

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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PSC GROUP EMPLOYEE FATALITY AT *

THE EXXON MOBIL LUBE PLANT IN *

BEAUMONT, TEXAS ON OCTOBER 28, 2022 * Accident No.: RRD23FR002

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Interview of: TRAVIS MARIE, Brakeman

PSC Group

Hilton Garden Inn
Beaumont, Texas

Saturday,
October 29, 2022

APPEARANCES:

MICHAEL BACHMEIER, Operations Group Chairman
National Transportation Safety Board

STACY CHAVEZ, Operating Practices Inspector
Federal Railroad Administration (FRA)

BRIAN CAMP, Vice President of Operations
PSC Group

JAMES RITCHIE, Aromatics, Catalyst & Licensing Vice
President
Exxon Mobil

BRYAN BOAZ, Rail Operations and Planning Field
Supervisor
Exxon Mobil

VICKIE MARIE
(Representative on behalf of Mr. Marie)

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I N T E R V I E W

(1:31 p.m.)

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2
3 MR. BACHMEIER: Good afternoon. My name is Michael Bachmeier
4 and I am the NTSB operations group chairman for this accident. We
5 are here today, on October 29th at 1:31 in the Hilton Garden Inn,
6 Beaumont, Texas, to interview Travis Marie, who works for PSC
7 Group. This interview is in conjunction with NTSB's investigation
8 of the accident near Exxon Mobil lube plant here in Beaumont,
9 Texas. The NTSB accident reference number is RRD23FR002. The
10 purpose of the investigation is to increase safety, not to assign,
11 fault, blame or liability.

12 Before we begin our interview and questions, let's go around
13 the table and introduce ourselves. Please spell your last name,
14 who you're a representative, and your title. I'd like to remind
15 everyone to speak clearly so we can get an accurate recording.
16 I'll start off and then pass it off to my right.

17 Okay. My name is Mike Bachmeier. Spelling of my last name
18 is B-a-c-h-m-e-i-e-r, and I am the NTSB ops group chairman for
19 this accident.

20 Brian?

21 MR. CAMP: Yeah. My name's Brian Camp. I work for PSC
22 Group, and I'm the vice president of operations.

23 MR. RITCHIE: I'm James Ritchie, R-i-t-c-h-i-e, with Exxon
24 Mobil. I'm the aromatics, catalyst and licensing vice president.

25 MR. BOAZ: Bryan Boaz, B-o-a-z, with Exxon Mobil rail

1 operations and planning team, supervisor.

2 MR. CHAVEZ: My name's Stacy Chavez, C-h-a-v-e-z. I'm the
3 FRA operating practices inspector out of Houston, Texas.

4 MS. MARIE: Vickie Marie, M-a-r-i-e. I'm spouse to Travis
5 Marie.

6 MR. MARIE: Travis Marie, Jr. Spelling of the last name is
7 M-a-r-i-e. I work for PSC, locomotive engineer, conductor,
8 brakeman.

9 MR. BACHMEIER: Okay. Thank you.

10 Travis, do we have your permission to record our discussion
11 with you today?

12 MR. MARIE: Yes, sir.

13 MR. BACHMEIER: Do you understand the transcription will be
14 part of the public docket; as such, we cannot guarantee any
15 confidentiality?

16 MR. MARIE: Yes.

17 MR. BACHMEIER: And then you'll have to speak up a little
18 bit.

19 MR. MARIE: Oh. Yes, sir.

20 MR. BACHMEIER: As we discussed, you'll have a representative
21 with you today, Vickie; is that correct, your wife?

22 MR. MARIE: Yes.

23 MR. BACHMEIER: Okay. I'd like to ask everyone to clearly
24 announce your name and title before questioning.

25 Okay. With that, let's proceed.

1 INTERVIEW OF TRAVIS MARIE, JR.

2 BY MR. BACHMEIER:

3 Q. Travis, could you give us a synopsis of your work experience
4 taking us up to your present job?5 A. I started railroading in 2002 in Dayton, Texas, for CMC
6 Railroad. I worked for -- previous railroads, I worked for
7 Railserve. I worked for Rescar. I worked TGS, Trans-Global
8 Solutions, at the port. Over the years, I mean, and I've
9 worked -- and now with PSC.

10 Q. Okay. And how long you been with PSC?

11 A. Let's see. August made a year.

12 Q. Okay.

13 A. So August, September, October, what, 13, 14 months.

14 Q. Okay. And what have you been doing since you've been with
15 PSC? You stated a locomotive engineer and conductor, brakeman?16 A. Yes, sir. I started out -- of course, you always start out
17 as a brakeman, and then went from that to conductor and then
18 locomotive engineer.19 Q. Okay. Perfect. And what -- and at the time, what are you
20 working right now? Are you working a regular job or what is your
21 assignment or --22 A. Well, we -- I work the locomotive for 2 days and then I work
23 the ground or work as a conductor for 2 days on my shift. Me and
24 the other engineer swap out.

25 Q. Okay. Perfect. That's good. What do you like better?

1 A. The older I get, I'd rather run a locomotive. But when I was
2 younger, I'd rather hit -- I mean, I would the hit the ground.
3 I'm getting up over 40. I'm 44, or pushing 44, so -- yeah, you
4 get up in age, you get --

5 Q. Yeah, I gotcha. Yep. No. Okay. So what time did you -- on
6 Friday, let's go back to Friday. What time did you start work?
7 Or I guess it would have been Thursday.

8 A. Six p.m.

9 Q. Six p.m. Is that your normal shift?

10 A. We switch from 1 week of nights, 1 week of days.

11 Q. Okay. Perfect. Okay. So was that your Friday or was that
12 your Monday or --

13 A. That was actually -- I was actually a fill-in, so it was
14 not -- the next day was my Monday.

15 Q. Okay. So you --

16 A. Last night would have been my Monday.

17 Q. Okay. So you came in on your rest day?

18 A. One of my day's off.

19 Q. Okay. To get overtime?

20 A. Yes.

21 Q. Okay. So you came in to work extra. Have you worked with --
22 that crew that you worked with that night, have you worked with
23 them before?

24 A. Yes, sir.

25 Q. Okay.

- 1 A. Yes.
- 2 Q. So you're familiar with the crew?
- 3 A. Yes.
- 4 Q. Okay. Then you had a trainee with you at that also?
- 5 A. Say again?
- 6 Q. A trainee?
- 7 A. Yes, sir. We had a trainee, yes, sir.
- 8 Q. Okay.
- 9 A. He was actually training for that -- he'll be working with
10 that crew.
- 11 Q. Okay. So when you got -- you guys all show up at 1800.
- 12 A. Yes, sir.
- 13 Q. And take me through what happens at 1800. What -- do you
14 guys come on, you guys relieve a crew or what takes place?
- 15 A. Yes, sir. We work around the clock. Of course, 0600 to
16 1800, and then vice versa around, 0600.
- 17 Q. Yep.
- 18 A. When we come in, we normally -- like I said, if I'm
19 conducting, I'll come in and make a shift change with the other
20 conductor. If I'm a brakeman, I just come in and start my
21 paperwork or whatever, you know, as far as filling out my -- what
22 time I got there and all that stuff. And then we go over the
23 safety -- at that point we go over safety. Once our conductor
24 looks in the computer after he makes his shift change, then he --
25 we go into the safety rule, safety.

1 Q. Okay. During this time in the office did you see anything
2 ordinary -- was there any out of the ordinary with any of your
3 co-workers?

4 A. Not at this time. No, sir.

5 Q. Okay. Perfect. Okay. Take me through your shift from your
6 safety briefing, rules, whatever you do there, to out on the
7 ground, out start switching.

8 A. Well, after we get the -- after we finish the safety meeting,
9 most time the conductor comes over once he figures up a plan. He
10 has to -- it takes him a while, normally takes around to 30 to 35,
11 sometimes 40 minutes, depending on how bad our night is.

12 Q. Yep.

13 A. He comes up with a plan, then he'll print out a list, and
14 then he'll give them to -- one to the brakeman and then one to
15 the -- or we have an extra, of course, the extra guy, he gave one
16 to him and then one to me --

17 Q. Yep.

18 A. -- that night. And if I'm conducting, then I do the same,
19 then I'll -- you know, I'll do the same. You make a list of
20 however many yards you're going to, which is if it's refinery, B&P
21 or Mobil Chem. You highlight the cars that you're going to move
22 or whatever.

23 Q. Yep.

24 A. So it kind of makes it easier for your eyes to look at.

25 Q. Yep.

1 A. And then you go over your plan. You pretty much -- which
2 that night, Chico told us, you know, well, we're going -- of
3 course, like we always do, what we're going to do. And then we
4 go -- from there, we'll get all your hardhat and your gloves and
5 safety glasses, all that stuff, and then you're ready to go out
6 there and go to work. Right after this, normally most time the
7 brakeman will inspect the truck and then the engineer goes out
8 inspects the loco and stuff like that. Then we go out and start
9 the day.

10 Q. Okay. A truck, so you guys have a vehicle that you drive
11 around to help out?

12 A. Yes, sir.

13 Q. Do you guys use that to protect shoves, or what do you guys
14 use that? Or just to get --

15 A. No. Well, we'll usually get from point A to point B or
16 something like -- sometimes we'll have to -- if emergency or
17 something happens, we'll have to leave the loco in the refinery or
18 leave it down at Mobil Chem. Then we can get the crew back to
19 the, you know, back to our trailer.

20 Q. Perfect. Perfect. Okay. So let's take you -- let's go out
21 there switching. Can you remember -- can you talk us through
22 going up to the point of the accident, what was going on at that
23 time?

24 A. Yes, sir. Well, when we got out there, 8/9 -- let's see,
25 8/9 -- no, 8/9 hadn't called ready yet. We had two pig track cars

1 that were in 2 track. So Chico had moved those over and I was --
2 of course, I was the brakeman. I was thinking in my head, what is
3 Chico doing? And I thought, oh, God, I'm going to be on the rail
4 night because Chico was -- I thought he was making some -- that's
5 a stupid move. Of course, you know, how -- like, oh, I could've
6 made that move better. But I'm not the conductor. I just let him
7 do his thing.

8 Q. Yeah.

9 A. I kind of try to -- that's what you do as a brakeman, you go,
10 oh, my God, you know. But he made his moves and then he said
11 we're going to go to Mobil Chem. We went down, spotted Mobil
12 Chem, Mobil Chem plant. And we brought those cars up the hill,
13 and as coming up the hill, we had an emergency in the refinery.
14 So we stayed clear of the south track crossing. And I was in the
15 truck. I had the new guy in the truck with me. Chico was on the
16 locomotive with Randy. And you all know when I say Chico I'm
17 talking about Richard?

18 Q. Okay.

19 A. He was on the loco with him. And so after the -- it cleared
20 up. After the emergency cleared up, we took off, went back in the
21 refinery to deliver -- to drop off the car we brought from Mobil
22 Chem. And then 8/9 had called at that point and I remember Chico
23 saying 8/9's ready. So we marked it down -- or he keeps a log on
24 the loco. And we went live power back to the B&P.

25 When we got to the B&P, all the cars were lined up in 4

1 track. So we coupled up to that, of course. And 9 track was
2 empty, 8 track had three cars in it. So since I had the truck,
3 most time as I -- when I'm conducting, of course, I run the truck
4 as well, but Chico likes to ride the train. He don't like to
5 drive the truck too much. So, of course, I'm not going to make
6 him walk down there. So I got the truck, I went on down to 8/9
7 and turned around and I backed up right there beside the racks and
8 I waited for them to send the train to me.

9 And we go to spot up 9 track because it was empty and our 9
10 was on point. I get down there and the loader tells me that -- he
11 stops me and says this is the wrong cars. I said, the wrong cars?
12 I said, okay, well -- I said, okay, we'll -- we don't have any --
13 I said, actually I'm not conducting tonight, so I don't know -- I
14 didn't even look at the paperwork, Chico would've looked at it.

15 At this point in time Chico, they're all just waiting on me.
16 And so I said, well, give me what list you have and -- I haven't
17 looked. I said, I haven't looked at anything in the computer; I
18 don't know what's there. So he brought me down the paper and I --
19 at this point me and he -- he kind of helped me look for the cars
20 that he wanted. So I said -- and, of course -- let me back up a
21 little bit. They had -- the points were bad on the 10 and 9 track
22 switch so that kind of delayed everything on days or whatever.
23 And then -- or whenever Roger found it. I don't remember exactly
24 when he found it. But once they fixed that, that's when we was
25 able to go in there. So that put a little delay on time. So we

1 were kind of late getting in there. But anyway, at this point we
2 can jump back to where I was at.

3 He was helping me look for the cars on the list. We found
4 them. Most of them were in the hill track. One of the cars --
5 let's see. One of the cars weren't -- most of them were in the
6 hill. One car was in -- at the bottom of 7 track and then there
7 was on one car in refinery, refinery 7. So -- and we just came
8 from the refinery. So at this point I told him, look, dude, it's
9 going be a little bit. I said we've got a ton of cars on us. I
10 said we'll be a little bit, we're going to go, you know -- he
11 said, oh, that's no big deal. He said, no big deal at all. He
12 said, in fact that -- he said where the points had messed up, that
13 kind of day, he said that his night was screwed up anyway so he
14 wasn't in no big hurry. I said, okay, well, then I'll go and spot
15 pig then. He said, okay, yeah, no big deal. I said, and then
16 we'll go to refinery and go get your -- because if we went to
17 refinery and came back, it would've made everything, everything
18 worse.

19 Q. Yeah.

20 A. So I figured the best plan of action -- because I hadn't
21 told -- I hadn't talked to Chico at this point in time. Nobody
22 really knew what we were talking about.

23 And so I said, Chico, things have changed. I said, let's
24 stretch out and go and pull 8 track, let's (indiscernible) cars
25 off of 8. And I said, we'll stretch them up (indiscernible) clear

1 six, and I'll get with you in a minute on what changed. Of course
2 Chico's, oh, Lord, have mercy. You know, he was, Lord. He could
3 get aggravated. He was, Lord, have mercy, the night changed. You
4 already come up with a plan. And as a conductor it's -- once
5 things change, you got to completely change everything you've
6 done.

7 Q. Yeah.

8 A. So he's up there griping. I said, I'll be with you in a
9 minute, Chico. And then we pulled up. We cut the cars and I
10 said -- once we cut the cars loose, he was standing right there
11 where we made the cut. I pulled the truck up around and I got out
12 and went to him. We stood there and talked and I told him -- I
13 had the list with me. I give it to him. I said -- well, I've
14 already got everything marked up. He took his pen out and he was
15 marking what I had marked on mine marking on his. And I was -- I
16 said, okay, what are we going to do, Chico? Of course, he's the
17 conductor so I'm trying to let him make the -- I don't like to do
18 that because -- I mean, I try to make suggestions and other people
19 will do the same with me, you know, as a conductor.

20 Chico is kind of -- you got to explain things to him and
21 he -- I was trying to explain things to him and he's, Travis,
22 you're confusing the heck out of me. I said, well, Chico, it's
23 easy, dude. I said, I already come up with a plan in my head when
24 I was -- while I was on 8/9. I said, it's easy. I said, look,
25 dude, this and this and we'll set this out, blah, blah, and I try

1 to show him my list. Travis, you're -- that's confusing, Travis.

2 Well, Roger had walked up, Roger Pharris (ph.) had walked up
3 and was standing to our right, walked up behind us. And he said,
4 Travis, since you've already got the plan, why don't you go ahead
5 and run the list. I didn't want to run the list that night. I
6 was there -- I didn't want to conduct. I didn't want to mess with
7 the computer. I was just there to be a brakeman.

8 Q. Yeah.

9 A. This was a chill night for me.

10 Q. Yeah.

11 A. So that was in my head when I got there. I didn't want to
12 run the list. That's the reason why -- at the beginning of the
13 night, Roger was telling me, go ahead, go ahead. And I was like,
14 no; no, no, no, I don't want -- I'm going to let Chico do it. I
15 don't want to. So I'm trying to explain to Chico and then when
16 Roger said that, I said, fine, whatever. And Chico's like, yeah,
17 yeah, you can do it, just tell me where to be. Fine, whatever,
18 I'll run the list.

19 So I told everybody where to go at that point and I started
20 to line up 8/9 cars. Well, I lined up all of them -- of course,
21 there was six cars. The one, of course, one be in refinery. I
22 lined up all five and shoved those down 10 track. At this point I
23 left those there. I know I needed another car, so I went ahead
24 and I told him, I said, look, go and pull pig track and then we
25 will -- once we pull pig, I'll go ahead and line that up, we'll

1 spot pig, and then we'll go to refinery and we'll go get that
2 other car.

3 Well, we pulled pig. Roger coupled up all of our pig cars
4 for us down at the bottom. We stretch up -- Chico's up front with
5 me, so Chico's on the -- he makes the cut on 7 track. I tell him
6 where to make the cut. First he says eight cars. I said, no,
7 Chico, it's actually 13 cars we're making a cut on. And then he
8 said, oh, yeah, yeah, yeah, I see that now, you're right. So --
9 and we're talking on the radio at this point.

10 Q. Yeah.

11 A. We stretch up. I'm standing close to Brandon. Brandon's at
12 the switch. I'm actually on the other side. It goes down to 7,
13 so I'm actually here, Brandon's over at the switch, and the cars
14 are coming up between us. And I see Chico, Chico's standing right
15 there. And he makes the cut, stretches out, and we start
16 switching out the cars for pig.

17 We get it most of the way lined up. It took us a little
18 while because there was a lot -- once -- no, let me back up. They
19 did change the pig track lineup on us. They sent us another one.
20 Chico had to -- of course, I forgot about that. Chico had to go
21 in and get the updated list, and they changed a few cars -- I
22 don't remember which one it was -- which that kind of throwed
23 another kink into it. Of course, Chico's griping again.
24 (Indiscernible) usually go, daggone it. Oh, I tell you, daggone
25 Exxon Mobil. That's just what we do.

1 So of course Chico griping again. Then we -- I said, Chico,
2 and then he looked, it's not that bad. You know, of course, you
3 got to keep Chico -- you know, you got to -- anyway, so we almost
4 got them lined up. There was two cars sitting in 7 and there was
5 two, your two and your one spot was on the lead. So I told Chico,
6 just grab those two cars when I -- after we got close to gathering
7 those up, Chico looks at me and says, oh, I got you now, I got
8 what you're doing now. I guess he kicked into my plan.

9 Q. Yeah. Yeah.

10 A. And I could tell -- at first he was confused. I could tell
11 he was confused. I could see it on his face. And when it kicked
12 in, yeah, you do got me. Because he was -- without me telling him
13 what to do, he was already making the moves.

14 Q. Yep.

15 A. Already going with my plan without me. So I knew he kicked
16 back in, in gear there. And that does tend to happen sometimes.
17 I've kicked out of gear myself sometimes; I don't understand what
18 you're doing here. You know, okay, yeah, I get what you're doing
19 now. It's just part of railroading.

20 Anyway, he kicked back into what I was doing. So he coupled
21 into 7, grabbed those two cars. We stretched out and Brandon
22 throws the switch. What Chico had told me, he said, Travis, I'm
23 going to go on down and get in position to spot pig. I said,
24 yeah, go ahead, go, I got this. So he starts walking down in the
25 pig track. I walked back, and the car -- I had cut the cars kind

1 of deep on the lead there so I had to walk down a little bit and
2 make that joint on the lead. Brandon's still at the switch.

3 I coupled the lead, grabbed the two cars, I stretch it back
4 out. Once we start pulling them, I tell Brandon, I'm going to go
5 on down to the crossing. So Brandon, okay -- Brandon said okay.
6 So stretch out the deal, he throws the switch. I'm walking
7 towards the crossing at this point. Chico's already way ahead of
8 me. He's down to the -- he's almost down to the -- I actually see
9 him walking. He's almost down to the next -- the first breezeway.

10 Q. Okay.

11 A. I stop at the crossing and Brandon throws the switch and
12 he -- Brandon walks down till he sees me and then he tells me, you
13 know, Travis, I'll see you in four, five cars, shove on it. So we
14 start shoving on that. And, of course, I see him on
15 (indiscernible). And Brandon stops and then I call him on to me.
16 I call the train on to me. I told him I got the crossing clear
17 and protected, shove and Chico will pick you up in so many cars.
18 Once we get through the crossing, I said, Chico, your train. And
19 Chico takes over the move at that point.

20 Well, normally when -- if I'm a brakeman, I know how it is to
21 be a conductor, so I'm going to go help my conductor. So I walk
22 on down a little ways. I'm probably -- you don't have to be in no
23 big hurry because he's got a lot of -- a few cars to spot. I say
24 a lot, but maybe five to six cars to spot before he really needs
25 your help.

1 Q. Yeah.

2 A. So a brakeman normally goes down to the first breezeway.
3 Once he passes it, and he's spotting all these cars while you're
4 waiting on him here. Once he makes that -- your 11 fits this
5 side, your 12 fits on the other side. When he makes that 12 cut
6 is when you start tying brakes for him. And he'll just -- all
7 he's got to do is walk up and cut, walk up and cut, walk up and
8 cut. And you just tie all his brakes all the way up. He normally
9 gets the first set, you normally help him with the second set.

10 So I'm kind of in the middle at this point. I'm kind of
11 just -- you don't have to be in no big hurry, so I'm kind of just
12 noshing while I'm walking down. He's crossing -- to the crossing
13 and -- of course, he had went -- most time when you're at that
14 breezeway, you'll stand off of it just a little bit because you
15 got to give yourself time to get back down to the crossing. So
16 he's on this side at this point, I'm over here. I'm kind of over
17 here and the breezeway is here.

18 So after those cars cross -- clear the crossing, I can't see
19 him anymore. And I did see him up -- kind of see him up at that
20 point. I'm not really --

21 Q. Is he on the --

22 A. -- watching, watching, but, you know, I could see --

23 Q. Is he on the opposite of the rail?

24 A. Once the cars come down -- now, he's on this side whenever I
25 hand him off to it.

1 Q. Yeah.

2 A. As they come across the crossing, he'll walk back over here.

3 Q. Okay.

4 A. And then he'll protect the shove from that point. So he can
5 still see the crossing but yet be enough so he can get down the
6 end of the crossing.

7 Q. Yeah.

8 A. So he walks over and he's over here. So at this point I'm
9 kind of just -- I mean, I looked down there for a minute, but I
10 ain't really paying much attention. I'm waiting on him. I'm
11 listening. I do lot of -- you know, as a railroader, you listen a
12 lot.

13 Q. Yeah.

14 A. So you can listen to someone and tell what they're doing and
15 where they're at if you've been a railroader for a long time.

16 Q. Yep.

17 A. So they going down, he clears the crossing. Then he tells
18 him -- it's around five or six -- I think he tells him six cars, I
19 want to say, now I wasn't really -- six cars to spotting up or six
20 cars to the next breezeway. Chico is very, very adamant about
21 telling you, hey, this is clear or this is -- we're entering a
22 rack or -- he's very -- he will tell you that. He's very good
23 about that. So he tells him so many cars to the next crossing.

24 We're going down, and I want to say -- and this is still
25 fuzzy to me, but I want to say I heard him say three cars, was the

1 last thing I heard him say. I don't remember if he said the last
2 three was clear. I don't remember that. I don't -- that was --
3 that's fuzzy. I just remember hearing him say three cars. At
4 that point I'm sort of a little closer to the breezeway at this
5 point, not completely on. I'm probably three cars from the
6 breezeway at this point, two, three cars.

7 And I'm standing there and I'm -- I hear the air bust. From
8 what I remember, I hear the air bust. I don't -- at this point
9 the -- of course the radio had messed up. Like the -- I could
10 hear -- all I heard was (makes static sound) like somebody holding
11 the mike down, somebody sitting on the mike. And I could hear
12 Randy talking, could hear Randy saying something, but I was trying
13 to -- boop-boop. All I heard -- all I could do was -- it just
14 beeped on every time I -- I couldn't talk, like somebody keyed the
15 radio. I couldn't say nothing.

16 And of course Randy stops, and I don't know if it was because
17 of the air bust or he bust it. I don't know what happened with
18 the air at that point. I just heard the air bust. I said -- I
19 was trying to say, what happened? What happened? What's going
20 on? The air -- and I thought in my head, I thought in that curve
21 a hose come loose. That's common in a curve, if you've done any
22 kind of railroading --

23 Q. Yeah.

24 A. -- you know in a curve you can have a short hose. Well, in
25 my mind, it happened in the curve so I'm thinking -- well, I'm

1 probably -- from the curve, I'm probably five, six, seven cars --
2 actually -- yeah, about five or six, because it's eight cars from
3 this crossing to the breezeway. I'm closer to it, so I'm probably
4 five, six cars from the crossing -- or from that curve. And
5 I'm -- I told Randy, I said, give me red zone; Travis in a red
6 zone. And he calls -- he says set and center. And I closed the
7 angle cock on the -- I just walk up to a random car and closed the
8 angle cock. But that'll tell you where your air's at. That'll
9 tell you if you -- if I get air there, then my air bust is further
10 down or something happened this way.

11 Q. Yep.

12 A. If I don't, well, then I know it's up here. I didn't want to
13 have to walk way down here and then walk back up here because
14 we're trying to get through, trying to get our night through. It
15 just takes more time. So I walk up and I close the angle cock and
16 I open it back up easy, so I got air here. So I knew my air was
17 good from here that way.

18 Q. Yeah.

19 A. Or from here through this way.

20 Q. This way. Yeah.

21 A. Right. And then when I opened it up -- of course, Randy, I
22 guess he fixed the radio. Whatever happened, I could hear him --
23 the radio stopped this point and we're all hollering for -- I
24 said, Chico, you all right down there? Hello, Chico. And I'm
25 thinking in my head, okay, something must have happened to the

1 radio. I don't know what yet. But when I opened the angle cock
2 up, Randy comes on the radio and says, don't worry about that, go
3 check on Chico. And when he said that, it clicked to me, yeah,
4 I -- yeah, what am I doing? I don't need to be worried about
5 this, let me go check on him. So I took off walking at that
6 point.

7 When I got close to the -- of course, I'm like a few cars
8 from him, two or three cars from him. I get close to the
9 breezeway, the first breezeway, there was a -- there's some stairs
10 to your left that go up in that warehouse. There was a smaller
11 guy -- he was a small-built fellow. He runs down those stairs
12 real fast and he goes up under the belly of one of the cars right
13 past the breezeway. I (indiscernible) like the 11 spot. He goes
14 up under him, and he when went under him, I thought, what the
15 heck? And then it alerted me even more something's wrong. I knew
16 something at that point, something was wrong somewhere.

17 So I tell Randy, Randy, I'm in a red zone, I'm going across
18 red zone. So he says set and center. I go over the top of the
19 cars and then I start heading in there pretty quickly. Well, I
20 sort of caught up with the fellow a little bit as we went down.
21 There was another guy walking up from the right. He was Exxon
22 Mobil. I seen Mobil on his shirt. I mean, I know he was Exxon
23 Mobil. And as I got close to him, he asked me, he said, did you
24 all lose radio communication? And I said yes. And that's all the
25 conversation we had. That was it. I walked -- when I said yes,

1 he was standing here. As I walked to him is when he asked me.
2 He -- I said yes as I walked by him. I didn't even -- that was
3 all we said to each other.

4 I could see up under the railcar, I could see that Chico was
5 under the car. I could see his orange shirt. I could see
6 everything. Or a part. I couldn't see everything, but I seen
7 Chico, I could see him under the car. And I thought, oh, Lord,
8 have mercy. And when I walked around the end of the car, I seen
9 what had happened. I seen him under the -- between the trucks and
10 I seen that the car run over top of him. And I said, oh, my God,
11 my God, my God. So I ran back around and I started heading
12 towards the front. And I told Randy and them lock this train
13 down, shut it down, tie it down, get off of it.

14 As I walked back up, I get close to the breezeway, I crossed
15 the north breezeway and I tell Brandon get -- I had left my phone
16 in the truck. I always keep it up -- which Chico keeps his, but
17 I'll put it in one of the trucks in case of emergencies, and thank
18 God I did. Of course I have forgot it sometimes, but most time I
19 stick it in the truck just in case of emergency if something
20 happens.

21 I told Brandon, I said, Brandon, grab my phone out of the
22 truck. He said, where is it? I said, it's in the center console.
23 And bring it to me. And they were asking was Chico okay. I said,
24 no, he is not okay. And I'm sure you heard that over the radio.
25 I said he is not okay. And they said that it -- how bad is it? I

1 said it's fatal. It's not okay.

2 Brandon said, well, I'm not coming down there. I said, well,
3 meet me -- just head this way; I'm headed up to you. So I crossed
4 back over and I'm headed up -- he comes two or three cars down. I
5 made it back, almost back to the front at this point. I grab my
6 phone and I call Tanya. I couldn't remember Roger's number. I
7 think I had his old number in the phone at that point. The only
8 one I knew to call was Tanya.

9 And I was talking, I was talking to her and I was talking
10 real fast. She kept telling me, Travis, calm down. Of course I
11 was about -- I felt like I was about to pass out. I guess -- I
12 don't know if it was from I headed up there so fast and what I had
13 just seen. I'm sure it all was tied together.

14 And at that point we stood right there by the truck and then
15 everybody started coming up at that point. I mean, I could hear,
16 I could hear sirens and everything coming. And I'm sure the
17 people down at the bottom were calling, too. And we stood there
18 and then a guy from Mobil kept coming over checking on me, of
19 course. And we stood there until Roger showed up and then Tanya
20 showed up. And then one of the -- somebody had told -- one of the
21 Exxon hands had told Roger that they wanted to speak with us. One
22 of the officers wanted to talk us from the sheriff's department or
23 something. So we said, okay, we'll -- I wasn't in no shape to
24 drive at that point. So Roger drove the company truck. We all
25 got in the company truck and we drove around to the back, because

1 I told Roger -- and I know that there's a walk -- or there's a
2 little drive down to where that one spot is. And we started
3 driving up and I said, hey, we're going -- hey, this is far
4 enough, I don't want to go -- I don't even want see it again. I
5 don't want to see nothing. I don't want to go near it. I said if
6 you going anywhere further than this, you're going to have to let
7 me out. Of course we stopped. And then -- they didn't talk to us
8 right there, nobody spoke to us when we got back in the truck.
9 And then we went back to the trailer and then that's when
10 everybody talked to us and stuff.

11 Q. Okay. So who is Tanya?

12 A. Tanya's our supervisor, our manager, manager of the site.

13 Q. Okay. So she's like Travis's -- or who was the other guy?

14 A. Roger.

15 Q. Roger's boss?

16 A. Yeah. Well, she -- Roger is the night supe. They just put
17 in a night supe position, so Roger come from -- he was at
18 Jefferson. He is now over here as our night supe. So she's
19 pretty much -- Tanya's the day manager. I don't know how, I don't
20 know how -- if they're the same or if -- I don't know at this
21 point.

22 MR. BACHMEIER: Okay. I'm going to pass it off to Brian.

23 MR. CAMP: All right. Thanks.

24 BY MR. CAMP:

25 Q. Thanks for covering all that, Travis. I've got just a couple

1 of questions. I don't have a whole lot here.

2 One, can you explain the normal process, if you're doing it
3 or anyone from the crew does it, on how, if you're shoving down
4 the pig track, and you talked about -- well, how do you get down
5 there? Because I know there's some obstacles and tight spaces.
6 Can you go down, help through like which side you're on? And if
7 you just want to reference -- I don't know if it's east or west or
8 which side is which, but the side Chico was on versus the other
9 side. Where do you start from, and I know that you were talking
10 about he crosses over at a breezeway?

11 A. Yes, sir.

12 Q. What's that movement look like?

13 A. Well, he goes -- well, when you go down the pig track, you go
14 down -- now they drive -- most time they'll back trucks down in
15 there. And that's -- it's the open, big open area when you
16 first -- it's on the -- I don't know which side you all calling
17 east and west. I don't know, I don't know if that one --

18 Q. (Indiscernible) which one is --

19 A. Yeah, whatever the big side is there, so whatever. The big
20 open area on the left side of the -- if the train goes down in, it
21 would be the left side of the train, if you looking down there.

22 Q. Yeah.

23 A. Okay. You walk down here and then you cross the breezeway
24 because you cannot go any -- you can't go past that. I mean, you
25 can but it's pretty narrow through there and I'm not about to

1 walk -- I've walked down it before where the movement has been
2 stopped. I'm not about to walk down there with the movement
3 moving, so --

4 Q. Okay.

5 A. It's way too sketchy in my book, so we don't do it. So --
6 and it's not in any kind of -- anything where to walk, we just
7 know -- I mean, common sense tells you cross over because it's
8 bigger on the other side. Well, we walk down, we cross the
9 breezeway. We cross over to the left, and then we walk down the
10 right side where -- I guess you'd call it the right side at that
11 point.

12 Q. Um-hum.

13 A. Now from this -- from the first crossing to the first
14 breezeway, if you walk on that big area, it's all clear to walk.
15 If you go past that, once you cross over the breezeway, there's
16 tons and tons and tons of hoses and crap in the way. There's all
17 kind of stuff. You have to step over all this stuff. There's a
18 lot of stuff in the way. There's usually stuff on the ground, so
19 you got to be careful on -- you could slip. It's real slippery
20 down through there. Of course I'm constantly -- I've sort of
21 tripped over stuff myself. You know, you getting -- you're in
22 work mode. You're -- as a conductor, your brain is full of your
23 next five, six moves ahead. You're, where is this? I got to move
24 this over here. This car is here, I got to go to refinery and dig
25 this car out. And I'll even look in my head at my list sometimes.

1 Your mind's what you're doing. I mean, your mind's -- as a
2 conductor, you're doing all kinds of stuff in your head, I guess
3 is the best way to put it. So as you walk down, of course there's
4 all kind of obstacles in the way as far as the hoses and crap on
5 the ground.

6 Once you walk down to the next breezeway, you can't spot the
7 one spot from the right side because it's narrow again. You have
8 those big -- there's lots of pipes out there and the car's going
9 to ride really close, so it's only -- it's actually smaller than
10 what the left side is past the first breezeway. So we cross over
11 again and we'll spot that one spot from the left side. So we'll
12 basically cross the first breezeway to your right, go down, cross
13 the second breezeway to your left, and spot the last car. Once
14 that car is spotted, then we come back up, cross over again, then
15 you start spotting your two and three until you -- you follow the
16 same path down and same path up.

17 Q. Same path back.

18 A. Same path back. Yes, sir.

19 BY MR. BOAZ:

20 Q. So just for clarification. This is Bryan Boaz with Exxon
21 Mobil. So we're saying left side, right side. Maybe a point of
22 reference that we could agree to, the left side would be the
23 engineer's side --

24 A. Okay. Sounds good.

25 Q. -- right?

- 1 A. Yes, sir. Yes, sir.
- 2 Q. Okay. And then the other side the fireman's --
- 3 A. Would be the fireman's side.
- 4 Q. -- side?
- 5 A. Yes, sir. That'll work.
- 6 Q. So basically what you said is that you walk down --
- 7 A. The engineer's side.
- 8 Q. -- the engineer's side to the first breezeway.
- 9 A. First breezeway, yes, sir.
- 10 Q. Walk over that breezeway --
- 11 A. To the fireman's side.
- 12 Q. -- and now you're on the fireman's side?
- 13 A. Yes, sir.
- 14 Q. Then you walk down the track where you said all of the hoses
- 15 are.
- 16 A. Right.
- 17 Q. Right?
- 18 A. Right. To the second breezeway.
- 19 Q. To the second breezeway.
- 20 A. And then you cross back to the engineer's side.
- 21 Q. There you go.
- 22 A. Yes, sir.
- 23 MR. BOAZ: Okay. Thank you for that clarification.
- 24 BY MR. CAMP:
- 25 Q. And this is Brian Camp again. Just to further clarify

1 because that depends on which way the engine's facing.

2 A. Nine times out of 10 it's facing --

3 Q. The left side, let's call it the side Chico was on at the
4 scene, correct?

5 A. The left side, yes, sir. It would be the engineer's side
6 that he was talking about. Yes.

7 MR. CHAVEZ: Stacy Chavez, FRA. So the bumping post, you're
8 looking at the bumping post, right?

9 MR. MARIE: The bumper. Yes, sir.

10 MR. CHAVEZ: That's south. Your engines are north.

11 MR. MARIE: Okay.

12 MR. CHAVEZ: Okay. So your right side is your east side.

13 MR. MARIE: Okay. So it would be the east side -- that
14 clarifies it even better.

15 MR. CHAVEZ: Yeah.

16 UNIDENTIFIED SPEAKER: Left is east.

17 MR. MARIE: Left is east, right is west. Okay. So when I
18 say left or right, you know what I'm talking about.

19 BY MR. CAMP:

20 Q. Hey, this is Brian Camp again. So the other thing, just to
21 verify, you said you had -- when you handed off the train to Chico
22 and he took control, you had line of sight to him?

23 A. Yes, I -- I did see him.

24 Q. Where was he at again?

25 A. He was at the first breezeway.

- 1 Q. On the right side?
- 2 A. He was on the left side.
- 3 Q. He was on the left side.
- 4 A. When I seen him at first he was on the left side.
- 5 Q. Okay.
- 6 A. And then he -- I seen him start walking over and start
7 walking down. That's when I was getting right there right at the
8 crossing. I was actually blocking the crossing at this point in
9 time. I seen him -- of course when he seen the train come around
10 the curve, you'll move. Once you see that, you'll move on down
11 because you know that you got to get that -- because once that
12 gets too close, you got be able to get down, further down. So --
- 13 Q. And then as far as during the train movement, that's the last
14 time you saw him while the train was in motion?
- 15 A. Yeah, once he crosses over and the train of course gets so
16 close, I can't see him anymore.
- 17 Q. Okay.
- 18 A. And even if he did cross over back to the east side, then
19 there's so much -- there's a lot of steam through there so I can't
20 see him anyway. There's steam coming out of that hose right there
21 beside that warehouse, so --
- 22 Q. Okay. And then you said you heard Chico -- the last car
23 count was three cars?
- 24 A. I want to say three.
- 25 Q. Okay. Could you hear on the radio at that point Randy

1 calling for Chico?

2 A. After that car count I could.

3 Q. You still could?

4 A. Yeah, I could hear him -- I heard -- when I heard (makes
5 static sound), that's all I could hear, I couldn't key in at all.
6 I couldn't say nothing.

7 Q. And at that point was the train already in -- it was already
8 blown and stopped when you heard the static or was it still
9 moving?

10 A. No, it was still moving. Because I can hear him say,
11 because -- okay, an engineer -- as an engineer, but I'm an
12 engineer as well.

13 Q. Okay.

14 A. You only go -- you're supposed to go half the distance that
15 you give last. So if he gave him six cars and he gets down to
16 three and he gives him three cars -- of course he's barely moving.
17 We know -- as an engineer, you know that last spot is really close
18 once he give you three cars. And we also know that that --
19 there's only one spot past that last breezeway. I mean, you
20 (indiscernible) enough, everybody knows this. So, and we'll also
21 ask when we go down, where do we go; what's our spot? So we know
22 how far and how soon we should get on brakes, how far we have to
23 go before we don't run into anything. So we told him we was going
24 to the one spot that night and then, of course, he knew that when
25 we started shift.

1 And once you get down, of course it's really -- when it gets
2 close, of course he can only go half the distance of what he told
3 him. So once he said three cars, he's barely moving at this
4 point. I don't know how fast he was going. He's barely moving.
5 He's kind of creeping along. He's waiting for another car count,
6 waiting for a two or waiting for a one. That's what he's waiting
7 to hear.

8 Once he didn't hear that -- he knows he's traveled a car,
9 over a car, a car and a half; he knows he's traveled. I mean, I
10 could -- anybody an engineer, they -- as an engineer, you play
11 close attention to how far. What I'll do is, I'll -- as I'm
12 moving, I'll watch beside me. Or if there's nothing beside me,
13 I'll watch the ground. Okay, that's one car. And I'll watch as I
14 clear that -- oh, okay, I've got another half or I'm getting --
15 and if I don't hear him, I'm going to start, hey, (indiscernible)
16 you back there, are you all right? Did you fall asleep? We joke,
17 hey, wake up back there. It's just what we do.

18 Well, he starts hollering for Chico, hey, Chico, I don't hear
19 a car count. And I'm waiting to hear myself. And then I hear
20 (makes static sound), that's all I hear. I could still hear him
21 talking. I still hear him saying something. And I can't say
22 nothing. And of course the train -- after he -- he calls a few
23 times, he keeps trying to say something. And I'm guessing he's
24 keying up at this point because I can hear him, but it's like he's
25 holding down the mike. It's like it's hold the hell down.

1 Q. Um-hum.

2 A. And he comes to a stop. I don't -- it's hard -- I want to
3 say the air blew before that. That's all fuzzy. I don't --
4 that's all kind of fuzzy to me. I don't know.

5 Q. Okay. I understand. Then I only have one more question. So
6 what -- during all of this pig track shove, what was Roger doing?
7 Was he with you all when this happened or was he somewhere else in
8 the plant doing something?

9 A. Well, he --

10 Q. Or he left or --

11 A. No, no, that's what -- he already left.

12 Q. He left.

13 A. Because he was supposed to stay there till 11 because he had
14 been there earlier that day.

15 Q. Okay.

16 A. He said, I'll be here with you all till 11 tonight. He told
17 me that from the beginning of the shift. And I said, oh, okay,
18 okay, and -- he was tired and ready to go home. Well, he was
19 going to leave when we started spotting pig. Or he was going to
20 pull pig for us, he was going to couple up our cars up, helping us
21 out. And then after he done that, he said, I'm out of here. But
22 then he decided to stay over until we -- he said, I'm going to
23 stay until you all start shoving pig. So we were getting our last
24 few cars together and then I, at that point I -- he was watching
25 the points for us. That helps out so we don't have to walk back

1 and watch the points. He's a major help when it comes to that.

2 Q. And this is when you're getting --

3 A. When we're lining up the cars.

4 Q. -- lining all the cars? Okay.

5 A. Yes, sir. And then, so I tell him at this point, I said,
6 Roger, there's -- he's back there waiting for me. He don't know
7 what I'm going to do at this point. He's waiting for me to tell
8 him. And I said, look, I'm not shoving back any more in any of
9 the tracks. I'm just putting some -- if you want -- well, I told
10 him, I have to shove 4 track one more time. Once I shove 4 track,
11 I'm done with you, you can take off if you need to. He said,
12 okay, okay. He said, you're sure? I said, yes, sir; if you
13 would, just bring me a battery. My battery started chirping, you
14 know, they'll beep-beep, because it just started going dead. So
15 he brought me another battery out to where I was at. I changed it
16 and then I called radio check again, of course. And then he went
17 on and he left. Well, at that point we gathered up our few other
18 cars, then we started spotting pig or started to spot. So he was
19 gone 15 minutes, 20 minutes, right in there. Between 10 and 20
20 minutes he was -- had already been gone. So --

21 MR. CAMP: All right. That's all I have. Thanks.

22 BY MR. RITCHIE:

23 Q. James Ritchie, Exxon Mobil. Travis, thank you very much for
24 joining us today to help us. The -- just a few questions for you.

25 Actually on the radio noise and the static, as you're hearing

1 static, when you say you can't, when you can't key in, do you get
2 a beep when you go to key in --

3 A. Yes, sir. When you --

4 Q. -- with that when you --

5 A. Yeah. If the radio -- I mean, that's the thing, most time
6 any radio you try to key in -- now some radios are different. But
7 this particular radio, if you -- if somebody's keyed up and you
8 try to key, it just go boop, boop-boop-boop, and talk, it's just
9 going to make a noise, make a beeping noise.

10 Q. So you couldn't get in? You couldn't --

11 A. No, sir. I could not get in at this point.

12 Q. And the static that you're hearing, like -- but you said --
13 when you're saying I could hear him, like who is him?

14 A. I heard Randy go on --

15 Q. You heard Randy the whole time?

16 A. I could hear him calling for Chico.

17 Q. Okay.

18 A. Because Chico had stopped responding after three cars. So
19 he's still barely moving, he's creeping along. Hey, Chico; back
20 to, Chico; hello; hey, where's Chico? And that's -- yeah, I
21 couldn't say nothing at that point.

22 Q. And then the static, when you're hearing the static, is the
23 him you're kind of hearing, that was still Randy or --

24 A. I could hear Randy -- there was static going on, but I could
25 hear Randy talking.

1 Q. Okay.

2 A. But there was still -- it was just (makes static sound), kind
3 of like a radio frequency. That's all I heard.

4 Q. Okay. And that was just carrying on and you couldn't key in.

5 A. No, sir.

6 Q. So somebody was keyed in?

7 A. Right. It was like the radio was keyed up.

8 Q. And battery-wise, you had mentioned like kind of your battery
9 just died a little bit before Roger left.

10 A. That was before. That was -- we were still lining up pig at
11 this point. We were almost done lining pig. So Chico would've
12 been up front still.

13 Q. Okay. Do you guys get your batteries at the same time, right
14 at the beginning of the shift? Would his have been the same
15 timeframe battery as yours? I'm just wondering how long they
16 normally last.

17 A. Well, it depends. I mean, you got to think about this. The
18 crews that work previous to us use the same batteries and same
19 radios. So when they come in, they put theirs on charge and then
20 you pull your battery and make sure it's green.

21 Now Chico could have -- his wasn't dying yet or his wasn't
22 beeping. We normally tell each other, hey, daggone my radio's
23 dead or my radio's beeping; I got to go get another radio, get
24 another battery. Or we'll radio somebody, hey, bring me a battery
25 or -- sometimes I carry one in the truck or sometimes I'll put one

1 in my pocket because you know throughout the shift it's possible
2 it can go dead. Chico apparently hadn't said anything yet, so his
3 must have been still good. Like I said, mine -- I could have
4 possibly picked up one the previous shift used. He could've
5 picked up one that was still there. We don't know that until --
6 we just grab a battery and go when we're ready to get out the
7 door, we're ready to get, you know, get the night over with or get
8 our job done. So --

9 Q. So you worked all the jobs, right? And I guess Chico was --
10 that job, is he normally a brakeman?

11 A. No, sir. He is the conductor of that job.

12 Q. The conductor. So the one who's down at the end spotting is
13 the conductor?

14 A. Most time, yes, sir, the conductor goes down and spots up the
15 cars. Unless you take a -- he'll take the -- sometimes it's a new
16 guy, he'll take him and show him how it spots, you know, kind of
17 showing the new guy. That's about the only time. Usually the guy
18 goes down with him.

19 Now, like I said, the brakeman normally -- everybody's
20 different. Not everybody thinks -- as a brakeman, nobody thinks
21 of, hey, I need to go help the conductor because he's got a lot on
22 his head, he's doing -- but I'm a conductor, so I think -- I'm
23 conducting in mind while he's the conductor. So I -- because I've
24 done a few years. So I know this man's going to need help. So I
25 go down and help him. Not everybody does that. Sometime I'll

1 spot a pig track and I did the whole thing, entire thing by
2 myself, from tying brakes to spotting cars, because not everybody
3 thinks like me or thinks as a conductor.

4 Q. Yeah.

5 A. Because some of these guys are just brakeman, that's all they
6 are. They don't -- they never conducted a day in their life. So
7 it's just a difference in the way you think, you know, or just the
8 way you've done the job.

9 Q. And so from the conductor's point of view, if you lose comms,
10 what's your -- what is your next step?

11 A. What do you mean? If you lose radio?

12 Q. If you lose radio as a conductor down at the far end.

13 A. Would be -- I mean, to go get -- I guess go get another
14 battery or try -- if your radio shuts off completely, I mean, if
15 it just goes -- it's going to chirp. It chirps to let you know
16 the battery's dead.

17 Q. Okay.

18 A. So once it starts chirping, we normally get someone to get us
19 a battery. Now if it was to go dead -- I've never had that
20 happen. I've never had it go completely dead on me. I've just --
21 it's chirped for a little bit and, hey, I need a battery, and
22 it'll chirp until someone brings me a battery. And you'll get
23 whoever's on shift. Now if it's just us out there without someone
24 there, at that point we'll shut -- we have to stop the job. I
25 have to go get in the truck and go get my own battery and then

1 come back, and then we'll test radios again and go back to work.

2 Q. Okay.

3 A. But if it was to go dead, I mean, what I would do is get back
4 to either a point I can get a battery or get to someone that can,
5 hey -- one of the crew members, hey, stop the train; hey, stop.
6 But hopefully in my head that the engineer will go half the
7 distance I told him and then we're still good.

8 Q. Okay.

9 A. You know, he's going to go -- we're all trained as an
10 engineer to go half the distance you're told to go. So you tell
11 me six cars, I'm going to go three and stop.

12 Q. Okay.

13 A. Now you're judging, you're judging from being up high and
14 you're looking down, so you got to make your own judgment of what
15 those cars are.

16 Q. And is the goal of that rule you stop at the half of distance
17 remaining or you do an action at the half of distance remaining,
18 from the engineer point of view?

19 A. What do you mean?

20 Q. So from the -- I hope I get the terminology right -- the
21 person in the locomotive. And so if you hear comms and the last
22 comm you hear is three, is the rule generally you would -- if you
23 don't hear any more comms, you wanted to have been stopped at the
24 one and a half or --

25 A. Yes.

1 Q. -- start acting then?

2 A. No, no, no, no, you should stop at the one and a half.

3 Q. Okay.

4 A. You should stop.

5 Q. You're already acting. If you haven't heard anything and
6 you're at one, you're -- you've only got one more car and if you
7 had a half to go, you would always want to be acting by that
8 point?

9 A. You're -- oh, definitely. You're already on the brakes
10 because you're -- as an engineer, if -- any car count you give
11 me -- I'm worried about that man on the ground. I'm always
12 thinking about that man on the ground. I know the ability's there
13 to hurt that man. So I'm always, as engineer -- any engineer is
14 always thinking about the men on the ground. He's always -- and
15 that's why -- every engineer I've known, because we were -- like I
16 said, you're trained like that and you're -- you kick in like that
17 way to -- because those -- you know these guys are thinking of
18 everything in their heads so they're not always -- they're not
19 thinking about themselves as much as they should be because
20 they've got a job in their head. They've got what their moves
21 are. The brakeman's got what the conductor's told him to do,
22 where to be, what switch to throw. The conductor's thinking about
23 several moves ahead on what he's got going on. So as an engineer,
24 you look out for the guy on the ground. That's just your job.
25 They don't tell you though -- I guess they tell you to. They --

1 we're our brother's keeper, so they -- let me rephrase that. It
2 is being your brother's keeper. So an engineer has that role, a
3 big part of that role. Everybody has that role, but the engineer
4 takes that a lot --

5 Q. Yeah, (indiscernible). Okay.

6 A. Right, is watching. So he's really paying close attention,
7 and if you don't give him a car count within the half of distance,
8 he's talking to you.

9 Now some engineers will talk before that. They'll say, hey,
10 talk to me; hello; hey, you awake back there? Hey, wake up. And
11 as a -- I'll tell you this example. I've had my list and standing
12 there looking at my list, and I give him a car count, all right,
13 12 cars, 12 cars to me. I'm looking down my list.

14 (indiscernible), Travis. Oh, ah, six more cars. Because I'm --
15 you see the difference that --

16 Q. Yeah.

17 A. I'll get -- as a conductor, I'm thinking and I'm not -- oh,
18 crap, yeah, six cars. But he'll wake you up to -- because he's
19 paying more attention to that move than you are because you've got
20 so much stuff in your head you're dealing with. So --

21 Q. Gotcha.

22 BY UNIDENTIFIED SPEAKER:

23 Q. Can I add a clarification on that one? Just because on the
24 car count when you actively brake. So let me give you an example.
25 You're the engineer.

- 1 A. Yes, sir.
- 2 Q. You get a four-car count.
- 3 A. A four?
- 4 Q. Yeah. So what's your next count you're expecting?
- 5 A. Two.
- 6 Q. You expect --
- 7 A. I'm waiting on him. Oh, yes, sir.
- 8 Q. So there's probably no -- so when you get to two, you're not
- 9 going to be stopped? If you get --
- 10 A. Yeah, I'm going to be stopped until he --
- 11 Q. -- when you get to two and you recognize I haven't got the
- 12 two, then you're going doing a brake application, correct?
- 13 A. I'm sort of slowing down when I getting to the two. I'm not
- 14 stopped.
- 15 Q. And you're -- you've got (indiscernible) because you need to
- 16 be able to stop in two --
- 17 A. Yes.
- 18 Q. -- if you had a four?
- 19 A. Yes, sir. So I'm stopping before I get there.
- 20 Q. Yeah, I just wanted to clarify.
- 21 A. Yes, sir. That is -- you are correct 100 percent. You're
- 22 always in a ready-to-stop mode. You're ready. You're -- I mean,
- 23 if -- as an engineer, you could say -- if you give a -- most time
- 24 an engineer's pretty jumpy. He's jumpy as it is, because he's
- 25 thinking in his mind, you know, of course, I said awhile ago, he

1 can hurt somebody bad. He has the power in his hands to hurt and
2 he don't want to do that. He doesn't want hurt no one, so he's
3 always ready. He's -- the point in time someone says "that'll do"
4 more than once, most time the engineer will blow the air on you.
5 What did you blow the air for? Well, you said that'll do -- well,
6 I just said that'll do more than once. Well, he's being cautious.

7 And a lot of times the guys will get aggravated; what the
8 heck, come on, daggone punch air. No, he's got your back. And
9 then at that point you're like, okay, yeah, I see why he did it
10 and -- I went to the engineer -- I did it myself. What the heck
11 you do that for? You didn't have to blow the air. And I go back
12 to him and say, well, I thank you for having my -- you know,
13 appreciate you doing that, after I -- because you're not in that
14 state of mind. But the engineer has your back. And he has a big
15 role -- and I've heard used as he's like Stevie Wonder. He's up
16 there -- you're his eyes and ears on the ground.

17 BY MR. RITCHIE:

18 Q. Yeah, he's blind.

19 A. He's working blind. Yeah, an engineer's working blind. And
20 he's -- unless he's going forward, then he can see. But shoving
21 backwards, he's blind. He's totally blind.

22 Q. Totally on the radio.

23 A. Right.

24 Q. And then -- I know it gets fuzzy, right, but as you're
25 walking, did you hear the air blow and then a second -- like can

1 you hear the difference between air rushing out of the front, out
2 of the front of the cars and when Randy would do an action or
3 would it all --

4 A. It's all the same thing.

5 Q. Okay.

6 A. It's all the same. No, once you blow the air, once the air
7 blows it's going to sound the same.

8 Q. And you couldn't tell if it happened at the front or happened
9 at --

10 A. No, sir. I couldn't.

11 Q. Okay.

12 A. No. No, at that point, at that point I wouldn't have shut
13 the angle cock like I did. Because once I told him to reset his
14 air, I shut the angle cock to let me know where the air is at.

15 Q. (Indiscernible).

16 A. So once it blows, just (makes noise). That's -- I don't know
17 where it come from. Like I said, at that point I couldn't -- I
18 wouldn't have known to go, oh, it's right there or it's up this
19 way or -- there's no way of telling that.

20 Q. Okay. And when you did that, had Randy already -- had Randy
21 totally locked down and blown out when you did the valve test?

22 A. The air had already blew.

23 Q. The air had already blown?

24 A. Yes, sir. The train already went into -- or say -- correct
25 would be the air -- it went into emergency. The train went into

1 emergency. That would be -- that's correct term, technology for
2 it.

3 Q. Okay.

4 A. Terminology for it, I guess.

5 Q. Okay, the air blew. Was there an air rush noise before the
6 full blow? I think there was -- one of the items that we had read
7 was there -- it was like a "shhh," that noise, and then active
8 blow.

9 A. I don't -- that's too fuzzy. I don't -- I couldn't tell you
10 at that point.

11 Q. Gotcha. You heard the air blow --

12 A. I just heard the train go in emergency and the air blow.

13 Q. Okay.

14 A. Yes.

15 Q. And from air blow, the train moved about -- do you have a
16 feel for how far it moved after air blew?

17 A. It was barely moving at this point. We were barely -- like
18 we were getting close to -- I know we were getting close to one
19 spot down there. So it was barely -- when you're coming into that
20 spot, you ain't moving very fast at all.

21 Q. Okay.

22 A. It could have been going 2, 3 mile an hour. It may be less
23 than that.

24 Q. Okay.

25 A. And Randy's pretty good at -- of course we're all, you know,

1 some of them are a little -- move a little faster than others, but
2 Randy's really good at -- yeah, he -- Randy creeps. I mean to the
3 point to where, if I'm on the ground, I'm like, come on, Randy,
4 come on, daggone, let's go, I got a job to do; good Lord. I get
5 frustrated. You know, the engineer don't want to move, I'm like,
6 oh, my God, we're (indiscernible). I remember tapping my fingers.
7 But that's just part of the job. But Randy's really good at
8 getting that train down pretty -- you know, creeping pretty good.

9 So we -- I can't tell you how fast we're going. I don't
10 know. I know we were barely moving and then I heard the air bust
11 or the air blow down --

12 Q. And then go to a stop.

13 A. -- and go in emergency.

14 Q. And you never had any additional visual confirmation with
15 Chico like from his headlight or anything? You never saw him back
16 at --

17 A. No, sir.

18 Q. (Indiscernible)?

19 A. No. Like I said, you can't -- once he crosses over and the
20 train passes, I can't see him anyway. But he cross back over to
21 the side I was standing on, but there's so much -- there's a hose
22 comes out of that warehouse that just blows steam, constant steam,
23 so you can't see down there anyway. Even if he shine a light,
24 there's so much steam you can't see down there. I can't see past
25 all that steam.

1 Q. Then the only other one, so you -- how long have you worked
2 with Chico in this --

3 A. Like I said, since I started working, which August made a
4 year. So --

5 Q. Okay. So about a year?

6 A. -- August, September, October, what, 14 months.

7 Q. Okay. This wasn't your normal shift, though?

8 A. No, sir. No, sir. I was filling in.

9 Q. You were filling in.

10 A. They're short a man since we had a guy quit. So they're
11 short a guy on their crew.

12 Q. Gotcha.

13 A. Because all the crews are married together pretty much.

14 Q. And stylistically, Chico is -- when you're talking, he was
15 like, oh, man, you're confusing. Is that kind of -- is that
16 just -- was it normal of him that you're dealing with that day
17 or --

18 A. Oh, I mean, sort of, but -- like I said, that could happen --
19 that happens to anybody.

20 Q. Yeah, I agree.

21 Q. When you -- and I've been out there before and somebody come
22 up with a list and a plan of -- explain that to me again. And,
23 man, I -- you confuse the crap out of me. Slow down, explain it
24 to me again. But we were in such a -- we were in a cramped, sort
25 of a cramp because things were behind. We know we've got to get

1 stuff spotted up. I mean, that's our job. It's what makes the
2 world go and that's what pays our paycheck. So we know we have to
3 get this thing done. But it was -- we were behind that night and
4 I'm sitting there trying to explain it to him. He's not
5 getting -- I'm sure he would have got it if I would've kept going,
6 but I kept trying and trying. I tried like three times and he
7 just wasn't getting what I was -- he kept saying, well, let's
8 pull -- no, Chico, don't pull those first. No, Chico, you will
9 screw us up, don't do that. Go to the hill track first. No. I
10 said, okay, what are you going to do now? I tried to put in his
11 ball -- put the ball in his court again. What do you want to do?
12 He's the conductor so I didn't want to -- I don't like to overstep
13 nobody because I don't want nobody to overstep me when I'm the
14 conductor. So I don't do that to someone else. So -- and then he
15 said, he said again to pull to these cars. No, Chico; no, no, no,
16 Chico, that's going to screw us up.

17 So I tried two or three times. And then Roger was standing
18 there and he said, why don't you just run the list since you've
19 got it? And -- okay. Which Roger knows I've got a lot more
20 experience than Chico. I've been doing this a long time.
21 Chico's, I want to say, 6 to 7 years, I think, is what he told me,
22 I think, that he had railroading. I don't --

23 Q. Okay.

24 A. -- from what I remember, that's what he told me.

25 Q. So looking back on it, you wouldn't see it as that --

1 A. No, it's --

2 Q. -- maybe not in there in that moment of what you had going
3 on?

4 A. You got think, you got to be a switchman to really -- fully
5 understand what I'm saying.

6 Q. That's why you're more in the ability to --

7 A. Yeah, you got to really grasp what I'm talking about
8 switching these cars, you got actually be a switchman, be a
9 working -- switching these -- he knows, he knows exactly what I'm
10 talking about.

11 Q. Okay. That's what -- confusion can happen, but it wasn't he
12 was being abnormal at this time?

13 A. No, no. Not -- no. No, sir, not abnormal.

14 MR. RITCHIE: Okay. Thank you.

15 MR. MARIE: You're welcome.

16 BY MR. BOAZ:

17 Q. So this is Bryan Boaz with Exxon Mobile. Thank you for
18 coming in today and talking to us. I know it's not easy, but
19 you've done a great job of detailing it for us. Just a couple
20 follow-up questions for me.

21 So when you guys spotted up in 9 and you said there were --

22 A. Actually we didn't spot 9.

23 Q. Okay. Well, you went -- you said you went over to 9 track
24 earlier.

25 A. We went over -- I was about to spot the 9.

- 1 Q. You were about to spot 9.
- 2 A. Yes, sir.
- 3 Q. And then there was some confusion with the list, right?
- 4 A. Yes, sir. Yes, sir.
- 5 Q. Okay. So did you all pull cars they -- did you bring over
- 6 cars from the refinery that they didn't want?
- 7 A. That I have no idea.
- 8 Q. Okay.
- 9 A. The cars that were in 4 track, all the cars that were spot,
- 10 five cars -- there's five cars because that's all 4 track will
- 11 hold is five cars.
- 12 Q. Yeah.
- 13 A. So the 5 track was full, so there was 9 and 8 spot that were
- 14 on our list. Nine was head out -- or 9 was against the point --
- 15 against the bumper, I'm sorry, not against the point, against the
- 16 bumper, and then 8 track cars were head out. So we coupled two 4
- 17 track. At this point it put 9 track on your point down there.
- 18 Q. Yeah.
- 19 A. So we shoved in 9. At that point we thought that was the
- 20 cars they wanted because that was what was left for us previous,
- 21 on the previous shift.
- 22 Q. Okay.
- 23 A. I'm sorry. I lost my thought. Anyway, so that -- we shove
- 24 them and spot up 9 track. And that's when he come down and told
- 25 me -- actually he stopped me. He said, hold that, whoa. I said,

1 what? Because was trying to -- he said, oh, no, stop. So I said,
2 that'll do, and we stopped the train. At that point he said them
3 cars -- or that's the wrong cars. And I said, oh, Lord, the wrong
4 cars, Lord. So I said, you know, told him, I said, I'm not
5 conducting tonight so I don't -- I ain't seen any list, I ain't
6 seen any information you all sent over, I haven't seen anything.
7 I was the brakeman, so I'm -- when I come in, I'm -- I'm worried
8 about filling out my paperwork for the day instead of the computer
9 stuff.

10 Q. Right.

11 A. I didn't want -- I really didn't want to. I wanted to --
12 like I say, I wanted a chill night, so I didn't want to fool with
13 it. I really didn't.

14 Q. Understood. Okay. So then you guys were just basically
15 following what the day shift had kind of left because there was a
16 track out of service and they couldn't get there?

17 A. And it's possible that -- I'm sure Chico did go over what
18 they left previous. So if they would've had -- he said he sent --
19 the load company sent that over at 4 o'clock, the list had been
20 sent over since 4 o'clock. Man, I wasn't here at 4. I don't
21 know, like I said, I ain't seen paperwork. I don't know what
22 Chico's seen. I'm not the conductor.

23 Q. Right.

24 A. So I'm sure if there had been another list Chico would have
25 seen it. And then when I talked to Chico, he kind of confirmed

1 that -- he said, yeah, I ain't seen that list. So I don't know.
2 He said he sent it over at 4. I don't know. I don't have a clue
3 at that point. I wasn't there.

4 Q. How do they send that list?

5 A. They fax it to us.

6 Q. They fax it to you?

7 A. Yes, sir.

8 Q. Okay. All right.

9 A. Years ago they used to have to deliver it. We had to
10 actually hand deliver it, we had had to go there and get it
11 because they didn't have the fax. But that was with Rescar,
12 but --

13 Q. Okay.

14 A. -- now we have fax.

15 Q. Gotcha. And does it come over it pretty consistently, like
16 if there are revisions and stuff, other nights you work?

17 A. Most -- yes, sir, most of the time. If he sends it over --
18 well, most time they'll call. Hey, did you get that fax? Or,
19 hey, I sent the fax over. Or sometimes they'll send two or three
20 switches ahead.

21 Q. Um-hum.

22 A. We'll get them lined up, coordinate at that point. Like if
23 they'll -- if they sent three switches, most time we won't bother
24 the third because it could possibly change.

25 Q. Right.

1 A. Sometime the second switches change. The list, it -- we've
2 been on -- like I said, this time the first one changed.

3 Q. Um-hum.

4 A. We know in our head that it could change at any point in
5 time. So we line up and get ready, and that's what the first crew
6 did previous to us --

7 Q. Yes.

8 A. -- that day crew. And they left it on 4 track for us because
9 they knew 8 and 9 would be ready pretty soon. And then we pulled
10 those cars, ones that shoved down, because 9 track was clear.
11 They had already pulled it apparently.

12 Q. Right.

13 A. And that's what we did at that point.

14 Q. Okay. As your experience as an engineer just like, not what
15 happened the other night --

16 A. Right.

17 Q. -- but when you're running the motor and you're sitting in
18 there, and we were talking about, you know, how you kind of
19 (indiscernible) the end and you're creeping along before you
20 finally stop on the one spot.

21 A. Right.

22 Q. You guys are -- obviously are switching with air on the cars,
23 right?

24 A. Yes, sir. Yes, sir.

25 Q. Okay.

- 1 A. 100 percent air. Yes, sir.
- 2 Q. Yeah. When you get down to that -- call it 4 mile an hour or
3 less, and you have strong control of the train or at slack, it's
4 bunched in --
- 5 A. You'll pretty much have your big air set up, which is your
6 train air. We call it big air.
- 7 Q. Yeah, yeah. Sure. So automatic brake valve, you have in
8 that first service or -- I guess what I'm asking you is, once you
9 get down to that 3 or 4 miles an hour, to actually physically come
10 to a stop, do you use your independent only or are you using the
11 automatic --
- 12 A. Well, we always call it as --
- 13 Q. -- big air?
- 14 A. We always call it as your -- you've been -- when he gives you
15 that car count the closer you get to the end, we're already --
16 you've already been, we call it -- you've already been braking but
17 your train air -- we call it big air, but it's called train air.
- 18 Q. Sure.
- 19 A. Your train air is already set up, so your cars already have
20 brakes on them.
- 21 Q. Right.
- 22 A. So as you're -- you kind of --
- 23 Q. Just to make sure everybody's clear, so when you said brake
24 on, so you already had set up like --
- 25 A. Your train air.

- 1 Q. -- you have applied --
- 2 A. Your train air.
- 3 Q. -- basically -- yeah.
- 4 A. Not your independent, your train air.
- 5 Q. I'm with you. And so you've applied a portion of your train
- 6 air?
- 7 A. Yes, sir.
- 8 Q. Do you bail off the independent then?
- 9 A. Yes, sir. You bail it off so you don't -- otherwise your
- 10 locomotive will set up, too.
- 11 Q. Yeah.
- 12 Q. Yeah.
- 13 A. If you don't bail that off, everything's -- you're bumping,
- 14 and if there's a man riding the end, then you're going to bump and
- 15 he's going to (makes sound). He's going to hit the -- you'll
- 16 knock him around.
- 17 Q. Right.
- 18 A. He's going to be pretty much cussing you pretty much, but
- 19 (indiscernible) daggone it. And that's just -- they're going to
- 20 be back there raising Cain. I've done it, too. Like, oh, my God,
- 21 now I need a back surgeon or something. Or I need to see a
- 22 chiropractor.
- 23 Q. You didn't see anything like that the night --
- 24 A. No. No, sir.
- 25 Q. -- Thursday night? Okay.

1 A. We were moving too slow. Now the slower you go, the less
2 slack action's going to be.

3 Q. Right.

4 A. Like any slack action (indiscernible).

5 Q. Yeah. So basically when you're working it, to just get down
6 to basically once you get on spot, you just keep slowly
7 applying --

8 A. You'll kind of --

9 Q. -- more train air.

10 A. Yeah, you'll kind of --

11 Q. Then you just kind of ease to a stop?

12 A. Well, yeah, because you can't put too much, everything's
13 going to stop. So you just kind of ease on and you bail --

14 Q. Right.

15 A. -- ease and -- most time coming in.

16 Q. Yeah. Okay. Very good.

17 MR. BOAZ: Thank you. That's all I got.

18 BY MR. CHAVEZ:

19 Q. All right, Travis. Stacy Chavez, FRA. Again, as these guys
20 already -- I want to reiterate thank you for showing up. Thank
21 you to your wife for showing up and being here for you. You have
22 access to EAP. You know, it's something good, use it. Same with
23 your family and friends obviously. But what you're going through
24 right now is a very traumatic situation, so --

25 A. Right.

1 Q. I was a former (indiscernible) and I know exactly what you're
2 talking about, how these 10-pound, 13 pound --

3 A. Yes, sir.

4 Q. -- you know, knocking a guy off the end of the car, which
5 I've been with independent brake. I'm going to ask you a question
6 about the switch list because the railroad I come from, you know,
7 conductor, switchman, (indiscernible), yardmaster, SW1, whatever
8 you want to call them, interchange, we job brief. We know the
9 switch list together.

10 A. Right.

11 Q. Back and forth, we know our moves.

12 A. Right.

13 Q. We can kind -- we can assist each other in giving guidance
14 like, hey, that might not be quicker move, blah, blah, blah.

15 A. Right.

16 Q. Do you think something like that, instead of just being a
17 brakeman who gets orders, marching orders from a conductor who
18 looks at it, do you think applying something like that to your
19 realm of -- would help decrease the angst, the anxiety that your
20 conductor would've had that evening?

21 A. What do you mean?

22 Q. Well, both knowing your moves, right? Like you said, you
23 mentioned he looks at the list, he gets it where the cars go, you
24 know, 9, 7, whatever they're switching.

25 A. Right.

1 Q. He tells you.

2 A. Right.

3 Q. You know the cars, but you don't know like -- am I
4 understanding you correctly like you're just getting your marching
5 orders, but if you would look at it earlier, everything that he's
6 looking at, you might see something and say, oh, wait, that car
7 doesn't go there, I'm not pulling that out of 7 rail, I'm not
8 putting that 9 at the south end because we've got to use it again.

9 A. Right.

10 Q. Do you think that could assist in some of that anxiety, angst
11 that you all have instead of, oh, you know, get confused? If you
12 had a clear job briefing and understanding.

13 A. Now we do that at the beginning of our shift.

14 Q. Okay.

15 A. That's what we do. We run the list while we go over
16 everything and then if he was to, the conductor -- if I'm not
17 conducting and the conductor comes to me and says, this is what
18 we're going to do, what do you think -- well, what do you think
19 about this? Or do you think we can move it here and do better, be
20 faster, or make moves quicker? Because, I mean, you're all --
21 you're ready get out the rail. I mean, your jobs are all lined
22 or -- you don't want to be out there all night long, you know,
23 because everybody gets tired.

24 So at any time something comes up, so a list change of some
25 sort -- like that happened that night, the list changed on us

1 twice, pig track and 8/9 -- 8/9 changed first, then pig track
2 changed. At the point in time we didn't -- I pulled the other
3 track before and I said, I'll be up there -- I was way back in the
4 back. So he helped me get through the list. I just told him a
5 few moves to make. We pulled up, and then I went up and -- we
6 stopped the movement, and then I went up and had a job briefing
7 with my conductor.

8 Q. Okay.

9 A. And told him what had -- what was going on.

10 Q. But all the changes are coming from the industries though?

11 A. Yes, sir.

12 Q. Right?

13 A. Yes, sir.

14 Q. So you all had a clear understanding of everything, so you
15 know from the moment you leave the yard office, all the crew
16 members know what cars are coming out, numbers, and all that kind
17 of information?

18 A. Yeah, we keep everybody well informed.

19 Q. I wanted to make sure that --

20 A. Yes, sir.

21 Q. Now when once the application happened, you're by the cars.

22 A. Yes, sir.

23 Q. You're in the breezeway.

24 A. Yes, sir.

25 Q. Do you have a determination in your mind, guesstimate, of

1 hearing that pop and the stop?

2 A. If I were to guess -- I mean, it wasn't that far because, I
3 mean, he -- we were barely moving. So, I mean, I'm just guessing
4 maybe a half car. Just a wild guess. I don't know. That's all
5 fuzzy. I just remember hearing the -- like I said, I heard Randy
6 hollering at Chico at this point. So he was checking -- he's
7 already radioed, because he's not getting the correct car count he
8 needs or he's not getting the other car count he needs. I'm just
9 listening, I'm just -- at this point I'm listening. So when the
10 air blows, blows down and goes in emergency, at this point I'm not
11 really focused on how far. I mean, that's -- I'm more focused on,
12 oh, daggone air busted, where did it bust at, where --

13 Q. Right.

14 A. And it eventually pops in your mind, as a groundman, any
15 groundman, and you're standing next to a train that is -- that's
16 right on the point, where'd the air blow? Where did it -- I got
17 to go make up the air so we can finish our job.

18 Q. Yeah.

19 A. It's in there somewhere. I mean, he knows, unless somebody
20 open that rear angle cock, that it's in the train somewhere. So
21 you got to find out where it's at. So my mind instantly went to,
22 oh, it's probably in the curve. Because that's -- you usually
23 don't bust down on a straight track. It's usually in a curve
24 somewhere and a short hose come loose.

25 Q. Right, (indiscernible) something.

- 1 A. Right.
- 2 Q. Okay. So you would approximate, just thinking about a half
3 car, roughly 30 feet?
- 4 A. Not very far. Yes, sir, it would've been -- it's less --
5 half car or less. It wasn't very far at all once we blow the air.
- 6 Q. Okay. So with -- you all had a trainee, he's not qualified
7 yet, he's getting ready to mark up. Does this trainee stay --
8 does Chico like the trainee to stay with him? Do you all just
9 kind of use him as an extra switchman or he pretty much stays --
- 10 A. Well, he stays with someone at all times.
- 11 Q. At all times?
- 12 A. Yes, sir. Now we had -- we keep him pretty close to us. Any
13 kind of new guy, of course we're always watching him more than we
14 watch ourselves. I'm watching him more than -- and I always tell
15 her this. She always say things -- basically kind of like you
16 watch your -- watch someone more because you love yourself more
17 than you love other -- you know what I'm talking about? Or you --
- 18 Q. Yes.
- 19 A. So you're going to watch that person more than you'd watch
20 yourself. They're new so they're -- it's like a baby walking,
21 you're going to really watch that -- they're new around railroad.
22 Of course, you could tell who's got experience, who don't. And
23 when they hire on, you can tell. I mean, if you've been
24 railroading, you can tell.
- 25 Q. Yeah.

1 A. So you tend to watch them people more if they don't have
2 experience.

3 Q. Of course. And what I'm getting at with that question is,
4 you're talking about your experience and then you're talking about
5 your conductor's experience. Are his experience in like in the
6 spotting part of it, was it his type of -- you know, to say, hey,
7 the trainee is going to be with you because I need to focus on my
8 spot?

9 A. Everybody --

10 Q. Or was it just kind of --

11 A. Everybody's different.

12 Q. But it didn't (indiscernible) more about it?

13 A. Everybody's different. I've seen a trainee where the
14 conductor says, no, I want you with me.

15 Q. Okay.

16 A. I've seen other hands to where the conductor says -- if the
17 brakeman's got some experience, they'll most time -- I've made
18 that judgment call myself. I've kept the brakeman with me -- or
19 the new hand with me because I don't feel like the brakeman got
20 enough experience to put them together. He could be new to
21 railroading himself. And most time I'll ask people. I'll -- hey,
22 how long you been railroading for? You know, just -- in the
23 breakroom just to get them talking and get -- you know, if they
24 hire on, how much railroad experience you got? You know, who
25 you -- where'd you work at previously? It lets me know how much

1 this man knows. And I -- that's just I've always done that.

2 If my brakeman has been railroading a long time, I'll say,
3 well, stay with the brakeman. You keep -- stay with him. Hey,
4 you watch him, you keep an eye on him for me. And I'll go do --
5 you know, at that point. But if I don't feel like that at that
6 point in time, I'll keep him with me. Because I feel more safe
7 watching for this man versus having someone else watch him. That
8 the scenario, so --

9 Q. Okay. Last question I have for you, up to your 1800 start
10 time to the incident, is there anything that you would've felt or
11 did different? Anything that you might've changed? Anything you
12 possibly -- and I don't want to throw someone, like, hey, you
13 should've been back there. That's not what I'm trying to do. But
14 to like mitigate the incident, anything, anything of that nature?

15 A. Well, I mean, that would -- nothing as far as there was no
16 one out for us except for -- as far as that particular night? No.
17 But I would say the -- this has been for a long time, that the
18 hoses and stuff in the way of the pig track. Of course, 8 and 9
19 used to be tore up after they put that grade down on 8 and 9. And
20 it was -- that did help. It's still sketchy climbing on a car
21 with all that stuff under you. You have oil on your boots. And
22 knowing this, to climb up on a railcar, it's just --

23 Q. So you're talking about -- you're not so much talking about
24 nothing that you all did specifically. You're talking about the
25 facility --

1 A. Yes, sir.

2 Q. -- take care of some --

3 A. That would be the, that would be the only thing that possibly
4 would be different that night. Of course that's an ongoing -- I
5 mean, that's just, that's just a facility (indiscernible), right,
6 like you said.

7 Q. Right.

8 A. No, I mean, everything else was a normal night. I mean, it's
9 just railroading. You know, we all look at it, it's all
10 railroading. You're going to get good days and bad days. You've
11 done any kind of railroading, you know this stuff. There's good,
12 there's fantastic days and there's crap days, I mean, just crap.
13 It's (indiscernible) all day and all night, everybody's
14 aggravated. It's just the way it is.

15 Q. Twelve-hour days --

16 A. Twelve-hour days.

17 Q. -- hopefully.

18 A. Yeah. I'll be looking forward to 6 o'clock that day. Come
19 on, I'm ready to go.

20 MR. BOAZ: All right. Well, again, thank you for your time.
21 Thank you.

22 MR. MARIE: Thank you.

23 BY MR. BACHMEIER:

24 Q. Okay. Mike Bachmeier with NTSB. One of the things I was
25 going to ask is where you're stopping and to spotting -- when you

1 spot is there a side of the car that you guys normally -- is there
2 a particular side you like to spot on?

3 A. Pig -- while spotting what? Pig track?

4 Q. Yeah. Or --

5 A. Or spot any rack?

6 Q. Anywhere. Any rack.

7 A. Oh. Well, I mean --

8 Q. Is there -- do you -- or is it --

9 A. Well, I mean, you have what spot you stand on when you --
10 like if you're spotting 8/9, you'll be on the inner side of the
11 cars. You won't be outside because you're looking -- I mean,
12 you're spotting looking up at the -- they guy's on top of you.

13 Q. Yep.

14 A. He's up on 8/9 racks and he's telling you where he wants you.
15 So you're looking up at him and you're watching the cars come in,
16 and you basically put the ladder where he -- that'll do, whoa.
17 You know, he'll -- most time -- sometime he'll hold out his hand
18 or hold out a piece of paper. And you know to line that ladder up
19 where he's at.

20 Q. Yeah.

21 A. And then you'll spot -- that's 8/9. Now pig track is
22 different. The one spot most of the time is -- the load -- the
23 guy -- the pig man might not be out there. I can spot the one
24 spot with nobody there. I know exactly where it goes. And then
25 I'll cut loose and then I'll walk up. And then if he's there,

1 fantastic; if he's not, I'm calling him. Hey, where you at? Hey,
2 we're down here waiting on you. If I can't get him, I'll call the
3 control room, hey, can you yell at pig man and tell him PSC is out
4 here ready to spot?

5 But spotting pig, you're -- well, to answer your question,
6 spotting pig, you spot the one spot on the east side -- that is
7 the east side, right? Where --

8 Q. Um-hum.

9 A. Okay. I got it right.

10 Q. That's the pig track --

11 A. You spot one spot on the east side -- yeah. And then you'll
12 spot the -- I'd say 2 through 11, we'll spot on the west side.

13 Q. Okay.

14 A. And then 12 through 20, we'll spot back on the east side.
15 It's different on pig track.

16 Q. Okay.

17 A. 8/9 always the same, pig track different.

18 Q. Okay.

19 A. And the same thing with Mobil Chem. Mobil Chem spots on the
20 insides because you're spotting with the ladder as well.

21 Q. Perfect. Another question to do with the spotting. Who is
22 responsible for chocking and unchocking --

23 A. The loaders.

24 Q. -- the cars out there?

25 A. The loaders in the --

1 Q. Exxon employees?

2 A. Exxon employees, right.

3 Q. Okay.

4 A. Correct.

5 MR. BACHMEIER: That's all I have.

6 MR. CAMP: I don't have any more questions.

7 BY MR. RITCHIE:

8 Q. James Ritchie, Exxon Mobil. Travis, you had mentioned the
9 smaller guy that had run through and went under. Do you have any
10 idea who that was?

11 A. I have no idea. I didn't even talk to him. I don't --
12 that's not the guy that asked me the question. The guy that asked
13 me the -- the guy that run over was a white guy.

14 Q. Okay.

15 A. He was a little -- he was a small, white guy. He was a
16 small-built fellow.

17 Q. Okay.

18 A. I mean, he (makes noise) -- he went under so quick, I
19 thought, what the heck? It was, it was fast. It was like super
20 quick. Because the train was live and we don't -- if somebody
21 goes under the train, if anything happens to the train, we --

22 Q. Yeah, that's why --

23 A. We'll eventually -- hey! I'll holler at somebody. I mean,
24 if I see somebody doing -- hey, I'm hollering at you. Hey, what
25 the heck you doing? And I'm going to probably be pretty forceful

1 if I'm --

2 Q. I gotcha.

3 A. I've had to -- we've had to do a crossover in refinery and
4 then we have to cross -- I've had people go under the train. What
5 the crap? I'll go in there -- I'll jump in your crap if you cross
6 my train. You know, anybody's going to. What the heck -- that's
7 dangerous. Because I'm looking out for people's safety.

8 When he went under, it went so fast, I had no time to say
9 anything to him. I didn't say a word to him, and he (makes
10 noise), he's gone.

11 Q. He literally went under one of the open area of the cars?

12 A. Went under the -- not the wheel. He went under the belly of
13 the car, in the middle.

14 Q. He went under the belly of the car.

15 A. Between two sets of trucks. Yeah, he went under the car.
16 And at that point I'm like, what the heck? And but it alerted me
17 he's either heard something or he knows something.

18 Q. Yeah.

19 A. And it put me in high gear. I -- red zone. I crossed over
20 at that point. And as he goes down, I'm going pretty quickly. I
21 meet up with him by the time he gets to the end. We arrive pretty
22 much the same time.

23 Q. You met up with that same guy?

24 A. We met a dude -- there was a guy at the end. He was kind of
25 walking up from this way as we got down there. Or he was --

- 1 Q. That same guy or --
- 2 A. No, no, the black guy.
- 3 Q. Okay.
- 4 A. He was -- I actually seen his shirt. His said Mobil on it.
- 5 Q. Yeah.
- 6 A. The other guy, I don't -- I didn't see his clothes.
- 7 Q. So the white guy --
- 8 A. What he was wearing (indiscernible).
- 9 Q. -- small white guy that went under, you never saw him again?
- 10 A. No, he was there. He was down there.
- 11 Q. He was there, too. Okay.
- 12 A. He went down there. Yes, sir. He was -- because he was in
- 13 front of me.
- 14 Q. Okay.
- 15 A. But then, and I couldn't tell you what he looked like because
- 16 I wasn't even -- I don't even know what the other guy looked like.
- 17 I just know it was one white one, one black. That's all I know.
- 18 Q. Yeah, the one guy, the one guy I know, the black --
- 19 A. Yeah.
- 20 Q. The white guy, actually, I -- we'll figure out who that is.
- 21 He hasn't come up yet, so I appreciate your bringing them up.
- 22 A. Yeah.
- 23 Q. And the -- yeah, that's just quite a -- it's disturbing that
- 24 he did that. He went under there on a live --
- 25 A. Yeah, I tell you, it shocked me, (makes noise). He went

1 under so quick, it just caught me off guard. It literally caught
2 me off guard. I couldn't --

3 Q. And you said he came out of the building?

4 A. He come down those stairs.

5 Q. Down those stairs.

6 A. He went down those stairs and went right up under the belly
7 of the car.

8 Q. Okay.

9 A. And I'm like, what the heck? It happened so fast, I didn't
10 even have time to -- because all I -- I was literally standing
11 there, what the heck? But it alerted me to I needed to get down,
12 something's going on.

13 Q. Did you get a feel like anything that like --

14 A. When he went under --

15 Q. (Indiscernible)?

16 A. When he went under that car, I had a -- of course, I had a
17 gut feeling at that point something wasn't right.

18 Q. Okay. Yeah. And did you -- any other descriptor, see color
19 or anything that you --

20 A. Say it one more time.

21 Q. His clothes color, is there any --

22 A. He was -- all blue, it was all blue. Everything was blue.
23 Shirt and pants were blue, dark blue.

24 Q. Okay. That's helpful.

25 A. Yeah, dark blue.

1 Q. Okay. And --

2 A. And he was wearing short sleeves. It was a short-sleeved
3 shirt. I seen his short-sleeved shirt.

4 Q. He was in short sleeves.

5 A. I'm pretty sure. I'm --

6 Q. Okay.

7 A. I'd bet -- I wouldn't bet all my money on it, but I'm pretty
8 sure that it was a short-sleeved shirt.

9 UNIDENTIFIED SPEAKER: That's really bringing up a red flag
10 there.

11 BY MR. RITCHIE:

12 Q. Anything else? But he --

13 A. That's all I know.

14 Q. Radio-wise, does someone on the crew have an Exxon Mobil
15 radio as well?

16 A. We do. We have a -- now we most time we'll leave it -- like
17 if there's a night supe there, which now Roger's there -- most
18 time Roger hang onto it. Because it's just too much on a
19 conductor to deal with that plus what he's dealing with, dealing
20 with all the radio, dealing with -- because the conductor's even
21 thinking about where his guys are. He's watching. He's always --
22 as a conductor myself, I'm -- pay attention to where these guys
23 are at. You know, I don't want them -- I'm looking out for their
24 safety as much as I'm looking out for mine. Because I know how
25 dangerous everything is. It's really dangerous. It's a dangerous

1 job. It doesn't have any kind of, any kind conscience. It will
2 kill you and not think about it. So I know these things, I've
3 seen things myself. I've been around. I've had close clearances,
4 close calls myself, you know, back in the day when I started
5 railroading. So I know -- everybody knows, if you've been on the
6 railroad long enough, you know how dangerous it is. So you're
7 constantly watching out for your other guys, you know. So --

8 Q. Okay. Thank you. Also, do you know who had it that night?
9 Who in the crew would've had it?

10 A. Well, I don't -- probably Roger would've had it, I guess, I'm
11 guessing. Now --

12 Q. And when Roger left, like would he have handed that off?

13 A. I don't -- he didn't that particular night. I don't know.
14 Like I said, the Exxon Mobil radio we normally -- if it's going to
15 rain, if it's raining real good here, if it's pretty -- or we're
16 going to have lightening, we'll -- most time I'll carry it with
17 me. Like if I'm conducting, it's going to be -- because I'm
18 listening for alerts. I'm listening for -- otherwise, if
19 something happens, the main head will call me. And we got the
20 cell phone, so they'll call, hey, we're in emergency or, hey,
21 something's happened, or -- something like that.

22 Q. Okay. And the cell phone remains in the --

23 A. The conductor always has a cell phone.

24 Q. The conductor always has it?

25 A. Yes.

- 1 Q. Okay. So Chico would've had the cell phone?
- 2 A. Chico had the -- would've had the cell phone. And most time
3 when -- if I'm -- if I work with -- if I'm working as brakeman, I
4 will take my phone and put it in the truck most of the time
5 because it's -- I'm always thinking in my head what if there's an
6 emergency, what if there's something -- what if something happens.
7 This particular case, it paid off me having that there because he
8 would've had to run -- I wouldn't have been able to get in touch
9 with nobody. I'd had no way to call anybody. Everybody on my
10 crew would've been in line with the train. Somebody would've had
11 to run off and grab a phone. Someone -- it just put it closer to
12 us --
- 13 Q. Yeah. You had one --
- 14 A. -- me putting it like I did.
- 15 Q. But you guys would only had one cell phone (indiscernible)
16 the whole crew?
- 17 A. With the crew -- anytime the train's moving, we have one cell
18 phone, which is the job phone.
- 19 Q. The job phone, which is owned by PSC, is --
- 20 A. He can -- yes, sir. Yes, sir.
- 21 Q. Okay. Yeah, have to the extra. And then there's an Exxon
22 Mobil radio. So there's the PSC radios, a PSC telephone, and --
- 23 A. Yes. Exxon Mobil radio.
- 24 Q. -- an Exxon Mobil radio?
- 25 A. Right.

1 Q. And the Exxon Mobil radio, though, we're not sure who had it
2 at that time?

3 A. We don't always have it at that -- it's not always -- isn't
4 always with us, right. The only time I have it with me, and if
5 it's lightening or if it's raining, then I will put it on my
6 person or I'll put it in the truck.

7 Q. Okay.

8 A. Yes, sir.

9 Q. And the static on the radio, and I know I'm -- I know this
10 will test your memory. I'm just -- but after the call of three,
11 do you know -- can you remember just in a time -- I know it's
12 tough, but -- because you said you heard a lot of static. But did
13 you hear it after it Chico's call of three and then hear constant
14 static or did you --

15 A. Yes. Yeah.

16 Q. Okay. So it was from that point on that --

17 A. Yeah, I heard the call of three, and that's still -- the
18 count, car of three -- the count of three is still fuzzy.

19 Q. Okay.

20 A. I want to say I heard the count of three. I'm -- I can't bet
21 all my money that I heard the count of three, but I'm -- I would
22 bet some money that I heard it. But after that is when I heard
23 the (makes static sound). That's when I heard that, at that
24 point.

25 Q. And then you, but you -- and you couldn't, and you couldn't

1 key in?

2 A. I could not key in.

3 Q. But you could always hear Randy?

4 A. I could hear Randy. I heard Randy -- I could hear Randy
5 talking. It sounded like he was -- sound like he was a distance
6 from him, but it didn't -- I could hear him talking. I could hear
7 him calling for, come back, Chico; hello, Chico. And I'm trying
8 to -- boop, boop, boop-boop-boop. I'm -- I could tell he's trying
9 to say something.

10 Q. Okay.

11 A. And we didn't hear Chico past -- I know for a fact past the
12 count of the three we heard nothing.

13 Q. Okay.

14 A. That's why I'm saying I know -- well, I'm not sure -- pretty
15 sure the car count was three, but I know after that we heard
16 nothing at that point from Chico.

17 Q. And then did you guys -- did you hear, did the radio at that
18 point did it clear up?

19 A. Yes.

20 Q. And then like after that, did --

21 A. After it cleared, after it stopped, I hear Randy, hey, what's
22 going on back there; what's happening? What -- Chico, come back,
23 Chico? And then at that point I got to wait till Randy stops
24 talking. And then I say, I guess -- I mean, I'm not -- I don't
25 know, I don't know what I told him. I honestly don't know what I

1 told him. You'll have to listen to the recording at that point.
2 I don't know what I said. But I know I was -- I called for Chico
3 myself after that. As I'm walking down, I'm calling for Chico.
4 All right, Chico. Come back, Chico. Even when I shut the angle
5 cock, I call red zone, I think I called for Chico before and after
6 that. But I'm thinking in my head, oh, he just -- he lost radio
7 communication or he's -- his radio might've went dead. I'm
8 thinking in my mind -- the air blows and at that point in time
9 what's in my mind is the air, we got to air this train back up, we
10 busted air somewhere. So this is what's in my mind. It didn't
11 click into my head good until I open the angle cock back up and
12 then Randy says, Travis, don't worry about that, go check on
13 Chico. So then it clicked to me, bam, what am I doing? I need to
14 go, I need to go down there check on my conductor.

15 Q. Okay.

16 A. And that's when I -- I instantly stopped what I was doing and
17 headed that way.

18 MR. RITCHIE: Okay. That's all I have. Thank you.

19 BY MR. BOAZ:

20 Q. Bryan Boaz, Exxon Mobil again. I got a couple of questions.
21 They may seem like super obvious answers, but just tell me what
22 you remember. And if you don't, that's fine, but --

23 A. Okay.

24 Q. When the cars were shoving back, those 19 cars you had ahold
25 of that you were shoving pig track, you were protecting the

1 crossing, right?

2 A. I protected the first crossing. Yes, sir.

3 Q. Right. So those cars would've gone back to you, but --

4 A. Yes, sir.

5 Q. Or started to at least. You --

6 A. Oh, they were --

7 Q. -- fully occupied the crossing. So you may not have seen all

8 19 obviously because they're not -- you're not going in with all

9 19 of them. But you would've seen several of them --

10 A. Yes, sir.

11 Q. -- go by, right?

12 A. Yes. Oh, yes, sir.

13 Q. Okay. So the car at -- you know, the lead car that come in,

14 the tank car, was the angle cock open or closed?

15 A. It was closed. Oh, of course, it was closed. We had air on

16 the whole train.

17 Q. Right.

18 A. Oh, yeah, that --

19 Q. So but you saw that it was closed?

20 A. Oh. Well, yeah, I mean, I -- I'm actually the one -- well,

21 I'll take that back. I'm not the one that closed it, but because

22 those cars are sitting on the lead, so you had your one and your

23 two car on the lead. And when we coupled to them, well, I just

24 made the air right there and stretched them out. So whoever

25 closed that angle cock was the person that cut that car out, but

1 from previously.

2 Q. Sure.

3 A. Because that car was in your -- in the yard somewhere. I
4 don't remember -- I'd have to look at the list and see exactly
5 where it was, who exactly closed the angle cock when they moved
6 that car.

7 Q. Right. But --

8 A. Yes, sir.

9 Q. But to the best of your knowledge, it was closed up --

10 A. Yes, sir.

11 Q. (Indiscernible).

12 A. It was -- oh, of course. Yes, sir.

13 MR. BOAZ: Okay. All right. That's it. Thank you.

14 MR. CHAVEZ: I've got nothing.

15 BY MR. BACHMEIER:

16 Q. Okay. Do you have anything you'd like to add, Trav?

17 A. As far as safety-wise, I would hope that some of that stuff
18 at the walkways would be -- and I've always kind of felt that
19 that's unsafe as far as the hoses everywhere and the ground's
20 so -- stuff all over the ground. Now, 8 and 9 they'll -- they
21 spray that foam stuff and it does eat the oil, but they don't do
22 it all the time. It's not all the time it's done. And it does
23 get on your boots and it is --

24 Q. Yep.

25 A. Trust me, I feel all the time, I'm like, oh, this is, this is

1 just -- it's unsafe. To me it's unsafe in my book, but --

2 Q. The walking conditions?

3 A. The walking conditions. And the climbing up on the cars
4 because it's on your boots. You can't get that all off your
5 boots. There's nothing to really rub it on. You rub it on the
6 wall, you know what I'm saying? So --

7 Q. Yep.

8 A. And they -- we have to get up there and tie brakes. So it's
9 a -- to me it's very dangerous and it's very -- if I could -- what
10 would help would be a brake stick to help you tie brakes so you
11 don't have to climb on the cars. And I'd say if the hoses were
12 picked up or our walking path was easier. Because it -- hoses are
13 everywhere down there. I mean, they're just all over the place.
14 And like I said, with the oil --

15 Q. Yeah.

16 A. -- and having to climb up, it's just -- it would be safer if
17 those were picked up and you had a brake stick to -- and the spike
18 (indiscernible) to a tie brake so you don't have to climb up on a
19 car. Now if you're on the yard, you go up in the grime, in the
20 dirt, and it gives you a good solid -- you don't feel slippery
21 getting up there. But it is very slippery getting up.

22 Q. Yeah. Appreciate that. Have you ever used a brake stick?

23 A. I have done it previous. Yes, sir.

24 Q. Okay. If we have any follow-up questions, would you mind if
25 we contacted you?

1 A. Not at all.

2 MR. BACHMEIER: Okay. On behalf of the NTSB and our working
3 group here, thank you for your time and cooperation. Thanks.

4 MR. MARIE: Thank you.

5 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

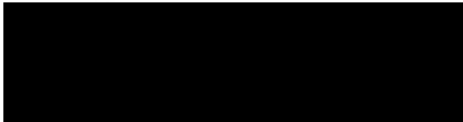
IN THE MATTER OF: PSC GROUP EMPLOYEE FATALITY AT
THE EXXON MOBIL LUBE PLANT IN
BEAUMONT, TEXAS ON OCTOBER 28, 2022
Interview of Travis Marie

ACCIDENT NO.: RRD23FR002

PLACE: Beaumont, Texas

DATE: October 29, 2022

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



Kay Maurer
Transcriber