

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: BRODY MERTZ, Conductor
Canadian Pacific Kansas City (CPKC)

Jamestown, North Dakota

Sunday,
July 7, 2024

APPEARANCES:

BEN STROT, Railroad Accident Investigator
National Transportation Safety Board

RYAN DUNN, Operating Practices Inspector
Federal Railroad Administration

DANIEL KENNER
Brotherhood of Local Engineers and Trainmen

THOMAS JARED, General Manager
Canadian Pacific Kansas City (CPKC)

JIM CHASE, Investigator
SMART Transportation Division

BOBBY BERGFELD, Local Chairman
SMART Transportation Division
Representing Mr. Mertz

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I N T E R V I E W

1
2 MR. STROT: All right. Good morning, my name is Ben Strot
3 and I am an investigator for the NTSB, today is July 7th, 2024,
4 and we are meeting at the Fairfield Inn in Jamestown, North
5 Dakota. This interview is being conducted in reference to NTSB
6 accident number RRD24LR012, a derailment near Bordulac, North
7 Dakota, on the CPKC railroad that occurred on July 5th, 2024.

8 The NTSB is a federal -- is an independent federal agency
9 charged with determining the probable cause of transportation
10 accidents and promoting transportation safety. We are not part of
11 the DOT, FRA, or any other regulatory agency. The NTSB has no
12 regulatory or enforcement powers. We will publish recommendations
13 to any party that we believe we can act on those recommendations
14 to prevent accidents from happening in the future. There are
15 several phases of our process, we are currently in the fact-
16 finding phase which will be followed up by analysis, probable
17 cause finding and finally, any recommendations that we see
18 necessary.

19 Today we are here to speak with Brody Mertz. Before we
20 begin, we'll go around the table and introduce ourselves for the
21 transcriptionist. Please be sure to speak up and speak clearly.
22 I will start out. Spell your name as you introduce yourself,
23 please. My name is Ben Strot, S-t-r-o-t, and I am a rail accident
24 investigator for the NTSB.

25 MR. DUNN: Ryan Dunn, D-u-n-n. I'm with the Federal Railroad

1 Administration, operating practices inspector.

2 MR. KENNER: Daniel Kenner, K-e-n-n-e-r, and I represent the
3 Brotherhood of Locomotive Engineers and Trainmen.

4 MR. JARED: Tom Jared, General Manager. Tom Jared,
5 J-a-r-e-d, General Manager, Canadian Pacific.

6 MR. MERTZ: Brody Mertz, B-r-o-d-y, Mertz, M-e-r-t-z,
7 conductor, Canadian Pacific railroad.

8 MR. BERGFELD: Bobby Bergfield, B-e-r-g-f-i-e-l-d, local
9 chairman.

10 MR. CHASE: Jim Chase, C-h-a-s-e, SMART Transportation
11 investigator.

12 MR. STROT: All right. Thank you so much. As we go around
13 asking questions, just please remember to restate your name for
14 the transcriptionist.

15 And Mr. Mertz, do you mind if we go by first name, Brody,
16 today?

17 MR. MERTZ: That's fine.

18 MR. STROT: All right, great. As we spoke beforehand, this
19 interview is being recorded and transcribed, will be made part of
20 the public docket, and we cannot promise any confidentiality, do
21 you understand this?

22 MR. MERTZ: I do.

23 MR. STROT: All right. Before this interview, you brought
24 Bobby in here to be your representative. This representative, he
25 cannot testify for you or object to any questions but I will say,

1 Bobby, if you have anything that you think you can clarify or
2 expound on, just let us know and we can, you know, give you the
3 floor to make any statements that you need to, to help with that.
4 Please answer your questions today to the best of your
5 recollection. If you don't understand a question, didn't quite
6 hear the whole question, just ask us to ask again, repeat or
7 explain.

8 And if you realize you misstated something or you need to
9 modify a previous answer, it's okay to do that, just let us know.
10 And if anybody needs a break, especially you, Brody, during the
11 interview, just give me the symbol for time out and we'll go off
12 the record and take a break.

13 MR. MERTZ: Okay.

14 MR. STROT: All right. So we'll go ahead and get started.

15 INTERVIEW OF BRODY MERTZ

16 BY MR. STROT:

17 Q. Brody, first question, tell us a little about your railroad
18 experience.

19 A. I got hired in November of 2022 with Canadian Pacific
20 railroad and work on the extra board, pretty much out of Enderlin,
21 North Dakota. So I've been here about a year and a half.

22 Q. Okay. And working the extra board out of Enderlin, you, I
23 guess, traverse this run quite a bit or what's your experience on
24 this run between Enderlin and Minot?

25 A. Done it multiple times. You know, being here only a year and

1 a half, I don't have the experience that some of the other guys do
2 out here but yeah, definitely I've gone over the territory quite a
3 few times.

4 Q. Okay. And you feel comfortable and qualified?

5 A. Yeah.

6 Q. All right. So I guess the next question is can you just tell
7 us a little bit about your trip? Start off from when you got
8 called until you went off duty and walk us through how that trip
9 went and what occurred.

10 A. Sure. So we went on duty 21:15 in Minot, I got a cab to the
11 depot. As soon as we were on duty, we or I printed TGBOs. Almost
12 immediately the phone rang, Trainmaster Benick (ph.) calling from
13 Enderlin, letting us know about our work that we had at Harvey,
14 talked to him for a few minutes about it, hung up with him.
15 Almost immediately the phone rang again and it was the dispatcher
16 telling us to call Trainmaster Benick when we were on duty to let
17 him know where have you been.

18 Waited for 242 to pull in, they weren't quite into Minot yet,
19 they were getting delayed at Soo tower. Took the Minot vehicle
20 out to the east end to meet them. They informed us, when they
21 were pulling in, that the rear remote had to be signed off, they
22 wanted it, and then check the fuel line and so we drove back to a
23 place called Alley's Repair, they pulled the DP up to us, Engineer
24 Bruce got on it. I believe it was already -- he said it was
25 already signed off in Moose Jaw that day, but did that, re-crewed

1 on the east end about 22:20. We got on our train, set up PTC,
2 went over all the paperwork, checked for marshalling violations,
3 all that stuff, rang the dispatcher, gave him our TGBO to verify,
4 then we were on our way, we departed 22:30 out of Minot.

5 Everything was a very normal trip, very normal start to the day.
6 Got to Drake, we ran around through the siding, we ran around J05
7 that held the main there, we had a diverging clearance, we ran
8 around them.

9 At Harvey, we pulled in approximately midnight 15 to do our
10 work. Superintendent McMahon was already there to assist with the
11 paperwork. He informed us the pickup was already air tested,
12 everything was good there, so all we had to do was pick it up or
13 cut away from our train, run down to the east end, we picked up
14 off of low (ph.) one at Harvey and then pulled it back out to the
15 main and shove it back to our train.

16 Superintendent McMahon got us our new paperwork that we get
17 at Harvey, only gave us one copy. Normally, we would probably
18 have two copies, but they do say one copy is safe to travel with,
19 and then gave us the air slip for the -- for the cars that we
20 picked up. We had a brief with him, actually, about the new
21 notice that came out about throttle restrictions and all that and
22 we informed him that we had seen it, we had the paperwork and we
23 actually had a throttle restriction for 7 on the Portal sub and
24 then on the Carrington sub there was no throttle restriction, it
25 was 8 on the Carrington sub. Got done with that, departed Harvey

1 approximately 01:20 on July 5th. We had -- our next meet was at
2 Emrick, everything between Harvey and Emrick again was a normal
3 trip, running on all clears until Emrick. Pulled into Emrick
4 approximately 02:02, we took the siding, met -- the first train
5 was already there waiting for us, that was the -- 315 was the
6 train ID, and then they pulled by. Met 445, who was stopped just
7 a few miles behind them. Did roll-bys on both trains.

8 They didn't mention anything to us, said we were complete
9 with the dim light on the rear, you know, pretty normal stuff.
10 Departed Emrick approximately 03 -- 02:30. Next stop, we cleared
11 the main at Carrington at 03:05 to meet 243 and again, good meet,
12 nothing out of the ordinary there. Departed Carrington at 03:22.
13 What happened next was the derailment pulling into Dry Lake
14 approximately 03:40, I have 03:42 down on my delay report. The
15 first thing that happened, we had a run-in from the rear of the
16 train, wouldn't describe it as severe. Have definitely had run-
17 ins like that before.

18 I guess, from what I've been told, that's a pretty common
19 area to get a run-in, as well. And almost immediately following
20 the run-in, he had alarms going off on his side, PCSB loss, PCSA,
21 and our train went into emergency. I immediately grabbed the
22 radio, called out our emergency call on the radio, looked in my
23 conductor side mirror and the first thing I saw immediately was a
24 fireball, a very large fireball a hundred feet in the air. I
25 turned to Engineer Bruce and I said exactly that, I said there's a

1 fireball back there. Engineer Bruce looks at me stone face and
2 goes F you, like he didn't believe me, you know, like I was joking
3 with him, which -- and I said no, we're on fire, ring the
4 dispatcher immediately, in the heat of the moment, rang him on
5 Channel 1, you know, pressing 1 instead of 9-1-1 just in the heat
6 of the moment and the dispatcher immediately answered. I'm
7 continuously looking in the rearview mirror, all I see is flames,
8 very large flames coming from the rear of our train somewhere. We
9 tell the dispatcher what happens or what was going on.

10 We sit there talking with the dispatcher and amongst
11 ourselves for approximately five to ten minutes watching the
12 flames looking like they're spreading, we can't -- you know, it's
13 hard to tell exactly how far back they were. We decided in that
14 moment it's a good idea to cut our engine away and get to a safer
15 distance. So we tell the dispatcher that and he immediately, you
16 know, was like yeah, authorized us to cut away.

17 I run, put on my -- you know, my PPE, go to the back of the
18 locomotive, close the angle cock on the engine, pull the pin, tell
19 Engineer Bruce, you know, I'm on, take them ahead when you can.
20 He takes them ahead, we get to a safe distance away from our cars
21 and we pretty much sit there watching the fire until 04:20 in the
22 morning was the first time we saw emergency lights next to the
23 derailment. Between 03:40 and 04:20, we were in constant
24 communication with the dispatcher asking us, you know, what does
25 it look like, you know, how are we doing and stuff like that. So

1 04:20, first emergency lights by the derailment. At that point,
2 we pulled our engine westward a little bit farther, there's a
3 crossing about halfway through Dry Lake, we pulled it up to there
4 so we were more accessible if anyone needed, you know, to get to
5 us. The first person to pull up was the -- Andrew Kirking, he was
6 an emergency manager for Stutsman County and Foster County,
7 introduced himself, asked how we were doing. We had a short
8 conversation with him kind of about what was going on. And then
9 we went back on our engine.

10 You know, I hadn't heard anything from any manager or
11 management yet, so we were just still sitting there. Oh-six -- I
12 have 06:37 down on my delay report for the first time we heard
13 from Superintendent McMahon, he told us to shove our power back to
14 the west -- or sorry, east cut of cars that made it through, tie
15 back on and, you know, walk it to make sure cars were still on the
16 rail track, find all that stuff, and then I had to close the angle
17 cock on the west end to get them to move.

18 So we tied back on, walked the track, closed the angle cock,
19 told Engineer Bruce it's okay to pull them ahead back up to that
20 crossing. Got a ride with a track inspector, track laborer, from
21 the rear end of that train to the signal at Dry Lake west, that's
22 where I got off at. Superintendent McMahon picked me up there and
23 brought me back to the head end of the train, told us to tie it
24 down and get our stuff off, we were going to go with him. So did
25 just that, tied it down, hopped in with them, or with him. Let's

1 see. We are here. Not exactly -- after we got in with
2 Superintendent McMahon, I don't exactly have times for anything
3 else, but he drove us back to the town of Bordulac, where they had
4 the kind of command center set up, all the sheriffs and fire
5 department was there. He said he needs to go talk to the chief
6 firefighter for a minute and he'd be back, so we stood there and
7 talked with Trainmaster Connell (ph.) from Minot.

8 Superintendent McMahon came back, told us Connell was going
9 to bring Joe Bruce, the engineer, up to the west engine, the KCS
10 engine that was on the west end of the derailment and then we were
11 going to pull some cars west into Carrington. So me and Joe were
12 talking about where we wanted to make a cut at, you know, we
13 wanted to cut -- it was like right behind some gondolas about
14 approximately 10 cars from the derailment site. Superintendent
15 McMahon told us that he wanted us to cut, basically, the last car
16 that was still on the track away, he wanted us to take, basically,
17 everything that was still standing.

18 We didn't, you know -- we didn't love that idea but again, it
19 was, you know, a manager's call so we, you know, said okay. He
20 told me, you know, I was going to get with the fire department to
21 put on some safety equipment to go in there. So I went with
22 Fireman Ted, I believe his name was. They gave me like a
23 30-second tutorial on how to strap on this, you know, oxygen tank
24 on my back and this breathing apparatus, showed me how to tighten
25 it and, you know, how to wear it, because I have no former

1 training with any of that equipment. So we got that on. Once we
2 got the okay, me and the fireman started walking back towards the
3 rear car that we wanted to cut away. Approximately at 10, 15 cars
4 away, the fireman instructed me to -- that it was time to put the
5 breathing apparatus on and get that set up, so we threw the
6 equipment on, started -- continued walking to the car, got there,
7 everything -- that last car, everything looked fine, you know, it
8 was still on the track and everything, so we -- I had to climb
9 across to get the angle cock, climbed back across, made the cut.

10 I was out of radio range from Engineer Bruce, he couldn't get
11 me on the KCS engine, so we had to relay through Trainmaster
12 Connell that, you know, we were -- that I was, and the fireman,
13 were off and clear from the cars and it was okay to pull them. He
14 started pulling on them, it was very slow, you know, pulling them
15 westward there, but the cut was good.

16 He pulled those cars and me and the fireman kind of -- we
17 walked a few cars away and then stopped and I said, you know, I
18 wanted to make sure that it wasn't going to start dragging that
19 car that was on the ground, that the cut was actually good, so we
20 stood there and kind of waited until we could see the car
21 separated and then we walked back to his fire vehicle, gave them
22 back the equipment, walked over to Trainmaster Connell, got in
23 with him and he took me to Carrington to meet Engineer Bruce, who
24 was pulling it into Carrington by himself. We get to Carrington,
25 our re-crew was already there. Engineer Bruce did tie the train

1 down in the siding at Carrington and we basically, you know,
2 re-crewed with the new engineer and conductor, job briefed with
3 them about kind of what had happened, what was going on, you know,
4 paperwork and stuff like that. Got in our Hallcon cab and as far
5 as we knew, we were just heading back to Enderlin. That was the
6 last we heard, was just go to Enderlin.

7 Before we hit Jamestown, Trainmaster Connell called me and
8 told me do not go past Jamestown, that we would probably be doing
9 our drug test and everything there. He said he had forgotten
10 about it, so he called me to tell -- inform us that. So we
11 stopped at Jamestown and he gave us the address for the Sanford
12 Clinic. We pulled into there, waited quite a while, he was a ways
13 away.

14 It was after 12 o'clock on the 5th until we did the -- they
15 pulled blood and urine and then after that, he said we were good
16 to go, go back to Enderlin, tie up, write out a statement and just
17 kind of wait and hear from there. So we tied up -- oh, boy. I
18 don't have the exact time we tied up, but it was 4, almost 5
19 o'clock, I believe, in the afternoon on the 5th until we tied up.

20 Q. All right, I appreciate all that detail, that was -- that was
21 good, that probably answered a lot of questions that we would ask.
22 But going back to when you made your pickup at Harvey --

23 A. Sure.

24 Q. -- you said you only got one copy of the list there.

25 A. Sure.

1 Q. Is that pretty common when you make a pickup there?

2 A. It kind of depends if -- typically, if there's no manager
3 around, the conductor will, at some point, go into the Harvey
4 depot, the paperwork is sometimes there already, a lot of times
5 it's not and we have to call PSC, they'll send it to the printer
6 at Harvey, they just send one copy and then typically, the
7 conductor will make a second copy for the engineer, staple it all
8 together and bring it up to him, but it's not unheard of to only
9 have one copy, you know, especially if a manager is giving it to
10 you, yeah, it's not unheard of to only have one copy.

11 Q. Did you all ask him for a second copy and he just said --

12 A. I don't recall if we asked him for a second copy.

13 Q. Okay. And then whenever the fire department showed up,
14 Andrew, I guess first -- whatever his title is.

15 A. Yeah. Yeah, special -- yeah, yeah.

16 Q. Coordinator --

17 A. Coordinator for the county, yeah.

18 Q. Yeah. Did he ask for any hazmat paperwork or anything like
19 that?

20 A. No, no. We asked him if he needed anything, actually, and he
21 informed us that they had already gotten it through somebody from
22 CP, I'm not exactly sure who it was, because I was -- the one
23 thing that I always brought up, you know, especially Joe, he was
24 very -- making sure that, you know, they knew what they were
25 walking into, that there was anhydrous cars next to the burning

1 methanol and all that stuff, so he informed us that they did have
2 a manifest of what was on the train.

3 Q. Okay. All right. As you all were traveling through the area
4 when you left Bordulac heading towards Dry Lake, did you notice
5 any deviations in the track, any rough ride, anything like that?

6 A. No, nothing out of the ordinary until we hit -- we had that
7 run-in.

8 Q. Okay.

9 A. You know, we were running on clears, we were doing less than
10 track speed, he was slowing down for the Kensal sag right there,
11 that's a little slower speed, so no, we didn't notice or, you
12 know, feel anything out of the ordinary.

13 Q. Okay. And then when it -- the sun did come up and when it
14 got daylight, the amount of water that was in the area, drainage
15 ditches, fields, did you feel like that was a lot more than you'd
16 ever seen in that area or was it kind of normal for this time of
17 year?

18 A. You know, I didn't -- honestly, I don't remember really
19 noticing or paying attention to the amount of water in the area at
20 the time.

21 Q. Okay.

22 A. That wasn't really something I noticed. I've seen some
23 pictures of the derailment since then and I have seen quite a bit
24 of water in the ditches around there, it looks like. Yeah, I
25 mean, from what I've seen, it looked like more water than, you

1 know, is usually there.

2 MR. STROT: Okay. All right. That's all the questions I
3 have. We'll go around.

4 Mr. Dunn.

5 BY MR. DUNN:

6 Q. Ryan Dunn, FRA. Did you have -- was the list you had leaving
7 Harvey, was it good or did you have an extra car you discovered in
8 your train?

9 A. So our pickup was originally for 29 cars.

10 Q. Um-hum.

11 A. When we picked it up and went over this, you know, we were
12 informed by J05, who we ran around at Drake, that they were all on
13 low one and air tested, you know, and ready to go, basically, so
14 we picked them up. Yes, according to our paperwork, we only --
15 the new paperwork showed we only picked up 28 cars. We reached
16 out to Superintendent McMahon, he got back to us and said it was
17 only 28 because they kicked out a bad order.

18 We go over the first scanner after Harvey, that's 383.9, and
19 we actually had -- it was supposed to be 612 axles with the 28-car
20 pickup and we got 616 off of that first scanner. So we
21 immediately rang the dispatcher, you know, to get information
22 about this car, he got back to us a few minutes later and told us
23 it was -- oh, told us it was good to go, basically. I don't
24 remember the words exactly that he used, but he just said that we
25 had an extra car and gave us the car number and that it was

1 basically good to go. So yeah, we did have an extra car according
2 to the new paperwork but not according to our work order type of
3 thing.

4 Q. So did you update your list?

5 A. Yes. Yeah, I immediately updated the in-train, you know,
6 position of the -- all the hazardous (indiscernible) one car,
7 because our first hazardous was like 34th car, I believe, if I
8 remember right, so everything moved back one.

9 Q. How far is Carrington from the derailment site?

10 A. Oh, you know, I don't know exactly how far, 10 to 15 miles,
11 yeah. Eight miles. Approximately eight miles.

12 Q. Last question, I promise. The run-in, was it anything more
13 than what you ever experienced or how would you describe the
14 severity of the run-in?

15 A. I wouldn't describe it as severe, you know, we've had --
16 run-ins are, you know, definitely something you get, you know,
17 quite a bit, you know, on any railroad train and no, it didn't
18 feel any more severe than, you know, any other run-in that I've
19 had. It felt pretty normal, to be honest.

20 Q. And was the head end at the bottom of the sag? Where were
21 you at in position to the sag? Head end.

22 A. It was at the bottom, I guess, you're starting to come down
23 into the Kensal sag, but you're not quite at it yet, you're
24 starting to, I believe, slowly kind of come down, come down in
25 elevation.

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

2 MR. STROT: All right.

3 BY MR. KENNER:

4 Q. Daniel Kenner with the BLET, a couple of questions for you.
5 When you guys were transported after you had pulled the cars from
6 the head end of the train, you were transported back, you said, to
7 where the command center was set up --

8 A. Sure, yeah.

9 Q. -- and the superintendent went into the command center, is
10 that right?

11 A. Yeah.

12 Q. When he came back out and instructed you to go pull these
13 cars from the rear of the train, did he tell you that the area had
14 been cleared, tested or anything, that it was safe to go in there
15 and do that or --

16 A. Yeah, I do believe he said that they had air monitoring
17 equipment and they had been monitoring the area and that it was
18 safe to go in and they got the all clear from the fire department
19 to go in.

20 Q. Okay. And then he instructed you to meet with the fire
21 department and get some gear from them to go do this?

22 A. Yeah.

23 Q. Did you feel safe doing this move?

24 A. No, not exactly, you know, I was still in, I would say, you
25 know, a bit of shock as to everything that happened. Obviously,

1 like I said, you know, we wanted to make a cut at a different
2 spot. I didn't feel, like I said, at the time, you know, that I
3 could necessarily say no. I've learned that since then I could
4 have declined to do it and, you know, had I, you know, maybe sat
5 and thought -- again, like I said, I was in shock, had I sat and
6 thought about it more, I probably would have declined to go in
7 there, but at the time, you know, I just was following orders,
8 more or less.

9 Q. Okay. And you said you had to crawl through to get to the
10 other side to close the --

11 A. Climb, climb across it.

12 (Crosstalk)

13 BY MR. KENNER:

14 Q. -- and everything?

15 A. Yeah.

16 Q. And you were wearing that oxygen tank and all that --

17 A. Yeah.

18 Q. -- when you were climbing through these cars?

19 A. Yeah.

20 MR. KENNER: Okay, thank you.

21 BY MR. JARED:

22 Q. Tom Jared, General Manager. Do you remember the weather?

23 A. Throughout like the whole trip or just when that happened?

24 Q. Basically the last part of the trip.

25 A. Last part of the trip. No rain, we had sprinkles going

1 through -- after we left Minot, for a little bit, but after that
2 it was clear. You know, obviously it was dark, but -- so I
3 couldn't really tell you cloud cover, but the wind was calm and
4 yeah, it wasn't raining. It was clear.

5 Q. And then I know it was dark, but do you remember, in that
6 general area, any rainwater, standing water, anything out of the
7 normal?

8 A. Nothing that I could see, no.

9 Q. Okay. And then do you have the car number, the extra car
10 number?

11 A. I do. I know NATX was the -- I wrote it down on one of
12 these, unless -- NATX, that's November Alpha Tango X-ray 252218
13 and it was sequence number eight in our train.

14 Q. And did you say you had a list out of Minot, of your pickup?

15 A. Yeah, we had an e-mail work order from Trainmaster Benick out
16 of Minot.

17 Q. Okay. And when you made your pickup at Harvey, were you on
18 the ground rolling that by?

19 A. So we shoved, it was a head-end pickup, I -- so we shoved
20 back, tied on, on the east end, we pulled it out, I hopped on that
21 rear car, shoved it back down the main and then got a ride, yeah
22 -- and then got picked up from Superintendent McMahon after we
23 tied back onto our train and he drove me back to the head end.

24 Q. Did you validate the list when you were pulling it by, that
25 you had the 29 cars?

1 A. That one, I did not. That one, I did not. J05 had told us
2 everything was, you know, there, air tested, good to go and then
3 Superintendent McMahon said yeah, the same thing.

4 Q. Okay. And then you received a brand new consist?

5 A. Yeah.

6 Q. Did you update the list of your other consist to give to your
7 engineer, did he ask for a copy or --

8 A. I gave him all the totals and everything, but since we had
9 the one that was up to date, I don't think he asked for one. But
10 I gave him the -- you know, totals because we had to put in for
11 PTC and all of that.

12 Q. Okay. And then once you derailed and you pulled a safe
13 distance with light power, how far did you guys pull?

14 A. Oh. Footage-wise, I don't know. It's hard to -- I don't
15 know. Ten, fifteen cars, maybe. That's -- that's a best guess,
16 I'm not entirely sure.

17 Q. But you guys thought that was a safe distance?

18 A. Yeah, we pulled to where, yeah, we felt it was a safer
19 distance away.

20 Q. And then at some point you were asked to walk back to pull
21 the head end ahead and you had to walk your train?

22 A. On the east end?

23 Q. Yeah, the head end.

24 A. Yeah, yeah.

25 Q. How far away was the rear car from the derailment, do you

1 remember?

2 A. Derailment site. A quarter mile, maybe.

3 Q. A quarter mile?

4 A. A quarter mile, best guess.

5 Q. Did you feel that was safe to go back there and turn the cock
6 and pull the head in?

7 A. That felt -- like I said, that felt like a safer distance,
8 yeah. Then by that time, the sun was up and you could see the
9 smoke traveling, you know, like south, southeast, away from where
10 I was at, basically. So yeah, that didn't.

11 Q. Okay. You guys were directly east of the --

12 A. Yeah, yeah.

13 Q. And you pulled the head into Dry Lake at that point?

14 A. Our head end was still in Dry Lake and some of the cars still
15 were, some of them were still west of the light and we pulled
16 basically up to the -- the head end up to a crossing that's right
17 directly in the middle of Dry Lake.

18 Q. Okay. Do you remember how far that was?

19 A. It wasn't much, it was probably another quarter mile from --
20 yeah, a quarter mile to a half mile.

21 Q. Okay. You guys went back to Bordulac at that time, after you
22 completed that move?

23 A. Yeah, we got a ride from Superintendent McMahon back into
24 Bordulac.

25 Q. Okay. You mentioned that you were asked to go pull the pin,

1 your original one -- you and your engineer wanted to make a cut at
2 15 cars?

3 A. Yeah, right around 10 to 15 cars from the derailment site,
4 yeah.

5 Q. Do you know what those 10 or 15 cars were that were from that
6 spot to that last car?

7 A. Do I know the car numbers?

8 Q. No, no, what they were, what the commodities were?

9 A. No, they weren't -- no, I don't, I don't recall what they
10 were.

11 Q. Okay. But you and your engineer briefed on that?

12 A. We talked about it while we were waiting for McMahon to come
13 back from the -- talking with the fire chief, yeah, we were kind
14 of talking about where we wanted to make the cut, yeah.

15 Q. Okay. And then once your engineer went to the head end, my
16 understanding, then you were there briefing with the fire
17 department and McMahon? Or just McMahon or --

18 A. McMahon and then I walked with the fire department over to
19 their truck.

20 Q. Okay.

21 A. McMahon wasn't there at the fire truck.

22 Q. And at what point were you asked to go pull the pin on the
23 last standing car?

24 A. When we were still talking with McMahon before I went with
25 the fire department.

1 Q. Okay. And then the fire department, at any time did the fire
2 department say that it was unsafe to go back there with the
3 equipment they were going to provide you?

4 A. No.

5 Q. And then the equipment they provided you, it was an actual
6 oxygen mask with the oxygen tank?

7 A. It was like a tank that you put on like a backpack --

8 Q. Um-hum.

9 A. -- and then it was -- and then a mask that you cinch up on
10 your face and it has some kind of breathing apparatus that you
11 connect to the -- to the mask. I'm not -- I mean, I'm not sure
12 what they call them.

13 Q. Okay. And they tested it, they put their hand over it and --
14 of the mask to test it?

15 A. They don't, they just told me to.

16 Q. Oh, okay.

17 A. Yeah, to see if there was a tight seal, yeah.

18 Q. And they observed you do this?

19 A. I don't know if we did that when -- so we put the gear on and
20 walked, you know, towards the derailment site and then when I was
21 instructed by the fireman, that's when we put it on and I don't
22 know if he watched me do the hand test or not, I don't know.

23 Q. Oh, I just want to back up just a little bit. When you
24 originally had the equipment put on, did you do the hand test?

25 A. No.

1 Q. At what point did you do the hand test?

2 A. Once we -- so we put the equipment on at the fire truck,
3 walked towards the site and it was just me and one fireman --

4 Q. Um-hum.

5 A. -- and that was when he instructed me to put it on and that's
6 when we did the hand test.

7 Q. Oh, so he did the same thing?

8 A. I didn't see him.

9 Q. Okay. And which way was the smoke blowing at the time you
10 were walking back there, do you remember?

11 A. I believe it was still blowing southeast, so the way we were
12 walking it would have been my left to right.

13 Q. So it was still blowing southeast and you were walking to the
14 east?

15 A. Yeah.

16 Q. So the smoke was blowing away from you?

17 A. Yeah. Left to right, away, it was kind of hard to tell at
18 that point, you know, you're kind of pretty close, so it was kind
19 of hard to tell which way, but yeah.

20 Q. And then how far away were you from the actual fire, do you
21 think?

22 A. So the last car we put -- we cut away from and there was one,
23 they call it a J car still, that was the one that was half on the
24 rail and half off, you know, that one was, you know, 65 foot long.
25 After that car, it was maybe -- I don't know, it's hard to say,

1 20, 30, 40 feet from the start of the derailment.

2 Q. Start of the derailment. How close to the fire --

3 A. The fire. Well, yeah, to the start of the derailment where
4 the fire was, yeah.

5 Q. Anywhere from 80 to a hundred feet?

6 A. Yeah, somewhere in there.

7 MR. JARED: Okay. That's all I have, thanks.

8 BY MR. CHASE:

9 Q. Jim Chase, C-h-a-s-e, SMART Transportation. When you got the
10 new wheel, was there any marshalling violations on the wheel? Or
11 when --

12 A. On the new paperwork out of Harvey?

13 Q. Yeah.

14 A. No marshalling violations.

15 Q. Okay.

16 A. We had throttle -- it said throttle restriction 8, which is,
17 you know --

18 Q. Okay.

19 A. That's all we have.

20 Q. Okay. Did you have it -- were there any weather alerts at
21 the time?

22 A. Not that we were informed of two of them, but I don't believe
23 so, no.

24 Q. Okay. Do you feel that you need -- there should've been more
25 training provided prior to this, as far as derailments and

1 hazardous material release?

2 A. You know, I don't know, I don't -- I don't really know. It's
3 something, you know, we definitely go over in class for quite a
4 while. You know, it's kind of the only time you really go over
5 it, but -- yeah, I don't know. I don't know if you can really
6 train for, you know --

7 Q. Okay.

8 A. -- something like that, especially in the heat of the moment,
9 you know.

10 Q. Do you think you were prepared for this to happen?

11 A. I don't think anyone's prepared for that.

12 Q. Can you think of anything that would have helped? Now,
13 hindsight being 20/20, is to remove the head, we're looking to
14 make sure that everybody's prepared for these type of
15 circumstances, can you think of anything that would help going
16 forward?

17 A. You know, I think -- maybe on the paperwork side, I think all
18 trains should probably have two sets of paperwork. In this
19 instance, if the fire department needed, you know, our train
20 lists, you know, we would've been stuck without an up-to-date
21 train list. No, I'm not -- I'm not sure, I don't know much about
22 rail or anything like that, so --

23 Q. Okay.

24 A. -- that's about all I got.

25 Q. Okay. When the emergency manager had come up and he said

1 that they had gotten the information from the CP police or
2 something?

3 A. I can't recall --

4 Q. Okay.

5 A. -- who he said he got it from.

6 Q. Okay. I'm just -- okay. Are you aware of any track problems
7 in that area in the past that have resulted in slow orders or
8 derailments or anything like that?

9 A. I've heard people say it's kind of a rough, you know, area of
10 track, that you kind of typically dip a run in that, but I've --
11 you know, I don't recall any derailments or anything up in that
12 area. Again, I've only been here a year, year and a half, you
13 know, but nothing that I can really recall.

14 MR. CHASE: That's all I have.

15 MR. STROT: Okay. You good for one more quick follow-up
16 round?

17 MR. MERTZ: Sure.

18 MR. STROT: All right. Ben Strot with NTSB.

19 BY MR. STROT:

20 Q. Just to clarify on Jim's last question, you said that you'd
21 heard from other people about it being a rough area of track, but
22 you said that's just from a run-in perspective, is that right?

23 A. Yeah, a run-in, you know --

24 Q. Okay.

25 A. -- maybe a little bouncy going through it, but that's -- you

1 know, there's a lot of other spots just like that, so --

2 MR. STROT: Got you, okay. I had something on the top of my
3 head and I can't remember what it is now. I'll go ahead and pass
4 it on.

5 MR. DUNN: Ryan Dunn, FRA, no questions.

6 BY MR. KENNER:

7 Q. D.B. Kenner with the BLET, I have one more question. I
8 notice you guys are key trained.

9 A. Yeah.

10 Q. And it seems like every time you've made a meet, you guys
11 went into the siding, is that kind of normal, that the distinction
12 of key trains holding the main doesn't really apply mostly or --

13 A. Not that I've really noticed, I think it's kind of a "flip
14 the coin" if you're going to take the siding or hold the main
15 there.

16 Q. Okay.

17 A. I think it kind of depends on who you're meeting and, you
18 know, stuff like that.

19 Q. All right.

20 A. Yeah.

21 Q. And one more. When the superintendent was talking, and I may
22 have -- you may have answered this before, but did he ever ask you
23 if you had a problem going in to make these cuts, the
24 superintendent, when he instructed you to do that, he goes is that
25 okay or you do not feel safe doing that, did he ever ask that

1 question?

2 A. I don't believe it was ever asked, no.

3 MR. KENNER: Okay, thank you.

4 MR. JARED: I don't have any other questions.

5 MR. STROT: Sure. Jim?

6 MR. CHASE: I'm good.

7 MR. STROT: All right. Well, are you good with us closing
8 out the interview?

9 MR. MERTZ: Yeah, I think so.

10 MR. STROT: Okay.

11 BY MR. STROT:

12 Q. So as we talked earlier, a couple last-minute questions, is
13 there anything you'd like to add to this interview, any questions
14 you think that we should have asked that we didn't?

15 A. I'm good.

16 Q. Okay. So we talked to your engineer prior to this and we're
17 going to talk to a track supervisor this afternoon. Is there
18 anyone else that you think we should talk to or interview as a
19 part of this investigation?

20 A. Not that I can think of.

21 MR. STROT: Okay. Well, I have your contact information,
22 I'll give you mine. If you have any questions for me, give me a
23 shout. If I have any follow-up questions for you, I'll give you a
24 call. But the next thing we'll talk about is the transcript,
25 whenever that comes in.

1 MR. MERTZ: Sure.

2 MR. STROT: All right. Well, on behalf to the NTSB, I'd like
3 to thank you for your time and your cooperation and for all your
4 detail. Thank you.

5 (Whereupon, the interview concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

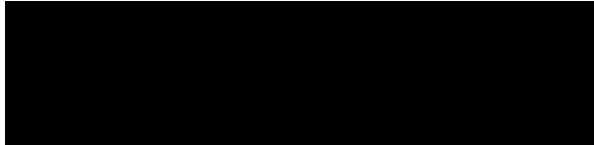
IN THE MATTER OF: CPKC TRAIN DERAILMENT IN BORDULAC,
NORTH DAKOTA ON JULY 5, 2024
Interview of Brody Mertz

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