

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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UNION PACIFIC EMPLOYEE *

FATALITY IN EL PASO, TEXAS * Accident No.: RRD22FR013

ON AUGUST 29, 2022 *

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Interview of: ROMAN ELIZONDO, Brakeman
Union Pacific Railroad

El Paso, Texas

Thursday,
September 1, 2022

APPEARANCES:

MICHAEL BACHMEIER, Investigator
National Transportation Safety Board

JIM MAYNARD, Safety Task Force
Brotherhood of Locomotive Engineers and Trainmen

CAMERON SAUNDERS, National Safety Team
SMART Transportation Division

ERIC CAMPBELL, Inspector of Operating Practices
Federal Railroad Administration

CHRIS MARTINEZ, Operating Practices Inspector
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JASON JENKINS, General Director of Safety
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RICHARD HIPSKIND, Investigator in Charge
National Transportation Safety Board

SALVADOR GARCIA, Local Chairman
SMART Transportation Division

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SMART Transportation Division

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Union Pacific Railroad

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Roman Elizondo:	
By Mr. Bachmeier	6
By Mr. Maynard	18
By Mr. Campbell	18
By Mr. Hipskind	20
By Mr. Bachmeier	25
By Mr. Campbell	26
By Mr. Hipskind	27
By Mr. Bachmeier	29

I N T E R V I E W

(8:32 a.m.)

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3 MR. BACHMEIER: Good morning. My name is Michael Bachmeier
4 and I am the NTSB Group Chairman for the accident. We are here
5 today on September 1st, 2022, at 0832 at the Holiday Inn, El Paso,
6 to conduct an interview with Roman Elizondo, who works for Union
7 Pacific. This interview is in conjunction with the NTSB's
8 investigation into the accident in El Paso, Texas. The NTSB
9 accident reference number is RRD22FR013. The purpose of the
10 investigation is to increase safety, not to assign fault, blame or
11 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 representing 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. Again, my name
17 is Michael Bachmeier. The spelling of my last name is
18 B-a-c-h-m-e-i-e-r, and I am the NTSB Group Chairman for the
19 accident.

20 MR. MAYNARD: Jim Maynard, M-a-y-n-a-r-d. BLET Safety Task
21 Force.

22 MR. SAUNDERS: Kamron Saunders, SMART TD. S-a-u-n-d-e-r-s.

23 MR. CAMPBELL: Eric Campbell, C-a-m-p-b-e-l-l, FRA Operating
24 Practices.

25 MR. MARTINEZ: Chris Martinez, M-a-r-t-i-n-e-z, FRA Operating

1 Practices.

2 MR. JENKINS: Jason Jenkins, J-e-n-k-i-n-s. I'm with the
3 Union Pacific Railroad. I'm the General Director of Safety in the
4 southern region.

5 MR. HIPSKIND: Good morning, everybody. My name is
6 Richard Hipskind. You spell my last name H-i-p-s-k-i-n-d. I'm
7 the Investigator in Charge for NTSB for this accident.

8 MR. GARCIA: Salvador Garcia, G-a-r-c-i-a, SMART TD, Local
9 Chairman and representative for Mr. Elizondo.

10 MR. ELIZONDO: Roman Elizondo. Spelling E-l-i-z-o-n-d-o. I
11 am the Brakeman on the job that was involved in the accident.

12 MR. GALLEGOS: Donald Gallegos, G-a-l-l-e-g-o-s, State
13 Legislative Director, New Mexico, SMART TD.

14 MR. VOGEL: Larry Vogel, last name V-o-g-e-l, Union Pacific
15 Railroad, Director of Regional Safety.

16 MR. BACHMEIER: Thank you. Don and Larry are both here as
17 observers. Okay, thank you.

18 Roman, do we have your permission to record our discussion
19 with you today?

20 MR. ELIZONDO: Yes, you do.

21 MR. BACHMEIER: Do you understand the transcripts will be
22 part of the public docket? As such, we cannot guarantee any
23 confidentiality?

24 MR. ELIZONDO: Yes, I do.

25 MR. BACHMEIER: As we discussed, you have a representative

1 with you today, Mr. Sal Garcia; is that correct?

2 MR. ELIZONDO: That's correct.

3 MR. BACHMEIER: Okay. I'd like to ask everyone to clearly
4 announce your name and title before questioning. Let's proceed.

5 INTERVIEW OF ROMAN ELIZONDO

6 BY MR. BACHMEIER:

7 Q. Roman, could you give us a synopsis of your work
8 experiencing, taking us up to your present job?

9 A. Yes, sir. I am -- I hired out in October of 2004. I am a
10 cutback engineer as well, and have been a conductor on the extra
11 boards for a while (indiscernible) several times. And currently a
12 brakeman on the job that we were involved in.

13 Q. Okay. And how long have you been on your current -- is this
14 job that you were on, is that --

15 A. On this current job, I've been on it since March of this
16 year.

17 Q. March of this year?

18 A. Yes, sir.

19 Q. Okay. And that's a relief job?

20 A. That's a relief job, yes, it is.

21 Q. And what -- so do you -- this job that ISE job or -- what --

22 A. The job is the ISIEP. The job -- we go on duty at
23 (indiscernible) at Alfalfa, and then they bus us over to Santa
24 Teresa, where the train is originated from and built, and then we
25 bring that train back to Alfalfa.

1 Q. Okay. So let's go back to the day of the incident. Can you
2 tell me -- just kind of start off and up until the time of the
3 accident, just kind of give us a rundown of the time you started
4 at the --

5 A. Yes, sir. We came on duty at noon. When we arrived at the
6 yard office, we noticed that there was no van called for us. When
7 there was no transportation provided for us to go over to Santa
8 Teresa, we went over -- or Mario, the conductor, went over and
9 talked to the MTO that was on duty, which was Mr. Jackson (ph.).
10 Mr. Jackson said that it was out of his hands. We continued
11 waiting there when Mario then went back up, maybe actually another
12 two hours later, and reminded him that we still don't have any
13 transportation to the -- to Santa Teresa.

14 As we continued to wait, he suggested that we take one of the
15 company vehicles. So we all boarded up on the company vehicle,
16 the engineer, myself and Mario, me driving the vehicle. This is
17 approximately maybe about 15 -- almost 1500. We take off, we go
18 to Santa Teresa.

19 Once we get to Santa Teresa, we go straight into the yard
20 office, where I waited in the vehicle while Mario went in, got
21 paperwork, and then from there, he also proceeded to call the
22 ramps to coordinate and see what they wanted us to do. Once we
23 did that, they asked us to pick up some (indiscernible) out of the
24 east end of Santa Teresa, which it consisted of two units. We job
25 briefed on how we were gonna do the move itself, because what they

1 wanted was that they wanted a back-to-back unit or units, and both
2 of them were west-facing units. So when we proceeded to do that,
3 they wanted it a certain way, so we kind of job briefed about how
4 we were gonna make the move. We proceeded to do the move. We
5 doubled over one unit up to the other one. Once that was done, we
6 requested a signal out of the east set-off tracks there at Santa
7 Teresa. We got a -- the dispatcher clarified that they were gonna
8 have to wait for one train, so we proceeded up to our control
9 point (indiscernible) 8-0, which is tarmac, and we waited for that
10 west-bound train to go by.

11 Once that train went by, I then went over to what we call the
12 old signal there at the ramps to wait upon the crew. The normal
13 procedure is that any time we would go to the ramps, since it's a
14 contract yard, we hand off the equipment to them and they do it.
15 But they requested us -- or not requested. They told us that we
16 needed to proceed to the cut and leave the west unit against the
17 -- our cut and then proceed (indiscernible) the unit. While we
18 did that, I ran to the back so I could be in position to arm the
19 EOT because there never -- they're never there and available to do
20 that for us.

21 At that moment, Mario contacted the coordinator, and the
22 coordinator said that he would provide someone there -- a crew
23 there to line the switches for him at the Y. So Mario and Terry,
24 the engineer, proceed towards the Y to (indiscernible) power and
25 then come back to a joint -- to the existing (indiscernible).

1 when all that happened, I was still in the rear waiting for them.
2 As soon as they came back, requested a red zone, but at that
3 moment is when somebody showed up from their department to arm the
4 EOT and finish out the (indiscernible) test. At that moment,
5 Mario and Terry proceed to enter their information onto the PTC
6 system while I continue to wait in the pickup and meet him at the
7 next -- on our next destination. We were scheduled to make some
8 work -- or do some work at Dallas Street, but they had asked us to
9 eyeball it because it was a one-car pickup and we could not find
10 the car on the inventory. So once that happened, they finally got
11 a signal to depart. They depart on a diverging (indiscernible)
12 because I'm at a position where I could see the signal. I exit
13 the yard and I proceed to head over towards Dallas because I was
14 looking at my paperwork and it still showed a pickup.

15 So when we head over to Dallas Street, we go over -- it's
16 around -- it's already gonna be -- it's already dark, so I want to
17 say it's about 8 o'clock at night. We proceed over to Dallas
18 Street. Once we proceed to Dallas Street, I hear Mario call out a
19 signal because I'm monitoring the radio all this time, and I hear
20 Mario call out a signal approach over at 12 -- I believe it's
21 1300. So once he hit that -- he called out that signal, I
22 realized they were gonna stop. I do know they were on track 4, so
23 I waited for them in a position where it's -- it's what we call
24 the old (indiscernible) at Dallas Street, so we waited there -- I
25 waited there for them.

1 When they came to a stop, Mario called out the stop. I just
2 hung out. And, again, I'm monitoring the radio. At that moment,
3 the dispatcher gets on the radio and gives them a directory
4 regarding a suicide -- a potential suicide at mile post 819.23.
5 Okay? At that moment, Mario acknowledges it. I think to myself,
6 well, let me see if I can get ahead of it so that way maybe I
7 could, you know, clear out or ask the individual to leave. So I
8 depart the yard. I depart Dallas Yard. Mario -- I'm ahead of
9 them, of course, in the vehicle. I get to -- I head over to
10 Rosedale, which is a public crossing that we have there closer to
11 control point 820 on the (indiscernible). Once I get to that
12 area, I'm looking down the leads and I'm looking down the mains.
13 There's nobody to be found.

14 At that present moment, the dispatcher calls back and says,
15 hey, guys, go ahead and delete that directive order. The
16 pedestrian -- or the trespasser has been found and removed from
17 the premises. So I was kind of relieved. At that moment, I head
18 over to what we call the Cadwallader switch just to make sure that
19 we're lined up because I just wanted to make sure. At that moment
20 that I'm looking at the switch, the crew comes by. Again, I'm on
21 both channels. I've got my handheld on 20.20 (ph.) and I've got
22 the radio channel on the pickup on that 14.14 (ph.), which is the
23 (indiscernible) channel. As the individuals are going by, he's
24 getting yarding instructions from the yard master or the MTO, and,
25 at this time, it's MTO Tellez.

1 He gives them the instructions. They ask us to set out over
2 to 3 track. So, at that moment, he also talks -- asks -- or I
3 heard Mario talk about the maintenance-of-way crew that was
4 working on the main. They were on 2 track at that time. So it's
5 double-track through that section and they were running over on 2
6 track. So when they run over on 2 track, he's telling them that
7 they've already been cleared by O'Leary. That's what I heard,
8 O'Leary. When that happens, Mario confirms and acknowledges the
9 instructions. Once he acknowledges the instructions, they
10 continue going down to control point A-20 (ph.) where Mario gets
11 off the engine and rolls by his train so that he can be in
12 position to take the (indiscernible).

13 Meanwhile, I'm driving over to the yard knowing that we're
14 already going to set off to 3 track. There's crossovers closer to
15 Carolina Street. I go over there and verify those two switches,
16 make sure we're aligned, and then I head over to 3 track, you
17 know, and line that switch. And then, again, verifying that
18 everything's okay for us to continue, making sure no active zones
19 are available or anything like that, and knowing that it's a
20 conventional job now.

21 So once Mario gets over to the control point, we're waiting
22 there and they let a east-bound train go by at 8:20. So, again,
23 they were single tracking there because of the maintenance-of-way
24 crew that was on that track. Mario was waiting on Main Track 2 at
25 8:20 in position to take the shove. They run that east-bound

1 train. They cross them over to 1 track there at 8:20 and it
2 continues on. At that moment, Mario dials up -- once it clears
3 up, he dials up the dispatcher. The railroad dispatcher, at that
4 moment, talks to him and says, hey, we need a signal into the yard
5 and they gave us a signal. The railroad dispatcher gave us a
6 signal to proceed into the yard. During that time, Mario contacts
7 the MTO once again and clarifies, hey, we do have permission -- or
8 we have been cleared to continue down lead. Mr. Treyes certifies
9 or acknowledged, yes, that's correct.

10 At that instant, the engineer gets on the radio and contacts
11 the MTO once (verbatim) more time and says, Ever, are we sure that
12 they've been cleared. Ever replies, yes, sir, you've been cleared
13 by O'Leary. Okay. At that moment, I contact Mario and say,
14 Mario, would you like for me to go over and have a
15 face-to-face with the maintenance-of-way crew. At that present
16 moment, that's when Mr. MTO -- or Mr. Treyes, the MTO, says, no,
17 Roman, you guys have already been cleared. You guys -- they're
18 out of the way, come on into the yard.

19 When that happened, the -- we switch over -- he switches over
20 to 20.20. I hear him call out the signal. They haven't proceeded
21 the move until they made sure that the office was clarified. When
22 all this happened, that's when I get a call from the utility man
23 and asked me, hey, Roman, would you do me a favor and leave the
24 EOT there on the east end somewhere. So what I told the -- Mario
25 -- I said -- called Mario and we job briefed. We had a rolling

1 job brief and I said, Mario, take it over to 3 switch, stop there,
2 ask for your red zone, take your EOT off and then I'll be in
3 position to continue to watch the shove somewhere down on the west
4 end of the yard. He says -- like always, he would say copy that.
5 So Mario would always say that to me.

6 And as at that moment, I head over to 7 and 8 switch. The
7 utility man's coming around, you know, and he's in his own
8 vehicle. He shows up. I get off the vehicle, you know, kind of
9 just making sure where I could walk safely around the cars that
10 were in the yard. While I'm waiting, I'm on my handheld and I
11 hear Mario give car counts. I could hear Mario give him a car
12 count. We have crossing right after A-20, maybe about -- I want
13 to say about 1500 feet. So he calls -- he's giving a car count
14 towards the crossing. He gives them a car count and says, all
15 right, keep on coming. Gates are down, crossing's protected. I
16 heard him say that. Then he -- I heard Terry acknowledge that the
17 crossing was protected and to continue shoving westward.

18 As they continue shoving westward, I could still hear Mario
19 giving him a car count. At that moment, I'm already down there by
20 -- like I said, by 7 and 8 switch already ready for the -- for me
21 to (indiscernible) the shove. And then the next thing I heard was
22 the engineer get on the radio. He got on the radio and he says,
23 Mario, we're in an emergency. And I thought, well, maybe we came
24 apart. And then Mario, we're in an emergency. He replied once
25 (verbatim) more time. That's when I got worried.

1 I then got in the vehicle and I'm continuing to try and call
2 him on my handheld and he wouldn't reply. At that present moment,
3 I exited the yard, headed eastward, crossed over to the 30 lead
4 because it's a ways to get out. I kind of was, like, wondering
5 where he was at because I didn't know where the end of the train
6 was, you know, at that moment. So when I crossed over the 30
7 lead, it's a way to exit the east end of the yard. I come out
8 over on Dodge Street. I make a left on Dodge Street and then I
9 make a right on Stiles. Stiles will bring you up to Carolina.
10 There's a traffic light there. Luckily I had a signal. I kept on
11 going and headed to a place where we call the dead end. It's a
12 neighborhoods where there's a dead end and we do a lot of crew
13 swaps there because of the convenience of the vans could park
14 there and crews could do a safe, you know, interchange or
15 exchange. So for some reason, I said let me head to that
16 direction. Let me just go down that way.

17 At that moment, I take a different way. The utility man is
18 also following me. He's behind me, but he goes a different way.
19 I got a different way because there's also another opening before
20 that and I wanted to see if I could see the rear of the train
21 there and I didn't see it there. So I assume that -- I'm hoping
22 that it was over by the dead end over on Barnes (ph.) Street. So
23 by then, I make a right on Barnes Street. I could tell that the
24 cars are already on the ground. I then park the vehicle, I get
25 off, and I could see that the cars derailed. The cars derailed

1 and on its side on the north part of the track. There's wheat
2 because it's a -- it was a loaded wheat car. There was wheat that
3 came off of the car. The car rested onto a storage unit, like a
4 man-made storage unit, because go through there every time so you
5 could kind of see, you know, the landmarks of the property. So
6 it's -- it actually collided into that building. As it collided
7 into the building, I run towards the car calling out for Mario and
8 I couldn't -- of course, no reply. I jumped -- I'm able to crawl
9 over the fence because the fence is knocked down so I crawl into
10 the fence and try to get to the rear of that wheat or that covered
11 hopper.

12 I then go around, and as I'm going around, the owners of that
13 property were there and they're trying to help me, they're trying
14 to guide me, and they tell me the door's open, go ahead and open
15 the door. I give you permission to open the door. So I swing the
16 door open, I look in. I could see that the car is partially into
17 the building and I still don't see Mario. At that present moment,
18 I'm trying to get out through a gate where -- they had there. It
19 was close to the building. It was locked. She says, you can't
20 get out through here. He says -- I said okay. So I went back
21 around and I jumped over the fence or crawled over the fence. As
22 I crawled back over the fence, I'm still calling out for him.

23 A lady, at that moment, says she was walking her dog and says
24 that she saw Mario on the rear of the car and that -- you know, to
25 continue looking for him. And, at that time, me and the utility

1 man are together, so, you know, we're looking for him. And we
2 look under the cars, couldn't find him, and for some reason, I'm
3 walking past and I -- something caught my eye and I found Mario
4 underneath all that wheat. I proceeded to try to give him aid. I
5 pick him up and I'm wiping the wheat off of his face and his
6 beard, his head, and I'm looking at him, and as I pull him out --
7 I'm trying to pull him, I realize, you know, he wasn't -- he was
8 cut up, because I only was able to see the torso. I didn't see
9 the bottom part of his body. And then I just laid him down.

10 That's when the utility man came up and he's trying to do the
11 same, and I said, no, he's gone. You know, come on over this way.

12 I kind of break down at that moment. I'm trying to call the
13 yard master to let him know to shut down the main lines because I
14 did notice one of the cars was potentially following the main.
15 And I'm calling the MTO and I'm telling him, hey, you need to stop
16 all traffic. Make sure that we get -- at that time, actually, I
17 heard Gus (ph.) call the same time and asking the MTO to call
18 ambulances and -- you know, so we could have something going out.
19 The utility guy is the one that noticed there was a gas leak. You
20 know, with the adrenaline and everything going on, I didn't even
21 notice that.

22 At that time, I come out to the vehicle and I'm just waiting
23 as -- to see if maybe somebody shows up because we called
24 everybody. To me, it seemed eternal. I mean, it seemed like
25 nobody would show up. Finally, we did have a fire department show

1 up. They were asking me questions. They asked to see if there
2 was any hazmat that was involved. Luckily, the -- well, the first
3 two cars, the first two cars on the rear were loaded grain cars or
4 wheat cars. The next five cars were loaded hazmat cars and those
5 cars were not on the ground. I tell them, they're not on the
6 ground, but here's the paperwork. It's alcohol, but it is a
7 dangerous alcohol. I did provide the information to the firemen
8 so they could, you know, know what to do as far as the response.

9 We continued to wait. Finally, Mr. Treyes shows up and I
10 told Mr. Treyes -- I said, who fucked up. I said, who fucked up,
11 because they were the ones that gave us permission to come on in.
12 The railroad's the one that told us come on in, you know? And he
13 just looked at me, and I told him Mario's gone, and he couldn't
14 believe that Mario was gone. He gives me a look like what do you
15 mean he's gone. I said he's not with us. And at that moment,
16 we're still waiting. Finally, you know, we get the other
17 authorities to show up. Police shows up. Police starts taping
18 off the area. They tell us you need to be behind the tape, so we
19 all waited. Well, I waited for the union members to show up, and
20 that's where we ended up there.

21 Once that was all done, the MTO Shandall (ph.) was the one
22 that took me to go get bloodwork. Again, this is all about -- the
23 incident happened between -- I want to say between 9 -- or 2115,
24 2130. Mr. Shandall then takes me over to the hospital closer to
25 about midnight I believe. We head over to the hospital, they draw

1 blood, and Mr. Acosta (ph.) is the one that drove me, David (ph.)
2 Acosta, to the hospital and back to my home.

3 Q. Okay. I -- how are you doing?

4 A. I'm good. Thank you.

5 Q. Okay.

6 MR. BACHMEIER: I'm going to pass it off to Jim.

7 MR. MAYNARD: Jim, BLET Safety Task Force.

8 BY MR. MAYNARD:

9 Q. The only question I've got for you, you said Gus. Who's Gus?

10 A. Gus is the utility man.

11 Q. Okay, all right. Thank you very much. That's the only
12 questions I have. Thank you very much for coming in.

13 A. Yes, sir. Thank you.

14 MR. SAUNDERS: Kamron Saunders, SMART TD. I don't have any
15 questions.

16 MR. ELIZONDO: Yes, sir.

17 MR. CAMPBELL: Eric Campbell, FRA.

18 BY MR. CAMPBELL:

19 Q. At one point, you said you were listening to the radio and
20 that you specifically heard that they were cleared by O'Leary?

21 A. Correct.

22 Q. What channel were you guys on?

23 A. At that moment, we were on 96. I believe he was -- I was --
24 I had both radios on, so the radio on the truck had -- was on
25 14.14, which is the road channel, and I had the handheld on 20.20

1 just to kind of hear what's going on in the yard before we made
2 that --

3 Q. So what is channel 96?

4 A. Channel 14. 14.14 is the road channel on the
5 (indiscernible).

6 Q. So you were on 14.14 --

7 A. Correct.

8 Q. -- and that's where you heard that O'Leary had cleared you?

9 A. Yes, sir.

10 Q. And what -- where was your crew at that time?

11 A. At that time, they were going by Cadwallader Street headed
12 over east. They were headed east so that the conductor could drop
13 at control point A-20 and be in position to take the shove.

14 Q. Okay. And you were at -- you said you were in the yard --

15 A. I was at Cadwallader Street. Cadwallader Street is a switch
16 -- or it's what we call the old number 1 street. That's where I
17 was at on Cadwallader Street at that moment when I saw him go by.

18 Q. So then after they received a signal, you said that Mario
19 doublechecked with someone to confirm that all the --

20 A. Right.

21 Q. -- was clear?

22 A. So any time we get the signal, once we get the signal, we go
23 over to 20.20. Once we got to 20.20, he contacted the MTO and
24 then followed by the engineer contacted the MTO to make sure that
25 we had been cleared.

1 Q. Okay. That was my -- and 20.20 is --

2 A. The yard channel.

3 Q. Yard channel. That's all I had. Thank you.

4 A. Yes, sir.

5 MR. MARTINEZ: Chris Martinez, FRA. No questions at this --

6 MR. JENKINS: Jason Jenkins, Union Pacific. No questions.

7 MR. ELIZONDO: Yes, sir.

8 MR. HIPSKIND: Dick Hipskind, NTSB.

9 BY MR. HIPSKIND:

10 Q. Great job taking us through beginning to middle and end. I
11 just want to revisit -- you caught my interest when you were
12 characterizing some of the conversation that you heard. So Cesar
13 (ph.), can we go -- or Roman, can we go back to the part of the
14 conversation where somebody is talking -- using the word cleared
15 and O'Leary and all that. Can you take us through that just one
16 more time?

17 A. Sure. It was MTO Ever is the one that got on the radio
18 letting us know that O'Leary was the one that cleared us to come
19 on into the yard, or that they had contacted the
20 maintenance-of-way crews that were working on that crossover that
21 we would be coming into the yard. They were working on number 1
22 main. They were not working on the lead, but they were following
23 both tracks.

24 Q. Okay. And I need to pin you down. Your characterization was
25 so detailed. Tell us whether you were -- because I know you were

1 monitoring the yard channel --

2 A. Yes, sir.

3 Q. -- and the road channel; is that correct?

4 A. Yes, sir. That's correct. Yes, sir.

5 Q. Okay. Did you hear any conversation between the EIC and
6 anybody?

7 A. No, sir. This -- all these instructions were given to us by
8 MTO Ever.

9 Q. Okay. But I want to be clear, everything that you related to
10 us radio conversations?

11 A. Yes, sir.

12 Q. Just to kind of close the door, were there any phone
13 conversations that you had with anybody, MTO, your train crew or
14 the dispatcher?

15 A. During that time?

16 Q. Yes, sir.

17 A. No, sir.

18 Q. Throughout the day then? Prior to your train arriving at
19 Rosedale, did you get on the phone with your crew to talk to them
20 about anything?

21 A. No, sir.

22 Q. Did you get on your phone to talk to the MTO earlier in the
23 day?

24 A. I did call the MTO to let them know what had happened, and I
25 did tell him --

- 1 Q. Post incident?
- 2 A. Yes, sir.
- 3 Q. But prior to that --
- 4 A. No, sir.
- 5 Q. -- no phone conversations with the MTO?
- 6 A. No, sir.
- 7 Q. No phone conversations with the dispatcher?
- 8 A. No, sir.
- 9 Q. Okay. Everything that you monitored and everything that you
- 10 -- where you talked to people, all on the radio?
- 11 A. Yes, sir.
- 12 Q. Okay. When you heard the MTO over the radio characterize
- 13 that this business of maintenance-way being cleared up, can you
- 14 add how do you think that unfolded? Because you never heard
- 15 anybody talk with the EIC or anything?
- 16 A. The only thing I can think of is that either they send, you
- 17 know, the messages through the computer, or MTO Ever talked to him
- 18 on the phone. But that I know of, I never heard any conversation
- 19 whatsoever upon the radio.
- 20 Q. Okay. On other occasions, have you found it necessary to
- 21 hear or to hear a conductor or engineer talk with the
- 22 maintenance-way, EIC, something like that? You have?
- 23 A. Yes, sir.
- 24 Q. Give me an example if you could.
- 25 A. Well, we contact the employee in charge of the

1 maintenance-of-way or the (indiscernible) itself to see what -- if
2 he clears us or gives us permission to enter where he's working
3 at, just like (indiscernible).

4 Q. Other days, other locations?

5 A. Correct.

6 Q. But on this day, regarding the yard lead and the EIC Leonard,
7 no conversation, no communication --

8 A. No, sir.

9 Q. -- whatsoever?

10 A. None. None from them. All these, all these directives were
11 given to us by the MTO.

12 Q. I hope you take this as a compliment. I usually have a lot
13 more questions, but you did such a great job, that's all I have.
14 I just wanted to revisit the communication piece and make sure
15 that it is -- you know, it's what we've talked about.

16 A. Yes, sir. And the reason being, like I said, you know, I
17 made the attempt, Mario made the attempt, and so did the engineer,
18 you know, to find out if we had been cleared, and those
19 instructions were given to us by the railroad MTO.

20 Q. Okay. Thank you very much for being here today.

21 A. Sure.

22 MR. HIPSKIND: And wait a minute. I do have one piece. Sal,
23 I know you're here and I know you've heard all the same -- you've
24 heard Roman's characterization of the days events and you've heard
25 all of us ask our questions. Are there any areas or points of

1 clarification that you want to add?

2 MR. GARCIA: No, sir. Thank you for allowing me the
3 opportunity to be here first and foremost. The only maybe concern
4 that came to mind here, and one of your final questions, was
5 regarding Mr. Elizondo's personal opinions as to who or how they
6 were contacted other than video transmissions. I'm not sure that
7 his capacity would be what other people did outside of what he --
8 you know, what transpired within -- on the radio. He speculated,
9 maybe he did this, maybe he did that. I don't know that that's --
10 that bears any relevance to it, and it just -- that's a personal
11 concern of mine, not that it's going to change anything. But I
12 don't know that that -- his personal opinion on those
13 transcriptions (verbatim) would bear any --

14 MR. HIPSKIND: Okay. And I hear in your statement there
15 Roman is the brakeman --

16 MR. GARCIA: Yes.

17 MR. HIPSKIND: -- and he is not the conductor and he's not
18 the engineer.

19 MR. GARCIA: Yes, sir.

20 MR. HIPSKIND: And you -- and the point being he normally
21 wouldn't have communications with the dispatcher and the MTO. Is
22 that correct?

23 MR. GARCIA: Yes, sir.

24 BY MR. HIPSKIND:

25 Q. And I'll confirm it with you, Roman.

1 A. Yes, sir.

2 Q. Is what Sal and I were talking about, are you in agreement
3 with that?

4 A. Yes, sir, I am.

5 Q. Okay.

6 MR. HIPSKIND: Anything else, Sal?

7 MR. GARCIA: Other than that, sir, again, you know, thank
8 you.

9 MR. HIPSKIND: Thank you. I'll pass it back to Mike.

10 BY MR. BACHMEIER:

11 Q. Okay. Roman, I don't know if we talked about it, but did you
12 get any paperwork, your crew --

13 A. Yes, I did.

14 Q. -- about the Form B (ph.), about the --

15 A. Yes, sir. The Form B --

16 Q. The (indiscernible) that they were going to be working longer
17 than their anticipated 1800 I believe the Form B was entailed.

18 A. The -- just like what you said. The Form B expired at 1800
19 Central Time. The incident happened at 2130 Mountain -- or
20 Central Time, 2030 our time, Mountain Time. Yes, I did receive
21 some paperwork.

22 Again, you know, when they, when they proceeded on the number
23 2, that was included on the Form B, and there was no
24 (indiscernible) Form B.

25 Q. Okay. No further questions.

1 MR. MAYNARD: No further questions from me.

2 MR. SAUNDERS: Kamron Saunders, SMART TD. I have no
3 questions.

4 MR. ELIZONDO: Yes, sir.

5 MR. SAUNDERS: Thank you for being here.

6 MR. ELIZONDO: Thank you.

7 MR. CAMPBELL: Eric Campbell, FRA.

8 BY MR. CAMPBELL:

9 Q. At one point, you volunteered to have a face-to-face with the
10 EIC?

11 A. Yes, sir.

12 Q. And you stated that someone told you not to worry about it?

13 A. MTO Ever said that we had already -- they had already, you
14 know, talked to whoever was -- had cleared us. In this case,
15 O'Leary had. That's the name that he gave us. O'Leary went ahead
16 and cleared us.

17 Q. Okay. And so that was MTO Ever (indiscernible) --

18 A. Yes.

19 Q. -- told you not to worry about it, and that's when you heard
20 the name O'Leary?

21 A. Exactly. And by then, I even acknowledge that by saying,
22 okay, understood, that you guys have been -- or we've been cleared
23 to enter the yard.

24 Q. Okay. And that was on the yard channel?

25 A. That was I believe on 20.20, yes, sir.

1 Q. That's all I have. Thank you.

2 A. Okay.

3 Q. Good job.

4 A. Thank you.

5 MR. MARTINEZ: Chris Martinez, no questions.

6 MR. ELIZONDO: Thank you, Chris.

7 MR. JENKINS: Jason Jenkins, Union Pacific. No questions.

8 Thank you for coming.

9 MR. ELIZONDO: Thank you.

10 MR. HIPSKIND: Dick Hipkind, NTSB.

11 BY MR. HIPSKIND:

12 Q. Roman, let's put the final chapter on how the day ended. You
13 did a great job beginning, middle and up to the incident, but I
14 don't think that was the end of your day. So can you take us
15 through the characterization of after people had come out there,
16 after you've been out there with the cars that derailed and where
17 you found Mario, what else happened the rest of that day? Was
18 there any request for drug and alcohol testing? Was there any
19 approach by railroad officials with witness statements, things
20 like that? Can you cover that for us, and take us until you got
21 home.

22 A. Okay. Yes, sir. Well, like I said, we waited a while. MTO
23 Ever showed up. The authorities wanted to talk to him because we
24 were referring -- they wanted to talk to us, but we referred all
25 questions to Mr. Ever. By then, like I said, they proceeded to

1 move us away from the scene and put us behind the tape.

2 During that time, I get approached by Mike (ph.) Shandall
3 telling me that - and Mike Shandall is an MTO there for Union
4 Pacific - telling me that they were going to have to drug test me,
5 draw blood and then explained the process to me. I said, okay, of
6 course. You know, I'm being cooperative. You know, I'm still
7 distraught about what's going on. So once we continued doing
8 that, more managers start showing up. I didn't interview with
9 anybody until we got back to Alfalfa.

10 Once I got back to Alfalfa, I sat down with -- I don't
11 remember his name; one of the managers that took my statement.
12 And I wrote down the statement as much and as best as my ability
13 could do because, again, I was not doing well. Once that was
14 concluded, we waited for the engineer to show up and then he gave
15 a statement, because we were both going to be transported to the
16 hospital to draw blood and to continue with the drug tests there.
17 Once that occurred -- once he was done with the statement, me and
18 the engineer got into Mike Shandall's -- or MTO Shandall's vehicle
19 and was transported to the hospital while our -- my -- our local
20 chairman, David Acosta, followed us to the hospital.

21 Once we get there, it took a little while for them to process
22 all that. We met with the agent that does the drug screening. We
23 -- he had this package. He assured me, you know, what the package
24 consists of. We went to the back. They took some vitals on me,
25 then they took me to the room -- or, no, actually, right there,

1 they drew the blood. Once that was done, once we drew the blood,
2 he took me to another room to give a urine sample. Did that.
3 Once we completed the urine sample, he asked me to, you know, sign
4 and initial the samples.

5 Once that was completed, I went back to the lobby to wait for
6 the engineer because they wanted the engineer to continue -- or to
7 do his sample. Once that was completed, we still waited on the
8 screener to give us our copies of the screening. Once that was
9 completed, I got in the vehicle with Mr. Acosta, David Acosta.
10 Mr. Acosta drove me to my home, him and his wife, and I got
11 dropped off at my place at home.

12 Q. Okay. And Roman, have you been off duty? Have you been back
13 to work yet?

14 A. No, sir.

15 Q. Okay. All right. Anything else that you want to add maybe
16 that we haven't asked that you thought we could've and should've
17 asked? Anything on your mind?

18 A. Not at this present moment. No, sir.

19 Q. All right, thank you.

20 MR. BACHMEIER: Thank you.

21 BY MR. BACHMEIER:

22 Q. Roman, is there anything you think could've helped prevent
23 this accident?

24 A. There's a lot of things. I wish there was a better
25 checklist. I wish that -- I'll be honest with you, something that

1 I do recall, being where I'm at, the 20 years with the railroad
2 almost, there was yard masters, and it's happened plenty of times
3 where maintenance-of-way is working, but they had a good
4 communication with the yard masters. And I've noticed since
5 they've brought in these managers, there's no communication.
6 There's always something on wrong. It seems like it's more and
7 more. You know, an occurrence all the time. So I do feel that
8 the mangers are there not to run the yard. They're there just to
9 push us. They're there to try to hurry us up; they're there to
10 try to hurry up the crews. I've seen it where I'm sitting in the
11 yard office and I have a manger come up to the switch crew and
12 say, you guys are at 135 cars, that's a good job, you think you
13 could get more out of it. I don't understand that. Since they've
14 taken over, it's been, like -- it's been a mess in the yards. I
15 feel that that's an important thing that I see and I keep
16 continuing to see it all the time.

17 Q. Okay. Is there anything else?

18 A. I wish there was a better -- like I said, a better checklist.

19 Q. Checklist. What do you --

20 A. Maybe to -- a better way to get across, you know, these
21 maintenance-of-way crews. I mean, just, like --

22 Q. Checks and balances you're saying?

23 A. Yeah. Well, like, the Form Bs for example on the main lines.
24 I don't understand why we couldn't have something like that on the
25 yards.

1 Q. Yeah.

2 A. You know, or at least have some better protection other than
3 what they provide. I've seen some of the maintenance-of-way
4 derails, the way they place them, is just a derail in a small,
5 little four-inch red target. You know, you can't even see that.
6 You know, I've seen it. Things like that. You know, make it more
7 visible for us, especially, you know -- I mean, we work in all
8 conditions. Dark -- it's always dark, and then what we get
9 provided by the company, the railroad, sometimes isn't sufficient.
10 But we are putting headlamps on ourselves, you know, just so we
11 could, you know, be more vigilant, more observant of what we can
12 see at night.

13 Q. Well, thank you. We may have more follow-up questions later
14 on.

15 A. Yes, sir.

16 Q. Would it be okay if we contacted you if we had further
17 questions?

18 A. Yes, sir.

19 Q. Thank you. On behalf of the NTSB and all of us here, I'd
20 like to thank you for your time and cooperation.

21 A. Thank you.

22 Q. And that concludes this interview.

23 A. Thank you.

24 (Whereupon, the interview was concluded.)

25

CERTIFICATE

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

IN THE MATTER OF: UNION PACIFIC EMPLOYEE FATALITY
 IN EL PASO, TEXAS ON
 AUGUST 29, 2022
 Interview of Roman Elizondo

ACCIDENT NO.: RRD22FR013

PLACE: El Paso, Texas

DATE: September 1, 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.



Shelby Shover
Transcriber