

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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CPKC TRAIN DERAILMENT IN *

BORDULAC, NORTH DAKOTA *

Accident No.: RRD24LR012

ON JULY 5, 2024 *

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Interview of: BRAD HERMAN, Track Inspector
Canadian Pacific Kansas City (CPKC)

Jamestown, North Dakota

Sunday,
July 7, 2024

APPEARANCES:

DAVID CASACELI, Investigator-in-Charge
National Transportation Safety Board

TODD ANDERSON, Track Safety Inspector
Federal Railroad Administration

MATHEW SCHERBING, Investigator
Brotherhood of Maintenance of Way Employees

TOM STEINBRENNER, Vice General Chairman
Brotherhood of Maintenance of Way Employees
Representing Mr. Herman

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I N T E R V I E W

(2:00 p.m.)

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3 MR. CASACELI: My name is David Casaceli, I am the
4 investigator-in-charge for the NTSB for this accident. We are
5 here today on July 7th, 2024, about 2:00 p.m. local time in
6 Jamestown, North Dakota, to conduct an interview with Brad Herman,
7 who works for CPKC as a track inspector. This interview is in
8 conjunction with NTSB's investigation of the CPKC derailment near
9 Bordulac, North Dakota on July 5th. The NTSB reference number for
10 this accident is RRD24LR012. The purpose of this investigation is
11 to increase safety, not to assign fault, blame, or liability.

12 Before we begin our interview and questions, we'll go around
13 the table and introduce ourselves, spelling our last name for the
14 record and including our title and who we're representing. I'd
15 like to remind everybody to speak clearly so we can get an
16 accurate recording. I'll start off and then pass it to my right.
17 Again, my name is David Casaceli, C-a-s-a-c-e-l-i, and I am the
18 NTSB IIC for this accident.

19 MR. ANDERSON: I'm Todd Anderson, A-n-d-e-r-s-o-n. I am the
20 FRA track safety inspector for the Bismarck, North Dakota area.

21 MR. SCHERBING: Mathew, M-a-t-h-e-w, Scherbing,
22 S-c-h-e-r-b-i-n-g. I'm with the BMWED accident investigation
23 portion.

24 MR. STEINBRENNER: Tom Steinbrenner, S-t-e-i-n-b-r-e-n-n-e-r.
25 I'm here as representation for Mr. Herman.

1 MR. HERMAN: Brad Herman, H-e-r-m-a-n, CPKC track inspector.

2 MR. CASACELI: That's it. So we spoke a little bit earlier,
3 do we have your permission to record our discussion today?

4 MR. HERMAN: Yes.

5 MR. CASACELI: And you understand that the transcription will
6 become part of the public docket and we can't guarantee any
7 confidentiality?

8 MR. HERMAN: Yes.

9 MR. CASACELI: Okay. And as we've discussed, you have a
10 representative here with you today, Mr. Steinbrenner.

11 MR. HERMAN: Yes.

12 MR. CASACELI: And great. So I'd like to ask again to make
13 sure everybody speaks clearly. When the line of questioning gets
14 to you, if you can just repeat your name so that it helps the
15 transcriptionist keep everything straight.

16 INTERVIEW OF BRAD HERMAN

17 BY MR. CASACELI:

18 Q. But to get started, Brad, just please give us a brief
19 synopsis of your work experience, taking you up to your present
20 job and how long you've been with -- how much railroad experience
21 you have and how long you've been with CPKC and in your current
22 role.

23 A. I started working for CPKC when it was CP at the time in
24 2005, April of 2005, started out as a track laborer, assistant
25 foreman, a foreman, and then a track inspector. My whole career

1 has been out of the Carrington -- I've worked in Carrington my
2 whole career. Just under 19 years or just over 19 years.

3 Q. And so does part of your territory include the Bordulac area
4 of this derailment?

5 A. Yes, it does.

6 Q. Okay, so as you know, we had a derailment out there on the
7 5th of July and if I understand correctly, you know the area was
8 in this culvert, so I'd like you to kind of tell me a story about,
9 you know, the -- if there's any relevant history there or not,
10 that we should be aware of on that, kind of -- that stretch of
11 line related to culverts, rails, maintenance, anything like that,
12 tell us what you know.

13 A. Well, that culvert, we did have an issue with that culvert a
14 year ago, they did -- I did not find it. They repaired it, I do
15 not know how because I was not involved with the repair, it was
16 surfaced, a couple days later it was surfaced again and then ever
17 since then it has not been an issue.

18 Q. Can you walk me through a little bit about what, you know,
19 your typical week looks like, what your territory is and how many
20 miles you get over and stuff like that?

21 A. I'm required to inspect the track three times a week,
22 minimum. I start out, I work -- I start out at Carrington, I'll
23 go either way from Carrington, whichever way the train traffic,
24 you know, permits the best day. I go from Milepost 286.7, which
25 is Valley City east switch, and I go to Milepost 380, which is at

1 Fessenden. It's roughly 94 miles of track.

2 Q. Okay. So you get over that three times a week, it's about,
3 you know, short of a hundred miles. Do you have any yards or
4 industry tracks you inspect, as well?

5 A. Industry tracks and switches, yes, and sidings.

6 Q. Give me kind of a ballpark how -- are you inspecting a hump
7 yard in Carrington or is it a couple tracks here and there?

8 A. It's a couple, there's like, I don't know, six or seven
9 elevator tracks throughout the territory, there's six sidings that
10 get done once a week, either visual or every fifth -- it can't be
11 more than five times without driving on the track on those
12 sidings. I believe it's about 45 main line switches I inspect and
13 probably another -- which is a monthly inspection, and then
14 another 10 or 12 elevator switches that are also a monthly.

15 Q. Great. And so as you get over all of that three times a
16 week, what does that usually kind of look like? Do you ever get a
17 hundred-mile day or is it usually -- how many days a week are you
18 taking to do that three times?

19 A. Well, I have to do it all at least once a week, one day once
20 a week, in order to get over it in a five-day week.

21 Q. Okay. Is that able to be done in an eight-hour workday or
22 does that take 15 hours, you know, what does that --

23 A. It all depends on train traffic, it could be done in an
24 eight-hour day. A lot of times it is done in an eight-hour day,
25 but it can take longer.

1 Q. Okay. So if I hear you correct, a typical week is, you know,
2 one day you'll get maybe half of it, another day you'll get maybe
3 half of it, one day you'll get all of it and then you'll repeat
4 the half and the half at some point --

5 A. Yes.

6 Q. -- mixed up that way?

7 A. Yes.

8 Q. Okay, great. Now, you mentioned some work had been done at
9 this culvert about, give or take, a year ago from now. On some of
10 the video over the track that I saw from prior to the accident, it
11 looked like there was a different colored ballast stone dropped
12 over the track, would that have been from that time?

13 A. Yes.

14 Q. Okay.

15 A. Yes.

16 Q. And I know the answer to this already, but why is the ballast
17 a different color over the top of that?

18 A. Come from a different place or it's newer ballast, just
19 different, yeah.

20 Q. Okay, all right. So that would have been placed there about
21 a year ago, during --

22 A. Yes.

23 Q. -- the culvert work and the surfacing that came after?

24 A. Yes, it could've been a little longer than a year ago, but
25 yeah, approximately one year.

1 Q. We'll get that information on the history of it from CPKC.
2 So in general, then, not just speaking about that culvert but the
3 territory in general, do you have problems with water issues or
4 culvert issues on a regular basis? You know, kind of talk to me
5 about that across your territory.

6 A. Not necessarily -- I'm trying to think. Not necessarily all
7 the time, but you know, we're wet this summer.

8 Q. Um-hum.

9 A. So yes, there has been a lot of water moving. I haven't seen
10 very many issues, but time to time, yes, there are issues.

11 Q. Do you recall what that -- I'm going back to the accident
12 location, what pipes are in that culvert? Off the top of your
13 head.

14 A. They were two 48-inch concrete culverts.

15 Q. What type of concrete culverts, block culverts?

16 A. Round.

17 Q. Round, okay.

18 A. Yes.

19 Q. So when it comes to -- you know, you said you had a wet year
20 so far this spring/summer, how does CPKC go about doing patrols
21 for floods or weather or something like that? How would you know
22 if you had to do some sort of special inspection or something?

23 A. They get a flood warning and then they will call somebody out
24 to do an inspection.

25 Q. And who's they?

1 A. That I don't know. I get a call from my boss.

2 Q. Okay. Yeah, copy that.

3 A. So I don't know who starts that process.

4 Q. Understand. Okay, what does a special inspection for you
5 look like? Talk me through what that conversation will be from
6 your boss and what you would do.

7 A. Flash flood warning from here to here, so we need to inspect
8 that area.

9 Q. All right, so you hop in your truck and you head that way?

10 A. Yeah.

11 Q. Are trains typically held for you or do you know if there's
12 any instructions given to trains awaiting your arrival? And if
13 you don't, that's a fine answer.

14 A. It all depends on the severity of the storm.

15 Q. Okay. And were there any -- when was the last time you had
16 to do a special inspection on your territory?

17 A. Yesterday.

18 Q. Yesterday. How about prior to the accident, when was the
19 last time?

20 A. I have not done one for some time since this spring, you
21 know, we've done cold weather patrols and stuff, but nothing for
22 flash floods this summer --

23 Q. Okay.

24 A. -- that I've had to do.

25 MR. CASACELI: All right. And we'll figure out where those

1 come from and the logic behind them, you know, later and who
2 knows, it might not even be of issue here in the end, we're just
3 trying to gather the info. I think that's all I have for now.
4 I'll pass it to these guys if you're all right with them taking a
5 turn with you?

6 MR. HERMAN: Absolutely.

7 MR. CASACELI: Mr. Anderson.

8 BY MR. ANDERSON:

9 Q. Todd Anderson, FRA track safety inspector. I just got one
10 question regarding weather inspections. With the weird weather
11 we've been having lately, have you been out on the heat run
12 inspections?

13 A. Yes. Two or three.

14 Q. None immediately prior to this accident?

15 A. No.

16 MR. ANDERSON: I guess that's all I got for right now.

17 BY MR. SCHERBING:

18 Q. Mat Scherbing. How many people maintain that chunk of track
19 in Carrington?

20 A. Just the Carrington section or --

21 Q. Yeah, like whoever covers --

22 A. -- like my territory?

23 Q. Your territory, your --

24 A. The Harvey section, which I believe is three people;

25 Carrington section is supposed to be three but there's only two.

1 Q. Okay.

2 A. And the Enderlin section has just one switch that I inspect,
3 so that's -- there's three of them, also.

4 Q. Okay. So eight men in total. In 2005 when you hired, how
5 many people covered it then?

6 A. There was a section crew of two --

7 Q. Yeah.

8 A. -- and a maintenance crew of four.

9 Q. Okay, okay.

10 A. And that was just out of Carrington. So then the Harvey
11 section was two and the Enderlin section was three.

12 Q. Okay. That stick of rail that's laying in the curve, when
13 did that get dropped off, do you know?

14 A. That was supposed to have been laid last summer.

15 Q. Do you know why it wasn't?

16 A. They ran out of time.

17 Q. And they is CPKC?

18 A. Yes.

19 Q. Okay.

20 A. Yeah.

21 MR. SCHERBING: All right, that's all I have.

22 MR. CASACELI: How are we doing on time, are we okay?

23 MR. STEINBRENNER: Yeah.

24 BY MR. CASACELI:

25 Q. Okay. All right. All right, thank you. David, NTSB. Thank

1 you, Brad. I do have a few follow-ups. You said this was a wet
2 year, but has there been multiple wet years in a row or what's the
3 history been like the last few years?

4 A. Not multiple in a row. Last year was relatively dry, a very
5 dry winter, and then this spring it started raining and it hasn't
6 quit. Years prior to that, it's been a while since we've had a
7 really wet year like this, but they've been -- there's been some
8 good moisture in the area.

9 Q. Okay. So I got caught in a pretty good darn rainstorm the
10 other day driving out to the site where it just dumped on me for
11 like 20 or 30 minutes in a short stretch and left, is that kind of
12 like -- do you get a lot of those little, small thunderstorms at
13 times through here?

14 A. Yes.

15 Q. And just dump a pile of rain and move on.

16 A. Yes.

17 Q. Okay. And it would be atypical to have something like that
18 that hits a short section of track and it could be sunny or not
19 raining on either side a few miles away?

20 A. Yes.

21 Q. With a wet year, have you had any other problems with fouled
22 ballast or track subgrade sinking issues, has that been out of the
23 ordinary? Talk to me a little bit about any water-related issues
24 you've had.

25 A. We do have some fouled ballast issues, we're working on

1 getting them repaired. Soft track, this year -- this year has not
2 been bad for soft track.

3 Q. Now, when you say soft track, what do you mean?

4 A. Where the subgrade gets bad.

5 Q. Have you ever had one where it went fairly quickly, like
6 there yesterday and today it's a giant hole?

7 A. Yes. Well, maybe not -- yeah, yes.

8 Q. Okay.

9 A. Yeah.

10 Q. Anything to add on those? What does that look like? I guess
11 describe that to me, how -- what those failures look like that
12 you've seen.

13 A. Coming along the rail and you can -- you'll be able to --
14 you'll see it like this and, you know, mud will pump up between
15 the ties and even get above the rail and it can really get to be a
16 deep dip, hole.

17 Q. Okay. If you ever come across one of those, what would you
18 do?

19 A. Measure it, get somebody to repair it, protect it or take it
20 out of service, whichever is required or appropriate, yes.

21 MR. CASACELI: I'll let you do it. Okay if we go around one
22 more time?

23 MR. HERMAN: Yeah.

24 BY MR. ANDERSON:

25 Q. Todd Anderson, track safety. Drain tile out there, you're up

1 there and -- up and down the track there quite a bit, I know you
2 know a lot of these farmers out there from your years of
3 experience, but have you ever witnessed a lot of that drain tile
4 drain towards your ditches?

5 A. Yes.

6 Q. Your right-of-way?

7 A. Not a lot, but there is one that was put in a year ago and
8 they was going to drain it right into our ditch and as soon as I
9 seen what was going on, I reported it up the ladder and I don't
10 know what they have done to that, but I know it's not pointed
11 right at the ditch anymore.

12 Q. Okay.

13 A. And to add to that, there has been a lot of drain tiling from
14 like Carrington east to like spur 348, Milepost 348, which is
15 about two miles in there. There has been a lot of drain tiling in
16 the last two years in that area.

17 Q. Okay.

18 A. Both sides of the track.

19 Q. Have you been seeing a lot more moisture in your ditches than
20 -- being it's a wet year, is it -- you've been through wet years
21 out here before, correct?

22 A. Yes.

23 Q. Would you say it's typically more water that you're seeing in
24 the ditches?

25 A. Not necessarily from the -- well, I shouldn't say not

1 necessarily from the drain tile because I guess I don't know that,
2 but in that one area there is water that sits in that ditch now,
3 yes.

4 Q. Okay. And you said you haven't surfaced that since the
5 culvert repair?

6 A. It was surfaced as -- when the culvert repair was done and a
7 couple days later it needed it again and then after that, it has
8 not been surfaced.

9 MR. ANDERSON: Okay. I've seen a lot of good surface out
10 there. That's all I've got, thank you.

11 MR. CASACELI: Okay. I think we've gotten what we need out
12 of you, but I had a couple questions in closing, if you're ready.

13 MR. HERMAN: I'm ready.

14 BY MR. CASACELI:

15 Q. So first off, is there anything else you think we should know
16 that we didn't ask you about regarding the track conditions out
17 here?

18 A. No.

19 Q. Any follow-up questions, would you mind if I give you a
20 holler?

21 A. Yes. No, I do not mind. That's what I meant to say.

22 (Laughter.)

23 BY MR. CASACELI:

24 Q. Any question we should've asked that we didn't ask?

25 A. No.

1 MR. CASACELI: Okay. Well, on behalf of the NTSB, I want to
2 say thank you for your time and cooperation out here. Nobody
3 wants to see a pile of cars on their territory, whether it had
4 anything to do with their work or not, but our hope is to try to
5 figure out exactly what happened and work with everyone to try to
6 prevent the next one. So with that, we will go off the record.

7 (Whereupon, at 2:18 p.m., the interview concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

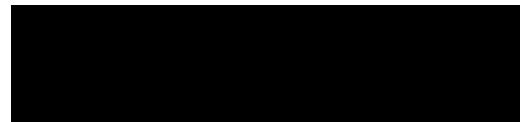
IN THE MATTER OF: CPKC TRAIN DERAILMENT IN BORDULAC,
NORTH DAKOTA ON JULY 5, 2024
Interview of Brad Herman

ACCIDENT NO.: RRD24LR012

PLACE: Jamestown, North Dakota

DATE: July 7, 2024

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.



David A. Martini
Transcriber