

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

COAL TRAIN DERAILMENT & BRIDGE *

COLLAPSE NEAR PUEBLO, COLORADO * Accident No.: RRD24FR001

ON OCTOBER 15, 2023 *

* * * * *

Interview of: NICHOLAS MERLI, Locomotive Engineer
BNSF

Hampton Inn and Suites
Pueblo, Colorado

Tuesday,
October 17, 2023

APPEARANCES:

RICHARD SKOLNEKOVICH, Operations Group Chairman
National Transportation Safety Board

J. D. ARCHIE, Operating Practices Inspector
Federal Railroad Administration

JOHN REMINGTON, Director of Operating Rules
BNSF Railway

STEVE FACKLAM, Assistant National Coordinator
BLET Safety Task Force

BRAD WARREN, National Safety Team Investigator
SMART Transportation Division

I N D E X

ITEM	PAGE
Interview of Nicholas Merli:	
By Mr. Skolnekovich	5
By Mr. Archie	15
By Mr. Remington	16
By Mr. Facklam	17
By Mr. Skolnekovich	20

I N T E R V I E W

1
2 MR. SKOLNEKOVICH: All right. Good afternoon. My name is
3 Richard Skolnekovich, and I'm NTSB operations group chairman for
4 this accident. We're conducting an interview today on 17 October
5 2023 with Nicholas Merli who works for BNSF.

6 This interview is in connection with NTSB's investigation of
7 the accident that occurred on 15 October 2023. The NTSB Accident
8 Reference Number is RRD24FR001.

9 The purpose of this investigation is to increase safety, not
10 to assign fault, blame or liability.

11 Before we begin our interview and questions, we're going to
12 go around and introduce ourselves. Please spell your last name
13 and your title. I'll start off and pass it to my left.

14 Again, my name is Richard Skolnekovich, S-k-o-l-n-e-k-o-v-i-
15 c-h, NTSB, operations group chairman.

16 MR. ARCHIE: J. D. Archie, A-r-c-h-i-e, FRA, operation
17 practices inspector.

18 MR. REMINGTON: John Remington, R-e-m-i-n-g-t-o-n, BNSF
19 Railway, director of operating rules.

20 MR. FACKLAM: Steve Facklam, F-a-c-k-l-a-m, BLET, safety task
21 force, assistant national coordinator.

22 MR. WARREN: Brad Warren, W-a-r-r-e-n, SMART Transportation
23 Division, national safety team investigator.

24 MR. MERLI: Nicholas Merli, M-e-r-l-i, BNSF, locomotive
25 engineer.

1 MR. SKOLNEKOVICH: Okay. Thank you, Nicholas. We appreciate
2 you coming in to do the interview and cooperating with the
3 investigation.

4 Before we proceed, you understand this is being recorded --

5 MR. MERLI: Um-hum.

6 MR. SKOLNEKOVICH: -- and we have your permission to record
7 it?

8 MR. MERLI: Yes.

9 INTERVIEW OF NICHOLAS MERLI

10 BY MR. SKOLNEKOVICH:

11 Q. Okay. All right. What I'd like to do is I'd like to start
12 off, just a little bit about your background, how long you've
13 been, you know, with BNSF and your railroad career. Can you tell
14 us your railroad career?

15 A. Um-hum. I've been with BNSF since April 2018. I started out
16 in Hastings, Nebraska as a conductor trainee. And then April
17 2019, I got promoted to Denver into the locomotive engineers
18 program. And, since October 2019, I am locomotive engineer in
19 Denver, Colorado.

20 Q. Okay. Did you work for any railroads before BNSF?

21 A. Not here in the United States.

22 Q. Where did you work at?

23 A. In Germany and in France.

24 Q. Okay. So overall, how many years of railroad experience do
25 you have?

1 A. All-in-all?

2 Q. Yep.

3 A. Almost 28 years.

4 Q. Twenty-eight years. Okay. Now, can you kind of tell me
5 you're qualified? Where do you normally work at? What crew
6 basis?

7 A. Well, I am at the moment in Denver on the super (ph.) pool,
8 and I'm running trains between Denver, Cheyenne, Sterling and La
9 Junta Trinidad.

10 Q. Okay. Now, are you working a regular assignment or is this a
11 pool job?

12 A. I'm in the pool.

13 Q. Okay. How often are you getting called out on a pool? How
14 often do you work?

15 A. Normally I stay busy. I just take my 14 hours when I come
16 back and tied up in Denver after 8 hours, and when I have my four
17 outbound (indiscernible), I take my 48s.

18 Q. Okay. So how often do you work? You're working daily then?

19 A. Yeah, pretty much.

20 Q. Pretty much daily?

21 A. Yes.

22 Q. Okay. All right. The previous job before the accident, how
23 many hours off had you had prior to the accident?

24 A. This was my third start. So I had one round trip before, and
25 then I came out of the 14 hours.

1 Q. Okay. So you were off 14 hours prior to --

2 A. Yes.

3 Q. -- signing up? Okay. Okay. Now, on this particular pool,
4 there's three different routes that you basically take?

5 A. Yes, that is correct.

6 Q. How often -- the route that you took on the accident day,
7 what is that route called?

8 A. It's the Denver - La Junta Trinidad route.

9 Q. Okay. Now, how often have you worked that route?

10 A. I had a round trip before, was also going to La Junta
11 Trinidad.

12 Q. I mean like overall, how many times, do you just off -- just
13 an estimate?

14 A. It's hard to say. Well, let me say every third, fourth trip
15 is going south.

16 Q. Okay. So you're pretty familiar with the territory --

17 A. Yes, sir.

18 Q. -- and operating it?

19 A. Yes, that's correct.

20 Q. Okay. All right. So we'll go ahead and move to the day of
21 the accident. Can you tell me what time you signed up?

22 A. I was on duty time 0900 in the morning.

23 Q. All right. And did you do a job brief with the conductor?

24 A. Yes, that's what we regular doing. We made a job briefing
25 and get all the paperworks and everything that we need for going

1 onto the train and running the train.

2 Q. Can you kind of give me a description of just what you
3 discussed that particular day during the job briefing?

4 A. Yes. Well, we discussing about -- we call it the train soup
5 (ph.) which is the information about the train like length,
6 height, tonnages and travel restriction. We talk about the plans,
7 how we proceed, if there is any additional work to do also like
8 set outs, pick ups or anything in depot or en route, that's what
9 all discuss. And then on the iPhone, the iPad, sorry, we download
10 the PDFs from the IGTP (ph.), then from the MTR GTP work order,
11 train information and soup if it's available, yeah. This is what
12 we are doing before we are going out on the train.

13 Q. Okay. So that particular day, was there anything unusual or
14 did you have any speed restrictions or --

15 A. No, there was, there was nothing. What we had was a notch
16 (ph.) -- oh, where was it? A notch 6 travel restrictions and idle
17 when we are over 40 miles per hours which is pretty normal for
18 trains like this.

19 Q. Okay. All right. So, you didn't have any slow orders, but
20 you did have a notch 6 or --

21 A. We have slow orders on the route which are find in the IGTP
22 and the GTP. So we follow these orders, yeah.

23 Q. Okay.

24 A. And otherwise, we keep it like I said in throttle 6 or when
25 we come to the 40, we notch it down to 0 and let them run.

1 Q. Okay. Now, did you relieve a crew, another crew brought the
2 train in?

3 A. Another crew brought the train in, yes.

4 Q. All right. Did you talk to them?

5 A. Yes, we talked to them. We made a briefing when they step
6 down, and we get the train. And everything was right with the
7 train. There was no issues, nothing that they could tell us
8 unusual. So nothing.

9 Q. So the previous crew didn't have any issues?

10 A. No.

11 Q. Okay. Now, when you got on board, did you initialize PTC --

12 A. Yes, yes. I initialized PTC, and I checked the train soup.
13 I checked the Form As, Form Bs, everything in the PTC showing up.
14 I double checked this with the IGTP and with my GTP that I have on
15 my iPad.

16 Q. Okay. Was everything cut in PTC-wise?

17 A. The motors were on run.

18 Q. Okay.

19 A. Yeah. So all -- we had all the motors on run.

20 Q. Okay. Did you have any issues logging into ITMS (ph.)?

21 A. No, no.

22 Q. Okay. All right. So now, once you started traveling, did
23 you have any issues with PTC? Did it show you the
24 (indiscernible)? Did it give you all the information you would
25 normally see?

1 A. We had no issues. PTC was working normal, and we got all the
2 informations that we had on the IGTP and on the GTP. So there was
3 no difference. It was all correct.

4 Q. Okay. All right. And it was all running in active mode and
5 nothing restricted or --

6 A. No, it was running in active mode.

7 Q. Okay. Your signal, going through it, did you get any
8 degraded signals, stop signals --

9 A. No.

10 Q. -- slow signals?

11 A. No. We were running on clear signals. Everything was fine.

12 Q. Okay. Did you have any issues with the train at all?

13 A. No.

14 Q. Handling or --

15 A. No. The train was running good. We had no slack actions.
16 We had no issues. We had no defects, not on the motors, not on
17 the trains. When we were running over the detectors, the
18 detectors say all -- that everything is okay. No problems. No
19 issues. Nothing.

20 Q. Okay. Now, I'd like to talk about the actual accident area
21 itself.

22 A. Um-hum.

23 Q. So as you, as you approached South Bragdon, and you were
24 coming up on that bridge, did you see any issues with the track?

25 A. No.

1 Q. Okay.

2 A. Like I said, we were running on clear signals. Everything
3 looked fine and, yeah, it was like all other trips before.
4 Nothing was showing. Nothing was happened before.

5 Q. Now, when you crossed -- when you were approaching the bridge
6 and you were crossing onto the bridge, did you feel anything or --

7 A. Before the bridge, I, I cannot say exact how far before the
8 bridge, perhaps a couple hundred feet or so, we felt a really
9 rough track. It was a real bad shaking to the left and to the
10 right. So not up or down or like a slight back and forth.

11 Q. Yeah.

12 A. It was like a rattle like, like you shake yourself, burr.
13 That was it, and it was really rough. So me and my conductor, we
14 looked at us and said, this was really rough, and then I started
15 to -- because of this rough track, I would like to slow the train
16 down. So I was grabbing to the airbrake (indiscernible) handle,
17 and would put it in a set to slow the train down, and at this
18 moment, I got on my left screen, the train line emergency. So I
19 put it in emergency to slow -- to stop the train as soon as
20 possible.

21 Q. Okay. You're using an automatic brake and no --

22 A. The automatic brake, yes.

23 Q. Okay. Did you have any dynamic or anything on?

24 A. I was running on dynamic because in North Bragdon, there is
25 like a bowl. So you're coming out of the steep hill, and there

1 was also a 40 slow, a Form A40, and I was in the -- in dynos (ph.)
2 on the head and on the rear. And because I was over dyno 4, I had
3 set air. So I was releasing the air, and I starting to notching
4 up the DPs (ph.) because if you don't do it, and you come out of
5 the bowl, you get a slack. So to avoid this, I was notch up with
6 that, with the rear, and I was slowing coming out of the dynos on
7 the head end.

8 Q. Okay.

9 A. That's the normal procedure that we doing there.

10 Q. Okay. All right. Now, approaching the bridge, did you get
11 anything on ITMS (ph.) showing you anything about the signals or
12 did you get any flips or anything like that or anything to
13 indicate --

14 A. There was nothing indicated. Like I said, it was only this
15 really rough rattling or shaking a couple hundred feet or so
16 before the bridge, and that was everything that we, that we felt.

17 Q. Okay. All right. So when you got the undesired emergency,
18 can you kind of walk me through what happened? So you got the
19 emergency, and then what happened?

20 A. Okay. So, yeah. So like I said, it rattled and I was on my
21 way to grab the brake (indiscernible) -- the automatic brake
22 (indiscernible) handle and set it -- and set the air to slow the
23 train down, and then we got the alarm, and I looked on my screen,
24 and then I had seen underneath the message was coming up train
25 line emergency. So in this case, I was pushing the airbrake

1 (indiscernible) handle in emergency position to stop the train to
2 support the emergency brake, yeah. That was the handling, what I
3 have done.

4 Q. Okay. All right. And then did you know you were derailling
5 at the time or did you just know --

6 A. At this time, not. After I set the train in emergency and my
7 conductor was calling out emergency on the radio, I was looking in
8 the -- in my right mirror, and then I seen a really bad dust or
9 dirt cloud on the right side.

10 Q. Okay. Did you see any of the cars go off or did you just see
11 the dust?

12 A. At the first moment, I just had seen this dust cloud, and
13 then close to where we stopped, I have seen that the first cars
14 behind the motor was knocking over to the right side and pouring
15 the coal.

16 Q. Okay. All right. I don't suppose you know. Do you which
17 car derailed? Like how many cars back?

18 A. Yes. We have two motors on the head end and the first four
19 cars that was behind, my conductor told me, they were not
20 derailed. And then from car line number 5 to car number 35, this
21 was all the cars which were derailed. And then he told me later
22 that line number 36 is not derailed.

23 Q. Okay.

24 A. Yeah.

25 Q. All right.

1 A. I must say, I haven't left the motor. I was on the motor for
2 keeping on the radio, inform DS and the road foreman. So this
3 information was only what I get from my conductor.

4 Q. Okay. Nope, that's fine. Now, once the derailment and the
5 train came to a stop, did the conductor go out and walking the --

6 A. Yes. We came to a stop, and I said, after he called out the
7 emergency on the radio, he put on his vest and prepared for
8 starting walking the investigation. And then it was about a
9 minute or 2 later, then he stepped down and he walked to the rear
10 and see what's happened.

11 Q. Okay. Do you know how far he went back?

12 A. I don't know exactly, but he told me that those first cars
13 were not derailed, and that it looks really bad on the rear and
14 that some cars, or the load of the cars were pulled down the
15 bridge and as far he could see, that there was a semi underneath
16 the bridge.

17 Q. Okay.

18 A. So I guess he was, I guess he was only walking to the bridge,
19 but I don't know it for sure.

20 Q. Okay. Do you know who called 911 or emergency services?

21 A. We called the dispatcher, and after my conductor stepped out,
22 I had contact with the dispatcher. It's dispatcher South Denver
23 radio, and I explained her what was happened, and gave her my
24 information that I knew. So she was calling the emergency.

25 Q. Okay. Do you know about how soon emergency services showed

1 up?

2 A. I don't know it for sure. I have no time, but it was really
3 close.

4 Q. Okay.

5 A. So they --

6 Q. Pretty quick.

7 A. Pretty quick, yes.

8 Q. Okay. And then after everything stopped, emergency services
9 showed up, and how long did you stay on the motor until you got
10 relieved?

11 A. I was staying on the motor until 1810, so 6 p.m. 10.

12 Q. Yeah.

13 A. So Sam Baca (ph.) from Denver and Buck Sheplo (ph.), they
14 were showing up on the head motor and that was the point when I
15 tied down the motors and until those, I was still sitting on the
16 motor and watching or listening for radio and answer on the radio
17 response and all this stuff.

18 Q. Okay. Thank you, Nicholas. That's all I have for now.

19 A. Okay.

20 BY MR. ARCHIE:

21 Q. Nicholas.

22 A. Um-hum.

23 Q. So have you been on the super pool for the entirety of your
24 engineer service?

25 A. No, no. In the beginning, I was going back and forth between

1 the pool and the extra board.

2 Q. Okay.

3 A. And, yeah, the time span, when I could hold the pool at the
4 beginning was just a couple days, and then I went back to the
5 extra board. And now with the time, I could hold the pool longer
6 and more often. And now this year, I would say I'm on the pool
7 since March or beginning of April.

8 Q. Now, when you put it in emergency on the head end, does the
9 rear automatically go in or do you have to toggle anything or --

10 A. No, the DPs, they go automatically also in emergency. We
11 match this train line emergency is the -- corresponds between the
12 head end and the rear end. So they always check the air pressure
13 and if there's an unusual event and say the DPs register that
14 they're dropping the brake pipe pressure and not on the head end.
15 So then the train goes into train line emergency, you know. So
16 they notch down to 0 idle and brake down to come to a stop and the
17 head end, it's the same.

18 Q. Yeah. I saw somewhere there's 2 seconds between the head and
19 the rear.

20 A. Yeah. It's really quick. It really quick. I cannot say how
21 fast, but it's really quick. So they always double check if
22 everything is okay between the two ends.

23 Q. Thank you. That's all I've got for the moment.

24 A. Okay. Thank you.

25 BY MR. REMINGTON:

1 Q. I'm John Remington, BNSF. So you explained that you felt a
2 rough spot and it was more of a back and forth, not up and down,
3 right?

4 A. It was going to the sides.

5 Q. Side to side.

6 A. It was sidewise, yeah, and it was a really hard and bad
7 rattling like a shaking, like a vibrate or so not it's moving
8 slowly down into the ride and back and forth. It was really,
9 really rough shaking.

10 Q. Okay. So from the time that you felt that, roughly, if you
11 know, how many seconds from that point to the time that the train
12 went into emergency?

13 A. It was, it was going really fast. It was just couple
14 seconds.

15 Q. Okay.

16 A. I think so, yeah.

17 Q. Okay. That's all I have.

18 A. Um-hum.

19 MR. FACKLAM: Steve Facklam, F-a-c-k-l-a-m, BLET, safety task
20 force.

21 BY MR. FACKLAM:

22 Q. Just a few questions.

23 A. Um-hum.

24 Q. That area around South Bragdon. You've been working there
25 regularly --

1 A. Yeah.

2 Q. -- kind of since March off and on in the super pool.

3 A. Yes.

4 Q. Is that common for that area to have restrictions, slow
5 orders, in that area?

6 A. It is South Bragdon. There is at the moment one slow order
7 with 40 at North Bragdon, for North Bragdon. And then after South
8 Bragdon a couple miles later, there's another 40 slow order, yeah.

9 Q. Okay. I just --

10 A. But in this area, from North Bragdon to where it goes uphill,
11 we could run with the regular speed. So there was no restriction.

12 Q. I was just wondering about that area, if it had, oh, maybe
13 common for maybe the track to get a little bit wash away that they
14 were constantly having to do work in that area.

15 A. No, in this area, there was nothing.

16 Q. Okay. On the engines, were the engines optimizer equipped
17 and not working or just no optimizer?

18 A. No. This motor is a SD70ACE which is at the moment not
19 equipped with a optimizer.

20 Q. Not equipped with any kind of energy management.

21 A. No.

22 Q. Okay. So you're running manually.

23 A. I was running manually, yes.

24 Q. Okay. And just -- oh, how fast at the time of the incident
25 would you estimate your speed?

1 A. So, I was coming out of the 40 but because I had set the air
2 and the dynos on the head end, I would say 37, 38. So I was not
3 even running the 40.

4 Q. Right. Okay. And, you were in dynamic on your DP units.

5 A. No, I was in -- I had notched up the DP.

6 Q. The DP, you were --

7 A. Yeah, but I was in the dynos on the head end.

8 Q. Okay. And the dynos on the head end --

9 A. Yeah.

10 Q. -- and you were pushing --

11 A. From the rear.

12 Q. -- from the rear.

13 A. Yeah.

14 Q. Okay.

15 A. Yeah, that's the normal procedure over there because when you
16 come North Bragdon, you're coming downhill, and then there was
17 that 40 still going downhill, and the right at North Bragdon, you
18 have a bowl and then in this bowl, it goes -- after it, it goes
19 uphill again to South Bragdon out there. And, if you keep all the
20 motors in dynos or in idle, so you get a slack action. It
21 stretches the train back, yeah, and this is really rough to avoid
22 this. So we come out of the dynos on the DPs and notch them up to
23 keep the train slack bunched, and so it goes smooth through this
24 bowl without any slack action.

25 Q. I'm a flatland engineer. So my hat's off to you guys for how

1 you really handle these trains.

2 A. Yeah.

3 Q. That's all I have right now. Thank you.

4 A. Okay. Thank you.

5 MR. WARREN: I actually don't have any questions for you
6 right now. Thank you very much for your testimony. It's been very
7 helpful.

8 MR. MERLI: You're welcome.

9 MR. SKOLNEKOVICH: Okay. So, Nicholas, I'm going to look
10 around the table, see if there's any follow-up questions.

11 MR. MERLI: Um-hum.

12 MR. SKOLNEKOVICH: Do you have any?

13 MR. ARCHIE: I'm okay for now.

14 MR. REMINGTON: I don't have anything.

15 MR. FACKLAM: I'm fine.

16 MR. WARREN: No, sir.

17 BY MR. SKOLNEKOVICH:

18 Q. Okay. All right. Nicholas, just a couple things. One, is
19 there anything you'd like to add or anything that you think that
20 might have helped prevent this accident?

21 A. Well, from the procedures end, from what was happened, I gave
22 all the information. I mean I was shocked at this time when this
23 happened because, yeah, I never expected it. And there was --
24 like I would say again, there was no signs before the event. We
25 were running on clear signals, and everything was okay. We had no

1 issues, nothing, yeah. It came out of the nowhere.

2 Q. Okay. If we have any follow-on questions, do you mind if we
3 contact you?

4 A. Yes, of course.

5 Q. Okay.

6 A. Of course.

7 Q. All right. Well, Nicholas, on behalf of the NTSB and the
8 working group here, I appreciate your cooperation. I appreciate
9 you taking the time to come down here and talk to us.

10 A. Yes. Thank you for hearing me.

11 Q. And if you ever have any questions, just feel free to reach
12 out to us.

13 A. Okay.

14 Q. Okay.

15 A. Appreciate it. Thank you so much.

16 MR. SKOLNEKOVICH: All right. The time is now 2:44, and that
17 will conclude the interview.

18 (Whereupon, at 2:44 p.m., the interview was concluded.)
19
20
21
22
23
24
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: COAL TRAIN DERAILMENT & BRIDGE
COLLAPSE NEAR PUEBLO, COLORADO
ON OCTOBER 15, 2023
Interview of Nicholas Merli

ACCIDENT NO.: RRD24FR001

PLACE: Pueblo, Colorado

DATE: October 17, 2023

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.


Kathryn A. Mirfin
Transcriber