

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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UNION PACIFIC RAILROAD TRAIN  
DERAILMENT, HAZARDOUS MATERIAL  
RELEASE, AND FIRE IN TEMPE,  
ARIZONA, ON JULY 29, 2020

Accident No.: RRD20LR005

\* \* \* \* \*

Interview of: MARIO CORTEZ, Conductor  
Union Pacific Railroad Company

Union Pacific Yard Office  
Tucson, Arizona

Friday,  
July 31, 2020



I, Mario Cortez, have read the foregoing pages of a copy of my testimony given during a follow-up interview stemming from NTSB's investigation of the derailment of Union Pacific Railroad Company's Train MTUPX-29 with release of hazardous materials with fire on July 29, 2020 in Tempe, Arizona and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
<u>7</u>	<u>7</u>	<u>"tcc" instead "ptc"</u>
<u>7</u>	<u>8</u>	<u>"tcc" instead "ptc"</u>
<u>7</u>	<u>9</u>	<u>"tcc" instead "ptc"</u>
<u>7</u>	<u>10</u>	<u>"tcc" instead "ptc"</u>
<u>7</u>	<u>20</u>	<u>"setup" instead "setout"</u>
<u>7</u>	<u>22</u>	<u>"felt" instead "knocked off"</u>
<u>8</u>	<u>4</u>	<u>"cone" instead "phone"</u>
<u>8</u>	<u>5</u>	<u>"Jermand" instead "Germann"</u>
<u>8</u>	<u>8</u>	<u>"catered" instead "cleared"</u>
<u>8</u>	<u>8</u>	<u>"Jermand" instead "Germann"</u>
<u>8</u>	<u>12</u>	<u>"charge" instead "breach"</u>
<u>8</u>	<u>20</u>	<u>"hits" instead "says"</u>

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 9/04/2020

Witness: 

APPEARANCES:

RICHARD HIPSKIND, Investigator in Charge  
National Transportation Safety Board

WAYNE BURRIS, Operating Practices Inspector  
Federal Railroad Administration (FRA)

JOE PINKERMAN, Railroad Safety Inspector  
Arizona Corporation Commission

SCOTT JONES, Inspector  
International Association of Sheet Metal, Air,  
Rail and Transportation Workers (SMART)

JIM MAYNARD, Safety Task Force Investigator  
Brotherhood of Locomotive Engineers and Trainmen (BLET)

JOHN ALLBERRY, Operating Practices General Director  
Union Pacific Railroad Company

MIKE CURTIS, Representative  
International Association of Sheet Metal, Air,  
Rail and Transportation Workers (SMART)  
(On behalf of Mr. Cortez)

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Mario Cortez:	
By Mr. Hipskind	6
By Mr. Pinkerman	15
By Mr. Hipskind	16

I N T E R V I E W

1  
2 MR. HIPSKIND: Good afternoon, gentlemen. My name is Richard  
3 Hipskind, and I am the investigator in charge and track and  
4 engineering group chairman for NTSB for this accident.

5 We are here today, on July 31st, 2020, in a conference room  
6 setting at Union Pacific's Tucson yard office to conduct an  
7 interview with Mr. Mario Cortez, who is a conductor and who works  
8 for the Union Pacific Railroad Company. This interview is in  
9 conjunction with NTSB's investigation of a train derailment,  
10 hazardous material release, and a fire that occurred in Tempe,  
11 Arizona, on July 29, 2020. The NTSB accident reference number is  
12 RRD20LR005.

13 Before we begin our interview and questions, let's go around  
14 the table and introduce ourselves. Please spell your last name,  
15 and please identify who you are representing and your title. I  
16 would remind everyone to speak clearly and loudly enough so we can  
17 get an accurate recording. I'll lead off and then pass off to the  
18 gentlemen in the room.

19 Again, my name is Richard Hipskind. The spelling of my last  
20 name is H-i-p-s-k-i-n-d. I am the investigator in charge and  
21 track and engineering group chairman for the NTSB on this  
22 accident.

23 Wayne, if you'll please give --

24 MR. BURRIS: Wayne Burris, FRA OP Inspector, Operating  
25 Practices that is. Last name is spelled B-u-r-r-i-s.

1 MR. PINKERMAN: Joe Pinkerman. Last name spelled  
2 P-i-n-k-e-r-m-a-n. Representing the State of Arizona as an  
3 operating partner for inspections.

4 MR. JONES: Scott Jones, J-o-n-e-s. (Indiscernible) state  
5 legislative director and member of the SMART Union's National  
6 Safety Team.

7 MR. MAYNARD: Jim Maynard, BLET Safety Task Force out of  
8 Tucson. Last name Maynard, M-a-y-n-a-r-d.

9 MR. ALLBERRY: John Allberry, A-l-l-b-e-r-r-y, Union Pacific  
10 Railroad General Director, Operating Practices in Spring, Texas,  
11 and group chairman on the operating practice side.

12 MR. HIPSKIND: Okay. And, Mario, would you please introduce  
13 yourself for the record?

14 MR. CORTEZ: It's Mario Cortez, C-o-r-t-e-z. I'm a train  
15 conductor for Union Pacific.

16 MR. HIPSKIND: And, Mario, do you mind if we proceed on a  
17 first-name basis?

18 MR. CORTEZ: I don't mind. We can do that.

19 MR. HIPSKIND: Okay. And do we have -- do you wish to have a  
20 representative with you at this interview?

21 MR. CORTEZ: Yes, sir.

22 MR. HIPSKIND: Mike, will you please --

23 MR. CURTIS: Yes, sir. Mike Curtis, C-u-r-t-i-s. I'm  
24 representing Mario Cortez on behalf of SMART Transportation Union  
25 in Tucson.

1 MR. HIPSKIND: Okay. Mario, did we already cover the  
2 question about do we have your permission to record the interview?

3 MR. CORTEZ: Yes, sir.

4 INTERVIEW OF MARIO CORTEZ

5 BY MR. HIPSKIND:

6 Q. Okay. So let's start off our conversation with, Mario, why  
7 don't you give us kind of an understanding of how long you've been  
8 railroading, maybe some of the positions you've held, and take us  
9 up to your present position today.

10 A. I started with Union Pacific in 2015, as a train conductor.  
11 Right after my training, I was furloughed for about a year and a  
12 half, came back around 2017. I worked for about a year and a  
13 half, I got furloughed again, and that was for another 5 or 6  
14 months, somewhere around there. Came back for a couple weeks, got  
15 furloughed again due to the COVID-19, and I've been back for about  
16 a month now from the furlough here at Union Pacific.

17 Q. Okay. And, Mario, we are -- as we talked before, we're going  
18 to cut right to the chase here. Take us through your recollection  
19 and help us paint the picture for what you did the day of the  
20 accident, some of the work, and take us up through when the train  
21 had an emergency, if you would, please.

22 A. Yeah. Well, I came on duty on July 28 at 9:05 p.m. railroad  
23 time. That's, what, 2105 hours railroad time. I was called for  
24 the MTUPX, the 29. I came on duty, did my paperwork, regular  
25 stuff. We went over bulletins, all the train lists, everything;

1 then we had to run our power around, hustle our power to the  
2 train. Then we have to -- for a train running two different  
3 tracks, we put it from 29 to 28. We've got to ready -- knock off  
4 the brakes. Went to the head-in and then took off, started going.  
5 We had a little issue with the -- what's it called? The train --  
6 the map, the --

7 MR. CURTIS: TCC?

8 MR. CORTEZ: The TCC, yes. I'm having one of those -- the  
9 TCC wasn't working correctly, so we talked to dispatch. They  
10 opened up a ticket. They gave us permission to run without TCC.  
11 We had no issues at all going up the branch. We get into the  
12 Phoenix branch; I had to stop and do a car pick-up at Randolph,  
13 Old Randolph. At that point, we did our stop, secured the train,  
14 went over to do the pick-up. I had to bad-order the car there. I  
15 didn't take it due to a no travel -- the pistons didn't come out.  
16 I had no pistons when doing the air test, so I bad-ordered that  
17 car. I didn't pick it up. Went back to my train, did all my --  
18 went to a hook (ph.), knocked off all the brakes.

19 We went to New Randolph. There I had a, I believe it was a  
20 five- or six-car setup. Did my setup, then I had a one-car  
21 pick-up. We did our checkup, did my air test. I had a good air  
22 test. Went back to the main, put it to the hookup, and I felt the  
23 brakes. Walk up to the head-end again -- walked up to the  
24 head-end, and we took off from there.

25 We did our first stop at Magma, where it was showing us a



1 pick-up, an eight-car pick-up I believe it was -- six-, eight-car  
2 pick-up. I don't remember exactly the numbers. Come to find out,  
3 we weren't supposed to pick them up, and I did not have anything  
4 to set out, so we did our work on the ZBRA (ph.) system, the cone  
5 system that they have us do. We took off, waited at Jermand (ph.)  
6 for one eastbound. As soon as the eastbound was here, we already  
7 had our track warrants to head to Phoenix. As soon as they  
8 catered along the switch at Jermand, we took off. We started  
9 heading towards the Phoenix yard.

10 As we were getting close to the Phoenix yard, I get in  
11 contact with the yard master or the manager in charge. He gave us  
12 permission to enter yard limits, no track change, no -- nothing  
13 affecting our movement. As we're going past the Tempe bridge,  
14 going around the little curve, felt a tug, noticed we went into  
15 emergency. Air wasn't coming up on the rear. I got ready,  
16 started walking, and that's when John told me to look over to the  
17 other side because I was walking on the left side of the train.

18 I go to the right side of the train, to the conductor's side,  
19 and that's when I see the smoke. And I started walking towards  
20 the rear of the train, then the dispatcher hits on the radio that  
21 a concerned citizen called in a fire on a train. I kept on  
22 walking, and then dispatch had called again saying that, yeah, we  
23 were on the ground and we were on fire.

24 At that point, me and John, we talked about it. He was going  
25 to keep going towards the rear of the train to check out what was

1 going on, and I went to the head-end to grab the paperwork with  
2 all the hazmat, all the train lists, and we were going to be in  
3 contact over the radio, communicating with each other about the  
4 hazmat and our train list.

5 And after that, we were ensuring that -- I don't recall  
6 exactly if the dispatcher said this, but I know the managers in  
7 the Phoenix yard, they told us everybody head to the head-end and  
8 just stay safe, away from the smoke, and be safe on the head-end.  
9 And that's what we did, everybody -- John came back to the  
10 head-end, and we stayed up there until they told us to -- for  
11 someone to go back there to make a cut and separate, take the  
12 train up to 48th Street.

13 Which, at that point, John volunteered. He told me that he  
14 was going to take care of the cut. He walked back there to  
15 the -- to wherever we make the cut. He took care of making the  
16 cut and securing part of the train that was going to be left  
17 behind. He made the cut, we separated. Myself and Mark, the  
18 engineer, we took the train to 48th Street, and that's where we  
19 secured the train, the rest of the train that we had with us. And  
20 that was it for us with the train. After that, we went and did  
21 our drug test and then everything else.

22 BY MR. HIPSKIND:

23 Q. Mario, after the tox-testing, were you interviewed by any of  
24 the local police or the FBI?

25 A. Yes, sir. We were interviewed by an FBI agent and a Tempe

1 detective.

2 Q. Okay. And did you get a copy of that interview?

3 A. No, I did not get a copy of the interview.

4 Q. Okay. Do you know if the Railroad has a copy of that  
5 interview?

6 A. I do not know if they do or not.

7 Q. Let me take you back -- so you were on the head-end, head-end  
8 locomotive, right?

9 A. Yes, sir.

10 Q. And were you sitting on the left-hand side? As you're going  
11 forward, you were over on the left-hand side, and the engineer's  
12 over on the -- and the engineer's sitting over on the right-hand  
13 side? Is that how I should think about seating?

14 A. Yes, sir, that is correct.

15 Q. Okay. And John, your brakeman, he's where? He's in a  
16 trailing unit?

17 A. Yes, he was sitting on the second unit, over there by  
18 himself.

19 Q. Okay. Because that's -- would he normally be back there, or  
20 is this part of that COVID-19 stuff?

21 A. This was my second time working with a brakeman. I believe  
22 it's due to the COVID that he was sitting back there. Before this  
23 COVID, I had never worked with a brakeman. It was always myself  
24 and an engineer, so I wouldn't be able to tell you if that's  
25 normally how we do it or not.

1 Q. That's fine. I get it. So a couple more things and then  
2 I'll hand it off. So you're up on the lead locomotive. Let's  
3 revisit -- the train is coming out of a 40-mile-an-hour, and  
4 there's a 25-mile-an-hour slow order ahead. So you're in a  
5 transition where you're reducing your speed prior to coming onto  
6 the bridge; is that correct?

7 A. That is correct. We were already slowed down to, I believe  
8 it was anywhere between 20 to 25. I don't recall the exact speed,  
9 but we were down to the track speed that was required at that  
10 track.

11 Q. Okay. And should I understand that the reason you were doing  
12 that is that there was a 25-mile-an-hour slow order at the south  
13 end of that bridge, or thereabouts?

14 A. That's the track speed for that -- the regular speed on that  
15 side of the bridge.

16 Q. So not a slow order because something's wrong out there; it's  
17 a slow order -- a permanent speed restriction?

18 A. Yes, that is correct.

19 Q. Okay. So I want you to think back to, Mario, so the train is  
20 coming around the curve and it's coming onto the south-end  
21 approach of the bridge, and eventually you go across there. My  
22 question is, do you recall feeling anything, hearing anything,  
23 seeing anything that you thought was unusual at the south end --  
24 south portion of that bridge area?

25 A. No, I don't. I didn't see anything out of the usual. I did

1 not feel anything out of the usual. When you go onto the bridge,  
2 you feel just like any other time that I've been through it.

3 Q. Okay. And were you -- I don't want to put words in your  
4 mouth. Were you a little bit surprised that the train went to  
5 emergency? Did you -- did that make sense to you?

6 A. I was surprised when we went into emergency right there. You  
7 know, I was concentrated and thinking about my work I was going to  
8 do in the yard, thinking about the steps that we were taking next;  
9 then we went into emergency. This is not the first time I've gone  
10 into emergency in that area, but I was surprised that we went into  
11 emergency. I wasn't too happy that we went into emergency, put it  
12 that way.

13 Q. I'm going to guess that the other time you went in emergency  
14 wasn't because of a derailment and all that kind of stuff. What  
15 are some of the other -- how should I understand some of the other  
16 reasons that trains went in emergency in and around that area?

17 A. The other time, the time I went to emergency in that area was  
18 a bad knuckle that we had. The mechanism inside the knuckle --  
19 according to the carman after we talked to them, the mechanism  
20 inside the knuckle wasn't a good mechanism. It was a bad  
21 mechanism, and that's why we went into emergency right there.

22 That was actually the second time that train came into  
23 separation on the same exact spot on that day that we happened.  
24 So we were going around that curve, we separated again on the same  
25 spot.

1 Q. Okay. That's very helpful. So let's focus in on -- so the  
2 train's going into emergency, and you and John are figuring out,  
3 walking back there, and there's this whole business about  
4 separating the cars. And I get it. You want to pull the head-end  
5 cars away from that, where they might get on fire, and there's  
6 danger and all that. I understand all that.

7 My question is about the paperwork. When you guys were  
8 pulling the cars forward up to 48th Street, how should I -- who's  
9 got the paperwork? Where is all the stuff about the hazardous  
10 materials? Did you have that? Is it left on the locomotive? How  
11 do you want me to understand that?

12 A. When we pulled forward, I had all the paperwork. I had the  
13 train list with the hazmat. And when we pulled over, we pulled to  
14 48th Street, I left all my paperwork in the train, because that's  
15 usually what we do. When we hand the train over to someone else,  
16 we leave all the paperwork, train list, track warrants,  
17 everything. We leave it on the train for the crew that is taking  
18 over the train. So it was left up there for the crew relieving  
19 us.

20 Q. And you knew a crew was coming out there to relieve you?

21 A. Yes, sir. There was a crew there onsite relieving us. We  
22 did not get off the train until someone showed up to relieve us.

23 Q. So do you -- when that occurs -- and I apologize for going  
24 intense here, but there's a reason. So does the onboarding crew,  
25 the relief crew, do you and that other relief crew, do you job

1 brief, do you talk any, or is it you get out of their way and then  
2 they get on the equipment?

3 A. No, we did job brief. We talked about what happened and I  
4 told them what had happened and I told them that the list and all  
5 the required paperwork and everything was up there on the  
6 conductor's side.

7 Q. Okay. Well, you're going to understand why I'm asking all  
8 these questions here in a second. So, in the time you were out  
9 there, before you left and got in the crew hauler and went and got  
10 tox-tested and did post-accident statements and all that. I'm not  
11 talking about that part now. In that time that you were out  
12 there, the train's still in emergency, you guys are cutting cars  
13 away, pulled up, and you're waiting for the relief crew to show  
14 up. In that amount of time -- I have no idea how much time that  
15 was -- did anybody from an incident command, a fire department, a  
16 police department approach you or anybody else on the crew asking  
17 about paperwork or asking about hazardous materials?

18 A. Nobody approached us.

19 Q. Okay. And the only other person that came out there was  
20 Mr. Murphy?

21 A. I believe he was back at where the cut was made on the train.

22 Q. So, back there with not you, but back there with John?

23 A. Yes.

24 MR. HIPSKIND: Okay. All right. Listen, you did a great  
25 job. Let me pass this off to Wayne and let's see what might be on

1 their mind, okay?

2 MR. CORTEZ: Okay.

3 MR. HIPSKIND: All right. Wayne, take it away.

4 MR. BURRIS: I think I'm good on this.

5 MR. HIPSKIND: And Joe?

6 BY MR. PINKERMAN:

7 Q. I would have one thing, if you wouldn't mind, with the ZBRA.

8 So it was fully updated before you left Magma; is that correct?

9 A. Yes, it was fully updated.

10 Q. So you had an accurate list that you could have provided  
11 someone?

12 A. Yes.

13 Q. About where all the hazmat was?

14 A. Yes. I mean, I had everything up to date. I mean, every  
15 time I make a stop, I update everything right away. It's just  
16 like I said, it was supposed to --

17 Q. Yeah, you did a very good job.

18 MR. HIPSKIND: So, thank you, Joe. Thank you for that input.  
19 And, Scott?

20 MR. JONES: No. Great job, Mario. I have no questions.  
21 Thank you.

22 MR. HIPSKIND: And, Jim?

23 MR. MAYNARD: Yeah. I have no questions, Mario. Great job  
24 once again. Thank you.

25 MR. HIPSKIND: Okay, John, you are in the power seat. You've



1 heard all this. So anything from you?

2 MR. ALLBERRY: Nothing. Nothing to add. Great job, Mario.  
3 And just like I told your engineer and brakeman, I'm really glad  
4 that all three of you guys are okay. It was a horrible accident,  
5 and nobody got hurt out of the deal; that's most important.

6 MR. CORTEZ: Thank you.

7 BY MR. HIPSKIND:

8 Q. Mario, do you happen to know or have you heard whether  
9 anybody from the fire department or incident command was looking  
10 for you guys, the train crew -- the accident train crew? I want  
11 to double down; I want to be clear on this.

12 A. No, I didn't. I've never heard anybody looking for us. I  
13 was actually surprised that nobody looked for us, trying to find  
14 out about the train with the hazmat stuff.

15 Q. Yeah. Okay. Very good.

16 MR. HIPSKIND: Let me ask one more time, guys, is there  
17 anything else that you want to ask Mario? If not, I'm going to  
18 move towards asking him the closeout questions. Anybody?

19 (No audible response.)

20 MR. HIPSKIND: Okay. There --

21 MR. CURTIS: This is Mike Curtis.

22 MR. HIPSKIND: I'm sorry, Mike. Is there anything that you  
23 want to clarify?

24 MR. CURTIS: On the way in here, Mario relayed to me that,  
25 now he had been back from furlough for something close to a month,

1 there was a slow order of about 10 miles an hour at that location,  
2 and this was his first trip where that slow order was no longer  
3 there.

4 MR. HIPSKIND: Okay.

5 MR. CORTEZ: That is correct.

6 BY MR. HIPSKIND:

7 Q. Okay, you're shaking your head yes, so you agree with his  
8 characterization?

9 A. Yeah. Right there at the east end of the bridge,  
10 somewhere around there, we had a slow order. I believe -- at  
11 first, I believe it was 10 miles per hour, then it was bumped up  
12 to a 15, if I recall correct, miles per hour, a slow order on that  
13 part of the bridge. Then I believe it was this last trip where I  
14 didn't have a slow order anymore on that part of the bridge.

15 Q. When -- I want to be clear -- that you did a train trip, you  
16 did operate a train over that portion of the railroad, then there  
17 was a 10-mile-an hour; is that correct?

18 A. That is correct. I did operate a train through there.

19 Q. Okay. And when you were operating at 10 mile an hour over  
20 that, did you feel anything or hear anything or see anything  
21 unusual or --

22 A. The only thing I saw was where they were working on it.  
23 Because you could tell the little portion of the bridge where they  
24 were working on it, fixing it up where, I believe, there was a  
25 derailment not too long ago. You could see where they were

1 working on it. I don't recall feeling anything different or  
2 seeing anything unusual besides that, the new ties and the area  
3 where they were working on it. And that's all I recall.

4 Q. That's fine.

5 MR. HIPSKIND: So, with that added information, I'll ask the  
6 panel, anybody have any other questions?

7 (No audible response.)

8 MR. HIPSKIND: Okay. I'll proceed.

9 BY MR. HIPSKIND:

10 Q. Mario, you okay to start the closeout questions?

11 A. Yes, sir.

12 Q. Okay. So, as we've talked before, in everything that we  
13 discussed here, is there anything that you would like to add or  
14 change that might affect our understanding?

15 A. No.

16 Q. Okay. And are there any questions we should have asked but  
17 we did not?

18 A. No questions that I can think of right now.

19 Q. Okay. And you will have my contact information, as well as a  
20 lot of the members on the panel, and I'll get that to you via your  
21 email. And so, in the future, if there's something else that  
22 comes up, please feel free to reach out to whoever you feel  
23 comfortable with, and they can pass the information along to me.  
24 Is that acceptable?

25 A. Yes, sir, that's acceptable.

1 Q. Okay. And do you have any suggestions for preventing a  
2 reoccurrence?

3 A. More inspections of the tracks, probably.

4 Q. Okay. Anything else?

5 A. No, that's it.

6 Q. Okay. And is there anyone else who we should interview? You  
7 know, we interviewed Mark, the brakeman, and -- or excuse me,  
8 Mark, the engineer, and John, the conductor [sic]. Anybody else  
9 that comes to mind?

10 A. No. It was just the three of us on that train, so nobody  
11 that I can think of.

12 MR. HIPSKIND: All right. Well, listen, you have my thanks  
13 and appreciation on behalf of the investigative team, and I wish  
14 you well. And I'm happy to see you are (indiscernible) this up.  
15 That's very encouraging.

16 Anybody else, any closing remark, anything?

17 (No audible response.)

18 MR. HIPSKIND: All right, we will conclude the interview.

19 Thanks again, Mario.

20 And thank you, Mike, for your clarification.

21 MR. CURTIS: Thank you.

22 MR. CORTEZ: Thank you.

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

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

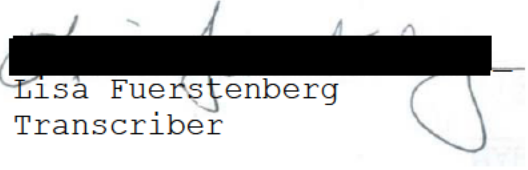
IN THE MATTER OF:            UNION PACIFIC RAILROAD TRAIN  
   DERAILMENT, HAZARDOUS MATERIAL  
   RELEASE, AND FIRE IN TEMPE,  
   ARIZONA, ON JULY 29, 2020  
   Interview of Mario Cortez

ACCIDENT NO.:                RRD20LR005

PLACE:                         Tucson, Arizona

DATE:                         July 31, 2020

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 Fuerstenberg  
Transcriber