

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: RYAN O'LEARY, Dispatcher
Union Pacific Railroad

Via Microsoft Teams

Thursday,
September 1, 2022

APPEARANCES:

MICHAEL BACHMEIER, Investigator
National Transportation Safety Board

RICHARD HIPSKIND, Investigator in Charge
National Transportation Safety Board

JIM MAYNARD, Safety Task Force
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SMART Transportation Division

ERIC CAMPBELL, Inspector of Operating Practices
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CHRIS MARTINEZ, Operating Practices Inspector
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JASON JENKINS, General Director of Safety
Union Pacific Railroad

LARRY VOGEL, Director of Safety
Union Pacific Railroad

GREG THOMPSON, Superintendent Train Office
Union Pacific Railroad

RYAN FRIGO, Operations and System Safety
National Transportation Safety Board

TIFFANY RUSSELL, Senior Director of Operations
Union Pacific Railroad

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I N T E R V I E W

(4:48 p.m.)

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2
3 MR. BACHMEIER: Good afternoon. My name is Michael Bachmeier
4 and I'll be -- I'm the NTSB ops group chairman for this accident.
5 We are here today on September 1st, '22, at 1648 Mountain time in
6 a Teams meeting to conduct an interview with Ryan O'Leary who
7 works for Union Pacific.

8 This interview is in conjunction with the NTSB's
9 investigation of an accident near El Paso, Texas. The NTSB
10 accident reference number is RRD22FR013. Purpose of the
11 investigation is to increase safety. Not to assign fault, blame,
12 or liability.

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

18 Again, my name is Mike Bachmeier. The spelling of my last
19 name is B-a-c-h-m-e-i-e-r. And I am the NTSB ops group chairman
20 for this accident.

21 MR. SAUNDERS: My name is Cameron Saunders, S-a-u-n-d-e-r-s.
22 I'm with SMART-TD and the national safety team.

23 MR. MAYNARD: I'm Jim Maynard, M-a-y-n-a-r-d. BLET safety
24 task force.

25 MR. CAMPBELL: Eric Campbell, C-a-m-p-b-e-l-l. FRA operating

1 practices.

2 MR. MARTINEZ: Chris Martinez, M-a-r-t-i-n-e-z. FRA
3 operating practices.

4 MR. JENKINS: Jason Jenkins, Union Pacific Railroad. Jenkins
5 is spelled J-e-n-k-i-n-s. General director of safety for the
6 southern region.

7 MR. HIPSKIND: And I am Richard Hipkind. You spell my last
8 name H-i-p-s-k-i-n-d. I work for NTSB and I'm the investigator in
9 charge for this accident.

10 MR. GALLEGOS: I'm Donald Gallegos. G-a-l-l-e-g-o-s. SMART-
11 TD posting.

12 MR. VOGEL: I'm Larry Vogel, V-o-g-e-l. Union Pacific
13 Railroad, regional director of safety southern region. Posting.

14 UNIDENTIFIED SPEAKER: Posting.

15 MR. THOMPSON: I'm Greg Thompson, T-h-o-m-p-s-o-n.
16 Superintendent train ops El Paso.

17 MR. FRIGO: And here in Omaha, we've got myself, Ryan Frigo,
18 F-r-i-g-o. NTSB operations and system safety.

19 MR. O'LEARY: Ryan O'Leary. O'-L-e-a-r-y. Union Pacific
20 train dispatcher.

21 MS. RUSSELL: Tiffany Russell, R-u-s-s-e-l-l. Senior
22 director of operations in support of the (indiscernible) for Union
23 Pacific and representing Ryan.

24 MR. BACHMEIER: Thank you. Ryan, do we have permission to
25 record our discussion with you today?

1 MR. O'LEARY: Yes.

2 MR. BACHMEIER: Do you understand the transcriptions will be
3 part of the public docket? As such, we cannot guarantee any
4 confidentiality.

5 MR. O'LEARY: Yes.

6 MR. BACHMEIER: As we discussed, you have a representative
7 with you today. Tiffany Russell. Is that correct?

8 MR. O'LEARY: Yes.

9 MR. BACHMEIER: I'd like everyone to -- I'd like to ask
10 everyone to clearly announce your name and title before
11 questioning. With that, let's proceed.

12 INTERVIEW OF RYAN O'LEARY

13 BY MR. BACHMEIER:

14 Q. Ryan, can you give us a synopsis of your railroad career,
15 work experience, taking us up to your present job?

16 A. Yeah. All -- I've been a marked-up train dispatcher since
17 June of 2011. So for the last 11 years that's been my only
18 railroad experience is dispatching. The entire time.

19 Q. Have you worked that El Paso job -- how long have you been
20 working that desk?

21 A. This current desk I've worked -- it'll be four years this
22 December or November, I believe. Prior to that, I was on Omaha
23 desk here in town. And then, various other jobs in the southern
24 region prior to that.

25 Q. Do you normally work -- is your shift normally the third

1 shift or are you on --

2 A. No, I'm straight third shift. Other than maybe the first
3 year. So my career when I was on extra board. All my regular
4 desks have been third shift jobs.

5 Q. Thank you. Can you walk me through from the time you got to
6 work on the date of the accident? Just walk me when you got to
7 work through the -- through your turnover with the second trick
8 dispatcher and up to the accident. Just kind of give us --

9 A. Sure. Yeah, I got to work. I usually get here a little bit
10 -- seven, eight minutes before shift change. So just before 2200
11 Central. You know, went through standard turnover as far as
12 what's going on in El Paso and Alfalfa.

13 We had a discussion that the -- that Alfalfa, they had a yard
14 track on the east end of the yard out of service. The ISIEP (ph.)
15 was already in position on main one there holding out for that
16 service track to be released in the yard to get in.

17 Did have a discussion with Matt that, obviously, that the
18 yard was aware of the out-of-service track and that -- that they
19 were the ones protecting it. He confirmed that they were. Then
20 it was shortly after turnover that I was doing other things at the
21 desk. Deleting -- there was flash flood warnings out there that
22 just expired and had been inspected. I was deleting those. And
23 can't remember. Just various other tasks.

24 Just after turnover, those five or ten minutes into the
25 shift, the ISIEP (indiscernible) up on the El Paso tower.

1 Answered the radio. They had said -- I'm not sure who I was
2 talking to. One of the crew members. I'm not sure which one.
3 They just said, you know, hey, this is the ISIEP. We're ready to
4 head into the east end of the yard. Obviously, after having a
5 conversation with Matt that the yard was protected, the out of
6 service, I still (indiscernible) even though I know when we
7 request a light into the yard, they still have to talk to the
8 yardmaster, to the MYO, to get permission to come in. But I still
9 -- I can't remember verbatim what I had asked him.

10 But it was something along the lines of, you know, hey, just
11 make sure you did get permission to come into the east end of the
12 yard. Is that correct. They said yes. And then, that's when I
13 had requested them to signal into the yard there on the east end.

14 Q. So had you talked to the MTO or employee in charge?

15 A. No. At that point, no, I had not. Did not talk to Ever.
16 You know, like I said, we didn't have any type of protective tag
17 information or anything like that of who was technically at the
18 track out of service or any of that, in the yard (indiscernible).
19 So I figured that they -- since they -- when I got there a little
20 bit before 10, I'm not sure how long they'd been sitting there.
21 At least 15, 20 minutes since I was there. I'm not sure how long
22 before that. But I figured that the yard had called them and
23 said, hey, we're ready for you to come on in. And that's when
24 they phoned me up requesting the signal.

25 MR. BACHMEIER: I'm going to hand it off to you.

1 BY MR. SAUNDERS:

2 Q. Ryan, thank you for being here. I have a couple questions.
3 Did you receive any calls to say that there was an accident or
4 that couldn't get a hold of conductor or anything to that --

5 A. No, I did not. Actually, the way I found out about it was
6 somebody had called the corridor manager who sits kind of up
7 behind us on the mezzanine. And I'm not sure if that was Ever
8 that had called or if it was somebody else. But he got up and
9 said, hey, I think we're derailed there at 820 and somebody is
10 pinned. And yeah, then so I found out about. You know, I put
11 track blocks up or whatever on all the tracks there to protect the
12 location. But yeah, I never received a -- personally --
13 notification from anyone other than Cody. That's how I found out.

14 Q. Did you get any message post-accident of, hey, they shouldn't
15 have come in here or do we know -- letting you know that they
16 derailed and that there was a derail in the -- on the lead? That
17 make sense?

18 A. No, I was aware of an out-of-service track. I was not aware
19 of a derail that was on the lead.

20 Q. Once everything was cleared up, did you finish the night at
21 your desk and finish your tour or were you relieved?

22 A. Yes. I finished the eight-hour shift.

23 MR. SAUNDERS: That's all I have for now. Thank you.

24 BY MR. MAYNARD:

25 Q. Jim Maynard. BLET safety task force. Ryan, thank you for

1 coming in. First question I got is when you come in after you do
2 your turnover with the previous dispatcher, second trick
3 dispatcher, who do you talk to or who usually gets a hold -- do
4 they get a hold of you or do you get a hold of the yard to find
5 out what the plan is for what trains they got coming in or going
6 out or --

7 A. Yeah. I mean, it just kind of depends on the evening,
8 depending on the scenario and how busy it is. Sometimes I'll
9 communicate with Alfalfa. It's usually via Teams message system
10 but we do have a direct phone line to their office if we need to
11 talk to them. And then same thing goes for over at Santa Teresa.
12 Usually Teams messages. But we have like -- it's not a phone
13 line. More like a radio kind of to talk back and forth with the
14 -- with Santa Teresa. So like I said, most of the discussions is
15 over Teams but we do talk over the phone to discuss plans or stuff
16 like that.

17 Q. Also, is it -- how do I put this. Normally, if the train is
18 pulled up to that control point in position, then it's not unusual
19 for the next thing to be to ask for a light into the yard.

20 A. I'm sorry. What was that again?

21 Q. So once that train is in position there at SA 820, it's not
22 -- or what would be the next move generally for that?

23 A. Yeah. I think I understand the question. Yeah, it would be
24 to request a signal. But like I said, I had gotten there. The
25 train was already in that position since at least 2150, 52 is

1 about when I got there and saw that the train was there. And then
2 it wasn't until about 10 minutes after my shift. So the train had
3 been in position at least -- I'm going to say 20 minutes. I'm not
4 sure how long they were in position prior to that.

5 The second shift had (indiscernible) conversation with them.
6 They knew why they were holding out. But yeah, no, they were --
7 just had pulled up. They were pulling up thinking, hey, we're
8 ready to head into the yard. But like I said, that train -- like
9 I said, I'm not sure exactly how long it was staged there but at
10 least until I got there so at least 20 minutes.

11 Q. Because usually -- what do they do -- if the yard doesn't
12 want a train in there or can't take the train, would you usually
13 stage it out somewhere else or do you bring it right to that
14 control point?

15 A. I mean, if they weren't ready for it, I mean, there's
16 different staging areas. But from what I had understood from
17 second shift is they wanted it in the east end. I'm not sure what
18 was going on in the west end. But that's why it was staged over
19 there. But yeah, if they're not ready for it, sometimes we put --
20 hold it over at Dallas Street.

21 But yeah, from the communication that I had saw on the group
22 -- because there's also a group Teams chat that we have, that we --
23 I looked at later on in the evening. That they wanted them in
24 the east end and they were -- so that's why they were in position
25 over there.

1 MR. SAUNDERS: That's all I got, Ryan. Thank you very much
2 for coming in.

3 MR. O'LEARY: Yep, no problem.

4 BY MR. CAMPBELL:

5 Q. Eric Campbell with the FRA. At the beginning of the shift
6 after you got all your briefing stuff done, you're getting your
7 day started. Did you ever speak with the EIC about the work they
8 were doing or the protections they had?

9 A. As far as like the work going on in the yard or on the main
10 or --

11 Q. Anywhere.

12 A. I know that they had -- there was some track time on main one
13 west of 820. But I -- again, I hadn't talked to any maintenance
14 away folk, whether it was -- if they had work they were doing in
15 the yard or on the main, I hadn't had any discussions with that.

16 Q. The --

17 A. At that point. Later on in the evening, three or four hours
18 later, that -- whoever -- I can't remember the guy's name that had
19 the tracking time on main one. He ended up getting some
20 protection on main two for 30, 40 minutes or so. But that was
21 probably the first time I had talked to maintenance away.

22 Q. The crew involved in the accident, did they ask you for the
23 signal into the yard or did they ask the second shift dispatcher?

24 A. They had phoned me up. So yeah, it was like I said, five or
25 ten minutes after I'd been there. Yeah, and they had phoned me up

1 and requested the signal to the yard.

2 Q. Did anyone inform you that maintenance away had released the
3 protection that was on the lead?

4 A. No, they did not.

5 MR. CAMPBELL: That's all I have. Thank you.

6 BY MR. MARTINEZ:

7 Q. Chris Martinez, FRA. Can you walk me through the process of
8 how you give the light to the crew that's going westbound into --
9 as far as -- how did you come to the conclusion of giving them the
10 signal into the yard?

11 A. Yeah. Like I said, we didn't have any type of -- we're not
12 required to protect yard tracks whether it's out of service or
13 not. That's not something we're required to do. So there was
14 obviously no blocking or protection up there.

15 Obviously, there could be -- I don't know the yard that well.
16 I know it a little bit just from aerial shots. But
17 (indiscernible) it could be multiple routes into and out of the
18 yard. And at that time, I wasn't exactly for sure what exactly
19 was out of service on the east end.

20 And so, when they called to request a signal, you know, like
21 I said, I just figured that the yard had talked to them. And
22 knowing that they have to still talk to the yard to come -- to get
23 past SA 820, I figured that the yardmaster, MYO, had talked to
24 them and told them to come in on and he gave them a line.

25 MR. MARTINEZ: That's all I've (indiscernible).

1 MR. JENKINS: Ryan, Jason Jenkins, Union Pacific. I don't
2 have any questions right at this moment.

3 BY MR. HIPSKIND:

4 Q. Dick Hipskind, NTSB, IIC for the accident. So I'm going to
5 ask you for your opinion. You got a train on one main track east
6 of Rosedale and it's the ISIS. And what we've kind of found out
7 so far is that if a train is coming over destined for Alfalfa yard
8 and they're coming from Santa Teresa, there are only two options
9 if you're going to go in Alfalfa yard. You can head in, pull in
10 the west end of Alfalfa yard.

11 Or if, for whatever reason, it's plugged or there's trains in
12 the way or it's occupied and that's just not the good choice,
13 there's only one option left. And that is to go down east of
14 Rosedale. And if you're on main track two, sorry, but you got to
15 get over to main track one.

16 So when you come in and you see the ISIS over on main track
17 two east of Rosedale, my question to you -- if I'm right about
18 what I just laid out, you know that they're going to go in the
19 yard from the east end. Right?

20 A. They were on main track on east of Rosedale.

21 Q. But --

22 A. But yes, that was the expectation was that yeah, they were
23 going to go into the east end.

24 Q. I mean, whether the crew called you and told you, you surely
25 anticipated that eventually you were going to talk to them about

1 making that move. Right?

2 A. Correct.

3 Q. So one of the things that we want to nail down with you,
4 Ryan, is was that subject matter -- ISIS main track one east of
5 Rosedale wants to go into Alfalfa yard -- was that covered between
6 you and Matt?

7 A. That they were going to go into the east end of the yard?

8 Q. Correct.

9 A. Is that what you're asking?

10 Q. Correct.

11 A. Yeah. Because yeah, I mean, he said that we -- because
12 that's why they were over there. He had had the discussion with
13 the yard. That's where they were going to have to go into and
14 they were anticipating to get the track back pretty quickly. And
15 so that's why he had them staged over there east of Rosedale to be
16 in position to get into the yard.

17 Q. Was it your understanding with whatever you and Matt talked
18 about -- did you understand why Matt had not made the move prior
19 to you coming to work?

20 A. Yes, yeah. That they were holding out waiting for the yard
21 to get the yard track back.

22 Q. And I've been handed a note so I want to clear something up.
23 For all the times that I said ISIS as a train ID, is the correct
24 train ID ISIEP? Is that the correct train ID?

25 A. Correct.

1 Q. Hopefully, we can --

2 A. Correct.

3 Q. -- correct that when we send out the thing and the errata
4 sheet and all that. All right. So the -- this whole business of
5 the ISIEP starting at Santa Teresa, departing Santa Teresa with
6 whatever number or cut of cars they've got pretty much we know
7 that on a day-to-day basis, they're headed for Alfalfa. Correct?

8 A. Correct. Yep.

9 Q. And sometimes it happens on your shift and sometimes it's
10 already happened before you get there. Have I got that part
11 right?

12 A. Correct.

13 Q. And going back to my original thought. You're either going
14 to go in the west end or the east end. That's the only two
15 entrances. Right?

16 A. Correct.

17 Q. There is no other route. Correct?

18 A. Correct.

19 Q. So on this particular day, the ISIEP was on main track one
20 east of Rosedale and -- yeah, sooner or later, either you or
21 somebody was going to have a conversation with them about getting
22 off of main track one and going into the yard. Right?

23 A. Right.

24 Q. So whether we're talking about that particular train, the
25 accident train on the day of the accident, or any other train --

1 whether they're shoving in or head-in move, but they're east of
2 Rosedale and they're on main track one -- any other train and it's
3 on your shift and they want to go into the yard, tell us how
4 that's coordinated.

5 Tell us what governs your decision to talk to them, whether
6 you want to get them out of the way and you call and talk to them,
7 or they call you and they want to get off main track one and they
8 want to go into the yard. Take us through -- Ryan, take us
9 through how do you guys marry up -- what communication do you
10 normally have to make that move?

11 A. Yeah. I mean, usually we -- whether it's (indiscernible) or
12 a train that just works there, sometimes they work -- we usually
13 get with Alfalfa and ask them where they want the train whether
14 it's in the west. Sometimes they take trains in the west end like
15 you said. Sometimes they'll work trains off the main, off main
16 one, and they'll cut away and shove in the east end and set out
17 and pick up and all that stuff.

18 So all that is usually done in coordination with the MYO and
19 where they want the train, where they can get (indiscernible) at.
20 And sometimes I'll ask, you know, they'll say, hey, we're ready
21 for whatever train in the west end in the fence track. And just
22 for prior knowledge (indiscernible) train pulls up to the light
23 and they might sit there for 30, 45 minutes blocking the main
24 because they might be doing a switching move or whatever.

25 So usually, when they say they're ready for a train, I'll

1 say, well, are they going to come right in; you got to open a
2 track. Or are they going to hang out for a while. Just so I can
3 be prepared. Hey, if they're going to hang out, you know, I don't
4 want to lose that track for 30, 45 minutes when they yard the
5 train. So yeah, that's typically how it's communicated with the
6 yard, where they want it. And where they're going to get the
7 train at.

8 Q. And you kind of used the acronym MYO. So let's put the
9 wording to it. Is it manager yard operations?

10 A. Yes, I believe so.

11 Q. Do you know -- do they currently have an MYO -- they meaning
12 Union Pacific. Does Union Pacific have an MYO assigned to Alfalfa
13 yard?

14 A. I believe so. I believe that's what Ever's title is. I
15 could be wrong. I don't know. I know they've changed --

16 Q. If I --

17 A. -- title names (indiscernible).

18 Q. Okay. If I told you that Ever refers to himself as an MTO,
19 is there any -- really any difference in whether we say MYO or
20 MTO?

21 A. No, I guess not. No. (Indiscernible) used to be yardmasters
22 but there's not -- not the yardmasters anymore so they have the
23 managers running the yard.

24 Q. To be clear, MTO stands for manager terminal operations.
25 Correct?

1 A. Yeah, I believe so.

2 Q. So whether we're talking about terminal or yard, or a
3 yardmaster, or an MTO, those terms are, in your perception,
4 understanding, they're synonymous. Correct?

5 A. Yeah. Yep. So yeah, that's my point of contact.

6 Q. On this date, you come to work. The ISIEP is on main track
7 one. I mean, they don't have to tell you. You know that they're
8 going to be going in the east end of the yard. If they weren't
9 going to be going in the east end of the yard, they'd be sitting
10 up on some main track sitting there wanting to go in the west end.
11 But that --

12 A. Right.

13 Q. But that was already -- that decision was already made before
14 you got -- before you came on duty because Matt had moved them
15 eastbound on main track two, crossed them over, and put them on
16 main track one. And I'm going to say it this way. That was the
17 hand that you were dealt. Correct?

18 A. Correct.

19 Q. Did you understand, from the transfer with Matt -- and
20 remember, we just got done talking about the normal way of doing
21 stuff with a dispatcher entering -- the ISIEP or any other train,
22 whether it's the west end of the yard or the east end of the yard
23 and they want to get into the yard -- I think what you're saying,
24 Ryan, is there should be, could be, must be, must be some
25 coordination, some communication between the dispatcher and the

1 MYO or the MTO about making that move before that move is made.

2 Am I right about that?

3 A. Yeah.

4 Q. In your transfer with Matt, did he indicate to you in any way
5 that that coordination between when he was on duty as a
6 dispatcher, that he had reached out and come to an agreement with
7 the MTO that it was okay to continue and complete that move of the
8 ISIEP off of, from main track one through the Rosedale
9 interlocking switches onto the yard lead going westbound into the
10 yard? Did he convey any indication to you that he had completed
11 that coordination with the yardmaster, the MTO?

12 A. He just said that they were to go on the east end. That's
13 why he had brought them down there. They were waiting to get the
14 -- the yard was waiting to get the track back. And yeah, so
15 that's what we had conveyed.

16 So when they called to request it to go into the east end,
17 knowing that, like I said, before they can go past Rosedale, they
18 have to talk to the yardmaster on 20-20 or -- sorry, the MTO on
19 20-20 to get permission to come into the yard. And then I still
20 had asked them, hey, did you guys -- just to confirm, did you guys
21 get permission to come into the east end of the yard. They had
22 said they did. And then, that's why I had requested the signal.

23 Q. That's the conversation I want to have. Let's slow down and
24 let's revisit the sequence. In the transfer, Matt indicated they
25 were there but Matt did not indicate to you to any degree that he

1 was knowledgeable that the train crew on the ISIEP had in fact
2 reached out to anybody, maintenance away, or anybody that had
3 authority for movement of trains into the yard, that it was okay
4 to depart main track one, go through Rosedale and come in
5 westbound, traveling westbound on the yard lead. He did not
6 indicate that to you. But he did indicate to you that that was
7 the plan. Was to bring ISIEP westbound off of main track one
8 through Rosedale onto the yard lead. Am I --

9 A. Correct.

10 Q. I'm not -- I know this is going to sound like a trick
11 question but I just want -- honestly, I just want your opinion,
12 your philosophy, how you look at this. Is it, in your mind, the
13 responsibility of the train crew of the ISIEP, that they reach
14 out, they secure the permission from whomever -- if it's
15 maintenance away, if it's the MTO, if it's a yardmaster -- the
16 point is, they're off of your territory and they're going onto
17 non-controlled track. Is it their responsibility to make sure
18 that the way is clear and that they have permission? Is that the
19 way you think about it?

20 A. It's not really the way I think about it. It's what the
21 timetable of the Valentine Subdivision requires them to do when
22 entering into the yard on the east end. I believe it's considered
23 zone 1. And prior to, it's -- it says -- I don't have it in front
24 of me. But it says prior to going past Rosedale crossing, which
25 goes right through the control point at SA 820, it says prior to

1 going through that crossing, they must talk to the yardmaster is
2 what it says in the timetable. They must talk to the yardmaster
3 on 20-20 to get permission into zone 1.

4 Q. Let's revisit an interpretation of that. In the way that you
5 read that, it is not your responsibility. The timetable -- by the
6 words in the timetable indicate it is a train crew's
7 responsibility.

8 A. Correct, yep. (Indiscernible) on the specific channel. Yep.

9 Q. But from a dispatcher's perspective, do you have
10 responsibility to question the train crew about whether they've
11 completed their compliance with the timetable wording to go into
12 zone 1?

13 A. No, I'm not required to. But that's not what was going on on
14 the east end. That's why I did -- went and asked the question
15 like, hey, you got -- you know, just to confirm, you guys did get
16 permission here on the east end. And they said yes. But no,
17 that's not required. I can give them a light and they can take
18 the light and they're supposed to flip over to 20-20 and talk to
19 the yardmaster and get the rest of their permission through the
20 yard.

21 Q. So your part of it in problem solving getting the train off
22 the main track and into the yard is talk to the crew and let them
23 know they've got the light. And since it's a shove move, the
24 engineer -- he's so far away, he can't see the light. But
25 somebody, the conductor on the shove move, the end car, he's going

1 to see it. He has to communicate it to the head end to begin the
2 shove. Have I got that much right?

3 A. Correct.

4 Q. But your obligation to make that move is to talk to the crew,
5 give them the light. And their movement onto non-controlled track
6 -- you don't control the yard lead. Correct?

7 A. Correct.

8 Q. You're saying that's their responsibility. When -- if we
9 have maintenance away out there and they have tracking time on
10 main track one, you would normally talk to them about maintaining
11 or changing or extending their tracking time. That's business --
12 because it's main track one -- that's business that you would
13 handle with them. Correct?

14 A. Correct. Yep.

15 Q. And the same thing applies to main track two. If they've got
16 a form B out there, the guy in charge of the form B, he's keeping
17 all these trains off your radio because he's kind of the mini
18 dispatcher talking to the trains, letting them come by the red
19 boards, blowing their whistle, sounding their bell as they go by
20 his maintenance away activity. Is that the way you understand
21 that?

22 A. Yeah.

23 Q. But for whatever maintenance away does on making the track
24 inaccessible on the yard lead, you don't have a dog in that fight.
25 You don't control that. Right?

1 A. Correct.

2 Q. But on this particular night, you were -- what -- let me ask
3 it to you this way. What were you aware of, Ryan? What were you
4 aware of? Was there any restricting of tracking time form B on
5 main track two when you came to work?

6 A. No.

7 Q. Main track two was --

8 A. No.

9 Q. -- free and clear.

10 A. Correct.

11 Q. Main track one, what do you recall -- what -- was it out of
12 service? Did they have tracking time? Do you recall?

13 A. No, there was tracking time on main one between 820 and 823.

14 Q. Did the authority for the tracking time for main track one --
15 was it still in effect?

16 A. Yes.

17 Q. Had they gone past their time limit for their tracking time
18 or how should we understand that?

19 A. Yeah, I'm not -- from what I understood -- I mean, from later
20 on -- I guess they're kind of working out there all day. I
21 actually did note the time that they were actually working on main
22 one or they were working in the yard. Because last week, it was
23 -- they were working in the yard and they had tracking time on
24 main one. So I didn't actually know at the time where exactly
25 they were working.

1 Q. Couple more questions. Then I got to switch gears and we got
2 to cover some other stuff. I -- and forgive me if we're
3 reploughing some stuff here. From when you came on duty, Ryan,
4 did you talk to anybody in maintenance away? So did you talk to
5 Joe? Did you talk to Leonard? Did you talk to anybody else in
6 maintenance away like the MTM?

7 A. No, I did not.

8 Q. So transfer on duty. Matt has left. He's left the desk.
9 He's up there talking to Cody. And you haven't talked to anybody
10 in maintenance away. Correct?

11 A. No. Correct.

12 Q. And we can know that because we can go look at the recorded
13 conversations whether it was on the radio or the phone. And we
14 can validate that. Is that correct?

15 A. Correct.

16 Q. Any texting, Teams meeting type communication, between you
17 and anybody in maintenance away during that same first 15 minutes
18 that you're on duty from 10:00 to 10:15 Omaha time?

19 A. No.

20 Q. Let's take the same set of questions and apply them over to
21 the MTO, Ever. Any communication with him about anything,
22 anything, for the first 15 minutes that you're on duty?

23 A. Not that I recall. No.

24 Q. I'm going to --

25 A. (Indiscernible) after the incident, kind of went radio silent

1 over there. So yeah, like I said, and even when whatever
2 happened, they -- he had called Cody to report what had happened.
3 So yeah, I didn't have any communication with him that I recall.

4 Q. And just to make sure we're on the same page. I kind of made
5 that -- did you reach out to the MTO. Did the MTO reach out to
6 you any time in your first 15 minutes on duty from 10:00 to 10:15?

7 A. No, not that I recall. Yeah, I don't remember actually
8 talking to -- like I said (indiscernible) I don't know if I talked
9 to Ever all night.

10 Q. Well, and then I'm sure you talked to a lot of people after
11 the incident. And we'll get to that --

12 A. Right.

13 Q. We'll get to that in the next block or whatever. But in
14 terms of you -- I'm going to say, after you were there four or
15 five minutes so it's like four or five minutes after 10:00, you're
16 officially on duty, the transfer had been completed between you
17 and Matt. Have I got that part right?

18 A. Um-hum.

19 Q. Yes?

20 A. Correct.

21 Q. Did Matt come back and revisit with you and did you guys have
22 a conversation about the ISIEP taking the light, taking the
23 signal, and starting its move westbound from main track one
24 through Rosedale and onto the non-controlled yard lead? Did you
25 guys have a conversation about that topic?

1 A. Yes. Yeah. He went up, I guess, to talk to Cody about --
2 I'm not sure about what. About something. And then
3 (indiscernible) him and Cody came down and -- I'm sorry. Matt
4 came back down and said something like, you know -- it was like,
5 hey, is it okay for ISIEP to go in there. And I just -- and
6 that's what I told him. I was like, yeah, they said they had
7 gotten permission to head in. So --

8 Q. And that was based on your radio conversation with -- but you
9 don't know who you talked to on the ISIEP? Do you know if it was
10 the --

11 A. No, I do not.

12 Q. You don't know if it was the locomotive engineer or the
13 conductor?

14 A. No, I do not. I just know it was one of the crew members.

15 Q. After Matt had that conversation with you about -- I'm going
16 to call it double checking about the move with you, about the
17 ISIEP coming into the yard lead, where did Matt go? Did he stay?
18 Did he stick around or did he leave? What's your recollection?

19 A. No, he left after that.

20 Q. What about --

21 A. And there was -- I mean -- he left my area. I'm guessing he
22 left the building and went home. But yeah, I didn't see him the
23 rest of the night.

24 Q. What about Cody, did you have any conversation with him prior
25 to the transfer, during the transfer, or immediately after the

1 transfer after Matt had talked to you? Did you have any
2 conversation with him at any of those junctures?

3 A. No. No, I did not.

4 Q. Did you have conversations with Cody post-incident, after
5 you've been notified car is derailed and this thing, that thing?
6 Did you have conversations with him?

7 A. Yeah. I mean, I can't think of (indiscernible) or exactly --
8 I know he came down a little bit after. But I mean, yeah, I mean,
9 I talked to him throughout the night like normal.

10 Q. But those conversation that you have with him at your desk,
11 none of that is recorded. Right?

12 A. No.

13 Q. Once everybody became aware that there was a derailment,
14 potential loss of life, employee fatality, how did things go?
15 Kind of characterize for us, if you will, what happened in your
16 world at your desk and talk to us a little bit about what you
17 recall and how that unfolded.

18 A. Yeah. I remember the -- I think his name is Tim, manager,
19 MCTD, manager central train dispatcher dispatching.

20 (Indiscernible) guy came down, asked a couple questions of kind of
21 what had gone on. And I'm sure he went back and probably listened
22 to tapes or watched the CAD. I'm not sure whatever he did to
23 start their investigation. I talked with -- it was probably a
24 couple hours into this shift.

25 I talked with -- I think at that point I didn't -- nobody had

1 said or informed of a fatality. But I Kim Fosland (ph.) had
2 (indiscernible) me and asked -- you know, we just went outside and
3 chatted for a bit and she asked -- that's kind of when I found out
4 that there was a fatality. And she asked, you know, kind of how I
5 was doing. And if I needed relief or anything like that. Those
6 were the two kind of conversations that I recall off the top of my
7 head with people that I've had about it.

8 Q. Do you recall any conversations with the MTO calling you and
9 talking to you about the incident afterwards?

10 A. No.

11 Q. Do you have any recollection of anybody from maintenance away
12 calling and talking to you about the incident?

13 A. The maintenance away guy that was working main one, like I
14 said, he called -- I got him some tracking time on main two. We
15 really didn't, I mean, talk about the incident. No. Not in a
16 specific fashion. He started to -- this was -- like I said,
17 probably mid-shift maybe.

18 He kind of started to -- oh, just to let you know, I got -- I
19 can't remember if he said switch is locked out on certain tracks
20 or derail is up in the -- I can't remember what he started to go
21 into about what he was doing in the yard and was like
22 (indiscernible) I don't need that information of what you got
23 going on in the yard. Just let the yardmaster, let the MTO know.
24 But that was kind of the gist of that conversation. It was pretty
25 short and nothing real specific about the incident.

1 Q. While you were still on duty, did anybody approach you and
2 indicate to you that you had to be drug and alcohol tested because
3 of the incident? Anything like that?

4 A. No, they did not.

5 Q. While you were on duty, after the incident, did anybody come
6 by and say, we've got to retrieve or we got to capture or we got
7 to secure any of your data, any of your voice files or -- did
8 anybody have any kind of conversation with you along those lines?

9 A. The MCTD came by later on. I think it was about 5 a.m. at
10 that point. And he was asking if there was any -- I think he had
11 already pulled voice tapes. But he had asked if there was any
12 group messages prior because he's like, you know, I know you
13 probably weren't on any but I'm still like on the group messages
14 with Teams. So you could still see what everybody had talked
15 about throughout the day. So he had asked if there was any
16 messages on there that were pertinent to the situation prior to me
17 arriving.

18 And so, I went back and looked through and that's when there
19 was, I don't know, maybe about a page of stuff. And that's when
20 the yard had informed Matt, you know, told them to bring them down
21 to the east end and -- that was kind of the gist of that
22 conversation. So yeah, that was about a page worth of stuff that
23 I had -- conversations prior to me being there that I had sent to
24 Tim, the MCTD.

25 Q. And what you just described, should I think about -- did you

1 fill out like a witness statement or some kind of -- your version
2 of what you recall happened about the incident? Was there any
3 exchange of a document or creation of a document like that?

4 A. As far as like (indiscernible) like Monday? Is that -- I
5 mean, is that what you're asking? I know I came in here on
6 Monday. I'm sorry, Tuesday. I'm not sure if that's what --

7 Q. Well, your --

8 A. -- you're asking.

9 Q. -- shift began on a Monday.

10 A. Right.

11 Q. The incident happened before midnight on Monday. And I know
12 your --

13 A. Right.

14 Q. -- shift extended over into the early hours of Tuesday. My
15 question is --

16 A. Right.

17 Q. -- before you left your -- before you left your shift, did
18 anybody approach you? Did you fill out like an incident witness
19 statement, anything like that?

20 A. No, I did not. I mean, a couple people had said, like, hey,
21 just for memory, might type up a paragraph or whatever you
22 remember from those first 10 or 15 minutes. And just so you keep
23 it on memory.

24 Q. And did you do that?

25 A. (Indiscernible) -- yeah, yep.

1 Q. Is that something that you have or is that something that we
2 can get if we ask UP for it?

3 A. I don't know if I saved it. It's printed in my desk. But
4 yeah, it's pretty short. I mean, it was -- and like I said,
5 whoever had asked it, it was like right at the end of the shift.
6 So (indiscernible) preparing for the turnover with first shift
7 and --

8 Q. Well, on this point --

9 A. Like I say, it's probably not detailed but --

10 Q. On this point, please and thank you, don't throw it away. We
11 will ask for it or we'll ask for a copy of it or whatever. Okay?
12 In terms of post-accident, maybe not the day of the incident, the
13 Monday, and not the day, Tuesday and you went off your shift, but
14 at any time since the incident, have you accessed any voice tapes,
15 voice files, any recorded conversations of anything when you were
16 on that shift that day?

17 A. No.

18 MR. HIPSKIND: Ryan, I think that's all I've got for right
19 now. But I do appreciate the dialogue we've had. And NTSB Ryan,
20 I'll toss it over to you.

21 MR. FRIGO: Thanks, Dick.

22 BY MR. FRIGO:

23 Q. Ryan Frigo. NTSB. Ryan, I'm just going to ask you some
24 (indiscernible) questions.

25 A. Sure.

- 1 Q. So your shift on Monday was 2200 to --
2 A. 6:00 Central the next morning.
3 Q. And then, did you work on Sunday?
4 A. Yes.
5 Q. The same shift?
6 A. Yeah.
7 Q. What about Saturday?
8 A. Nope.
9 Q. So that was a day off.
10 A. Friday and Saturday are my off days.
11 Q. And what do you -- when you get home in the morning, what do
12 you usually do?
13 A. I usually help pack lunches for kids going to school. Kind
14 of prep them. I don't take them to school. My wife does. But
15 just come home, facilitate that process of getting the kids out
16 the door for school.
17 Q. Then do you usually go to bed after that?
18 A. Yeah. Then I usually go to bed and I'm hopefully asleep by
19 7:30, 8:00 in the morning and sleep until about 2, 2:30 in the
20 afternoon.
21 Q. Is that pretty typical of your routine?
22 A. Yeah, yeah. Pretty (indiscernible) depending on my wife's
23 work schedule, you know, I'll pick it up and sometimes I got to go
24 pick up a kid or two from school.
25 Q. And I think you said earlier in the conversation that you've

1 been on this third shift for a while.

2 A. Yeah, yep.

3 Q. So you're used to that.

4 A. Yep. There are days off. But yeah, pretty -- like I said,
5 other than the first year, year-and-a-half, I've had a relief job.

6 So this is my (indiscernible) like job or desk that I've had.

7 It's all been straight third shift.

8 Q. So you're used to it.

9 A. Yeah.

10 Q. (Indiscernible). Maybe you prefer it?

11 A. Yeah. I mean, I don't dislike it. You know, yeah, if I
12 could have first shift with Saturday and Sunday off, just -- but I
13 get pretty decent days off and yeah, I don't mind working nights.
14 Actually driving today here to work during the day was kind of
15 weird. So wearing sunglasses and all that. Yeah.

16 Q. And do you consider yourself to be in good health?

17 A. Yeah, I think so.

18 Q. Any known health conditions or anything that you're aware of?

19 A. No, I've had asthma my whole life but other than that
20 (indiscernible) but other than that --

21 Q. You see a physician regularly?

22 A. Yep, I go yearly for a physical.

23 Q. Do you use any alcohol at all? Just regularly?

24 A. Yeah, socially but not -- maybe once or twice a month on the
25 weekend if we get together with family or friends. But

1 (indiscernible).

2 Q. Are you on any medications right now?

3 A. Just albuterol inhaler kind of as needed for the asthma.

4 That's it.

5 Q. Anything else going on at home that might take your attention
6 from work or anything like that? Anything you're juggling? Just
7 the normal --

8 A. Just normal. Kids starting to pick up at school and oldest
9 starting high school. But yeah, nothing crazy.

10 MR. FRIGO: Thank you, Ryan. I don't have any further
11 questions.

12 MR. BACHMEIER: Thank you. And Tiffany, did you have
13 anything for -- to clarify?

14 MS. RUSSELL: I do not. I do not have anything. I do not
15 have anything to clarify. No.

16 MR. BACHMEIER: Nothing to clarify from Tiffany. Thank you.
17 And I don't have any other questions. I'm going to pass it off to
18 Cameron.

19 BY MR. SAUNDERS:

20 Q. Cameron Saunders. SMART-TD. So I have a question that may
21 be a hypothetical and if you think it is, then we don't have to
22 answer it. But knowing that that crew -- so that night, you knew
23 that that train went by there but you knew there was some things
24 going on in the yard and you may or may not be giving them -- they
25 may or may not be getting into the yard. They may be stuck there.

1 On a normal night, no -- when you knew the yard was, let's
2 say, clear. Not -- they still have to talk to the MTO. Would you
3 give them that signal if you knew that they weren't going to take
4 them or is there any rule to prohibit you from lining them up into
5 the yard knowing that they still had to talk to the MTO before
6 going in? That make sense?

7 A. So is there anything that prohibits me from lining that
8 signal? Is that kind of what you're --

9 Q. Yeah, right.

10 A. Yeah, nothing that -- like I said, not that I'm aware of. So
11 I think if somebody else felt (indiscernible) people thought that
12 I was -- I did something inappropriately, probably something
13 different would have happened. But yeah, there's nothing that I
14 know that prohibits me from lining the signal.

15 Q. Right. Well, that's the way I would take it, too. And I
16 think that -- so is it normal for that -- for a crew to pull by,
17 be clear of the conductors on the ground down there, to call you
18 and say, hey -- would they normally talk to the MTO to know that
19 they could come into the yard prior to you giving them that signal
20 then or would you -- would they say, they're ready for us, we need
21 to light into the yard? Or would they just say, hey, we're here,
22 can you give us the light and then go talk to the MTO?

23 A. Yeah. I'm not sure exactly on their process. I've heard the
24 yard on the road channel talk to them and kind of give them
25 instructions on the 14-14 road channel. But then other times I've

1 heard them -- if I'm on the yard channel for whatever reason
2 trying to find a crew or something, I've heard them give
3 instructions to the crews on the yard channel, as well.

4 So in this (indiscernible) I'm sure, like I said, I wasn't
5 monitoring the radio so I'm not sure if they had that conversation
6 prior to or after the fact. I just know that I'd asked them, hey,
7 did you get permission to head in here on the east end and they
8 said yes.

9 Q. So that leads into my next question. And it was, you don't
10 normally monitor the yard channel. You actually have to move your
11 radio from the road channel to the yard channel to go hear that.
12 Right? Or to hear the yard channel?

13 A. Correct, yeah.

14 Q. So then -- so normally --

15 A. Yeah. (Indiscernible).

16 Q. If you were looking for somebody and they weren't answering
17 on the road channel, you would get on there to go see if they were
18 maybe on the yard channel to get a hold of them.

19 A. Correct.

20 Q. But for the most part, you don't monitor the yard channel 20-
21 20 or whatever it was.

22 A. No, I do not.

23 MR. SAUNDERS: I think that's all I have. Thank you.

24 MR. MAYNARD: Jim Maynard. BLET safety task force. Ryan,
25 what I wanted to ask you was, have you noticed a difference since

1 we've gone from yardmasters to MTOs as far as communication levels
2 with you, I should say, in particular?

3 MR. O'LEARY Yeah. I mean, I think that just depends on who
4 the MTO is. But yeah, they seem a little less -- seem like when
5 the yardmasters were there, you did have a little bit better
6 responsiveness than with the MTOs.

7 MR. MAYNARD: Well, thank you, Ryan. That's all I've got.

8 UNIDENTIFIED SPEAKER: I don't have any questions. Thanks,
9 Ryan.

10 MR. MARTINEZ: Chris Martinez, FRA. No questions.

11 MR. JENKINS: Ryan, Jason Jenkins, Union Pacific. I don't
12 want you to think this question is pointed in any direction. I'm
13 just really looking for your opinion. Post-accident, you had
14 thoughts of yourself as just to reflect back. Do you think that
15 the crew told you one thing and you heard something and you all
16 might have been talking about two separate things or it was just
17 simply you expected the crew to get their permission to get in the
18 yard?

19 MR. O'LEARY: Yeah. I mean, I can only go off of what they
20 told me even though I knew they had to make the call. But yeah, I
21 know -- asked them the question. Hey, did you get that permission
22 even though I knew that's what they were supposed to do anyway.
23 But yeah, that (indiscernible) asked them the question and then
24 they said yes. Yeah, I'm not sure, you know, what else I could
25 have done.

1 MR. JENKINS: Thank you. Appreciate your time today.

2 BY MR. HIPSKIND:

3 Q. Dick Hipkind, NTSB IIC. Ryan, how busy were you that night
4 in that first 15 minutes?

5 A. I don't know. It's hard to gauge. I mean, moderately busy,
6 I guess. Like I said, I was deleting some of those flash flood
7 warnings. I remember ordering a couple vans for some crews, I
8 believe, in those first 10, 15 minutes. (Indiscernible) but I
9 don't remember specifically.

10 But yeah, I don't remember being -- I don't think I was crazy
11 swamped. I'd say moderately busy. You know, usually the first
12 30, 45 minutes to an hour really -- it seems like on that desk
13 (indiscernible) really grasp everything and what's going on and so
14 on and so forth.

15 Q. Do you think -- and again, I guess we're just asking your
16 opinion. Do you think this -- and I'm going to talk generically.
17 I want to talk about a dispatcher's role. I want to talk about a
18 train crew's role. Just this whole situation -- doesn't have
19 anything to do with Alfa yard per se. You've got hundreds of
20 yards across the Union Pacific system. You would agree with that.
21 Right?

22 A. Yes.

23 Q. So what I'm asking your opinion about is -- there are dozens
24 of dispatchers. There's hundreds of yards. There's hundreds of
25 trains. Trains a lot of times have to leave the main and go into

1 yards whether it's the west end, the east end, the north end, the
2 south end. Trains often get to yard locations and they want to go
3 in there. Set off cars, pick up cars, continue on to the next
4 destination.

5 Do you think there's an area of improvement between that
6 communication piece where the dispatcher is talking to the train,
7 the train wants a signal, and there's this other non-controlled
8 track? You don't have a dog in the fight. Is there any way we
9 can improve that? Do you have any thoughts along those lines?

10 A. Yeah. Nothing that I can think of off the top of my head
11 here. Yeah. Unless they change something how we -- if we have to
12 talk to the yardmaster prior to bringing a train in or something
13 like that. I really don't know.

14 Q. Well, please keep that typed up thing that you've got and we
15 will take a look. I noticed you did tell us about the timetable.
16 We'll take a look at that. I think that was important that you
17 provided that to us. We'll follow up on that. Do you have any
18 questions for us on anything that we've talked about?

19 A. No.

20 MR. HIPSKIND: Ryan -- NTSB Rya, I'll toss it to you.

21 MR. FRIGO: I don't have any further questions. Thank you.

22 MR. HIPSKIND: Tiffany, can you and I do our piece. What --
23 Tiffany, do you have any areas of concern of clarification about
24 all this that you've listened to?

25 MS. RUSSELL: The only clarification I had is that -- it

1 might get a little confusing on this question is Cameron, when you
2 asked on the second round about the process on lining the signal
3 before permission. That was more of a general question in terms
4 of normal handling. Not just the night in question? Correct? I
5 think there might have been some confusion on that part. I think
6 Ryan might have answered (indiscernible) specifically to that
7 night. But you were asking in general what the process is. Would
8 we ever line a signal before a crew or the MTO sparks that
9 conversation. Correct?

10 MR. SAUNDERS: Correct. Yes, that's correct.

11 MS. RUSSELL: Okay. I just want to make sure Ryan understood
12 it was in general. And not that night (indiscernible) specific.

13 MR. BACHMEIER: Ryan, do you have anything --

14 MS. RUSSELL: I just --

15 MR. BACHMEIER: Go ahead, Tiffany.

16 MS. RUSSELL: I'm good otherwise that we've now answered
17 that. I'm good.

18 MR. BACHMEIER: Ryan, do you have anything that you would
19 like to add?

20 MR. O'LEARY: No, I do not.

21 MR. BACHMEIER: Is there anything that you think of that
22 could have prevented this accident?

23 MR. O'LEARY: I'm sorry. It kind of cut out. What was that?

24 MR. BACHMEIER: Is there anything you think of that could
25 have prevented this accident? Or how could we prevent this

1 accident from happening again?

2 MR. O'LEARY: I guess at this point, it would be hard to say
3 because -- I mean, obviously, the investigation is still going on.
4 I mean, you know, we know some of the details but I don't know
5 everything. If the crew actually had the conversation with the
6 MTO and got permission in. So I mean, it's -- from my
7 perspective, you know, I can't tell you what we can do to prevent
8 it when I really don't know exactly the leading cause of it.

9 MR. BACHMEIER: That's fair. If we have follow-up questions,
10 would you mind if we contacted you?

11 MR. O'LEARY: No. That's fine.

12 MR. BACHMEIER: On behalf of the NTSB and our working group
13 team here, thank you for your time and consideration. Appreciate
14 you coming in.

15 MR. O'LEARY: No problem.

16 (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: UNION PACIFIC EMPLOYEE FATALITY
 IN EL PASO, TEXAS ON
 AUGUST 29, 2022
 Interview of Ryan O'Leary

ACCIDENT NO.: RRD22FR013

PLACE: Via Microsoft Teams

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.



Katie Leach
Transcriber