

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: CODY SMITH, Corridor Manager  
Union Pacific Railroad

Via Microsoft Teams

Thursday,  
September 1, 2022

APPEARANCES:

MICHAEL BACHMEIER, Investigator  
National Transportation Safety Board

CAMERON SAUNDERS, National Safety Team  
SMART Transportation Division

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

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

RICHARD HIPSKIND, Investigator in Charge  
National Transportation Safety Board

ERIN BATT, Counsel for Cody Smith  
AVP Locomotive Distribution and Network Ops

TIFFANY RUSSELL, Senior Director of Operations  
Union Pacific Railroad

RYAN FRIGO, Operations and System Safety  
National Transportation Safety Board

DONALD GALLEGOS, Locomotive Engineer  
SMART Transportation Division

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

(1:05 p.m.)

1  
2  
3 MR. BACHMEIER: Good afternoon. My name is Michael Bachmann.  
4 I'm the NTSB group chairman for this accident. We are here today,  
5 on September 1, 2022, at 1305, in a Teams meeting with Omaha,  
6 Nebraska, to conduct an interview with Cody Smith, who works for  
7 Union Pacific. This interview is in conjunction with NTSB's  
8 investigation of the accident near 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,  
11 or liability.

12 Before we begin our interview and questions, let's go around  
13 the table and introduce ourselves. Please spell your last name,  
14 who you're 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 to my right. Again, my name is  
17 Michael Bachmeier. Spelling of my last name is B-A-C-H-M-E-I-E-R.  
18 And I am the NTSB group chairman for this accident.

19 MR. SAUNDERS: Cameron Saunders, S-A-U-N-D-E-R-S, Smart TV,  
20 National Safety Team.

21 MR. MAYNARD: Jim Maynard, M-A-Y-N-A-R-D, BLET Safety Task  
22 Force.

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, Union Pacific Railroad, general  
3 director of safety, southern region.

4 MR. HIPSKIND: Good afternoon, everybody. My name is  
5 Richard Hipskind. You spell my last name H-I-P-S-K-I-N-D, and I  
6 am the investigator in charge for NTSB for this accident  
7 investigation.

8 MR. BACHMEIER: Erin?

9 MS. BATT: I'm Erin Batt. Last name spelling is B-A-T-T.  
10 I'm here representing Cody. I am an AVP locomotive distribution  
11 and network operations (indiscernible).

12 MS. RUSSELL: Tiffany Russell. Last name is R-U-S-S-E-L-L.  
13 Senior Director Operation Support for the (indiscernible). I am  
14 not representing. I am just hosting.

15 MR. FRIGO: Ryan Frigo, NTSB Operations and System Safety,  
16 F-R-I-G-O.

17 MR. BACHMEIER: Mike?

18 MR. SMITH: Cody Smith, S-M-I-T-H, corridor manager  
19 (indiscernible).

20 MR. BACHMEIER: Okay. Cody, we've got a couple of observers  
21 in here.

22 MR. GALLEGOS: Donald Gallegos, Smart TV, National Safety  
23 Team, G-A-L-L-E-G-O-S.

24 MR. VOGEL: Larry Vogel, V-O-G-E-L, Union Pacific Railroad,  
25 director of regional safety (indiscernible).

1 MR. THOMPSON: Greg Thompson, superintendent of train  
2 operations El Paso, T-H-O-M-P-S-O-N.

3 MR. BACHMEIER: And Greg is also just posting. Okay. Thank  
4 you. Cody, do we have your permission to record our discussion  
5 with you today?

6 MR. SMITH: Yes.

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

10 MR. SMITH: Yes.

11 MR. BACHMEIER: As we discussed, you have a representative  
12 with you today, Erin Batt; is that correct?

13 MR. SMITH: Yes.

14 MR. BACHMEIER: Okay. Thank you. I'd like to ask everyone  
15 to clearly announce your name and title before questioning. So,  
16 let's proceed.

17 INTERVIEW OF CODY SMITH

18 BY MR. BACHMEIER:

19 Q. Cody, could you give us a synopsis of your work experience?

20 A. Yeah. Prior to 2005, I was a train dispatcher. 2015, I  
21 moved to core manager, and that's been my role since.

22 Q. Okay. So, you've been corridor manager position since 2016?

23 A. Yes.

24 Q. Okay.

25 A. Yeah.

1 Q. Let's go back to the date of the incident/accident. Walk me  
2 through your day start to finish, do the transfer, leading up to  
3 the incident and after the incident. I'll just let you kind of  
4 describe your day and --

5 A. Yeah. A normal day, we're a little busier than the  
6 Santa Teresa. It's a lot of (indiscernible), a lot of traffic.  
7 That particular day, (indiscernible). I started my shift at 1600  
8 to 0400, and nothing too crazy/out of the ordinary on the day.

9 Q. Could you describe the transfer between second trick, third  
10 trick, anything with maintenance while you were out there?

11 A. Between the dispatches?

12 Q. Yes.

13 A. I wasn't involved with their actual turnover on the desk.

14 MR. BACHMEIER: Okay. I'll hand it off to you.

15 MR. SAUNDERS: All right. Cameron Saunders, Smart TV.

16 BY MR. SAUNDERS:

17 Q. Was there -- do you remember conversations with anyone about  
18 the gang -- I don't remember what the number was. I think O'Leary  
19 was the employee in charge, and what was happening out there with  
20 that work going over their time of their Form B?

21 A. Not that I recollect. I'm talking about the Form B over the  
22 time. I mean, I had some conversations with the second-tier  
23 dispatcher on -- with regard to getting main one (ph.) back. I  
24 think they were over their time on that. I think they were  
25 supposed to be back at 1830 on main one, and I think they were

1 projecting like 2130 to 2200 when giving the time back on number  
2 one check.

3 Q. All right. Do you recall any conversation with FTO Tellez?

4 A. I thought I had multiple conversations with him on inbound  
5 traffic between (indiscernible).

6 Q. Anything on whether or not the gang was in the clear, or  
7 whether they were done with their work, or filing the lead, or  
8 anything along with that?

9 A. Well, I was -- my -- I'll just through the incident, what  
10 happened on our end here. It was right after the dispatchers were  
11 done with turnover. I was talking to the second trip dispatcher,  
12 and we were discussing a train at Santa Teresa that was  
13 (indiscernible) hours of service, and we were waiting for a  
14 utility crew to come up to the train. So, I picked up the phone  
15 and called Edward at Alfalfa (indiscernible) where the utility  
16 crew was after the Santa Teresa, and he let me know that their  
17 help departed there in the limo. And as we were talking, he asked  
18 me, and he's like, I just heard the dispatcher would have done an  
19 ISIEP into the yard; and I said, yes. And he asked me, is the  
20 lead back in service? And that's when I asked the dispatchers if  
21 they talked to the crew (indiscernible) talk to them getting into  
22 the yard. And Ryan said that he had talked to the crew, and he  
23 gave them (indiscernible) the yard. I was -- that was --

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

25 MR. MAYNARD: Jim Maynard, BLET Safety Task Force.



1 BY MR. MAYNARD:

2 Q. Cody, thanks for coming in. I know it's tough. Now, I'm  
3 going to ask you, on a daily basis, I mean, if you've got  
4 something out of service in the yard, that MTO then would converse  
5 with you or the dispatcher on holding trains out, then, I assume?

6 A. Yeah, (indiscernible) the train dispatcher.

7 MR. MAYNARD: Okay. So, the dispatcher's the one that  
8 handles that. All right. I think that's all I've got. Thank  
9 you.

10 MR. SMITH: I mean --

11 BY MR. MAYNARD:

12 Q. Oh, go ahead.

13 A. I mean, we go (indiscernible) that day. A lot of times, he  
14 calls workers to the yard, and -- but --

15 MR. CAMPBELL: Eric Campbell with FRA.

16 BY MR. CAMPBELL:

17 Q. Cody, you said you were speaking with Edward about the  
18 dispatcher lining the crew into the east end of the yard; is that  
19 correct?

20 A. That's correct.

21 Q. When he asked about that signal being lined into the yard and  
22 if the track had been released by a mechanical, you said you were  
23 going to go talk to the dispatcher; is that correct?

24 A. Yes.

25 Q. Will you run us through that conversation with the

1 dispatcher?

2 A. I just asked the dispatcher if -- Matt Willard, the second  
3 trick dispatcher, was standing next to me when I was talking to  
4 Edward, and I asked Matt, I go, right, he's aware that they have  
5 work going on in the yard? And he said, yes. And he had to  
6 signal it out to ISIEP to go into the yard. And we talked to  
7 Ryan, and Ryan said he talked to the crew, and the crew said  
8 they're good to come on in, so Ryan led them up into the yard.

9 Q. And Ryan is the third-trip dispatcher?

10 A. Right, Ryan O'Leary's their trip dispatcher.

11 Q. At any time, did Ryan state that he had spoken with the EIC,  
12 the maintenance of way --

13 A. No, he -- no, he talked to the train crew.

14 Q. So, the train crew is the only person involved in this that  
15 the dispatcher spoke with; is that correct?

16 A. To my knowledge, yes.

17 MR. CAMPBELL: That's all I have. Thanks.

18 MR. MARTINEZ: Chris Martinez, FRA.

19 BY MR. MARTINEZ:

20 Q. After you talked to Ryan, and you confirmed that he didn't  
21 talk to the EIC, is that what you told FTO Tellez?

22 A. Yeah. I said -- I told (indiscernible) that Ryan talked to  
23 the crew, said that they're good to come on in. (Indiscernible)  
24 the train.

25 MR. MARTINEZ: That's all. Right.

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

3 MR. HIPSKIND: Rick Hipkind, IIC, NTSB.

4 BY MR. HIPSKINS:

5 Q. Cody, I know that you're aware there's a lot of  
6 communication, and part of our goal with your interview today is  
7 to really get down into the actual meaning of what words that  
8 people use, and maybe kind of understand this accident as fully as  
9 we can. And I want to revisit a statement that I thought you made  
10 early on in our interview with you today, and I wrote down that  
11 you said, I was not involved with their actual turnover. Did I  
12 hear that correctly?

13 A. Correct. The corridor manager's not involved with the face-  
14 to-face turnover between a second trick between the dispatchers.

15 Q. Okay. I understand the conversation and the turnover, but  
16 let's have you describe it. If I'm Matt Willard, the second trick  
17 dispatcher, I'm already there. I'm already working. Have I got  
18 that part correct?

19 A. I guess I don't understand your question.

20 Q. Okay. Let me try one more time. Matt Willard was working as  
21 the second trick dispatcher, he was at his desk, and he was  
22 working, correct?

23 A. Yes, he was working as a second trick dispatcher.

24 Q. Okay. Did you observe him working there?

25 A. Yes.

1 Q. Okay. Did you observe Ryan O'Leary come into work that day?

2 A. Correct.

3 Q. Do you know about how many minutes he came in before his  
4 shift started?

5 A. They usually just show right up to the desk and start  
6 turnover around 2215 -- 2205 to 2215, when we make the changeover  
7 (indiscernible).

8 Q. Okay. But the second trick dispatcher, when does his shift  
9 end?

10 A. I think it's at 2200, 2205, when the (indiscernible), yeah.

11 Q. Okay. And just in general, whether you're part of the actual  
12 transfer, you do observe the time that they're together making the  
13 transfer?

14 A. Yes, most of the time.

15 Q. Okay. I don't want to broaden the scope, here, but how many  
16 dispatchers do you monitor or supervise?

17 A. I have three desks, three trick dispatchers, on my corridor.

18 Q. Okay. And just -- I'm not trying to make this difficult, but  
19 do all three desks that you observe, do they all have transfers at  
20 the same time? In other words, do all of the second trick  
21 dispatchers, do they go off duty at 2200, or how should I think  
22 about that? Is it staggered?

23 A. No, they all change over at the same time (indiscernible).

24 Q. Okay. So, if I was in your position where I could observe  
25 these three desks, I very likely could be seeing six people,

1 three sets of two dispatchers, going through three sets of  
2 transfers for each of their desks; have I got that right?

3 A. Yeah, I can see up to six dispatchers at a time --

4 Q. Okay.

5 A. -- right.

6 Q. And again, not a trick question, but if you wanted to be  
7 close to and observe and/or hear two dispatchers making a  
8 transfer, that's certainly something you could do if you wanted to  
9 do it?

10 A. Yes, I could do, yes.

11 Q. Okay. And on this --

12 (Crosstalk)

13 Q. Okay. And on this particular day, on the day of the  
14 accident, were you in the presence of either one of the three sets  
15 of dispatchers while they made their specific transfer?

16 A. No.

17 Q. Okay. And where were you, then?

18 A. I was at my desk.

19 Q. And how far is your desk from their desk?

20 A. 6 feet --

21 Q. Okay.

22 A. -- 8 feet.

23 Q. Okay. So, you can see them, but not necessarily hear all the  
24 intimate parts of what one is -- the outgoing dispatcher --

25 A. Yes.

1 Q. -- is saying with -- okay. All right. So --

2 A. I have no involvement on their turnovers.

3 Q. Okay. And I believe you told us that you were talking with  
4 Matt Willard after he went off duty?

5 A. Yes.

6 Q. Is that a normal thing that we should expect?

7 A. Sometimes, they come up and talk to me before they go home.

8 Q. But, well, can you detail for us what was the reason that you  
9 two talked that particular day?

10 A. We had a (indiscernible) train that we were waiting for a  
11 utility extra worker to snag. We had (indiscernible) issues. And  
12 we were trying to get a crew up closer to another crew to change  
13 out, and they're expiring on hours of service, and we were just  
14 briefing on where the utility crew was at, that they're enroute.

15 Q. Okay. So, he was just doing a courtesy heads-up to advise  
16 you of that?

17 A. Yeah. A lot of dispatchers just like to check in before they  
18 leave, just give a rundown (indiscernible).

19 Q. Okay. And in your observation of this particular desk  
20 between the outgoing dispatcher, Matt Willard, and the income  
21 dispatcher, Ryan O'Leary, did everything seem normal to you?

22 A. Yeah, yeah, nothing out of the ordinary.

23 Q. Okay. And if either one of those dispatchers that's  
24 conducting a transfer, either the outgoing or the incoming, if I'm  
25 one of those dispatchers, and I have a question, or a comment, or

1 something, you're fully accessible, correct?

2 A. 100 percent.

3 Q. Okay. All right.

4 A. Yes.

5 Q. So, how is it -- or, take us through and describe -- the  
6 transfer's all done, O'Leary's at the desk. How about you just  
7 take us through how you became aware of the incident; and then, if  
8 you want, I would like for you to cover all the subsequent calls  
9 that you may have had, either talk with a dispatcher, talk with --  
10 talks that you had with emergency notification, or talks with the  
11 MTO ever?

12 A. I was made aware of the situation by the MTM on the Valentine  
13 (indiscernible) his last name, here. I think it's Precipo (ph.),  
14 if I'm saying it right. He called me, and he was panicky in his  
15 voice. He was asking me what was going on on the Valentine. And  
16 I asked him to repeat the question, and he asked me again, what's  
17 going on in Valentine? And (indiscernible) I don't understand the  
18 question. I go, what do you mean, what's going on in Valentine?  
19 And then, he reported a train has derailed, and it's on top of an  
20 employee, possibly. And then, he said, yes, a train has derailed  
21 and an employee's pinned. And I asked him what location; and he  
22 said, FA 20 (ph.).

23 And that's when I hung up the phone, and I called RMCC.  
24 While I was in the process of calling RMCC, I was talking to my  
25 dispatcher that there could be a possible derailment and injuries

1 at Alfalfa, and he was in the process of walking on the tracks at  
2 Alfalfa. And once I got off the phone with RMCC reporting the  
3 information I was just told by the MTM, I called Ever and let me  
4 know that he had already called RMCC, also, that he has a  
5 derailment, and there's pictures.

6 Q. But that conversation you're describing with Ever, the MTO,  
7 that wasn't your only conversation with him, was it?

8 A. I'm not for sure, to tell you the truth. There was a lot of  
9 stuff (indiscernible) real quick right there. I think I called  
10 him back to ask if employee who was over there, if he's been  
11 injured, and he let me know he was killed.

12 Q. Is it your testimony you have no recollection of the calls  
13 other than the one you described?

14 A. On the incident?

15 Q. Post incident, yes.

16 A. After I was made aware of the derailment? Is that what the  
17 question's asking?

18 Q. That is correct.

19 A. I could have possibly had other calls there. I'm just, I'm  
20 not for sure right now. I can't remember there. I know I talked  
21 to Greg Thompson. I was talking with (indiscernible)  
22 superintendent. But the dispatchers, word for word, I'm not able  
23 to give you that.

24 Q. Okay. Let me help out the situation as part of our  
25 conversation. Is it true that if you have a conversation over the



1 radio, that it's recorded there at Omaha at the Harriman Center?

2 A. Correct.

3 Q. And that's not only true for you, but it's true for the  
4 dispatchers?

5 A. Correct.

6 Q. Okay. And if you happen to be on a phone conversation from  
7 the Harriman Center in your position and talking with the MTO, a  
8 dispatcher, a train, or whoever, if you're talking on the phone,  
9 those phone calls are recorded, as well?

10 A. Correct.

11 Q. Okay. And you are aware of that; is that correct?

12 A. Correct.

13 Q. And I don't want you to speak for the dispatchers, but I'd  
14 like your opinion. Are the dispatchers aware their phone  
15 conversations and conversations over the radio, that they are  
16 recorded, as well?

17 A. Correct.

18 Q. Okay. So, I'm going to ask you for your opinion. If we  
19 request, and/or receive, and/or listen to those, and we hear the  
20 content quality of those conversations, would you object to that?

21 A. No.

22 Q. And knowing that they're recorded, do you feel confident that  
23 we could rely upon what we hear?

24 A. Yes.

25 MR. HIPSKINS: Okay. Thank you. That's all the questions I

1 have for right now, Cody. Ryan?

2 MR. FRIGO: All right. Thanks, Dick.

3 BY MR. FRIGO:

4 Q. Cody, can you help me understand the role of a corridor  
5 manager on the railroad?

6 A. I'm in charge -- on my desk, I'm in charge of three  
7 dispatchers. I supersede -- or, I supervise them on train  
8 movement and re-crews flow, congestion on the stops, incidents.

9 UNIDENTIFIED MALE SPEAKER #1: We're going to go with the  
10 file (indiscernible).

11 UNIDENTIFIED MALE SPEAKER #2: Okay.

12 MR. SMITH: We do quite a bit, but we're in charge of  
13 (indiscernible).

14 BY MR. FRIGO:

15 Q. Okay. I think heard you say that there's three dispatchers  
16 that fall under that El Paso --

17 A. Correct.

18 Q. -- desk. Okay. Is that a common arrangement that -- with  
19 the other corridors that exist? Is it about three dispatchers, or  
20 are some larger, some smaller?

21 A. I think some are larger. I think about the minimum's about  
22 three, three, to four, to five corridor (indiscernible).

23 Q. Okay. Okay. And you're on 1600 to 0400?

24 A. That day, I was, yes.

25 Q. That day. And then, did you work the day previous any?

- 1 A. No. No, I was off. That was my Monday.
- 2 Q. Okay. And then, what about the day before that?
- 3 A. That was my day off, also.
- 4 Q. Your day off, also. So, is that a regularly scheduled shift  
5 for you, then?
- 6 A. Yeah, I work three on, three off. I rotate my  
7 (indiscernible) days every two weeks. So, two weeks of 1600 to  
8 0400, and then two weeks from 0400 to 1600.
- 9 Q. (Indiscernible). How do you -- I mean, how does that work on  
10 the body and everything? Is it hard to get to get used to, or --
- 11 A. A little bit.
- 12 Q. Okay. And then, what do you usually do when you go off that  
13 0400? Do you go to sleep, or --
- 14 (Crosstalk)
- 15 Q. In a typical, with your work on that shift, like what would  
16 be a typical time you'd wake up?
- 17 A. At 11:00.
- 18 Q. Okay.
- 19 A. I'm usually at home in bed about 4:45 until 11:30.
- 20 Q. Okay. It's about a 30-minute drive to get home?
- 21 A. Yeah.
- 22 Q. Okay. And anything -- so, the two days before, those were  
23 your days off, any things going on at home or anything that would  
24 be out of the ordinary for you?
- 25 A. No. No, sir.

1 Q. Okay. Now, you know, I'm just trying to learn a little bit  
2 more about the position and whatnot, but are there any like  
3 federal regulations that govern the work that you do as a corridor  
4 manager? Is there anything like in the federal regs that would  
5 say, you know, this is how I do my job?

6 A. (Indiscernible) like --

7 Q. Okay. And --

8 A. -- differently.

9 Q. What do you do for like train dispatch in general?

10 A. (Indiscernible) under T core (ph.) and train dispatcher's  
11 roles.

12 Q. Okay. Is that a manual?

13 A. Correct.

14 Q. Okay. And then, you -- are you qualified on the, all the  
15 territory that falls under the El Paso as far as (indiscernible)?

16 A. Yeah, yeah.

17 Q. Okay. So, you had -- is that another responsibility that a  
18 corridor manager (indiscernible)?

19 A. No?

20 Q. No. So, it's separate?

21 (Crosstalk)

22 A. -- dispatcher, as well.

23 Q. Okay. Do you still dispatch at all from kind of just  
24 corridor manager from 2016 on?

25 A. Yep.

1 Q. Okay.

2 A. 2016/2017.

3 Q. Somewhere around there. I'm sure the team has the record,  
4 and they'll look that up. So, during a turnover, you know, and  
5 again, I understand your position's a little bit different now,  
6 but, you know, even thinking back to when you were a dispatcher,  
7 because it's, you know, 11, 12 years that you were a dispatcher --

8 A. Okay.

9 Q. -- what's the type of information that's covered in that  
10 turnover?

11 A. Usually, dispatchers will start out with their subdivision,  
12 typically working from one direction to the other, and they'll run  
13 through eastbound trains and (indiscernible) the issues with the  
14 trains. Coming back the other direction is the trains running in  
15 our service. (Indiscernible) what's going on, anything I need to  
16 know about. (Indiscernible).

17 Q. And then, you know, so, if there's a delay, are  
18 (indiscernible) be usually covered as part of that transfer?

19 A. (No audible response.)

20 Q. Okay. And are those -- is that memorialized within the  
21 system, within the dispatch system, or is there a form that's  
22 getting filled out by, you know, the second trick, and at that  
23 point, it's getting passed to the third trick? I mean, how does  
24 that information go from one shift to the next? Or let's just say  
25 (indiscernible) for tracking time.

1 A. I mean, they have transfer screenings when they log into it  
2 that shows their (indiscernible).

3 Q. So, it stays within the system, within the -- I know  
4 (indiscernible) system, that it kind of stays within that context?

5 A. (Indiscernible).

6 Q. Okay. So, it stays in there. And so, when the next person  
7 logs in, that same information remains?

8 A. (Indiscernible).

9 Q. Okay, okay. And, you know, I know there's a lot of training  
10 that goes into being a dispatcher. Do you remember some of the  
11 training that you had to go through, you know, back in 2005, when  
12 you got hired on? Like, how does one, from the time they get  
13 hired, become an actual dispatcher, and they're doing that work  
14 out at the railroad?

15 A. It's pretty extensive (indiscernible) train dispatcher rules.  
16 And it's three months on-the-job training, and (indiscernible) my  
17 qualified dispatcher learning the territory, applying the rules  
18 the rules and knowledge to the desk before they qualify, and  
19 they -- I forget what it is. (Indiscernible). Five days, four,  
20 three, four, a week? I'm not sure. I'm not in it anymore. But  
21 they have three months with a qualified train dispatcher, then  
22 they get a qualification run to work up on the desk.

23 Q. Okay. And then, what about for a corridor manager? What  
24 type of additional training would one get for that type of role?

25 A. I just -- I was pretty experienced in coming into my role as

1 corridor manager. I kind of -- we ran into it pretty smooth. I  
2 know three are some classes on learning some different things,  
3 (indiscernible). Just the basic tools we have as a corridor  
4 manager that dispatchers don't have. I think -- it's hard to  
5 explain, but it's --

6 Q. More of a manager type?

7 A. Right.

8 Q. Okay. All right. And again, I know you answered some of the  
9 rules and whatnot, so what are the annual certifications that a  
10 corridor manager has to receive?

11 A. I think it's every two years they're supposed to be T core  
12 qualified (indiscernible), so --

13 Q. Okay. And is there a -- like, do you have a, like a binder  
14 or a standard from the UB that says, you know, this is what I'm  
15 supposed to do, or -- I'm just trying to understand how you know  
16 the different functions of the position.

17 A. As a corridor manager?

18 Q. Yeah.

19 A. Like, as in what? Like --

20 MS. RUSSELL: Are you asking about standard work?

21 BY MR. FRIGO:

22 Q. Yeah, just, you know, like standard work procedures or --

23 A. Yeah, we have a standard work document on the desk.

24 Q. Okay. And can you walk me through kind of what that  
25 outlines? It's probably something you do every day. You just

1 don't --

2 A. Explaining it?

3 Q. Yeah.

4 A. Typically, when I sit down after making a turnover,  
5 (indiscernible) outages, train stops, re-crews. And then, we go  
6 through the subdivisions on, you know, capacity, if it's running  
7 smoothly (indiscernible) the policy if you have a train stop, any  
8 major curfews going on that we need to plan for or anything, or  
9 anything that's set up. And I sit down, and I go through each of  
10 my territories on every train run that I'm in. I go through my  
11 crews. And after that, I wait for --

12 Q. Okay.

13 A. -- typical (indiscernible).

14 Q. (Indiscernible). And then, with the three dispatchers that  
15 work under the El Paso desk when you're on duty, are you  
16 responsible for assessing their fitness for duty to work that day,  
17 or does someone else do that?

18 A. If I feel that they're unfit to work the job, I can request a  
19 new dispatcher.

20 Q. So, the day, when they report out, do they talk to you pretty  
21 early on when they show up?

22 A. Most of the time, yep. I typically -- and I like, myself, to  
23 come down and talk to them after they do turnover (indiscernible).

24 Q. Is it face to face so you can (indiscernible) anything, you  
25 can kind of assess what's going on?



1 A. A hundred percent.

2 Q. Okay. Is there anybody else within the structure of -- you  
3 know, within the dispatch center, that would also have that  
4 responsibility for the dispatchers, or is it just the corridor  
5 manager?

6 A. I think we (indiscernible) run people up on, I mean, the  
7 network superintendent (indiscernible) senior manager who's on  
8 duty, they're more willing to, if they think something is off on a  
9 dispatcher --

10 Q. Okay. And just going back to the day of the accident, was  
11 there anything in Matt's performance that day that, you know, was  
12 off from the typical? You guys, you've work together a lot?

13 A. Yes.

14 Q. Okay. About how long? Can you estimate like how long you've  
15 kind of worked together: months, years?

16 A. Probably four or five years.

17 Q. Okay. So, a lot, then. And everything seemed pretty  
18 straight on? What about with Ryan that day?

19 A. Same thing.

20 Q. Okay.

21 A. Matt and Ryan are pretty strong dispatchers.

22 Q. Okay. And you've also worked with Ryan for a few years?

23 A. Yeah, four or five years with Ryan.

24 MR. FRIGO: Okay. Cody, thank you for answering my  
25 questions. I'll pass it back to you guys in the room.

1 MR. BACHMEIER: Okay. Thanks, Ryan. I don't have any other  
2 questions for you. I'm going to pass it off to Cameron.

3 MR. SAUNDERS: Cameron Saunders, Smart TV. I don't have  
4 anything else for you. Appreciate you participating today. I  
5 know it's tough, but hang in there.

6 MR. MAYNARD: Jim Maynard, BLET. No other questions at this  
7 time. Also, like he said, we appreciate you coming in. I know  
8 it's something hard to talk about, but we do appreciate it so we  
9 can get to the bottom of it.

10 MR. CAMPBELL: Eric Campbell with FRA.

11 BY MR. CAMPBELL:

12 Q. Cody, once you received information from your dispatcher  
13 about the train being ready to come in, was it your understanding  
14 that the track was clear and maintenance of way was out of the way  
15 at that time?

16 A. That's correct.

17 Q. In your all's conversation, what were the statements made to  
18 bring you to that understanding?

19 A. The conversation with my train dispatcher on that is that  
20 they had permission to come in and they were ready to go. And so,  
21 we based our knowledge off (indiscernible).

22 Q. Who -- you said they had permission. Who made that comment  
23 that they had permission?

24 A. It was the -- it would end up being the train crew, that  
25 they're ready to come in.

1 Q. So, the train crew told your dispatcher they had permission  
2 to come in the yard; is that what I'm understanding?

3 A. That's correct, yeah. They're ready for us. I think that  
4 was their wording.

5 Q. And at that time, you then relayed that information to the  
6 MTO; is that correct?

7 A. That's correct. He asked me about it, and I said that Ryan  
8 talked to the crew, and they said that -- Ryan talked to them, and  
9 he said they were ready.

10 Q. Do you and your dispatchers have any control over yard  
11 tracks?

12 A. No.

13 Q. After you spoke with the MTO and relayed that information  
14 about they were being cleared to come in, between that  
15 conversation and when the incident occurred, did you have any  
16 other conversations with MTO?

17 A. With the (indiscernible)?

18 Q. With the MTO, Mr. Tellez?

19 A. Let's see. I need you to repeat the question, please.

20 Q. Between the last conversation we spoke about where you let  
21 the MTO Tellez know that the trap was clear and the train was  
22 coming in, between that conversation and the incident occurring,  
23 did you and MTO Tellez have any other conversations?

24 A. Yeah, I think we had a conversation when the derailment  
25 occurred, and another one after that, and --

1 Q. Okay. At any point in your shift, did you personally speak  
2 with the EIC?

3 A. No, sir.

4 Q. Did you have any knowledge of that yard lead being protected  
5 by maintenance of way?

6 A. Being protected, no, no.

7 Q. Would you dispatcher have had any knowledge of that yard lead  
8 being protected by maintenance of way?

9 A. Dispatchers don't protect anything that (indiscernible)  
10 tracks, so I would think not.

11 MR. SAUNDERS: Very good. That's all I have. Thank you. I  
12 appreciate your time.

13 MR. MARTINEZ: Chris Martinez, FRA.

14 BY MR. MARTINEZ:

15 Q. Again, thank you. I just have one question. Are the  
16 turnovers, are they recorded or documented in any way?

17 A. For the train dispatcher or the corridor manager?

18 Q. Are the turnovers between the dispatchers, are they recorded  
19 or documented in any way?

20 A. They're documented by hours of service logging in. They're  
21 not verbally recorded.

22 Q. Okay. So, when they job brief on the turnovers, none of  
23 that's recorded, so -- at all? What information --

24 A. No.

25 Q. -- was passed from one dispatcher to the other?

1 A. I think they have a standardized turnover they use that they  
2 pass each other.

3 MR. MARTINEZ: Okay. That's all I've got.

4 MR. SMITH: Okay, thank you.

5 MR. JENKINS: Justin Jenkins, Union Pacific Railroad. I  
6 don't have any questions.

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

8 BY MR. HIPSKIND:

9 Q. Cory, I appreciate all the dialogue. I want to follow onto  
10 what Chris was bringing up. Earlier in your conversation, I heard  
11 a term, and maybe I heard it wrong, transfer screens. Did I hear  
12 that correctly? Does that mean anything to you, transfer screens?

13 A. That's just when one dispatcher logs onto the Cadac (ph.)  
14 system and the other one logs in on duty.

15 Q. Okay. Because there was an incident out there, a derailment  
16 and an employee fatality, kind of take us through, what records,  
17 devices, paperwork, anything in the Harriman Center, was retained,  
18 saved, related to the incident? Can you take us through that,  
19 characterize that for us?

20 A. Nothing -- that's not handled by me. Once that's reported, I  
21 hand it up to the MTPs.

22 Q. Okay. I get it. It's not handled by you. Did you observe  
23 any activity like what I'm describing?

24 A. As in what documents being saved, or --

25 Q. Correct. Was there any request that was made through you to

1 retain or save any of the paperwork, transfer screens, anything  
2 like that pertaining to this incident?

3 A. No.

4 Q. I didn't hear you.

5 A. No, sir.

6 Q. Okay. Was there any request made or execution of any drug  
7 and alcohol testing of any personnel at the Harriman Center post  
8 incident?

9 A. I don't handle that part. That'd be (indiscernible) once I  
10 feel that it's needed.

11 Q. Okay. But is it your testimony that you don't have any  
12 recollection or there was no observation of anybody being alcohol  
13 or drug tested post incident?

14 A. No, there's no need for it.

15 Q. Okay. Well, forgive me, Cody, were you tested post incident?

16 A. No.

17 Q. Was the second trick dispatcher tested post incident?

18 A. No.

19 Q. Pardon?

20 A. No.

21 Q. Was the third trick dispatcher tested post incident?

22 A. No.

23 Q. Okay. Thank you for that. That clears that up. Since the  
24 incident, did you have any occasion to review or listen to any  
25 recorded conversations that were related to this incident, either

1 related to the transfer or relate to any of your conversations  
2 with anybody post incident?

3 A. No.

4 Q. Okay. And, Cody, did you have any occasion prior to the  
5 incident or after the incident whereby you talked with anybody on  
6 the train crew?

7 A. No.

8 MR. HIPSKIND: Okay. Thank you very much. I do -- can I do  
9 my piece --

10 MR. FRIGO: Yep.

11 MR. HIPSKINS: -- here and now? Erin, thanks for being there  
12 taking notes. I want to give you an opportunity. Do you have any  
13 points that you want to clarify for our -- for Cody's interview  
14 for our investigation?

15 MS. BATT: I do, just a couple, thank you. Mr. Cameron with  
16 Smart, during his first question, made mention of -- asked Cody if  
17 he had talked to the gang -- or, Mr. O'Leary, who was in charge.  
18 I just want to make note that Mr. O'Leary was the train inspection  
19 as part of the maintenance of way gang. And then, I believe it  
20 was Mr. Martinez, in his first question, with the FRA, asked the  
21 question if Cody had confirmed with the EIC that the crew was able  
22 to come in. I just want to confirm that Ryan -- or, Cody, said he  
23 had conferred with Ryan that the crew would be able to come in.

24 MR. SMITH: Correct.

25 MR. BACHMEIER: Anything --

1 MS. BATT: That was all I had.

2 MR. HIPSKIND: Okay. All right. Thank you. Mike, I'll turn  
3 it back to you, then.

4 MR. BACHMEIER: Ryan, any further questions on your side?

5 MR. FRIGO: Not at this time, thank you.

6 MR. BACHMEIER: Okay. Cody, before we end, do you have  
7 anything you'd like to add?

8 MR. SMITH: No.

9 MR. BACHMEIER: Before we go, is there anything you think  
10 could have prevented this accident?

11 MR. SMITH: I don't know. I don't know. No.

12 MR. BACHMEIER: Okay. Cody, if we have follow-up questions,  
13 would it be okay to contact you?

14 MR. SMITH: Yes.

15 MR. BACHMEIER: Okay. On behalf of the NTSB and our working  
16 group here, thank you for your time and cooperation. This will  
17 end our interview. Thank you.

18 MR. SMITH: Yes.

19 MR. HIPSKIND: Thanks, Cody.

20 (Whereupon, the interview was concluded.)  
21  
22  
23  
24  
25



CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

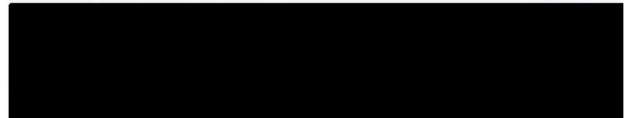
IN THE MATTER OF:           UNION PACIFIC EMPLOYEE FATALITY  
                                  IN EL PASO, TEXAS ON  
                                  AUGUST 29, 2022  
                                  Interview of Cory Smith

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.



Lisa Sevarino  
Transcriber