

INCIDENT INVESTIGATION

August 9, 2019 approximately 12:35 p.m.

Peter Neuman, Maintenance Worker 2

Preliminary questions to be asked:

- Tell me about Friday.
- Where were you when the incident happened?
- How did you find out about the incident?
- What did you do next?
- Tell me about the project.
- Had you been on site that week?
- What was the expectation of the work that week?
- Who was assigned to the project?
- Tell me about the crew that was assigned to the project.
- Tell me about the equipment on the site.
- Tell me about who was operating what equipment.
- How many days were they on the equipment?
- Was there any problems with the equipment?

Equipment rentals:

- Excavators – United Rentals
- D6 Catapiller dozer – Wilson & Equipment
- Skidder – Jackson Luck (owner is Charlie Stouder)

Onsite crew on August 9, 2019:

- Erik Remington
- Peter Neuman
- Troy Parmelee
- Gary Calvery

Interview: Jim Stouder

Date & Time: Monday, August 12, 2019; 11:00 a.m. and Wednesday, August 14, 2019

I did not know that the crew was working on the project that day. My role since retiring (retired June 30, 2019) was in a support position. I visited the site on Monday (8/5/2019). I know the equipment (referencing the skidder), who built it and worked on it. The skidder is sub-leased through Jackson-Luck. I was working that week from 6:00 a.m. – about 4:30 p.m. but was off on Friday (8/9/2019). I got a phone call from Chris Baillie, not sure what time (11:00 a.m.). I went to the Hells Canyon side and came across Chris Baillie. I told him to secure the site and I headed to the Starr Creek side of the project to where Erik was. Came across Erik sitting on the ground on Starr Creek.

Equipment on site: 2 (rental) excavators; 2 Caterpillar dozers (1 rental, 1 County owned); 1 (rental) John Deer 540B skidder; fire truck (County truck with water tank in bed).

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On Monday (8/5/2019) I went out and ran the skidder, replaced the transmission filter and ran it again for a bit.

Crew was hauling up logs. One load of logs were to be hauled off site on Wednesday (8/14/19).

Erik Remington was the lead on the project.

Peter Neuman and Lonnie Wheeler started moving equipment out to Starr Creek the first part of August. The first part of the project was clearing brush. Erik R. was on the project starting 8/6/2019. Some rotation of crew that first week.

Crew on site was Troy P. on the ground, Erik R. on skidder, Pete N. on large excavator. Lonnie took Thursday off so he was not there Thursday or Friday. Gary C. substituted in for Lonnie.

Summer of 2018 the Starr Creek end of the project. BJ H. and Casey and not sure who else ran skidder that year.

Estimated 14-16 truckloads of logs to be removed off the site this year. By the end of the week (8/9/2019) expected to be at the tail end of the logging and hauling off the brush. Did not think the project was to be completed this year. Got a later start than expected.

Last year there was training on a skidder (not the same one used this year). Can't remember who all was at the training but think it was BJ H., Kasey O., Peter N., a County mechanic. No documentation on the training.

No other problems on the skidder or any other equipment.

Last year found a skidder through a logging outfit and needed to rent it for 3 months. Had a contract for the rental skidder last year. Charlie purchased a different skidder in April from the same company. I inspected the skidder before Charlie purchased it. Mechanically sound piece of equipment. The County has a yearly materials and services contract with Jackson Luck. There is also an agreement between Charlie Stouder and Jackson Luck for the skidder. The skidder never on Jackson Luck's site. Insurance coverage is under Jackson Luck and started July 15, 2019.

Follow up items from second interview on August 14th:

Lonnie came in on Monday night and told Jim that the skidder was low on hydraulic fluid and was sluggish when shifting. No mention of braking issues. Lonnie did not release the park brake and Jim showed him how to do it. Troy changed the transmission filter that Jim purchased. Erik mentioned he might have an oil leak and was going to pull a plate and look at it.

Skidder did not die or creep when Jim was operating it.

On Thursday was working in the yard getting ready equipment ready for the following week with Linn County. Texted Erik about bringing in 0202 clean at the end of the day. Did not hear of any problems that day.

Jim is a consultant and is working under Blue Sun Temporary Agency. Has no signing authority or

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Interview: Erik Remington

Date & Time: Monday, August 12, 2019; 1:00 p.m.

I was not on the project Monday or Tuesday (8/5 & 8/6). Pete and Lonnie were on site Monday, Tuesday and Wednesday. On the skidder last week were me, Lonnie and Pete. On Wednesday, I ran skidder all day. Pete was on the excavator moving logs all day.

On Wednesday when I parked the skidder, put the powerbrake down, blade and grappler down. Wednesday morning (7:30 a.m.)

Losing hydraulic somewhere in system. Changed transmission filter on Wednesday.

BJ and Pete delivered skidder to the job site this year.

Problem with engine dying when shifting into neutral. When this happened it would roll. Jim told me to use the hand brake. Placed brush piles in areas in case it went off the road

I ran project last year but there is a lot more timber this year. Only 4-5 truck loads of logs last year. The timber cruise showed 14 loads of logs this year. Right now there is 5-8 loads on the landing. BJ and Pete ran the skidder last year. I am running the skidder this year. I had my seatbelt on in the skidder but it was short and tight. There is a knot tied on the buckle side of the seatbelt. (Erik showed us a video of the operation from Thursday 8/8/19).

Just after lunch around noon I was going to bring the 450 dozer down with chains to assist the skidder. Pete was in the skidder and Troy was in the excavator. Gary was hauling brush to Kyle. No communication between equipment. Was driving dozer to excavator but did not see Pete. Asked Troy if he saw Pete. I had remembered that I saw some tracks along the road and ran back up. Told Troy to stay and ran down hill calling for Pete. Told Troy to get 911 on the line. Yelled back up to Troy that Pete was unconscious but no blood and to get 911 out here. I noticed that blade was not fully down, that the E-brake was not pulled. Don't know if E-brake would have stopped it if pulled. The skidder was about 300 yards down the hill. Rolled on its side when it jumped the Cat road. This was not operator error. Grappler was not dropped. Engine was not running.

Problems during the week of skidder dying and rolling (braking issues?). Had a turnaround area and built up brush piles to stop skidder.

Last year BJ and Kasey cut the timber last year. This year a contractor was hired to cut the timber because we were behind on the project. There was no discussion about contracting the project out. This is the fun part of the job and within the scope of the department. Don't know the year but have done similar projects.

Walked through the equipment and checked fluids. Fuel gauge did not work. Knew that the skidder was through Jackson Luck but it belong to either Jim or Charlie Stouder.

Usually with rental equipment we do a pre-trip and walk around when the equipment is delivered.

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Interview: Troy Parmelee

Date & Time: Monday, August 12, 2019; 3:20 p.m.

I rode with Pete to the jobsite on Friday. Seemed like a normal day

I was doing chainsaw work. Removing limbs from trees and cutting the logs to length. Pete was stacking the logs with the excavator. After lunch, Pete said he was going to get the skidder and asked me if I wanted to run the excavator. I hopped into the excavator while Pete went to get the skidder and my lunch.

There had been problems with the skidder during the week. I saw it. Problems with the hydraulic filter. This was fixed on Wednesday and Jim was onsite. Lonnie drove it (the skidder) 2 days. On Thursday there was a hydraulic leak and was leaking Thursday night. On Friday, I don't know if anyone checked the equipment. Problems with skidder just dying (shutting down). Also had a low idle. Think the week before maybe Lonnie mentioned to the group problems with skidder.

I started on the site on Tuesday. Pete was helping me with the logs.

Erik was building a road down to where I was. He was grabbing 2-3 logs and bringing them to the landing.

Erik was on dozer and asked me if Pete came down. We did not see Pete. Erik told me to shutdown the excavator and dozer. Erik and I went back and saw the (skidder) tracks heading into the reprod line. Erik told me to call 911. Only way to communicate was yelling. I ran back to truck to call 911 because the landing had good cell reception. Called 911 at 12:34 p.m. verified on phone. I also called Chris to get a hold of Jim. I did not see Pete go off the road.

Interview: Gary Calvery

Date & Time: Monday, August 12, 2019; 4:30 p.m.

I was in a dump truck hauling brush to stockpile site (Ryals). Friday was my first day on the project. Talked to Pete around lunch time. Left after lunch to haul brush. Got back to site and Troy told me what happened to Pete.

There was no mention of any issues with equipment.

I wondered if Pete had a medical issue.

Interview: Lonnie Wheeler

Date & Time: Wednesday, August 14, 2019; 7:30 a.m.

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I was part of the project and was assigned by Jim. I hauled the County Cat up to the project. Was told by either BJ or Mark that the skidder belonged to Jim's son.

I was on the jobsite on Monday (8/5/19) for the full day. It was Pete and I. We were cutting logs and removing limbs. Pete was on the excavator. I got on the skidder around noon.

There was a brand new seat in the skidder but I could not adjust the seat. Block of wood was under the seat. Could not buckle the seatbelt. There was a knot in the buckle side of belt. There was problems with the powerbrake. It would not grab. Problems with the transmission not going into gear.

(Description of operation system when parking): Everything down – blade and grappler down, Brake on, Ebrake on, and Dash brake on (this had a dash light). Gear in Park position.

(Description of operating skidder): Depress clutch to go into gear, either forward or reverse.

Problems: when going into gear there was hesitation. The skidder died approximately 40 times on Monday. This is not normal. Even turning in first gear, the skidder would die. I tried resetting the brakes thinking they were hanging up. I checked all the fluids in the morning and they were good. On Tuesday morning, I told Jim that there was a problem with the braking system and the engine kept dying. Jim came out to the jobsite on Tuesday morning and showed me to pump the foot brake to get it to set. This was about 7:00 a.m. Jim hopped on skidder for about 10 minutes. I operated skidder all day Tuesday. Worked fine but sometimes was having problems getting it to go into gear. Was dying less than the day before. I was told that Jim came out to the site on Wednesday. There was a situation on Tuesday where I lost control coming up the hill and the skidder took off. I came down (in skidder) to the turnaround area. I backed into the turnaround area (hard turn) was in reverse and the skidder died and then started rolling back. I used foot brake, E brake, dash brake, tried to drop blade but there was no down pressure. The log pile stopped the skidder. I started the engine back up and pull away. Erik saw the whole thing happen. Think it happened right around lunch. Two more situations happened that day. I parked the skidder on the road, set everything (brakes, blade and grappler on the ground) left skidder idling. I was out of the skidder and behind it with (??) for about 10 minutes when I noticed the skidder moving. I ran up and jumped in the skidder. Pressed the foot brake and put it into 1st gear. Did not die but could not get it into gear. By the end of the day was fighting the gears. Also dropped a load of wood. I checked the fluid levels and the transmission fluid was on "add". I looked for leaks but did not see any indication that there was a large leak. This was around 3:00-3:30 when on fire watch. Forest Service guy visited the site. All of us were on the landing talking. When I got to the yard I got 5 gallons of hydraulic fluid and a grease gun for the next day. Tuesday night I talked to Jim about the skidder not going into gear and that it was low on transmission fluid. Jim said he would go out and check the equipment. I did not tell Jim about the situations that occurred. Erik asked me about the first situation.

On Wednesday morning everyone came in around 6:00 a.m. I was not sent out to the project. No conversations with crew Wednesday morning only that Jim was going to take a look at the equipment. At the end of Wednesday, Pete or Erik told me that Jim did come out to the job, they added hydraulic fluid and changed the transmission filter.

I was not at work Thursday or Friday.

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Interview: B.J. Haley

Date & Time: Wednesday, August 14, 2019; 9:30 a.m.

I transported the skidder (along with other equipment) to the project site with Pete either July 18th or 19th. I loaded the skidder onto the trailer in the yard. When we got to the job site, Pete and I were on either side of trailer releasing the chainbinders holding the skidder. On the last chain removal, the skidder rolled back and bound the chain up. I hopped into the skidder, started it up to pull forward so Pete could release the chain. After the chain was released, I put the skidder into R1 (reverse) to back it off the trailer. I killed it twice backing down. I was able to stop with the footbrake. I had to get the RPM's up to get the skidder moving. The shifter was touchee and the footbrake was soft. Was only on the skidder for about 10 minutes to back it off the trailer and park it. When I got into the yard that night I mentioned to Jim that this skidder was a little different and maybe I was rusty. It shifted different. I did not think too much about it. I knew that there was some ownership of the skidder through Jim and that Jackson Luck was tied in. Had heard that we would not be getting the same skidder from the year before. Last year I ran the skidder all year. That year we had training in the yard (5-10 minutes). Think it was me (BJ), Casey, Pete, Erik. Jim was giving the training. No training this year. On Wednesday (8/7/19) morning in the crew meeting Lonnie brought up that the skidder needed transmission fluid, that is was not stopping and there was problems with the gears. Jim said something along the lines of "Are you sure you guys are doing it right". Jim stopped by the Oak Creek project and I asked him how it was going at Starr Creek. Jim said that the filter was plugged.

Friday morning Pete and Erik were talking to me, Troy and Gary about the project. I asked how it was going. Erik said it would be good if they could get the skidder to stop. Jim was not present for this discussion. There was no reference to get someone (shop or Jim) out to check machine. Typiclaly on rental equipment, if it is minor, the crew will take care of it. If major issues, the rental company will come out and take care of it.

SUMMARY OF FINDINGS

The Starr Creek Project was a new road construction project to connect Starr Creek Road and Hells Canyon Road to be utilized as an emergency access road. In summer of 2018, the first phase of the project was completed off the Starr Creek Road. Trees were felled and removed by a contractor and a portion of the connector road built and rocked. In summer of 2019, the second phase of the project was to fall trees and build the road from Hells Canyon Road and connect with Starr Creek Road. Under phase 2, approximately 14-16 loads of logs were to be felled and hauled to a mill. These trees were purchased and owned by the County when acquiring right of way for the project. The trees were felled by a contractor during the week of July 22, 2019 and a County temporary staff person (Kobey Carter) was on site when this work was being completed. County crews were delimbing, cutting logs to length and transporting logs to the landing for staging the week of August 5, 2019. Crews were also cutting the road in to access the logs.

The skidder was delivered to the Hells Canyon end of the project by BJ and Pete on July 18, 2019. When getting ready to off load the skidder, it rolled backwards. One tie down chain had not been removed so

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BJ got inside and pulled it forward so Pete could remove the chain. BJ came into the yard at the end of the day and informed Jim that he must be rusty because he had some issues with the skidder. It was well known among the road crew that the skidder was somehow tied to Jim or Charlie Stouder but that Jackson Luck was the rental company for the skidder.

Jim had informed the crew back in the Spring (March or April) that the County would not be getting the same skidder from summer 2018 and that he was looking into a purchase. Other equipment rentals for the project came from United Rental and Wilson & Equipment. This included excavators and dozer.

During this investigation, a copy of the contract regarding the skidder between Charlie Stouder and Jackson Luck was given to the County by a representative from Jackson Luck. A bill of sale showing Charlie Stouder as the owner was given to the County by Jim Stouder. Benton County Public Works has a Yearly Materials and Services contract with Jackson Luck.

On August 1, 2019, Eric, Peter and Lonnie moved the rest of the County equipment to the site. Other rental equipment was also delivered to the site in preparation of starting the project on Monday, August 5, 2019.

Skidder equipment has only been used by the Road Department for this project during the summer of 2018 and summer 2019. Training of staff on skidder operation by Jim Stouder occurred prior to the start of the project in summer of 2018. Training took place at the Avery yard by Jim Stouder. Crew was able to get in the machine and practice. Training was not documented. No training occurred on the skidder prior to the start of phase 2 (summer 2019). It is unclear who all had the training in summer of 2018. Confirmed were: BJ Haley, Erik Remington. Unconfirmed by possible: Kasey Olsen, Peter Neuman.

On Monday, August 2nd the project got underway. Below is a list of crew members on each day and based on information gathered during the interview, which equipment they were primarily operating.

Monday, August 5, 2019

Onsite crew:

- Lonnie Wheeler – operated skidder from noon until end of day
- Peter Neuman – operated excavator

Tuesday, August 6, 2019

Onsite crew:

- Erik Remington – operated Cat dozer
- Troy Parmelee – on ground
- Lonnie Wheeler – operated skidder
- Peter Neuman – operated excavator

Wednesday, August 7, 2019

Onsite crew:

- Erik Remington – operated skidder
- Troy Parmelee - ground
- Peter Neuman – operated excavator (need to confirm with Erik and Troy)

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Thursday, August 8, 2019

Onsite crew:

- Erik Remington – operated skidder & Cat (need to confirm with Erik and Troy)
- Troy Parmelee - ground
- Peter Neuman – operated excavator (need to confirm with Erik and Troy)
- Gary Calvery – hauling rock

Friday, August 9, 2019

Onsite crew:

- Erik Remington – operated skidder & Cat
- Troy Parmelee – ground (got on excavator after lunch)
- Peter Neuman – operated excavator (got on skidder after lunch)
- Gary Calvery – hauling brush

During the week there was multiple issues with the skidder along with several near misses. Problems with skidder included:

Lonnie stated he could not get the seatbelt buckled because it was too short and had a knot at the base. Could not adjust seat. Blocks of wood bolted to underside of seat. Erik stated that the seatbelt was tight on him and did not think Pete could put it on. Pete did not have his seatbelt on at the time of the incident.

Lonnie stated that on Monday, the engine of the skidder died approximately 40 times. Could not get the transmission in gear. Problem with the power brake (footbrake). On a low idle, engine would die. Felt like the brake was consistently engaged. Lonnie informed Jim Tuesday morning that there was problems with the skidder. Jim came out to the site first thing that morning and showed Lonnie what could be happening. Indicated that the footbrake needed to depress to engage and disengaged when putting into gear or parking. Jim hopped on the skidder for about 10 minutes to show Lonnie. Lonnie operated the equipment the rest of the day and it seemed better. Engine was dying less than the day before. Later that day around lunch, Lonnie was driving the skidder then backed it into the turnaround area, which was a hard turn. The engine died and started rolling backwards. Lonnie pressed the footbrake, pulled the Ebrake and dash brake, tried to drop the blade but no downward pressure to get the skidder to stop. Skidder was stopped by running into log pile. Erik witnesses the situation. A second situation occurred when the skidder was parked on the road with engine idling (where was the gear shifter?), brakes set (Ebrake? Foodbrake?) blade and grapple down. Lonnie was working behind the skidder for about 10 minutes when it started to creep. Lonnie ran and hopped into the cab, pressed footbrake and then put it into first gear. A third situation occurred when a load of wood was dropped. By the end of the day was fighting to get the shifter into gear. Before leaving the site, check fluid levels. Transmission fluid was on "add" mark. Checked for leaks. Did not see any major leaks. When Lonnie got into the Avery Yard, he loaded up into the pickup 5 gallons of hydraulic fluid and grease for the next day. That night he reported to Jim that the skidder was low on transmission fluid and was having trouble getting it into gear. Lonnie did not report to Jim about the 3 incidents that occurred during the day.

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Wednesday morning Lonnie did not go out to the project. He informed Peter about the hydraulic fluid and grease in the pickup for the skidder. Jim came out to the site on Wednesday and ran the skidder for a little bit of time to check out the issues then he went and purchased a transmission filter. Hydraulic fluid was added to the skidder.

On Friday morning BJ asked Pete and Erik how it was going on the project. Erik comment that it would be good if they could get the skidder to stop. There was no reference made to contact Jim or ask the shop to send someone out to check the machine. Jim was not in on Friday and not present for the conversation. Until after lunch, Erik operated the skidder, Pete was operating the excavator, Troy was on the ground delimbing trees and cutting logs to length, and Gary was operating a dump truck and hauling brush. After lunch Erik went up the hill to get the 450 dozer to assist skidder, Pete was going to hop into the skidder and asked Troy if he wanted to operate the excavator for a while. A few minutes later Erik drove down hill to Troy and asked where Pete was. Neither Erik or Troy saw Pete get into the skidder or saw the skidder go over the side of the hill.

The skidder traveled down the hillside upright approximately 300 yards. At the bottom of the hill, the skidder jumped the dirt road and flipped on its side. Pete was partially ejected from the skidder.

ADDITIONAL QUESTIONS TO ASK:

ERIK AND PETE WHERE ON THE SITE FRIDAY, AUGUST 2ND. WHAT WERE THEY DOING? SHOWED THAT EQUIPMENT WAS DELIVERED TO SITE ON THURSDAY, AUGUST 1ST.

WAS PETE PART OF THE TRAINING ON THE SKIDDER IN SUMMER OF 2018? CONFIRM WITH ERIK AND BJ.

WHAT WAS THE FIRST DAY THAT PETE WAS ON THIS SKIDDER THIS YEAR?

CONFIRM WHAT DAYS JIM CAME ON SITE TO CHECK THE SKIDDER? One day he was out there for only about 10 minutes going over items with Lonnie (Monday or Tuesday?). On Wednesday, Jim was on site for a period of 1-2 hours. This is when the transmission filter was changed.

ERIK STATED THAT HE TOLD JIM THAT WHEN THE SKIDDER ENGINE DIED WHILE IN NEUTRAL IT WOULD ROLL. JIM INSTRUCTED ERIK TO USE THE HAND BRAKE (E-BRAKE) TO STOP THE MACHINE. CONFIRM WHEN THIS CONVERSATION HAPPENED AND WHO WAS PRESENT.

DID NOT GET MUCH INFORMATION ON WHAT OCCURRED ON THURSDAY FROM ERIK OR TROY. WERE THEY STILL HAVING ISSUES WITH THE SKIDDER THIS DAY? WHAT TYPE OF ISSUES? WAS IT REPORTED? TOO WHOM? WHEN?

DID GARY HEAR ABOUT ANY ISSUES WITH THE SKIDDER EITHER THURSDAY OR FRIDAY? WAS JIM PRESENT?

CONFIRM WITH ERIK ON WHAT HE THINKS THE DIRECTION THAT SKIDDER WAS TRAVELING WHEN IT WENT OFF THE HILL, FORWARD OR BACKWARDS?

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CONFIRM WITH LONNIE THAT ON TUESDAY, WHEN HE WAS BACKING THE SKIDDER IT LOST POWER AND ROLLED ONTO THE LOGS. WAS THIS IN THE TURNAROUND AREA OR AT THE LANDING?

LONNIE MENTIONED 3 BRAKE SYSTEMS. FOOTBRAKE, E-BRAKE AND A DASH BRAKE WITH A LIGHT. NEED TO CONFIRM THIS IS CORRECT.

CONFIRM OPERATION OF THE SKIDDER WITH ERIK, LONNIE AND JIM. SPECIFICALLY REGARDING THE SHIFTO MG AND BRAKES. DISCREPANCY ON HOW TO OPERATE THE SKIDDER. UNDERSTANDING IS:

Clutch is used when shifting into either Forward 1, Reverse 1 or Neutral. When parking, depress clutch, move gear into neutral AND into park position, set footbrake, e-brake, drop blade and grapple.

When starting and moving equipment, clutch in and press button to start, raise blade and grapple, depress footbrake to release, release e-brake, shift gear into forward or reverse.