

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: EVERARDO TELLEZ, Manager of Terminal Operations
Union Pacific Railroad

El Paso, Texas

Wednesday,
August 31, 2022

APPEARANCES:

MICHAEL BACHMEIER, Investigator
National Transportation Safety Board

RICHARD HIPSKIND, Investigator in Charge
National Transportation Safety Board

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

CAMERON SAUNDERS, National Safety Team
SMART Transportation Division

ERIC CAMPBELL, Inspector of Operating Practices
Federal Railroad Administration

CHRIS MARTINEZ, Operating Practices Inspector
Federal Railroad Administration

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SMART Transportation Division

PAT DAMERON, Deputy Staff Director
Federal Railroad Administration

JASON JENKINS, General Director of Safety
Union Pacific Railroad

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I N T E R V I E W

(1:05 p.m.)

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3 MR. BACHMEIER: My name is Michael Bachmeier and I am the
4 NTSB group chairman for this accident. We are here today on
5 August 31st, 2022, at 1:05 p.m. in the Holiday Inn El Paso, Texas,
6 to conduct an interview with Everardo Tellez who works for UP.

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

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

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

19 MR. MAYNARD: Jim Maynard. M-a-y-n-a-r-d. BLET safety task
20 force (indiscernible).

21 MR. SAUNDERS: Cameron Saunders. S-a-u-n-d-e-r-s. National
22 safety team for SMART-TD.

23 MR. CAMPBELL: Eric Campbell. C-a-m-p-b-e-l-l. I'm an
24 inspector operating practices, Federal Railroad Administration.

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

1 for the Federal Railroad Administration.

2 MR. JENKINS: Jason Jenkins. J-e-n-k-i-n-s. With Union
3 Pacific Railroad, general director of safety southern region.

4 MR. HIPSKIND: My name is Richard Hipskind. Spelling of my
5 last name is H-i-p-s-k-i-n-d. I am the investigator in charge for
6 NTSB on this accident.

7 MR. TELLEZ: My name is Everardo Tellez. Last name is T-e-l-
8 l-e-z. And I'm an MTO for Union Pacific in El Paso, Texas.

9 MR. GALLEGOS: Donald Gallegos. SMART-TD. G-a-l-l-e-g-o-s.

10 MR. DAMERON: Pat Dameron. D-a-m-e-r-o-n. I am the deputy
11 staff director for the Federal Railroad Administration for
12 operating practices.

13 MR. DONNER: And Patton Donner (ph.) in here just for
14 observation purposes.

15 MR. BACHMEIER: Okay, thank you. Can I call you Ever?

16 MR. TELLEZ: Yes, sir.

17 MR. BACHMEIER: Ever, do we have your permission to record
18 our discussion with you today?

19 MR. TELLEZ: Yes.

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

23 MR. TELLEZ: I do.

24 MR. BACHMEIER: As we discussed, you could have a
25 representative with you today. And we don't have one. Is that

1 correct?

2 MR. TELLEZ: That's correct.

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

5 INTERVIEW OF EVERARDO TELLEZ

6 BY MR. BACHMEIER:

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

9 A. Hired out with the railroad in 2012 as a conductor. I did my
10 training in the Fort Worth service unit. I was over there until
11 2016, primarily working out of West Texas there in Odessa.
12 September of 2016, I applied for management. Became an MYO. Been
13 in El Paso since. 2018, I promoted to (indiscernible) still in El
14 Paso, Texas. And I want to say probably about a year ago, we
15 started doing yardmaster work. So we basically run the yard now.

16 Q. Just for my -- MYO. What's that stand for?

17 A. Manager of yard operations.

18 Q. And MTO is?

19 A. Manager of terminal operations.

20 Q. Terminal. Okay.

21 A. Yes, sir.

22 Q. Just want to make sure. So how long you been in your current
23 position?

24 A. As an MTO, since 2018. So --

25 Q. 2018. Let's go back a couple days to the start of your

1 shift. What time did you start your shift on --

2 A. 1730 on the 29th.

3 Q. 1730. Can you just describe your day on the 29th?

4 A. I'm working nights -- you know, this month. So I woke up
5 about 2:00. Started getting ready for work. Getting my lunch
6 ready. Drove to work. Had my briefing for daylight MTO there.
7 And took over the desk probably about 1820. Something like that.

8 Q. Was there anything unusual that day that -- normal --

9 A. They're putting in the switch there on the east end of the
10 yard. Crossover switch east of Carolina Bridge.

11 Q. That was -- that's -- that hadn't been doing that prior?

12 A. No. It started that day.

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

14 BY MR. MAYNARD:

15 Q. Jim Maynard. BLET safety task force. How you doing? First
16 question I had for you was the -- your job briefing with your
17 prior MTO. Did you discuss any of this or what was going on down
18 that way or --

19 A. We discussed the fact that there was maintenance away working
20 on the east end of the yard. Anytime we have any sort of
21 maintenance away working in the yard, we just have a discussion in
22 regards to what they're doing, what time we figure they're going
23 to be off the track. Just a basic job briefing on, you know,
24 where they're at and who we got to watch out for.

25 Q. And do you guys usually, like, pull it out of service or

1 block it for the yard, for coming into the yard, so on and so
2 forth? Is that you that does that, the old yardmaster job then?

3 A. Basically, if there's anything going on in the yard, the
4 maintenance away just comes over and tell us, hey, I'm going to be
5 working on this track. And you know, they'll put up their derails
6 if they need to depending on what they're going to be doing.

7 And we relay that to the crews. You know, this is what we
8 got going on, this location. Be aware, you know, you can't
9 traverse that territory or whatever it might be. That's typically
10 how we secure the area in the yard whenever something like that
11 goes on.

12 Q. Do you guys ever talk to the dispatcher about track blockage
13 or whatever getting into that track when it's on the leads?

14 A. If it's going to be -- like that situation specifically, we
15 have a bunch of east end work is primarily what we do at Alfalfa.
16 We really don't have anything from the west end that goes in and
17 out of the yard itself. So that specific area where maintenance
18 away was working, the dispatcher didn't know about it. But work
19 in the yard we typically don't relay that to the dispatcher.

20 Q. Right. Just where there's an entrance into it from the main
21 (indiscernible).

22 A. Yeah. If it's going to affect me in my work, then the
23 dispatcher would be aware.

24 MR. MAYNARD: I think that's all I got. Thank you very much.
25 Thanks for coming in.

1 MR. SAUNDERS: Cameron Saunders with SMART-TD. I don't have
2 anything right now.

3 BY MR. CAMPBELL:

4 Q. Eric Campbell, operating practices, FRA. During your all's
5 job briefing, what details did you guys cover in regard to the
6 work being done?

7 A. Basically, at 1830, maintenance away is supposed to release
8 that track to us. Later on during the brief, we actually got an
9 update that it would be a little bit longer. And that was with
10 Greg Thompson. He just give us a phone call saying, hey, it looks
11 like they're going to be on there a little bit longer. I think he
12 had mentioned 1930 was the time that he had said they would
13 release. But just a basic job briefing on where they were and
14 what time they were going to get off.

15 Q. So when they extended it, is there anything you guys do to
16 relay that information or is it just as job briefing comes on with
17 crews, you update them as you come on?

18 A. Exactly. I mean, I have control of who comes in and out of
19 the yard. So I mean, if something is going to be extended to a
20 specific time, then I'm made aware of it and I'm the one that
21 people have to go to to come in and out of the yard regardless,
22 you know, so I manage that aspect of it.

23 MR. CAMPBELL: That's all I got. Chris?

24 BY MR. MARTINEZ:

25 Q. Chris Martinez, OP, FRA. So the job briefing that you had

1 with your prior MTO, can you talk about that a little bit? What
2 you guys talk about exactly or to the best of your knowledge?

3 A. Work that needed to be done, trains that we needed to build,
4 cars that we needed to swing. Just what I needed to -- coming in
5 to third shift, what I needed to do to make sure we had a
6 successful shift. We always start off with the safety portion of
7 it. So I always talk about -- like we said earlier -- where
8 maintenance away is, if any. Employees that we might have in the
9 yard that we consider a high ERA which -- just people that we got
10 to look out for that we feel might have some sort of issue. Then
11 after that, it was just basically talking about what needed to
12 happen in the yard that day.

13 Q. So when they told you it's going to be extended, did you --
14 what was your process with that? Did you convey anything to the
15 crews or --

16 A. I had nobody working on the east end of the yard because they
17 were out of service. And my car was actually -- the east end crew
18 was actually in the yard office. They weren't even out working
19 because they couldn't do anything. I only had a crew on the west
20 end. I was waiting for them to clear up before I could do
21 anything. The area where that work was being done, you know, I
22 can't do anything on the east end of the yard.

23 MR. MARTINEZ: That's it for me.

24 BY MR. JENKINS:

25 Q. Jason Jenkins, Union Pacific Railroad, general director of

1 safety. Ever, thank you for coming in. I appreciate it. You're
2 doing great. I got a few questions for you. Tell us or talk to
3 us about in general when you have maintenance away working in the
4 yard and you're the MTO on duty, how do you specifically
5 communicate with those (indiscernible)?

6 A. Let's just say somebody reports about a (indiscernible)
7 switch and I call maintenance away and they arrive on site. At
8 that point, they call me and they say, hey, we're here; we need to
9 hop on -- let's just say the six switch on the east end of the
10 yard for an example. What I do is I relay that information to
11 whoever is going to be working in that general vicinity.

12 If I feel anybody from, say, the west end of the yard is
13 going to be kicking cars or might be doing something in that
14 track, then I let them know, hey, FYI, make sure that when you're
15 kicking cars into six track, you're aware that there is -- if they
16 say they're going to put in a derail or they're going to be
17 (indiscernible) track or whatever it is. I relay that information
18 to whoever I feel is going to need that information. But it's on
19 a case-by-case basis on how we give that information to who needs
20 it.

21 Q. Is specifically that done mostly radio, telephone, or a
22 little bit of everything?

23 A. Yeah. It's a little bit of everything. Because I mean, if
24 it's going to be something as simple as adjusting a switch, you
25 know, they'll call over the radio. If it's going to be something

1 in regards to -- like they might reach out on the radio initially
2 and then they'll call me and they'll say, okay, like I'm here but
3 the rail that I have to replace I don't have. So an elongated
4 conversation, they would call me on the phone. But if it's
5 something simple, you know, the radio would suffice.

6 Q. And on this particular day, do you recall having any radio or
7 phone conversations once you came to work with that
8 (indiscernible)?

9 A. No, sir.

10 Q. Since being an MTO and then taking over also the yardmaster
11 duties, what -- when you're in the yard office or doing that role,
12 do you monitor radio channels and which radio channels do you
13 monitor? Is it more than one?

14 A. Yes, sir. We monitor 08-08 which is what the local that
15 works the refinery works off of once they actually depart the yard
16 and go work the refinery. We work on 20-20 which is the yard
17 channel. We monitor 66-66 which is the interchange. And then we
18 monitor 14-14 for any work that might take place at Dallas yard or
19 in case we hear any sort of incident on the main line, we can
20 report it.

21 Q. And you're doing that as a scan function, scanning the radio?

22 A. The AVTECH and just -- I mean, I'm not sure how to explain it
23 but it just has a bunch of keys with radio channels on there and
24 whatever key you have keyed up green, it's just monitoring. And
25 then whichever one you have keyed up red, you can actually speak

1 to those people.

2 Q. And at any one time is there a key that monitors all those
3 channels at one time?

4 A. Anything that's got green is just -- it's -- anything and
5 everything on those channels is coming through and then the red
6 one is the one that I'm speaking on.

7 Q. Thank you. And if you're MTO and a yardmaster and you're
8 monitoring those radios but you need to go out in the field to
9 perform like safety activities (indiscernible) activities, who
10 monitors those channels at that --

11 A. If I have to go out of the office, I only have access to one
12 channel. I take my radio with me, my portable radio. And I put
13 it on the yard channel, which is what I'm primarily, you know,
14 working. But I just have access to that one channel at that
15 point.

16 Q. Last question for me. And it's really more of an open
17 question. Walk us through that day. Prior to the incident, you,
18 the porter manager, dispatcher -- what you remember about those
19 conversations. Prior to the incident.

20 A. So we were unable to work on the east end of the yard so the
21 dispatcher was holding that ISIP train at Dallas yard. I believe
22 it was main track 104. Like I mentioned earlier, it was
23 -- 1830 was the initial time they were supposed to release it, so
24 we were staging the train there to come into the east end of the
25 yard. Dispatcher had an I train that needed to go west and I

1 don't remember that symbol but what ended up happening is he light
2 up the ISIP to come out of Dallas yard. They went down main track
3 two and then crossed over at 820. When the head end hit 820 based
4 on what I heard on the radio, Mr. Navarro got off at the signal
5 and then the train continued to go east. Once the train cleared
6 the signal, that main line train got lit up to go west.

7 During that train, the ISIP crew (indiscernible) up the
8 dispatcher and they requested a light into Alfalfa which, at that
9 point, the light -- whenever they request a signal, on the CAD
10 screen it kind of starts flashing. Right? Like a yellow light
11 starts flashing before it becomes a solid line.

12 During that process, I called Cody, which was the
13 (indiscernible) and I told Cody, hey, man, nobody is released on
14 the east end, you know (indiscernible) calls me. And this was
15 about 9:15 I think it was. And I told him, they typically call me
16 and they release and say, you have access to whatever track. They
17 tell me what I can and can't do. Basically, speeds, you know,
18 anything like that.

19 And Cody said, you know what, let me reach out to O'Leary.
20 Ryan O'Leary was our train dispatcher that night. And Cody says,
21 you know what, O'Leary spoke to maintenance away. ISIP is cleared
22 to come into the yard.

23 So during that time the ISIP was reaching out to me on the
24 radio, I let them know to standby. I was briefing our corridor
25 dispatcher seeing what we could do on the east end. If we had

1 access to that end of the yard yet.

2 But once I got clarification that we could come in and they
3 had spoken to maintenance away, then I proceeded to give my job
4 briefing to Mr. Navarro; where I wanted him to set his cars up and
5 what to do with his power.

6 Once I gave the instruction, I went to the crew. I had to
7 job brief with my crews. When I come back to the office,
8 Mr. Murphy reached out to me on the radio and said, hey, I'm in
9 emergency and I can't get a hold of my conductor.

10 So at that point is when I started trying to reach out to
11 Mr. Navarro on the radio and I would say it was at least 10
12 minutes where I just repeatedly was, you know, calling out his
13 name. And eventually, when I wasn't getting anything, Mr. Casas
14 (ph.), Gustavo (ph.) Casas was our utility man that night. And
15 he's kind of who I use to -- anything I need to do in the yard.

16 So I asked him -- I said, can you please find the rear end of
17 this train. I can't get a hold of Mr. Navarro and I need to see
18 if he's okay. So some time went by. I would say about 10 minutes
19 went by. And I got a message over the radio there from Gustavo
20 Casas telling me to call our MCC (ph.), call emergency responders
21 and that we had derail and they couldn't find
22 Mr. Navarro.

23 So the first thing I did was call our MCC, get it reported
24 best I could, you know. That's kind of what led up to the
25 incident.

1 Q. Thank you. That was great. And just one short question
2 based on what you just said. When you told him that they could
3 come in after that, clarifying with Cody, was that over the radio?

4 A. Yes.

5 Q. And through the yard channel?

6 A. Yes, sir.

7 MR. JENKINS: Perfect. (Indiscernible). I'm done.

8 BY MR. HIPSKIND:

9 Q. Dick Hipskind, NTSB. So Ever, I want to start at the
10 beginning again. And I get it. You come into work; you're
11 prepared for your shift. How long is your shift on --

12 A. I mean, it's supposed to be 12 hours but we end up doing
13 roughly 13 plus most of the time.

14 Q. And I take it that when you come into work, you report to the
15 -- do you call it a yard office?

16 A. Yes, sir. (Indiscernible).

17 Q. How much time, just on average -- I'm not talking about the
18 day of the accident. But just on average, how much time do you
19 spend at the yard office?

20 A. Day-to-day basis for work?

21 Q. Yeah.

22 A. Sure. Thirteen-and-a-half hours I would say is pretty
23 average.

24 Q. So the exception might be when you depart the yard office to
25 go help a crew or to run a safety check or something like that?

1 A. Yeah. There's -- it happens two, three times a shift at
2 least where I go get my handheld and I go out and verify power,
3 which direction it's facing, check fuel. Various things that we
4 go to do throughout our day.

5 Q. Is -- I don't want to put words in your mouth but I do want
6 to kind of understand. Is the reason -- with your job title -- is
7 the reason that you stay at the yard office is to monitor
8 everything that's going on? You're listening, seeing -- is that
9 kind of how I should understand that?

10 A. It's the goal. When we're -- when you're working night
11 shift, you deal with interchange a lot. Right? So you're having
12 to set up times with Mexico. And you're on your cell phone
13 because they deal with WhatsApp. Is the application they use to
14 message each other back and forth, setting times. Southbound,
15 northbound, whatever it is that we might have.

16 So on occasions where I do have something going on at the
17 river and I have to step out of the yard office, our cell phones
18 now have a function where we can pull up into the tower radios
19 with them. So I'll turn on my cell phone to monitor 66-66 and
20 then I'll take my radio with me to monitor 20-20. But I mean,
21 that's the most I can monitor at most when I'm stepped out from
22 the office.

23 Q. And these numbers that you laid out, 66-66, 20-20, like 14-
24 14, those are all just different radio channels?

25 A. Correct.

1 Q. And when you talk about -- and you use the term interchange,
2 what we're really talking about there is international rail
3 traffic interchange, Mexico and United States.

4 A. Correct. Yes, sir.

5 Q. But the term interchange can also mean interchange with other
6 U.S. railroads?

7 A. Correct.

8 Q. And does that occur, as well?

9 A. We interchange with the BNSF over there, as well.

10 Q. Now, let's paint the picture a little bit more. How big of a
11 physical area are we talking about that you're in charge of?

12 A. I mean, we -- anything that comes into Santa Teresa all the
13 way until it leaves Alfalfa pretty much. I would say 50 miles or
14 so.

15 Q. Well, the yard limits aren't out -- are the yard limits out
16 50 miles or are the yard limits closer into the infrastructure
17 there at the yard office?

18 A. From the yard office? Is that what you're referring to?

19 Q. Well, I just kind of want to -- let's do it this way. Tell
20 me -- describe for me the territory that you monitor or you're
21 responsible for in terms of geographic area. But then I'd like
22 you to drill down and talk about just Alfalfa yard.

23 A. Okay. So we basically monitor from SA 820, control point SA
24 820 all the way to Santa Teresa which is SP 020. I would say
25 roughly 50 miles in that territory. Alfalfa yard itself is where

1 the work primarily takes place. And Alfalfa yard is, I would say,
2 at least two miles from -- two, two-and-a-half miles
3 (indiscernible).

4 Q. And is it a classification yard, is it a hump yard, or --

5 A. Classification yard.

6 Q. And about how many tracks just roughly?

7 A. Thirty-six.

8 Q. And is the yard office positioned, what, in the middle of
9 that layout?

10 A. It's on the west end of the yard.

11 Q. West end of the yard. Let's change gears. I've heard you
12 mention this ISIP and the way I understand it -- you correct me if
13 I wrong -- but that's the accident train. Right?

14 A. That's the train symbol for the train with the incident.
15 Yes, sir.

16 Q. Did it start out -- did the crew start out and did that
17 equipment, the locomotive, the car, did they start out at your
18 yard?

19 A. No, sir. They came on duty at Santa Teresa.

20 Q. And how far away is that?

21 A. About 50 miles.

22 Q. What -- do they -- when they came on duty, did they talk to
23 you or did they talk to the previous yardmaster about what they
24 were going to do that day?

25 A. I don't know the answer. They -- to me, they do not speak to

1 me at all. I don't know if they spoke to the prior yardmaster.

2 Q. Well, then if not you or not the other yardmaster, their
3 business was with the dispatcher? Does that make sense?

4 A. So they pick up their train from the ramps, which is our
5 contractor over at Santa Teresa. They let them know where their
6 train is, where their power is, and whether it's air tested or
7 not. So they get their job briefing from them. They train set
8 their train, as well.

9 So they pick up their work over at Santa Teresa. And at that
10 point, when they're reviewing their work order, they would know
11 what work they have en route. After they do their work at Strauss
12 or (indiscernible) I guess it would be, it's usually a shot
13 straight to Alfalfa. And then at that point, it's putting their
14 train away and, you know, they're done for the day. So I work
15 with that train once they arrive to my location.

16 Q. Should I think of that -- of the accident train's ID, that
17 job, is -- do you think -- should I understand that that's
18 something that happens like on a daily basis or frequent basis?

19 A. Yeah. It's a seven day a week job.

20 Q. So even though it might be a different crew on the equipment,
21 you know that at a certain point in time, they start over at Santa
22 Teresa and that some crew with some number of cars is likely to
23 come your way?

24 A. Yes, sir. Every day.

25 Q. And they come there at different times a day depending on

1 their workload, the number of stops, and all that kind of stuff.
2 Right?

3 A. Yes, sir. Correct.

4 Q. Were you surprised at the time of day that the ISIP was at
5 the -- I'll probably get this wrong -- they were at the east end
6 of the yard?

7 A. Correct. I was not surprised. I mean, working nights, they
8 usually always arrive on my shift. It's pretty normal for them to
9 arrive after 1800.

10 Q. And again, I want your answer, not maybe the way I think
11 about it. But maybe normal operation for that particular job that
12 starts out at Santa Teresa, they would get up there to Rosedale
13 and then they're going to request from the dispatcher to come down
14 that yard (indiscernible). Is that the normal operation?

15 A. So the decision on yarding that train is based on how our
16 inventory is in the yard. So it's not, okay, this is what we're
17 going to do with this train every day. We had a derailment in
18 track two last week so we -- they told us not to pull a train west
19 to east through track two because it was something that they
20 hadn't figured out. So we didn't have access to two track to pull
21 the train west to east through the yard. So that track we were
22 limited.

23 That specific day, one, two, and three all had cars in them.
24 So those are our three receiving tracks. If any of those tracks
25 are clear at any given time, the decision is made to pull the

1 train in through the control (indiscernible) on the west end and
2 just cut of their car and put their power away. This specific
3 day, we had cars in every track. So the only option we have at
4 that point is pulling through the main line to Rosedale over there
5 on the east end of the yard and then (indiscernible).

6 Q. It may be just as simple. For -- and I'm sure -- I should
7 ask you. The crew calls you and they identify to you how many
8 cars they're bringing in. Correct?

9 A. I normally reach out to them when I see them coming. More
10 times than not, I have an RG who is repetitive inquiry where we
11 just -- it tells you what's on the train itself and -- that way I
12 can -- I know what the footage is and I know where I can put them.
13 If I got 50 cars on track three and they come with 50 cars then I
14 know I can fit them in track three. That's definitely information
15 I get before the train even gets there. So I know
16 (indiscernible).

17 Q. In general, when you're expecting that ISIP to be done with
18 their work and you know they're probably going to be heading for
19 your Alfalfa yard, is that generally a shove move down the lead or
20 do you do it different ways?

21 A. It's always dependent on what I have clear. If I've got a
22 clear track, like I said, I'll pull them in and it's a much
23 shorter move for them, much easier, much quicker. If one, two,
24 and three track are full then they'll always come in through the
25 east end (indiscernible).

1 Q. Were you at all surprised that day for the time of when they
2 showed up or the number of cars or anything like that?

3 A. No, sir.

4 Q. That made perfect sense to you that they would be up at
5 Rosedale and they would come down to yard lead?

6 A. Yes.

7 Q. And the yard lead is in -- under your control?

8 A. Yes, sir.

9 Q. Anything else you want to tell me about my line of
10 questioning about the ISIP? Because I may not have asked you
11 everything that you want to answer.

12 A. No, I think you covered everything that I had an answer for.

13 Q. The accident train, as well as other ISIPs that might be
14 headed your way each day, do you normally reach out and talk to
15 the crew or they talk to you?

16 A. There's always a job briefing before that would get to me.
17 Always. They don't come into the yard unless they speak to me.

18 Q. Give me an example of what you might talk about in the job
19 briefing for a typical move of an ISIP train coming to your yard.
20 You would say what to who?

21 A. So they would reach out to me and always -- they always wait
22 to get a signal. So if they get a signal into the yard west or
23 east, it doesn't matter, they won't take that signal unless they
24 speak to whoever is at the desk. So the example would be, hey,
25 Ever, we got a light into the yard, what are your instructions.

1 And so, if there is maintenance away in the way, then I would
2 notify them of that. If there's not, then the briefing would be
3 something along the lines of -- in this situation specifically is
4 -- you know, a dispatcher briefed the maintenance away. They're
5 out of your way.

6 And he did clarify with me that they're out of the way,
7 correct, and I said, yes, sir, they are. And then I told him what
8 track to go to. And I (indiscernible) to put his power but I
9 still -- once he put his cars away, I was going to have him put
10 his power away. So that's a typical job briefing with any train
11 that comes into the yard.

12 Q. And what you just characterized, I'm to understand that's
13 what happened that day? That --

14 A. That's the job briefing we had. Yes, sir.

15 Q. Anything else you want to tell me about the job briefing or
16 anything?

17 A. No, sir.

18 Q. Let's talk about the maintenance away work. Okay? A little
19 bit more. How -- is there advanced planning for the work that
20 they did that day? And I understand it was installing a switch
21 and it was up near Rosedale or something to do on main track one.
22 How did you become aware of that?

23 A. The day before, Mr. Thompson had let us know that, hey, we're
24 finally getting our switch over there on the east end of the yard.
25 It's an issue that we've had for a very long time because it's a

1 very long move on the east end. And we've tried to mitigate that
2 for a while now because it's dark in that area and it's -- I mean,
3 the guys have to shove back like half a mile almost in -- it's
4 just a very (indiscernible) move. It's time consuming. But we --
5 I mean, we had the discussion a day before.

6 So coming into it, like, I knew they were working over there.
7 I was informed that they didn't get the track at the initial time
8 that they had requested, which I don't remember what that time
9 was. But I was told that they got the track around noon. So
10 that's why they were delayed and still working on the track when I
11 showed up.

12 Like I said, the form B was supposed to expire at 1830. And
13 at 1830, I still didn't have a lead. I hadn't received a call
14 from anybody. I did text Greg and Greg had told me, you know
15 what, yeah, they're going to have it another two hours. That
16 became 2130 I think is the time that they had finally said they
17 would -- they would release it, you know.

18 Q. You brought up a couple terms and I want to drill down on
19 those. When I think about a form B as in Baker -- form B, Baker
20 -- that's an indication to me that somebody is going to get
21 exclusive track occupancy for a certain segment of track. Are you
22 in agreement with me so far?

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

24 Q. But here's -- and I know there's main track one, and main
25 track two out there. And I would normally associate the

1 application or having a form B with signalized track. By form B
2 I've worked with a dispatcher. And I don't want to make an error
3 in my judgement here. When we talk about the yard lead, would the
4 maintenance away talk to you about a form B on the yard lead?

5 A. Yeah. I mean, anything that they -- that they're going to
6 have out of service, they'll tell us about. They'll brief with
7 us. There's always a job briefing regarding work. They're going
8 to be -- if they put any (indiscernible) where they putting them.

9 Q. How do they -- I know there was the pre-planning. I get
10 that. But on the day of -- when the work was to be done -- you're
11 not at work yet so they do all this planning with the guy ahead of
12 you. Right?

13 A. Yes, sir.

14 Q. And when we started this conversation, we talked a little bit
15 about the topic of transfer from the guy or the gal who is ahead
16 of you and you come to work and then you guys essentially do --

17 A. Turnover.

18 Q. A turnover. Okay. A transfer or turnover. Okay. But
19 that's so everybody is on the same page about where things are at,
20 who is coming, who is departing, is there maintenance away out
21 there working. You go through all that kind of stuff. Right?

22 A. Yes, sir.

23 Q. You do?

24 A. Yes, sir.

25 Q. Okay. So on the day of the accident, was the fact that the

1 maintenance away was still out there on that switch, installing
2 that switch, that was part of your transfer?

3 A. Yeah, we talked about it. He said -- because it was Jimmy
4 Jackson that was working daylight's that day. And he told me,
5 we've had a lot of delays today. And of course, maintenance away
6 is still out there with the work on the east end of the yard which
7 we knew about that from the day prior. But he was making the
8 reference because of how late they got a start that day. And we
9 briefed about why they got such a late start and the fact that
10 they were still out there working.

11 Q. And that could have been because their demand for running
12 trains and maybe the dispatcher didn't to give them -- he didn't
13 want to give up one of his main tracks.

14 A. It was one of our originating trains that was doing work and
15 needed to depart that delayed them from start.

16 Q. Well, let's get back to the yard lead. And if I don't have a
17 form B on the yard lead -- and let's come to an understanding.
18 The yard lead is non-signal. Correct?

19 A. The lead itself, no, sir (indiscernible).

20 Q. And I want to get into a delineation of what's yours and
21 what's the dispatcher's. The Rosedale interlocking belongs to the
22 dispatcher.

23 A. That's correct.

24 Q. You don't have any authority up in there. Right?

25 A. I don't have the ability to (indiscernible) that switch. No.

1 Q. Main track one, main track two, that's the dispatcher; he
2 makes all the calls. He lines all the routes for all the trains.

3 A. Yes, sir.

4 Q. You don't have a dog in that fight. Right?

5 A. That's correct.

6 Q. So when we talk about the yard lead and if we talk about
7 maintenance away putting up protection, do they do that
8 exclusively with you or your predecessor the day of the accident?
9 Is that -- if I'm a maintenance away guy, if I'm an employee in
10 charge, I got to contact the MTO. I've got to contact the MYO.
11 I've got to contact the yardmaster and secure my protection. Let
12 them know where I'm at and what I'm doing. Should I think about
13 it that way?

14 A. Yes. Anything that has to do with the yard that
15 (indiscernible) with us. Whoever is on duty at the time.

16 Q. I'm not trying to trick you here. How do you guys keep track
17 of that? Take me into your world about -- I mean, do you have a
18 sheet? How do you know where everybody is at and how do you know
19 if somebody is going to be in conflict with somebody?

20 A. I just keep a notepad and I write down, you know, wherever
21 maintenance away is going to be and the time that they said that
22 they were going to be on the track. And whenever they do clear, I
23 notate that and then I make a note to the crews in the yard that
24 hey, they're done. Drills are picked up. Just whatever
25 information they give you that they set out, I make sure that the

1 (indiscernible) done. But just a notepad. I don't have anything
2 specific that I -- no worksheet or anything like that.

3 Q. You are familiar with the dispatcher's world. Right?

4 A. Briefly. I mean, just with what they do as far as lining
5 trains through the terminal.

6 Q. They might keep track of track and time authority form Bs
7 maybe a little bit different than you do?

8 A. Yes, sir. They do.

9 Q. Maybe a little bit more precision or whatever. But they've
10 got a specific form that they fill out or whatever. They've got
11 computer (indiscernible) dispatching the tracks there. But in the
12 yard office, you got a notebook.

13 A. Yeah.

14 Q. Other than this incident, this accident, have there been
15 other close calls that have anything to do with maintenance away
16 or somebody is out there and we don't know whether they're out
17 there or they're not out there? Have you had any issues that way?

18 A. Yeah. About two weeks ago, it was an MEPST that needed to
19 depart. (Indiscernible) had them go (indiscernible) power.
20 Basically, it was changing the direction of the power. I was
21 going to use that unit for the MEPDH which is an originating
22 train. Again, that was a briefing that day because the brakeman
23 that caught job goes on our ERA list in regards to somebody that
24 we got to look out for.

25 So I was in the yard office. The west end job was in the

1 clear in -- but clear track. They came out the west lead and
2 stopped at the signal. And (indiscernible) dispatcher requested
3 to depart the yard.

4 I saw on our CAD screen which just kind of dictates where
5 trains are and which direction they're moving that they weren't
6 going to get out very quickly because it was a train going west on
7 main one. There was a train going east on main two. The brakeman
8 reports to the west end job, hey, we're clear of your zone, you
9 can keep working. And I was sitting at the office that day. And
10 I immediately reached out to the west end crew and I said, no,
11 they're not clear. You need to make sure you stay in the clear
12 because they're still in your zone.

13 So I had to bring that employee in. And I put in what's
14 called a save on our computer. And I had a discussion with the
15 employee. I said, please leave that to me. Whenever a train
16 departs the yard, I will let them know that they're good to
17 continue work. And that had just happened. I think it was a week
18 or two before this incident.

19 Q. You mentioned a term and I want to totally understand it.
20 You indicated that you looked up at a CAD screen. And when I hear
21 the term CAD screen, I'm thinking dispatcher, the fishbowl, the
22 whole nine yards. Okay? When you use the term CAD screen, is
23 that just for information only to you about location of trains?

24 A. For me, yes. I can't really do anything with that besides
25 look and see what's going on. Where a train might be, what

1 direction they're going. The dispatcher has the ability to put
2 down if they've got some sort of issue. They put a little note on
3 the CAD screen there. If they're in emergency or whatever it
4 might be. But strictly for information.

5 Q. I want to do two pieces of communication. And I think let's
6 do the maintenance away. On the day of the accident, there was an
7 employee in charge. Did you talk with that individual?

8 A. I did not. No, sir.

9 Q. Throughout the entire day. Not at all?

10 A. No, sir.

11 Q. And -- but you have the ability to talk with the maintenance
12 away people and they have the ability to talk with you. Correct?

13 A. Yeah.

14 Q. How would you -- I want to understand. If you do
15 communicate, is it over the phone? Is it over a radio channel?
16 Your yard channel? How should I understand that?

17 A. It's either or. I mean, whatever is easy for the foreman in
18 charge.

19 Q. And whether it is the phone or the radio channel, your yard
20 channel -- and your yard channel is what number again?

21 A. 20-20.

22 Q. 20-20. The way I should understand that is none of that is
23 recorded.

24 A. I'm not sure to be honest with you.

25 Q. You just gave me a to do. All right. That's okay. I

1 understand that. What about -- let's talk about communications
2 with the dispatcher. And I want to talk a little bit about
3 planning. And take me into that world. I know you talked a
4 little bit earlier about some of the communications but I want to
5 revisit it. How often, in your position, you're there 12 hours,
6 how much conversation is there between you and the dispatcher who
7 is on duty while you're on duty.

8 A. Whole shift, I mean, if any train has an issue down line,
9 they need mechanical forces to go out there, they'll call me to
10 relay that information to mechanical and direct them to wherever
11 they have to go. Again, any train that goes in and out of the
12 River yard, Dallas yard, Alfalfa yard, in some instances, Santa
13 Teresa, they'll ask me questions about all those trains. And we
14 try to help out as much as we can trying to get these trains
15 moving.

16 Q. Would you say that those communication efforts are just to
17 make sure between you and the dispatcher everybody is on the same
18 page?

19 A. Yes, sir.

20 Q. So he knows what you're sending out of the yard onto his
21 territory and he wants you to know what's coming off of his
22 territory, his authority, into any of your various yards?

23 A. Yes.

24 Q. Does that generally go really well or --

25 A. It changes every day. Because we can -- we sit down and we

1 make a plan in regards to -- let's just use an example. So 1800
2 you're going to see the first train. 2100 you're going to see the
3 second train. Midnight you're going to see the third train.

4 Well, those times may be adjusted as the night progresses for
5 whatever delays we may encounter as the night is progressing.

6 So first train, for whatever reason, their fuel event took
7 too long at Santa Teresa. It doesn't end up getting to me until
8 1930. Then at that point, everything behind it falls back. So
9 but that briefing is had throughout the shift. And hey, because
10 of this, we're going to have to push this back a little bit. But
11 the information is -- we talk back and forth throughout the night
12 regarding what time we'll see the train.

13 Q. Flexibility, adapting, solve problems. You're shaking your
14 head. The transcriptionist cannot hear you --

15 A. Yes, yes.

16 Q. -- shake your head.

17 A. I'm sorry.

18 Q. So you're in agreement with that statement.

19 A. Yes.

20 MR. HIPSKIND: Very good. Mike, that's all I've got for
21 right now. I think we've had a great discussion but --

22 BY MR. BACHMEIER:

23 Q. Mike Bachmeier, NTSB. You and Dick were talking about how
24 you keep stuff on your notepad. Do you guys keep -- like when
25 yard crews go on duty, do they get like a track (indiscernible)

1 message? Do they get general orders, bulletin?

2 A. If they're going to stay in the yard, they don't print out
3 bulletins at all. Now, if they foresee -- so I'll just use the
4 east end for example. The way we're doing work in Alfalfa right
5 now, we're swinging pretty big cuts of cars from the east end of
6 the yard over to south side of the yard on the east end over to
7 the north side of the yard. If they foresee they're going to have
8 a cut of cars that's going to require them to touch the main line,
9 then they'll go ahead and pull up (indiscernible). But that's on
10 a day-to-day basis.

11 Q. But like general track division (indiscernible) walking
12 condition, anything like the maintenance away would have done in
13 the yard? That's not --

14 A. Those (indiscernible) --

15 Q. -- printed out. That's (indiscernible) --

16 A. -- (indiscernible) briefing that I would have with them.
17 Yeah.

18 Q. But -- okay, so you have a notepad. What does the other --
19 like when you relieve your prior guy, what does he keep? Does he
20 keep that same notepad?

21 A. Yeah.

22 Q. Or do you guys have a big sheet of paper where you guys have
23 --

24 A. No. He has his notepad. I have mine. And he'll tell me
25 that maintenance away is in this location. I'll note it.

1 Anything -- switches hard to throw or something like that, I'll
2 note that. And I'll just keep that for the duration of my shift.
3 And at the end of my shift, I'll get rid of it.

4 MR. BACHMEIER: So they do not get bulletins. That's all
5 I've got.

6 BY MR. MAYNARD:

7 Q. Jim Maynard. BLET safety task force. Just a couple more
8 quick questions. You guys still have remotes?

9 A. Yes.

10 Q. In Alfalfa?

11 A. Yes.

12 Q. And how do you keep track of who's got what?

13 A. We have a remote-control log. That one we do maintain. For
14 zone 1, 1A, and zone 3. And we just got a zone 4.

15 Q. Now, if you have maintenance away working, of course you
16 can't give them the zone. Right?

17 A. Nobody was working on the east end --

18 Q. Right, right. But I'm just saying in --

19 A. Correct.

20 Q. -- (indiscernible) sense. But you know who's got what. So
21 you can't give it away to maintenance away either. Correct? If
22 you have a zone active.

23 A. If the zone is active, I cannot give it to maintenance away
24 crew.

25 Q. And one other just quick question. You may know or may not

1 know. The cameras, where do you guys have the cameras reach out
2 to? How far?

3 A. So we used to have a camera at (indiscernible) so that camera
4 was repositioned to, I believe, the 31 or 32 switch, more or less,
5 on the east end of the yard. And that camera, because of the
6 building that's just on the other side of Carolina, that's about
7 your limit as to how far you can see.

8 MR. MAYNARD: And that's all I've got. Thank you.
9 Appreciate it.

10 BY MR. SAUNDERS:

11 Q. Cameron Saunders, SMART-TD. How often would you say is about
12 50/50 on either heading in or shoving into the yard or -- I mean,
13 I know that's a guesstimate.

14 A. I would say more times than not we pull them in. So west to
15 east from their origin. Yeah.

16 Q. Then you mentioned an employee on some kind of list. What
17 was --

18 A. Yeah. We got like an ERA list is what we call it. But it's
19 just employees that we got to -- we feel, you know, might need a
20 little bit more attention in regards to -- we just know that
21 they've had issues in the past with safety activities. So there's
22 just certain individuals that we try to keep an eye on.

23 MR. SAUNDERS: That's all I have. I want to say thank you
24 for being here. I'm sorry you had to be here. And we're all with
25 you.

1 MR. TELLEZ: Thank you.

2 BY MR. CAMPBELL:

3 Q. Eric Campbell with FRA. So when you came on duty and you had
4 your job briefing with the previous shifts, it's your
5 understanding that track was not released at that time. The lead
6 was still taken up by maintenance away. Right?

7 A. That's correct.

8 Q. So when you notice the light on the CAD screen flashing,
9 indicating that they were lining a switch for that crew, was it
10 still your understanding that they had not released the track?

11 A. That's correct. That's exactly why I reached out to the
12 corridor manager to verify.

13 Q. What did the corridor manager tell you?

14 A. He said that he had reached out to Ryan O'Leary and that
15 O'Leary had had a briefing with maintenance away and that we were
16 good to bring the ISIP into the yard.

17 Q. So at that point, it was your understanding that that track
18 had been released from the corridor manager.

19 A. That's correct.

20 Q. And after that, you had a job briefing with the crew that's
21 your typical job briefing. Right?

22 A. Yeah. So they got that light to come into the yard. I had
23 my briefing with them in regards to where I wanted them to put
24 their cars away. I did not tell them where to put their power but
25 that would have been part of the briefing once they would have put

1 their cars away; where to put that unit.

2 Q. After I had that initial job briefing -- like I said, I
3 walked out of the office to brief with my yard crews that were in
4 the crew room, and when I made it back to the office is when the
5 train had gone into emergency and Mr. Murphy had reached out to
6 me.

7 Q. That -- when you noticed that light flashing on the CAD, does
8 the dispatcher typically line a switch without talking to you into
9 the yard?

10 A. Yes.

11 Q. So that's not an uncommon occurrence?

12 A. No. There's multiple trains that have lights into the yard.
13 But like I said, once that crew pulls up to that switch, they
14 won't come in until they speak to me.

15 Q. Is that per rule or per --

16 A. They got to ask for active zones. So they need that
17 information. There is a rule in there that if I don't answer,
18 they have to reach out to an employee that might have whatever
19 zone they're going into. And if they can't get a hold of nobody,
20 they sit still. Can't come in.

21 Q. So once you spoke with the corridor manager, it was your
22 understanding -- so is that a regular occurrence that you speak to
23 the corridor manager, you get their instruction, and you make your
24 decisions based off that instruction?

25 A. Yes, that is correct.

1 MR. CAMPBELL: That's all I have.

2 BY MR. MARTINEZ:

3 Q. Chris Martinez, FRA. You said you're in charge of the yard.
4 And my question would be when they told you that it's going to be
5 delayed, them turning in the track, there was no job briefing.
6 You didn't --

7 A. (Indiscernible) --

8 Q. -- reach out to the MW -- MOW to see why or to --

9 A. I reached out to --

10 Q. -- confirm that?

11 A. -- Greg Thompson. And I let him know, hey, just as an FYI --
12 I told him we still don't have the lead. Because we had already
13 sent out a yarding plan when I sat down in (indiscernible) of when
14 we thought the trains were going to come in. We were going to
15 have a very busy night and a lot of trains needed to come in.

16 So I mean, like anybody there, you know, I'm just trying to
17 get these trains processed in the yard in and out as fast as we
18 can. And I called Greg. And I said, hey, just FYI, I mean it's
19 (indiscernible) they're still going to be on the track a little
20 bit longer. And Greg reached out to somebody. I'm not sure -- I
21 don't know who he spoke to but he text me back and he said, yeah,
22 looks like 1930 or 2130. They're going to have the track until
23 then.

24 And I said, okay, sounds good. Well, just -- you know, want
25 you to know that we still don't have the track back. And that was

1 -- like I said, I didn't have any job working on the east end so I
2 didn't have the need to brief anybody. There wasn't going to be
3 anybody in that area.

4 BY MR. JENKINS:

5 Q. Jason Jenkins, Union Pacific. I want to talk a little bit
6 about the brakeman on the job. I understand it's a three-person
7 job, regularly, every day, right?

8 A. Yes, sir.

9 Q. And they go on duty at Santa Teresa as you said earlier?

10 A. Yes.

11 Q. Are all three individuals, engineer, conductor, brakeman,
12 riding on the train from Santa Teresa to Alfalfa?

13 A. They typically have a yard man that follows them from Santa
14 Teresa all the way to Alfalfa. The brakeman, more times than not,
15 is riding that (indiscernible) simply to expedite whatever work
16 they might have. When they stop at (indiscernible) coming in, you
17 know, that brakeman will go into the yard, line switches.
18 Conductor will be ahead of the movement directing the train to
19 whatever they have to -- you know, whatever work has to be
20 performed.

21 In this instance, the brakeman was already headed into the
22 yard to get the train lined up to track three where I instructed
23 them to put their cars away. When the train went into emergency
24 and I couldn't get a hold of Mr. Navarro, he turned back around
25 and he showed up to the scene right ahead of my utility

1 (indiscernible).

2 Q. Thank you. Let's talk a little bit about the derail or the
3 portable derail that was put down by maintenance away. I don't
4 know how much you know about that. But I just got a couple short
5 questions. Specifically, did you know that maintenance away put a
6 derail down on the yard (indiscernible)?

7 A. No.

8 Q. Well, that answers my second one. Since you don't know they
9 put one down, you wouldn't know where it was at.

10 A. That's correct.

11 MR. JENKINS: (Indiscernible).

12 BY MR. HIPSKIND:

13 Q. Dick Hipkind, NTSB. I want to revisit some of the
14 communication that you had with the corridor manager. And I want
15 to ask you -- you reached out to him to --

16 A. Yes.

17 Q. -- ask him a question. Right?

18 A. Yes.

19 Q. Take us a little bit deeper. Why did you -- what information
20 did you have that made you to make that call? What triggered
21 that? There's something on your mind. Right?

22 A. It just -- maintenance away always calls me and releases
23 whatever area they're working on. With my briefing on turnover, I
24 knew I didn't have access to the lead on the east end. So the
25 moment they got that light, honestly, it kind of triggered panic.

1 I was like wait, wait, wait. Like I can't bring this train in
2 because it hasn't been released. So that's why I specifically
3 called Cody and -- I make decisions based on information like that
4 on a daily basis.

5 So when I briefed Cody and he told me he had talked to
6 dispatcher. I mean, I've made that decision 100 times to let a
7 train in the yard after having a briefing with somebody and
8 letting me know that I'm good to make my move.

9 Q. So you -- I don't want this to sound the way it sounds. But
10 it almost sounds like you wanted to double check. You had an
11 uncomfortable feeling that there was some engagement, some routing
12 that maybe you weren't fully comfortable with. Is that fair to
13 say that?

14 A. Yes. After I had my briefing with Mr. Jackson, I still
15 called Mr. Thompson. And I said, just 100 percent -- because the
16 CAD screen, again, only indication on there was on main one.
17 There was no indication on the lead obviously. And I asked Greg
18 specifically, I do not have access to the east end, correct? And
19 Greg said, yes, you do not have access to the east end. So that's
20 why when that light came up, I said, no, I got to call somebody.
21 There's no way.

22 Q. Well, what took you -- what satisfied your curiosity? I
23 mean, what were you hearing from the corridor manager or the
24 dispatcher that you got to the okay, I can go with this plan?

25 A. So they had said they were going to release at 9:30. At this

1 point, when the light started flashing, it was somewhere between 9
2 and 9:15 more or less. So it was -- I mean, they always either
3 finish a little bit sooner and then -- they had already extended
4 their time so I kind of figured maybe they finished quicker than
5 they had anticipated because it had already taken two more hours
6 than what they had originally requested.

7 So as soon as I had that briefing with Cody and -- like I
8 said, I have that briefing with dispatcher corridor. I mean, with
9 multiple things. And it's -- I use all that information to make
10 my best decision.

11 Q. Again, I'm going to say it my way but I'm not trying to put
12 words in your mouth. Does it come down to the fact that in your
13 conversation with the corridor manager, he convinced you that the
14 track was back in service?

15 A. Yes.

16 Q. Well, do you have any idea why he would think that?

17 A. He told me that O'Leary -- Ryan O'Leary specifically had
18 briefed with maintenance away and they allowed this ISIP -- they
19 gave him permission to come into the yard.

20 Q. But you wanted to reach out and you wanted to be satisfied
21 that you were cut in that something bad wasn't going to happen.
22 Right?

23 A. That's correct. Because like I said, nobody had reached out
24 to me and released the track. So I just wanted to make sure
25 somebody had been notified that the track was good to go. And the

1 moment he told me O'Leary had a briefing, that satisfied for me to
2 make my decision and bring the train into the yard.

3 Q. I may not have asked you every question. But on this topic,
4 this discussion we're having, is there anything else that you want
5 to relay to us about this conversation on the decision to let the
6 train come in?

7 A. No, sir.

8 Q. I've got one more little bit tougher area that you and I got
9 to plow. We've basically been talking about planning and
10 communications and numbers of trains going out and your
11 communication with the dispatcher and all that kind of stuff. But
12 take us in a little bit deeper. What -- once this thing happened
13 and maybe there was some things said over the radio -- maybe you
14 were able to monitor that -- what other conversations did you have
15 with Omaha whether it was a dispatcher or a corridor manager or
16 whatever? If you feel comfortable, will you talk about that?

17 A. So I had a gut feeling that something happened because I
18 couldn't get a hold of Martin Navarro. And so, I called Cody
19 back. And I told him, I said, who did O'Leary speak to. Because
20 at this point, I had a feeling that there was still something up
21 over there. And we had derail or worse. At the time, I didn't
22 know otherwise. But I did call Cody back. And I said, can you
23 please find out who O'Leary talked to. Because I'm getting -- I'm
24 not -- I can't reach my conductor over there.

25 And I need to know who he spoke to. And so, Cody called me

1 back after a few minutes, you know. And he had said that -- I
2 guess he didn't brief with anybody. Must have misunderstood
3 something on the radio. And unfortunately, that's what led to us
4 receiving bad -- or me receiving bad information and allowing this
5 train ultimately into the yard.

6 Q. Did you guys have a further conversation about how bad it got
7 out there or --

8 A. Yeah. I -- well, once we were actually at the scene, I
9 called Cody and I told him that he passed away.

10 Q. Any conversations with the dispatcher or was it all with
11 Cody?

12 A. I think he sent me one message saying, was the train not
13 supposed to go in. And I responded, no, it wasn't.

14 Q. And the conversations you had with Cody, I should understand
15 that that was all on the phone and it was all recorded?

16 A. I believe so. I don't know 100 percent but I believe so.

17 MR. HIPSKIND: Mike, that's all I've got. Thanks for being
18 here.

19 MR. TELLEZ: Yes, sir.

20 MR. HIPSKIND: And helping us out with this.

21 MR. TELLEZ: Yes, sir.

22 BY MR. BACHMEIER:

23 Q. Yeah, thank you. I just want to clear up a couple things
24 before we end it. O'Leary, is he --

25 A. He's the train dispatcher.

1 Q. Afternoon or night?

2 A. I think they run three shifts. I want to say they run eight-
3 hour shifts.

4 Q. Yep. But was he the night or was he the afternoon?

5 A. He would have been the -- I think he would have been the
6 second shift.

7 Q. So he was the second (indiscernible). He wasn't the night
8 shift then.

9 A. No, I think they swap over at 10:00, I think. I'm not 100
10 percent sure.

11 Q. And one of the other things is -- you kind of felt it.
12 That's why you called the corridor manager. Maintenance away out
13 there working -- it wasn't on your turnover that there was a
14 derail -- portable derail in place there. How many times
15 (indiscernible) does the maintenance away contact you to let you
16 know they're in the clear after they're done?

17 A. I mean, it's happened multiple times where it's relayed to me
18 if there's somebody else. Not specifically the foreman. But
19 again, it's always a briefing that we have when they do pick up.
20 It might not be directly from him. But they always -- somebody
21 calls and says, we're done. We (indiscernible).

22 Q. But sometimes it's not the maintenance away. It's -- you
23 might hear from --

24 A. Their boss or -- yeah. It might not be the specific person
25 out there.

1 Q. With the person in charge. Okay. Ever, do you have anything
2 that you'd like to add to the --

3 A. No, sir.

4 Q. Is there anything that you could think of that could have
5 prevented this accident?

6 A. Just -- I would say ever turnover from a new yardmaster just
7 have -- whatever the shift change is going to be, I mean, just
8 have that maintenance away come in and have another briefing
9 regardless of what we speak about or what we do. I think it would
10 be very important for us to move forward with something like that.

11 MR. BACHMEIER: We may have some follow-up questions. Would
12 you mind if we reached out and contacted you?

13 MR. TELLEZ: Not at all.

14 MR. BACHMEIER: On behalf of the NTSB, I have to thank you
15 for your cooperation, coming in, and how you handled yourself.
16 And I thank you very much.

17 MR. TELLEZ: Thank you.

18 MR. BACHMEIER: And at this time, that concludes our
19 interview.

20 UNIDENTIFIED SPEAKER: Ever, you did just fine.

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

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

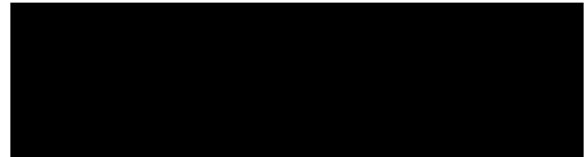
IN THE MATTER OF: UNION PACIFIC EMPLOYEE FATALITY
 IN EL PASO, TEXAS ON
 AUGUST 29, 2022
 Interview of Everardo Tellez

ACCIDENT NO.: RRD22FR013

PLACE: El Paso, Texas

DATE: August 31, 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