

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: TERRY MURPHY, Engineer
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

KAMRON SAUNDERS
SMART Transportation Division

ERIC CAMPBELL, Inspector of Operating Practices
Federal Railroad Administration

CHRIS MARTINEZ, Operating Practices Inspector
Federal Railroad Administration

JASON JENKINS, General Director of Safety
Union Pacific Railroad

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National Transportation Safety Board

PETER SHEPARD, Representative
Brotherhood of Locomotive Engineers

DONALD GALLEGOS, Locomotive Engineer
SMART Transportation Division

STEVE SEALE
Brotherhood of Locomotive Engineers

LARRY VOGEL, Director of Safety
Union Pacific Railroad

GREG THOMPSON, Superintendent Train Office
Union Pacific Railroad

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I N T E R V I E W

(11:10 a.m.)

1
2
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 1110 at the Holiday Inn, El Paso,
6 to conduct an interview with Terry Murphy, who works for Union
7 Pacific. This interview is in conjunction with the NTSB's
8 investigation into the accident near El Paso. The NTSB accident
9 reference number is RRD22FR013. The purpose of the investigation
10 is to increase safety, not to assign fault, blame or liability.

11 Before we begin our interview and questions, let's go around
12 the table and introduce ourselves. Please spell your last name,
13 who you're representing and your title. I'd like to remind
14 everyone to speak clearly so we can get an accurate recording.
15 I'll start off and then pass it off to my right. Again, my name
16 is Michael Bachmeier. The spelling of my last name is
17 B-a-c-h-m-e-i-e-r, and I am the NTSB Group Chairman.

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

20 MR. SAUNDERS: Kamron Saunders, S-a-u-n-d-e-r-s. SMART TD,
21 National Safety Team.

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

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

1 MR. JENKINS: Jason Jenkins, Union Pacific Railroad. Last
2 name is J-e-n-k-i-n-s. I'm the General Director of Safety for the
3 southern region.

4 MR. HIPSKIND: And I am Richard Hipskind. The spelling of my
5 last name is H-i-p-s-k-i-n-d, and I am the Investigator in Charge
6 for NTSB for this accident.

7 MR. SHEPARD: My name is Peter Shepard, spelled
8 S-h-e-p-a-r-d. I'm the representative from the Brotherhood of
9 Locomotive Engineers for Mr. Murphy.

10 MR. GALLEGOS: Donald Gallegos, G-a-l-l-e-g-o-s. SMART TD,
11 National Safety Team.

12 MR. MURPHY: My name's Terry Murphy, M-u-r-p-h-y, locomotive
13 engineer.

14 MR. SEALE: Steve Seale, spelling of the last name, S-e-a-l-
15 e. I'm here with the Brotherhood of Locomotive Engineers. I'm
16 here observing and will not be representing.

17 MR. VOGEL: Larry Vogel. Last name spelled V-o-g-e-l. Union
18 Pacific Railroad, Director of Regional Safety, Southern Region.

19 MR. THOMPSON: Greg Thompson, last name T-h-o-m-p-s-o-n, with
20 the Union Pacific (indiscernible).

21 MR. HIPSKIND: And this is Dick Hipskind again, Larry and
22 Greg for UP, you're just (indiscernible), you're not interviewing.

23 MR. VOGEL: That is correct.

24 MR. THOMPSON: Correct.

25 MR. HIPSKIND: Okay, thank you.

1 MR. BACHMEIER: Thank you. Okay, thank you.

2 Terry, do we have your permission to record our discussion
3 with you today?

4 MR. MURPHY: Yes.

5 MR. BACHMEIER: Do you understand that transcriptions will be
6 part of the public docket; as such, we cannot guarantee any
7 confidentiality?

8 MR. MURPHY: I understand that.

9 MR. BACHMEIER: Thank you. As we discussed, you have a
10 representative with, Mr. Peter Shepard; is that correct?

11 MR. MURPHY: Yes, that's correct.

12 MR. BACHMEIER: Okay. So I'd like to ask everyone to clearly
13 announce their name and title before questioning. On that, let's
14 proceed.

15 INTERVIEW OF TERRY MURPHY

16 BY MR. BACHMEIER:

17 Q. Terry, could you give me a synopsis of your work experience,
18 taking us up to your present job?

19 A. I hired out with Southern Pacific in 1994, and I became a
20 locomotive engineer. I don't remember exactly when, but it was
21 sometime in '95, and I've been a locomotive engineer ever since
22 then. I've worked -- I worked the pull from El Paso to Von. I've
23 worked the extra boards covering El Paso to Von, El Paso to Pecos,
24 El Paso to Alpine. I worked a local in Lordsburg for a while.
25 And I worked the Clifton local out of Lordsburg to Clifton,

1 Arizona for a little while. And worked several work trains and
2 all kinds of other stuff. Most recently, I'm assigned to the
3 relief local. It works -- on Mondays, it works the ISIEP. On
4 Tuesdays, we go to Vanhorn (indiscernible) Wednesdays come back.
5 Thursday and Fridays, we work the NEPST (ph.). Saturdays and
6 Sundays off.

7 Q. Yep. Seniority, Saturdays and Sundays off, right?

8 A. Yep. Took me 28 years.

9 Q. Okay. So can you just tell me how your day started on the
10 day of the accident, and from the time you got to the yard office
11 to the time you got over to Santa Teresa to -- up to the accident?
12 Okay? Just kind of --

13 A. Well, we went on duty at 12 noon. I showed up at Alfalfa
14 maybe a few minutes early, and there was no ride called for us.
15 So Mario told the MTO that we needed a ride, and we sat around and
16 waited. A couple hours later, he reminded the MTO that we needed
17 a ride and the MTO was Jimmy Jackson (ph.). He was really
18 flustered and kind of overwhelmed with what was going on in the
19 yard, and he said, no, it's not my job to call a ride. And Mario
20 asked him, well, what do you want me to do. So he gave him the
21 keys to a company vehicle, and so then we rode out to Santa
22 Teresa. And we were instructed to go to the set-out tracks and
23 pick up two engines and take them to Santa Teresa.

24 Once we got into the ramps, we (indiscernible) to the train.
25 The train was ready, and we headed towards Alfalfa.

1 I don't remember if -- who instructed us to shove it in from
2 the east end, or whether we just noticed on the PGC (ph.) that we
3 were going to the east end, but as we were going by, the -- there
4 were maintenance workers working on main track 1 and there had
5 been a Form B previously. So Mario and I both discussed it and we
6 decided, well, yeah, the Form B is over, so we just -- I blew the
7 horn as we went by, and I dropped him off at the signal, drug the
8 train past, and past him. Hey, do you want to go to channel 20
9 now, and he said, no, let's wait until we get, let's wait until we
10 get a signal. So we waited for a few minutes. I don't remember
11 how long. The -- finally, Mario asked me to phone up the
12 dispatcher so he could ask for a signal. The dispatcher answered
13 and gave us a signal into the yard.

14 So we changed channels to channel 20, and Mario, he told me,
15 okay, I'm on the point, we're lining into the yard, 60 cars to the
16 crossing. But -- before that -- I'm sorry. He -- we talked to
17 the yard master because (indiscernible) controls, you know, he
18 says the -- it wasn't -- the MTO actually, Ever, he said the zone
19 was not active, the crew working on the east end -- the
20 east-end job was in to lunch and to come on in. And I asked him
21 -- I don't remember the exact words, but I asked him do the
22 maintenance-of-way guys know that we're coming and he said
23 something to the effect of, yeah, I talked to O'Leary or somebody.
24 That might not be the name, but he said he talked to somebody and
25 they know we're coming. So Mario starts the shove and he's giving

1 me car counts as we go. And the last I heard from him was he said
2 -- maybe not an exact quote, but he let me know that there was 20
3 cars to the maintenance people so start blowing the horn, and that
4 was the last I heard from him.

5 And I don't remember how long it was, but the train went in
6 emergency. I could tell that it went in emergency for -- from the
7 rear because the OT (ph.) was in emergency before (indiscernible).
8 After we stopped, I got on the radio and said, hey, Mario, we're
9 in emergency, and there was no response. I tried -- I don't know
10 how many more times I tried to call him. And I heard my brakeman,
11 Roman, try to call him, and Gus Casas (ph.) was the utility man.
12 He tried to call him. No answer. I got on the radio, I told the
13 yard MTO that we're in emergency and Mario's not responding.

14 Yeah, I'm fine.

15 Q. Pause it. Pause it.

16 (Off the record.)

17 (On the record.)

18 MR. BACHMEIER: And we are back on the record.

19 BY MR. BACHMEIER:

20 Q. And I'll just -- we were shoving back --

21 A. Okay. And I -- Gus and Roman had both tried to contact, and
22 then I told the yard master that I couldn't get ahold of him and
23 it was very, very quiet. The MTO said call Gus and -- on the
24 radio and Gus said we're on the way. And it got really quiet on
25 the radio for a long, long time. I have no idea how long. It

1 just seemed like hours, and the next thing I heard was Gus saying
2 they needed an ambulance and he said something about a gas leak.
3 And then it got really quiet again, and Gus told me to set the
4 brakes and not move because they were looking for the gas leak,
5 and then I sat there and sat there and sat there waiting, and
6 finally a switch crew came to secure the train and to take me back
7 to the yard office. Yeah. I remember asking if he could tell me
8 that Gus was okay -- I mean that Mario was okay, and he said, no,
9 I can't tell you. And I said no because you don't know, or no
10 because he's not, and then he told me that he didn't make it.

11 So they took us -- took me back to the yard office, and he
12 told me that they wanted to talk to me in the office. Okay, no
13 problem. I got to the office and there was nobody around. No
14 managers. There were a lot of crews there, but there were no
15 managers around, so I kind of paced around the way (indiscernible)
16 and waited til they got back. And before they did get back, Pete
17 (ph.) showed up, and when they got back they talked to Roman
18 first, and then I went in and, you know, gave a statement and we
19 talked a little bit to Ryan, I believe it was. Talked to him and
20 then, and then we waited for -- until Mike Shandall (ph.) showed
21 up and he took us to the emergency room at Providence over on the
22 west side where they, they took our blood and gave us a urine
23 sample. Mike said don't worry about tying up, I'll tie you up,
24 and we got out of there sometime after 2, and I got home right
25 around -- he gave -- Mike Shandall gave me a ride home because I

1 was in no condition to drive, of course. And I got home about
2 2:30, around there. Somewhere around there.

3 Q. Okay. Well, thank you.

4 MR. BACHMEIER: At this time, I'll pass it off to Jim.

5 MR. MAYNARD: I have no questions at this time.

6 MR. SAUNDERS: Kamron Saunders with SMART TD.

7 BY MR. SAUNDERS:

8 Q. I just have one question. I might've missed it and I
9 apologize if I did. How long had you worked that relief job?

10 A. It was a couple of months. I don't remember exactly.

11 Q. Good enough. That's good. Thank you. That's all I have.

12 MR. CAMPBELL: Eric Campbell with the FRA.

13 BY MR. CAMPBELL:

14 Q. You had stated that Mario gave you 20 cars to
15 maintenance-of-way?

16 A. Yes.

17 Q. And to start blowing the horn?

18 A. Yes.

19 Q. Was there any comments made after that?

20 A. No.

21 Q. That was your --

22 A. I just did the --

23 Q. -- last communication?

24 A. I just did the horn sequence, and that's the last I heard of
25 him.

1 Q. Okay. That's all I had. Good job.

2 MR. MARTINEZ: Chris Martinez, FRA.

3 BY MR. MARTINEZ:

4 Q. So after the 20 count car, did you hear nothing at all?

5 A. That's correct.

6 Q. No conversations with anybody?

7 A. Nothing.

8 Q. Okay. Then you said that you went into emergency?

9 A. Yes.

10 Q. When you went into emergency, can you take us through that?

11 A. I noticed on the screen it said rear emergency, and then
12 shortly after that, the (indiscernible) opened. And then we came
13 to a stop and I tried to call -- tried to contact Mario.

14 Q. That's all I've got.

15 MR. JENKINS: Jason Jenkins, Union Pacific Railroad. Terry,
16 thanks for coming down. Appreciate it. I don't have any
17 questions.

18 MR. HIPSKIND: Dick Hipskind, IIC, NTSB.

19 BY MR. HIPSKIND:

20 Q. Terry, I just -- I appreciate everything that you
21 characterized for us, described. I want to nail down that when
22 you began the shove, is the only conversation, the only time that
23 you heard from Mario, was this 20 cars to maintenance away?

24 A. No. Actually, we -- he was giving me car counts as we went.

25 Q. Well, describe that for us.

1 A. Well, first, he said 60 cars to the crossing, and then when
2 we got to the crossing, he said crossing's occupied. I said,
3 okay, (indiscernible) the crossing and he gave me another car
4 count. I don't remember exactly how many cars it was. And I --

5 Q. Do you -- I'm sorry.

6 A. I don't remember how many times he gave me car counts, but --

7 Q. But it was normal?

8 A. Yes.

9 Q. Okay. It was normal until you didn't hear anything?

10 A. Exactly.

11 Q. And I'm going to say, you were expecting what, the next one,
12 10 cars, something like that?

13 A. Yes.

14 Q. In 10-car increments?

15 A. Mm-hm.

16 Q. And when you didn't hear it, that caused a concern with you?

17 A. No because I think it was less than 10 cars before we went
18 into emergency.

19 Q. Okay. All right. Could you characterize some of the
20 controls, the speed, where do you think you were, just guesstimate
21 miles per hour.

22 A. I know it was under 10, but I -- it might've been 8, 9. I
23 don't remember exactly.

24 Q. And that's normal for a shoving move like this?

25 A. Well, the track speed is 10 miles an hour, so that's normal.

1 Q. Okay. And I want to be clear, this move that you made, in
2 the manner that you made it, you've done that many times before?

3 A. Yeah, too many times.

4 Q. With Mario or other people?

5 A. With Mario, I've done it many times, and other people also.

6 Q. When you guys arrived at your yard office gathering the
7 paperwork and all this, are you in the company, the presence, of
8 Mario at that time?

9 A. Yes.

10 Q. How did he appear to you?

11 A. The same as always. He's always a happy guy. I've never
12 seen him unhappy or mad or pissed off or anything.

13 Q. Okay. And I -- don't take this the wrong way. I'm not
14 trying to get real personal here, but are you aware of any health
15 issues that Mario might've had?

16 A. No, I'm not.

17 Q. Okay. And did he complain of anything that night, or, hey, I
18 don't feel up to this, or I don't feel up to that?

19 A. Not that I recall, no.

20 Q. All right. I also -- I want to slow down and I want to
21 detail and revisit the time and movement of the train on main
22 track 2.

23 A. Okay.

24 Q. And you're pulling the train head in and you are going
25 eastbound, correct?

1 A. Correct.

2 Q. And had you talked with the dispatcher -- take us through the
3 -- well, you're on main track, but it sounds to me like eventually
4 you got over to 1 track.

5 A. Right.

6 Q. So take us through a couple of those moves, and especially
7 the conversation with the dispatcher.

8 A. Okay. I don't really remember any conversation with the
9 dispatcher, but I know we were lined across -- you know, I could
10 tell by the PTC (ph.) that we were lined across onto 1 track.

11 Q. Okay. And the cross --

12 A. There was a train coming down 2 track toward us. I remember
13 that.

14 Q. So you -- the dispatcher needed to move you, going eastward,
15 off of main track 2, through the crossover, east of Rosedale, to
16 get out of the way of the train that needed to come west on main
17 track 2?

18 A. I don't know why he did it, but, yeah, basically.

19 Q. Well, that's --

20 A. (Indiscernible).

21 Q. Eventually, that's what happened?

22 A. Right. Yeah. We crossed onto 1 track.

23 Q. And when you got over on 1 track, fair to say that you were
24 there for a short period of time, or do you recall that -- were
25 you stopped there?

1 A. We were stopped there for a little while. I don't remember
2 how long.

3 Q. Maybe 20 minutes, something like that?

4 A. Maybe 20 minutes, maybe less.

5 Q. Okay. So you've crossed over from 2 to 1.

6 A. Right.

7 Q. And that's all kind of standard --

8 A. Right.

9 Q. -- in prep to shove back in the yard, right?

10 A. Right.

11 Q. So things were not out of sorts. Things were lining up
12 pretty much on a normal --

13 A. Right. There was nothing out of the ordinary.

14 Q. And going into the end of your day, right?

15 A. Right.

16 Q. Because -- and I -- we haven't asked this, but I need to
17 understand it. When -- if this accident had not happened and you
18 had successfully shoved down the yard lead and gone into Alfalfa
19 yard, give us an idea of what likely would've happened. You
20 would've yarded all your 63 cars on some track and --

21 A. Yeah. We would've shoved into 3 track, that was the plan,
22 and then we would've secured the cars, cut the power off, and I
23 believe we were supposed to take it to the west end of the yard,
24 but I don't remember exactly where he told us.

25 Q. Okay. And I want you to help paint the picture too. This

- 1 was a three-man crew?
- 2 A. Yes, it was.
- 3 Q. There was you, Mario and --
- 4 A. And Roman.
- 5 Q. -- and Roman. And can you kind of characterize where is
- 6 Roman as you are progressing away from the initial place where you
- 7 -- the yard name is what, Saint --
- 8 A. Oh, Santa Teresa.
- 9 Q. Santa Teresa.
- 10 A. Yeah.
- 11 Q. Where is Roman most of the time? Is he driving around to
- 12 places to facilitate switching?
- 13 A. Yes. Yeah. He was in the vehicle headed toward Alfalfa to
- 14 get us lined in.
- 15 Q. Is that somewhat normal?
- 16 A. Yes.
- 17 Q. For him to do that?
- 18 A. Yes.
- 19 Q. On other occasions, would he happen to be with a utility man,
- 20 but on this particular night, he was driving around without a
- 21 utility man?
- 22 A. Well, the utility man usually is there to help, to help line
- 23 switches and help protect shoves and things like that, and
- 24 sometimes he's with a utility man and sometimes not.
- 25 Q. Okay. Communications with -- and I'm talking prior to

1 Rosedale, prior to the shove on the yard lead, in general,
2 communications with Mario and communications with Roman,
3 everything kind of normal, everything worked out well?

4 A. Yes. There was nothing out of the ordinary until I went in
5 emergency.

6 Q. And your communications with your two coworkers, all that's
7 on the radio?

8 A. I communicated with Mario face-to-face.

9 Q. Okay. And then -- but if you have to -- during the course --
10 the initial course of activity, as you're moving from Santa Teresa
11 to go through your switch list, set-offs, pickups and all that,
12 all of those conversations were on the radio?

13 A. Yes, between us and the brakeman.

14 Q. Okay. And --

15 A. We actually didn't have any (indiscernible), but this time we
16 didn't. It was straight to Alfalfa.

17 Q. So --

18 A. So we didn't stop en route to do any switching.

19 Q. Well, let me put it in my context then and tell you my
20 understanding. The main thing -- just to put it in layman's
21 terms. The main thing is you guys came to work, job briefed, got
22 your paperwork, picked up 62, 63 cars, whatever the actual car
23 count was, and basically were moving that from Santa Teresa to
24 Alfalfa yard?

25 A. Yes, that's correct.

1 Q. That's not unusual, is it?

2 A. No.

3 Q. Okay. All right. So going east on main track 2, crossing
4 over and getting over to main track 1, you had to do that because
5 that's the only way that you can access going westbound from main
6 track 1 onto the yard lead?

7 A. Actually, we could go past the signal on main track 2 and
8 cross over to 1 coming back, but there was a train coming on main
9 track 2.

10 Q. Okay. So this made perfect sense what you were doing that
11 night if the goal was to shove in and spot the cars?

12 A. Yeah. It's been done many times, not out of the ordinary.

13 Q. All right. I'm sorry to jump around, but we've moved the
14 train off of 2, crossed over to 1. We know that there's a
15 westbound on 2 waiting to go down the track that you just vacated.
16 We know that you kind of waited there for about 20 minutes. Take
17 us through slowly how did you end up deciding to move westbound
18 off of 1 onto the yard lead? Who did you talk to, who reached out
19 to you, or who did you reach out to? Take us through that
20 conversation.

21 A. Mario called the dispatcher to get a signal. We got the
22 signal. He -- we changed channels and Mario talked to the MTO.

23 Q. Well, do you -- can you fill us in on anything that was said
24 in those conversations?

25 A. No. He said, he said we have a signal into the yard, what

1 are you instructions, or something to that effect, and MTO Ever
2 said -- let's see. I don't remember the exact words, but he said
3 the zone's not active and the east end job's at lunch so come on
4 in. Come on in to track 3, and then he said what's
5 (indiscernible) but I don't remember what he had said to do with
6 the power.

7 Q. Okay. I'm not trying to trick you, and I'm not trying to --
8 what did that mean to you?

9 A. Well, to me that meant everybody's out of the way to -- it's
10 okay to come on into the yard.

11 Q. Like you have done so many other times.

12 A. Right.

13 Q. Correct?

14 A. Correct.

15 Q. Okay.

16 A. And I do remember we passed the maintenance people, so that's
17 when I asked him if they know that we're coming.

18 Q. Okay. And when you say you remember passing the maintenance
19 people, you're talking about your memory of your train going
20 eastbound --

21 A. Correct.

22 Q. -- on main track 2.

23 A. We were going eastbound on track 2. We passed the
24 maintenance people working on track 1.

25 Q. Okay. Fair to say that where the maintenance-way activity

1 was at was all lit up?

2 A. I could see all kinds of lights, their lights for the
3 equipment and their trucks.

4 Q. Several pieces of equipment?

5 A. I don't remember, but, yeah, I think it was more than one.

6 Q. Okay. A lot of people on the ground?

7 A. Yes.

8 Q. And you, you -- but the Form B was not in affect at that
9 time, right?

10 A. Correct, and Mario and I had both talked about that.

11 Q. Okay. And I want to be clear on this. In your passing the
12 maintenance-way people, did you happen to reach out and talk to
13 the employee in charge, or conversely did the employee in charge
14 talk to you as you were -- before you were passing or while you
15 were passing?

16 A. No. I didn't talk to anybody, Mario didn't talk to anybody,
17 and they didn't talk to us.

18 Q. Okay. How about any conversation with the MTO prior to the
19 incident? I think you said something about -- did Mario check
20 with him or did you check with him?

21 A. About whether the maintenance people knew we were coming?

22 Q. Yeah.

23 A. I asked him. The brakeman, Roman, he said he was on his way
24 to go talk to the maintenance people, and that's when I asked,
25 that's when I asked the MTO if they knew that we're coming.

1 Q. And I want to be clear, your characterization of those
2 conversations prior to the event, prior to the derailment?

3 A. Yeah, this is before that happened.

4 Q. Okay. All right. Give me a second here. I think that's all
5 I have for right now. With your permission, I'd like to talk with
6 Pete for just a second.

7 A. Okay. Can I add something?

8 Q. Yes, please.

9 A. When Roman heard on the radio that the MTO said he had
10 already talked to the maintenance people, he said, okay, I copy
11 that, and so he didn't actually talk to the maintenance people.

12 Q. All right.

13 A. He had planned on it, but he didn't talk to them because the
14 MTO said that he had talked to him.

15 Q. Anything else?

16 A. Not that I can think of.

17 Q. All right.

18 MR. HIPSKIND: Pete, you kind of heard all this conversation
19 back and forth and questions.

20 MR. SHEPARD: Yes, sir.

21 MR. HIPSKIND: Do you have any points of clarification,
22 what's on your mind?

23 MR. SHEPARD: I would like to ask Terry to clarify, for the
24 record, the MTOs, because earlier he had said he had talked to
25 Mr. Jackson and then he -- I believe he said the first name, but I

1 would just like to clarify that there were two MTOs and ask
2 Mr. Murphy if there were two MTOs and the names of those MTOs from
3 the start to the finish, if I may.

4 MR. HIPSKIND: I don't think (indiscernible). Terry, would
5 you like to address Pete's concern?

6 MR. MURPHY: Yes. When we went on duty, the MTO was Jimmy
7 Jackson, and when we got to Alfalfa yard, the MTO was Ever Tellez.
8 I don't remember what time they changed shifts, but --

9 MR. HIPSKIND: Okay.

10 MR. MURPHY: -- but it was, in fact, two separate MTOs that
11 day.

12 MR. HIPSKIND: You good with that, Pete?

13 MR. SHEPARD: I am, sir, and I appreciate you allowing me to
14 ask the question. I just wanted to make it clear for the record.

15 MR. HIPSKIND: Okay. And probably my last question for right
16 now.

17 BY MR. HIPSKIND:

18 Q. Terry, up to but not including the derailment and what
19 happened with Mario, normal day?

20 A. Yes.

21 Q. And everything was kind of almost, like, cookie-cutter, all
22 the moves from Santa Teresa over and the route and talking to
23 people and the shove in on the yard lead?

24 A. There was nothing out of the ordinary.

25 Q. All right. I'm going to leave it there for right now.

1 Terry, thank you very much for our conversation.

2 MR. BACHMEIER: I have nothing. I'll pass it off to Jim.

3 MR. MAYNARD: Jim Maynard, BLET Safety Task Force. Once
4 again, Terry, thank you for coming in and clarifying a lot of our
5 questions. Other than that, I have no questions. Thank you.

6 MR. SAUNDERS: Kamron Saunders, SMART TD. I also wanted to
7 thank you for being here. I know it's a tough thing. I have no
8 -- nothing further.

9 MR. CAMPBELL: Eric Campbell, Federal Railroad
10 Administration.

11 BY MR. CAMPBELL:

12 Q. So obviously you guys knew about the work being done and you
13 had all your paperwork and stuff on the trip there, and you said
14 you and Mario spoke about the Form B being up --

15 A. Yes.

16 Q. -- and knew that maintenance-of-way was still -- had control
17 of the track. Did you guys talk about or know that the eastward
18 lead was protected as part of that main line (indiscernible)?

19 A. No.

20 Q. That wasn't -- there was nothing to let you guys know that
21 they had that (indiscernible) or anything?

22 A. No.

23 Q. Okay. Did you -- I know you never spoke with the EIC, and
24 Mario and Roman never spoke with the EIC, did you ever over the
25 radio or any other manner the MTO speak with the EIC about the

1 work zone?

2 A. I didn't hear the MTO actually speak with the EIC. He told
3 me he had talked to the maintenance people.

4 Q. Did you ever hear the dispatcher speak with the EIC on the
5 radio?

6 A. No, I did not.

7 Q. Appreciate you coming out. You've done a good job. I have
8 no more questions. Thank you.

9 MR. MARTINEZ: Chris Martinez, FRA. I have no questions at
10 this time, but thanks for coming.

11 MR. JENKINS: Jason Jenkins, Union Pacific Railroad.

12 BY MR. JENKINS:

13 Q. Terry, I have just one question, and you may have said this
14 earlier so I apologize if you did and I just missed it. At
15 Rosedale, you get the signal and you're shoving back to the east
16 yard lead. Somewhere in that shove on the event recorder you blow
17 the horn a few times, and it looks like maybe a long and some
18 shorts. And can you characterize that for us of why you would've
19 done that?

20 A. Well, because that's the whistle signal that you're supposed
21 to use when you're approaching men working.

22 Q. You did that because Mario told you, or you just knew?

23 A. Well, I knew they were coming up, and he said, okay, we're
24 getting close so blow the witness, and then that's the sequence I
25 used.

1 Q. Thank you. I don't have any other questions.

2 MR. HIPSKIND: Dick Hipkind, IIC, NTSB.

3 BY MR. HIPSKIND:

4 Q. I want to be clear about your paperwork. That talked with
5 the gentlemen with the FRA, it just -- it triggered a question, so
6 I think we can (indiscernible) real quick. You did have paperwork
7 on the Form B, correct?

8 A. Yes, that's correct.

9 Q. But you were also aware that the Form B expired?

10 A. That's correct.

11 Q. Okay. But when you went by the men and equipment, you did
12 the normal thing and blow the whistle, sound the bell, all that?

13 A. Correct.

14 Q. Okay. It's just that you didn't have to ask permission of
15 the EIC to go by the men working on main track 1 because there was
16 no Form B?

17 A. Correct.

18 Q. Okay. But there -- was there anything in your paperwork to
19 tell you about protection on the yard lead?

20 A. No, not that I recall.

21 Q. Would there normally be?

22 A. I don't think so. That would be something that would be
23 relayed to us by the MTO.

24 Q. Okay. And help me out with this too. I get it that this
25 whole movement that night, the train from Santa Teresa over to

1 Alfalfa, I get the routine nature of it, I really do, but the
2 transition -- I want to be clear about this. When you're on main
3 track 2, and when you're on main track 1, that is the dispatcher's
4 territory?

5 A. Correct.

6 Q. And he controls all your movements, signals, et cetera?

7 A. Yes.

8 Q. And if you guys need to talk about the routing or whatever,
9 you talk with the dispatcher, correct?

10 A. Right.

11 Q. And lining up the shove move from 1 to come past the west --
12 the Rosedale control point, and here's my point, but to come onto
13 the yard lead -- my point is, well, that's not the dispatcher's
14 territory, right?

15 A. Correct.

16 Q. So how come we didn't reach out -- and I'm not blaming you or
17 anything, but in the normal chain of events, would you normally
18 reach out to an MYO or MTO to check with them about coming into
19 their territory?

20 A. Yes. The dispatcher would line a signal, but before we come
21 into the yard, we have to talk to the MTO.

22 Q. And you did?

23 A. Yes.

24 Q. And it was come on down, okay, maintenance-way is out of the
25 way?

1 A. Well, he didn't say they were out of the way.

2 Q. Well, I know.

3 A. He said that they knew we were coming.

4 Q. They knew you were coming, okay. So you guys do take care
5 when you're transitioning off of signal territory into
6 yard-track territory under the authority of the MTO that you have
7 both of the communications, and you, in essence, are making the
8 coordination for the movement off of non-signal -- off of signal
9 onto non-signal?

10 A. Yeah, I think I understand you.

11 Q. Okay. That's all I've got. You can understand, we wanted to
12 drill down on some of this stuff to get the exactness of you being
13 there and how all that unfolded. Okay?

14 A. I understand.

15 Q. All right. Thank you, Terry, and thank you too for your --

16 A. Thank you.

17 BY MR. BACHMEIER:

18 Q. Okay, Terry. Do you have anything you'd like to add, Terry?

19 A. Yes. I've complained many times about shoving trains in from
20 the east end because I didn't think it was safe, and I think --

21 MR. HIPSKIND: You might want to speak up a little.

22 MR. MURPHY: Okay, sorry. Let me repeat. I have complained
23 many times about shoving trains in from the east end of the yard
24 because I didn't think it was safe, and I think the reason we do
25 that is because the west end of the yard is plugged up. And it's

1 -- I think it's a systemic issue that is caused by the company
2 trying to cut costs. They don't have as many people as they
3 should, and it's issues -- it affects the safety.

4 BY MR. BACHMEIER:

5 Q. I appreciate that. And my next question is -- probably your
6 same answer. Is there anything you think could've prevented this
7 accident?

8 A. Well, if we would've -- if we could've come into the west end
9 of the yard, that would've prevented it.

10 Q. If we have any follow-up questions, is it okay if we can
11 reach out to you?

12 A. Yes.

13 Q. On behalf of the NTSB and our group here, I'd like to thank
14 you for your time and cooperation and coming in. We all know the
15 circumstances, and we appreciate you.

16 A. Thank you.

17 MR. BACHMEIER: With that, this'll end the investigation --
18 interview.

19 (Whereupon, the interview was concluded.)
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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 Terry Murphy

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