



**HUMAN PERFORMANCE FACTORS GROUP CHAIRMAN'S
FACTUAL REPORT**

Human Performance Attachment 11 – NTSB Interview With Truck Passenger

St. Marks, Florida

HWY16MH019

(43 pages)

NATIONAL TRANSPORTATION SAFETY BOARD

-----:
IN RE: :
 :
THE BUS ACCIDENT THAT : NTSB Accident No.
OCCURRED IN ST. MARKS, : HWY16MH019
FLORIDA IN ON JULY 2, 2016 :
 :
-----:

INTERVIEW OF: RAFAEL NIEVES

Tuesday,
July 12, 2016

Location not given

BEFORE

RAFAEL MARSHALL, NTSB

This transcript was produced from audio
provided by the National Transportation Safety Board.

1 P-R-O-C-E-E-D-I-N-G-S

2 (4:08 p.m.)

3 MR. MARSHALL: This is Rafael Marshall.
4 It's Tuesday, July 12 at 4:08 p.m. And I'm here with
5 Rafael Nieves?

6 MR. NIEVES: Correct.

7 MR. MARSHALL: Would you please state your
8 name and spell the last name please?

9 MR. NIEVES: Rafael Nieves, R-A-F-A-E-L, N-
10 I-E-V-E-S.

11 MR. MARSHALL: Okay. We're here to talk
12 about the St. Marks collision between a school bus and
13 a tractor semitrailer that occurred on July 2nd.

14 So what I'd like to do is, first of all,
15 just ask you some basic questions. Can you tell me who
16 you work for?

17 MR. NIEVES: Verity Van lines.

18 MR. MARSHALL: And for how long?

19 MR. NIEVES: Going on three years now I'd
20 say.

21 MR. MARSHALL: Okay.

22 MR. NIEVES: Two years.

23 MR. MARSHALL: What do you do for the
24 company?

25 MR. NIEVES: I guess you can call me a

1 runner. I mean I pretty much go inside, I'll wrap the
2 furniture, bring it out to the guy in the truck and he
3 loads it.

4 MR. MARSHALL: Okay. And you've been doing
5 this for?

6 MR. NIEVES: At least two years.

7 MR. MARSHALL: Two years.

8 MR. NIEVES: At least minimum two years with
9 them.

10 MR. MARSHALL: Okay. Do you do anything
11 else for the company?

12 MR. NIEVES: Not at all.

13 MR. MARSHALL: Okay. And do you always work
14 with the same driver?

15 MR. NIEVES: No.

16 MR. MARSHALL: Okay. So for Gordon Sheets,
17 how often have you worked with him?

18 MR. NIEVES: Lately, I've been working with
19 him almost every day of the week for awhile now.

20 MR. MARSHALL: Okay.

21 MR. NIEVES: Going on like the past month.
22 So all of June pretty much I've worked with Gordon
23 everyday.

24 MR. MARSHALL: Okay.

25 MR. NIEVES: But previous to that, I was

1 switching off from doing locals to then working with
2 the guys that traveled all over the road. Everyday was
3 different.

4 MR. MARSHALL: Okay.

5 MR. NIEVES: But for the month of June, I
6 was working steady with Gordon.

7 MR. MARSHALL: So what, could you describe
8 some of the routes that you did?

9 MR. NIEVES: With Gordon?

10 MR. MARSHALL: Yes.

11 MR. NIEVES: Throughout that month or like
12 around the trip?

13 MR. MARSHALL: Yes, throughout the month.

14 MR. NIEVES: Throughout the month. We did a
15 decent amount of locals, because he did both. He did
16 locals and he ran the road. But we did a decent amount
17 of locals.

18 And then we did take a trip to, I believe it
19 was Pennsylvania, maybe Maryland. But we were only
20 gone for one day and came right back. So the month of
21 June, that was my first trip I took with him in a
22 while. Down to Florida.

23 MR. MARSHALL: Okay.

24 MR. NIEVES: But like a couple months before
25 that, probably half year before that, we did go up

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1 state. And we were only out there for one day too.

2 MR. MARSHALL: Okay.

3 MR. NIEVES: The whole situation is,
4 honestly, just crazy thinking about everything. I
5 don't know.

6 MR. MARSHALL: Could you described some of,
7 well, when you were on your trips, what did you talk
8 about?

9 MR. NIEVES: You know, like personal. Like
10 personal things --

11 MR. MARSHALL: Okay.

12 MR. NIEVES: -- between me and Gordon. You
13 know, I talked to him, I lost my father when I was 7
14 years old and he's lost people when he was young. And
15 shared a whole bunch of our life experiences.

16 And obviously I'm young, I'm only 21, and
17 him being 54/55, he had a lot to always, you know, you
18 know you can do this, you can do that. Trust me, I've
19 been there, I've done this and done that.

20 MR. MARSHALL: Yes.

21 MR. NIEVES: We really did bond a decent
22 amount.

23 MR. MARSHALL: So when you were on the long-
24 haul trips, I guess there was only two of them --

25 MR. NIEVES: Yes.

1 MR. MARSHALL: -- Pennsylvania and the one
2 in Florida.

3 MR. NIEVES: Yes. I really didn't like go
4 on the roads with Gordon.

5 MR. MARSHALL: Yes. Could you describe what
6 your day would be like? Like the hours you would get
7 up and go to sleep and anything else.

8 MR. NIEVES: So Gordon would probably pass
9 out at around like, anywhere from 6:00 to 8:00.
10 Knocked out. I wouldn't go to bed until like 10:00 or
11 11:00, because I don't drive. I just stare at the
12 road. So for me it's kind of like let me stay up a
13 little late and I'll get a power nap in the morning.

14 MR. MARSHALL: Okay.

15 MR. NIEVES: Get up in the morning.
16 Normally we wake up around, he'd get up at 3:00, I'd
17 get up at 4:00.

18 MR. MARSHALL: Okay.

19 MR. NIEVES: Normally we were out the door
20 by 4:30, 5 o'clock.

21 MR. MARSHALL: Okay.

22 MR. NIEVES: Most of our destinations, on
23 our Florida trip, were probably about an hour away from
24 the hotel we were staying at. So a lot of times we got
25 up at 5:00, 5:30. Heading out, we're on the road by

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1 6:00, 6:30.

2 MR. MARSHALL: Okay.

3 MR. NIEVES: And got to the job by 7:00.

4 7:00, 7:30.

5 MR. MARSHALL: So he would go to sleep at
6 8:00 and wake up at 3:00? Typically.

7 MR. NIEVES: Well, 8 o'clock was a late day
8 for him.

9 MR. MARSHALL: Okay.

10 MR. NIEVES: Like I'm saying, we get back to
11 the room from work, we'd have dinner, go back to the
12 room, lay in bed, turn on the TV, pass out. So
13 honestly I'm probably going to say like more like 6:00,
14 7:00-ish he was sleeping already.

15 MR. MARSHALL: So what I'd like to do is, I
16 want you to try to recall everything that happened,
17 prior to the accident, on that trip. I'm just going to
18 let you talk.

19 But what I want is, if you can provide me
20 with as much detail as possible. And then if you have
21 times when events happened, could you tell me those
22 too?

23 So let's just start from, when did you leave
24 --

25 MR. NIEVES: We left on a Saturday a week

1 before the accident. So it was the 2nd the accident
2 happened, was it the 23rd? No, the 24th we left.

3 MR. MARSHALL: Okay.

4 MR. NIEVES: And I had met up with Gordon at
5 the yard at 3:30, 4 o'clock and we headed out. We were
6 on the road by 4:30.

7 MR. MARSHALL: P.m. or a.m.?

8 MR. NIEVES: A.m.

9 MR. MARSHALL: A.m. Okay.

10 MR. NIEVES: And I probably was up for now
11 more than a half hour and I went to bed. And I didn't
12 actually wake up and hang out with Gordon up until at
13 least 12 o'clock in the afternoon.

14 And I believe we drove that day until like
15 2:30, 3 o'clock and we stopped somewhere in South
16 Carolina. And we got a hotel.

17 We hung out at the hotel. We walked to the
18 gas station, got a pack of cigarettes, you know,
19 hanging out, drinking a couple beers. Went to the
20 restaurant, ate dinner, came back to the hotel, threw
21 on some TV. That was the first night, went to bed,
22 woke up.

23 We got on the road again, got down to
24 Florida. Got a room, did the same thing. Had a couple
25 beers, went to dinner, bed, TV. It was basically,

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1 that's exactly how his routine was that.

2 MR. MARSHALL: Yes.

3 MR. NIEVES: I promise you that. Like he
4 was very, I don't know, he was just, every day his
5 schedule never changed.

6 MR. MARSHALL: Yes.

7 MR. NIEVES: Up early, do the job, get back
8 to the room, crack open a couple beers, have dinner,
9 bed.

10 And the only time that was really different
11 was we ended up, I ended up going to my brother's house
12 down in Orlando. I haven't seen my brother in years
13 and my sister lives out there so I asked Gordon, like
14 is it cool if I spend the night with them since we're
15 only an hour away and I'll get dropped off in the
16 morning.

17 So that night I don't know what his routine
18 was, I don't know what he ended up doing. But that was
19 Thursday.

20 So I mean I got back up with him Friday.
21 From Friday we didn't even have a job to do, we just
22 drove to Madison. And in Madison we got the hotel.
23 And we got to the hotel early. Probably about 12
24 o'clock in the afternoon.

25 And we hung out in the hotel room for a

1 while smoking a couple cigarettes. And then I was
2 like, I'm going to go up to the gas station, get
3 something to snack on, because I knew we weren't going
4 out for dinner for a while. So he was like, all right
5 yes, go ahead.

6 So I went to the gas station, got a couple
7 snacks for us, came back and hang out. And he even
8 actually called his wife to tell his wife that we were
9 going out to eat because Denny's was right there.

10 MR. MARSHALL: Yes.

11 MR. NIEVES: And ended up getting a T-bone
12 steak, his last meal. We hung out at Denny's for
13 probably about an hour, got back to the room, had a
14 couple beers, passed out.

15 And he got up at 3:00, I got up at 4:00.
16 And the accident happened at 5 o'clock, 5:10. And I
17 actually was up for at least a half hour, 45 minutes.
18 And then I was like Gordon, I'm tired, like I'm going
19 to go take a nap and wake me up when we get to the job.
20 No problem, I got you.

21 Before I knew it, I woke up and it was just
22 like a nightmare.

23 MR. MARSHALL: Yes.

24 MR. NIEVES: Pretty much, when I came to I
25 was on the floor in the back of the cab. I was

1 sleeping. And right away I couldn't breathe. You
2 know, smoke inside the tractor, flames were coming in.

3 I seen that the whole front end of the
4 tractor and the passenger side were already caught up
5 in fire. And I seen Gordon sitting in the passenger
6 seat.

7 And he looked like, not dead, he just looked
8 like he was definitely knocked out. He definitely
9 wasn't there.

10 MR. MARSHALL: Yes.

11 MR. NIEVES: So I ran up to him grabbing him
12 and screaming, Gordon, Gordon. No answer. Tried to
13 even check for a pulse but I was so shaky that I
14 couldn't even do it.

15 MR. MARSHALL: Yes.

16 MR. NIEVES: So I just tried getting him on
17 my shoulder and he was dead weight. I couldn't get him
18 out unfortunately.

19 So then I kicked open the driver door
20 because the latch was not doing nothing. So I finally
21 kicked open the driver door and fell face first not
22 realizing how high up we were. I completely forgot
23 because I was just in shock.

24 MR. MARSHALL: Yes.

25 MR. NIEVES: So I smashed my head, but

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1 obviously it's healed now. Ran up to the gas station.
2 I was like, call 911, my driver is still in the truck.

3 At this point I didn't know that we hit into
4 a bus. I just realized that we crashed and that was
5 it.

6 MR. MARSHALL: Yes.

7 MR. NIEVES: So I got to the gas station,
8 then I heard people screaming. And that's when the guy
9 was like, yes, you guys hit into a bus. I'm, like, all
10 right, well can you come back to the truck with me and
11 help me get my driver out. He's still in there, he's
12 not coherent.

13 And he's like, it's not safe, the power
14 lines went down and there's a huge fire. He's like,
15 it's not safe for me or you to go over there. And me
16 being stubborn and I just, I don't know, I couldn't
17 just, you know, I had to go back.

18 So I ran back and I only had my socks on. I
19 went to go put my foot on the step to get in and it was
20 just way too hot. It actually burnt my foot a little
21 bit.

22 MR. MARSHALL: Yes.

23 MR. NIEVES: And that's when I backed away
24 and realized there's nothing left I could do.

25 MR. MARSHALL: So just going back a little

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1 bit, you said you left on the 23rd. So on the night of
2 the 23rd you were already in South Carolina you said?

3 MR. NIEVES: The following day.

4 MR. MARSHALL: The following day.

5 MR. NIEVES: Yes, the following day. Well,
6 actually I guess you're right. That night when we got
7 there.

8 MR. MARSHALL: That night, okay. Would you
9 remember which hotel you stayed at?

10 MR. NIEVES: Not that one night.

11 MR. MARSHALL: Yes.

12 MR. NIEVES: I definitely want to say it was
13 a Day's Inn. I'm not a hundred percent though. But I
14 can tell you the hotel we stayed at when we were in
15 Florida.

16 MR. MARSHALL: Do you know which town you
17 were in in South Carolina?

18 MR. NIEVES: In South Carolina? All I know
19 was we weren't too far from Florence. That's what he
20 kept saying. Because normally that's where he stops
21 at.

22 MR. MARSHALL: Okay.

23 MR. NIEVES: He's like -- we asked, one of
24 our other drivers was on the road, actually passed us,
25 but they were coming from South Carolina, like deeper

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1 in South Carolina, and said there was a huge accident.
2 That a Penske trucker flipped over.

3 So Gordon was like, all right, I'm not going
4 that way then. He's like, I'll stop right here, get
5 the room --

6 MR. MARSHALL: Oh, okay.

7 MR. NIEVES: -- and then get out a little
8 earlier in the morning.

9 MR. MARSHALL: When you're going down from
10 New York to South Carolina, how are you navigating?
11 Are you using like a Garmin or --

12 MR. NIEVES: Yes, like a GPS. He has a GPS
13 that's like mounted onto his dash.

14 MR. MARSHALL: Okay. So it's not his phone,
15 it's actually a GPS device?

16 MR. NIEVES: No. Yes, it's actually a GPS
17 device.

18 MR. MARSHALL: Okay. When he calls his
19 wife, does his wife while he's on the road or --

20 MR. NIEVES: No. Most of the time when he
21 calls his wife, either before or after dinner.

22 MR. MARSHALL: Okay.

23 MR. NIEVES: You know, like don't get me
24 wrong, he'll get phone calls while we're on the road,
25 but he'd talk for a little bit and, you know, all

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1 right, I'll get back to the road you know --

2 MR. MARSHALL: Yes.

3 MR. NIEVES: -- and then hang up. He really
4 was, I don't know, he really didn't talk that much.
5 Most of the time it was jamming out to his tunes and
6 just talking with me.

7 MR. MARSHALL: Yes.

8 MR. NIEVES: And even then we really did
9 talk about a lot of our personal lives. And a lot of
10 his personal life honestly. He really did have a lot
11 to tell me.

12 You know, obviously I'm young, 21, have my
13 own house, have a kid.

14 MR. MARSHALL: Yes.

15 MR. NIEVES: Like things are, honestly, hard
16 to do. So he'd always give me tips on life.

17 MR. MARSHALL: Yes.

18 MR. NIEVES: And if you ever get stressed
19 out, just walk it off. Don't get all stressed out,
20 you're too young.

21 MR. MARSHALL: Yes.

22 MR. NIEVES: Trust me, I've been there and
23 done that. So a lot of our conversations had to do
24 with mine and his lives.

25 And he also has two sons my age that I'm

1 pretty close to.

2 MR. MARSHALL: Yes.

3 MR. NIEVES: So we were really like family.

4 MR. MARSHALL: It's quite impressive you
5 have a house at 21.

6 MR. NIEVES: Yes.

7 MR. MARSHALL: I mean it took me until I was
8 probably 34 before I got my first house. And we had my
9 wife's parents help us buy it.

10 MR. NIEVES: Yes. You know, don't get me
11 wrong, my girlfriend's mom helps out here and there.

12 MR. MARSHALL: Yes.

13 MR. NIEVES: You know, just because she's
14 not working right now because she's going to school for
15 hair and she left the IRS and I wasn't too happy about
16 it, but whatever you know.

17 MR. MARSHALL: Yes.

18 MR. NIEVES: I'm still able to make it by,
19 but every day is a struggle.

20 MR. MARSHALL: Yes.

21 MR. NIEVES: And this has honestly just made
22 it ten times worse. But things happen.

23 MR. MARSHALL: Yes.

24 MR. NIEVES: You just got to keep going
25 forward.

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1 MR. MARSHALL: So for the cell phone calls,
2 were some of them mainly from, I mean, were they from
3 work as well? I mean were they dispatchers or --

4 MR. MARSHALL: Yes. Like Dom would
5 definitely stay in touch with Gordon a 110 percent.

6 MR. MARSHALL: Yes.

7 MR. NIEVES: Like every day I'm sure Dom and
8 Gordon talk just to get, you know, schedule, all right,
9 we're going to drop this load off --

10 MR. MARSHALL: Yes.

11 MR. NIEVES: -- we're leaving now at this
12 time. Just to fill Dom in. And I'm sure if you had
13 conversations with Dom he would have said the same
14 thing.

15 MR. MARSHALL: But definitely talk to Dom.
16 You can talk to a lot of the other drivers that are on
17 the road. Like Nelson, the guy Dennis. You can talk
18 to his brother Steven, whatever. Definitely talk to
19 all the other drivers.

20 And of course his two sons and his wife.

21 MR. MARSHALL: Yes.

22 MR. NIEVES: That was it. And they weren't,
23 they really weren't ever like hour conversation or
24 anything like that.

25 MR. MARSHALL: No.

1 MR. NIEVES: It was maybe for 20 minutes,
2 half hour the most.

3 MR. MARSHALL: Yes.

4 MR. NIEVES: You know, then he takes the
5 head piece off his head and hangs it up.

6 MR. MARSHALL: So when he's doing the calls,
7 it's --

8 MR. NIEVES: It's a blue tooth.

9 MR. MARSHALL: -- not like this, it's blue
10 tooth?

11 MR. NIEVES: No, it's blue tooth.

12 MR. MARSHALL: Yes.

13 MR. NIEVES: He has like a headset that goes
14 over his head and his phone, he has like a mount on the
15 dash for his phone too.

16 MR. MARSHALL: Yes.

17 MR. NIEVES: His phone sat there. And all
18 he had to do was click the button on the headset, boom
19 --

20 MR. MARSHALL: Yes. You're on.

21 MR. NIEVES: -- goes right through. Yes.

22 MR. MARSHALL: Okay. So from South
23 Carolina, you said you went to Florida?

24 MR. NIEVES: We got to Florida. Correct.

25 MR. MARSHALL: Where was your first stop in

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1 Florida?

2 MR. NIEVES: I don't remember our first
3 stop, because we did have five stops on the truck. I
4 know one of them was Pump Harbor, Pump City.

5 We had a pick-up in Lakeland, we had the job
6 in St. Marks or over by St. Marks. And I'm not sure
7 where the last load was going.

8 MR. MARSHALL: Okay.

9 MR. NIEVES: Well, the second to last load.
10 Not positive. But we stayed at the Royal Palm Beach
11 Inn I think it was or something like that. In Royal
12 Palm Beach I guess.

13 MR. MARSHALL: Yes.

14 MR. NIEVES: We were there for three days.
15 Three or four days. And then that's when we left there
16 and got down by Lakeland. And we stayed over there.

17 MR. MARSHALL: Okay.

18 MR. NIEVES: Stayed at Days, I know for a
19 fact we stayed at a Days Inn over there. And that was
20 the night I didn't spend the night with him though.

21 MR. MARSHALL: Okay.

22 MR. NIEVES: I spent that with my brother.

23 MR. MARSHALL: So from what you recall, you
24 went to South Carolina, probably to Palm Beach then and
25 then you went --

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1 MR. NIEVES: I would say yes. Yes.

2 MR. MARSHALL: Okay. And then from
3 Lakeland, is that when you went to Tallahassee?

4 MR. NIEVES: No. See, all right, we got to
5 Royal Palm beach, we stayed there for four days.

6 MR. MARSHALL: Yes.

7 MR. NIEVES: And then Thursday we got down
8 to Lakeland.

9 MR. MARSHALL: Yes.

10 MR. NIEVES: And he got a room there. And I
11 went to my brothers, got dropped off that morning.
12 That morning we drove from Lakeland to Tallahassee.

13 MR. MARSHALL: Okay.

14 MR. NIEVES: Or whatever that general,
15 Madison. Madison, Florida is where we got. And that
16 morning we left Madison, it was Saturday.

17 MR. MARSHALL: Yes.

18 MR. NIEVES: So we got to Madison Friday,
19 obviously on Friday afternoon, hung out all day there
20 and got to, I guess Tallahassee, Saturday by 5 o'clock.

21 MR. MARSHALL: Okay. So you said that
22 pretty much every day was the same. He would wake up
23 at 3:00, you'd wake up by 4:00. He'd be on the road by
24 5:30 --

25 MR. NIEVES: It depended on how far we were

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1 from the job. Like, when we were in Palm Beach, Royal
2 Palm Beach, most of the jobs were only like an hour and
3 a half away. So he'd get up at 4:30, I'd get up at
4 5:00 and we'd head out by 6:00, 6:30 and get to the job
5 by 7:30, 8 o'clock. 7 o'clock. Anywhere from 7:00 to
6 8:00.

7 MR. MARSHALL: Yes.

8 MR. NIEVES: He'd always call up the
9 customer --

10 MR. MARSHALL: Yes.

11 MR. NIEVES: -- hey, it's Gordon, I'm on my
12 way, we'll be there anywhere from 7:00 to 8:00.

13 MR. MARSHALL: Okay.

14 MR. NIEVES: Is that all right? All right,
15 good.

16 MR. MARSHALL: And then once you get there,
17 could you tell me what you did?

18 MR. NIEVES: Once we got to the job, right
19 away we'd go in the house, see what it looks like.

20 MR. MARSHALL: Yes.

21 MR. NIEVES: You know, plan out. Like,
22 okay, your boxes are going in this room or are we
23 putting the boxes where they are labeled.

24 MR. MARSHALL: Yes.

25 MR. NIEVES: Like if you have a piano, of

1 course we want to know where the piano is going so we
2 don't have to move it around 30 times. Or any heavy
3 piece like that we're going to ask like, where's it
4 going.

5 MR. MARSHALL: Okay.

6 MR. NIEVES: When they tell us, okay, we get
7 out the ramps, open up the doors, put the ramp up and
8 just get to work. Get the radio on and we start
9 unloading.

10 MR. MARSHALL: How long does a job usually
11 take?

12 MR. NIEVES: Well, it was only me and
13 Gordon, so every job probably, most jobs took us
14 probably about four hours' minimum.

15 MR. MARSHALL: Okay.

16 MR. NIEVES: We had like two long days where
17 it was like six hour days. And it depends too, because
18 some of the customers pay for us to unpack their things
19 so that's very time consuming. Like one of the
20 customers paid for us to unpack.

21 So we unpack probably about two hours' worth
22 of stuff. Meanwhile we were done really, you know, the
23 furniture is already in the house --

24 MR. MARSHALL: Yes.

25 MR. NIEVES: -- but it made it just that

1 much longer. But a normal day for us was like four
2 hours, five hours' work.

3 MR. MARSHALL: Okay.

4 MR. NIEVES: And then you get on the road --

5 MR. MARSHALL: Okay.

6 MR. NIEVES: -- get to the hotel and like I
7 said, same routine.

8 MR. MARSHALL: So on most days, you would be
9 done by what time?

10 MR. NIEVES: Most days, I'm going to say
11 like 1 o'clock.

12 MR. MARSHALL: 1 o'clock?

13 MR. NIEVES: Yes.

14 MR. MARSHALL: And then you would just hang
15 out at the hotel?

16 MR. NIEVES: Yes. You know, we're like an
17 hour and a half from the hotel so we'd drive, heeling
18 to traffic, whatever. Most of the days we were back at
19 the room by 2:30, 3 o'clock.

20 MR. MARSHALL: Okay.

21 MR. NIEVES: And then hanging out. You
22 know, we'd crack open a couple beers, go get our
23 dinner, boom, bed.

24 MR. MARSHALL: Okay. So I'm just trying to
25 think what else I can ask you. Do you know if he had

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1 any health issues?

2 MR. NIEVES: Not that I know of.

3 MR. MARSHALL: Did he ever take any like
4 vitamins or Advil or any prescription medicines or --

5 MR. NIEVES: Once in a awhile he said his
6 shoulder would bother him or his leg or something. He
7 would take like a Tylenol or something.

8 MR. MARSHALL: Okay.

9 MR. NIEVES: But as far as like an everyday
10 medication, I don't think he did. I don't know if he
11 did, you know.

12 MR. MARSHALL: Yes.

13 MR. NIEVES: Personally I don't think he did
14 though. He was pretty healthy from what, he was a
15 beast. The guy was a toothpick, but he was a beast.

16 MR. MARSHALL: Yes, it was surprising he's
17 really thin.

18 MR. NIEVES: Yes.

19 MR. MARSHALL: One-sixty or so.

20 MR. NIEVES: Yes.

21 MR. MARSHALL: He's like my height. I need
22 to be 160. So anyway, did he wear glasses all the time
23 or just for driving?

24 MR. NIEVES: All the time.

25 MR. MARSHALL: All the time?

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1 MR. NIEVES: Yes.

2 MR. MARSHALL: It was bifocals or the
3 regular or can you tell?

4 MR. NIEVES: I don't even know.

5 MR. MARSHALL: Okay.

6 MR. NIEVES: I don't know. But he did have
7 them on 24/7. The only time he took them off was when
8 he was going to bed.

9 MR. MARSHALL: Okay. Did he have, besides a
10 phone, did he use any other devices maybe while he was
11 driving or anything like that?

12 MR. NIEVES: No.

13 MR. MARSHALL: Okay. So let's go back to
14 June 29. June 29, where were you at that time?

15 MR. NIEVES: Probably in Royal Palm Beach.

16 MR. MARSHALL: Royal Palm Beach.

17 MR. NIEVES: Yes.

18 MR. MARSHALL: So that was like your last
19 night or something like that.

20 MR. NIEVES: I think that was my last night.
21 Yes.

22 MR. MARSHALL: Okay.

23 (Whereupon, the above-entitled matter went
24 off the record for a short recess.)

25 MR. MARSHALL: Okay, so I was asking about,

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1 because June --

2 MR. NIEVES: 29th.

3 MR. MARSHALL: -- 29th you were in Palm
4 Beach?

5 MR. NIEVES: Yes. Probably our last day
6 there.

7 MR. MARSHALL: Okay. Because I'd like to
8 get a little more detailed information. One thing we
9 collect is something called a 72-hour history prior to
10 an accident. And with that we try to get as much
11 detail as possible.

12 So would you remember what time you woke up
13 on that day?

14 MR. NIEVES: What job did we get off that
15 day? I believe the Manhattan job that we picked up off
16 that day which was, I probably woke up at 4:30.

17 MR. MARSHALL: Okay.

18 MR. NIEVES: Because they were about an hour
19 and a half away. We got breakfast that morning
20 actually.

21 MR. MARSHALL: Yes.

22 MR. NIEVES: He's been going to this hotel
23 in that general area for years now so he knew a mom and
24 pop's restaurant. And they actually all know him, it's
25 crazy.

1 But we got breakfast, went to the gas
2 station and got cigarettes for the day and then got to
3 the job. I definitely woke up around 4:30, 4:45.

4 MR. MARSHALL: Okay. And then you had
5 breakfast at what time?

6 MR. NIEVES: We had breakfast probably by
7 5:15 --

8 MR. MARSHALL: Okay.

9 MR. NIEVES: -- 5:30. Ate and got back to
10 the tractor.

11 MR. MARSHALL: Yes.

12 MR. NIEVES: And like I said, we stopped at
13 the gas station, got our cigarettes. And we got to the
14 job probably around 7:30.

15 MR. MARSHALL: 7:30.

16 MR. NIEVES: Yes.

17 MR. MARSHALL: Okay. And then when did you
18 finish?

19 MR. NIEVES: I believe that day we were
20 finished, I want to say 2 o'clock, 3 o'clock.

21 MR. MARSHALL: Okay.

22 MR. NIEVES: Yes, definitely. Because there
23 wasn't that much stuff.

24 But we actually, now that I do remember that
25 day, we stopped somewhere in the morning. We had some,

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1 I don't know, I guess it was a different customer, but
2 it wasn't for us, it was someone else's, you know,
3 someone else had delivered her and she needed help. An
4 older lady couldn't lift the boxes so we had to go
5 there and move a couple things.

6 MR. MARSHALL: Yes.

7 MR. NIEVES: So I don't remember exactly
8 where she was, but she actually made our trip a little
9 longer. She was like, I think 45 minutes out of the
10 way, of our original spot.

11 MR. MARSHALL: Okay.

12 MR. NIEVES: But we were at her house for no
13 longer than half an hour. We just moved a couple
14 things from the garage into the house.

15 And I think we got to that job, that we
16 picked up from in Manhattan, I think probably about 10
17 o'clock. And we were done by 2:00.

18 MR. MARSHALL: You wouldn't know where that
19 job was, would you?

20 MR. NIEVES: No. Dom definitely would
21 though.

22 MR. MARSHALL: Okay.

23 MR. NIEVES: Dom would definitely know.

24 MR. MARSHALL: And then -- I mean, you
25 finished at 3:00 p.m.?

1 MR. NIEVES: Yes. Say 3:00 the latest.

2 MR. MARSHALL: And then you --

3 MR. NIEVES: Drove an hour and a half back
4 to the --

5 MR. MARSHALL: Same hotel?

6 MR. NIEVES: I think that was the last night
7 we were staying there. Yes. So we just got back to
8 that hotel and, what did we eat for dinner that night?
9 I believe we got KFC.

10 MR. MARSHALL: Okay.

11 MR. NIEVES: And before we went over there
12 we both had a couple beers, went and got KFC, went back
13 to the room. And like I said, turned on Jeopardy --

14 MR. MARSHALL: Yes.

15 MR. NIEVES: -- and he would pass right out.
16 And I would just hang out and watch TV for hours you
17 know.

18 MR. MARSHALL: Yes.

19 MR. NIEVES: I normally, even when I'm home,
20 I don't go to bed till like 10:00, 10:30.

21 MR. MARSHALL: Okay.

22 MR. NIEVES: Over the road it really wasn't
23 anything different except I was sleeping all day. You
24 know, the first day. The first night we headed down
25 there, I slept all day.

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1 MR. MARSHALL: Yes. All right, so that was
2 the 29th. Okay, so let's go to the 30th. The 30th.

3 MR. NIEVES: Yes, we got to Lakeland.

4 MR. MARSHALL: So what time did you wake up
5 on the 30th?

6 MR. NIEVES: Usual time I'd say, 4:00 to
7 4:30.

8 MR. MARSHALL: Okay. And he was already
9 awake?

10 MR. NIEVES: And he was already awake. Yes.
11 And he already had a coffee in him, a couple
12 cigarettes.

13 MR. MARSHALL: Yes.

14 MR. NIEVES: You know, that was Gordon.
15 Every morning that's what he did. He had his routine.
16 We did take off a job that was no more than
17 2,000 pounds. So it took us maybe an hour at most.
18 Somewhere right near Lakeland. Maybe 20 minutes away
19 from Lakeland.

20 MR. MARSHALL: Yes.

21 MR. NIEVES: And got that job done. We
22 actually had an early day that day because we had to
23 get to the hotel. And the hotel was only probably
24 about 45 minutes from the job that we had just done.

25 And we had to pick, we had to swap over

1 stuff from the U-Haul that the other driver Nelson had
2 loaded down there and put it on our truck. So we did
3 that. And that took us awhile. We didn't get done
4 until probably about 5 o'clock that day.

5 MR. MARSHALL: Okay.

6 MR. NIEVES: Swapping everything over. And
7 my brother actually came to us, and meet up with us.
8 And I dropped the U-Haul truck back off.

9 Gordon went and got a room at the Days Inn
10 and my brother followed me back with his work truck so
11 I could have a ride back to the hotel. And we probably
12 got done by 6:00.

13 And we didn't eat dinner that night because
14 I left the room by 7 o'clock. And Gordon was like, all
15 right, well I'm having me a couple more beers and then
16 I'll hit the hay.

17 MR. MARSHALL: So this was the night that
18 you guys were in, like he was --

19 MR. NIEVES: This is the night we were in
20 Lakeland.

21 MR. MARSHALL: -- Orlando.

22 MR. NIEVES: Yes, Orlando. Exactly.

23 MR. MARSHALL: In Lakeland.

24 MR. NIEVES: Yes.

25 MR. MARSHALL: Okay. So that was the 30th.

1 So the 1st, what time did you get back to Gordon?

2 MR. NIEVES: I got dropped off, I was
3 walking to the room by 6 o'clock.

4 MR. MARSHALL: 6:00 a.m.? Okay.

5 MR. NIEVES: And we weren't working that
6 day. We were only driving.

7 MR. MARSHALL: Okay.

8 MR. NIEVES: And I'm pretty sure we drove
9 from Lakeland to Madison. And I want to say it was
10 like a four-and-a-half-hour trip. Something like that.
11 I slept the whole way.

12 MR. MARSHALL: Yes.

13 MR. NIEVES: And I got up when we got the
14 hotel, he was backing up into a spot, so I got out and
15 helped him back up. And right away he went and got the
16 room for us. And we were probably there by 12 o'clock,
17 something like that.

18 MR. MARSHALL: Okay.

19 MR. NIEVES: I guess we got up at,
20 definitely 6:00, 7:00 o'clock or something. It was
21 like a four-and-a-half-hour trip.

22 MR. MARSHALL: And then, so that night?

23 MR. NIEVES: That night, like I said, we had
24 a couple beers, went over to Denny's.

25 MR. MARSHALL: Oh, yes, right. Yes.

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1 MR. NIEVES: And I remember his brother had
2 called him while we were sitting at the table, and it
3 was like 5 o'clock when we were eating dinner. I do
4 remember that specifically.

5 MR. MARSHALL: Yes.

6 MR. NIEVES: And Gordon is like, you know
7 didn't answer, and he's like, I'll call right when we
8 get back to the room.

9 MR. MARSHALL: Okay.

10 MR. NIEVES: And he actually did try calling
11 him, his brother didn't answer. By that time, it was
12 already like 6 o'clock, 6:30.

13 MR. MARSHALL: Okay.

14 MR. NIEVES: And then right away we both
15 jumped into bed. He was supposed to wake up and get
16 dessert with me, he never did.

17 And I know he called his wife when we got
18 back to the room. And he was probably sleeping by
19 7:30, 8 o'clock. Had to be. He was knocked.

20 MR. MARSHALL: So can you tell me, does he
21 snore?

22 MR. NIEVES: Sometimes.

23 MR. MARSHALL: Sometimes.

24 MR. NIEVES: He definitely does snore
25 sometimes.

1 MR. MARSHALL: Okay.

2 MR. NIEVES: Not every night, but he did
3 have his nights. And it was definitely, I don't know,
4 just some of the ways that he would fall asleep.

5 MR. MARSHALL: Yes.

6 MR. NIEVES: Like one night he fell asleep
7 on his back and he was snoring. And he rolled over and
8 it went away.

9 MR. MARSHALL: Yes.

10 MR. NIEVES: In the middle of the night he
11 also had a routine where he would get up. Go to the
12 bathroom, light up a cigarette and go back to bed. And
13 that was a daily routine for him.

14 MR. MARSHALL: So he'd get up how many times
15 a night?

16 MR. NIEVES: I would say once or twice a
17 night.

18 MR. MARSHALL: Once or twice a night?

19 MR. NIEVES: Yes.

20 MR. MARSHALL: Okay.

21 MR. NIEVES: Definitely.

22 MR. MARSHALL: All right. What else. I
23 know you've already described, let's see, I can see you
24 already described -- now I guess going back to the
25 post-accident activities, so you said that you went to

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1 the, after the crash, you tried to take Gordon out but
2 --

3 MR. NIEVES: Yes.

4 MR. MARSHALL: -- you couldn't, he was dead
5 weight.

6 MR. NIEVES: Yes.

7 MR. MARSHALL: And so you went to the
8 garage, I mean the gas station, to use somebody else's
9 phone?

10 MR. NIEVES: Yes. Well, first it was just,
11 you know, I didn't know what was going on so right
12 away, call 911, call 911.

13 MR. MARSHALL: Right.

14 MR. NIEVES: Let them know that my driver
15 wasn't aware of anything, was completely incoherent.
16 And he was like, all right, we already called him,
17 they're already on their way, do you need to call
18 someone. And right away I called up a friend of mine,
19 that he used to work for the company, because I
20 couldn't remember anyone's number.

21 MR. MARSHALL: Yes.

22 MR. NIEVES: And I called him up and right
23 away I told him what was going on. And I was like, you
24 know, you got to call one of their other drivers,
25 Dennis, because I'm really close to Dennis. That's who

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1 really taught me everything I know about the business
2 so far.

3 MR. MARSHALL: Yes.

4 MR. NIEVES: And that's who I started
5 working with when I worked for Verity Van lines was
6 Dennis. So right away Dennis calls me on the guy's
7 number because my friend had gave him the number I
8 called from.

9 MR. MARSHALL: Yes.

10 MR. NIEVES: And right away he's like, you
11 know what happened, what's going on. He thought it was
12 a little accident. He thought it was like a little
13 fender bender.

14 You know, I was hysterical. I'm like no,
15 Gordon is definitely gone. It's a terrible accident.
16 Like the whole tractor is on fire. I'm covered in
17 blood from head to toe.

18 MR. MARSHALL: Yes.

19 MR. NIEVES: I guess he called Mike and
20 eventually Mike called me on the guy's phone that I was
21 using. I talked to Mike and let he knew what happened
22 --

23 MR. MARSHALL: Yes.

24 MR. NIEVES: -- and what was what. Because
25 he asked me questions like, was Gordon okay. You know,

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1 he was fine. Daily routine for him. Definitely was
2 nothing new for him getting up that early and being on
3 the road.

4 And after I got out of the gas station
5 that's when the state troopers grabbed me and right
6 away wanted to ask me questions.

7 MR. MARSHALL: Yes.

8 MR. NIEVES: You know, are you okay. The
9 EMS guys came out and then American Red Cross had came
10 up to me. You know, a million and one people.

11 MR. MARSHALL: How long were you on scene
12 before they took you to the hospital?

13 MR. NIEVES: I didn't go to the hospital.

14 MR. MARSHALL: You didn't go to the
15 hospital? Okay.

16 MR. NIEVES: I went right to the hotel.

17 MR. MARSHALL: Okay.

18 MR. NIEVES: I'd say I probably didn't leave
19 that scene until 9 o'clock.

20 MR. MARSHALL: Oh, okay.

21 MR. NIEVES: Pretty late.

22 MR. MARSHALL: So you were there for almost
23 four hours.

24 MR. NIEVES: Yes. I mean I was pretty much
25 there when they were searching for Gordon's body

1 underneath the tractor.

2 MR. MARSHALL: Um. Okay.

3 MR. NIEVES: So yes, I was there for almost
4 the whole thing.

5 MR. MARSHALL: Did you see, I guess one of
6 the things that we're trying to figure out is whether
7 there was more than 33 people in the bus.

8 MR. NIEVES: I did, like you know, probably
9 about 15 minutes after the accident, all of a sudden
10 you heard a lot of banging. And they must have got the
11 back doors open to that bus.

12 MR. MARSHALL: Yes.

13 MR. NIEVES: And a decent amount of the ran
14 --

15 MR. MARSHALL: Okay.

16 MR. NIEVES: -- and took off running down
17 the block. And then probably about five, ten minutes
18 after that the cops showed up with the ambulance, but
19 they didn't want to go near anything because everything
20 was on fire --

21 MR. MARSHALL: Yes.

22 MR. NIEVES: -- and the wires were hanging.

23 MR. MARSHALL: Okay.

24 MR. NIEVES: So I didn't get to talk to
25 anyone for at least 45 minutes after that. And then

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1 finally like the cops are like, oh, why people are
2 saying, because there was two neighbors that I guess
3 came out of their house, you know, they were handing
4 people water and everything. And they had said they
5 also saw the people kick open the back doors and run
6 down the block.

7 MR. MARSHALL: Okay. So they weren't
8 actually just running away and then staying on scene --

9 MR. NIEVES: No, they were gone.

10 MR. MARSHALL: -- they were just taking off?

11 MR. NIEVES: Yes, they were gone.

12 MR. MARSHALL: Okay. I guess the only other
13 question I have is, you said you found Gordon on the
14 passenger side. Does he usually wear his seatbelt when
15 he's driving?

16 MR. NIEVES: For what I realize, yes. But
17 honestly from where he was sitting, it didn't look like
18 he did.

19 MR. MARSHALL: Okay.

20 MR. NIEVES: Unless that seatbelt ripped
21 from the impact, which I didn't look, I don't know.

22 MR. MARSHALL: Yes.

23 MR. NIEVES: But he definitely fell.

24 MR. MARSHALL: But when you drive with him,
25 he's usually wearing a seatbelt then?

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1 MR. NIEVES: Most of the time. You know,
2 sometimes we'll have it off.

3 MR. MARSHALL: Yes.

4 MR. NIEVES: I'm not going to lie to you.
5 He definitely had it off a couple times. But
6 definitely he also had it on at some points.

7 MR. MARSHALL: Yes. Was it, when he had it
8 off, was it just the shoulder part or was it like
9 everything?

10 MR. NIEVES: Yes, it's --

11 MR. MARSHALL: Okay.

12 MR. NIEVES: -- well, it's everything.

13 MR. MARSHALL: Okay. I think that's pretty
14 much all the questions I have for you. Is there any
15 questions you have for me?

16 MR. NIEVES: One. I don't know, you
17 obviously, you live out here, correct?

18 MR. MARSHALL: No, I live in D.C.

19 MR. NIEVES: Okay.

20 MR. MARSHALL: Yes. We've been actually
21 flying all over the place for this.

22 MR. NIEVES: Are they putting a light at
23 that intersection? Do you know?

24 MR. MARSHALL: Well, we actually looked into
25 the amount of traffic that goes by that intersection

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1 and what the rules are for having a regular stop light,
2 and given the amount of traffic that passes by there,
3 it's not warranted for a stop light. For a full stop
4 light. So I guess that's why they just have a flashing
5 red light and yellow light.

6 MR. NIEVES: Yes.

7 MR. MARSHALL: At the time of --

8 (Whereupon, the above entitled matter went
9 off the record.)

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C E R T I F I C A T E

MATTER: Bus Accident That Occurred in
St. Marks, FL, July 2, 2016
Accident No. HWY16MH019
Interview of Rafael Nieves

DATE: 07-12-16

I hereby certify that the attached transcription of page 1 to 42 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.



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