

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 JUNE 26, 2020

Accident No.: RRD20LR005

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Interview of: OMAR MONGE, Director, Track Maintenance
Union Pacific

JAVIER RUBIO, Senior Manager, Track Maintenance
Union Pacific

Via telephone

Monday,
October 19, 2020



I, OMAR MONGE, 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>10</u>	<u>"FTB" SHOULD BE MTA</u>
<u>8</u>	<u>3</u>	<u>"ABTF" SHOULD BE AVP OF</u>
<u>11</u>	<u>24</u>	<u>I DONT ENTER THOSE REPORTS</u>
<u>26</u>	<u>11</u>	<u>"THE MTM" SHOULD BE AN MTM</u>
<u>30</u>	<u>10</u>	<u>"PER SE" SHOULD BE PER SAY</u>
<u>30</u>	<u>17</u>	<u>"PER SE" SHOULD BE PER SAY</u>
<u>31</u>	<u>18</u>	<u>"PER SE" SHOULD BE PER SAY</u>
<u>32</u>	<u>15</u>	<u>"PER SE" SHOULD BE PER SAY</u>
<u>38</u>	<u>24</u>	<u>"PER SE" SHOULD BE PER SAY</u>
<u>39</u>	<u>9</u>	<u>"TIE DERAIL" SHOULD BE TIGHT RAIL</u>
<u>40</u>	<u>19</u>	<u>"DRAG" SHOULD BE DRIVE</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: 11-9-20

Witness: 

APPEARANCES:

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National Transportation Safety Board

JAMES ZIMMERMAN, Track Department
Federal Railroad Administration

AZIZ AMAN, Civil Structural Engineer
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ADAM ALLEN, Vice Chairman
Brotherhood of Maintenance Way Employees

JOE GORDON, Railroad Accident Investigator
National Transportation Safety Board

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Omar Monge and Javier Rubio:	
By Mr. Hipskind	6
By Mr. Aman	19
By Mr. Gordon	21
By Mr. Hipskind	22
By Mr. Allen	33
By Mr. Aman	34
By Mr. Gordon	37
By Mr. Hipskind	39
By Mr. Gordon	47
By Mr. Aman	50

I N T E R V I E W

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

5 We are conducting this panel interview with two Union Pacific
6 track and engineering personnel virtually on October 19th, 2020.
7 This panel or joint interview is part of NTSB's efforts in
8 conducting a series of follow-up interviews to understand the
9 track and engineering inspection repair process and the oversight
10 of Union Pacific's engineering procedures for the Tempe Town Lake
11 Bridge after a derailment event on June 26th, 2020, and again on
12 July 29th, 2020, at Milepost 913.91 on UP's Phoenix subdivision in
13 Tempe, Arizona, in Maricopa County. The NTSB accident reference
14 number is RRD20LR005.

15 Before we begin our interview and questions, let's go around
16 the table virtually and introduce ourselves. Please spell your
17 full name and please identify who you are representing, your
18 title, and where you are located for this virtual interview
19 effort. I would remind everyone to speak clearly and loudly
20 enough so we can get a accurate recording. I'll lead off and then
21 I will ask the other interviewees to identify themselves according
22 to the order previously established.

23 Again, my name is Richard Hipskind. The spelling of my full
24 name is R-i-c-h-a-r-d H-i-p-s-k-i-n-d. I am the investigator in
25 charge and track and engineering group chairman for NTSB on this

1 accident.

2 James Zimmerman, would you please?

3 MR. ZIMMERMAN: James Zimmerman, J-a-m-e-s Z-i-m-m-e-r-m-a-n.
4 I work for the FRA in the track department.

5 MR. HIPSKIND: And Adam -- or Aziz rather. Aziz next.

6 MR. AMAN: Aziz Aman, A-z-i-z, last name Aman, A-m-a-n, civil
7 structural engineer for FRA. It's in Phoenix/Chandler, Arizona.

8 MR. HIPSKIND: Okay.

9 And Adam?

10 MR. ALLEN: Adam Allen, A-d-a-m A-l-l-e-n. I work for the
11 Brotherhood of Maintenance Way Employees as a vice chairman out of
12 Oakridge, Oregon.

13 MR. HIPSKIND: And Joe?

14 MR. GORDON: Joe Gordon, J-o-e G-o-r-d-o-n, NTSB railroad
15 accident investigator out of Virginia.

16 MR. HIPSKIND: Okay. And to all the interviewers, thank you
17 for being here and dedicating your time to this effort. Prior to
18 the recording -- to recording our panel interview, I spoke with
19 both of the interviewees to request their permission to record our
20 discussion today and to talk to each other using our first names.
21 Has there been any change to your affirmation to those conditions?
22 And --

23 MR. AMAN: No.

24 MR. HIPSKIND: -- not hearing any, we will go forward.

25 Hearing no objections, let us proceed with the introduction of the

1 interviewees, after which I will ask about whether you wish to
2 have a representative. So let us proceed with the introductions
3 in the order we agreed upon earlier.

4 Omar?

5 MR. MONGE: Hi. My name is Omar Monge, O-m-a-r M-o-n-g-e.
6 I'm a director of track maintenance for Union Pacific Railroad and
7 I'm based out of Tucson, Arizona.

8 MR. HIPSKIND: Okay. And Javier?

9 MR. RUBIO: Javier Rubio, J-a-v-i-e-r R-u-b-i-o. I am the
10 senior manager of track maintenance based out of Wellton, Arizona,
11 currently in Tucson office.

12 MR. HIPSKIND: All right. Thank you both, gentlemen. And do
13 either of your wish to have a representative with you today?

14 MR. RUBIO: No.

15 MR. HIPSKIND: No?

16 MR. MONGE: No.

17 MR. HIPSKIND: Okay. So -- and for full disclosure, each of
18 the interviewees has been provided a list of topic areas we want
19 to cover in today's discussion. So with that, Omar, let me begin
20 with you.

21 INTERVIEW OF OMAR MONGE AND JAVIER RUBIO

22 MR. HIPSKIND: And please give us a synopsis of your work
23 history bringing us up to your current position and how long that
24 you have been in that position.

25 MR. MONGE: All right. I was hired on the railroad in

1 Willcox, Arizona, back in 2008 as a track laborer, held some
2 various positions here locally between 2008, 2009, 2010, track
3 driver, welder helper, and foreman. I took a track inspector
4 Arasa position in Beaumont, Texas, in 2010, various jobs there
5 track inspecting. 2011, got promoted to track supervisor in
6 Houston, Texas. 2013, manager, track maintenance in -- back in
7 Beaumont, Texas, did that for 2½ years.

8 In August of 2016, was relocated to manager of track
9 maintenance for Englewood and Settegast Yards in Houston, Texas.
10 And in June of 2017, I was promoted to FTB of the Los Angeles
11 service unit in California. 2019, I was promoted to director of
12 track maintenance in Tucson, Arizona, and have been the director
13 here for -- what is that -- already almost 2 years -- or a year
14 and -- year and maybe 2, 3 months.

15 MR. HIPSKIND: Okay. Thank you, Omar. And can you please
16 describe for us your duties and responsibilities in your current
17 position? And it might be helpful for others who are reading this
18 interview if you describe the territory and the number of people
19 and some of your direct reports for us.

20 MR. MONGE: All right. I have a total of six direct reports,
21 five managers of track maintenance and one of projects. Overall I
22 have about 105 people that indirectly works with me. I'm
23 basically responsible to mentor each, go out with the MTMs, mentor
24 and teach them on to maintenance, safety, derailment prevention
25 activities, personal injury prevention. I'm in charge of also

1 taking a look at the capital investment, making sure that it's
2 allocated correctly in coordination with general directors and the
3 ABTF maintenance with what I have.

4 I spend most of the -- most of the weeks, I spend them out
5 either -- my territory expands from basically West Colton,
6 California, which is over by San Bernardino, California, and it
7 comes all the way here to Tucson. I had it all the way to
8 Lordsburg, New Mexico, but that recently was taken from me, kind
9 of shorten it up a little bit.

10 So I spend most of my -- most of my days are out. I'm either
11 out and about here in Tucson, Phoenix, somewhere between Casa
12 Grande, Arizona, and Yuma. And then depending where I need to be
13 I can even be between Yuma, Arizona, and San Bernardino,
14 California.

15 MR. HIPSKIND: And fair to say, Omar, that's in addition to
16 all the industry related things, maybe seminars or meetings and
17 other meetings that your railroad might have to gather managers
18 into one place and talk with them; is that correct?

19 MR. MONGE: That is correct.

20 MR. HIPSKIND: So more than just a little bit of travel to
21 get out, see your territory, and attend all the things you're
22 expected to do, right?

23 MR. MONGE: Correct.

24 MR. HIPSKIND: Okay. So on June 26th, we've got an FRA
25 report that there was a wide gauge derailment outside of the Tempe

1 Town Bridge that went onto the bridge. Why don't you just tell us
2 the story, how did you become aware of that and did you go out
3 there? And just take us through what you experienced when you got
4 there and give us your assessment of what you found.

5 MR. MONGE: If I may ask a question --

6 MR. HIPSKIND: Sure.

7 MR. MONGE: -- on how the explanation of the derailment. Did
8 you say that the derailment happened outside the bridge and it
9 went onto the bridge?

10 MR. HIPSKIND: The FRA report did not say that. I want to be
11 clear about that. I may have misspoke there. How about you tell
12 us what you found in your assessment?

13 MR. MONGE: On which derailment? I'm sorry.

14 MR. HIPSKIND: On June 26th.

15 MR. MONGE: June 26th. Okay. I was given a call by the
16 local MTM there, Stephen Gora, in Phoenix, that he had gotten a
17 phone call that we were derailed on the Tempe Lake Bridge. At the
18 time, everybody was responding, so there was no initial probable
19 cause or estimate of damage.

20 When I arrived at the scene, mechanical department and
21 transportation department were there already. Stephen was on his
22 days off, the local MTM, so I sent him home. But up and --
23 walking up to the bridge from the ballast deck, noticed that all
24 of the cars were on the rail, nothing was rolled. There was no
25 damage on the ballast deck portion of the bridge, track side.

1 Walking to the bridge as best as we could on the walkway, on
2 the -- now, we're talking about the superstructure, the actual
3 Tempe Lake Bridge. Looking under the cars, we noticed that one of
4 the rails was pushed outwards, creating a wide gauge situation on
5 the Tempe Lake Bridge. About 30 feet or so from where the ballast
6 deck bridge meets the superstructure or the steel truss, it was 30
7 feet north of that or into the bridge where all of the wheels on
8 the rail pushed outwards.

9 And we put it in conditions, I think that was the -- we'll
10 say the north rail or the east rail, pushed outwards. The wheels
11 went to the inside of the rail -- of the gauge and they traversed,
12 I can't remember the length on the bridge, but they went pretty
13 far derailed spreading the rail.

14 MR. HIPSKIND: So did you -- is -- did you assign a cause to
15 the derailment?

16 MR. MONGE: I was part of the team that assigned the cause,
17 yes.

18 MR. HIPSKIND: And what did you determine was the cause?

19 MR. MONGE: We determined that the cause was a wide gauge due
20 to the ties and fasteners in that location at POD being in
21 disrepair.

22 MR. HIPSKIND: Okay. And I'm trying to think if I've seen an
23 exact photograph of the area you're describing. I think I have.
24 And I just want to be clear, I've also seen photographs of the
25 ballast deck bridge. Is it fair to say that prior to the June

1 26th derailment that you went out and looked at, should we think
2 of the fasteners on the ballast deck bridge, were those pandrol
3 clips?

4 MR. MONGE: Yes, they were.

5 MR. HIPSKIND: Okay. And the only reason I ask you that,
6 Omar, is were there pandrol clips on the bridge or was the
7 fastening system different?

8 MR. MONGE: No, so the fastening system on the actual steel
9 bridge was spike -- cut spikes at the time with regular plates and
10 anchors, something you will see normally on a bridge. And --

11 MR. HIPSKIND: Okay. So if you came up with the
12 determination and the POD was -- were there -- did you have
13 counterparts out there from the bridge and structures department
14 and did you guys come to agreement on the POD and the cause?

15 MR. MONGE: The entire team that was there, which included
16 transportation, mechanical, bridge, and myself, we all agreed with
17 POD and we all agreed with the cause.

18 MR. HIPSKIND: And is the milepost location for the POD is --
19 did you guys just assign that as the south end of the bridge? In
20 other words, you called it 213.91 or was it modified somewhat?

21 MR. MONGE: As to when it was entered in the system, I am not
22 sure.

23 MR. HIPSKIND: Okay.

24 MR. MONGE: I entered those reports.

25 MR. HIPSKIND: Okay. All right. Well, the -- what was

1 turned in and the FRA report, that milepost is correct.

2 MR. MONGE: Okay.

3 MR. HIPSKIND: All right. Or I would just say this, we will
4 go by what the FRA accident incident report states. If you all
5 were in agreement, that's good enough for me. So --

6 MR. MONGE: I'm okay with that.

7 MR. HIPSKIND: -- after you and others from other departments
8 made your assessment and came to the agreement of the cause of the
9 June 26th derailment, what role did you play? Did you leave? Did
10 you stay?

11 MR. MONGE: After that I waited for a couple of people to
12 show up to take over the site. I did leave after that happened.
13 And that's when Javier showed up. Also the -- at the time, he was
14 the director in L.A., Manuel Arambulo, showed up. And they stayed
15 back in place to coordinate repairs. I left after we had a game
16 plan as to what -- how we were going to help the bridge department
17 make the repairs needed in order to reopen the bridge.

18 MR. HIPSKIND: Okay. Omar, let's stop your portion of the
19 interview right there. And what I'm hearing is you had other
20 assignments, other duties and responsibilities. You more or less
21 handed it off to Javier; is that correct?

22 MR. MONGE: That is correct.

23 MR. HIPSKIND: Okay.

24 Javier, may we talk with you now, and I'll ask you the same
25 two questions I've asked everybody else: could you give us a

1 synopsis of your work history and please take us up through your
2 present position and how long that you have been in that position?

3 MR. RUBIO: Sure. So got hired on with Union Pacific
4 Railroad in 2007. From 2007 to 2010, holded various positions
5 from a laborer up to a foreman. 2010, track inspector, which did
6 that through 2017, except for one year where I went onto a
7 different crew. That was in L.A. doing various projects,
8 undercutting stuff, switch installation, stuff like that.

9 2017, I received a assistant manager position in Tehachapi,
10 California. Also 2017, ended up accepting a job offer in Deming,
11 New Mexico. Then 2020, ended up accepting the senior manager of
12 track maintenance in Wellton, Arizona. That would end up being my
13 positions there.

14 MR. HIPSKIND: That took you up to your current position?

15 MR. RUBIO: That is correct, senior manager of track
16 maintenance.

17 MR. HIPSKIND: And about how long have you been -- held that
18 position?

19 MR. RUBIO: On this position, currently, since February.

20 MR. HIPSKIND: February of this year?

21 MR. RUBIO: That is correct.

22 MR. HIPSKIND: Okay. And, Javier, can you please describe
23 for us your duties and responsibilities in your current position?

24 MR. RUBIO: Okay. So my duties and responsibilities in my
25 current position are to maintain, inspect, and oversee the

1 operations of maintenance from Yuma, Arizona, to Picacho, covering
2 double tracks, single main, industry tracks, and singles and
3 sidings there as well. Including that whenever Omar is off or off
4 duty on the weekends, I cover for him as well.

5 MR. HIPSKIND: Okay. And so in talking with Omar earlier,
6 you were there. You heard what I asked him and his response. Can
7 you take us through your meeting up with him up there at the Tempe
8 Town Lake Bridge on June 26th? And if you'll pick it up from
9 where he handed it off to you and please describe for us what you
10 did, what you coordinated with your people and others, and how you
11 guys went about the repairs.

12 MR. RUBIO: Okay. Sure. So we'll start off with Omar
13 handing it off there. We assessed the bridge, took a look at what
14 the work was to be done there at that point in time. Take in mind
15 we still had cars on the track and cars that needed to get taken
16 off the track there. During that process, we got gangs ready and
17 picked up whatever material we needed there for them to be ready
18 and in place to do the proper repairs.

19 I can't remember the specific times there to any of this, but
20 we did -- once the cars were pulled off, we had a game plan with
21 the bridge department there. They were going to start on the
22 south end of the bridge installing ties and also trying to put in
23 the rail, which they were not able to. And we started up on the
24 north end gauging, respiking, and rolling the rail over.

25 At that point in time, sometime around mid-afternoon, we were

1 not able to gauge it anymore due to the heat. Take in mind we had
2 not cut the rail at any point in time. At that point in time, we
3 decided to set a truck up on the rail in which we did two cuts on
4 the rail outside of the steel structure onto the ballast deck
5 bridge where we staggered the joints as well. And we made two
6 cuts in order to be able to manipulate the rail up on the top of
7 the steel structure there.

8 MR. HIPSKIND: So when you say manipulate the rail, basically
9 the east rail, thinking the direction the bridge lays kind of
10 north and south, you ended up tipping the east rail right side up
11 back in its original position?

12 MR. RUBIO: That is correct. Well, both rails were rolled
13 out and we ended up tipping back. But before actually -- before
14 tipping back the rails into place, there was various spikes that
15 had to be removed from spike plates and various spikes just that
16 needed to get removed by hand there or with our spike pullers just
17 to be able to get the rail back rolled back over into the plate
18 there as well.

19 MR. HIPSKIND: Okay. And, obviously, you guys are in the
20 right place doing the right thing and all the rail -- all the
21 rolling stock, all the train, the derailed cars, that's all been
22 long gone, cleaned up, and moved out of your way so you can do the
23 work; is that correct?

24 MR. RUBIO: That is correct.

25 MR. HIPSKIND: Okay. Now, Omar has left. He was not there

1 when they re-railed the cars; am I correct about that?

2 MR. RUBIO: That is correct.

3 MR. HIPSKIND: Okay. So the reason I'm -- you stayed.
4 You're in charge of the repairs. You're helping the bridge and
5 structures people out with the rail. I want to hear your
6 assessment from the south end of the bridge walking south over the
7 ballast deck portion. Tell me about -- I know you told me that
8 you guys cut each rail and that was for adjustment, the heat, the
9 expansion. I get all that. But did you take exception to any of
10 the track condition south of the steel structure on the ballast
11 deck bridge?

12 MR. RUBIO: No exceptions.

13 MR. HIPSKIND: Okay. And how long did all these repairs
14 take, just approximately?

15 MR. RUBIO: I believe they were up in the 24 hours there.

16 MR. HIPSKIND: You're talking about --

17 MR. RUBIO: Just under 24 hours.

18 MR. HIPSKIND: And by that I take it you're referencing you
19 guys getting the rail back in position on the bridge and being
20 able to run trains?

21 MR. RUBIO: That is correct, yes.

22 MR. HIPSKIND: Okay. Now, was the track and engineering
23 people -- once you had accomplished that, was your work done, did
24 your forces stay back out there, or was this a hand off to the
25 bridge and structures people to do work -- repair work on the

1 bridge?

2 MR. RUBIO: This was a team effort between all departments
3 there as well. You know, at the end of the derailment and end of
4 the repairs, we all came to a consensus and agreed that we were in
5 a place to run at 10 miles an hour there at that point in time.

6 MR. HIPSKIND: Okay. But moving forward, so the line's back
7 in service, albeit you're running 10 mile an hour, but I guess I
8 didn't frame that question exactly right. I was trying to figure
9 out whether the line maintenance, track and engineering people
10 assisted the bridge and structures people with the bridge timber
11 replacement that they had ongoing for several days or a couple of
12 weeks.

13 MR. RUBIO: No.

14 MR. HIPSKIND: That was their work; your work was done. Your
15 people went and did other things?

16 MR. RUBIO: That is correct.

17 MR. HIPSKIND: Okay. Where you guys made the cuts on the
18 rails outside of the steel structure back on the ballast deck
19 bridge, how soon did you make thermite welds? I mean, did you
20 drill holes and bar those two joints and did you eventually make
21 thermite welds there?

22 MR. RUBIO: We did drill and bar those two areas. And
23 thermite welds, I am not positive on the date there, but they were
24 made.

25 MR. HIPSKIND: Okay. So does July 10th sound about right

1 when you might have made those welds?

2 MR. MONGE: Dick, this is Omar. And all I'm doing here, so
3 that everybody can see, is this is the sketch that I provided to
4 everybody, especially you. And it has the dates on the -- of the
5 welds -- field welds being done in July -- July 10th or so, 2020,
6 yes.

7 MR. HIPSKIND: Okay. All right.

8 But after you make those welds, and this is for Javier, do
9 you test those right away or how should I think about when those
10 welds get tested?

11 MR. RUBIO: No, they do not get tested right away. It would
12 be considered on our next detected car inspection there.

13 MR. HIPSKIND: Okay. And is that per a UP standard? In
14 other words, the UP standard might lay out when you might have to
15 test it, but for a class -- FRA Class 2 track, 25 mile an hour
16 operation, the standard might say we don't have to test, but if it
17 was a much higher FRA class of track, you might make arrangements
18 to have it tested earlier than that?

19 MR. RUBIO: For two brand new welds, no, we would not make
20 any kind of -- it would just be on the next scheduled detected car
21 inspection there in accordance with FRA and UP standard there.

22 MR. HIPSKIND: Okay. Were you satisfied with the method and
23 the work that the bridge and structures people did on the bridge?

24 MR. RUBIO: At the end of the day, the day that I left and
25 put the track back in service, yes, I was. For the speed of the

1 track, yes, I was.

2 MR. HIPSKIND: Okay. And did you ever have an occasion to go
3 back out there and look at the bridge and structures work where
4 they populated in about 100/105 bridge timbers? Is that anything
5 that was of your interest? I mean, did you -- I guess what I'm
6 saying is, Javier, did you have to inspect and sign off on the
7 bridge and structures work on that bridge?

8 MR. RUBIO: No, sir.

9 MR. HIPSKIND: Okay. That's somebody else? That's like a
10 line -- a bridge maintenance supervisor's prerogative?

11 MR. RUBIO: That is correct, sir.

12 MR. HIPSKIND: Okay. All right. Guys, thanks. There's some
13 other questions I want to ask, but let me pass it off to James.

14 MR. ZIMMERMAN: I don't have anything to add or any questions
15 at this point.

16 MR. HIPSKIND: All right, James.

17 Adam?

18 MR. ALLEN: I have nothing at this point.

19 MR. HIPSKIND: Aziz, you're up next.

20 MR. AMAN: Javier, on the bridge ties for the open deck, is
21 that your responsibility of the track or the bridge guys?

22 MR. HIPSKIND: And who are you --

23 MR. RUBIO: Bridge department.

24 MR. HIPSKIND: -- asking the --

25 MR. AMAN: Javier.

1 MR. RUBIO: That would be the bridge department there.

2 MR. AMAN: And I assume the ballast deck tie will be your
3 responsibility?

4 MR. RUBIO: The ballast deck ties on the ballast deck bridge
5 there you're talking about?

6 MR. AMAN: That is correct, sir.

7 MR. RUBIO: Yes, those ties would be our responsibility in
8 conjunction with the bridge department there depending on the
9 sidewalls and stuff like that.

10 MR. AMAN: Okay. On the bridge ties that the track guys --
11 that the bridge guys replaced, so are you saying that they did not
12 remove part of the rail as part of their replacement of the ties
13 -- bridge ties?

14 MR. RUBIO: What part are we talking about here?

15 MR. AMAN: On the open deck bridge --

16 MR. RUBIO: Okay.

17 MR. AMAN: -- I believe you indicated that the bridge guys
18 replaced some of the ties?

19 MR. RUBIO: Yes, they replaced some of the ties there. When
20 I was talking about that is that I had asked them if they could
21 get started on that side rolling the rail over as well, which they
22 were unable to do that, so all they did was go ahead and replace
23 ties and place them into that location there.

24 MR. AMAN: So as part of their replacement, they had -- they
25 didn't have to remove the rail or cut rail, correct?

1 MR. RUBIO: No, they did not cut rail. At no point did the
2 bridge department cut rail.

3 MR. AMAN: Okay. When the June 26th derailment, I believe
4 you guys did inspection internally for the bridge and the track
5 for the -- before you were returning back to the 10 mile slow
6 order. On the bridge ties condition, on the bridge ties of the
7 ballast deck, the bridge ties, what were their condition? How
8 would you describe them?

9 MR. RUBIO: On the ballast deck?

10 MR. AMAN: That is correct.

11 MR. RUBIO: They were in good condition.

12 MR. AMAN: Okay. That's all that I had.

13 MR. HIPSKIND: All right. Thanks, Aziz.

14 Joe?

15 MR. GORDON: Yes. I think my question is for Javier as well.
16 When you guys cut the rail, you had -- the rail was displaced both
17 directions from the derailment, and then you said that you had to
18 cut the rail in order to get it seated back in the top plates.
19 When you -- and then it was bolted prior to being welded. Was
20 there any adjustment that had to be made -- rail adjustment? Was
21 there any rail taken out there when you -- or was it one saw cut
22 and then bolted?

23 MR. RUBIO: It was saw cut. They tried to saw cut first, but
24 ended up torch cutting. It only came in about quarter of an inch
25 there and bolted up there.

1 MR. GORDON: Okay.

2 MR. RUBIO: Just enough to get us to be able to manipulate
3 the rail to be able to gauge it on both sides there.

4 MR. GORDON: Okay. Okay. And just so I'm sure, I heard, I
5 believe, Omar had mentioned that in the previous derailment the
6 rail wasn't even disturbed off of the south end of the bridge; is
7 that correct? Like off of the south end on the ballast deck, the
8 rail was not disturbed there?

9 MR. RUBIO: When you say the previous derailment, which
10 derailment are we referring to? I'm sorry.

11 MR. GORDON: June 26.

12 MR. RUBIO: Yes, June 26, there was no rail disturbance from
13 the transition area where the ballast deck meets the
14 superstructure south onto the ballast deck. There was no track
15 damage of any type due to that derailment.

16 MR. GORDON: Okay. All the damage was going north out onto
17 the through truss?

18 MR. RUBIO: That is correct.

19 MR. GORDON: Okay. I think that's all I have right now.

20 MR. HIPSKIND: All right, Joe. Thank you.

21 So I will ask at this juncture, Omar, Javier, is there -- for
22 anything that we've talked and discussed thus far, is there any
23 clarification that you want to add?

24 MR. MONGE: This is Omar. I just want to make sure that I
25 specify this very clearly. We assisted the bridge department with

1 the rolling of the rail back onto the tie plates to gauge it. On
2 the steel truss, got to help them. They had quite a bit of work
3 to do there just to open it up. So we decided to bring some
4 people and assist with the work on the bridge at the direction of
5 the bridge department to help them kind of expedite the repairs.

6 MR. HIPSKIND: A --

7 MR. MONGE: The work that we did, basically, it did not
8 happen in any of the locations or the areas where we would have
9 maintenance responsibility, if that makes sense.

10 MR. HIPSKIND: No. It does, and I appreciate that. I think
11 Javier said earlier it was a team effort, and that's what came
12 through to me.

13 MR. MONGE: That's right.

14 MR. HIPSKIND: Okay. Well, let me -- let's get into a
15 discussion about the interface between the bridge and structures
16 department and the track and engineering department. I hope I'm
17 characterizing your department correctly. If I'm saying it wrong,
18 please correct me.

19 But one of the things that we learned in our panel interview
20 of the bridge people, or one of the things I learned was that they
21 send out a pair of bridge inspectors. One does the inspecting and
22 the other records down the conditions or defects or whatever. And
23 there was a couple of notations on the report that caught my eye.

24 And I will tell you, I -- when I read that the crossties out
25 on the ballast deck were non-standard, that's a pretty open-ended

1 description, and I did not fully grasp that what they were really
2 talking about is the length of the crossties maybe could've been
3 or should've been 10 foot instead of the standard length of a
4 crosstie.

5 But before I comment more on that, one of the things I want
6 to clear up is, when was the last tie and surface program
7 maintenance for that area? I think I read someplace it might have
8 been 2019, but, Omar, if you could address that?

9 MR. MONGE: Yeah. So the last tie project that came through
10 there -- through the Phoenix, and specifically through that area,
11 was between January and March of 2019. They did not replace any
12 ties, however, because of the close clearance on the ballast deck,
13 meaning the machines will not be able to dig in the ties and the
14 tracks. The ballast deck portion of that bridge was skipped by
15 the tie team.

16 However, the MTM did cut in a panel right there at the
17 transition between both bridges, the ballast deck and the steel
18 deck. He did cut in a track panel rail crossties, removing the
19 spike ties that were there before and coming in with the pandrol
20 lag rolled rail -- rolled steel tie plates.

21 MR. HIPSKIND: Oh. And did --

22 MR. MONGE: And he also did that -- he did that in 2019. I
23 want to say it was probably August of 2019 when he did that.

24 MR. HIPSKIND: So, Omar, going back to your sketch, and I
25 very much appreciated the input you had on that, that would

1 explain some of the other thermite welds that we found in our rail
2 rebuild. And the point is cutting in the panel explains that, and
3 that was not something that was done after the June 26th
4 derailment, that was something that happened much, much earlier;
5 is that correct?

6 MR. MONGE: Correct. It actually happened just shy of one
7 year before. Correct.

8 MR. HIPSKIND: Okay. That kind of clears that up. So in all
9 of this, one of the things that was on the -- the other thing that
10 was on the bridge inspection -- now, we need to get our chronology
11 right. The bridge was inspected after the June 26th event. I
12 think they were out there the 28th, might have been out there the
13 29th. And they took us through all that and said, basically, what
14 they found was the rail rolled out, and they ended up replacing
15 quite a few bridge timbers throughout the length of the steel
16 structure.

17 But there was another note that talked about the inner guard
18 rail. And they were not talking about it as pertains to the
19 limits of the steel structure, but they were talking about on the
20 ballast deck portion. And, Omar, I know you heard the back and
21 forth on that, so I will ask you kind of a fundamental question,
22 and it goes like this: for the things that are entered on these
23 bridge inspection reports, if some of those items pertain to areas
24 where you and your personnel maintain, like the ballast deck
25 portion on the south end of the steel structure, how do you find

1 out about that? And specifically, were -- did anybody tell you
2 about the absence of the flare portion of the inner guard rail on
3 the ballast deck bridge -- on the south end of the bridge?

4 MR. MONGE: Yes. So I'll answer in parts. I was aware of
5 the missing piece of guard rail, and just like earlier on Tomas'
6 interview, I don't necessarily consider it a critical item. But
7 as far as when the bridge department finds a condition on a bridge
8 that has to be addressed by the track department, I don't think
9 that I have ever seen anything come through our system.

10 Meaning if they enter something in their bridge inspection
11 system, I don't -- at least in my years as the MTM, it might have
12 changed now, but at least in my years as an MTM, I never saw
13 anything come through saying hey, there was a bridge defect or a
14 bridge written -- a defect written by the bridge inspector that
15 requires your attention.

16 If there was something that was critical, I would get a phone
17 call from the bridge manager. In this case, Stephen Gora, my MTM
18 in Phoenix would get a phone call from Wes Wright, the bridge
19 manager, telling him, hey, you know what, we have this or we have
20 that, and we need you to fix it or we need your help fixing it. I
21 don't think I've ever seen anything come through the system
22 itself.

23 MR. HIPSKIND: Okay. Fair enough.

24 Javier, this question's for you. Based on what Omar just
25 said, I want to get -- have you received -- does anybody pick up

1 the phone and say hey, that inner guard rail, the flare portion is
2 missing on the south end of the bridge? So either an email or an
3 automatic message from the bridge and structures department or
4 somebody picks up the phone, do you have any instances where you
5 can speak to that or how should I understand how the bridge and
6 structures department talks with your department?

7 MR. RUBIO: No. No, as far as a flare portion, I've never
8 got a email or a phone call or anything like that.

9 MR. HIPSKIND: Okay. Now, what about -- and listen, guys,
10 I'm not trying to trip you up here, but -- and I understand that
11 there are not FRA track safety standards pertaining to flare
12 portions of inner guard rails. Okay. Has a track inspector -- I
13 assume one or both of you from time to time review track
14 inspection records?

15 MR. RUBIO: Yes.

16 MR. MONGE: Yes.

17 MR. HIPSKIND: So you're both saying yes. Okay. So is the
18 expectation for the track inspector to put on his inspection
19 records that the guard rail's missing the inner guard rail, or is
20 that not something you expect them to put on their reports?

21 MR. MONGE: I'll answer that -- this is Omar -- as the person
22 responsible for the maintenance. No, I wouldn't necessarily
23 unless it was creating such a condition -- if it's, let's say, not
24 missing, but it's not secured correctly, it's allowing the guard
25 rail to move vertically or horizontally, I wouldn't expect the

1 track inspector to mention that the guard rail is missing or the
2 flare portion of the guard rail is missing.

3 MR. HIPSKIND: Okay. And that's helpful, Omar. So the track
4 inspector's out of the picture. The bridge inspector takes the
5 opposite side of that. He puts it on his inspection report. But
6 for what we've talked about thus far, unless this conversation
7 changes, it sounds like you don't hear from the bridge inspector
8 the things that he may enter on his report that have to do outside
9 of their repairs and would kind of point toward well, we're
10 waiting on track and engineering to do something about this guard
11 rail condition whether it's missing or not.

12 And I -- you heard the discussion between Tomas and I
13 earlier. I get it. There are two schools of thought. But here's
14 a place where I might differ with Tomas in that I would ask you
15 this question: What is the expectation and is there a standard --
16 a UP track and engineering standard for an inner guard rail?

17 MR. MONGE: Yes, there is a standard in the Book of Standards
18 of Union Pacific for inner guard rails, yes.

19 MR. HIPSKIND: Well, let me tell you how -- Javier, I don't
20 think you heard this part of the investigation, but one of the
21 things we look at is the head end video. So on the accident
22 train, there was a forward facing head end video. And again, long
23 story short, when you see the video and you see the train exiting
24 the north end of the bridge, we see -- if you'll watch my hands,
25 we see the flare portion of the inner guard rails from the bridge

1 structure come out to a point. And it's about 50 feet. And so
2 the curiosity in some of what we're looking at is well, if it's
3 out there on the north end, why wouldn't it be there on the south
4 end? And what say you, Javier?

5 MR. RUBIO: You know, I can't really speak on it on why it
6 wouldn't be there.

7 MR. HIPSKIND: Well, okay. That's an answer. I'll accept
8 that. But what do you -- what -- I don't want to put words in
9 your mouth, but I do want to come to some understanding, some
10 finality. Is the fact that the flare portion of the inner guard
11 rail on the south end, the fact that it's not there, track
12 inspector doesn't take exception to it, it's not an FRA regulatory
13 item, it's not an exception, it's not a defect, but the bridge
14 inspector does take exception, it's like well, who's right about
15 this?

16 And if there should be -- per the UP standard, the flare
17 portion's expected to be there, how do -- how does anybody
18 communicate whether it's supposed to be there or not? I'm mixed
19 up about this.

20 MR. MONGE: The MTM and myself will be the persons that
21 ultimately answer for that, if it is there or it isn't there. And
22 I'll say it bluntly, but I have not seen any issues in the past
23 from the flare missing. If the bridge inspector puts it on his
24 report, it's probably because there is a standard form that he
25 fills out, and it says there is the guard rail -- is the guard

1 rail there or not. I'm not sure. I've never seen one of their
2 inspection forms until I got this one from you for this interview.

3 If there was a form of any type that perhaps the track
4 inspectors would have to fill out for an inspection that says, you
5 know, if the bridge is there, is there a guard rail missing or
6 anything like that, I'm sure that they will put it on there. But
7 it's just not -- unless like -- and I'll refer back to what I
8 said, unless I see the guard rail -- and I will say this.

9 When I was an MTM and as a track inspector, unless I saw the
10 guard rail unsecure creating an unsafe condition per se of
11 derailing a train -- being the cause of derailing a train, then
12 yes, I would've brought it up, and I will expect the track
13 inspectors that work in this area to just say something about it,
14 bring it up immediately. And if the track needs to be removed
15 from service because of that condition, then remove it from
16 service until that condition is protected.

17 But a missing portion per se outside of the actual structure,
18 I -- and I high railed it across a few times before the derailment
19 back in 2019. I just do not consider it such a critical location
20 -- or situation or item that we'd have to address it immediately.

21 MR. HIPSKIND: Okay. Well, help me to understand this part
22 of it, because I'm always interested in the scope of maybe some of
23 the things that we talk about. Is -- when we talk about whether
24 guard rails on bridges are to standard, I'm talking about UP
25 standard. I'm not talking about anything in any regulatory

1 perspective. And I'm not talking about what somebody might put on
2 a bridge inspection record, but help me out here, Omar.

3 Are there other locations on the Union Pacific where we might
4 find a similar condition? In other words, on the bridge structure
5 itself, we pretty much can expect that there'll be an inner guard
6 rail between the gauge of the running rails, but is it that the
7 flare portion -- and I hate using this word, but I think we're
8 just about to this word in everything that we're talking about --
9 whether a flare portion of a inner guard rail is out away from the
10 bridge structure on track and engineering responsibilities, where
11 you guys maintain, is it a matter of it being optional?

12 MR. MONGE: And I'll answer like this. I -- when I -- and I
13 think one of your questions was would we find any other locations
14 in the system that are similar, that have similar condition to
15 this, and I will answer yes. As a matter of fact, where I started
16 as an MTM, I know for a fact there is two bridges there in East
17 Texas, and there's never been an issue with any of it. I don't
18 know per se that it is optional -- but how can I answer this one
19 correctly? I don't want to sound -- I don't want to put it the
20 wrong way, but I've never gotten in trouble for the flare not
21 being there. Let's put it that way.

22 MR. HIPSKIND: Having worked on the railroad, I can
23 appreciate that answer. I totally get where you're coming from.
24 But -- and the other thing I guess I want to bring back up for the
25 group is it's almost -- the takeaway from this morning's

1 discussion was yes, I may enter a missing flare portion of an
2 inner guard rail out away from the bridge on the ballast deck. I
3 may enter that, but it's almost like the culture in the bridge and
4 structures is well, we also assess whether something that we write
5 on the report, whether it's critical to the bridge structure
6 integrity.

7 In other words, maybe a missing flare portion is not the same
8 as a large crack in a support beam or something of that nature.
9 So at least I'm letting you guys know what my takeaway was, but is
10 there anything, Omar or Javier, that you'd like to add before I
11 pass this off to my other colleagues?

12 MR. MONGE: Yeah, and I understand where you're coming from
13 with that, Rick. I will say this. If from the bridge department
14 they felt it was such a critical item to protect the structure,
15 then per se a phone call to say hey, you know, we really need to
16 put this back on. I will expect that, at least, from some level
17 of the leadership on the bridge department to say hey, does your
18 local MTM have the resources to put it back on or do we need to
19 bring somebody else to do it? Which is far off, but sometimes we
20 do have an extra gang working in the area. But that's my take on
21 that.

22 If it was -- if it is felt on the bridge department that it's
23 such a critical portion to the integrity of the bridge, then I
24 will expect somebody to pick up the phone. And if it doesn't get
25 done when they pick up the phone and talk to somebody -- let's say

1 bridge inspector talks to the track inspector, nothing happens.
2 Bridge inspector talks to a manager, that manager calls my MTM and
3 they go hey, you know, this guy called those guys a month ago and
4 nothing's happened. And then if nothing happens still, the
5 director of bridge, whether it be Tomas or Jeffry Quinn, calls me
6 and they go --

7 MR. HIPSKIND: Yeah.

8 MR. MONGE: -- you know what, this has been going on for 2, 3
9 months; why haven't we put that flare portion?

10 MR. HIPSKIND: Well, and I very much appreciate your response
11 there. Okay. Let me see if anybody else has any questions. And
12 there might be another one or two that I have. Let's see.

13 James, any questions, comments, input?

14 MR. ZIMMERMAN: No, sir.

15 MR. HIPSKIND: All right. Thank you.

16 And Adam?

17 MR. ALLEN: Yeah, I got one question.

18 Omar, are you aware of any bridges throughout UP's territory
19 that don't have these guard rails? I mean, do we have bridges
20 that don't have them?

21 MR. MONGE: Yes, we have plenty that don't have them.

22 MR. ALLEN: All right. And also regarding this one of --

23 MR. MONGE: It takes a -- sometimes it take a very special
24 criteria. And I can't -- without looking at the standard, I can't
25 necessarily answer to what criteria it takes, but it takes various

1 criterias of why a guard rail has to be installed or should be
2 installed on a bridge.

3 MR. ALLEN: Okay. And in regards to this one in particular
4 is it -- now that the bridge is back open again, is it reinstalled
5 at this point in time?

6 MR. MONGE: It is not at this time. I was asked by the
7 bridge department not to install it because they have to install
8 walkways -- walkway ties and walkways. And with the inner guard
9 rail, it will make it far more difficult to install all that
10 material across the length of the bridge. So I was asked to leave
11 it off from the time of the derailment.

12 However, I am keeping in close contact with Wes, the manager
13 of bridge, and he tells me that they might be ready for me to
14 reinstall the guard rail here by about the first week of November
15 sounds like.

16 MR. ALLEN: All right on that. That's all I had. Thanks,
17 brother.

18 MR. HIPSKIND: Joe, I think we're back -- or wait a minute.
19 Aziz, I almost skipped over you.

20 MR. AMAN: The only thing that I would ask is, Omar, I
21 believe you indicated there's no mechanism in place for receiving
22 bridge comments or a bridge inspector's input when -- if he finds
23 anything throughout his inspection, correct?

24 MR. MONGE: I did say that. I'm just not aware of it if
25 there is. I have not received any in my time of being familiar

1 with UP's system.

2 MR. AMAN: Fair. Now, I believe it's the same vice versa
3 that the bridge guys will not be able to see anything that's
4 coming from the track inspector or a track inspector coming across
5 some items that's perhaps needs noticeable unless either a phone
6 call is made or an email is made, but the inspection system are
7 not interconnected with each other, correct?

8 MR. MONGE: I say that is correct, yes. They are not --

9 MR. AMAN: And --

10 MR. MONGE: -- interconnected.

11 MR. AMAN: Okay. And with regard to the -- correct me if I'm
12 wrong or someone else can jump in, correct me if I'm wrong. With
13 regard to the inner guard rail, there is a -- you are correct,
14 there is a standard, and I believe the purpose of that is -- or
15 there is a criteria, you are correct on that. I believe the
16 criteria is when there's a truss or a two plate girder, in order
17 to safeguard the truss or a two plate girder during the event of
18 derailment, that's when it does its function. And that's why all
19 bridges does not have it, only bridges with the truss or a two
20 plate girder or critical structure they have that inner guard
21 rail.

22 MR. MONGE: And I think you're correct.

23 MR. AMAN: I'm still -- on the ties that it was -- I believe
24 that the derailment previously on the 26th of June, that was a
25 wide gauge, correct?

1 MR. MONGE: Yes.

2 MR. AMAN: And would that be associated with the poor
3 condition of the ties or fasteners?

4 MR. MONGE: It was. It was, yes, both, a combination of both
5 ties and fasteners.

6 MR. AMAN: Okay. And I believe --

7 MR. MONGE: Well, I think actually the defect -- the T code,
8 it actually says defective ties or defective fasteners due to weak
9 ties or tie.

10 MR. AMAN: Okay. And that was for the open deck portion of
11 the bridge, correct?

12 MR. MONGE: Yes, that is correct.

13 MR. AMAN: And as a result of this tie replacement that
14 happened -- that transpired during the week of the 26th or the
15 month of June that took place, tie replacement or -- and all other
16 effort, none of that was related to the ballast deck portion,
17 correct?

18 MR. MONGE: Correct.

19 MR. AMAN: Okay. So on the new, would it be fair to say that
20 no work that was associated with the improving the track structure
21 was done on the ballast deck of the bridge?

22 MR. MONGE: On the 26th derailment, no. The ballast deck
23 portion was not improved in any way, correct.

24 MR. AMAN: Okay. Well, I guess just to clarify, so all the
25 work that took place associated with the June 26th was on the open

1 deck, and then since that -- between the two derailment -- during
2 the time between the two derailment, there was no work associated
3 with a track work or the ballast deck?

4 MR. MONGE: Okay. No, there was -- we did surface the
5 approaches once the bridge department finished installing the ties
6 on the open deck. We did bring up the approaches because the ties
7 on the open deck portion of the bridge, or the superstructure,
8 when they replaced them for new ties, the old ties were pretty --
9 they were not the same height. And I can't remember the height,
10 10-by-10-by-10 I think it is, but they were not 10 inches high
11 anymore, the old ones, the ones that came out.

12 So when the new ones, they installed right up to the ballast
13 deck, we did have the bring up the approaches on the ballast deck
14 by about an inch and a half. But before we did that, we had the
15 bridge department install ballast retainer walls on the edges of
16 the ballast deck to be able to add more ballast to the bridge -- a
17 little more ballast to the bridge and make that lift.

18 MR. AMAN: Okay. That's understandable. But it seemed like
19 the tamping in of the track work was done on the ballast deck, but
20 no bridge tie replacement on the ballast deck?

21 MR. MONGE: Correct, no tie replacement on the ballast deck.

22 MR. AMAN: Okay. That's all that I got.

23 MR. HIPSKIND: Joe, you have the floor.

24 MR. GORDON: Okay.

25 Omar, for the -- when the bridge department went in and

1 installed bridge ties on the open deck portion after the June 26th
2 derailment, did they -- were they able to do that with the inner
3 guard rails in place?

4 MR. MONGE: Yes, sir. They put the new ties on the June 26
5 with the inner guard rail on the bridge. We never removed it.

6 MR. GORDON: You never removed it. And is that -- would that
7 responsibility be the track department's to -- so actually out on
8 the open deck portion, that would be track that would handle --
9 track and engineering that would handle that inner guard rail
10 removal and installation as well?

11 MR. MONGE: Yes.

12 MR. GORDON: Okay. Okay. And the only other question I had,
13 on the June 26th derailment, on the open gauge, was any unusual --
14 was heat determined to be a factor at all in that? Was there any
15 unusual heat at that time that may have added to the stress and
16 allowed those dynamics -- allowed that -- those wheels to drop in
17 a little bit easier with -- I mean, with weak tie conditions, any
18 consideration?

19 MR. MONGE: You know, when -- that is always something to
20 keep in mind when it happens in the summer. Especially the summer
21 -- this summer that has been somewhat unusually hot, especially in
22 that area. But when we looked at the TIR downloads of the
23 locomotive coming onto the bridge on the June 26th derailment,
24 there was no signs of any rail already per se being under that
25 type of stress, at least not very easily seen. But like I said, I

1 mean, it has been unusually hot.

2 This summer was hotter than others that I can remember with
3 temperatures reaching about 120 there in the Tempe area. So I'm
4 sure it may have, but at the time, we didn't necessarily made it a
5 rule that it was a fact into the derailment just because on the
6 video, the TIR, we didn't see any signs of it and didn't -- the
7 track inspector -- I believe the track inspector had just high
8 railed across it earlier that day, and he didn't really -- he
9 didn't see anything that would've caught his eye for a tie derail.

10 MR. GORDON: Okay. Okay. Yeah, that -- I believe that's all
11 I have.

12 MR. HIPSKIND: All right. Thank you, Joe. Thank you,
13 everybody.

14 Omar, there's just a couple other quick questions I want to
15 cover. And I'm not trying to put you on the spot, but some of
16 what I've heard and some of my takeaway today is -- and I'm not
17 saying I'm right about it, I've just -- it's a question in my
18 mind. And I go back to Tomas when he was describing the
19 engineering department. And it's like it's three different
20 departments under the overarching engineering department on Union
21 Pacific.

22 And there's bridge and structures -- bridge building and
23 structures, something of that nature. There's your track and
24 engineering, what I call line maintenance, and then there's the --
25 all the rest of it, signal, communication, all that kind of a

1 thing. And it almost sounds like everybody, if you watch my hand,
2 everybody's in their own silo and maybe -- and I think Aziz
3 alluded to this too, that your bridge inspector may not write on
4 his inspection records things that pertain to the bridge or, you
5 know, items that the bridge and structures people need to fix and
6 then vice versa.

7 If bridge and structures or bridge inspectors write things
8 that it's not their responsibility to fix, it's yours, it almost
9 sounds a little bit to me like there might not be the fullest of
10 communication between the two departments under the engineering
11 department. Do you have any comment on that statement?

12 MR. MONGE: Well, we're all experts at the trade that we do,
13 right? So the bridge department, they are set up to make the
14 repairs on bridges, not necessarily make the repairs on the open
15 track, for example, not -- and not extensively. But we have never
16 -- so if the bridge department calls and they say hey, we got some
17 gauging to do on this bridge, can you send the gang to help us
18 because we only have spike mauls and crow bars, and you guys have
19 hydraulic equipment to pull spikes and drag the spikes back in?
20 We have never said no to any of those requests.

21 I think that we are working through destroying those silos,
22 because I will say this, in my time, I saw it that you don't dare
23 do anything on a bridge without the bridge foreman knowing about
24 it and same way the other way. It was just not something you do.
25 And we are asking that evolution and get better in my time on the

1 railroad.

2 I think that there might be some skills, some opportunity.
3 Like as he said, maybe their system talks to us and our system
4 talks to them directly, where if a tie condition, for example, on
5 an open deck bridge that my track inspector says, hey, you know
6 what, I'm worrying about these fasteners; he writes them up, and
7 the system automatically sends them to the bridge manager for
8 repair, whether it be replacing ties or plug and spiking or
9 regrouping. I think there might be some opportunity there, but
10 I'm sure that it's being worked on with the improvement that I've
11 seen.

12 MR. HIPSKIND: All right. And I want to tie up another loose
13 end. I got a little bit lost. You mentioned something about you
14 were working with Wes, and Wes is a manager on bridge maintenance.
15 And I thought you said something about inner guard rail and a goal
16 was maybe to get in there around the 1st of November. So help me
17 with some details about if I'm understanding that correctly. Are
18 the inner guard rails on the Tempe Town Bridge -- I'm talking
19 about just the bridge, not out on the track side of it -- are they
20 in place right now or are there sections that have to go back in?

21 MR. MONGE: The entire inner guard rail, we'll say 900-some
22 feet of inner guard rail are not in place right now. And that is
23 -- the plan was to do it after the -- immediately after the
24 opening of the line was to put them back on. But Wes, the bridge
25 manager, asked me not to have my extra gangs that I have there

1 working put it on, because although they can put in those ties or
2 that wood -- the wooden planks are for the walkways, it makes it
3 difficult. They can put them on with the guard rail in, but it
4 makes it more difficult to install it than if it's just the two
5 running rails.

6 So he asked me not to do it, not to put it on, and they
7 should be done installing that, those wood components of the
8 walkways, by about the first week of November, at which I will go
9 out there and install those guard rails.

10 MR. HIPSKIND: Well, you know the question I'm going to ask.
11 If you go out and coordinate that work -- work and you put them
12 throughout the limits of the Tempe Town Bridge -- and I totally
13 get what Wes is asking you. I know the component he's talking
14 about, and I get the difficulty if the inner guard rails were in
15 place now. But when you go out there and coordinate with him and
16 you guys put the inner guard rails on the bridge, what about the
17 flare portions on the north and south end?

18 MR. MONGE: I knew you were going to do that to me.

19 MR. HIPSKIND: I know. I knew you knew I was going to ask
20 you. So what say --

21 MR. MONGE: Well --

22 MR. HIPSKIND: What say you?

23 MR. MONGE: -- I'm just going to fall on the blade and say
24 that my plan from the get-go was to make sure both flares are
25 installed correctly. We have purchased the right plates -- entry

1 plates for both ends of the bridge. It -- you know, it is a
2 beautiful bridge now. To go back in there and not put it to
3 standard will be a crime and a sin. But I do plan on installing
4 the flares on both ends.

5 MR. HIPSKIND: And, Javier, thank you for being patient back
6 there. Are you in agreement with a lot of the conversation we
7 had? Do you take exception or do you have any comment you want to
8 make?

9 MR. RUBIO: No comment.

10 MR. HIPSKIND: Okay. All right.

11 Let me ask my colleagues, is there anybody who has an
12 outstanding comment or question that you'd like to ask? I will go
13 around.

14 James, anything else?

15 MR. ZIMMERMAN: Yeah. Omar, on the ballast deck portion of
16 the bridge where the track department actually takes care of, how
17 was the tie condition after the June 26th derailment?

18 MR. MONGE: I will describe it as solid. There was no issues
19 with the tie condition.

20 MR. ZIMMERMAN: Okay. Thank you.

21 MR. HIPSKIND: And, Adam, anything else?

22 MR. ALLEN: I've got nothing else.

23 MR. HIPSKIND: All right. And thank you for your input
24 today.

25 Aziz, any last comment?

1 MR. AMAN: No, thank you, sir.

2 MR. HIPSKIND: And, Joe?

3 MR. GORDON: I have no -- nothing further, Dick.

4 MR. HIPSKIND: Okay. And just one quick question based on
5 what James brought up.

6 Is it true, Omar, that when you answered his question and
7 spoke about the tie condition -- I want to get this couple of
8 items nailed down -- there were no issues with the tie condition
9 on the ballast deck bridge portion, the wooden -- over the wooden
10 trestle, and that's a function of whatever work you did in 2019
11 installing the panels.

12 But the other point I want to make, you did improve the
13 fasteners, pandrol clips, in the immediate rail length or so prior
14 to going onto the bridge for the work that you did back in 2019,
15 right?

16 MR. MONGE: Yes, and the reason why we -- instead of going
17 back in with a panel of spike legs -- cut spikes, instead of doing
18 that, the MTM and I decided to go back with pandrols with rolled
19 steel tie plates, because it usually helps -- those type of
20 fasteners do help to maintain the rail and the tie together.

21 Whereas on a cut spike, for example, you can push the
22 spike -- you can push the tie downwards and the spike just lifts
23 and the rail stays where it's going to stay, where it wants to
24 stay, and the tie plate is an inch below or 2 inches below. With
25 a pandrol system, you have various forces there helping to

1 maintain a surface.

2 MR. HIPSKIND: Yeah, everything moves together.

3 MR. MONGE: If it's going to move, everything is going to
4 move together, easier to see, correct.

5 MR. HIPSKIND: Okay. And just to tie up another loose end.
6 I get the practice -- the policy of some railroads inspect
7 thermite welds immediately after they're made, sometimes it's a
8 few days, sometimes it's a week. And different railroads approach
9 that differently. And I've read a UP standard on that. I get it,
10 but let's talk about rail in just a little bit different.

11 When the rail tips out, like what happened behind the June
12 26th wide gauge derailment and the length of rail that got tipped
13 up, when you guys go in there and you help out the bridge people,
14 and you get the spikes and everything out of the way, and you tip
15 the rail back up and you put it back to gauge and you spike it
16 down and everything, is there any policy, practice, or procedure
17 on the Union Pacific that says to either the bridge and structures
18 people, says to the track and engineering people, hey, because
19 these lengths of rail, these sections of rail have been involved
20 in a derailment -- and I want to be clear what I mean by that,
21 wheel contact, flange of the wheel contact with the rail -- is
22 there any concept of like well, we ought to go in and inspect that
23 rail to make sure there's no internal defects?

24 MR. MONGE: You know, given the history of the rail, which
25 was provided to both NTSB and FRA, not a rail defect had been

1 found within a quarter mile of that bridge in the past by any of
2 our testing. With that in mind and the experience that I've had
3 of derailment and the mentoring that I've had from people, I
4 didn't see anything on the rail physically that would've prompted
5 me to say, you know what, we need to inspect this rail
6 ultrasonically to do any -- like immediately or within the next
7 couple of weeks just because.

8 And the reason why I say this on my experience is I've seen
9 it to where, if during the derailment section, there would've been
10 nicks on the base of the rail or nicks on the head of the rail
11 where a sharp edge might have dug into the steel somehow, if
12 there's -- if there would've been signs of concentrated loads on
13 the base of the rail, then I probably would've said, you know what
14 -- and sometimes even during the re-railing process, the
15 sidebooms, they'll nick the rail. They'll -- they have sharp
16 edges.

17 But after looking at the repairs, after the opening of the
18 bridge and it was still at 10 mph, but I walked that section,
19 there was nothing on the rail that I would've been worried that a
20 -- the flange contact on the gauge face of the rail where it was
21 being rolled that would've prompted me to say, I need to get this
22 inspected.

23 MR. HIPSKIND: All right. Gentlemen, if you will allow me, I
24 will proceed to do --

25 MR. GORDON: Oh, Dick?

1 MR. HIPSKIND: Yes.

2 MR. GORDON: One of the questions you asked prompted another
3 question with me. This will be my last thing unless you --

4 MR. HIPSKIND: Well --

5 MR. GORDON: -- unless you (indiscernible).

6 MR. HIPSKIND: Joe, as my NTSB colleague, you have an
7 unlimited number of questions that you're allowed to ask. And --
8 but if I've triggered a question, go ahead, please.

9 MR. GORDON: Okay.

10 So the suspected point of derailment in this accident, how
11 close -- I know you said that you put in a panel at the transition
12 from the ballast deck going on to the through truss pandrol panel.
13 How close to that transition from cut spikes on the ballast deck
14 portion of the bridge, how close to the transition from the
15 standard cut spikes to your panel with pandrols was the suspected
16 POD in the most recent accident?

17 MR. MONGE: Let me refer to my little thing here. Where we
18 are thinking from the edge of the superstructure and the beginning
19 of my ballast deck, which is where we installed that panel going
20 into the ballast deck, it looks like it might have been about
21 close to 30 feet -- 35 feet away. And you're talking about the
22 POD on the June 26th or the July 29th?

23 MR. GORDON: On the July 29th.

24 MR. MONGE: Okay. We are thinking that it happened about 30
25 to 35 feet. That's where we have that piece that has the rolled

1 steel head, but we don't have that receiving end of it.

2 MR. GORDON: Right. Right. Okay. Yeah, so that helps.
3 Just, it wasn't right there at the transition from cut spike up
4 onto that pandrol.

5 MR. MONGE: No, sir. And neither of the welds that were in
6 that area also that break -- that suspect break right now is not
7 on a weld --

8 MR. GORDON: Right.

9 MR. MONGE: -- or near a weld actually.

10 MR. GORDON: Okay. All right. Thank you. That's all I
11 have.

12 MR. HIPSKIND: Okay. Thanks, Joe.

13 And, Omar --

14 MR. MONGE: Yes.

15 MR. HIPSKIND: -- we agree that -- and you know you helped
16 us. You cut the pieces. We sent them into the lab. And I think
17 what you were referring to there was there were two fractured
18 faces -- two rail ends that did exhibit some batter. And we know
19 that there were three wheels over the east rail that had some
20 witness marks, but I would just ask you your professional opinion.

21 If we're looking at those witness marks, the -- just the few
22 of them, the three, and the absence of other witness marks -- I
23 think one time we were having a conversation when we were doing
24 the virtual on scene investigation. You had made a statement that
25 the only thing that made sense to you was that the rail had rolled

1 out. And I was kind of surprised at that, because some of the
2 rail that would have to had rolled out, wouldn't that have been
3 where the new panel and the pandrol clips were at?

4 MR. MONGE: The rail rolled out?

5 MR. HIPSKIND: Well, there was a question -- I had a question
6 about -- I was curious about why other wheels and trucks and cars
7 didn't have a similar witness -- a wheel witness mark. And there
8 was just the three and -- maybe it wasn't you. I thought somebody
9 said something about well, the reason there wasn't other witness
10 marks on other equipment -- trailing equipment was that the rail
11 rolled out.

12 MR. MONGE: Well, the rail on the superstructure was rolled
13 out and pushed out. I can't say about the portion on the ballast
14 deck, because that was destroyed by the time I got there. The
15 portion that meets the superstructure had collapsed with the
16 derailment. But the rail on the actual superstructure for the
17 length of the spans of the damage, the rail was rolled out on the
18 bridge.

19 MR. HIPSKIND: Yeah. And on that comment, you're talking
20 about the resting position of the three or four cars that we found
21 derailed and I get that. I get that. But -- well, and anyhow,
22 it's still somewhat of a mystery, but I'm okay with that.

23 So any other comment or clarification, Omar, Javier, that you
24 want to make? I'll bet --

25 MR. MONGE: No, thank you.

1 MR. RUBIO: No.

2 MR. MONGE: I appreciate it.

3 MR. HIPSKIND: No, and I'll bet you won't object if I move
4 forward to the close out portion, would you?

5 MR. RUBIO: Not at all.

6 MR. HIPSKIND: Hearing no objection --

7 MR. MONGE: No, no objection from my end.

8 MR. HIPSKIND: Okay. I get it. Let me find my cheat sheet
9 here. Give me a second. So --

10 MR. MONGE: I might be shooting myself in the foot, but it
11 looks like you've got some hands up there on some people?

12 MR. HIPSKIND: I've got some what?

13 MR. MONGE: Hands up? Like, if they're asking for --

14 MR. HIPSKIND: Oh.

15 MR. MONGE: -- opportunity to talk?

16 MR. HIPSKIND: You are right. You are very perceptive.

17 Aziz, I did not see your hand up. So I don't want to close
18 out before giving you the floor. You -- please go ahead.

19 MR. AMAN: Thank you.

20 Thank you, Omar. Just clarifying. One of the comments on
21 one of the question came up was that, Omar, that you know where
22 the -- when the derailments for the latest derailment?

23 MR. MONGE: Well, it's not that I know. We -- I think
24 everybody on this panel think that we know where we've had that
25 roll head on the rail where it's a leading end, but never found

1 the receiving end of the batter. I wouldn't say that I know for a
2 fact it was broken rail and I know for a fact that I know where
3 POD is.

4 But that's where we have that with the witness marks on the
5 wheels on some cars and dislocation with a type of roll on the
6 head of the rail that it seems that -- and I don't know what the
7 NTSB lab came up with yet, and I'm not asking to know at this
8 point, but that's where everybody is kind of looking at POD might
9 be there.

10 MR. AMAN: Okay. So I guess to -- I'm sorry for poorly
11 questioning that question. I guess what I should have said is so
12 you know the estimated location of derailment appeared to be in
13 the ballast deck section?

14 MR. MONGE: It will seem to appear that, yes.

15 MR. AMAN: Okay. Thank you.

16 MR. HIPSKIND: Well -- and this is Dick Hipkind. Thanks for
17 that question, Aziz. I will tell everybody that I've never been
18 on an accident investigation that literally -- I'm not guessing,
19 I'm not exaggerating here -- that has literally hundreds,
20 hundreds, and hundreds of video tapes.

21 And I know that we've had a pretty good discussion earlier
22 today on the bridge panel, and I thank Javier and Omar for
23 accepting and changing the time and conducting this interview.
24 But I will just tell everybody, it's been a challenging
25 investigation, and there is a lot of stuff to look at. I will put

1 it that way. None of us were out there, and thank goodness we had
2 a lot of video of the actual derailment while it was occurring.

3 And I would just end with the NTSB has additional work to do.
4 That's our day job and we'll do that. And both of these
5 interviews today have been very helpful to narrow the focus so to
6 speak. And we'll just have to combine everything and get to
7 something that is factually accurate and can bring everybody
8 along. I hate trying to go forward with contentious ideas or
9 theories, but I will assure everybody we'll get there. It's going
10 to take us some time. Okay.

11 And seeing no hands up, Omar, I will start with you and I
12 will ask you the questions we've talked about. Is there anything
13 that you would like to add or change to our discussion today?

14 MR. MONGE: No, sir.

15 MR. HIPSKIND: Okay. And are there any questions that we
16 should've asked, but did not?

17 MR. MONGE: I cannot think of any right now.

18 MR. HIPSKIND: You can't think of one topic you'd like for us
19 to dig deeper on?

20 MR. MONGE: Not at this point, no, sir.

21 MR. HIPSKIND: Okay. I understand.

22 MR. MONGE: I apologize.

23 MR. HIPSKIND: No, that -- I was -- do you have any
24 suggestions for preventing a recurrence?

25 MR. MONGE: No. No, not at this point. No, sir.

1 MR. HIPSKIND: Okay. And is there anyone else that we should
2 interview to gain more knowledge about either one of the events in
3 June or July?

4 MR. MONGE: No, sir.

5 MR. HIPSKIND: Okay.

6 Javier, you're next up. I would ask you, is there anything
7 that you'd like to add or change with our discussion with you
8 today?

9 MR. RUBIO: No, sir.

10 MR. HIPSKIND: And are there any other questions that we
11 should've asked, but that we did not?

12 MR. RUBIO: No, sir.

13 MR. HIPSKIND: And do you have any suggestions for preventing
14 a recurrence?

15 MR. RUBIO: No, sir.

16 MR. HIPSKIND: And is there anyone else we should interview
17 pertaining to either the June or the July event?

18 MR. RUBIO: No, sir.

19 MR. HIPSKIND: All right. Gentlemen, if everybody will stay
20 on, I will -- Joe, get ready. Thank you all on behalf of NTSB for
21 taking the time and participating in these interviews today. And
22 give me just a second here. And I will conclude the interview.
23 Thanks, again.

24 (Whereupon, the interview was concluded.)

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 26, 2020
 Interview of Omar Monge and Javier Rubio

ACCIDENT NO.: RRD20LR005

PLACE: Via telephone

DATE: October 19, 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.



Debbi Zasada
Transcriber