



Witness Interviews

Ft. Lauderdale, Florida

HWY18FH013

(42 pages)

Date: 05-12-2018

Interview with Witness: Mr. Paul Winarick

Interviewer: Investigator Sheryl Harley-NTSB

Location: [REDACTED], Ft. Lauderdale, Florida (at residence)

Time in residence: 18 years

Callback: Cell [REDACTED]

Mr. Winarick advised that on the day of the crash, he had been taking a shower. He heard a “boom” and assumed that it had been thunder. When he looked out the front window initially, he didn’t see anything amiss. (Mr. Winarick’s view of the roadway would have been blocked by foliage, the perimeter masonry wall at the front of the residence and the “security” gate.) Mr. Winarick advised that he became aware of the fact that something was wrong when he noticed thick black smoke surrounding his pool. He walked out to the street and observed the fire department already on the scene, putting out the fire. Mr. Winarick advised that he stood watching for quite some time before deciding to walk to the local drug store, south of the scene. At the corner of Seabreeze Blvd and Harbor Beach Parkway, Mr. Winarick encountered a police officer who was sealing off the area. The officer informed him that he would not be allowed to cross the police line to walk to the drug store. When Mr. Winarick attempted to return to his residence, the officer advised that he could not return to his home either. Mr. Winarick decided to walk to his neighbor’s residence that was located on the corner and outside of the police cordoned off area. When the neighbor answered the door, he explained the situation before walking to the neighbor’s backyard and climbing over the fence to access his residence.

Mr. Winarick advised that he did not know the name of his neighbor. Mr. Winarick and his neighbor had spoken briefly. The neighbor advised that he had been outside in front of his home at the time of the crash. The neighbor reported that he tried to free the two boys that were still inside of the vehicle but had been unable to do so. Mr. Winarick advised that his neighbor was extremely upset and had obviously been drinking.

When asked about the crash scene, Mr. Winarick advised that he had seen an individual sitting on the side of the road with a visible cut to his head. He noticed that the roof of the car was crushed downward. He had taken photos and video with his phone. Mr. Winarick showed the investigator photos and a video he recorded on the scene. *(Images provided to investigator)*

Mr. Winarick was asked by the investigator about the roadway, Seabreeze Blvd. Mr. Winarick advised that he moved into his home approximately 18 years ago. The area, where the crash occurred, was known by the residents as “Dead Man’s Curve”. The curve had been the location of previous crashes. Mr. Winarick advised that he recalled one incident, involving a police car and a high-speed chase that took place approximately 12 years ago. He noted that even the pursuing police car lost control in the curve and spun out. In addition, it was not unusual for drivers to “drag race” along the roadway corridor and speeding was a constant hazard, especially at night. Mr. Winarick advised that he had seen the news coverage on television and was not at all surprised at the speed the Tesla was reported traveling at.

When asked about the response from local officials such as FDOT regarding the roadway hazards, he advised that the only attempt at a solution was the installation of signs with “flashing” lights.

Date: 05-12-18

Time: 12:35 p.m.

Interview with Witness: Mr. Jeffrey Thompson

Interviewer: Sheryl Harley

Location: [REDACTED], Ft. Lauderdale, Florida (at residence)

Time in residence: Since 1998

Call back: [REDACTED]

Mr. Thompson advised that approximately a half a dozen serious crashes had occurred at the crash location. Several of these crashes required “bodies to be cut” from the vehicles. Mr. Thompson advised that the area was known as “Dead Man’s Curve” and “Murder Alley” referring to the roadway as it curves and approaches the intersection with Harbor Beach Parkway. It was not unusual for vehicles to crash through the protective barrier provided by the masonry walls surrounding most of the residences (adjacent to the roadway). Mr. Thompson advised that most of his neighbors constructed the walls for that purpose (protection from errant vehicles).

On the day of the crash, Mr. Thompson advised that he had been in his front yard, playing with his dogs. From his position, he could only hear the crash and did not see it. He left his yard through the gate that is adjacent to Harbor Beach Parkway and looked up the road. Mr. Thompson observed a neighbor, known only to him as Johnny, come out of his residence. Mr. Thompson indicated that Johnny lived in one of the corner houses just south of the intersection. The two men ran together to the (crash) vehicle. Mr. Thompson advised that another neighbor, a female, came out of her home and was standing in the roadway. Mr. Thompson indicated that this female neighbor lived on the opposite side of the road from his house. Mr. Thompson heard explosions coming from the vehicle that he described as sounding like “gunshots”. Mr. Thompson reported that these explosions started after the car came to a stop. Inside of the vehicle, Mr. Thompson observed two “kids” that were still moving around. His neighbor, Johnny, had been the first to notice the occupants. By that time, the fire was too hot and neither of the two men could get close enough to the vehicle to assist the occupants. The first fire department engine arrived quickly. Mr. Thompson advised that the station was only 1/8th of a mile away. The arrival of the first engine was followed by the arrival of the first police officer. Three additional fire engines arrived along with several other officers. The “explosions” continued until the fire department applied foam to the fire. Mr. Thompson advised that he could see the boys’ arms and legs moving during this time. The vehicle was had been fully engulfed in flames.

Mr. Thompson reported that he was friends with Dr. Berry, the father of one of the victims (the surviving male). He advised that he personally knew Dr. Berry's son, Alex. He advised that the female neighbor, that had arrived on the scene before him, had helped Alex out of the roadway. The first two medics on the scene, immediately responded over to assist the boy (Alex). Another woman on the scene had reported to Mr. Thompson that she had seen the vehicle sliding across the roadway, on fire. Mr. Thompson advised that a man had been observed standing by the car, jumping up and down screaming obscenities. "God no, fuck!" Mr. Thompson advised that he believed that this man's vehicle had been sideswiped by the Tesla. He observed the gentleman's vehicle parked, adjacent to the wall. The man had appeared approximately 5-10 seconds after Mr. Thompson's arrival on the scene. Due to his quick arrival, Mr. Thompson believed that the individual wasn't a parent of either of the two victims in the vehicle. Mr. Thompson noted that the first engine had applied water to the fire and that it had little or no effect. When the second fireman applied foam, the fire was quickly extinguished. Mr. Thompson advised that he left the scene and returned home extremely upset. ***(He noted that the incident still haunted him and that he was still very upset about it. This was evident to the investigator who offered to conclude the interview at that point; however, Mr. Thompson wanted to continue. The investigator provided Mr. Thompson with information regarding resources available to him. The interview continued)*** Mr. Thompson reported that upon returning home he had gotten himself a drink (*alcoholic*) when his next-door neighbor came to his door.

When asked about Seabreeze Blvd and incidents on the stretch of roadway that encompassed the crash site, Mr. Thompson reported that vehicles speeding along that route was not unusual. Mr. Thompson advised that the area gets a high volume of vehicular traffic at all hours of the day. The roadway is a major thoroughfare to the beach or entertainment areas, drinks, dining, etc. After complaints from residents, a traffic light had been installed (by the city or the state, Mr. Thompson didn't know which) at the intersection (Harbor Beach Parkway). The installation had occurred approximately 5 years ago without any effect. Mr. Thompson reported that he had driven along Seabreeze Blvd at high speeds himself in his Porsche and noted that a high-performance vehicle, like the Tesla, should have been able to negotiate that curve. Mr. Thompson noted that he had traveled that same stretch of roadway and negotiated the curve, in his Porsche, at 70 miles per hour. This led Mr. Thompson to surmise that the vehicle (Tesla) had been traveling above that speed (70 miles per hour) at the time of the crash. Mr. Thompson had spoken to some of the officers on the scene, who had reported to him, that the vehicle (the Tesla) was the same car that was involved in an earlier speeding incident. Mr. Thompson again noted that that curve was easily managed at 50 miles per hour and could be manageable at 70. He again voiced his opinion "that he would be shocked if that vehicle was going under 70" at the time of the crash.

(The formal interview was concluded. The interviewee was provided an opportunity to provide additional comments.) Mr. Thompson advised that he once was involved in a collision with another vehicle driven by an intoxicated driver, while in his Porsche. The Porsche had a metal frame that provided structural support and he survived the crash. The other driver had to be cut out of his vehicle. Mr. Thompson advised that it was his opinion that "Teslas were a piece of shit". They were poorly made and "tinny". He also commented that he "wouldn't let his worse enemy buy one". "Why would you let an 18-year-old have one? That's not a kid car."

Date 5-12-18

Interview with Witness: Mr. Larry Groshart.

Interviewer: Investigator Sheryl Harley

Location: In front of [REDACTED], Ft. Lauderdale, Florida (at residence)

Time in residence: 47 years

Mr. Groshart advised that was standing in front of his residence, out at the street. He was awaiting the arrival of a guest and wanted to ensure that the individual did not miss the house. The squealing of the tires drew Mr. Groshart's attention in the direction of the Tesla. When he first saw the vehicle, it was in the right southbound lane. Mr. Groshart heard the tires squealing as it impacted the curb. The vehicle went up onto the sidewalk and sideswiped the wall. When it hit the wall for the second time, the vehicle immediately burst into flames. The vehicle lost two of its tires as it slid across the roadway. Mr. Groshart described the vehicle as "scraping along the road" rather than rolling. Mr. Groshart advised that he was fixated on the flames. He had never seen anything like it. The fire had shot out from the front of the vehicle in a "V" or fan shape. The flames were orange red with no visible smoke. Mr. Groshart stared at the fire as the vehicle approached his side of the roadway. He was concerned that the vehicle (Tesla) was going to hit his automobile that was parked in the driveway. Instead, the Tesla kept going forward, hitting the lamp post. It continued to burn through out the event. When the vehicle came to a stop, Mr. Groshart heard popping sounds, he described as "pop" "pop" "pop". He advised that people started to run thinking it was gunshots coming from the car. It was initially believed that a gun had been inside of the car and that the ammunition was being ignited by the fire. It took some time before people on the scene realized that the sound was not gunshots. Mr. Groshart advised that he hadn't seen anyone get ejected from the vehicle but advised that he probably wouldn't have because of his fixation on the fire. He advised that he saw an individual sitting on the sidewalk immediately after the vehicle came to a stop. A female police officer had spoken to that individual on the scene. Mr. Groshart was able to identify the police officer who spoke to the individual as Officer Haggerty. Mr. Groshart advised that a friend of the boys in the car (Tesla) was traveling behind them. Officer Haggerty had spoken to the boy and told him to call his parents and let them know that he was alright.

Mr. Groshart commented that the car had struck the neighbor's wall so hard that it cracked it. Some individuals (unidentified by Mr. Groshart) didn't believe him when he reported that the car had caused the wall to crack. Mr. Groshart advised that he was familiar with the area and his neighbor's property, the wall. The wall hadn't been cracked or damaged prior to the impact with the car. Mr. Groshart advised that many of residents had walls constructed in front of their homes for safety, to keep vehicles from running off the roadway and entering their yards. Mr. Groshart had a similar experience when a collision that occurred in the street, caused a vehicle to leave the roadway and crash into his Jeep that was parked in his driveway. Mr. Groshart advised that the problem with the roadway was that the state owned it. The city could not make improvements such as the installation of rumble strips or

speed humps on the state road. Mr. Groshart commented that he believed that the state needed to “vacate” its rights and allow the city to make the much-needed safety improvements. Mr. Groshart advised that on the day after the crash, a survey crew was observed on the **scene (Mr. Groshart pointed, indicating down the roadway by the traffic light at the intersection with Harbor Beach Parkway)**. Mr. Groshart advised that he spoke to one of the crew members who advised that they were not there in response to the latest (Tesla) crash. The crew was there in response to a crash that occurred on the 25th of April. Mr. Groshart advised that he believed that that crash involved a fatal collision between a BMW and a motorcycle. Mr. Groshart advised that local police do perform speed enforcement in the area. Usually on the northbound side of the roadway that afforded the officers the ability to hide their vehicles and thus generally capture substantially more violators and write more citations. However, Mr. Groshart noted that the real problem involved vehicles traveling southbound. He noted that officers rarely do speed enforcement in the southbound direction.

Date: 05-14-18

Time: 10:13 a.m.

Location: Starbucks Coffee Shop- 15th Ave and 17th Street, Ft. Lauderdale, Florida

At the request of Mr. Edgar Monseratt Sr., the investigator met with him and a female acquaintance to discuss the investigation and address any concerns the family may have.

Mr. Monseratt advised that prior to meeting with the investigator, he met with the Riley family. Mr. Riley had discussed with him several issues related to the Tesla with him. Mr. Monseratt advised that he believed that the Tesla was a dangerous vehicle. He advised that there were problems with the doors and that it had resulted in the entrapment of his son and Barrett (Riley, the driver). He believed that the vehicle defects included the batteries and the brakes which failed to stop the vehicle in time. Mr. Monseratt advised that he was concerned about the battery after speaking with Mr. Riley who advised that he had to have the battery “rebuilt” after it had failed. Mr. Monseratt doesn’t remember the exact time but was told that it was recent. Mr. Riley had advised that after the battery failed, a temporary battery was installed, and the original battery was shipped back to Tesla in California. The original battery was then “rebuilt” and sent back to be re-installed in the car. Mr. Monseratt had advised that he heard that when the battery fails, the doors cannot be opened. He believed that this was what happened to his son and Barrett. That as a result, the boys could not get out of the car. Mr. Monseratt believed that the boys were trying to get out of the vehicle but couldn’t.

The investigator spoke to Mr. Monseratt about the preliminary (public) information the team had gathered. The investigation process was explained to him, along with some basic, standard timelines. The investigator advised that upon returning to Washington, she would contact the agency’s Transportation Disaster Assistance office and that all inquiries and information would be passed through that office. Mr. Monseratt was provided with information he requested to include the names of the Chairman and Board members, the main agency number and provided with the contact information of the lead investigator.

Tuesday May 15, 2018

Start: 1:55 p.m.

End: 2:40 p.m.

Telephonic interview of Mr. James Riley, Father of decedent Barrett Riley

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Mr. Riley advised that he bought the vehicle new in 2014. The vehicle had only minor issues and was a very good vehicle. The last problem occurred approximately 1-2 months ago when Barrett was picking up a younger sibling from school. The vehicle suddenly stopped, and the system shut down. The problem had been with the battery and the vehicle had to be towed. The battery was removed and shipped to California for "re-working" and then was shipped back. The Dania Beach Tesla dealership performed the repair work. Mr. Riley advised that he trusted the technicians at the dealership. He owned five Tesla cars. Mr. Riley was advised that the "same battery" was returned and put back into the car. It took several weeks to have the battery re-worked; between 3- 3+ weeks. Barrett was given a loaner car to use. He was not aware of any other problems with the vehicle. His son, Barrett, was the only one to drive the car and he took care of the maintenance of the vehicle, taking it in whenever necessary. Tesla would have records of that.

Mr. Riley advised that the other mechanical issue with the vehicle involved the left rear door handle that would not come out. That problem was also fixed.

Barrett received the car during a series of interfamily vehicle swaps at the end of last year. He received the P85D at that time.

Mr. Riley advised that on more than one occasion, his son ran the battery to exhaustion. Once he drove the vehicle back from a location and there was only one mile left. None of the other vehicle batteries were treated in this manner, to the point of being fully discharged, and Mr. Riley wondered if this had any bearing on the events of the crash.

Mr. Riley confirmed that in March of this year, his son received a ticket for speeding. Mr. Riley's sister had been correct when she told the media that he had Tesla restricted the speed of the vehicle resulting from that incident. Tesla has options available to its owners, identified as "restricted mode" or "valet mode". In Valet mode the vehicle is only capable of 25-50% of its normal acceleration and has a top speed of 70 miles per hour. In Valet mode, the glove compartment and the front trunk is locked. This was unusable for the family that needed access to the glove compartment and the trunk for storage. So, Tesla put the car in "Loaner mode". "Loaner Mode" is the condition that a car comes in when you borrow it from a dealer. The vehicle can go no faster than 85 miles per hour. Mr. Riley contacted Tesla and advised that his son was grounded and would not be able to drive unless the speed of the vehicle could be restricted. Tesla put the vehicle in "Loaner mode". They accomplished this remotely. Mr. Riley advised that he had this option installed on a previous 2012 Model S used by his son to ensure his

safe operation of the vehicle. When Mr. Riley spoke to Mr. Elon Musk at Tesla, he was told that his son had had a technician, at the dealership, remove the restriction while he at the dealership having the battery replaced. Mr. Riley had not been aware that the restriction had been removed and spoke to Mr. Musk about the technician removing it on his son's say so when he was the owner of the vehicle. Mr. Riley believed that only the owner should be able to remove options that had been placed on the vehicle and Mr. Musk had advised him that he would look into it.

Mr. Riley advised that he spoke to his son about the incident and his son advised that one of his friends had passed him in a Camaro doing 120 miles per hour. He was attempting to catch up to him. When he couldn't catch him, he started to decelerate. Mr. Riley advised that the Tesla decelerated quickly when you take your foot off the accelerator. Mr. Riley advised that Barrett told him that he was only at that speed for a couple of seconds. As he was slowing down, he observed the flashing lights behind him. When he stopped, Barrett had told the officer that he thought the officer was after his friend in the Camaro. Barrett advised that the officer had said no, and that he (the officer) couldn't get the other vehicle in the radar, but he got Barrett. Mr. Riley advised that he hired a law firm that specialized in traffic litigation and that they went to court. His son was sentenced to traffic school and given a fine. Mr. Riley advised that Barrett had yet to go to traffic school. The traffic school was for aggressive driving. Mr. Riley identified one of the individuals that had been in the vehicle on the day of offense as a female named Juliana. He advised that there were one maybe two others in the vehicle as well. He spoke to the other kids who confirmed that Barrett had only been traveling at that speed for a couple of seconds. Mr. Riley advised that except for the previously mentioned incident, he is unaware of his son driving at an excessively high rate of speed.

The only other issue Mr. Riley was aware of was in relation to the vehicle "self-parking". The vehicle had the ability to park itself. It signals the garage door to open, backs in and then signals the door to close. Barrett had been practicing with this feature when the vehicle signaled the garage door to open. The garage door was already open and instead, the garage began to close. The door came down on the rear windshield. The Rileys have since turned that feature off. Mr. Riley advised that the garage door, when it receives a signal, doesn't know if it's up or down. The car was also involved in, what Mr. Riley describes as, a small fender bender but nothing significant.

None of the other vehicles, owned by the Rileys, have had any issues with the large batteries. However, there has been issues with the smaller 12-volt batteries in the other cars. On occasion, the batteries have broken down. The only other issue, of note, involved one of the original X models. It was one of the earliest one off the assembly line and had a serial number of 18. That vehicle had had lots of problems and was eventually towed away.

Regarding the health of his son, Mr. Riley advised that his son was very healthy. He worked out. He developed a peanut allergy and had eczema which he used a cream to treat. His son worked out and though they had a family pediatrician that treated the children, he hadn't gone to the doctors in years.

On the day of the crash, Barrett spent the day at home with his friends. The group then went to the Galleria to go shopping. Edgar wanted to buy a shirt for some occasion. The Galleria was located 5-6 miles from the family home. The last time Mr Riley spoke to his son was on Sunday. Mrs. Riley spoke to her son on the day of the crash and reported that everything seemed fine. In addition to Edgar and Alex; Adam Cohen and Beckton Peddy were also with the boys. Mr. Riley advised that the boys were off

from school due to finals. They didn't have any AP finals that day. Mr. Riley didn't know if the boys had gone to eat but he advised that Barrett would not have been drinking since he doesn't drink.

Mr. Riley questioned the fact that his son sustained no injury resulting from the impact. The other boys advised that the door handles remained flushed to the car. The doors on the left side of the car should have opened. Mr. Riley advised that he researched Tesla and the company advertised their vehicles as the safest. He also researched the fire aspect and Tesla indicated that the vehicle was designed so that the fire spreads slowly allowing occupants time to get out. The boys indicated that the fire was not normal. IT was like a "blow torch". He advised that the Medical Examiner had noted that his son's left hand was burned but his right hand was not. Mr. Riley noted that Barrett was left-handed. The fire had started at the right front quarter of the vehicle. As soon as it hit the second wall, the vehicle burst into flames, immediately. The boys had said that the flames were 20 feet high. The vehicle had been on fire as it slid across the roadway. The fire was described as "hissing" and like a "blow torch". The boys advised that Alex, who had been in the back seat, had been thrown out of the car. Someone had helped him to the curb. The boys advised that they saw Alex come out the left rear window, which had been open as the vehicle was sliding across the roadway.

Regarding the events leading up to the collision, Mr. Riley advised that the boys had been traveling in three cars in the right lane; one behind the other. Beckton was in the rear, in a Range Rover, Adam was in front and Barrett was in the middle. Adam was the only one in his vehicle, there were a total of three in Barret's car and one (occupant) in Beckton's vehicle. The boys were going to make a right-hand turn into the neighborhood. Approximately 1200 feet from the turn; Barrett tried to pass Adam, who was in the lead, on the left. Barrett moved to the left and then pulled back to the right in front of Adam. Mr. Riley asked if Adam had allowed Barret to pass or if Adam had sped up to cut Barrett off. Mr. Riley advised that Adam's reply to the question was "non-committal". When Mr. Riley asked if the reason for Barret losing control was oncoming traffic, Adam had replied that "He didn't remember". In any event, Adam had advised that when Barrett attempted to pull back to the right, he suddenly lost control of the vehicle.

Mr. Riley advised that the boys couldn't have been going to fast since they were expecting to make the right turn into the neighborhood (at Harbor Beach Parkway). Mr. Riley advised that a business associate had a crash at the same location under similar circumstances. He believed that it was something to do with the curve or the road (that causes the collisions to occur.) *Mr. Riley noted that this crash had occurred in 2008, approximately.

Mr. Riley advised that Barrett was not taking any medication and didn't drink. He also didn't use drugs. Mr. Riley also noted that when the fire department hit the fire with water, it (the fire) went out immediately.

Mr. Musk had promised Mr. Riley to look into the various issues that Mr. Riley raised. Mr. Musk advised that his engineers would look into the mechanical and the software related to the systems in the vehicle. Mr. Riley advised that Mr. Musk was committed to safety and would provide him with information related to the outcome of the review of the vehicle's systems.

HWY18FH013-Fort Lauderdale, Florida

Monday June 11, 2018

Start: 3:34 p.m.

End: 3:51 p.m.

Telephonic interview with Mr. James Riley



(Contacted Mr. Riley regarding additional information provided by Mr. Edgar Monserratt Sr.)

Mr. Riley advised that he spoke to the Fort Lauderdale Police Department regarding his son's phone. The phone had not been recovered from the scene and according to the rear seat passenger, it had been sitting on the center console between the two front seats prior to the crash.

Mr. Riley advised that he was looking at his son's I-Cloud account and saw that a "screen shot" had been sent to the I-cloud from his son's cellphone approximately 4 minutes after the suspected time of the crash. The I-phone feature requires the operator to hold down two buttons for several seconds to capture the screen shot. The screen shot had been uploaded to the cloud and was timestamped 6:49 p.m.

The police department reported that they had not recovered the phone and that they hadn't looked for it. Upon closer inspection of the vehicle's interior, the remains of a circuit board were found on the center console. The FLPD took possession of the circuit board and held it as evidence for later processing. When Mr. Riley asked about the item some time later, the lead detective advised that they didn't have the ability to process it but would keep the item in their custody.

Mr. Riley advised that he researched on-line about Apple phones and found that at about 113-114 degrees, the phone would shut down. A message indicating that the phone was overheating, followed by a "shutting down" message would appear.

Stored on the I-cloud was the screen shot of the "locked" screen, the information regarding the music being streamed on the phone and 2-3 snap chat messages.

Mr. Riley advised that the police was skeptical of the time that was captured on the phone data; that 4 minutes had pass between the collision and the capture of the screen shot. The FLPD checked the official time on their equipment recording and found that the time from their dispatch center was accurate.

(Mr. Riley was asked to comment on the second piece of information provided to Mr. Monserratt regarding the doors to the vehicle)

Mr. Riley advised that he spoke to Mr. Elon Musk regarding the doors on the Tesla Model S. Mr. Musk advised that the front doors, from the inside, were both electrical and mechanical. That utilizing enough

manual effort (pulling hard), the doors would open from the inside. The exterior door handles would present themselves and remain deployed if the airbags deployed. However, the other two boys on the scene told Mr. Riley that though they hadn't gone near the car; they could see that the door handles were "in".

Mr. Riley advised that he looked up Tesla crash test data involving the Model S. In most cases, the door handles would pop out on airbag deployment but pop "back in" again. Mr. Riley was concerned that Tesla was unaware that the handles did not remain deployed or would not present themselves to individuals on the exterior trying to open the doors.

Mr. Riley confirmed that his son had an Apple I-phone 10. He would send a copy of the data and the screen shot recovered from the cloud.

His email is [REDACTED]

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

TESLA ELECTRIC PASSENGER VEHICLE *

COLLISION AND POST-CRASH FIRE * Accident No.: HWY18FH013

FORT LAUDERDALE, FLORIDA *

MAY 8, 2018 *

* * * * *

Interview of: JAMES RILEY

Via Telephone

Tuesday,
May 15, 2018

APPEARANCES:

SHERYL HARLEY, Investigator in Charge
National Transportation Safety Board

I N D E X

ITEM

PAGE

Interview of James Riley:

By Ms. Harley

4

I N T E R V I E W

(1:55 p.m.)

1
2
3 MS. HARLEY: Today is Tuesday, May 15th, 2018. It's 1:55
4 p.m. This phone call is to Mr. James Riley. He is the father of
5 the driver, Barrett Riley, who was involved in the fatal Tesla
6 crash in Fort Lauderdale, Florida on May the 8th of 2018.

7 I am calling Mr. Riley on his number [REDACTED]

8 MR. RILEY: Hello, Jim Riley.

9 MS. HARLEY: Mr. Riley.

10 MR. RILEY: Yes.

11 MS. HARLEY: This is Sheryl Harley from the NTSB.

12 MR. RILEY: Oh, hi. How are you?

13 MS. HARLEY: How are you, sir?

14 MR. RILEY: Oh, trying to hang in there.

15 MS. HARLEY: I understand. Well, on behalf of my agency,
16 first of all, we want to extend our condolences to you and your
17 family. I'm very sorry about this, sir.

18 MR. RILEY: Thank you. Thank you. I appreciate that.

19 MS. HARLEY: So I guess I'm not going to ask you how you're
20 doing.

21 MR. RILEY: It's still tough. I'll tell you, it's really
22 tough. It's been a week, but it doesn't get much easier by the
23 day.

24 MS. HARLEY: No, and I don't expect it is going to be for
25 quite some time, if ever.

1 Q. Okay. All right. And since you've had the vehicle, have you
2 had any problems with it?

3 A. It's been a very very good vehicle. We've had only minor
4 problems. But one of the problems that we did have was about
5 maybe a month or two ago, the vehicle -- my son was picking up my
6 youngest son at his preschool, and they came out and the car was
7 just -- it just stopped. And all the systems shut down and there
8 was a problem, and they couldn't get it going again and they
9 called Tesla and had it towed. And then the diagnosis from Tesla
10 was that there was an issue with the battery. And they had to
11 take the battery out of the car, ship it to California via truck,
12 rework the battery and then ship it back. And then that had been
13 done -- I think it had come back probably about 2 weeks before the
14 accident.

15 Q. Okay. So all this was done through Tesla. Which dealership
16 took responsibility for it?

17 A. It was their Tesla Service Center in Dania Beach here in --
18 just south of Fort Lauderdale.

19 Q. Okay. In Dania Beach, okay.

20 A. Right.

21 Q. So you said they took the battery out, shipped it back to
22 California, and they sent you back the same battery?

23 A. That's my understanding. We spoke with the -- we own five
24 Teslas, so we know the local folks pretty well, and so they've --
25 you know, they're pretty open with us. So when we talked to them

1 about what was going on, I asked them, are we getting a new
2 battery? And they said, no, no, your existing battery is going
3 out there and it's going to be reworked and sent back. And during
4 that time -- and it took quite some time to do that; it was
5 several weeks. I want to say maybe 3, 3 weeks or maybe even 3
6 plus weeks. They gave my son a loaner car to drive. And during
7 that period, it's my understanding that they were reworking the
8 battery system and then our existing batteries and sending them
9 back.

10 Q. Okay. All right. So the dealership actually gave you a
11 loaner car for the 3 -- 3 plus weeks that the battery -- and since
12 that battery came back and was reinstalled by the dealership, have
13 you had any problems with it?

14 A. Not that I'm aware of. But since it came back, no one other
15 than my son had driven the car. So I'm not aware if there were
16 any issues. My son was pretty good, if there were any maintenance
17 issues at all, he would go straight there and get it addressed and
18 Tesla was always good at providing service. I know prior to this
19 there was an issue with the left rear door handle was not coming
20 out automatically. The motor that presents the door handle was
21 inoperative. And they came to the house and replaced some
22 componentry to make it work. That was the repair that was done
23 immediately before the battery.

24 Q. Okay. All right. So how long has your son been -- was your
25 son driving this vehicle?

1 A. He's been driving this vehicle since I think the end of the
2 year, since -- my wife got a new Tesla-X on 12/31 of 2017. And
3 then we all shifted one car over. So I took her car, which was a
4 Tesla-X. And then she got the new Tesla-X. And then my daughter
5 was driving, and she moved up to the car that Barrett had been
6 driving, my son, which was a 2012 Signature Model S. And then my
7 son moved up to my car, which was the P85D that he had the crash
8 in.

9 Q. And Barrett never said he had any other problems with the
10 vehicle, correct?

11 A. No. Nothing else.

12 Q. Okay. Okay. So you said that the only other issue you had
13 was the left rear door handle was not coming out automatically
14 like it was supposed to; is that correct?

15 A. That's correct.

16 Q. Okay.

17 A. One thing that I should mention, and it may have no impact on
18 anything, but one or two occasions my son had driven the car
19 pretty much exhausting the batteries, which we generally don't do
20 with our other vehicles. But he was up in Palm Beach one day and
21 he was driving around and he -- the car told him he would get home
22 with I think like 8 miles or something like that, and by the time
23 he got home it had 1 mile left on the battery.

24 So I don't know if it has an impact on anything, but that
25 battery had been almost fully discharged, and I don't know how

1 much power is left in the battery when the display says that
2 there's 1 mile left. I'm sure it's more than zero, but that car
3 had been discharged a lot on at least two occasions. And I don't
4 know if that has any impact on the cells that required it to be
5 reworked.

6 Q. Okay. So I was reading a newspaper article where Ms. Riley,
7 I think that's Barrett's aunt --

8 A. Yes.

9 Q. -- was talking about an incident where Barrett was actually
10 -- he was actually given a ticket for speeding; is that correct?

11 A. That's correct.

12 Q. Okay. And when was that?

13 A. That was in March.

14 Q. That was in March. Okay. And I understand that it was --
15 that the ticket was for an excessive amount of speed. And she
16 also said something about the vehicle being governed in speed.
17 Can you explain that one to me?

18 A. So Tesla has the ability to control the cars, any -- you
19 know, they can set any of the parameters. And they give the users
20 one of those restricted modes, and they call it valet mood. And
21 what it does is it limits the acceleration of the car to I think
22 25 or 50 percent of what the normal acceleration would be. It
23 limits the top speed. I think the top speed is limited to 70
24 miles an hour. But it also unlocks the glove compartment and the
25 front trunk. So it's -- we've tried to use that in the past, but

1 of course the driver usually needs access to the glove compartment
2 if they get pulled over and they need to get their license or
3 whatever. Or the registration, it's in the glove compartment.
4 And then, you know, the front of the car is a convenient place to
5 store things. You know, it's basically another trunk.

6 Q. Yeah.

7 A. So that mode is not really useable for family members.

8 Q. Um-hum.

9 A. But we noticed that Tesla has the ability to put a car in --
10 we'll call it a loaner mode, where when we receive a car from
11 Tesla and it's a loaner car, the car won't go faster than 85 miles
12 an hour. It just stops at 85 miles an hour and you cannot go --
13 you just floor it and nothing happens. It stays right at the 85
14 miles an hour.

15 Q. Okay.

16 A. So when my son got that speeding ticket, we called Tesla and
17 we said he got a speeding ticket, he's been grounded, he's not
18 driving, the only way we'll let him drive again is if we can put
19 that mode on. So they put that mode on the car for him.

20 Q. Okay. And they did that remotely?

21 A. Yes. They do that remotely through the remote software.

22 Q. Okay.

23 A. So they can access the car, and they set that mode and it
24 limits the acceleration to 85 miles -- or the top speed to 85
25 miles an hour. And we had actually had that on the previous car

1 that he was driving. He had been driving for I guess a couple of
2 years, and we wanted to make sure he was safe. So as soon as we
3 gave him the first Tesla, which was my first 2012 Tesla model S,
4 we just put that -- we asked them to put that mode on. And then
5 when he upgraded to my car, we thought he was more mature and more
6 responsible, and then when he got that ticket we had them put that
7 mode back on that car again.

8 And so what my sister said was true. We did have that put
9 on. But I was actually speaking with Tesla yesterday, Elon Musk
10 called and he disclosed that when my son had the battery -- or
11 when he got the car back with the battery replaced, he asked the
12 technician to take that restriction off, and they did. And I was
13 not aware of that. So apparently that restriction was not there
14 at the time of the crash.

15 Q. Okay. All right. So outside of this one incident back in
16 March, have you had any complaints or any feelings that your son
17 has ever traveled at that speed beforehand?

18 A. Not at 112. And I spoke with him at length after that. And
19 it was something that we took really seriously, and he told us
20 that it was only for a few seconds and that he -- that he and his
21 buddies were out driving and one of his friends passed him going
22 120 in a Camaro and he thought he'd catch up with him. And so, he
23 floored it but he only got up to 112. Then he thought he wouldn't
24 catch his friend, so he just slowed back down.

25 And Tesla slows down very quickly. As soon as you take your

1 foot off the accelerator it begins to slow. In fact, it feels
2 like the brakes are on. And the acceleration and the deceleration
3 is pretty significant in the Tesla. So I know that it's not
4 difficult to get up to 112 miles an hour. It's also easy to get
5 there and then get back down.

6 So he swore to me that it was only for 2 seconds. And I
7 talked to some of the people that were in the car with him, I
8 talked to his friends who were in the car, and they said he did it
9 for like 2 seconds. Like he floored it trying to catch the other
10 kid, and then as soon as he got up to that speed, he slacked off.
11 And then he saw lights behind him and he literally thought that
12 the police were going after the kid who had gone all the way down
13 the street at 120. And they pulled him over instead, and he even
14 asked the police, I thought you were following the other car. And
15 they said no, we couldn't get him on radar; he went by too fast
16 but we got you.

17 So, but it still, it was still was something that we took
18 very seriously. We counseled him. We talked to him. We called
19 Tesla and we told them the only way that we would allow him to
20 ever drive again would be if he had that restriction on the car.
21 And so we put that restriction on it.

22 Q. Okay. So did he actually have to go to like traffic court
23 for that?

24 A. He did. We took his ticket and we gave it to a law firm that
25 specializes in traffic court, and they appeared on his behalf and

1 they got the adjudication saying that traffic school would be
2 required. And I think there was some fee associated with it. In
3 fact, I still have the papers sitting on my wife's desk that have
4 the dates he's supposed to go to traffic school and whatnot.

5 Q. Okay. Was he -- did he complete traffic school or is he
6 still in traffic school now, or was he still enrolled?

7 A. No. He hasn't even started it yet.

8 Q. Oh, okay.

9 A. He had to take a -- I believe it was an aggressive driving
10 program or something like that. And my impression was it wasn't
11 -- it was probably like a 1-day program.

12 Q. Okay. The kids that were in the car with him, was one of
13 them Edgar?

14 A. Yes.

15 Q. Okay. Do you know who the other kids were?

16 A. Yes. The boy in the back seat was Alex Berry.

17 Q. Uh-huh.

18 A. And that's it. There was just three in the car.

19 Q. And this is at the time that he got the 112 ticket?

20 A. Oh, no. I was speaking of the night of the accident.

21 Q. No --

22 A. No, the night he got the 112 ticket it was a girl. Her first
23 name is Juliana.

24 Q. Uh-huh.

25 A. And then there was somebody else in the car. I think one

1 other person -- one or two other people in the car with him.

2 Q. Okay. All right.

3 A. And I'm not sure who they were.

4 Q. Okay. So your family has actually had this vehicle since
5 2014 --

6 A. Yes.

7 Q. -- and so this is -- essentially, unfortunately, this is the
8 only negative event you've had with this vehicle; is that correct?

9 A. That's correct. We had one event where the car -- the car
10 has the ability to park itself and it can actually -- it will
11 transmit a signal to open the garage door. And then it will back
12 itself into the garage and then transmit a signal to close the
13 garage door behind it. And when he was first driving that car
14 some time ago, he was doing that and he was -- when he was in the
15 car, the car transmitted a signal to open the garage door but
16 unfortunately the garage door was already open. So the garage
17 door began to close, and so he backed into the garage; the door
18 came down and cracked the back windshield.

19 Q. Oh, okay.

20 A. So it really wasn't his fault. It's kind of like -- we
21 actually turned that feature off at that point because we didn't
22 realize that the garage door doesn't know if it's going up or
23 down. It just does the same thing based on one signal.

24 Q. Got you.

25 A. And then I think he had like a -- I think he had a fender

1 bender where he was in a parking lot and somebody pulled out of a
2 parking space and hit the back of the car. But nothing like this.
3 No moving accidents or anything.

4 Q. Okay. Question: With your other vehicles, have you had any
5 problems with the batteries?

6 A. No, not with the main battery. There's a smaller battery, a
7 12-volt battery, in the vehicle and that seems to be an issue
8 sometimes and sometimes that breaks down. We had a -- we had one
9 of the first model X's produced. It was Serial Number 18 off the
10 assembly line, and it has all these problems with it. So one day
11 it stalled in front of a friend's house and they -- Tesla came out
12 and they literally took everything apart and tried to get into the
13 electronics, and they couldn't get it to work again. So they
14 ended up having to tow it on a truck.

15 But as far as the big batteries, we haven't had any issues
16 other than this one where when my son was at my other son's
17 preschool where the car just like shutdown.

18 Q. Okay. All right. So one of the things that we look at -- we
19 look at a couple of things. We look at -- we're looking at the
20 vehicle, we're looking at the fire, we're looking at kind of the
21 crashworthiness, if you want to say. And then the other thing
22 that we're looking at is what we call survivability.

23 What we do in survivability is we look at the injuries that
24 the occupants received and then try to determine if there's some
25 kind of safety recommendation in order to mitigate injuries or

1 certainly mitigate death. So one of the things that we look at
2 and one of the things that we ask people is: To your knowledge,
3 did your son have any preexisting medical condition that would
4 have made him more susceptible to being injured or would have
5 actually exacerbated his death?

6 A. No. No.

7 Q. Okay. All right. Is it fair to say that he's a fairly --
8 that he was a fairly healthy kid?

9 A. Yes. He was very healthy. He had a peanut allergy and he
10 suffered from some eczema, which he took a cream to control. But
11 other than that, he was on any medications or anything else.

12 Q. Okay.

13 A. He exercised. He worked out. He was otherwise healthy.

14 Q. Okay. Does he have a family doctor?

15 A. Yes. He -- we have a pediatrician that all of our kids go
16 to, but he probably hasn't been there in a while.

17 Q. Uh-huh.

18 A. He went to the dermatologist to treat the eczema, but he
19 really doesn't have any -- he hadn't been to a doctor in years
20 just for like a general checkup otherwise.

21 Q. Okay. All right. So I know this is going to be very
22 difficult. I need to go back to the day of the crash. Do you
23 know what Barrett was doing?

24 A. Yes. I was told that they had spent most of the day at home.
25 His friends had come over. They were here at the house, and then

1 they decided to go to the Galleria mall on Sunrise Boulevard in
2 Fort Lauderdale to do some shopping. One of the boys, in fact,
3 Edgar wanted to buy a shirt for some purpose. So they went up
4 there, they spent some time at the mall. It's close to the house.
5 It's probably 5 or 6 miles away. And they shopped for some time
6 and then they were just driving home.

7 Q. Okay. When you spoke to Barrett that day, did he -- did
8 everything seem to be okay with him?

9 A. I did not speak with him that day. Actually, the last time I
10 spoke with him was Sunday. I worked on Monday, and then on
11 Tuesday I left to go to my office and I wasn't able to see him
12 that day. But my wife did speak to him and had several
13 conversations with him early in the day and she said he was fine.
14 He was delightful. No problems. No indications of anything.

15 Q. Okay. And so he was with Edgar and he was with Alex. And do
16 you know who else he was with?

17 A. He was with Adam Cohen. And he was with his other friend
18 Beckton (ph.).

19 Q. Beckton, and do you know Beckton's last name?

20 A. Beckton Petty.

21 Q. Petty, okay. All right. So all the boys were -- they were
22 -- they didn't have to go to school that day?

23 A. No. They're in the finals week, and so they only have to go
24 when it's time to take an AP exam.

25 Q. Oh.

1 A. And none of them had an AP exam that day.

2 Q. Okay. All right. Okay. So is there anything you think I
3 should have asked you and I failed to ask you?

4 A. Well, one of the things is that Barrett and Edgar, who --
5 Barrett is driving and Edgar is in the front seat, were very, very
6 good friends. And I used to talk to Barrett -- when he started
7 driving, I talked to him a lot. I was a former airline pilot and
8 a former military pilot, so, yeah, I'm really aware of like human
9 performance and gotchas and areas where people can do things that
10 get themselves in trouble. So I spent a lot of time talking to
11 him about safety in the car. And one of the things I always told
12 him is, the only thing worse than killing yourself in a car would
13 be killing one of your friends, because you would have to live
14 with that for the rest of your life. And it's just not worth
15 speeding, it's not worth doing anything stupid in the car because
16 you don't want to kill any of your friends.

17 And, you know, I think he took that to heart. And I know
18 from the medical examiner that his injuries from the actual impact
19 were, you know, virtually nonexistent and that he succumbed to the
20 smoke and the flames. And, you know, asking the folks at Tesla
21 why didn't he just get out, they insist that the door would have
22 opened if he had just pulled it.

23 And ask any other boys that were there, why didn't you come
24 up and open the door, and they said, well, we couldn't because the
25 flames were too hot. And I told them -- and they said the door

1 handles in the Tesla, as you know, they present themselves as you
2 come up. If you have the key with you, they'll present
3 themselves, and if you don't have the key with you, if you touch
4 the door handle, it will come out so you can pull it. And I asked
5 any of -- and they said that the door handles were flush to the
6 car. And I asked them, did any of you at least touch any of the
7 doors to see if you could open them? And they said no, they
8 didn't get that close.

9 And I'm just curious that maybe Barrett was -- I was told
10 that Edgar was not wearing a seatbelt and that Barrett was. And I
11 don't know if Barrett was trying to help Edgar and he just passed
12 out from the fumes or what.

13 But I don't understand why the damage was on the right side
14 of the car. It grazed the first wall. It slammed in the second
15 wall and bounced off. It spun around across the road. There
16 should not have been a lot of damage to the left side of the car.
17 The car body might have been deformed, but those doors should have
18 opened on the left side. And they are mechanical from the inside.
19 So even though they have an electric assist, which by pulling the
20 handle, they open. I just don't understand why he didn't just
21 open the door and get out. And that's one of my big concerns and
22 questions.

23 I bought the car for him. I bought those cars for my family
24 because they had been advertised as being safer than any other
25 vehicle. The risk from a fire was something that I looked at

1 closely too, and I studied Tesla's materials that said that in the
2 event of a fire the battery is designed so that the fire spreads
3 very slowly and gives the occupants enough time to get out. And
4 from what I heard in this case, as soon as it hit the second wall,
5 the flames just burst going straight up, and the guys were saying
6 it was not like a normal fire, more like a blow torch. And I
7 don't understand why it would do that.

8 And there are documented cases -- I think there was a crash
9 in Mexico where somebody went through a wall at over 100 miles an
10 hour and the car basically shut itself down and told the occupants
11 to get out, and they got out. And then it slowly caught on fire
12 and burned. Even the recent crash in San Francisco, it's my
13 understanding that the driver was already out of the vehicle
14 before it caught on fire. And I don't know why in this case it
15 caught on fire that quickly and that intensely to the point where
16 for the 3 to 5 seconds it would take to slide across the road and
17 come to a stop, that my son couldn't just open the door and get
18 out.

19 And then the other thing is, I was talking to somebody who
20 had viewed photographs and spoken with the medical examiner
21 yesterday and they said my son's left hand was burned but his
22 right hand was not burned. And I know the door handle he would
23 have -- he was left handed, so he would have been reaching for it
24 with his left hand. And -- well, he had to -- the way the fire
25 spread, it looked like it started in the right front quarter and

1 worked its way back.

2 So just a lot of questions on why he didn't get out, why the
3 boy in the back got thrown out, and why none of the bystanders
4 came by to even, you know, touch the door handle, even a rear door
5 handle, staying 10 feet away from the flames.

6 So those are the things I'd like to know. Also, I'd like to
7 know is Tesla cooperating with you folks on this or are they still
8 adversarial?

9 Q. At this particular point we have been in contact with Tesla
10 and I think Tesla wants to cooperate. They weren't adversarial
11 with us on this case, but initially they did not want to take part
12 in our investigation. But they are cooperating now. We have been
13 in contact with them. So I would not classify our relationship as
14 adversarial. I do believe they are trying to cooperate at this
15 particular point.

16 One of the things that you said kind of, I guess, brought
17 something to mind. What did the other boys that were there say
18 about the crash and when the car caught on fire?

19 A. So they told me that as soon as it hit the second -- so it
20 came up on the sidewalk. It hit the first wall. I'm sure you saw
21 the scene. And on the first wall it basically has paint scraping
22 and that's it. And so, it grazed that wall, and then when it hit
23 that second curved wall, they said as soon as it hit that wall it
24 just burst into flames like immediately.

25 And then -- and I talked to the guys -- I talked to them

1 separately, together, and I asked them the same question three or
2 four different ways, and they all said exactly the same thing,
3 that the car was on fire as soon -- immediately after it hit that
4 second wall, it was as if somebody just flipped a switch and there
5 were 20-foot flames coming out of that car almost instantly. Even
6 as it was sliding across the street, they said it was on fire at
7 that point, and they said it was 20-foot flames. I don't know if
8 they were 20 feet. I saw the videos and it doesn't look like it
9 was 20 feet. But they did say that it was hissing. They said it
10 didn't seem like a normal fire. It was hissing like a blow torch.

11 And I don't think that -- I think that they were a little bit
12 in shock, so I don't think that they immediately drove over toward
13 the car and parked and ran to give assistance. Because I know the
14 boy in the back seat was thrown out. And they said that by the
15 time they got there, which shouldn't have been more than a couple
16 of seconds, he was already sitting on the curb. So somebody must
17 have rendered assistance to him and came over and helped him sit
18 up and get on the curb. So when they came over -- the bottom line
19 is nobody -- I don't think anybody touched the door handles to try
20 and get the doors open.

21 Q. Okay.

22 A. And the fire started virtually immediately, before the car
23 even came to a rest.

24 Q. Okay. Do they remember where Alex landed initially when he
25 was thrown out of the car?

1 A. They said that he came out of the left rear window, which was
2 open, and he just landed on the sidewalk or the grass there. And
3 by the time they got to him, he was already sitting on the curb or
4 sitting on the driveway.

5 Q. Did the boys tell you how this all started? Prior to the
6 crash, what happened that caused Barrett to lose control and go up
7 on the sidewalk?

8 A. They said that they were all in the right lane. Adam was
9 driving his car first, Barrett was behind him in the Tesla, and
10 then Beckton was in the third car. I think he was in his parent's
11 Range Rover. And the first car only -- I believe only had one
12 person in it, Adam, and then the second car had the three people
13 in it, and then the third car had just Beckton in it. And that as
14 we got -- as they got closer to our neighborhood where they need
15 to make a right turn to get into our neighborhood, they were
16 probably, I don't know, 1200 feet away from that or something like
17 that, maybe give or take 1200 feet away, that Barrett decided he
18 was going to pass Adam.

19 So he went into the second lane, the left lane, the left
20 southbound lane, and started to pass him. And then when he pulled
21 back in front of Adam he lost control. And I asked Adam, I said,
22 did you allow him to pass or did you floor it so that he couldn't
23 pass? And he kind of noncommittal with that. And then I also
24 asked him was there other traffic in the left lane so that if
25 Barrett was trying to pass you he had to get in front of you and

1 pull back into the right lane very quickly or avoid hitting
2 another car? And he also said, I don't remember. And I said were
3 there a lot of cars around? And he said, no, not necessarily.

4 So, basically, Barrett pulled into the left lane,
5 accelerated, tried to get in front of Adam. And you can't
6 accelerate too much because you have to slow down to make the
7 right turn into our neighborhood. So he accelerated to some speed
8 and then for some reason when he pulled back into the right lane,
9 he did it very suddenly and lost control of the car and went up on
10 the sidewalk.

11 And there's something about that roadway and that surface and
12 that turn there that is -- that has caused a lot of accidents in
13 the past. And one of my good friends, who worked with me at one
14 of my companies, actually was coming home from a bar one night at
15 3 in the morning, and there was a light rain and he went around
16 the corner too fast and he did exactly the same thing. He hit
17 exactly the same wall and he totaled his car, his Lexus. The only
18 difference being that his car didn't catch on fire. But there's
19 something about that curve and that roadway surface there and
20 where it's just very prone to accidents.

21 Q. So the boys were actually making the right on Harvard Beach
22 Parkway; is that correct?

23 A. That was their intention.

24 Q. Okay.

25 A. So up ahead they would have been turning right into Harvard

1 Beach Parkway.

2 Q. Okay.

3 A. So they can't be going too fast because they have to be
4 thinking about slowing down to turn right anyway.

5 Q. I see. I understand. And out of curiosity, this prior
6 collision that occurred, how many years ago was that? One of the
7 things we are looking at is also the roadway.

8 A. That was probably -- my guess would be 2008, something like
9 that.

10 Q. Okay. All right.

11 A. Maybe 2009.

12 Q. Okay. So I guess, lastly, Barrett wasn't taking any kind of
13 medication; you said he was pretty healthy, wasn't sick, didn't
14 have the cold or flu or anything like that?

15 A. No. He was really healthy.

16 Q. Okay.

17 A. No problems other than a little eczema, which he had a cream
18 that he was taking for it.

19 Q. Okay. And to your knowledge, the other boys didn't say that
20 they had had anything to drink when they had gone out to eat; is
21 that correct?

22 A. No. I'm not sure if they ate or not. Maybe they did. But
23 nobody said anything about drinking. And my son didn't drink. He
24 didn't smoke or drink or do anything.

25 Q. Okay. All right. I'm just closing that door.

1 A. Okay.

2 Q. And so, again, the -- so, to your knowledge, no one actually
3 tried the handles of the doors on the car; is that correct?

4 A. That's correct.

5 Q. Okay.

6 A. That's correct. And they said that they were flush; they
7 weren't out. So, because of that, nobody bothered to come over
8 and touch them. And, you know, they might have just come out by
9 touching them.

10 Q. Okay. And just to be clear, Alex came out of the car from
11 the left rear window?

12 A. That's my understanding. The boys said when they came across
13 the street it rotated 360 degrees. It hit the curb on the east
14 side of the street and then bounced up on to the curb. And when
15 it hit that curb, Alex was ejected out of the rear window.

16 Q. Got it. Okay.

17 A. And I should also mention -- you might have heard this from
18 other people too, but the boys said that when the fire engine
19 finally got there, as soon as they hit it with water, like
20 instantly it stopped. Like immediately the fire was out as soon
21 as the water hit it, like somebody flipped a switch and just
22 turned it off.

23 Q. Okay. All right. Okay. So one of the things that I always
24 tell people is if you think of anything later on please let me
25 know. I don't care how insignificant and how small you think it

1 is, everything is important.

2 Also, your family will be getting a letter from my agency.
3 It basically introduces us again to you and it also tells you that
4 as our investigation goes forward, any time that we put anything
5 out, we release a preliminary report, do anything like that, we
6 will notify you. You have the right to know what's going on in
7 the investigation and we will keep you informed. So any reports
8 that come out, we are required by law actually to post it, but we
9 will let you and the other families know ahead of time. Okay?

10 A. Okay. We appreciate that.

11 Q. Okay. So, my question to you is -- this is when you get to
12 ask me a question. Do you have any questions for me?

13 A. Do you have any findings? Is there any initial findings or
14 anything that points to, you know, any mechanical deficiencies or
15 is there anything that just is standing out at this point?

16 Q. At this point, I'll be honest with you, we've only done a
17 preliminary investigation. One of the things that we have to do
18 is that the Fort Lauderdale Police Department is the lead
19 investigating agency. Unlike the airplane crashes where we become
20 the lead investigating agency, in highway crashes it's the police
21 agency.

22 A. Okay.

23 Q. So they did allow us to have access to the car. We've done
24 just a preliminary look. But we've just started, and they are
25 going to allow us, once they're further along in their

1 investigation, to do a more thorough examination of that vehicle.
2 And one of the things that we are going to be looking at is the
3 power source in that vehicle. But we have not been able to
4 complete that as of yet.

5 A. Okay. And are they obligated to protect the vehicle or is it
6 just sitting outside in the elements and deteriorating?

7 Q. The vehicle is protected and they are actually storing it.
8 It's impounded. It's actually considered evidence by the police
9 department. So it is being -- it's being stored. So it's -- they
10 are maintaining the vehicle. And they will -- they have said they
11 will allow us to look at it more thoroughly within the next couple
12 of weeks as we move on. Okay?

13 A. Okay. Okay. And as far as the analysis of any memory chips
14 or camera chips or anything like that, you folks have to rely on
15 Tesla; is that correct? Or are you able to -- or is FLDP able to
16 get that out? I guess they have to rely on Tesla first.

17 Q. Unfortunately, they have to rely on Tesla because it's
18 proprietary property. So, at this particular point, Tesla is in
19 communications with the police department and they are going to
20 work that out how they want to do it. We are also involved as far
21 as the sharing of data. They are actually going to share it with
22 us. So once they kind of figure out the parts to this and they
23 let us know, then at that particular point we will be able to
24 download any of the electronic equipment that's in the vehicle and
25 see what it tells us.

1 A. Okay. And then lastly, I guess there's just one thing I want
2 you to know is, when I spoke with Elon Musk last night, I spoke to
3 him for about 20 minutes, and he said they need to look at
4 mechanical, at service related and also at software related
5 issues. And he said as far as mechanical, it's probably too soon
6 to have any analysis to do anything but maybe there are things
7 that they could do to prevent this in the future from both the
8 service and a software standpoint.

9 And we discussed the fact that we had put the restriction on
10 and that my son was able to ask them to take it off and they took
11 it off. And he acknowledged that that should not be their
12 practice, that the automobile owner should be the only one who is
13 allowed to put a restriction on or take it off. And so he said he
14 was going to change that immediately.

15 And then the other thing, on the software side, we discussed
16 this, you know, restricted modes and valet mode and things like
17 that, and he said that -- I told him that if they had more
18 capabilities in their software for a parent to control the car, to
19 control top speed and things like that without restricting access
20 to the trunk or the glove compartment, that would be helpful. And
21 I said it would also be very helpful if you knew what the top
22 speed of the vehicle was on any day so that we could look it up,
23 because all that's recorded.

24 Q. Right.

25 A. And he agreed, and he said that they would do that very

1 quickly, and he was going to get with his software developer and
2 get me like some specs in the next week or so to do that.

3 So, if anything, I appreciate the fact that they are looking
4 at it and trying to figure out if there's anything they can do
5 right away that would prevent this or at least reduce the chances
6 of this occurring for other drivers out there.

7 Q. And, yeah, we certainly would like to take a look at any
8 specs they think would have worked on this or anything. That's
9 something that we look at, especially in terms of, okay, we're
10 moving forward with changing our own design, and that is something
11 that we are looking at and we would certainly like them to share
12 that with us. Because clearly that means that they're moving
13 forward, they're being proactive, and they're trying to do
14 whatever it takes to be safe. And that's kind of -- that's what
15 we're working for, and that's important.

16 A. Yeah. That was the crux of the call last night. We spoke
17 for almost 20 minutes and probably -- you know, other than the
18 condolences, probably 18 minutes of it was a technical discussion.
19 So I did appreciate that and the fact that at least they're trying
20 to work -- years ago my father had a crash with a GM car in a
21 parking lot and --

22 (End of recording at 2:40 p.m.)
23
24
25

CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

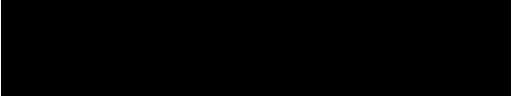
IN THE MATTER OF: TESLA ELECTRIC PASSENGER VEHICLE
 COLLISION AND POST-CRASH FIRE
 FORT LAUDERDALE, FLORIDA
 MAY 8, 2018
 Interview of James Riley

ACCIDENT NO.: HWY18FH013

PLACE: Via Telephone

DATE: May 15, 2018

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.


Letha J. Wheeler
Transcriber