusions were that  
23 overall it is a pretty awful piece of track and we were  
24 all concerned for safety and we, I mean, again, you  
25 know, if it just an issue of right quality, then it is

1 a safety issue from a standpoint of while the train may  
2 not derail, we have, you know, injuries that sometimes  
3 occur due to the roughness of the track and passengers  
4 getting bumped around and we were all very, we are  
5 always wishful that the Railway would try to address  
6 some of these rough track concerns, even if it not a  
7 safety standpoint, a train derailment issue.

8 MR. GOBER: Okay. I could probably ask  
9 questions all day, but I want to be fair to everybody  
10 else here. And I will pass to Jim Vermines(ph). Jim,  
11 do you have any questions?

12 MR. VERMINES: Just a couple of questions.  
13 The last crossing --

14 MR. FERTIG: Darr Crossing.

15 MR. VERMINES: And what did you do there?

16 MR. FERTIG: I slowed down to approximately 15  
17 to 20 miles an hour, because I had to be prepared to  
18 stop in case any vehicles approaching the crossing.  
19 And after getting down to that slow speed, it was a  
20 very rural crossing and I could see no one was coming  
21 and at that point I released the brake and went to --  
22 to accelerate.

23 MR. VERMINES: Was the conductor with you at  
24 that point?

25 MR. FERTIG: Yes, he was.

1 MR. VERMINES: You had stopped using the  
2 whistle.

3 MR. FERTIG: That is correct.

4 MR. VERMINES: From there up to the point of  
5 accident, what were your actions as far as the train --

6 MR. FERTIG: Well, basically just release the  
7 brake, put her in 1-8 and we were just accelerating.  
8 And it was actually within just about a mile from that  
9 point where we did derail.

10 MR. VERMINES: Did you experience any  
11 sensation in the area of the curve before the  
12 derailment occurred?

13 MR. FERTIG: No.

14 MR. VERMINES: Had you experienced any other  
15 problems with the locomotive --

16 MR. FERTIG: No.

17 MR. VERMINES: Did you see anything when you  
18 looked back, when the train started tugging against  
19 you?

20 MR. FERTIG: No, I didn't because right at the  
21 point where I felt that, we entered a left hand curve  
22 and of course, on the right side, and of course, I  
23 couldn't see anything behind me.

24 MR. VERMINES: Okay. You put the train into  
25 emergency, would that be a normal procedural event

1 occurring, I mean, do you think that it may have made  
2 it worse or would there have been (inaudible)

3 MR. FERTIG: Oh, I think that was certainly  
4 the proper response. I mean, you know, who knows under  
5 certain circumstances, I suppose it could acerbate the  
6 problem, but overall it is the most prudent thing to  
7 do, yes, to stop the train as soon as possible.

8 MR. VERMINES: Were you taking any medication?

9 MR. FERTIG: No medication.

10 MR. VERMINES: Okay. Amtrak has a policy  
11 where the train --

12 MR. FERTIG: Certainly, yes.

13 MR. VERMINES: No further questions.

14 MR. GOBER: Before I give it to Ann, since Jim  
15 opened that up. Do you use any drugs or alcohol?

16 MR. FERTIG: No.

17 MR. GOBER: Okay. Whenever you report for  
18 duty, you were not under the influence of drugs or  
19 alcohol?

20 MR. FERTIG: That is correct.

21 MR. GOBER: Did you have a drug and alcohol  
22 test after the accident?

23 MR. FERTIG: Yes, I did.

24 MR. GOBER: Have you learned the results of  
25 that yet?

1 MR. FERTIG: No, I have not.

2 MR. GOBER: Okay. I will pass this to Ann  
3 Kelly with FRA now.

4 Ann, if you would move up closer here where  
5 you can make sure that the engineer can hear you.

6 MS. KELLY: Okay. The first question is  
7 when, when Tom Nagel and his cohorts or whatever, came  
8 up, he just asked your questions, and you just gave him  
9 oral answers.

10 MR. FERTIG: That is correct.

11 MS. KELLY: You didn't do any kind of a  
12 written statement for him?

13 MR. FERTIG: Well, no, he wrote the  
14 information down that I provided him.

15 MS. KELLY: And did you ever give any written  
16 statements to any Amtrak officials yet?

17 MR. FERTIG: No, I did not.

18 MS. KELLY: Okay. Okay. The temperature  
19 given on the detector, is that in Celsius or  
20 Fahrenheit?

21 MR. FERTIG: Fahrenheit.

22 MS. KELLY: Okay. And what was your train  
23 brake air pressure set at?

24 MR. FERTIG: Okay. You mean the regulating  
25 valve?

1 MS. KELLY: Yes.

2 MR. FERTIG: Okay, 110 PSI.

3 MS. KELLY: Okay. When was the air brake  
4 test completed?

5 MR. FERTIG: Okay. Which air brake test,  
6 which air brake test are you referring to?

7 MS. KELLY: (inaudible)

8 MR. FERTIG: Well, I believe that was  
9 completed at, it could have been 9:00 a.m., I am not  
10 for sure. I mean, I did look at the form and it had  
11 been within the rule requirements of 24 hours  
12 departure. But, I don't know the exact time. It was  
13 in Chicago.

14 MS. KELLY: Oh, okay. It was in Chicago.

15 MR. FERTIG: Yes.

16 MS. KELLY: Did you notice on the daily  
17 inspection card if it was completed for that day?

18 MR. FERTIG: Yes, it was.

19 MS. KELLY: And you said the last time you  
20 were over the territory was on the number six run.

21 MR. FERTIG: Right, that morning.

22 MS. KELLY: That morning.

23 MR. FERTIG: Right.

24 MS. KELLY: And did you do your visual  
25 inspection of the locomotives when you went on duty?

1 MR. FERTIG: Well, not a complete visual  
2 inspection. I inspected the side of the locomotive  
3 that I walked up at Ottumwa, and then we did have a  
4 head and power problem and that required me to go in  
5 the second locomotive and shut the head and power down  
6 while the conductor trouble shot the problem. But,  
7 that is the extent of the inspection.

8 MS. KELLY: Okay. Lastly, have you ever  
9 heard about SOFA, has anybody ever talked to you about  
10 the SOFA?

11 MR. FERTIG: I have some awareness of SOFA, I  
12 have read some literature concerning that.

13 MS. KELLY: Okay.

14 MR. GOBER: Since you brought up SOFA, what is  
15 SOFA?

16 MS. KELLY: What is SOFA? SOFA is Switching  
17 Operations Fatality Analysis.

18 MR. GOBER: Okay. That is good. Do you have  
19 any further questions, Ann, FRA?

20 MS. KELLY: No.

21 MR. GOBER: Okay. Tom Dwyer with UTU, do you  
22 have any questions? If you do come up and sit right by  
23 this gentleman.

24 MR. DWYER: Mr. Fertig, how do you say your  
25 name?

1 MR. FERTIG: Fertig.

2 MR. DWYER: Fertig. Mr. Fertig, I just have a  
3 couple of questions. One question I have is really to  
4 be clear about train handling, and your emergency  
5 application. Under the circumstances at that time,  
6 what were your train handling options?

7 MR. FERTIG: You mean at the time of the  
8 derailment?

9 MR. DWYER: Yes, when you were going through  
10 that, I mean.

11 MR. FERTIG: Well, I know that the Amtrak  
12 special instructions say that when a train is placed in  
13 emergency, you also are suppose to activate the end of  
14 train device emergency feature and I did not do that.  
15 But, I displaced the train emergency and started making  
16 radio calls.

17 MR. DWYER: I think you misunderstood my  
18 question.

19 MR. FERTIG: Okay.

20 MR. DWYER: I mean, you are going along and  
21 everything is going fine, and you are beginning to  
22 accelerate and then all of sudden things aren't so fine  
23 anymore, so obviously when things start to deteriorate  
24 your options are limited.

25 MR. FERTIG: Right. Well, I could have apply

1 the brake in a service application or I could apply the  
2 brake in emergency application. Those are my two  
3 options.

4 MR. DWYER: So, it was either apply the brake  
5 or apply the brakes.

6 MR. FERTIG: Right.

7 MR. DWYER: Okay. If you, have you had a  
8 chance to think about this accident?

9 MR. FERTIG: Well, yes, I have.

10 MR. DWYER: And with everything that went on  
11 and what you have learned and obviously went through  
12 this before, have you had a chance to formulate or with  
13 any things that you would like to see changed or  
14 modified or in terms of how things are done and how you  
15 are operating?

16 MR. FERTIG: The only thing I could think of  
17 is, you know, fix the track.

18 MR. DWYER: Okay. Has anyone from the  
19 Railroad, the BNSF or Amtrak or from the Union, talked  
20 to you about post accident stress debriefing? Are you  
21 familiar with that at all?

22 MR. FERTIG: Well, maybe casually. There was  
23 an Amtrak Employee Assistance representative that spoke  
24 to us in Omaha.

25 MR. DWYER: Well, I would encourage you to

1 think about that. I think that is really something  
2 that you -- I would encourage that.

3 MR. FERTIG: Okay.

4 MR. DWYER: I have no further questions.

5 MR. GOBER: Okay. We will ask Mr. Carl  
6 Fields, with BLE, if he has any questions?

7 MR. FIELDS: No.

8 MR. GOBER: Okay. All right. Mr. Ferrer with  
9 Amtrak has no questions.

10 Mr. Joe Yeager with BNSF?

11 MR. YEAGER: Just a couple of real quick  
12 questions.

13 MR. GOBER: Okay.

14 MR. YEAGER: Just a quick question on the  
15 discussion you had earlier regarding the whistle issue.  
16 Do you know who the dispatcher by job title or name  
17 contacted regarding the interpretation of the rule?

18 MR. FERTIG: I don't know by name, but I can  
19 tell you that initially it was, to my recollection, the  
20 Kansas City Line dispatcher is the one that said if we  
21 could get the conductor in the rear unit, level, so we  
22 could go with speed. And then leaving Creston, we  
23 changed editions, we go to the Omaha line dispatcher  
24 and she is the one that came on and told us we would  
25 have to revert back to the stop and protect procedure.

1 MR. YEAGER: Okay. Did she indicate that she  
2 had discussed that potentially with the manager  
3 dispatching practices or a member of the Rules crew --

4 MR. FERTIG: She didn't say that. She didn't  
5 say that in so many words, but she just said, you know,  
6 it looks like you are going to have to go back and do  
7 the stop and protect. I mean, it was just, it was  
8 obvious that she had gotten clarification or something,  
9 from someone, it was obvious.

10 MR. YEAGER: Okay. From your perspective,  
11 then, she had approached some other individual --

12 MR. FERTIG: Yes.

13 MR. YEAGER: Had gotten feedback from.

14 MR. FERTIG: Yes.

15 MR. YEAGER: The only other item that I have a  
16 question on. Your next slow over you said from site of  
17 the location of the derailment was at Sanford, I  
18 believe you said.

19 MR. FERTIG: Four thirty six point seven. It  
20 is about 436.5, I think, I mean, I would have to think  
21 about it for a little bit to be sure, but that is the  
22 one that stands out, because that has been a long  
23 standing slow order at that location. That is, you  
24 know, no, no, I stand corrected. The next slow order,  
25 no, it was 425.5 on main track one, there is a 40.

1 That was the next slow order. I forgot about that.

2 MR. YEAGER: Okay. So, you would have been  
3 approximately four, four and a half miles from the next  
4 order.

5 MR. FERTIG: That is correct.

6 MR. YEAGER: Had you had an indication to move  
7 on main one.

8 MR. FERTIG: That is correct.

9 MR. YEAGER: Okay. That is all I have.

10 MR. GOBER: Okay. Richard, whenever you have  
11 got your orders, do you get new orders every time you  
12 go on duty or do you get general orders and then just  
13 get updates whenever you report for duty?

14 MR. FERTIG: It is standard procedure to get  
15 new orders on duty at Ottumwa.

16 MR. GOBER: Okay. So, when you went on duty,  
17 you got fresh orders from the train dispatcher or from  
18 a supervisor.

19 MR. FERTIG: From the train dispatcher, that  
20 is correct.

21 MR. GOBER: Okay. And then do you sign a  
22 register or anything like that?

23 MR. FERTIG: No, we do not.

24 MR. GOBER: Okay. Do you have any  
25 instructions to call anyone or to let somebody know

1 when you go on duty?

2 MR. FERTIG: Not really. The only time we  
3 would call someone is if we did not have the required  
4 paperwork. We would just call the dispatcher and  
5 remind them to send us the required paperwork.

6 MR. GOBER: How would they send them to you,  
7 send it to you?

8 MR. FERTIG: Via fax.

9 MR. GOBER: Okay. So, you have facilities  
10 and communications with the proper authority when you  
11 go on duty that you can get current rules, regulations  
12 and orders.

13 MR. FERTIG: Yes.

14 MR. GOBER: And there is also some means at  
15 the dispatcher office for them to give you  
16 interpretations if there is a difficulty like a whistle  
17 failure on how to comply with the rules.

18 MR. FERTIG: Certainly. I mean, if we had  
19 known about it at that point, we could have discussed  
20 on the phone, but, of course, this happened in route,  
21 so it was discussed on the radio.

22 MR. GOBER: Okay. And then do you feel like  
23 that Burlington Santa Fe procedures were effective in  
24 handling this situation?

25 MR. FERTIG: Okay. When you say procedures

1 from the standpoint of the emergency response or the --

2 MR. GOBER: The whistle.

3 MR. FERTIG: Well, say that question again,  
4 please?

5 MR. GOBER: Okay. I wanted you to answer it  
6 the best you could.

7 MR. FERTIG: Just ask me the question again.

8 MR. GOBER: Okay. I made it confusing  
9 intentionally. What I want to know is do you think  
10 that Burlington Santa Fe had a program in place that  
11 was effective, that if there was a need for a rule  
12 interpretation that you could get one?

13 MR. FERTIG: Well, I guess I would just have  
14 to say that, you know, I trust what the dispatcher said  
15 and I was happy to hear that they had a method to  
16 allow, even though it was not listed in the rules, they  
17 said we would be able to operate normally with the  
18 engine, the second unit, and then apparently there was  
19 further clarification and I mean, I feel like they  
20 apparently handled it the best that they could. And I  
21 think that is, that was satisfactory, yes.

22 MR. GOBER: Good. I just wondered what your  
23 thoughts were on how it was handled.

24 MR. FERTIG: I don't know the reasoning behind  
25 what the change was. And of course, again, like I said

1 before, it turned out to be an incredible blessing for  
2 us in disguise, but, you know, that was fine.

3 MR. GOBER: Okay. I don't have any other  
4 questions. But, I am going to have a follow up round  
5 and ask everyone that is here, if they have any other  
6 questions to ask.

7 So, Jim Vermines with NTSB?

8 MR. VERMINES: Yes, you mentioned track  
9 problems and you described not the track problems  
10 there, but you described there was an unhappiness. Who  
11 was unhappy and what were they unhappy with out there,  
12 and was it a safety issue?

13 MR. FERTIG: Well, who was unhappy would be  
14 all the engineers and all the conductors and all the  
15 onboard service people. Everybody in Amtrak commonly  
16 refers to that section of track as the roughest part of  
17 the track from California to Chicago. And is it a  
18 safety concern, again, I would have to answer that the  
19 BNSF has told us that it is safe from an engineering  
20 standpoint, although I believe they have conceded that  
21 it might be, you know, a question of right quality, not  
22 a safety issue, but we feel it is a safety issue from a  
23 right quality standpoint because it does cause people  
24 to fall inside the train. I mean, it is, sometimes it  
25 is actually frightening. I have been on the train and

1 actually have been scared myself on some of these bumps  
2 we hit, because the cars bottom out laterally and there  
3 is bumps that really cause you to be concern.

4 MR. VERMINES: How would you express this  
5 concern to --

6 MR. FERTIG: Well, for a long time we just, I  
7 started running this line April of 1999 when we formed  
8 the Lincoln Crew Base and for a long time we would  
9 report these rough track sections. And then we sort of  
10 admittedly gotten away from it because we felt after  
11 time, we felt like it was regardless to this claim,  
12 because nothing would be done. And again, I am not  
13 trying to paint the BNSF in the black light, but I am  
14 just telling you how we feel about it.

15 MR. VERMINES: Would you normally report rough  
16 track conditions to the train dispatcher?

17 MR. FERTIG: The train dispatcher. But,  
18 nowadays, we would only report something if it was a  
19 new very, very distinctively rough piece of track. I  
20 mean, there are sections that are just rough all the  
21 time. And we have just gotten used to it. And  
22 sometimes, I mean, if I am aware of an especially bad  
23 place, I might just try to slow down a little bit on my  
24 own if I am aware of that section of track ahead of  
25 time.

1 MR. GOBER: Okay. This is Russell Gober.  
2 Because of the way that the questioning has been done,  
3 whenever you mention track quality earlier, you said  
4 that where the accident occurred was not particularly  
5 bad part of the track.

6 MR. FERTIG: That is correct.

7 MR. GOBER: Is that correct?

8 MR. FERTIG: Yes, absolutely correct.

9 MR. GOBER: Okay.

10 MR. FERTIG: That is the last place I would  
11 have have expected there would be a problem.

12 MR. GOBER: Okay.

13 MR. VERMINES: Did you feel that when you  
14 filed a complaint, did you notice the second time would  
15 someone try to explain to you what had been done?

16 MR. FERTIG: You mean, with the track problem?

17 MR. VERMINES: Yes.

18 MR. FERTIG: Not necessarily. There were  
19 times that we reported rough sections of track and the  
20 next day there might be a slow order on there for a few  
21 days and then it was taken off. Something may or may  
22 not have been done. And other times, the next day  
23 there would not even be a slow order. But, again, I  
24 certainly understand that just because it is a bumpy  
25 section, does not mean it is necessarily apparently

1 unsafe or whatever.

2 MR. VERMINES: Okay.

3 MR. GOBER: Ann Kelly, FRA, do you have any  
4 questions?

5 MS. KELLY: Yes.

6 MR. GOBER: Okay. FRA will have a follow up  
7 question.

8 MS. KELLY: You were talking about when you  
9 applied the emergency that the end of train does not  
10 initiate.

11 MR. FERTIG: You have to initiate that  
12 manually.

13 MS. KELLY: Okay. So, it is not  
14 interconnected. Has any of the equipment that Amtrak  
15 has or was it just this new equipment that did that?

16 MR. FERTIG: Well, let me clarify for you in  
17 case you don't fully understand. The end of train  
18 device simply, all it allows you to do, it allows you  
19 to initiate an emergency application from the rear of  
20 the train as opposed to the automatic brake, which  
21 would apply the emergency from the locomotive. Okay.  
22 In other words, it is, it could be considered a  
23 secondary means of applying the brake in an emergency.  
24 And the brake actually did apply in emergency to the  
25 rear of the train, but it happened from my initiation

1 or it happened from the train as oppose to me manually  
2 activating that feature from the other train.

3 MR. GOBER: And further clarification of the  
4 end of train device. If you had had just passenger  
5 cars and no freight equipment, would you have had an  
6 end of train device on your train?

7 MR. FERTIG: We would not be required to have  
8 one.

9 MR. GOBER: Does Amtrak require you to have  
10 one?

11 MR. FERTIG: When, under what, what do you  
12 mean?

13 MR. GOBER: Well, if you don't have any  
14 freight equipment on the rear of the train.

15 MR. FERTIG: No, we are not required to have  
16 one, no.

17 MR. GOBER: Okay. So, you don't run one if  
18 you do not have freight cars on the rear of the train?

19 MR. FERTIG: Basically the answer is yes. It  
20 depends on the ratio of the freight cars to passenger  
21 cars.

22 MR. GOBER: Okay. Okay. Any follow up on  
23 that, any other explanation on that?

24 MR. FERTIG: No.

25 MR. GOBER: Okay.

1 MS. KELLY: The last thing I want to know is,  
2 is you were talking about if you had to look up in your  
3 rule book to see what to do for that, is there any kind  
4 of set procedure that if you have a problem, even  
5 looking in the rule book, that you don't understand or  
6 need clarification, what you are suppose to do or --

7 MR. FERTIG: Well, yeah, call the train  
8 dispatcher. But, I felt like, I mean, I knew there  
9 would be something involved with the crossings, and so  
10 that is why since there was a crossing about a mile  
11 outside of Murray, I slowed down greatly before I  
12 reached that crossing to give myself time to look at  
13 the rule real quickly, because I knew about where to  
14 find it. And I just wanted to look up the rule myself,  
15 so, before I called the dispatcher, you know, I didn't  
16 want to ask him what the rule was, I wanted t know what  
17 the rule was, and once I ascertained that, I called in  
18 just to confirm that my interpretation of the rule was  
19 correct, which it was.

20 MS. KELLY: I think that is it.

21 MR. GOBER: Okay. Tom Dwyer with UTU.

22 MR. DWYER: I have one question. When you  
23 talked about receiving your orders by fax, have you  
24 ever had a problem with receiving form A's, form B's,  
25 any kind of train orders or any documentation or

1 anything that you were faxed clarity?

2 MR. FERTIG: Yes.

3 MR. DWYER: Has that ever been an issue?

4 MR. FERTIG: Yes, it has.

5 MR. DWYER: How has that been addressed?

6 MR. FERTIG: Well, they have, they have placed  
7 new equipment in there that and since they have placed  
8 the new equipment in we have been receiving orders more  
9 reliably and there has not been a problem with clarity  
10 or legibility in recent times.

11 MR. DWYER: So, that issue was an issue, but  
12 it has been resolved in your opinion.

13 MR. FERTIG: In my opinion it has been  
14 resolved in Lincoln and in Ottumwa, although we  
15 continue to have problems in Omaha.

16 MR. DWYER: So, that --

17 (Change of tape.)

18 MR. GOBER: Okay. Tape A finished at 10:40  
19 and we are now on side B with Engineer Rich Fertig.

20 Okay. Back on the record. We are talking  
21 with Engineer Rich Fertig.

22 Rich, if you would continue with the answer  
23 that you were making on bulletins with UTU  
24 representative, Tom Dwyer.

25 MR. FERTIG: Okay. Well, I had finished my

1 answer.

2 MR. DWYER: Let's just repeat that, because I  
3 don't know where the end of that tape was.

4 MR. FERTIG: Certainly.

5 MR. DWYER: So, my question to you was is  
6 there a problem with fax clarity and you said that  
7 there was. In some locations, it had been rectified,  
8 but, you felt in your opinion at Omaha this was an  
9 issue that still needed to be resolved, is that  
10 correct?

11 MR. FERTIG: That is correct. That is  
12 correct.

13 MR. DWYER: Thank you, I have no further  
14 questions.

15 MR. GOBER: Okay. In that regard, from  
16 Ottumwa to the point of the accident, did you have any  
17 train orders, bulletins or any information that had  
18 been faxed to you that was not legible?

19 MR. FERTIG: No, it was all legible.

20 MR. GOBER: And you understood your rules and  
21 regulations and bulletins?

22 MR. FERTIG: Yes.

23 MR. GOBER: Is that correct?

24 MR. FERTIG: That is correct.

25 MR. GOBER: Okay. All right. We will now ask

1 Paul Fields with Brotherhood Locomotive Engineers if he  
2 has any follow up questions?

3 MR. FIELDS: No, I don't, thank you.

4 MR. GOBER: Okay. Mr. Ferrer with Amtrak?

5 MR. FERRER: No.

6 MR. GOBER: Mr. Yeager with Burlington Santa  
7 Fe?

8 MR. YEAGER: Rich, I wanted to ask you I guess  
9 an opinion question, if you will, regarding the times  
10 from Creston to Corning when your conductor was on the  
11 second unit. Just from your background and experience  
12 as an engineer, do you have a comment as to the  
13 loudness or clarity of the whistle while it being blown  
14 off the second unit? Was it sufficient from your  
15 perspective?

16 MR. FERTIG: In my opinion was that it was  
17 sufficient. Because I had the window open and it  
18 sounded quite loud to me. And I would feel comfortable  
19 running with that method of operation.

20 MR. YEAGER: Okay. And also, regarding, the  
21 comments regarding right quality on the track  
22 condition. Are you aware if Amtrak does make routine  
23 and regular inspections across the various segments  
24 that you operate over for a test of right quality or  
25 track conditions?

1 MR. FERTIG: My understanding is that they do,  
2 and but I don't know the details as to exactly how that  
3 inspection is done or how often it is done.

4 MR. YEAGER: Okay. Do you know if, in fact,  
5 that segment say from Ottumwa to Lincoln has been  
6 inspected in recent history by Amtrak personnel?

7 MR. FERTIG: I don't know that for sure, no, I  
8 don't.

9 MR. YEAGER: Okay. Thank you very much.

10 MR. GOBER: Okay. We have now questioned  
11 locomotive engineer Richard Fertig and if there are no  
12 further questions, we will recess at this point. And  
13 you were free to go, Richard. We appreciate your  
14 testimony and you gave us your phone number when we  
15 started.

16 MR. FERTIG: I believe I did, yes.

17 MR. GOBER: Do you have any objections if I  
18 call you if we have any further questions?

19 MR. FERTIG: Not at all. Please do.

20 MR. GOBER: Okay. Well, then we will recess  
21 now and you are free to go and thank you for coming.

22 MR. FERTIG: Okay. Thank you.

23 (Whereupon, the interview was concluded.)

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LIVE TAPES

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Official Reporter

Dated: MARCH 2001

NATIONAL TRANSPORTATION SAFETY BOARD

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In the Matter of: \*

AMTRAK TRAIN NO. 5 \*

DERAILMENT ON BURLINGTON \* Docket No. DCA01MR003

NORTHERN SANTA FE RAILWAY \* Nodaway, Iowa

\*\*\*\*\*

PRESENT: RUSSELL F. GOBER

INTERVIEW OF:

LAWRENCE RUDOLPH

ORIGINAL

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2001 MAY -3 P 2:51

## P R O C E E D I N G S

1  
2 MR. GOBER: My name is Russell Gober. I am  
3 Operating Practices, or Operations Group Chairman for  
4 the National Transportation Safety Board.

5 And we will now interview the conductor who  
6 was on Amtrak Train number five of the 17th, Mr.  
7 Lawrence Rudolph.

8 Mr. Rudolph, would you please give us your  
9 name, address and phone number?

10 MR. RUDOLPH: My name is Lawrence Rudolph. My  
11 address is [REDACTED] Lincoln, Nebraska.  
12 My phone number is area code [REDACTED]

13 MR. GOBER: Mr. Rudolph, could you tell us  
14 when you started to work with Amtrak?

15 MR. RUDOLPH: I started with Amtrak in March  
16 of 1989.

17 MR. GOBER: Have you had any railroading  
18 experience other than Amtrak?

19 MR. RUDOLPH: Yes, I hired out on the  
20 Burlington Northern Railroad in August of 1978.

21 MR. GOBER: Any railroading experience beyond  
22 that?

23 MR. RUDOLPH: No.

24 MR. GOBER: Okay. And you were working as  
25 conductor on the 17th when it derailed?

1 MR. RUDOLPH: Yes, I was.

2 MR. GOBER: Could you tell me where it  
3 derailed?

4 MR. RUDOLPH: Derailed approximately,  
5 approximately milepost 420.

6 MR. GOBER: Okay. And that would have been  
7 in Nodaway, Iowa, is that correct?

8 MR. RUDOLPH: Yes, sir, yes.

9 MR. GOBER: Okay. That is what I was trying  
10 to get to in the beginning and I had forgotten where it  
11 was.

12 MR. RUDOLPH: Okay.

13 MR. GOBER: Okay. When you went on duty on  
14 the night of the 17th, where did you go on duty?

15 MR. RUDOLPH: I went on duty at Chicago Union  
16 Station.

17 MR. GOBER: Okay. And where do you work to  
18 from that location?

19 MR. RUDOLPH: I work to Omaha, Nebraska.

20 MR. GOBER: Okay. So, how many hours had you  
21 been on duty the night this wreck happened?

22 MR. RUDOLPH: Well, I went on duty at 2:55  
23 p.m. and the derailment occurred at 11:45 p.m.

24 MR. GOBER: Have you worked out how many hours  
25 that is?

1 MR. RUDOLPH: No, I haven't.

2 MR. GOBER: Okay. Were you rested in  
3 accordance with the hours of service?

4 MR. RUDOLPH: Yes, I was.

5 MR. GOBER: Okay. Before you departed  
6 Chicago, how many hours had you been off?

7 MR. RUDOLPH: I had been off since 5:23 p.m.  
8 the day before.

9 MR. GOBER: Okay. How many days had you had  
10 worked in the last five days before you started on  
11 this?

12 MR. RUDOLPH: Well, let's see. I work every  
13 Monday and Tuesday and I work every Friday and  
14 Saturday. So, I would have had two days off prior to  
15 that going out on the 16th.

16 MR. GOBER: Okay.

17 MR. RUDOLPH: So, I would have worked the, I  
18 believe I would have worked the 12th, 12th and the 13th  
19 of March prior to this assignment.

20 MR. GOBER: Okay. And then you would have  
21 been off?

22 MR. RUDOLPH: I was off in excess of 48 hours  
23 before that.

24 MR. GOBER: Okay. Whenever you departed  
25 Chicago, you had a different locomotive engineer than

1 you had when the accident occurred, is that correct?

2 MR. RUDOLPH: That is correct. We change  
3 engineers at Ottumwa, Iowa.

4 MR. GOBER: Okay. Had you had any  
5 conversation with the engineer that was operating the  
6 train prior to Ottumwa, Iowa? The first engineer.

7 MR. RUDOLPH: The first engineer. Well, we  
8 had a job briefing in Chicago.

9 MR. GOBER: Okay.

10 MR. RUDOLPH: Prior to departure. And we  
11 stayed in radio communication, standard procedures,  
12 operating procedures, we stayed in contact.

13 MR. GOBER: Did you have any problems with the  
14 radio during that trip?

15 MR. RUDOLPH: I don't recall any.

16 MR. GOBER: Okay. Did you have any problems  
17 with the train of any kind that you are aware of before  
18 you got to Ottumwa, Iowa?

19 MR. RUDOLPH: Well, we lost our head in power  
20 a couple of times, and it showed the train line  
21 incomplete. So, at Ottumwa, Iowa, we shut the head in  
22 power off and I started shaking cables and isolated the  
23 problem and secured the electrical cable and everything  
24 worked fine from thereon in. It fixed the problem.

25 MR. GOBER: Okay. So, your head in power was

1 the generating system that supplied the power to the  
2 train.

3 MR. RUDOLPH: That is correct.

4 MR. GOBER: Okay. And it is located on the  
5 first locomotive or --

6 MR. RUDOLPH: Yes.

7 MR. GOBER: Okay. So, after you isolated the  
8 problem, how did you fix it?

9 MR. RUDOLPH: I took the, it was just a loose  
10 connection. So, I took the old tie straps off and I  
11 put new tie straps on it, secured it and I put new tie  
12 straps on it, and it was fixed from that point on. We  
13 had no more problems with it.

14 MR. GOBER: Okay. Were you aware of any  
15 problems with the train, as far as the running gear of  
16 the train at any time from Chicago prior to the  
17 accident?

18 MR. RUDOLPH: No.

19 MR. GOBER: Okay. Did you guys make a brake  
20 test out of Chicago?

21 MR. RUDOLPH: Yes, we did.

22 MR. GOBER: What kind of brake test did you  
23 make?

24 MR. RUDOLPH: We did our running air test when  
25 we departed Chicago.

1 MR. GOBER: Okay. Did you have anything to  
2 do with that or did you just feel it or --

3 MR. RUDOLPH: Yes, I did. No, no, I am always  
4 located, I am always in the vestibule and listening for  
5 the brakes and feeling the brake set up and I let them  
6 know when I felt the brakes set up and when they  
7 release. You can feel it distinctly.

8 MR. GOBER: Okay. You made several passenger  
9 stops in route, is that correct?

10 MR. RUDOLPH: That is correct.

11 MR. GOBER: Did the brakes function properly  
12 during that time?

13 MR. RUDOLPH: Yes, they did.

14 MR. GOBER: Okay. So, you didn't have any  
15 problem with the braking of the train.

16 MR. RUDOLPH: No problems, no.

17 MR. GOBER: All right. Did you have any  
18 occasion to hear any unusual noises or anything unusual  
19 in the train here in trip prior to the accident?

20 MR. RUDOLPH: Nothing unusual.

21 MR. GOBER: Okay. Anybody in passing trains  
22 report any problems to you of any kind?

23 MR. RUDOLPH: No, they did not.

24 MR. GOBER: Did you pass any trains?

25 MR. RUDOLPH: Yes, we passed trains.

1 MR. GOBER: Okay. You operated at track  
2 speed whenever you could?

3 MR. RUDOLPH: Yes, sir.

4 MR. GOBER: Okay. And that would be up to 79  
5 miles per hour, is that correct?

6 MR. RUDOLPH: Yes, that is correct.

7 MR. GOBER: Okay. Did you have any unusual  
8 feel in any of the cars that you were aware of as to  
9 the way the train was traversing over the track?

10 MR. RUDOLPH: No.

11 MR. GOBER: Okay. So, do you feel that the  
12 equipment on the train was mechanically sound?

13 MR. RUDOLPH: Yes, I do.

14 MR. GOBER: Did you have any, any change to  
15 look at the train at any time through the windows or --

16 MR. RUDOLPH: Well --

17 MR. GOBER: While you were on the ground  
18 stopped or --

19 MR. RUDOLPH: I make a pretty thorough  
20 evaluation of the train before I leave Chicago. I look  
21 every car over for low hanging hoses and anything that  
22 might be dragging. And I look it over very thoroughly  
23 in Chicago and everything, everything was just fine.

24 MR. GOBER: Okay. So, you didn't have  
25 anything outside the train that could have been making

1 unusual sounds or --

2 MR. RUDOLPH: That is correct.

3 MR. GOBER: -- or could get hung into a frog  
4 or something that you could see that could caused the  
5 train to derail itself.

6 MR. RUDOLPH: That is right. Everything was  
7 fine.

8 MR. GOBER: Okay. Just in your own words,  
9 give me just a little synopsis of your run up to the  
10 derailment, from Chicago. And you don't have to get  
11 bogged down in the beginning, but as we get down to,  
12 talk about it.

13 MR. RUDOLPH: Well, it was a routine trip.  
14 That is about all I can say. We made our station  
15 stops. The train was running fine except for the head  
16 in power that went out at a couple of different times.  
17 And that was the little situation with the power was a  
18 routine problem that happens occasionally. It is very  
19 easy to fix. We fixed it. And we went on from there.  
20 I have nothing other to say, other than it was a  
21 routine trip. We had no problems, encountered any  
22 problems or anything out of the ordinary.

23 MR. GOBER: Okay. Well, I understand that  
24 you had some kind of a whistle problem. Can you just  
25 tell us all you know about the whistle problem?

1           MR. RUDOLPH: Yes. We departed Osceola, Iowa  
2 and at some point between Osceola and our next station  
3 stop at Creston, Iowa, which is a 30 minute run, the  
4 engineer reported to me that we had a, the whistle  
5 failed on the lead locomotive. So, at that point we  
6 knew that we needed to address this. He contacted the,  
7 he slowed down for the crossings and contacted the  
8 train dispatcher to reaffirm, you know, what our  
9 position on that was, in terms of protecting crossings.  
10 And we were instructed by the, I believe the Kansas  
11 City line dispatcher, that when we have two people up  
12 in the cab, that it would be acceptable for myself to  
13 be in the second unit to provide that whistle at road  
14 crossings and that would be acceptable, so, we could  
15 maintain our track speed.

16           MR. GOBER: Did you have any personal thoughts  
17 on that?

18           MR. RUDOLPH: Well, we, we were just going to  
19 comply with the train dispatcher. We thought, I  
20 thought that we were to slow down at the road, provide  
21 protection at all the crossings and we confirmed with  
22 the train dispatcher and they just said, had checked  
23 and said that it would be acceptable to provide  
24 protection using the train whistle from the second  
25 unit. And I had no problems with that.

1 MR. GOBER: Did you feel like that was a safe  
2 way to operate?

3 MR. RUDOLPH: I felt that during the time,  
4 yes, the whistle was clear, it was loud, and we were  
5 able to communicate the upcoming crossings and provide  
6 whistle protection in a safe manner.

7 MR. GOBER: Okay. Well, I understand that  
8 you changed that to something different.

9 MR. RUDOLPH: Yes.

10 MR. GOBER: Can you tell what that was?

11 MR. RUDOLPH: Yes. We changed train  
12 dispatchers when we left Creston, Iowa and the Omaha  
13 line dispatcher informed us that, that it would be best  
14 to go back to providing physical protection at these  
15 crossings, you know, per our rules. So, that wasn't  
16 going to be acceptable to them to provide whistle  
17 protection from the second unit, that we would have to  
18 approach each one of these crossings, public crossings  
19 prepared to stop and provide protection at all these  
20 crossings.

21 MR. GOBER: Okay. Did you function in that  
22 manner over many crossings before the accident  
23 occurred?

24 MR. RUDOLPH: We did. We did. We provided  
25 crossing like that. We slowed down, prepared to stop,

1 when it was seemed to be clear, or when crossing arms  
2 were down and operated, then we proceeded. So, we  
3 provided protection at those crossings according to the  
4 rules.

5 MR. GOBER: Did you pass over very many  
6 crossings like doing that?

7 MR. RUDOLPH: I don't recall how many we  
8 crossed. We crossed, we crossed, we had some  
9 crossings.

10 MR. GOBER: That is fine.

11 Backing up a little bit. As a conductor, are  
12 you required to pass any examinations to be a conductor  
13 or --

14 MR. RUDOLPH: Yes, we are.

15 MR. GOBER: Okay. When were you qualified to  
16 be a conductor?

17 MR. RUDOLPH: I was qualified to be a  
18 conductor, I believe, in 1989.

19 MR. GOBER: Okay. Are you required to take  
20 any rules examination?

21 MR. RUDOLPH: Yes, we are. At Amtrak we, we  
22 take rules every year.

23 MR. GOBER: Okay. When did you have your  
24 last rules examination?

25 MR. RUDOLPH: Less than a month ago.

1 MR. GOBER: Okay. Can you just briefly  
2 describe what Amtrak covers in your rules classes?

3 MR. RUDOLPH: Well, we cover basically all the  
4 rules that we have in our rule book. We go over  
5 signals, just everything that is in our rule book.

6 MR. GOBER: Okay.

7 MR. RUDOLPH: We cover a lot of material.

8 MR. GOBER: Did you make a passing grade on  
9 your --

10 MR. RUDOLPH: Yes, I did.

11 MR. GOBER: In those rules classes do you have  
12 any special training on how to handle emergency  
13 situation like a derailment?

14 MR. RUDOLPH: Well, we have not so much at  
15 rules examination classes, but we do have classes more  
16 than occasionally that address emergency situations.

17 MR. GOBER: Can you tell me a little bit about  
18 those classes, what you learn and what you recall?

19 MR. RUDOLPH: Yes. Last fall I attended a  
20 class which I believe we went over emergency  
21 evacuation. We went over CPR. And we communicated  
22 with each other on scenarios, what, and learned off the  
23 history of other accidents what to do. So, I just  
24 recently completed one of those courses.

25 MR. GOBER: Okay. Well, I understand there

1 is a lot of activity that you are expected to kind of  
2 oversee in case of an derailment, basically, highlight  
3 what you would do after a wreck.

4 MR. RUDOLPH: Would like for me to tell you  
5 what I did at this particular time?

6 MR. GOBER: I would.

7 MR. RUDOLPH: Okay. You said a wreck, not  
8 this wreck.

9 MR. GOBER: Right. I want you to tell me all  
10 you know about it and what you did this time.

11 MR. RUDOLPH: Okay. What happened this was,  
12 I was, as everyone knows I was in the lead locomotive  
13 when the train, the derailment occurred. I immediately  
14 got off the locomotive and went back and was going to,  
15 and described what I saw to the engineer so he could  
16 pass that information off to the train dispatcher. We  
17 didn't know the extent of the derailment.

18 MR. GOBER: Did you have a portable radio?

19 MR. RUDOLPH: Yes, I had a portable radio and  
20 when I first got off the engine, the engineer had  
21 already stated "emergency, emergency, emergency" and  
22 was in contact with the train dispatcher. I went back  
23 and I couldn't see our train. And I told the engineer,  
24 "I can't see our train. I am going to keep on going."  
25 When I got into view of the accident scene, I could see

1 cars in the ravine. I saw the whole mess. And I told  
2 him that it was real bad, that, I told him over the  
3 radio, it is real bad, get as much help out here as you  
4 can. At that point, I veered off to my left where the  
5 first car, the crew car was in the ditch. An employee  
6 was just starting to come out of there.

7 MR. GOBER: How far back from the engines was  
8 that car located?

9 MR. RUDOLPH: From the engines to the first  
10 car. Maybe, maybe an eighth of a mile. It wasn't, it  
11 didn't take me long to jog back there.

12 MR. GOBER: The locomotive is actually  
13 separated from the train.

14 MR. RUDOLPH: Yes.

15 MR. GOBER: How many locomotives, two engines?

16 MR. RUDOLPH: We had two, yes, we had two  
17 engines and we had a cow train, some equipment that was  
18 being deadheaded out to California, was right behind  
19 our locomotive unit.

20 MR. GOBER: Did those, did the engines derail?

21 MR. RUDOLPH: I never did get on that side to  
22 look. I, I, I got off on the south side of the train,  
23 and my concern was to get back to the train. I didn't  
24 look to see if, we were up, we didn't fall over, so, my  
25 concern was to get back and render aid. I didn't look

1 to see if anything was derailed. I just went back.

2 MR. GOBER: Okay. So, you went back and the  
3 first car was a crew car, and that was the fourth car  
4 on the train?

5 MR. RUDOLPH: Yes, that is correct. And I  
6 believe the first person I saw was the assistant  
7 conductor coming out of the car. And I told him, are  
8 you okay, yeah, okay. I told him I was going to come  
9 over and ascertain the injuries in the other car that  
10 was in the ditch. So, basically, what I did was I went  
11 to all the cars and tried to assess where the critical  
12 injured might be. I went to, I surveyed the damage and  
13 before, the rescue response came within 15 minutes, so,  
14 I had ascertained where we needed the emergency people,  
15 so when they did arrive, I was able to dispatch them to  
16 the places where we needed them now.

17 MR. GOBER: Fifteen minutes from the time of  
18 the accident, that is pretty prompt, isn't it?

19 MR. RUDOLPH: Yes, very prompt. It was  
20 amazing.

21 MR. GOBER: What kind of equipment did they  
22 respond with?

23 MR. RUDOLPH: The first people on the site, I  
24 believe, was either a county officer or a state  
25 patrolman, one of the other. I don't recall.

1 MR. GOBER: Did you have nearby places to take  
2 your uninjured passengers to?

3 MR. RUDOLPH: Well, there was a level place,  
4 when we brought them up from the ravine, there was a  
5 level area where the tracks once were, where people  
6 gathered. So, that was a safe place for them to be.  
7 There were no down power lines or anything around there  
8 and it was a safe place. Once we got them up, up the  
9 ravine and onto flat ground, they were in a safe place.

10 MR. GOBER: Okay. I understand it happened  
11 about 11:40 p.m., so this was like 12:05 or so when you  
12 first --

13 MR. RUDOLPH: Yes.

14 MR. GOBER: Okay. What kind of lighting did  
15 you have? What kind, how did you lead the people  
16 around?

17 MR. RUDOLPH: Well, I personally had a  
18 flashlight on me. And the cars had, the emergency  
19 lighting was working on the cars. And also it wasn't  
20 too soon after, glow sticks that we have on the train  
21 were used and passengers were opening them up and you  
22 could see a lot better. But, basically, I had my  
23 flashlight.

24 MR. GOBER: Do you think the glow sticks were  
25 helpful?

1 MR. RUDOLPH: Oh, it was, it was very  
2 comforting to the passengers. Very comforting. Yeah,  
3 it is a necessity.

4 MR. GOBER: Okay. Well, I take a lot of  
5 pride in that because I recommended that.

6 MR. RUDOLPH: They are very comforting to the  
7 passengers.

8 MR. GOBER: Well, I am glad they were.  
9 The passengers found the glow sticks where?

10 MR. RUDOLPH: We handed them out.

11 MR. GOBER: Okay.

12 MR. RUDOLPH: They didn't, you know, they  
13 weren't, after I ascertained where the injured where,  
14 we started handing the glow sticks out.

15 MR. GOBER: Okay. And you have a locker full  
16 of them?

17 MR. RUDOLPH: Yes, we know right where they  
18 are located at.

19 MR. GOBER: Okay. And you got all the people  
20 together in one place where they were safe.

21 MR. RUDOLPH: That is right.

22 MR. GOBER: Okay. Then, then what did you  
23 do?

24 MR. RUDOLPH: Well, I tell you what, what I  
25 personally did after the emergency people started

1 arriving, I was assisting in the 11th car which is  
2 where we had the fatality at. We got the medical  
3 people over to where that lady was injured at. She was  
4 our first concern.

5 MR. GOBER: Was she still alive whenever  
6 you --

7 MR. RUDOLPH: Well, I was, I don't know,  
8 because what I saw, I communicated with the people next  
9 to her and they communicated her condition to me, I  
10 couldn't get to where she was at without, you know, a  
11 problem.

12 MR. GOBER: I mean, what did they tell you?  
13 Did they tell you --

14 MR. RUDOLPH: She was unconscious.

15 MR. GOBER: Okay.

16 MR. RUDOLPH: And she needed help bad and I  
17 tried to assure them that they were, that --

18 MR. GOBER: That help was on the way.

19 MR. RUDOLPH: Yeah, and that is where, and  
20 then, of course, from then on I went to other cars to  
21 see where the problems were at. And I ascertained that  
22 that was our most critical patient. When they started  
23 coming, we got them right over to there. And after  
24 that happened, my priority was with getting the people  
25 out of the trains that were overturned, which was the

1 dorm cars, and the 11th car where the passengers were  
2 at. Assistant Conductor Dave McGuire was at the dorm  
3 car, so, he was, when I saw he was okay, relatively  
4 speaking okay, I went over to our passenger car and  
5 after looking at the other cars, going to the other  
6 cars, I returned to the 11th car and assisted people  
7 leaving, getting out of that car. We evacuated that  
8 car.

9 And then a short period of time later, more  
10 people showed up, more people showed up, more people  
11 showed up. There were so many people there, firemen, I  
12 mean, it was just fantastic.

13 MR. GOBER: Okay. That was a question, was  
14 it organized effort?

15 MR. RUDOLPH: Very organized. People  
16 communicating well, people were not, there wasn't a  
17 struggle over, "well, what should we do?" It was  
18 organized. They had portable lighting out there. They  
19 had ropes. They had ladders.

20 MR. GOBER: Do you know whether these people  
21 had training from Amtrak or Burlington Santa Fe or how  
22 they learned to do this?

23 MR. RUDOLPH: I have no knowledge of that.

24 MR. GOBER: Okay.

25 MR. RUDOLPH: So, after, to continue what my

1 role was, after all the medical people and all the fire  
2 department came there, it seemed like the rescue was on  
3 auto pilot. It seems like it was clicking along very  
4 well. And so, another passenger and I went and he was  
5 helping evacuate kids and I said, do you want to help  
6 me with something and he said, yeah. We went along the  
7 ravine looking for people that might have been ejected  
8 from the train, that was in-between the cars. My fear  
9 was, with as many people as we had on the train, if  
10 they happened to be in-between the cars, somebody would  
11 most certainly have been ejected from the train. So,  
12 the passenger and I, we walked an area along the ravine  
13 looking in the areas and we searched both sides.

14 MR. GOBER: Did you find any people?

15 MR. RUDOLPH: No.

16 MR. GOBER: Okay. It sounds like you guys  
17 really had a remarkable effort. I understand that you  
18 had a total of 15 train crew.

19 MR. RUDOLPH: Yes, 13 onboard people and that  
20 information was provided to me by the chief before the  
21 trip.

22 MR. GOBER: Okay.

23 MR. RUDOLPH: And two conductors, myself and  
24 Dave McGuire.

25 MR. GOBER: And the locomotive engineer.

1 MR. RUDOLPH: The locomotive engineer, would  
2 have been the 16th.

3 MR. GOBER: Okay. All right. The function  
4 of the conductor and assistant conductor, I think you  
5 have pretty well outlined. Did you get any help out of  
6 your onboard service personnel?

7 MR. RUDOLPH: Well, I tell you what, I was so  
8 busy, I didn't notice. I am going to tell you I  
9 noticed, the only people I had contact with during the  
10 rescue were Dave McGuire, who is the assistant  
11 conductor, and Claudine Robertson, who is the chief.

12 MR. GOBER: Chief Onboard Service.

13 MR. RUDOLPH: Chief Onboard Service. I didn't  
14 look around to see. We were busy and to tell you the  
15 truth, I didn't notice.

16 MR. GOBER: Okay. Was the, were the  
17 activities, you said it was like it was on automatic  
18 pilot, were you pleased with the overall effect?

19 MR. RUDOLPH: Oh, yes, very pleased,  
20 impressed. It was a fantastic situation.

21 MR. GOBER: Okay. But, do you think your  
22 knowledge played any part in that?

23 MR. RUDOLPH: I don't think so. I think it  
24 was a group effort. I think we, as a group, we all  
25 functioned, we all did what we had to do. And we all,

1 together we got it done.

2 MR. GOBER: Okay. Well, I know for a fact  
3 that Amtrak spends a lot of time and a lot of money  
4 training people how to function in emergency situation  
5 like that. And I would say if it is so automatic now,  
6 they must be doing a good job. What are your thoughts  
7 on that?

8 MR. RUDOLPH: I think so. You know, you can  
9 see films and study the history of what happens, and  
10 you know, you can recollect and see what happened in  
11 other wrecks, but until you experience it yourself, it  
12 is a all new ball game. But, nevertheless, you know  
13 what to do. What is new is the feelings that a person  
14 experiences, those feelings, but those really don't  
15 come into play until the accident, because we all knew,  
16 we all know what to do, and we all did it. And I think  
17 it was done right, and --

18 MR. GOBER: Did you have good communications  
19 with Amtrak and with Burlington Santa Fe?

20 MR. RUDOLPH: Yes. Yes. Everybody was very  
21 helpful and everybody had the same, and everything  
22 turned out just good, really impressive response.

23 MR. GOBER: Okay. Did you have occasion to  
24 have any kind of a drug or alcohol test after the  
25 accident?

1 MR. RUDOLPH: Yes, they took the train crew to  
2 the Creston Hospital to get tested.

3 MR. GOBER: And you were tested?

4 MR. RUDOLPH: Yes, I was.

5 MR. GOBER: Do you use drugs or alcohol?

6 MR. RUDOLPH: No, I do not.

7 MR. GOBER: Okay. Even though you don't know  
8 what the results was, you wouldn't have any problem?

9 MR. RUDOLPH: Not at all, not at all.

10 MR. GOBER: Okay. I am pretty impressed with  
11 what I hear, I would like to get the other people here  
12 that are with us to ask you a few questions.

13 This is Jim Vermines with the NTSB. And I am  
14 sorry, we didn't introduce you to everybody, but before  
15 Jim starts, if everyone would tell Richard who you are,  
16 Mr. Lawrence Richards.

17 MR. RUDOLPH: Rudolph.

18 MR. GOBER: Mr. Rudolph. Excuse me, I am not  
19 getting into it too good. I would appreciate it. Go  
20 ahead, Ann, tell him who you are.

21 MS. KELLY: I am Ann Kelly. I am an operating  
22 practices inspector with the Federal Railroad  
23 Administration out of Council Bluffs, Iowa.

24 Can you, can you --

25 MR. GOBER: No, we are not going to let you

1 talk.

2 Now tell us who you are?

3 (Introductions were made.)

4 MR. GOBER: Okay. Mr. Yeager?

5 MR. YEAGER: -- Yeager with --

6 MR. GOBER: We will skip. George.

7 We have got a couple of guests that work with  
8 Amtrak, if you guys would tell him who you are?

9 MR. LAWSON: Bill Lawson (inaudible)

10 MR. SCOTT: Ron Scott, Systems Operations,  
11 Amtrak.

12 MR. GOBER: Okay. Now, Jim Vermines is with  
13 the Safety Board. He is a safety specialist. Jim has  
14 a few questions for you.

15 MR. VERMINES: Do you know how many passengers  
16 there were?

17 MR. GOBER: Come up closer. You don't talk  
18 loud enough.

19 (Pause.)

20 MR. RUDOLPH: Do I know how many passengers  
21 were on the train at that time?

22 MR. VERMINES: Well, one of the problems that  
23 emergency responders have had following derailments  
24 like this is knowing how many people are on the train.

25 MR. RUDOLPH: Absolutely.

1 MR. VERMINES: You were out there that night  
2 looking to see if you had passengers that had fallen  
3 between the cars.

4 MR. RUDOLPH: Exactly.

5 MR. VERMINES: Were you able to give the  
6 responders any kind of indication of what you had  
7 onboard?

8 MR. RUDOLPH: Yes, yes, I did. I kept a  
9 current list of where everybody was sitting and how  
10 many people were on the train. We had just boarded 70,  
11 I believe in excess of 70 people at Osceola, Iowa.  
12 Twenty one minutes after we left Osceola, 21 minutes  
13 after we boarded these 70 people, I have got, I  
14 communicated with the engineer as to, he communicated  
15 with me about the problem with the whistle, so, my  
16 attention to handle the situation with the whistle. I  
17 had a real accurate count of people just because after  
18 I took the tickets, after I took the tickets at  
19 Osceola, I went through and made up a seat chart, which  
20 we use to plan our next seating arrangement in Omaha,  
21 Nebraska. So, I had just gotten through making that  
22 seat chart out. So, I wrote who was in every seat.  
23 So, I had a real accurate head count that I made that  
24 from. I still had tickets in the ticket, on the  
25 conductor's desk, spread out, you know, in order. I

1 had tickets in my pocket. Assistant Conductor Dave  
2 McGuire had tickets. We had just boarded over 70  
3 people. We hadn't had a chance to count them.  
4 Although I had an accurate count from my list that I  
5 had just made up. And in terms of the sleeping car, we  
6 had, we knew how many people were in the sleeping car,  
7 because I had counted them up before we had gotten into  
8 Osceola. So, I had a pretty accurate count. And I let  
9 the emergency people know as soon as I had time, after  
10 we got done evacuating people, I took my list out of my  
11 pocket and I counted them up and I let everybody know,  
12 I mean, the emergency people, they were taking to  
13 shelter, I said, I am the conductor, I want you to know  
14 we have blah, blah, X amount of people on the train.  
15 When I saw somebody else, emergency, I said, I let them  
16 know we had this many. I wanted the word to get out,  
17 so whoever was taking these people to the shelter,  
18 would kind of anticipate what kind of people they are  
19 getting. And so, I had that figure of approximately  
20 195, was the figure I gave them, based on, based on  
21 basically my seat chart that I made out.

22 MR. VERMINES: Was anyone on the train  
23 required to have --

24 MR. RUDOLPH: Yes, they are.

25 MR. VERMINES: (inaudible)

1 MR. RUDOLPH: That is right.

2 MR. VERMINES: -- information, on the train,  
3 like Amtrak, does anybody else have that information  
4 and how --

5 MR. RUDOLPH: It, it, yeah, that information  
6 is put in the ticket pouch and that ticket pouch makes  
7 its way back to, I believe, accounting, everything is  
8 all put in this pouch at the end of the train and it is  
9 forwarded to the, I believe the accounting office.  
10 But, that information stays with the train and it is  
11 passed on.

12 MR. VERMINES: Okay. If you were disabled,  
13 though, would anybody else have that information?

14 MR. RUDOLPH: If I were disabled?

15 MR. VERMINES: Let's say that this had been a  
16 collision or something, would someone have had that  
17 information and been able to give it out? What I am  
18 saying is, like Amtrak has an operations center, from  
19 the way I understand it, do they have that information?  
20 Were they able to call for the emergency and --

21 MR. RUDOLPH: They would have had, yes, they  
22 would have had a manifest reflecting who had  
23 reservations. And that doesn't mean that those people  
24 necessarily made the trip. They might have been a no  
25 show. And that may not have included anybody, quite

1 often we have people that get on the train without  
2 reservations. They know our schedule, they come to the  
3 train and they purchase a ticket onboard at the highest  
4 fare, of course, because they didn't make reservations,  
5 but, they, they have got the information as to who has  
6 a reservation.

7 MR. VERMINES: Is there anything that you saw  
8 as shortcoming at the accident scene that you --

9 MR. RUDOLPH: Yes, yeah, I do. The, the  
10 tickets went all over the place. And so, I am sure we  
11 didn't recover all the tickets. It would have been  
12 helpful to have a certain area where they are always  
13 kept, maybe a secure place to put them, while the train  
14 is in route. And that would be a recommendation. So,  
15 if anybody came in to that train, they would, they  
16 would know to look to get the ticket pouch and the  
17 tickets and the manifest for the train. It would be a  
18 location that is marked and identified. The tickets  
19 wouldn't have went scattering all over the place had  
20 there been a place to put perhaps dead tickets, tickets  
21 that people whose trips have already been fulfilled,  
22 they are off the train, they could be in this  
23 compartment. And then live tickets in another area,  
24 and they wouldn't have went scattering all over. We  
25 could have went and got the tickets right there. And,

1 and the manifest, I don't even know where, everything  
2 went flying. And people were trampling through the  
3 cars, so, the tickets, manifest, paperwork could have  
4 been destroyed just by the feet rubbing. A lot of  
5 pertinent information could be placed in a compartment  
6 or something and it wouldn't have been scattered  
7 around.

8 MR. VERMINES: Thank you.

9 MR. GOBER: Okay. Ms. Kelly with FRA, do you  
10 have any questions?

11 MS. KELLY: Yes. Thank you.

12 MR. GOBER: Get you get a little closer.

13 MS. KELLY: Do you want to explain what you  
14 call a running air test?

15 MR. RUDOLPH: The engineer applies his brakes  
16 as we leave an initial terminal. A running air test is  
17 also required when we have a crew change. When we get  
18 our new engineer, we always do running air test. The  
19 engineer applies the brakes. We see that the brakes are  
20 working, the train is coming, is slowing down. And then  
21 we ascertain that the brakes have released and that  
22 they are working properly. And we did two air brake,  
23 two running air brakes tests on our train prior to the  
24 accident.

25 MS. KELLY: One in Chicago and --

1 MR. RUDOLPH: One in Chicago, one when we  
2 changed engineers at Ottumwa.

3 MS. KELLY: Okay. And did any mechanical  
4 conduct an air test?

5 MR. RUDOLPH: They would have done an air  
6 test, initial test at Chicago Union Station.

7 MS. KELLY: Did they give you any air slip or  
8 verbally tell you that it had been conducted --

9 MR. RUDOLPH: The slips, the slips are in the  
10 locomotive, yes.

11 MS. KELLY: When you were in the second unit,  
12 did you notice anything unusual?

13 MR. RUDOLPH: It was chilly and I turned the  
14 temperature up. Otherwise everything was normal.

15 MS. KELLY: Okay. In your own mind, this is  
16 just asking what you may have thought, not asking you  
17 to interpret their, the other people's thoughts. What  
18 do you think, why do you think that the dispatchers,  
19 the two different dispatchers had different ideas about  
20 providing protection for the road crossings?

21 MR. RUDOLPH: I don't want to try to, I can't  
22 say, I don't know.

23 MS. KELLY: Oh, last one. Have you heard  
24 about the SOFA?

25 MR. RUDOLPH: Well, I don't recollect it, not

1 right off hand.

2 MS. KELLY: Do you want me to tell what it is  
3 again?

4 MR. GOBER: No, we know what it is.

5 MS. KELLY: That should do it.

6 UNIDENTIFIED SPEAKER: Maybe you should tell  
7 him what it is.

8 MS. KELLY: It is a, it is called Switching  
9 Operations Fatality Analysis.

10 MR. GOBER: And the reason why it is  
11 interesting possibly to you is because they go through  
12 some of the radio procedures of what to do in case of  
13 an emergency. This is a main line operations, so, it  
14 doesn't really apply.

15 MS. KELLY: Yes, it is kind of like job safety  
16 planning.

17 MR. GOBER: Okay. Mr. Dwyer, do you have any  
18 questions?

19 MR. DWYER: Yes, sir.

20 Mr. Rudolph, first of all, thank you for all  
21 that you have -- the passengers. We all appreciate  
22 that. You did an excellent job.

23 MR. RUDOLPH: Thank you.

24 MR. DWYER: You were on the head at the time  
25 that this all started?

1 MR. RUDOLPH: That is correct.

2 MR. DWYER: Can you tell us a little in your  
3 own words, when you knew things were going sour on you?  
4 What was going on, what your thoughts were?

5 MR. RUDOLPH: Right. Like I said, it was  
6 routine up until then and everything all happened at  
7 once. And it happened very quickly and the engineer  
8 responded immediately. It all happened within, within  
9 seconds of realizing we were on the ground, which  
10 happened immediately. The engineer immediately,  
11 immediately was on the radio. It all happened, it all  
12 happened so fast that, I don't know what to say, just  
13 it all happened fast.

14 MR. DWYER: When the, at the point when, in  
15 your mind, you knew that something was wrong, what  
16 triggered that?

17 MR. RUDOLPH: An unusual sensation. I felt it  
18 one other time when I was working a coal train, when I  
19 worked for the Burlington Northern, I was on a train  
20 that we derailed and it was a similar feeling. There  
21 was a like a lurching or a just quick all of sudden, I  
22 don't recall whether it was a sensation that we  
23 dropped, whether we felt slack action. It was just a  
24 feeling that was not, it was an unusual feeling. We  
25 knew what it was. It all happened so fast, that

1 unusual feeling occurred. The air broke, Richie put  
2 the train into emergency, we are on the ground, we  
3 realize it immediately. Richie was on the radio  
4 immediately. So, it was ascertained immediately what  
5 had happened. And we weren't moving that fast,  
6 relatively speaking.

7 MR. DWYER: One more question. Are you  
8 familiar with, has anyone discussed with you post  
9 incident critical stress debriefing?

10 MR. RUDOLPH: Not in any detail.

11 MR. DWYER: I am sure that Amtrak has such a  
12 program and I would encourage you to seriously consider  
13 talking with someone because these are tough.

14 MR. RUDOLPH: Right.

15 MR. DWYER: And you did a hell of a job and  
16 just so you take care of yourself, so I would encourage  
17 you to talk to someone.

18 MR. RUDOLPH: Okay. Thank you.

19 MR. DWYER: Thanks for your help.

20 MR. GOBER: Okay. Mr. Ble, do you have any  
21 questions?

22 Okay, George, you can take a go.

23 UNIDENTIFIED SPEAKER: Just one quick one, Mr.  
24 Rudolph. In your 23 years --

25 MR. GOBER: Can you come up, because I am

1 afraid that far back --

2 UNIDENTIFIED SPEAKER: All right. In your 23  
3 years experience both on Burlington Northern and with  
4 Amtrak, have you had other incidents where you have had  
5 whistle failures in route, that you recall?

6 MR. RUDOLPH: I don't recall any.

7 UNIDENTIFIED SPEAKER: Okay. So, this is the  
8 first time for you also.

9 MR. RUDOLPH: I believe so, yes.

10 UNIDENTIFIED SPEAKER: Okay. That is really  
11 all I had. I just also want to applaud your actions  
12 and that of your crew.

13 MR. RUDOLPH: Thank you. It was a team  
14 effort.

15 MR. GOBER: I would like to thank you on  
16 behalf of the Safety Board. We are about to run out of  
17 tape, so I will do it real quick.

18 We will place the interview in recess. If  
19 you would, do you mind if I give you a call in the  
20 event that we have further questions?

21 MR. RUDOLPH: No, you may call me.

22 MR. GOBER: Okay. Thank you very much. You  
23 are released to go and we are off the record.

24 MR. RUDOLPH: Thank you very much.

25 (Whereupon, the interview was concluded.)

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In the Matter of:

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Official Reporter

Dated: MARCH 2001

NATIONAL TRANSPORTATION SAFETY BOARD

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In the Matter of: \*

AMTRAK TRAIN NO. 5 \*

DERAILMENT ON BURLINGTON \*

NORTHERN SANTA FE RAILWAY \*

\*\*\*\*\*

Docket No. DCA01MR003  
Nodaway, Iowa

PRESENT: RUSSELL F. GOBER

INTERVIEW OF:

DAVE MCGUIRE

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## P R O C E E D I N G S

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MR. GOBER: On the record at 2:10 on Monday,  
the 19th of March 2001.

Okay. Could you give us your name and  
address, please?

MR. MCGUIRE: My name is David McGuire. And I  
live at 19394 Ridgeview Road in Council Bluffs, Iowa.

MR. GOBER: Okay. What is your phone number,  
David?

MR. MCGUIRE: It is area code

MR. GOBER: Okay. You work for Amtrak?

MR. MCGUIRE: Yes, sir, I do.

MR. GOBER: How long have you worked for  
Amtrak?

MR. MCGUIRE: My hire on date was July, I  
believe it was the 26th of last year.

MR. GOBER: Of 2000?

MR. MCGUIRE: 2000.

MR. GOBER: Okay. And what do you do in your  
position with Amtrak?

MR. MCGUIRE: I am an assistant conductor for  
Amtrak.

MR. GOBER: Okay. What do you do as an  
assistant conductor?

MR. MCGUIRE: Basically, I work with and for

1 the conductor. I do what the conductor needs me to do  
2 to fill in the spaces where he needs help or assisting  
3 just generally on the job of taking care of the train.

4 MR. GOBER: Okay. Just from your own words;  
5 tell us what happened on the date of the accident.  
6 Where you went on duty and then what happened?

7 MR. MCGUIRE: The day started at, I went on  
8 duty at 2:55 p.m. on Saturday afternoon. Butch, I call  
9 him Butch, Lawrence Rudolph and myself had talked about  
10 what was going to happen. We had already been down to  
11 Union Station early before --

12 MR. GOBER: And that was in Chicago?

13 MR. MCGUIRE: In Chicago, right, at Union  
14 Station. And we reviewed what was going to happen all  
15 the way from here to Omaha, Chicago, I should say, to  
16 Omaha, and what we needed to do to make everybody's job  
17 easy and make it a quick and safe run.

18 MR. GOBER: Would you have changed crews in  
19 Omaha?

20 MR. MCGUIRE: Yes, we change in Omaha. The  
21 relief crew is the Denver crew.

22 MR. GOBER: Okay. And then you would have  
23 been off duty for a few hours and then gone back  
24 towards Chicago.

25 MR. MCGUIRE: I am sorry, I don't --

1 MR. GOBER: Okay. Whenever you arrived in  
2 Omaha were you going to get off the train?

3 MR. MCGUIRE: Right, that is the end of it.  
4 I, we began our trip in Omaha, and we go to Chicago.  
5 We lay overnight in Chicago, and then our return trip  
6 would be from Chicago back to Omaha. So, we were on  
7 our return trip back to Omaha.

8 MR. GOBER: Okay. What are your regular days  
9 off?

10 MR. MCGUIRE: I am on the extra board.

11 MR. GOBER: Okay.

12 MR. MCGUIRE: So, I don't --

13 MR. GOBER: What jobs had you worked in the  
14 past five days prior to this accident?

15 MR. MCGUIRE: I had not.

16 MR. GOBER: Okay. Had you worked in the past  
17 10 days before the accident?

18 MR. MCGUIRE: I believe I had. I would have  
19 to have my --

20 MR. GOBER: Time book.

21 MR. MCGUIRE: My time book.

22 MR. GOBER: But, you made one round trip and  
23 you were on the way back home.

24 MR. MCGUIRE: Yes.

25 MR. GOBER: In the five days prior to the

1 accident.

2 MR. MCGUIRE: Within two weeks, I, I believe I  
3 was on, I had made a complete round trip, yes.

4 MR. GOBER: Okay. When you started out with  
5 the railroad, they gave you some training, was any of  
6 it on operating rules?

7 MR. MCGUIRE: Yes, it was.

8 MR. GOBER: Okay. Did you pass your rules  
9 training?

10 MR. MCGUIRE: Yes, sir, I did. I just, just  
11 last month had the -- test and passed that.

12 MR. GOBER: For assistant conductor?

13 MR. MCGUIRE: Right. Right.

14 MR. GOBER: Okay. Have you, in your Amtrak  
15 testing, they offer testing on and training on  
16 emergency situations like your train accident. Have  
17 you ever had any of that?

18 MR. MCGUIRE: In safety they did, in class  
19 they did go over and showed clips of Bubbay(ph) and  
20 the other one.

21 MR. GOBER: That is all right. You had  
22 some --

23 MR. MCGUIRE: We have seen a couple of  
24 different incidents. In Safety they did go over, you  
25 know, if in the event of an accident, how you were

1 going to get out of the cars. They made you fully  
2 remove a window, so you could assist and know how to do  
3 it from either side of the car.

4 MR. GOBER: Well, you just mentioned something  
5 I meant to ask the conductor and I forgot. There were  
6 some cars that were turned upside down on their sides,  
7 did you have any, did you help any of the passengers  
8 evacuate any of those cars that were hard to reach the  
9 doors and all? Did you go through any windows through  
10 emergency exits and that kind of thing?

11 MR. MCGUIRE: I did. First, I ascertained  
12 what the status of the people were in the dorm car,  
13 because that is where I was at the time that this  
14 happened. By calling up, at that time it was  
15 undecided, so I crawled the wall up to the upper level  
16 of the dorm to ascertain, to make sure what crew was in  
17 the dorm car were okay. And through all the responses  
18 I got were, yes, I believe so. So, at that time, yeah,  
19 I used an emergency window to get out of the dorm car  
20 to crawl on top, which was at that time the side of the  
21 dorm car.

22 The next car was the 512 car, I was not able  
23 to get anybody to get an emergency window open on the  
24 lower level, but I did have, there was a gentleman that  
25 came down and opened up the window of the door on the

1 car. So, I crawled through the door, and into the car.  
2 I crawled over the luggage, and hollered through the  
3 car to make sure everybody was, the condition of  
4 everybody, and I asked them at that point in time to  
5 stay, stay calm and stay where they were until we  
6 could, until I could get more help down there to help  
7 me, you know, do what was needed and they said, they  
8 assumed, everybody said that they seemed to be all  
9 right, there were a people that were hurt, but they  
10 were all right.

11 MR. GOBER: Did you have a flashlight?

12 MR. MCGUIRE: Yes, sir, I did have a  
13 flashlight.

14 MR. GOBER: Okay. Was there any other  
15 emergency lighting in the cars?

16 MR. MCGUIRE: There was some in some of the  
17 cars. I can't, I can't honestly tell you what cars, if  
18 any, had emergency lighting in them. But, I do --

19 MR. GOBER: Did the passengers have any kind  
20 of lighting to help them in any way?

21 MR. MCGUIRE: The first thing I did is when I  
22 got into the 512 car, is I couldn't, I finally broke  
23 open the latch on the, where they carry the glow  
24 sticks. And what I did was I handed it to a gentleman  
25 and he passed out that box of glow sticks to the people

1 inside that car for extra lighting.

2 MR. GOBER: Did that help in any way?

3 MR. MCGUIRE: I think that helped. And I  
4 think that made them a little more comfortable with the  
5 extra lighting. As a matter of fact, at the end as I  
6 was walking away from it, I could still see -- Sorry.

7 (Pause.)

8 MR. GOBER: Whenever you are ready, just roll  
9 it. We have got plenty of tape.

10 MR. MCGUIRE: Okay. As I said, the last  
11 thing I remember is the 511 car, most of the -- So, I  
12 know that they used them. So, they were -- So, I knew  
13 that the glow sticks were distributed. And I  
14 instructed them, the passengers with the 512, that they  
15 needed to just remain calm and to my surprise were they  
16 all, they were calm. There was no panic. So, I opened  
17 the window on the other side of the car, and crawled  
18 out.

19 (Pause.)

20 MR. MCGUIRE: I didn't know what car was in  
21 front of me, to the right I saw the 511 car.

22 (Pause.)

23 MR. GOBER: It is okay.

24 (Off the record.)

25 MR. GOBER: We are back on the record.

1 MR. MCGUIRE: So, I crawled out of the 512  
2 car. And looked ahead of me, and there was quite a  
3 distance between me and the next car that I saw, where  
4 the tracks should have been, there was no rail there  
5 that I saw at that time. I looked to the right and I  
6 was horrified to see that there was another car that  
7 was laying part up down in a ditch, a ravine area. I  
8 was really concerned about that car, but, I was, for my  
9 safety I wasn't go into that car. The purpose, the  
10 reason behind that is because alls I knew was there  
11 was, there were poles there, and there were three lines  
12 running across.

13 MR. GOBER: Okay. Electric --

14 MR. MCGUIRE: I didn't know what they were. I  
15 had no idea. At the end, I found out later they were  
16 nothing more than just communication cables.

17 So, I walked over to the edge and I hollered  
18 down to the car, I hollered a response to the person, a  
19 passenger that was hollering from the car that they had  
20 somebody that was injured that needed medical  
21 assistance. And at that point in time, I told the  
22 people in the 511 car that it was not a good idea for  
23 anybody to move. That they needed to stay in the car.  
24 That they needed to stay calm. And if there was  
25 anybody that could assist the person that was injured,

1 please assist that person the best they could until  
2 help could arrive, because we did at that time, I  
3 assured everybody that help was on its way and that it  
4 should not be very long before we ended up having help.

5           They said all right, we will do the best we  
6 can. I left, I walked on and got to the 510 car.  
7 Somebody opened the window to the door on the 512 car.  
8 I again had to crawl through the door, due to the  
9 buildup of the debris and the rock, I crawled up  
10 through the car door, and called across the debris, the  
11 luggage, the stuff that had flown into the vestibule of  
12 the car. Opened up the, again, the plastic door where  
13 the glow sticks were, grabbed the box. There was a  
14 gentleman in that car was down. I said, he was a  
15 little nervous and I calmed him down. I said, at this  
16 time I am going to give you something to do for me. I  
17 said, it is very important that everybody, that we  
18 distribute these lights, that, that there is lighting  
19 and that everybody can see what is, where they are at,  
20 and they had extra lighting. And I hollered to make  
21 sure that everybody was okay and they said that there  
22 were people that were shaken up over here. There is  
23 somebody that, that is maybe hurt, but, for the main  
24 part the response was that they were okay.

25           So, I climbed out the window, and obviously

1 the car was, all the cars were in bad enough shape that  
2 none of the doors would open. So, I opened the window  
3 and crawled through the car door window. At that time  
4 what I saw was, there was a lot of space between me and  
5 the next car that was in line on the track. I saw the  
6 lounge car starting out of the ravine on the opposite  
7 side, the same side where the dorm car was, opposite  
8 side of the 511 car. The lounge car, I know the lounge  
9 car had good lighting in it, because I could  
10 distinguish seeing the lower level of the lounge car.  
11 I hollered down to the lounge car, I know the Chief of  
12 Onboard Services was down in the lower level of the  
13 lounge car. And they said that they were a couple of  
14 young kids down in there, standing up in the lounge  
15 car, and I said, is everybody okay. They said, no, the  
16 Chief is hurt. So, they said, you can't get down here.  
17 People have tried, it is too slick. And, in fact, I  
18 found out it was, so, because the first step took, I  
19 fell and I started sliding. I stopped, I called back  
20 up. I proceeded to the end of the lounge car, which  
21 was high enough up that I could get to and then I  
22 leaned on my back against the lounge car, and walked  
23 down the side of the car to the window, which they had  
24 removed. I talked to everybody there. They were calm  
25 and everybody was okay.

1           So, I climbed back up the way I had got down  
2 to the lounge car, climbed back up. I bypassed the  
3 dining car to the sleepers.

4           Backing up, before I went to the lounge car,  
5 there was several people standing outside and I had  
6 glow sticks left over, for some reason, I still, I  
7 still had some glow sticks. I don't know why. So, I  
8 passed them out to the passengers that were standing  
9 outside. I am assuming they came out of the lounge  
10 car and the sleepers in the combination of the two. I  
11 don't believe they came out of any of the coaches.

12           After, after that, I went back to the  
13 sleepers. They were still in an upright position, but  
14 I don't know if they were on a track or not. I don't  
15 believe so. They were just sitting there in an upright  
16 position, in the proper direction.

17           The doors were open, and the majority of the  
18 people --

19           (Pause.)

20           (Off the record.)

21           MR. GOBER: Okay. Continue.

22           MR. MCGUIRE: The 531 and 532 sleepers were  
23 still upright. So, I went back and the doors were both  
24 open. We had a group that was going to, there was a  
25 large group of people in the sleepers that were going

1 to specific destination. And they were a great group,  
2 great group of people. They were a lot of fun. Had a  
3 lot of fun with them, you know, in the lounge car. And  
4 of course with the last name of McGuire, you know, it  
5 is -- special. You know, of course, they, every time,  
6 the one time I walked through the car, they started  
7 singing, the Irish theme, the Irish song to me. It was  
8 like, you know, I had to go and the ladies were joking  
9 with me, you know, hey, you look like Donald  
10 Sutherland, you know. So, there was a great group of  
11 people on that car. And we had a person that needed to  
12 be upgraded from economy to the logs that were on that  
13 car. -- if she is okay. Because she had some  
14 problems, and that is why she had to upgrade.

15 MR. GOBER: Well, ask Mr. Ferrer to double  
16 check on that and let you know at a later date.

17 MR. MCGUIRE: Okay.

18 MR. GOBER: If you can, just kind of talk a  
19 little bit more about the, the, what happened as far as  
20 the evacuation and any emergency support group that  
21 came to help.

22 MR. MCGUIRE: Okay.

23 MR. GOBER: Try to tell us a little bit about  
24 what they did.

25 MR. MCGUIRE: After talking to them, then I

1 noticed, I talked to them and I started sending the  
2 people back to the car, I noticed that from the end of  
3 the train, I saw lights. So, I knew, I said, folks,  
4 just stay calm now, we do have people coming. If you  
5 look down there, there is people responding already.  
6 So, at that time, I looked back and I hollered down the  
7 11 car and told them the same thing, I called to the  
8 10, the 12 car and tried to find my radio. I had lost  
9 my radio. I don't know, didn't know where I lost my  
10 radio at. So, I finally found Butch and at that time,  
11 there was, there was a sheriff's car, I had seen in  
12 minutes after I got back up to the, in front of the  
13 car.

14 At that time, I didn't do anything as far as  
15 evacuating people. The fire department followed pretty  
16 shortly after the sheriff's department. I have no, no  
17 recollection of time span of from when it happened to  
18 the time that people responded to the scene. To me I  
19 felt that the response time was pretty fast. I felt, I  
20 feel that we were very lucky that we were at the place  
21 we were at, because I do believe that we were in a good  
22 place for the response to get to us.

23 The next I know, remember is, you know, I was  
24 standing there, and there was just several people, I  
25 mean, out of nowhere, paramedics, fire department,

1 sheriff's department. I was, I guess, it was kind of  
2 funny because I think I was more concerned at that time  
3 because I knew that help was there, that I needed to  
4 have, I needed to have my radio. I needed to find the  
5 conductor. I needed to find the engineer.

6 So, I am not sure when I came back into  
7 contact with Butch or Mr. Rudolph, the conductor. For  
8 the main part of the evacuation I stood up, I was asked  
9 to stand in one place and I did so. Just let  
10 everybody take care of, you know, the appropriate  
11 people take care of the, handle the situation.

12 MR. GOBER: Let me ask a little open end  
13 question and you can tell me what you know about it.  
14 Over the years we have experienced a lot of train  
15 wrecks. And there has been a lot of talk about how to  
16 secure the microwave ovens, and secure things in the  
17 kitchen and the snack bars and securing seats, seat  
18 locks and all. Can you tell us what you know about  
19 those things? Just where the microwave was in place  
20 after the accident?

21 MR. MCGUIRE: I don't know, I did not, I did  
22 not go into the car.

23 MR. GOBER: In the cars that you went in, were  
24 the seat latches broken, were they all moved around?  
25 Just basically, on the safety equipment of the car,

1 what is your thoughts on that?

2 MR. MCGUIRE: From where, in the room I was  
3 sitting, which was the lower level of the crew car,  
4 dorm car, all the tables and seats were still in place,  
5 in tact, and mounted where they were. From what I  
6 could see, I did not ever get into the upper level of  
7 any of the coaches. And I did not go into the  
8 sleepers. To the best of what I could see, everything  
9 stayed pretty much where it was suppose to be. The  
10 center of the car, I think was probably the worse of  
11 the condition. I believe there is buckling of, of  
12 walls, and possibly floor. I couldn't tell there was  
13 so much debris. But, from what I could tell, and from  
14 what I could see, I think every, the seats, and  
15 everything pretty much stayed in tact. The windows  
16 were all in place. The only windows that were out,  
17 were the windows that were removed by passengers or by,  
18 in the lounge car, the, the Onboard Chief had  
19 instructed people how to remove that one window.

20 MR. GOBER: Were there any cars, where, you  
21 know, sometimes when they start, they start stacking  
22 up, the couplers will break off and the end of a  
23 coupler will cut the side of a car, something like  
24 that. Do you know of any intrusion into the cars from  
25 the outside by other equipment?

1 MR. MCGUIRE: That I didn't feel was an  
2 important thing for me to view. I didn't, I, you know,  
3 passengers was my concern. The, the way the --

4 MR. GOBER: The reason I asked the question is  
5 from the passenger perspective, do you think anything  
6 from the outside poked in and harmed them?

7 MR. MCGUIRE: Not, not that I know of.

8 MR. GOBER: Okay.

9 MR. MCGUIRE: No.

10 MR. GOBER: Okay.

11 MR. MCGUIRE: I really don't know of anything.  
12 I don't know because I didn't check at that aspect.

13 MR. GOBER: Based on what you said, is that  
14 the emergency responders came very soon and that the  
15 people were rather orderly once you were able to calm  
16 them down, just a little bit, with some lights and you,  
17 you indicated in a positive manner that, that it was,  
18 for a train wreck, it was not a lot of turmoil. So, is  
19 that true? Is that -- Can you elaborate a little bit  
20 on what I have said.

21 MR. MCGUIRE: I think the factor of  
22 calmness, if that is what you are referring to, I think  
23 the time of day had a lot of, a lot to play, a big role  
24 to play in this big ordeal. Most, most of the  
25 passengers, which I had, I had left the sleepers and

1 was making my rounds down through the consist of the  
2 train, back up to the crew car, because I had, I had to  
3 do a lot of paperwork as far as doing an upgrade for  
4 some people in the sleeper, that boarded Osceola. And  
5 I didn't get that paperwork done until somewhere around  
6 Creston, and I was making my way back to the train.  
7 When I noticed most the people had turned down for the  
8 day, had bedded down and were sleeping. And I think  
9 that due to the fact that most of the people had gone  
10 into, gone into their rooms or were sleeping or were  
11 relaxed, played a big role in the fact that I think  
12 they went into shock. "My gosh, I, I am half asleep or  
13 I was almost asleep or I was relaxed. I was getting  
14 ready to go to sleep." I think at that point if they  
15 were all, there was no screaming. I didn't hear any  
16 screaming. And that, I think helped me stay focused on  
17 the fact that I needed to make sure that everybody was  
18 okay. And I think by passing out the sticks, and  
19 just reaffirming that help is on its way, and I knew  
20 that it would be there shortly.

21 MR. GOBER: Did you have any communications  
22 with the locomotive engineer at any time during the --

23 MR. MCGUIRE: I lost my radio. I did not.

24 MR. GOBER: Okay.

25 MR. MCGUIRE: The last communication I had

1 with the engineer was at the incident, at the time  
2 that, I heard him say, call the dispatch, saying that  
3 the train had gone into emergency. And by that time,  
4 the dorm car had finally come to rest on its side.

5 MR. GOBER: So you could hear that while you  
6 were involved in the crash.

7 MR. MCGUIRE: I don't know if I had the radio,  
8 had grabbed the radio. I don't know what happened. I  
9 know the radio was just right there when I, when I  
10 landed on the side of the car. The last communication  
11 I had with them was something to the fact, I heard them  
12 say that we have gone into emergency and, and I don't  
13 know exactly what I said, but my response was I  
14 immediately got the radio and I said, I said, number  
15 five, crew car is on its side and --

16 MR. GOBER: Did you lose the radio after that?

17 MR. MCGUIRE: Yes. I don't know when I lost  
18 the radio.

19 MR. GOBER: So, you were talking from the  
20 intercom of the train?

21 MR. MCGUIRE: No. I was talking on my radio.  
22 I did have the radio when I landed.

23 MR. GOBER: Okay.

24 MR. MCGUIRE: When the wreck had stopped, the  
25 wreckage had stopped.

1 MR. GOBER: But, while you were helping  
2 people, you lost it at some time.

3 MR. MCGUIRE: I lost it, yeah, I don't know  
4 where I lost it.

5 MR. GOBER: Okay. That was a little  
6 confusing. But, go ahead.

7 MR. MCGUIRE: So, that is when I instructed  
8 the head in number five, I said, went into emergency,  
9 number five, the crew car is on its side. We need  
10 emergency help. Something similar to that. I can't  
11 quote myself.

12 MR. GOBER: So, you made some contact with the  
13 engineer.

14 MR. MCGUIRE: Yes, I did.

15 MR. GOBER: And they were then made aware of  
16 your situation.

17 MR. MCGUIRE: Right. And that is the last, the  
18 last communication I had with the head in and anybody  
19 else as far as radio communication. I don't know where  
20 I lost my radio, but, I lost my radio somewhere in  
21 that. It could have been, I did find my radio later  
22 outside of the 512 car on top of one of the medical  
23 response personnel's bags.

24 MR. GOBER: So, somebody had found it.

25 MR. MCGUIRE: Somebody found it and put it

1 there. So, and it was still on, but at that time I  
2 didn't need it.

3 MR. GOBER: Okay. I am going to pass the  
4 questioning on to Mr. Vermines.

5 MR. VERMINES: I have no questions.

6 MR. GOBER: Ms. Kelly?

7 MS. KELLY: No questions.

8 MR. GOBER: Okay. Anything else you would  
9 like to say, tell us, while we are on the record? Is  
10 there anything you think could have been done any  
11 better, anything that Amtrak or Burlington Northern  
12 Santa Fe could have done to do anything any  
13 differently? Anything that the crew might have done  
14 that was good or bad? Just anything you can think of  
15 you might want to tell us.

16 MR. MCGUIRE: Well, I am a new AC with the  
17 company.

18 MR. GOBER: They are proud of you and I know  
19 they want to hear any comments you have to make.

20 MR. MCGUIRE: There isn't, you know, I don't  
21 know if there was anything. I personally don't know  
22 what could have been done differently or if there is  
23 anything that should have been done. I just thank God  
24 that --

25 MR. GOBER: We are thanking that you are safe,

1 that you did all you did to help the people.

2 (Pause.)

3 MR. MCGUIRE: We could have been going 79  
4 miles an hour. I was just glad the whistle --  
5 sometimes it helps, in this scenario, the whistle and  
6 having to be going so slow. I think that saved a lot  
7 of lives. Had the whistle blew -- because I know if we  
8 were going faster, it would have been a hell lot worse.  
9 And from the crew car was, I think, I think I would  
10 have been messed up a lot more than what I am.

11 MR. GOBER: Tom Dwyer has a question he would  
12 like to ask.

13 MR. DWYER: I don't have a question. I just  
14 want to say --

15 MR. GOBER: Speak up.

16 MR. DWYER: First of all, thank you for what  
17 you and your associates did and I think what you need  
18 to take away from this, is the major role that you  
19 personally played in this, made it less tragic than it  
20 was. Don't lose track of that for a second.

21 MR. GOBER: I think everybody would agree.

22 We have already asked others what the weather  
23 was, but, from your perspective, what was the  
24 temperature like and how were the weather conditions  
25 out there?

1 MR. MCGUIRE: All I know is it was cold as  
2 hell. I didn't pay much attention.

3 MR. GOBER: Was it raining or snowing or was  
4 it --

5 MR. MCGUIRE: No. I don't think, I don't  
6 know, I don't think there was any precipitation at that  
7 time. There was a lot of moisture in the air because  
8 when, sometime in that intermediate, during all the  
9 evacuation was being taking place, we were being asked  
10 for counts and we got back up onto the road car to go  
11 back down inside and try to retrieve what we could  
12 find, the paperwork, because at the time of the  
13 accident, I had paperwork out, and I was trying to get  
14 everything in line, because, you know, Creston is our  
15 last stop and we have to have everything in order, in  
16 order and in line for the relief crew. So, I just had  
17 been down there and was going through the paperwork.  
18 So, the paperwork went everywhere. The tickets went  
19 everywhere. The paper went everywhere. But, getting  
20 up on the dorm car, frost was already forming on the,  
21 on the side of the car, which was making it harder for  
22 us to get around. And it was cold. I was under  
23 dressed. I had my uniform on, which consisted of my  
24 uniform pants, I had heavy boots on, which I ended up  
25 ripping the side of my boots, around.

1 MR. GOBER: Do you have an uniform allowance  
2 that you maybe can get some new boots with?

3 MR. MCGUIRE: I don't know. I am not worried  
4 about my boots. It is all right. I was, I had a  
5 shirt, tee shirt and just the jacket on and I was, I  
6 was cold. I was freezing. The longer we were there,  
7 the worse I started, I started hurting and started  
8 freezing and I wanted --

9 MR. GOBER: That leads me to the questions  
10 passengers. Were there blankets for the passengers?  
11 Was there any way, did they get their coats or --

12 MR. MCGUIRE: I saw towel blankets, I saw  
13 blankets, afterwards all over the place. I saw a lot  
14 of blankets all over the place. A lot of them came  
15 from response people, I think, that just kind of come  
16 in, started throwing towels, towel blankets, whatever  
17 they had, on people. And --

18 MR. GOBER: So, your emergency response was  
19 very, very helpful in keeping the people warm and  
20 helping them get to medical attention that they needed.

21 MR. MCGUIRE: Yes, sir.

22 MR. GOBER: How long was it before you got to  
23 see some medical attention?

24 MR. MCGUIRE: I was not able to be released  
25 from the scene until sometime after four o'clock in the

1 morning. Mr. Lewis, was it Kelly, Kelly Lewis, from  
2 Amtrak, Mr. Lewis was one of the first Amtrak  
3 officials, people that I spoke with. He, he knew that  
4 I was freezing to death. I was very cold. And the  
5 colder I got, the worse I started hurting. And he  
6 said, damn it, he said, get a coat on. I said, I don't  
7 have a coat. He said, put this coat on. And I turned  
8 around and I said, I can't, I couldn't. At that time I  
9 hurt so bad, my upper body, my elbow, I have got  
10 swelling in my elbow that was putting pressure on  
11 muscle in my left arm that I could not lift up to, to  
12 dress. And he helped me with the coat.

13 MR. GOBER: The kind of injury that you  
14 suffered, did you have an idea what kind of injuries  
15 the passengers had as a rule? Was it a lot of injuries  
16 or was it a few injuries or were they very serious or  
17 just bruises and bangs like you had?

18 MR. MCGUIRE: I am sure there is a lot of  
19 people that came out of it with bruises. The majority  
20 of them probably got, ended up with bruises and bangs  
21 and stuff like that. I know there was one fatality. I  
22 know some people had, had to go to the hospital. When  
23 I finally arrived in Omaha, I know that there was, I  
24 saw this guy and he had a shattered shoulder blade or  
25 something like that. And a woman coming, with a cast

1 on.

2 MR. GOBER: Mr. McGuire, we know that this has  
3 been a real dramatic thing. And we really appreciate  
4 you coming into talk with us. I really don't know much  
5 I could ask for you to do that you haven't already  
6 done. But, one last question, if you have anything you  
7 would like to say, now is the time to say it, if not we  
8 are going to adjourn this thing and I would ask that we  
9 would be able to call you again if we need you for  
10 anything.

11 MR. MCGUIRE: The one thing that I was  
12 frustrated with, I think, the most, was that my, my  
13 personal safety I don't think was taken into  
14 consideration by the Railroad. And I am not saying  
15 Amtrak. Amtrak showed a lot of concern in my well  
16 being. And if it wasn't for Mr. Lewis, demanding that  
17 the guy that was interviewing me, get off the head in  
18 and get -- that wasn't the terms that were used, but he  
19 was instructed that he would get in that jeep with us,  
20 and we were going to shelter with them and this was  
21 after four o'clock in the morning. If it wasn't for  
22 that guy, I think I still would have been on that site  
23 until they finally released the crew and I think the  
24 conductor and the engineer left at 4:45 in the morning.  
25 But, you know, after hitting my head and having the

1 bruises that I had, and the scraps that I had, and the  
2 pain that I had, that was not a concern of the  
3 Railroad. And that was a major, that was a major  
4 disappointment to me. I felt responsible for what had  
5 happened, and I felt responsible that I needed to be  
6 there. But, I was disappointed that through the pain  
7 that I was in, that it was not a concern, that I, to  
8 get treatment, that I had to be there, that I could not  
9 leave because, well, you have to stay here because you  
10 have to be tested, you know, and I understand that.  
11 And I respect that in all, in all, in every form, I  
12 respect that. I don't have a problem with that. I  
13 think that is, that is great. I think that is  
14 something that has to be done. And I agree with that.

15 But, to make a conductor or an assistant  
16 conductor or an engineer, tell them that they have to  
17 be on an accident site, even after, long after  
18 everybody, including the passengers have been removed  
19 from the site, demand that that person stay on the site  
20 and not be able to go get medical treatment, was wrong.  
21 It was very wrong by the Railroad to do that to me. I  
22 just thank God for Mr. Lewis to be there. If it wasn't  
23 for him, I probably would have stayed there, would have  
24 had to stay there. They told me that I needed to get  
25 up on the engine and I could not use my arms at that

1 time, because of the pain, crawl up on the engine.

2 MR. GOBER: Well, we --

3 MR. MCGUIRE: So.

4 MR. GOBER: We grasp what you are saying here.

5 And I am going to say to Mr. Ferrer, that he will be  
6 able to talk to Mr. Lewis and thank Mr. Lewis on your  
7 behalf for what Mr. Lewis did. Insofar as how things  
8 should have been done, this was a terrible emergency  
9 and you, you told us all about that. And we  
10 understand. And I think most people from Amtrak and  
11 Burlington, have your interest at heart, but I am sure  
12 that Mr. Ferrer and his people will look at how people  
13 should be handled whenever, have been traumatized the  
14 way you were. So, your thoughts won't go unheard. And  
15 again, we appreciate you coming here today. We will  
16 allow you to go now and we appreciate so much that you  
17 came. You are free. Thank you, sir.

18 (Whereupon, the interview was concluded.)

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REPORTER'S CERTIFICATE

This is to certify that the attached proceedings before: NTSB

In the Matter of:

LIVE TAPES

were held as herein appears and that this is the original transcript thereof for the file of the Department, Commission, Administrative Law Judge or the Agency.

EXECUTIVE COURT REPORTERS, INC.  
1320 Fenwick Lane, Suite 702  
Silver Spring, MD 20910  
(301) 565-0064

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Official Reporter

Dated: MARCH 2001

NATIONAL TRANSPORTATION SAFETY BOARD

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In the Matter of: \*

AMTRAK TRAIN NO. 5 \*

DERAILMENT ON BURLINGTON \*

NORTHERN SANTA FE RAILWAY \*

\*\*\*\*\*

Docket No. DCA01MR003  
Nodaway, Iowa

PRESENT: RUSSELL F. GOBER

ORIGINAL

RECEIVED  
NTSB OF C OF JUDGES  
WASHINGTON, D.C.  
2001 MAY -3 P 2:51

## 1 P R O C E E D I N G S

2 MR. GOBER: Train consists, Locomotive number  
3 140, upright, in line east in pair trucks derailed.

4 Locomotive 141 upright, in line, both trucks  
5 derailed.

6 CDTX 4008, upright, in line both trucks  
7 derailed.

8 Material handling car 1517, leaning 20  
9 degrees, in line, in ditch.

10 Car number 1195, leaning 45 degrees, east end  
11 in ditch.

12 Car number 39040 on side in ditch.

13 Car number 34071 upright, derailed.

14 Car number 34070 on side in ditch.

15 Car number 31522 upright, cross ways.

16 Car number 33034 leaning 30 degrees in ditch.

17 Car number 38033 leaning 20 degrees.

18 Car number 32049 upright in line.

19 Car number 32096 upright in line.

20 All cars and locomotives from this point up  
21 are derailed.

22 Not derailed car number 70041. Not derailed  
23 71149. Not derailed 70005. Not derailed 71198. Not  
24 derailed 5223. Not derailed TCSX 466855. And 5204.  
25 End of train.

1                   This is the end of the tape on side A. I  
2 will change sides and read in a statement for Engineer  
3 J.P. Bannett.

4                   End of side A.

5                   (Change of tape.)

6                   MR. GOBER: NAMME072 from Lincoln, Nebraska to  
7 Creston, Iowa.

8                   Statement of Engineer J. P. Bannett.

9                   My name is Joe P. Bannett. On March 17 of  
10 2001 I was engineer on BN Coal Train C, NAMMEA072 from  
11 Lincoln, Nebraska to Creston, Iowa. Conductor Burbach  
12 and I went on duty at 4:30 p.m. in Lincoln and departed  
13 for Creston at 5:15 p.m. with no unusual incidents.  
14 Our trip from Lincoln to the area of the Amtrak  
15 derailment was uneventful. We ran on clear signals.  
16 At proceed signals from Milepost 422.2 to the end of  
17 the two main tracks at Nodaway, through and including  
18 the beginning of the two main tracks at C.P. 4120,  
19 milepost 412, without noticing any unusual events or  
20 conditions.

21                   It was night time and the signals were  
22 clearly visible in the area and no weather conditions  
23 existed that -- We met Amtrak number five at Milepost  
24 405.7, and continued to Creston, where we went off duty  
25 at 12:30 a.m. on the 18th, after eight hours on duty.

1                   Engineer J. P. Bannett, seniority date,  
2                   10/4/94, promoted to engineer 6/26/96, dated of birth  
3                   1/30/63.

4                   End of statement.

5                   (Pause.)

6                   MR. GOBER: Following is a statement of  
7                   conductor Steve L. Burbach, written Lincoln, Nebraska,  
8                   March 19, 2001.

9                   My name is Steve Burbach, B-U-R-B-A-C-H.  
10                  And I am a Lincoln, Nebraska based conductor, currently  
11                  holding turn LIN 4004 in the Lincoln/Creston inter  
12                  divisional pool.

13                 On Saturday, March 17, 2001 I was conductor  
14                 on train CNAMMEA072, on duty at 16:30 hours at Lincoln,  
15                 Nebraska. I was working with Engineer J.P. Bannett.  
16                 Our train departed Lincoln at 17:15. We were operating  
17                 Lincoln to Creston via the Lewisville Line. I would  
18                 classify our trip as a good trip. We did not stop  
19                 until we met two trains at Milepost 425.5, crossovers  
20                 at Villisca, V-I-L-L-I-S-C-A. Milepost 425.5 is  
21                 located east of the location where Amtrak derailed.

22                 After stopping at milepost 425.5, we crossed  
23                 over from MT2 to MT1 and proceeded with the signal at  
24                 Milepost 405.7, where we met the Amtrak train, which  
25                 later derailed. Our train departed MP425.5 on a

1 diversion clear signal and proceeded on a green,  
2 proceeded on green clear signals until we encountered  
3 an approach signal at 408.9. Our train proceeded on  
4 clear signals through the location where the Amtrak  
5 derailment occurred. Nothing out of ordinary occurred  
6 when we moved through the area where the derailment  
7 occurred. We did not notice any unusual conditions and  
8 we did not experience any unusual events. It was dark,  
9 all signals were clear and visible and there was no  
10 increment weather which impacted visability.

11 After meeting Amtrak at milepost 405.7, we  
12 continued eastward at Creston, where we arrived at 0005  
13 on March 18, 2001. We laid up at 00030 hours on March  
14 18, 2001. We had been on duty for a total of eight  
15 hours.

16 Steve L. Burbach, 3/19/2001, employee number  
17 0601686, service date 6/8/1973.

18 End of statement.

19 (Off the record.)

20 MR. GOBER: This is Russell Gober, Operations  
21 Group Chairman for the National Transportation Safety  
22 Board. I am reading into the record the method of  
23 operations for the Creston Subdivision of the Nebraska  
24 Division of the Burlington Santa Fe Railroad.

25 The Creston Subdivision of the BNSF Nebraska

1 Division is approximately 142 miles in length, running  
2 from Creston, Iowa to Lincoln, Nebraska. This  
3 subdivision is class four operations for per FRA track  
4 standards with both two main track and single track  
5 siding configuration.

6 CTC is in effect for the entire subdivision.  
7 Maximum authorized speed is 79 miles per hour for  
8 passengers, 60 miles per hour for freights and 45 miles  
9 per hour for freight trains over 100 tons per operative  
10 brake.

11 Approximately 35 to 40 trains per day travel  
12 this territory, including intermodal merchandise,  
13 grain, coal loads, and empties and Amtrak trains. The  
14 subdivision is dispatched from the Forth Worth, Texas,  
15 from Fort Worth, Texas at the BNSF's network operation  
16 center.

17 End of method of operations statement.

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