



HUMAN PERFORMANCE FACTORS

Attachment 7 – 2015 International Driver Interview Transcript

Palm Springs, CA

HWY17MH005

(132 pages)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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TOUR BUS COLLISION WITH SEMI-TRUCK
ON INTERSTATE 10 NEAR DESERT HOT
SPRINGS, CALIFORNIA ON
OCTOBER 23, 2016

Accident No.: HWY17MH005

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Interview of: BRUCE GUILFORD

Tuesday,
October 25, 2016

APPEARANCES:

KENNETH BRAGG, Highway Accident Investigator
National Transportation Safety Board

JOHN ISBISTER, Officer
Border Division MAIT
California Highway Patrol

AL FERRARI

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I N T E R V I E W

(3:26 p.m.)

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3 MR. BRAGG: Okay. Today is Tuesday, October 25th, 2016. The
4 time is about 3:26 p.m. My name is Kenneth Bragg, I'm an
5 investigator from the National Transportation Safety Board with
6 the Office of Highway Safety.

7 I'm going to start to my left and ask everyone to go around
8 the room and state their first and last name and what organization
9 they're with.

10 OFFICER ISBISTER: Officer John Isbister with the California
11 Highway Patrol representing Border Division MAIT.

12 MR. FERRARI: Al Ferrari. I'm here with Brian Gunn.

13 MR. GUNN: Yeah, I'm Brian Gunn. I'm with the law firm of
14 Wolfe and Wyman.

15 MR. GUILFORD: Bruce Guilford, driver for TSC.

INTERVIEW OF BRUCE GUILFORD

16
17 BY MR. BRAGG:

18 Q. Okay. Well, first we're going to -- we'll just start about
19 your background and I'm just going to ask you some general
20 questions. Just answer it the best you can.

21 So how long have you been driving commercial vehicles?

22 A. About 15 years.

23 Q. About 15 years?

24 A. Uh-huh.

25 Q. And what type of commercial vehicles have you driven?

1 A. Doubles and mostly tractor and trailer --

2 Q. Mostly tractor-trailer?

3 A. Tractor-trailer. Yeah.

4 Q. Okay. Have you ever driven buses, like motor coaches?

5 A. No.

6 Q. How about freight trucks, dump trucks, anything like that?

7 A. No.

8 Q. And what type of truck driving experience have you had? Have
9 you done mostly over the road or some local or mix?

10 A. I drove a local with FedEx before.

11 Q. Okay. How long did you do that?

12 A. I think it was about 5 years. I think I stayed with FedEx
13 about 5 years.

14 Q. Okay. Where did you first obtain your CDL license?

15 A: First opinions?

16 Q. No. Where did you first obtain your license? What state?

17 A. Georgia.

18 Q. Georgia?

19 A. Georgia, yeah.

20 Q. And you had one in Georgia, then, since you begin driving --

21 A. Yes.

22 Q. -- commercially?

23 A. Yeah.

24 Q. And how did you obtain your license? Where did you go to
25 your training?

1 A. In house with FedEx.

2 Q. So you -- okay.

3 A. FedEx freight.

4 Q. And how long was that training? Do you remember?

5 A. I'm not sure.

6 Q. And where was that at? That was in Georgia?

7 A. Yes, sir.

8 Q. Okay. How long have you worked for your current employer?

9 A. I just started with them. It's been about a month now.

10 Q. About a month now?

11 A. Yeah.

12 Q. And where did you work prior to that?

13 A. RE Garrison.

14 Q. RA Garrison?

15 A. RE Garrison.

16 Q. And where are they based out of?

17 A. Alabama; Cullman, Alabama.

18 Q. How long did you work with them?

19 A. Five and a half years.

20 Q. And before that?

21 A. Sunco, Sunco Carriers.

22 Q. Sunco Carriers?

23 A. Sunco, S-U-N-C-O.

24 Q. Okay. And the RE Garrison and Sunco, they both over the road
25 or local?

1 A. Over the road.

2 Q. Okay.

3 A. Yeah.

4 Q. When you started with your current employer, did he put you
5 through any training?

6 A. Yeah, he brought me through the procedures on how they want
7 to -- you know, how they want to do the laws stuff, and trailers,
8 what to do for the trailers and turning on and off the trailer,
9 make sure they're on the right temperature and stuff. Most stuff
10 I already knew.

11 Q. Okay. But it wasn't like a formal school, just him just
12 showing you what he expected?

13 A. No, it wasn't no formal. He just showed me around the --

14 Q. Okay.

15 A. -- area and making sure I know where everything is -- when I
16 come in and code to the fence and stuff like that.

17 Q. Okay. How about any safety training?

18 A. Well, he showed me where the reflectors was and fire
19 extinguisher and stuff like that, and mostly everything I already
20 know.

21 Q. How about safety policies? Did he do any training on that or
22 did he discuss that at all?

23 A. Not really.

24 Q. And I'm talking specifically like, does he have a policy
25 about stuff like driving with cell phone --

1 A. Oh, yeah. He told me no cell phone unless you got a headset,
2 you know, while -- you know, no holding in the hand, you know.

3 Q. Yeah. So is there some type of app you have to put on your
4 phone where you can't use it while you're moving?

5 A. No.

6 Q. Okay.

7 A. I just -- I got an app that automatic pops up, if somebody
8 trying to text me, it automatically tell them I can't, you know --

9 Q. Oh, okay.

10 A. -- call right now.

11 Q. That's -- okay. Since you've been driving commercial, have
12 you ever gotten a traffic violation?

13 A. Yeah. Yeah, I got one.

14 Q. How many?

15 A. About two.

16 Q. What were they for?

17 A. One he -- in Topeka, the officer said I failed to maintain a
18 lane or something like that.

19 Q. Okay.

20 A. And I was trying to tell him a bumblebee got in my cab and I
21 swerved and he just happened to see it. It was in Topeka, Kansas.
22 And the other one was in New Mexico. The officer say I was doing
23 64 in a 45. But ain't no way possible because when I seen him I
24 was going 60. And we came down a slope and I already had started
25 to brake it down. So when I came up to him, I was doing like 40.

1 And I went around him because we were on a two-lane road, went
2 around him, kept on going, then he pulled me over.

3 And when he explained it to me, in New Mexico, I didn't
4 understand what he was saying because they -- only in New Mexico,
5 they ask you as he gives it right then are you -- is you pleading
6 guilty to what they're saying. And to me, you know, I'm from
7 Georgia, they're saying you can pay the ticket now -- you know
8 what I'm saying, if I pay the ticket now, does that mean -- you
9 know, what does that mean, you know. He's saying like you pay the
10 ticket now. I said, well, will it show on my MVR? He said, I
11 don't know. And I said, well, I don't want to do that.

12 But he said -- talking to him, it's like, you know, he's
13 like, hey, this is what -- either you can come back and fight the
14 ticket in New Mexico -- I'm not flying way back to New Mexico.
15 But you're not -- it don't dawn on you that, you know, you can
16 send somebody to represent you back to New Mexico. It don't dawn
17 on you then. Because he not explaining to you because that's the
18 first time I ever had that. Most tickets is like -- it ain't like
19 I get a ticket every day.

20 Q. And so you just paid it and --

21 A. Well, yeah, after a period of time I paid it. But they
22 explained to me when I signed that little box on the bottom, I
23 gave away all my rights to fight the ticket.

24 Q. Yeah. What about the one --

25 A. And I didn't know that.

1 Q. What about the one in Kansas?

2 A. I just paid the ticket.

3 Q. Okay.

4 A. Because it wasn't nothing I could do. You know, he wasn't
5 going to listen to me.

6 Q. How about in your personal vehicle or a noncommercial
7 vehicle, have you ever gotten a ticket?

8 A. I never have, no, personally get no tickets.

9 Q. Have you ever gotten a DUI or --

10 A. No.

11 Q. -- anything like that? Ever had your license suspended?

12 A. No.

13 Q. Okay. You know, let's talk a little bit about your medical
14 information. And again, this is just some background that we
15 collect. How old are you right now?

16 A. Fifty.

17 Q. You're 50? And what's your current height and weight?

18 A. 6'2", 355 pounds.

19 Q. And you're currently medically certified to drive a CD
20 commercial vehicle, correct? Your DOT card?

21 A. Yeah, I got it. Yes.

22 Q. And how long is your certification for?

23 A. I think like 3 years, 2 to 3 years. I'm not sure.

24 Q. Were there any medical issues identified on your --

25 A. No.

- 1 Q. -- on your card?
- 2 A. No.
- 3 Q. Have you ever been screened for sleep apnea?
- 4 A. I was about to start the process in 2003 before I went to the
5 desert and -- but I never did get it done.
- 6 Q. Okay. So no one's ever told you you have sleep apnea?
- 7 A. No.
- 8 Q. Okay.
- 9 A. No.
- 10 Q. What size neck do you wear in a dress shirt?
- 11 A. I'm not sure. I'm not sure.
- 12 Q. What size shirt do you wear? If you're going to buy a shirt,
13 say, a button-up shirt, extra-large --
- 14 A. I'm not -- my wife is going to buy --
- 15 Q. -- double X, you don't know? Okay.
- 16 A. Yeah.
- 17 Q. Do you have any medical conditions?
- 18 A. No.
- 19 Q. Do you take any medication daily?
- 20 A. No.
- 21 Q. No? Do you see a doctor?
- 22 A. Yeah, when I have a problem, uh-huh. Yeah.
- 23 Q. What doctor would you see?
- 24 A. He got a funny name. (Indiscernible).
- 25 Q. I'm sorry, what is it?

1 A. I'm not sure. He got a funny name. I know that. It's hard
2 to, it's hard to know.

3 Q. Do you have medical insurance?

4 A. Through my wife, yes.

5 Q. Through your wife? And who's the insurance through?

6 A. Blue Cross-Blue Shield.

7 Q. And you obtained it in Georgia?

8 A. Yes.

9 Q. What city in Georgia?

10 A. I guess it's going to be in -- she work in Conyers, called
11 Conyers.

12 Q. Well, who does she work for?

13 A. Golden State Foods.

14 Q. Golden Estate Foods?

15 A. Golden State Foods.

16 Q. Golden State Foods.

17 A. Yes, sir.

18 Q. What's your wife's name?

19 A. Sharon Guilford.

20 Q. How do you sleep at night?

21 A. I sleep pretty good.

22 Q. You sleep pretty good? Have you ever had -- have to take
23 anything to help you sleep, fall asleep?

24 A. No.

25 Q. You wake up in the middle of the night or anything?

1 A. Take a leak in the middle of the night probably.

2 Q. How is it sleeping in the truck?

3 A. Great.

4 Q. Great?

5 A. Yeah.

6 Q. I'm going to show you your duty logs -- your logbook. And
7 I'm not questioning the veracity of it. I'm not even getting to
8 that. I'm just -- make sure I do understand. So these go back to
9 the 20th, I believe. So prior to the 20th, on the 19th, did you
10 drive at all?

11 A. I'm not sure.

12 Q. Okay. Maybe let's look at it this way. The 20th was last
13 Thursday, so last Wednesday?

14 A. I'm not sure.

15 Q. On Thursday the 20th you were in Texas. You took a break in
16 Texas. So where were you at before Texas?

17 A. I'm not sure. That was last week.

18 Q. Okay. According to your logbook, on the 20th, you went from
19 Texas and you were going to eventually Rancho Cucamonga. Do you
20 remember that trip at all? No?

21 A. That was this week. This week.

22 Q. Well, that was last week's. This is Sunday.

23 A. Sunday.

24 Q. Yeah. So last week.

25 A. (Indiscernible)

1 Q. Do you remember what you were delivering?

2 A. Cheese, cheese.

3 Q. I'm sorry?

4 A. I had two stops. Rancho Cucamonga and some other name. But
5 I picked that up in Louisiana.

6 Q. Okay. And --

7 A. Yeah. Had to deliver in Baton Rouge and I picked up in
8 Louisiana -- Louisiana, going to Rancho Cucamonga and then the
9 other one.

10 Q. So when you're working, when do you try to sleep? Do you try
11 to drive at night? Or do you try to --

12 A. I try to -- most of the time, I try to drive mostly at night
13 if I can.

14 Q. Okay.

15 A. It's more cooler and better for me. Because I try to get
16 plenty of sleep so I can drive at night.

17 Q. Um-hum.

18 A. We were driving daytime. I've mostly been driving daytime
19 and -- yeah.

20 Q. Do you -- so I see you have a cell phone. Is that the phone
21 I called you on earlier?

22 A. Yes, sir.

23 Q. Okay. Do you have a phone for the company?

24 A. No, sir, there's just that one.

25 Q. You just use that one? Okay.

1 And so on the day of the crash, when the crash happened,
2 where were you coming from?

3 A. I just left the truck stop.

4 Q. And where was the truck stop?

5 A. Exit 1, Flying J. I'm not sure the name. Berg, some berg --
6 Ehrenberg. I'm not sure.

7 Q. Okay.

8 A. I know it's Exit 1 at the Flying J on the --

9 Q. What state is that?

10 A. Arizona.

11 Q. Arizona?

12 A. Yes.

13 Q. Okay. And what highway is that on?

14 A. Ten.

15 Q. Ten? And what were you going to?

16 A. Well, my first stop I went to Cucamonga.

17 Q. Okay. So that's where you were going to?

18 A. Yeah. I had a 8:00 appointment. I left in plenty of time so
19 I could get there 2 hours early.

20 Q. And what were you delivering?

21 A. Cheese.

22 Q. Cheese? All right. I want to talk a little bit about the
23 crash. Tell me, just in your own words, tell me what happened in
24 the crash.

25 A. I looked to see the traffic moving. I put the truck -- I

1 press in the brake. I had both my trailer and my truck brake on.
2 And the next thing I know, boom, everything went black.

3 Q. Um-hum.

4 A. So I push back in the brake, I looked around, try to figure
5 out where I'm at. Trying to figure out what happened. Did I hit
6 somebody or -- I'm just, I'm in a daze. So I'm just listening.
7 So I regained consciousness and I look around trying to find my
8 phone so I can call somebody. So it's dark and I'm fumbling
9 around trying to find my phone. At the same time I'm still trying
10 to figure out what happened, what happened.

11 So at this time I see a car had stopped on the side of the
12 road. I guess they stopped to see what happened. So instead of
13 looking for cell, I grabbed my flashlight, I found that one. So
14 I'm looking down, I get my phone, I get my wallet. All right, so,
15 I thought, man -- I don't know, I'm still looking. Try to look in
16 front of me to see if there's anything in front of me. So I undo
17 my seatbelt. Steering wheel busted up. I move the steering
18 wheel, you know, around me. I open the door. I step out still
19 looking. I see a bunch of debris everywhere.

20 I look back, I see the bus. Oh, what the hell? I hear the
21 people hollering, screaming. I said, man. I went around the bus,
22 came up the other side, see people climbing out the window. So I
23 started to help them climb out the window. (Indiscernible) I
24 don't speak Spanish. They didn't know what I was saying. Come
25 on, I got you, I got you, I was telling the guy. I was shining a

1 light for the other guy because he looked like he was looking for
2 something inside. I was shining a light for him. And then he
3 reached at my light, you know, say, you know -- I guess he was
4 saying let me hold your light. So I gave it to him.

5 So he's standing there looking at me. So I started get this
6 guy out because he about the only one that really was trying to
7 get out the window because he was younger than the rest of them.
8 So we got him out. And at the time I think the paramedics are
9 coming and the police have arrived. So I went back and kind of
10 just got out of the way because wasn't nobody else trying to get
11 out. And I'm just looking. Oh, man. I still just don't believe
12 it, you know. I'm just --

13 Q. Well, let's talk about a few minutes before. How was
14 traffic? Describe traffic? Was it heavy? Was it medium?

15 A. Well, traffic was going good. I was (indiscernible) was
16 going good. Then all of a sudden, I see traffic slowing down
17 like, oh, man, was slowing down. So I seen a patrol car on the
18 right-hand side, so I'm -- at first I'm in the right-hand lane.
19 All right. I'm coming up. I see a state trooper car, so I say
20 I'm going to get over in this lane right now so when we go by, you
21 know, I gave him plenty of room.

22 Q. And what lane are you in?

23 A. Second to the right.

24 Q. Okay.

25 A. I moved from the all the way right to the second to the

1 right.

2 Q. Okay.

3 A. So I was -- you know, you're supposed to -- you see a police
4 car, we know to try to get over.

5 Q. How did you know it was a police car?

6 A. It was blue light flashing. I'm assuming it was -- he was
7 (indiscernible), but he was on up. I'm just getting ready to do
8 that.

9 Q. Yes. So how far ahead would you say he was when you first
10 saw him?

11 A. When I first started seeing him, I see the lights, I see
12 traffic slowing down, so I'm about -- probably about 5 miles back.
13 I'm starting to slow down, starting to get down. I turn my
14 caution lights on first to let them know, let somebody know behind
15 me that I was slowing up.

16 Q. So about how fast were you going at that time?

17 A. About -- at that time, I'm dropping down to about 40.

18 Q. Okay.

19 A. I'm doing about 40. You know, easy, slowing on down, slowing
20 on down. So once I seen the lights, I say, let me get in this
21 lane right here, you know. So I got in the second lane because I
22 was going to pass everybody. So I'm just (indiscernible). So
23 once I get down, you know, then I turned my caution lights on
24 because I'm down now. And I heard on the CB saying they got it
25 shut down. So I said, well, we're going to be here a while. So I

1 pull my brakes, and they're sitting down that way.

2 Q. Okay. So how long --

3 A. We sat there about 25, maybe 30 minutes, I guess.

4 Q. So you had been stopped for about 25 minutes?

5 A. Yeah, about 25, 30 minutes. So I see the traffic taking off,
6 so when the traffic start taking off, I pressed in the brake, my
7 tractor-trailer brake. Next thing I know, boom.

8 Q. So traffic started -- and I'm just trying to be clear. So
9 traffic started moving ahead?

10 A. Yeah.

11 Q. And you said you released your brakes?

12 A. Yeah, I pressed my right foot -- left foot on the brake.

13 Q. Okay.

14 A. And then I pressed it in. You know what I'm saying?

15 Q. Okay. And I assume you had to put it in gear?

16 A. Yeah. So I pressed in the clutch. And --

17 Q. About how far -- how fast had you got --

18 A. I didn't get nowhere.

19 Q. Okay.

20 A. Just slammed there.

21 Q. Okay.

22 A. So I had worry -- once it -- that's why I was looking around
23 to see if I hit anybody. Because, you know, like once it hit, I
24 put my foot on the brake like that. So I got my foot on the brake
25 so I pushed back in on the brake and pulled it back out.

1 Everything happened so so fast.

2 Q. So other traffic began moving --

3 A. Yeah.

4 Q. -- before you did?

5 A. Yeah.

6 Q. How much further ahead had they gotten before you finally got
7 your brakes released? I mean, were they up on you? Were they --

8 A. No, they -- it was, it was going about 25 -- about 10, 25
9 feet. Somewhere like that.

10 Q. After you got hit, did you apply the brakes? Did you set the
11 parking again? Did you steer?

12 A. I set the parking brakes again.

13 Q. Okay. And your lights, they were on, right?

14 A. They was on.

15 Q. Your flasher was still on?

16 A. No, I had cut them on and then when I stopped --

17 Q. Okay.

18 A. -- I cut them off.

19 Q. Okay, so when you --

20 A. But everything else was on. All my other lights was on.

21 Q. Okay. So when you -- once traffic had stopped, you was like
22 let me cut the hazard lights --

23 A. Flasher -- the hazard lights off, yeah.

24 Q. Okay.

25 A. And I pulled the brakes out, yeah.

1 Q. And you have a CB, you say you have a CB in your truck,
2 right?

3 A. Yes, sir. That's when I heard, they said they shut it down.
4 You know, you going to -- somebody said it's going to be a while,
5 you know what I'm saying. So I said, well, we're going to be
6 here, we're going to be a while.

7 Q. So the only thing that's not clear -- so you said that you
8 stopped, you set the brake, and you had been sitting there for a
9 while.

10 A. Yeah.

11 Q. Was nobody behind you?

12 A. I'm not sure. I don't know. I just know I'm just looking,
13 you know, in front and as I start to pull out, then I pushed in
14 the brake, put in the clutch, get ready to put it in gear and,
15 boom, like a -- I applied my brake and I pull them back out again.

16 Q. Just a couple issues I want to touch on. Fuel, how do you
17 fuel your vehicle?

18 A. Hmm?

19 Q. Fuel. How do you pay for fuel on the road?

20 A. Card. We got a EFS card.

21 Q. Okay. You have it with you?

22 A. No, it's in the truck.

23 Q. Okay. What kind of card is it?

24 A. I think an EFS, EFS.

25 Q. What color is it?

1 A. Like an orange and white -- orange and beige, white, red.
2 Something, I don't know.

3 Q. And --

4 A. I left it in the truck.

5 Q. Do you ever talk on your phone while you're driving? Use a
6 headset or anything like that?

7 A. I got a headset. It's just dead now. I normally have a
8 headset.

9 Q. What is it, one of those wireless ones?

10 A. Yeah. Wireless headset.

11 Q. And when was the last time you checked the lights on your
12 trailer?

13 A. I checked it before I left.

14 Q. Before you left where?

15 A. The truck stop. I did a walk-around.

16 Q. And what truck stop was that?

17 A. The Flying J.

18 Q. Flying J? And that was the one in Arizona, right?

19 A. Yeah.

20 MR. BRAGG: Okay. Do you have anything?

21 BY OFFICER ISBISTER:

22 Q. Just so I can understand things. You said you came
23 through -- everything was fine going through the desert --

24 A. Yeah.

25 Q. -- and you got into the --

1 A. We came -- well, on the way there we ran -- what's it called
2 -- construction there (Indiscernible) but we passed right through
3 that. Everything was going good.

4 Q. Okay. And then you came through town and then traffic
5 started slowing down or traffic started building up?

6 A. Well, I'm looking -- I was looking way ahead, so --

7 Q. Yeah.

8 A. They already had stopped. So --

9 Q. Okay.

10 A. And other traffic coming up, they -- you know what I'm
11 saying, they flying past me, but I'm, you know, I'm slowing up --

12 Q. Sure. Sure.

13 A. -- because I know it take a while, you know.

14 Q. Yeah.

15 A. So when I come up on it, you know, I turn my caution lights
16 on to let somebody know there is something up ahead.

17 Q. Yeah.

18 A. And once I got there, I mean, I cut my caution lights off.

19 Q. Okay. Okay. And then when you were stopped, did you notice
20 if there were cars piled up in the lanes beside you? You were in
21 the second lane over?

22 A. Yeah, second lane.

23 Q. Did you notice if there were cars on either side of you or --

24 A. I want to say there was a couple cars on the left. I don't
25 know.

1 Q. Okay.

2 A. But it might have had -- went to the right because I guess
3 they seen I was getting in the second lane, so --

4 Q. Okay.

5 A. Yeah, they give -- they gave that lane up.

6 MR. BRAGG: So traffic was moving to the left to get to the
7 right lane?

8 MR. GUILFORD: Well, I don't know about that, but that left
9 lane was empty, you know what I'm saying, as far as up to that
10 car, you know.

11 BY OFFICER ISBISTER:

12 Q. Okay. Do you know how many trailers the company has?

13 A. No.

14 Q. Do they have other trailers --

15 A. Yes.

16 Q. -- besides the one you were --

17 A. Yes, yes.

18 Q. Okay.

19 A. Yes, they maybe have -- I want to say about 10.

20 Q. Okay. Are they all marked the same? You know, do they all
21 have the same light setups and that kind of thing, do you know?

22 A. I'm not sure.

23 Q. Okay. And then you were able to get out of the truck by
24 yourself?

25 A. Yes.

1 Q. No one helped you out?

2 A. Yes.

3 Q. Did you put the seat back or did the seat break?

4 A. No, the seat broke.

5 Q. It broke?

6 A. Yeah.

7 Q. Okay.

8 A. Because when the officer, when he came up to me, he said, was
9 you asleep? I said, no. He said, I seen your seat laid back.

10 Q. Yeah.

11 A. I said the seat broke.

12 Q. Okay.

13 A. You know, because it had me -- you know, and I got bruises
14 around my waist where the --

15 Q. The belt?

16 A. Yeah, it tightened up because --

17 Q. Okay.

18 A. -- I didn't know I had that till I got to the hospital and I
19 was feeling around --

20 Q. Why does it hurt?

21 A. Yeah. I don't remember nothing about that. You know, I
22 don't, I don't remember this. You know what I'm saying? I
23 don't, I don't remember this. But when I went -- when he asked me
24 for my registration, you know, I don't think of the seat, you
25 know, seat (indiscernible) because I keep it behind the pocket.

1 But now I got to reach way back here. I'm like, whoa, what
2 happened? So I turned around, the seat broke. All the, you know,
3 laying back, you know.

4 Q. Okay.

5 A. So I had to pick this up to get the registration for him.

6 Q. Yeah. Okay.

7 A. Yeah.

8 Q. I think that's everything. Cars in front of you had started
9 moving but they were still pretty close?

10 A. Yeah, they -- well, they had started getting on out there.
11 Yeah.

12 Q. Okay.

13 A. My truck, it don't -- you know, I ain't one try to take off
14 really fast.

15 Q. Right. Right.

16 A. I just, baby it. You know.

17 Q. But you weren't even in gear yet, right? You were just
18 getting ready to put it in gear?

19 A. I was just getting ready to put it in gear, yeah.

20 OFFICER ISBISTER: Okay. I think that's everything I need.

21 MR. BRAGG: Okay. Me too. So the time is 3:53 and we'll
22 conclude the interview. Thank you for your assistance.

23 (Whereupon, at 3:53 p.m., the interview was concluded.)

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: TOUR BUS COLLISION WITH SEMI-TRUCK
 ON INTERSTATE 10 NEAR DESERT HOT
 SPRINGS, CALIFORNIA ON
 OCTOBER 23, 2016
 Interview of Bruce Guilford

DOCKET NUMBER: HWY17MH005

PLACE:

DATE: October 25, 2016

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.

Tracy L. Meyer
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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TOUR BUS COLLISION WITH SEMI-TRUCK
ON INTERSTATE 10 NEAR DESERT HOT
SPRINGS, CALIFORNIA ON
OCTOBER 23, 2016

Accident No.: HWY17MH005

* * * * *

Interview of: BRUCE GUILFORD

Tuesday,
January 17, 2017

APPEARANCES:

KENNETH BRAGG, Highway Accident Investigator
National Transportation Safety Board

SCOTT PARENT, Investigator
California Highway Patrol Multi-Disciplinary
Accident Investigation Team

BRIAN GUNN, Esq.
Wolfe and Wyman, LLP
(On behalf of Mr. Guilford and Tristate)

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I N T E R V I E W

(11:00 a.m.)

1
2
3 MR. BRAGG: Okay. Today is Tuesday, January 17th. It's
4 about 11:00 a.m. and my name is Kenny Bragg. I'm an investigator
5 from the Office of Highway Safety with the National Transportation
6 Safety Board.

7 I'm going to go around the table, starting to my left, and
8 have everyone introduce themselves. Please state clearly and
9 spell your last name please.

10 MR. GUNN: My name is Brian Gunn, G-u-n-n. I'm from the law
11 firm of Wolf and Wyman. I'm defense counsel for Tri-State and
12 Bruce Guilford.

13 MR. GUILFORD: I'm Bruce Guilford, G-u-i-l-f-o-r-d.

14 MR. PARENT: I'm investigator Scott Parent with the
15 California Highway Patrol Multidisciplinary Accident Investigation
16 Team. It's P-a-r-e-n-t.

INTERVIEW OF BRUCE GUILFORD

17
18 BY MR. BRAGG:

19 Q. Okay. Bruce, if we could just -- we're going to talk about
20 the crash which took place in Palm Springs, California, and I'm
21 just going to ask you a few follow-up questions. Let me start off
22 by asking you, how familiar were you to that area? Have you
23 driven that route before?

24 A. Only about twice.

25 Q. About twice?

1 A. Twice maybe.

2 Q. And so when would that -- when would you have driven them?
3 Because you only started working for the company --

4 A. That month.

5 Q. -- that month. So --

6 A. About a week, I'd say about the week before.

7 Q. Week before. And did you travel along that same stretch of
8 roadway?

9 A. Yes, sir.

10 Q. And was it about that same time of day or was it different
11 times?

12 A. I'm not sure.

13 Q. You're not sure. Okay. Had you ever experienced a break in
14 traffic like that where they, where police or someone stopped
15 traffic while you were traveling?

16 A. Yeah.

17 Q. You experienced that before?

18 A. Yes.

19 Q. So what was your experience with that, with the traffic break
20 on this occasion?

21 A. Experience by -- what you mean?

22 Q. I mean, tell me -- just go ahead and describe to me what
23 happened when you came up to the traffic.

24 A. Just before I got to the traffic, I heard on the radio that
25 they was -- they shut down the highway for I don't know what

1 reason. And I turned my caution lights on to let anybody who's
2 coming up behind me, let them know that they need to start slowing
3 up. And when I got to the actual stop, I turned my caution lights
4 on -- I mean, cut them off and just waited for the traffic to
5 move. And once the traffic start moving, you know, I kind of
6 hesitate because I didn't want to keep just, you know, hopping. I
7 just waited about -- till the traffic got about a truck and
8 trailer, about over a half a truck, trailer and a half --

9 Q. Okay.

10 A. -- before I moved up. Try to move up.

11 Q. How many cars were in front of you when you stopped?

12 A. I'm not sure how many I could say.

13 Q. I mean, was it 2? Was it 30? I mean, was it a long line?

14 A. It was a -- it's a long line of --

15 Q. Long line of traffic? And that was all three lanes were
16 stopped?

17 A. Yes.

18 Q. Could you see any police vehicles ahead of you?

19 A. I seen a vehicle on the side of the road, at least about a
20 half a mile up on the right-hand shoulder.

21 Q. And you said you only saw one?

22 A. Yes.

23 Q. What did you think when you saw the car? Did you think it
24 was an accident? Did you -- you just didn't know or --

25 A. I didn't know. I just -- just typical stop, I guess. I just

1 know they had the (indiscernible) shut down, so --

2 Q. Okay. Now a little bit about your driving background. The
3 last interview you said that you were -- you began driving trucks
4 when you were in the military; is that correct?

5 A. Yeah. I started in the military, but I own my own truck and
6 I bought my own truck in '04, so --

7 Q. And that was after or before the military?

8 A. After.

9 Q. After?

10 A. Yeah. Well, in the military, we didn't have to have them,
11 you know.

12 Q. Yeah, you didn't have -- yeah. How many -- you just had the
13 one truck?

14 A. Yeah.

15 Q. Were you the only driver?

16 A. Yeah.

17 Q. And what kind of truck was that?

18 A. A Peterbilt.

19 Q. A Peterbilt. Is that the only truck you --

20 A. The first, the first truck I had was a Kenworth T600.

21 Q. Okay.

22 A. Yeah.

23 Q. And what was the name of the company?

24 A. Sunco. Sunco Carriers.

25 Q. Sunco Carriers?

1 A. Yeah. Sunco, S-u-n-c-o.

2 Q. Did you ever work for a company called Guilford Family
3 Trucking?

4 A. That's my company. That's me.

5 Q. Okay, that's you?

6 A. Yeah.

7 Q. Okay. So did you -- do you still have that company formed?

8 A. Yes.

9 Q. Okay. And you have your own DOT number and all that stuff?

10 A. I got my -- not DOT number. I got my N number.

11 Q. N number?

12 A. N number.

13 Q. Okay. How about Straight Shot Trucking?

14 A. That's what the company was at first, when it was with Sunco.
15 Then it was Guilford Family Trucking.

16 Q. Okay. So it was Straight Shot, then Sunco --

17 A. Yeah -- no. It was Straight Shot and then Guilford Family
18 Trucking. That's all me.

19 Q. Okay.

20 A. That's my company, individual company.

21 Q. Okay. And when did you stop driving for this company?

22 A. No, this is me. This is my company name.

23 Q. Okay.

24 A. Yeah.

25 Q. But you don't have trucks anymore, right?

1 A. No.

2 Q. Okay. So when did you first get your CDL?

3 A. I'm not sure. With FedEx. I got it with FedEx, in-house
4 trainer. I'm not familiar -- I'm not sure what year.

5 Q. So by in-house, you mean they hired you without a CDL?

6 A. Yeah. They hired me and then I did training through FedEx.

7 Q. Okay. And what city is that?

8 A. Conley. Conley, Georgia.

9 Q. And do you remember how long the training was?

10 A. I'm not sure. I'm not sure. Been a long time.

11 Q. Now, did the company test you or did they send you to DMV?

12 A. Well, we did the written part at FedEx and then we went to
13 DMV to take a road check.

14 Q. Okay. Got you.

15 A. Yeah.

16 Q. And let's talk a little bit about your medical history. Have
17 you ever had any serious medical conditions?

18 A. No.

19 Q. You never had a hospital stay?

20 A. Uh-uh.

21 Q. When was the last time you had a physical?

22 A. When did they -- I want to say last week I just had my DOT
23 physical, on the --

24 Q. Where did you go for your DOT physical?

25 A. Right there on Moreland Avenue, 24/7.

1 Q. I mean, what is that? I mean --

2 A. That's a -- that's what they call it.

3 Q. Is it a truck --

4 A. Physical place.

5 Q. Is it a truck stop or --

6 A. No, it's a -- where they do physicals, I guess, the only
7 thing I know.

8 Q. Okay.

9 A. 24/7. That's the name of the facility.

10 Q. Is that the first time you've been to this place?

11 A. Yes.

12 Q. Who is your primary care physician?

13 A. It's a doctor in Conyers. He got a funny name. I don't
14 really know his name.

15 Q. Well, after this interview is over, could you maybe call your
16 wife or could you find out for me?

17 A. No, I got it in my wallet. I just don't have my wallet on me
18 right now.

19 Q. Where's your wallet?

20 A. In the truck, my pickup truck.

21 Q. So you can get it to me after the interview?

22 A. Yeah. Uh-huh.

23 Q. Okay. All right. Great.

24 A. No problem.

25 Q. So -- and I believe I asked you this the last time. Have you

1 ever had a sleep study?

2 A. No, I had one started, but never finished it --

3 Q. So you did start --

4 A. -- before I went in the military.

5 Q. Before you went in the military?

6 A. Yeah. Uh-huh.

7 Q. And when did you go in the military?

8 A. Oh, before I went overseas in the military. I'm sorry.

9 Q. Okay. And what year would that be?

10 A. I don't know -- I want to say '02.

11 Q. Do you know what a sleep study is?

12 A. Sir?

13 Q. Do you know what a sleep study is, what it's for?

14 A. Yeah, to see if you got sleep apnea, I guess.

15 Q. Yeah. What's --

16 A. But I had no trouble.

17 Q. What size shirt do you wear? Dress shirt?

18 A. I'm not sure.

19 Q. Double X --

20 A. My wife buy my clothes.

21 Q. Double X, triple X?

22 A. 5X.

23 Q. You (indiscernible) 5X? You ever had anybody neck

24 circumference?

25 A. Once.

1 Q. And what was it?

2 A. Twenty-two.

3 Q. It was 22? How long ago was that?

4 A. It been a long time.

5 Q. And you do currently have medical insurance, correct?

6 A. Yeah, on my wife, on with my wife.

7 Q. Have you considered having a sleep study done?

8 A. Not really.

9 Q. Would you have one done?

10 MR. GUNN: If you're asking him to, I mean, to have one done
11 for you guys, or --

12 MR. BRAGG: Well --

13 MR. GUNN: Or do you just mean for his own personal --

14 MR. BRAGG: Well, I mean, we'd like to -- we'd like the
15 information from the sleep study and we're willing to, we're
16 willing to pay for the diagnosis, not the treatment.

17 MR. GUNN: I don't know that he's obligated to submit to
18 medical testing.

19 MR. PARENT: No, he's --

20 MR. GUNN: But let me chew on that. I'm not saying no --

21 MR. BRAGG: Okay.

22 MR. GUNN: -- right now, but I don't want him to promise yes
23 or no --

24 MR. BRAGG: Okay.

25 MR. GUNN: -- in the context of this interview.

1 MR. BRAGG: Yeah. And no, he's not -- he's absolutely not
2 obligated.

3 MR. GUNN: Okay.

4 MR. BRAGG: And the reason we're asking, we have reason to
5 believe that maybe he is -- he does have sleep apnea, and we'll
6 talk about that a little bit later, so --

7 MR. GUNN: Okay. Sure.

8 MR. BRAGG: All right.

9 BY MR. BRAGG:

10 Q. And this medical exam that you just got, how long was the
11 certificate for?

12 A. Two years.

13 Q. You got a 2-year certification?

14 A. Yes.

15 Q. Are you currently taking any medication?

16 A. No.

17 Q. Have you ever been prescribed medication before?

18 A. Yeah. After the accident they gave me --

19 Q. What did -- and where did you go get the prescriptions
20 filled? What pharmacy?

21 A. Publix.

22 Q. Publix?

23 A. Uh-huh.

24 Q. Is that where you normally go?

25 A. Yeah. That's the closest to the house.

1 Q. So that's here in Carrollton (ph.)?

2 A. Carrollton, yes.

3 MR. BRAGG: Okay. Okay. That's all I have right now.

4 BY MR. PARENT:

5 Q. How you doing, Mr. Guilford? How would you classify your
6 general state of health?

7 A. Pretty good, not -- pretty good.

8 Q. Have you ever been diagnosed with a medical condition that
9 would affect your ability to operate a motor vehicle?

10 A. No.

11 Q. When you went to that last exam at -- was it 24/7, is what
12 it's called?

13 A. Yes.

14 Q. And where did you say that was?

15 A. In Conley, Conley, Georgia.

16 Q. What is it?

17 A. Conley.

18 Q. Conley?

19 A. C-o-n-l-e-y.

20 Q. And you said it was on Moreland Avenue?

21 A. Yeah, on Moreland.

22 Q. What did you -- as part of that exam, what went down? What
23 did you do?

24 A. Well, he got a urine test to make sure I don't have no -- you
25 know, a trigger or nothing, or blood -- they checked everything,

1 from a hernia and -- just a number of things. I don't -- you
2 know.

3 Q. Did they check your eyesight and all that stuff?

4 A. Yeah. Uh-huh.

5 Q. Did they give any recommendations during that exam?

6 A. No, they just told me -- my blood pressure was a little high,
7 but she said that's probably because I had worked the night, that
8 night.

9 Q. Okay.

10 A. I came, you know, she says long as, you know, long as I got a
11 reason, you know, she didn't see no problem.

12 Q. And they didn't recommend a sleep apnea test or anything like
13 that? I know a lot of times if, you know, if they --

14 A. No.

15 Q. -- if they think that you might need to get a sleep apnea
16 test, with the commercial drivers a lot of times they'll --
17 that'll be one of their recommendations. Was that --

18 A. Well, she never recommended it. I mean --

19 Q. Okay. So the doctor was a female?

20 A. Yes. Yes.

21 Q. Okay. And your blood sugar and all that stuff was good?

22 A. Yes.

23 Q. Would you be willing to sign an authorization to me just so I
24 can get those records?

25 MR. GUNN: Bruce, you want to chew on it after the interview?

1 MR. GUILFORD: Yeah.

2 MR. GUNN: And, I don't know, we can talk about it.

3 MR. GUILFORD: Okay.

4 MR. GUNN: Yeah.

5 MR. PARENT: All right. I'm going to talk --

6 MR. GUNN: And again, I'm not saying no, but I --

7 MR. PARENT: Yeah.

8 MR. GUNN: -- there's a lot of considerations I want to
9 discuss with him.

10 MR. PARENT: Sure.

11 BY MR. PARENT:

12 Q. I'm going to talk about your familiarity with the vehicle
13 that you were driving, the International ProStar. How long had
14 you been driving that before the crash?

15 A. About a month.

16 Q. About a month?

17 A. Yeah, the same one.

18 Q. Okay. And then you said your formal training for truck
19 driving was at FedEx?

20 A. Yes.

21 Q. But you were a truck driver in the military?

22 A. Yes.

23 Q. Did you go through any type of training in the military to
24 get certified to drive vehicles, you know, large vehicles in the
25 military?

1 A. Yes, we went to Fort Leonard Wood, Missouri, to do the
2 training up there.

3 Q. Okay. So you were in the Army?

4 A. Yeah. Well, Reserve.

5 Q. Okay. What kind of trucks did you drive in the Army?

6 A. I'm not sure the name. I used to know the name by heart,
7 but --

8 Q. Was it truck tractors like you're driving out here or --

9 A. Yeah, it was a tractor trailer. It was just they have a
10 different name than --

11 Q. Okay. But it was similar to the --

12 A. Like it ain't like, no -- it ain't name like no Peterbilt or
13 Freightliners. I forgot the name. But it's the same, same setup.

14 Q. Okay.

15 A. You know, yeah.

16 Q. What type of driving was it? Was it long-haul driving or was
17 it short, short haul?

18 A. Well, in summertime, you know, because like I say, I
19 reservist in the summertime, you know, the 2 weeks out of the
20 year, you know, we go and take them out.

21 Q. Okay.

22 A. Yeah.

23 Q. And then you said you went overseas?

24 A. On a flatbed. Yeah, I've been overseas quite a few times.

25 Q. Where at?

1 A. Desert Storm and the last war in '02. I stayed over in '02,
2 '04.

3 Q. And what was your capacity over there? Driving trucks or --

4 A. Well, it was more like a -- well, I drove, like escorted
5 people around, so --

6 Q. Okay. What's your -- okay, I'm in the Navy, so we have
7 ranks. I'm not sure what is in the Army. MOS's, I don't know.
8 What was your --

9 A. 88-Mike.

10 Q. What was it?

11 A. It's 88-Mike in the --

12 Q. 88-Mike?

13 A. Yeah.

14 Q. Okay. And that was a truck driver?

15 A. Yeah.

16 Q. Okay. So would you say that you were pretty familiar with
17 the truck that you were driving out to California?

18 A. Pretty, pretty much, yeah.

19 Q. Was it a nice truck?

20 A. Yes. Yeah, real nice.

21 Q. And you say you've been driving that specific truck for about
22 a month?

23 A. Yes, for a month.

24 Q. Talking about the trailer brakes and the parking brakes on
25 the tractor. How do those work? Like if you were to set your

1 parking brake or your trailer brakes?

2 A. I pull out, I pull them out. That's in tractor and trailer.

3 Q. Okay.

4 A. You push them in to engage. I mean, you know, let loose.

5 Q. And when you engage the brakes, do you know which wheels
6 lock?

7 A. On the --

8 Q. On the tractor?

9 A. Yeah. The rear.

10 Q. Both rears or just one rear?

11 A. Just one. Unless you got the differentials locked in, then
12 both of them.

13 Q. Did you have the differential locked in?

14 A. No. Because that's for, like, when you get stuck.

15 Q. Okay. And forgive me, because I'm not a truck driver. I'm
16 not, you know, so I'm relying on you to explain to me how these
17 things work.

18 A. Differential is like, like (indiscernible) when you get stuck
19 in a situation like sand or something like that, you want
20 everything to move.

21 Q. Okay.

22 A. So you lock in your differential and let the other, other
23 gear kick in so both of them move. Normally you'll have just one
24 set of tires that are doing all the pulling. That's the rear.

25 Q. Okay. And that's -- so if we were to look at axel numbers,

1 front being number one --

2 A. Yeah --

3 Q. -- number two, it would be number three axel would be the one
4 that's locked with the --

5 A. If you, if your steering is number one, then your front
6 driver, number two; then your third will be locked down.

7 Q. Okay. So the third axel would be locked, but the second
8 would not?

9 A. Right.

10 Q. And how about the trailer?

11 A. The trailer is going to be -- I'm not sure about the trailer.
12 I just really know about the truck.

13 Q. And how about the lighting on the truck; how does that work?
14 Is there -- and I'm specifically talking about headlamps, running
15 lamps. Are there two different switches? Is there one switch?

16 A. Yeah, you got different -- different trucks have different
17 switches and you got the main switch that it flips on all the, all
18 the headlights and everything. Then you got your other switch,
19 like, what we call the thank you switch. Like you want to blink
20 your lights to let somebody know -- they flash their light and let
21 you over and you just show them a little thank you by flipping the
22 light. You have a little toggle switch, just flip your light and
23 everybody like -- you know, to let them know, say thank you, you
24 know --

25 Q. Okay.

1 A. -- when you get over.

2 Q. Now you're talking about generally in trucks. How about
3 specifically with this truck that you were driving? How were the
4 lighting systems set up in that particular truck that you were
5 driving that was involved in the crash?

6 A. I'm not sure. It been a while.

7 Q. Was there one switch? Was there that separate thank you
8 switch that you were just talking about?

9 A. You got a separate switch, yeah, for that. I'm just trying
10 to, I'm trying to remember which was -- I been driving another,
11 another truck now.

12 Q. So when you get into the truck, does it have an automatic
13 mode on it? You know, like some cars you can switch that to
14 automatic and, you know, right when that sensor senses nighttime,
15 it's automatically going to turn the lights on?

16 A. No. No. I think them lights stay on all the time. I'm not
17 sure. That's a '15, you know, '15 -- you have running lights all
18 the time on the '15. I think that's standard for all new trucks.
19 Because it's been a while since I've been in that truck, so --

20 Q. Okay. So are there -- so was there only one switch for
21 headlamps and running lamps? And when I say that, I'm talking
22 about the running lamps on the trailer as well.

23 A. Well, once you hook up the pigtail to the trailer, you know,
24 once you hit the switch, all the lights are going to come on.

25 Q. Okay. So when you started driving that morning, did you flip

1 the switch to turn the lights on?

2 A. Everything was on, yeah. I went walking around, checked
3 everything like I normally do.

4 Q. Okay. So --

5 A. Everything was fine.

6 Q. -- every single light on that truck was functioning at the
7 time --

8 A. At the time, yeah.

9 Q. -- you did your pre-trip inspection?

10 So to your knowledge, was there anything mechanically wrong
11 with that truck on any of the trips that you've ever taken,
12 whether it be locally or cross-country? Have you ever noticed
13 anything mechanically unsound about that truck or trailer?

14 A. I'm not sure about the trailer, because we swap trailers from
15 time to time. But that truck, it was pretty sound, pretty good
16 truck, yeah.

17 Q. No issues with the steering, the brakes --

18 A. No.

19 Q. -- the acceleration of the truck?

20 A. No.

21 Q. Okay. And then you mentioned that that trailer is not the
22 only trailer --

23 A. But when we come in, they get serviced, so, you know --
24 looked in the service bay.

25 Q. When you go in where? To --

1 A. Right to the terminal.

2 Q. The terminal?

3 A. Yeah.

4 Q. Does Tri-State Collision own other trailers besides that one
5 then?

6 A. Yes.

7 Q. Okay. Had you pulled that trailer before, that specific
8 trailer?

9 A. I'm not sure. I don't know. I'm not sure.

10 Q. Okay. How many miles would you estimate that you drive in 1
11 month?

12 A. I'm not sure. I couldn't tell you.

13 Q. And I know you've already been through one initial interview,
14 so if some of the questions I ask are repeats, I apologize for
15 that in advance. But what I want you to -- what we want to do now
16 is go back to the events leading up to the collision itself. And
17 I know it's been a few months since the collision and you might
18 not know everything. But to the best of your recollection, what I
19 want you to do is describe in detail all the events leading up to
20 the collision, the collision itself, and anything you did after
21 the collision. And I want you to be as specific as you can when
22 you're detailing those facts.

23 A. Well, where do you want to start at?

24 Q. So let's start in Ehrenburg when you left.

25 A. I got up that morning, fixed me up a couple sandwiches and I

1 ate the sandwiches, and -- first I put on my clothes, of course.
2 Made a couple of sandwiches, peanut butter and jelly sandwiches,
3 and drank some water. Got up, went around to check -- turn my
4 caution lights on, walked around the truck and make sure
5 everything good, hit the tires, make sure the air was properly --
6 and just went on my daily checks, pre-check, and waited for the
7 right time. Then I caught my logbook up and everything, and took
8 off.

9 I ran into a little construction on the way. Had one side of
10 the road shut down, like, two-lane road. Had -- they were saying
11 there's going to be (indiscernible) shut down. So went around
12 that, went on up. And as I got closer to the (indiscernible), you
13 know, I heard on the CB somebody saying up ahead there's a backup.
14 So, okay. So I started looking for, looking for it.

15 As I got closer, I turn my caution lights on so I can warn
16 anybody that, you know, that we are starting to slow down, let
17 them know. So when I got to the backup, I cut my caution lights
18 on and just sat down and waited for the traffic to move. And
19 after I get on up, because I don't like just keep inching up. So
20 I let it ease on up.

21 And just when I hit -- I pushed in my brakes on my truck and
22 trailer to release them, boom, I get hit. So it put me in like a
23 little daze. I'm holding on and I got my foot pressed down hard
24 on the brake and I hold on and it kind of like lift me up out of
25 the seat. So I'm about to hit my head on something. I had like a

1 -- so I'm like in a daze, but first thing I do, I reach over there
2 and pull the brakes back out to lock everything down, and I'm
3 still trying to figure out what's going on, looking around.

4 So I see debris flying and then I know -- I seen a car had
5 stopped and I was looking at the car and stuff. So now I start to
6 look down, look around and seek out, find my phone so I can
7 make -- find out, once I find out what's going on, I can make some
8 calls. I look for my phone and I found it. I look for my wallet.
9 And obviously I disconnected my seatbelt (indiscernible).

10 Climbed out the truck. I'm still looking around. That's
11 when I looked back there in the back and I seen that bus. Oh, my
12 God, you know. I heard people yelling and screaming. So when I
13 heard them, I put my phone (indiscernible), went back there and
14 see can I help them out. Went around the bus on the other side,
15 saw them trying to get out the bus. So I reached up and started
16 helping them, helping the ones that wanted to get out, get out the
17 bus.

18 And once I start doing that, I have a flashlight, so I hold
19 up the flashlight and try to see anybody else need any help. And
20 this guy, you know, he, he was looking for something. So he
21 reached for my flashlight, so I gave it to him. So he had my
22 flashlight. Well, nobody else trying to get out. By that time,
23 you know, time had went by -- I guess the fire department or
24 something had came. So he was telling me to get back, you know.
25 So I came got back, but I was still watching what's going on. And

1 they put the ladders on the, on the windows and everything to
2 climb up there. And so I just stayed back, you know.

3 Then I made a phone call to call, call Mark, my boss. I let
4 him know somebody hit me from behind. And he told me just, just,
5 you all right? He asked me was I all right. I said, yeah, I'm
6 all right, but I don't think some people in the bus made it, you
7 know. And he say, well, just stay calm and let me make some phone
8 calls, you know, and then I hung up with him. And he called back
9 later, asked me was I all right, was everybody all right, you
10 know. And that's what happened.

11 Q. Okay. So as you approached the location where the collision
12 eventually occurred, what first drew your attention? As you're
13 approaching this -- you had mentioned that there was an officer or
14 a patrol car that was up ahead with lights?

15 A. Yeah, it was about a half a mile up, you know, just looking
16 around, trying to see -- I'm really trying to see why we stopped,
17 you know, because, you know, on the radio you hear a lot of stuff
18 and you don't know. So I'm really trying to figure out, you know,
19 what's going on and why we're stopped, you know.

20 Q. Was that the only thing you saw? Were there other vehicles
21 braking ahead of you?

22 A. They was already -- no, they was already stopped.

23 Q. So would you classify -- like, as you're looking ahead on the
24 freeway, would you classify it as like a sea of brake lights as
25 you're coming up?

1 A. Right.

2 Q. So there were numerous vehicles that were already stopped
3 ahead of you?

4 A. Right.

5 Q. So it's safe to say that when you came to a stop, you were
6 almost kind of toward the back of the line of traffic?

7 A. Yeah. Right.

8 Q. And how far ahead would you say the beginning of that traffic
9 queue was?

10 A. I'm not sure. It was quite a ways up though. Because they
11 were past the trooper car and he was, he was like a half. So they
12 was a little bit farther than him.

13 Q. Okay.

14 A. Yeah.

15 Q. Were there cars in all of the lanes?

16 A. At the time, yes.

17 Q. Okay. So there's four lanes out there. All four lanes
18 had --

19 A. Yeah.

20 Q. -- had cars occupied in it?

21 A. Yeah.

22 Q. As you're approaching and you see this, which lane were you
23 in?

24 A. Well, I was in the, I was in the far right.

25 Q. Okay.

1 A. And as I come up, I get over to the next, next lane over,
2 because I seen the state trooper. So just in case the car
3 (indiscernible), I still give him his lane so he can travel in
4 just in case he want to pull up. So I get up from the far right
5 to the next to the right, you know, second to the right lane, and
6 I stayed right there.

7 Q. One thing I noticed when I was driving from the airport, I
8 see that you guys have a similar law out here as California does
9 as far as if you see an emergency vehicle on the shoulder --

10 A. Right. You try to get over.

11 Q. -- you're supposed to pull over?

12 A. Right.

13 Q. Was that in your mind as you were moving over?

14 A. Right. So I was getting over ahead of time, yes.

15 Q. Okay.

16 A. So once everything start going, I already gave him his right
17 of way --

18 Q. Right.

19 A. -- so I can keep on going.

20 Q. Okay. Was there any cars around you as you were coming to a
21 stop?

22 A. Not that I know of. I was, I was the last one -- I believe I
23 was the last one to stop.

24 Q. Were you looking in your mirrors or anything to see if there
25 were any other cars around?

1 A. Yeah, I was seeing -- I looked in the mirrors to make sure --
2 you know, because once I cut my caution lights off, make sure
3 ain't nobody, you know, coming up too fast or whatever. So I
4 looked in the mirror and seen cars starting to come, but I
5 couldn't tell you how many.

6 Q. Okay. You said you cut your flashers off. Was that like
7 when you came to a stop? Was it as you were coming to a stop?

8 A. Yeah.

9 Q. Or was this sometime after you came to a stop?

10 A. Just before I stop, I turned them, I turned them off, once I
11 seen everybody had got the message to slow down.

12 Q. Okay. So you hadn't, you hadn't turned them off -- or you
13 turned them off before you came to a stop?

14 A. Well --

15 Q. Or did I mishear that?

16 A. I'm trying to think. I'm not sure. I'm not sure.

17 Q. Okay.

18 A. Because I normally just, you know, like I say -- I'm not
19 sure.

20 Q. Would it be safe to say that if you didn't turn them off just
21 before you stopped, it was definitely soon after you stopped?

22 A. Yeah.

23 Q. Okay. And then once you stopped, what did you do?

24 A. Once I stopped? I was, I was looking, looking at the
25 traffic, still look around. I was looking at everything, trying

1 to see any indication on how long it going to be. Is the traffic
2 going to move or is it still, still or what, you know. I'm just
3 there with everybody else. Listen on the radio, trying to figure
4 out what kind of time frame we're looking at. Because most time,
5 the other side can kind of tell you if they're moving or, you
6 know, or is it temporary. Most of the time they'll, they'll let
7 you know.

8 Q. Did you observe other cars on the other side of the freeway
9 while you were stopped?

10 A. Yeah, I seen quite -- a few. Not that many coming past. I
11 was just really focusing on what's in front of me, just keeping an
12 eye on, you know, you know what I'm saying, trying to figure out,
13 you know, I can hear the chatter on how long it going to be. Is
14 it a wreck or what's going on.

15 Q. Okay. You had mentioned earlier that you set your parking
16 brakes. Did you set your parking brakes when you came to a stop?

17 A. Yeah. Yeah, I put my parking brakes on and I sat, you know,
18 because it going to be a while. I mean, nobody moving.

19 Q. Which parking brakes? Both? Tractor and trailer?

20 A. Both. Both, yes.

21 Q. Did you mess with the headlamps at all? I know sometimes,
22 you know, when truckers come up on stopped traffic, you're going
23 to be there for a while --

24 A. No. I never (indiscernible) --

25 Q. -- as a courtesy to the driver in front of them sometimes

1 they'll shut those headlamps off just to --

2 A. No. I let everything stay on. I have -- you know, my lights
3 weren't on bright or nothing, so, you know, everything good.

4 Q. Okay.

5 A. You know, even if, even if there was a car in front of me,
6 they're not going -- you know, so I'm good.

7 Q. Okay. Do you know if those headlamps turn off if you set a
8 parking brake while the truck is running?

9 A. I don't know -- I'm not sure. I don't think they do.

10 Q. Okay.

11 A. I'm not -- I couldn't tell you.

12 Q. Okay. So once you set that parking brake, all the lights
13 that were on while you were driving --

14 A. They stay on.

15 Q. -- were still on? Clearance lamps?

16 A. Right.

17 Q. Tail lamps?

18 A. Oh, yeah.

19 Q. Everything was good to go, right?

20 A. Everything still on, right.

21 Q. Okay. Once you set that parking brake, what did you do next?

22 A. Just sat there looking, listening. You know, I had the radio
23 playing a little bit. But everybody was just looking and
24 listening. The only thing they're going to let me know --
25 because, see, I was -- my intention was to get there an hour

1 early. You know what I'm saying? That way, you know, I left in
2 plenty enough time to get there a hour early. So, you know, I
3 wanted to keep that window because I had another stop.

4 Q. Now, when you say you get there an hour early, you're talking
5 about your destination where --

6 A. Yeah.

7 Q. -- you deliver your --

8 A. Well, my first stop, yeah.

9 Q. Okay. Which was in Rancho Cucamonga, correct?

10 A. Right. Um-hum.

11 Q. How long do you think you were stopped before the impact
12 occurred?

13 A. Time, pretty good time, 20 or 30 minutes had went by.

14 Q. Would it surprise you if I told you, you were only stopped
15 for about 2 minutes, maybe less? Would that surprise you?

16 A. Yeah. I'm not sure.

17 Q. It would surprise you or it would not?

18 A. It would surprise me.

19 Q. And then, as far as the traffic around you, you had mentioned
20 there were plenty of cars in front of you. Had you ever noticed
21 any cars pulling alongside of you to the right or left side or,
22 you know, as you're looking in your mirrors, did you see any cars
23 approaching from the rear?

24 A. I seen a few cars coming up from the rear.

25 Q. Okay. Do you know where those cars went? Did they go to

1 your side? Did they stay right behind you?

2 A. Yeah. A couple of them came up on the side and everything.

3 Q. Which side? Right or left?

4 A. The left. I don't think nobody -- I'm not sure about the
5 right, but I know the left, the far left lane they came.

6 Q. Okay. And then after the impact occurred, how long did it
7 take you before you got out of your truck?

8 A. It was about a minute. I'm not sure. Because I was like
9 stunned, trying to gather my thoughts, trying to find, you know --
10 once I got my phone and everything and got my headset and got out,
11 undid my seatbelt, I was feeling around my waist, you know, it was
12 hurting, burning, like it was on fire. And so I'm trying to put
13 two and two together. Only thing I could think of, the impact
14 must have pushed me and, you know, tightened my seatbelt and kind
15 of, you know -- so I'm kind of -- I'm hurting at the same time
16 when I'm getting out, at the same time listening to the people
17 hollering and screaming, so I'm not really focused on me. I'm
18 focusing on trying to help them.

19 Q. Okay. All right. Let's go into a little bit about your
20 knowledge of some of the laws regarding hours of service and such
21 in the logbooks. In your initial interview you talked about
22 training you received from Tri-State Collision and you talked
23 about how they want -- they went to do the laws and stuff. What
24 did you mean by that, like they want to do laws and stuff?

25 A. They want to do what?

1 Q. Did they train you regarding laws of hours of service and
2 logbook requirements, or did you learn that through FedEx?

3 A. Oh, I already had learned all that.

4 Q. Okay. So they didn't have to go anything over hours of
5 service? Because those things change. I mean, like those hours
6 of service change yearly. Do you get normal -- yearly updates on
7 those hours of service and any type of logbook requirement changes
8 that might occur?

9 A. Yeah. I would have -- not with them. I don't know, like I
10 said, I only been there a month. But the logs, I mean,
11 everything, hours of service don't change, so somebody -- you
12 know, employment change that stuff, you know what I'm saying. So
13 everything will pretty much stay the same, you know.

14 Q. So that's why I'm asking. You had said how they want to do
15 the laws and stuff was your response to a question about your
16 training that you received with Tri-State. What do you mean by
17 that, how they want to do the laws and stuff?

18 MR. GUNN: Do you have the question? It might put it in
19 context.

20 MR. PARENT: Yeah, I think I do.

21 MR. GUNN: All right. That reminds me. I did make a request
22 for that recording and I haven't received it yet.

23 MR. BRAGG: You didn't get it?

24 MR. GUNN: No.

25 MR. BRAGG: Okay.

1 MR. GUNN: Thank you.

2 BY MR. PARENT:

3 Q. Okay. So the question was: When you started with your
4 current employer, which was Tri-State Collision, did he put you
5 through any training?

6 "Yeah, he brought me through the procedures on how they want
7 to -- you know, how they want to do the laws stuff and trailers,
8 what to do for the trailers and turning on and off the trailer,
9 make sure they're on right temperature and stuff. Most stuff I
10 already knew."

11 So my specific question is about which laws and stuff did
12 they go over?

13 A. Laws as in l-a-w or logs?

14 Q. Law, like criminal laws and, like, legal code laws and --

15 A. I didn't say laws. I thought I said logs. I probably said
16 logs or something, you know, make sure everything filled out.

17 Q. Oh. Yeah, I mean, you very -- could've well said logs.

18 A. Yeah.

19 Q. It may not have been picked up on the --

20 A. Yeah.

21 Q. -- the recorder very well.

22 A. I thought I said logs.

23 MR. GUNN: It makes more sense. That makes more sense.

24 MR. PARENT: Yeah, that makes more sense --

25 MR. GUILFORD: Yeah.

1 MR. PARENT: -- to me if that's what you said.

2 MR. GUILFORD: Logs, yeah. Because I couldn't have said
3 laws. I said logs.

4 MR. PARENT: Okay. Logs.

5 MR. BRAGG: I think it was logs too.

6 MR. GUILFORD: I'm sorry about my accent.

7 BY MR. PARENT:

8 Q. Oh, no, that's -- nothing to apologize.

9 A. Yeah, I have a (indiscernible).

10 Q. That's why -- I just wanted -- that's some of the stuff that
11 I just want to clarify.

12 A. Yeah.

13 Q. Okay. So as it pertains to logbooks, can you explain some of
14 the laws that go with logbooks as a commercial driver?

15 A. Make sure everything filled out properly on your destination
16 and -- on the type that I have, your from and your to, make sure
17 they're filled out; your chart number, your manifest number on
18 there. And --

19 MR. GUNN: And Bruce, did you have one of those graphs you
20 had to fill out, draw a line?

21 MR. GUILFORD: Yeah, we had the graphs up there, but it like
22 two pages --

23 BY MR. PARENT:

24 Q. Would it help if I gave you your logbooks?

25 A. Yeah.

1 Q. Because I don't, I don't expect you to memorize exactly
2 what's on your logbooks --

3 A. Yeah.

4 Q. -- and what you need to fill out. Would it help you --

5 A. You going to give me back that case then, too?

6 Q. What's that?

7 A. Oh, man. I thought you brought the case.

8 Q. Which one?

9 A. The black case that it came in.

10 Q. Oh, no. I think that's still -- these are just copies of the
11 log.

12 A. Oh, this is (indiscernible).

13 MR. GUNN: Thank you.

14 BY MR. PARENT:

15 Q. And these logs cover, what, from 10/10, which I think really
16 is 10/09. I think that's just a --

17 A. Yeah.

18 Q. -- a writing error on your part with the date.

19 A. Yeah.

20 Q. But it's 10/09 up until the crash.

21 A. Yeah.

22 Q. So some of the requirements on the logbook that you know that
23 you're required to put on there?

24 A. Yeah, your trailer number and stuff; trailer, truck number.

25 And after, you know, went over everything.

1 Q. Are you aware that when you have a change of status in duty,
2 that you're supposed to log your city and state that you're in?
3 Were you aware that that's a federal regulation?

4 A. To my -- like when you, like when you sleeping in one state
5 like that --

6 Q. Let's say --

7 A. -- you know, a 10-hour break?

8 Q. Let's say you're driving.

9 A. Right.

10 Q. Okay. You're driving but you pull off to go get gas or
11 whatever. Okay. You now have a change in duty status there,
12 right --

13 A. Right.

14 Q. -- because you're no longer driving. You're now on duty, not
15 driving.

16 A. Right.

17 Q. So at that change of duty status, per the law, you're
18 required to put down the city and state --

19 A. Yeah.

20 Q. -- that that change of status occurs?

21 A. Yeah, you put down what you're doing and the city and state,
22 yeah.

23 Q. Okay.

24 A. Yeah.

25 Q. And you try to do that every time that your change of -- duty

1 status changes?

2 A. Any time you stop or any time, like you say, your duty status
3 change, you write down what you're doing and what state you was in
4 when you did it.

5 Q. Okay.

6 A. Like sleeping or whatever, you know.

7 Q. And obviously you're aware that those logbooks have to be
8 very accurate, right?

9 A. Yeah.

10 Q. Okay. Do you know what time zone you're supposed to be using
11 on those logs?

12 A. Your home base. Like I'm from -- I was -- my company is from
13 Alabama, you use Alabama time.

14 Q. Okay. And what's Alabama time?

15 A. Central.

16 Q. Okay.

17 A. Yeah.

18 Q. How about, can you explain to me the laws that you know, as
19 you know them, when it comes to hours of service as a commercial
20 truck driver?

21 A. You have 14 hours on duty, and even on dry level, and you got
22 to take a 30-minute break within the first 8 hours. But you got
23 to be more than -- more than 4 hours, at least more -- take the
24 30-minute breaks after the first 4 hours on up to 8 hours. You
25 got till 8 hours to take a 30-minute break.

1 Q. Okay. And when you say a break, what do you mean by that?

2 A. Well, now you're -- they require you to take a 30-minute
3 break. You know, you can't drive the straight 8 hours or straight
4 11 hours. You go to take a 30-minute break, and they want you to
5 take it before the eighth hour.

6 Q. Okay. So in other words, they don't want you to drive 9
7 hours before taking a break. They want you to take that 30-minute
8 break before the 8 hours?

9 A. They want you to take it before the 8 hours, yeah. Uh-huh.

10 Q. Okay. And how about -- are you aware of the 60/7 or the 70/8
11 rule?

12 A. The 70/80 -- I mean 70 --

13 Q. In other words --

14 A. -- hours a week?

15 Q. Correct. Seventy hours in 8 days?

16 A. Yeah.

17 Q. Is that what schedule you were on or what schedule did
18 Tri-State assign you? Was it the 70/8 or the 60/7?

19 A. Well, you -- when you're doing your logbook, you really, just
20 depending on how you work, you know, a 70-hour workweek at 10
21 hours a day, you know, 10-hour days, 70-hour workweek. And you
22 take a 34-hour restart at the end of that, you know. But if you,
23 if you get back before that and you take another 34, so your time
24 start over again. The 70 hours start over. You know, so every
25 time you take a 34-hour restart, everything starts over fresh.

1 Q. So, by law, you were only allowed to be on duty for 70 hours
2 and then you had to take a 34-hour reset?

3 A. Right.

4 Q. And that 34-hour reset, is that off duty? Is that in a
5 sleeper berth?

6 A. Off duty. Yeah, off duty or, as far as -- to my knowledge,
7 it can -- if you're stuck in your truck, as long as you're off
8 duty, you know.

9 Q. Okay. Did -- when you signed up with Tri-State Collision,
10 did they tell you that you were going to be on the 70-hour
11 workweek or the 60-hour workweek?

12 A. No. No.

13 Q. So that wasn't assigned?

14 A. No.

15 Q. Okay. And then you said -- how many hours can you drive in a
16 24-hour period?

17 A. You can only drive 11 hours a day, period.

18 Q. In a 24-hour period?

19 A. Twenty-four hour, yeah.

20 Q. Let's go over some of the activities leading up to the
21 collision. You had said that you made a trip out to California a
22 week before the crash?

23 A. Yeah, about a week before.

24 Q. Where was that trip from and to?

25 A. I'm not sure. I'm not --

1 Q. Well, you have you logbook there if you want to look at your
2 logbook to -- because these are accurate, correct? So these
3 should be where they were on these days, correct?

4 A. Yeah.

5 Q. Okay.

6 A. If I could see them.

7 Q. So it's very important that --

8 A. I'm not showing up.

9 Q. It's pretty light. You can kind of see it.

10 So I'm seeing, looks like probably on the 10th or the 9th, it
11 looks like you may have started your trip out to California. This
12 was the trip previous to the one that you were involved in the
13 crash.

14 A. Oh, (indiscernible).

15 Q. Okay. So if we start here, I start seeing movement. So you
16 got Tyler, Texas.

17 A. That was the week before?

18 Q. Yeah.

19 A. Yeah, I --

20 Q. This is on the 10th. So on the 10th. And then you go to
21 Odessa, Texas. And then on the 11th you're in Quartzite, Arizona.

22 A. Yeah.

23 Q. And then on the 12th, looks like --

24 A. California.

25 Q. Yeah, I can't tell on that one.

1 A. Some part of California.

2 Q. Pretty low. It says from El Paso, Texas to Garden Grove.

3 So --

4 A. Yeah.

5 Q. I'm assuming that's El Paso, Texas.

6 A. No, Garden Grove? That's in --

7 Q. That's in California.

8 A. -- California.

9 Q. Correct.

10 A. Yeah.

11 Q. Yeah. So this is your trip.

12 A. I had a five -- I had like a five-stopper.

13 Q. So this was your trip prior to coming back out to California,
14 correct?

15 A. Yeah. I assume.

16 Q. Well, what do you mean you assume? These are your logbooks,
17 right?

18 A. Yeah. Oh, you saying that's, that's the week before. Yeah,
19 right.

20 Q. Well, I'm just -- I'm not saying it. I'm reading it off your
21 logbook there.

22 A. Right.

23 Q. So what day did you arrive in California?

24 A. I'm not sure. I mean, I can't read this stuff. I don't see
25 nothing you saying. I hear what you saying, but --

1 Q. Are your logs accurate?

2 A. Yeah, my logs are accurate, but I'm saying I can't see what
3 you see. I'm not --

4 MR. GUNN: He's saying that the -- because of the quality of
5 the copying, he can't read it.

6 BY MR. PARENT:

7 Q. Okay.

8 A. I mean, you telling --

9 Q. All right. I know that the quality of the copy --

10 A. -- you telling me that that's what I did and I'm saying I
11 normally, I normally have a 5 -- a 10 to 5-stopper. Okay? If I
12 remember it, where we going from there? I mean, what you trying
13 to -- what you asking me?

14 Q. I want to get your -- so anytime I investigate a crash, I'd
15 like to know activities well before the crash so we can look at a
16 pattern of people's driving and such.

17 A. Right. Well, the last I was in Garden Grove, California.
18 And after that, I'm not sure -- then I will start picking up,
19 getting ready to come back --

20 Q. Okay.

21 A. -- you know, produce.

22 Q. Okay.

23 A. You know. So once I left Garden Grove, I went -- I'm not
24 sure, but I know I start picking up produce the next day. I had
25 to wait.

1 Q. Okay.

2 A. So once I got through.

3 Q. Let's do it this way. Do you know that your truck is
4 equipped with a GPS?

5 A. Right. Yes.

6 Q. Okay. So what I've done -- and these will be clearer -- is
7 I've went and done logbooks, virtual logbooks based upon your GPS
8 track. So maybe that'll help, because these are a lot clearer and
9 they're actually digitized, so -- so, remember, these are strictly
10 based upon the GPS that was tracking your truck.

11 A. Right.

12 MR. GUNN: Bruce, are there two copies there?

13 MR. PARENT: Oh, I'm sorry, I got one.

14 MR. GUNN: Oh, okay. Thanks.

15 MR. PARENT: There should've been another one. Oh.

16 MR. GUNN: Thank you.

17 BY MR. PARENT:

18 Q. So if I'm looking at the GPS track, you came back from
19 California -- it looks like you probably started driving back on
20 the 15th of October, possibly the 14th, because you're coming from
21 Salinas, California. Do you remember being up there in Salinas?

22 A. Yeah.

23 Q. Okay. And then it looks like on the 14th is when you started
24 driving back to the East Coast; is that correct? And then it
25 looks like you're in Alabama on the 18th of October. Around 3:00

1 in the afternoon you shut your truck down. Okay?

2 A. Right.

3 Q. All right. And then you go off duty?

4 A. Right.

5 Q. Now this time that you go off duty is so you can reset,
6 correct? Because you had driven cross-country. You need a 34-
7 hour reset, correct?

8 A. Right.

9 Q. So on the 19th, according to your log, your log that you
10 filled out, you're off duty for 24 hours?

11 A. Right.

12 Q. However, your GPS track does not show you off duty for the 24
13 hours. Your GPS track actually shows you driving to Moss Point,
14 Mississippi to begin your trip out to California. So there's a
15 discrepancy here between your log and what your GPS track is
16 showing. Do you know why that discrepancy is there?

17 A. I couldn't tell you.

18 Q. You weren't off duty on the 19th completely, were you?

19 A. I'm not sure.

20 Q. Well, your logbook shows you're off duty because you need
21 that off-duty time to get your 34-hour reset, correct? In fact,
22 there's a bill of lading that has your signature on it from the
23 19th in Clayton, Alabama when you dropped your load off there. So
24 in actuality, you didn't, you weren't off duty on the 19th; you
25 were actually driving. You drove for 5 hours on the 19th. So you

1 never had your 34-hour reset. In fact, you only had 23 hours of
2 off-duty time before you started driving again.

3 You understand that's a violation of the hours of service,
4 correct?

5 A. Yeah.

6 Q. Okay.

7 A. But I'm not sure what happened.

8 Q. So let's go through your logs, because I want to get an
9 accurate timeline for you before the crash, okay? So if we look
10 at the 19th, on your log you got off duty, when in actuality you
11 started driving it looks -- there was a bunch of startups and
12 shutdowns of the truck in Alabama beginning about 7:49 a.m. Was
13 that you?

14 A. I'm not sure.

15 Q. Okay.

16 A. I don't know others been driving that truck, so --

17 Q. And there were just some minimum movements in the lot at
18 Eufaula. But at --

19 A. Eufaula.

20 Q. Eufaula? Is that how you say it?

21 A. Yeah, Eufaula.

22 Q. At 3:30, that's definitely probably going to be you driving,
23 right? You started up at 3:30 and then you drive to Clayton,
24 Alabama, and that's where you drop off a load. And then you leave
25 Clayton and at midnight you're at Moss Point, Mississippi. Then,

1 now, if we compare -- let's look at your log on the 20th that you
2 filled out. And as far as my virtual log, where I'm talking about
3 sleeper or on duty not driving, I don't know what you're doing
4 there, so I gave you the benefit of the doubt and gave you sleeper
5 berth time. You very well could've been unloading or doing other
6 stuff. I just don't know. You had mentioned some fuel trips and
7 stuff like that.

8 So according to your log, you begin driving -- so you're off
9 duty all the way until 1 a.m. on the 20th, correct? If we look at
10 your log for the 20th?

11 A. Yeah.

12 Q. Okay. But in actuality, you were still driving until 1 a.m.
13 and at that point you're in Pearlington, Mississippi. I have you
14 in -- or your GPS has you in Baton Rouge at 4 a.m. on the 20th.
15 Your log has you unloading in Baton Rouge at 9 a.m. So we can see
16 there's quite a discrepancy here. In fact, there's discrepancies
17 all the way through this.

18 On the 20th, GPS shows you're actually in Beaumont, Texas.
19 Your log for the 20th never reflects Beaumont, Texas. Would you
20 agree with that, if you looked at your log for the 20th, you're
21 never in Beaumont, Texas, are you?

22 Now you do have some change of status there. For instance,
23 at 3 a.m., you go from driving to sleeper berth. At that point
24 you're required to put your city or state that you're in. You
25 don't do that. And whether or not that's Beaumont, I have no idea

1 of knowing because you didn't put it in your log.

2 A. Well, I wasn't, I wasn't taught on the beginning, just when
3 you get through. That's how I, how I was taught.

4 Q. Yeah. Well, if you look at, if you look at the rules of the
5 logbook, you're supposed to put it -- essentially you're supposed
6 to bookend it. So you could've -- you know, any change of duty.
7 So if you have a change of status right here, you're required to
8 put city and state. I mean, are you looking at the right 20th?
9 Because you put it -- there's another typo in here also, where you
10 have -- you actually have two logbooks with the 20th on it. One
11 should've been the 21st.

12 A. Oh.

13 Q. Do you see that?

14 A. Yeah.

15 Q. How you got two of them?

16 A. Yeah. Uh-huh.

17 Q. I think that's just an error on your part writing the date.
18 But that second one really should've been the 21st. Okay. So we
19 have no change of status here, so I don't know where you're at
20 according to your logbook. According to GPS, you're in Beaumont,
21 Texas.

22 A. I was at Beaumont on this one, uh-huh, but it should have
23 been the 21st.

24 Q. Yeah. So if you go to the 21st, that's showing you in
25 Beaumont. You probably should've had it on this log as well.

1 That's just -- that's minor, but -- remember, any time you change
2 your duty status, you're required to put your city and state in
3 there.

4 A. Right.

5 Q. So now, if we go to the 21st, which your indicates the 20th.
6 Again, that's probably just a --

7 A. Yeah.

8 Q. -- typographical error.

9 MR. GUNN: Yeah, you're in the right one.

10 MR. GUILFORD: Well, that'd be the 22nd.

11 BY MR. PARENT:

12 Q. This one's fairly close. We're good in the beginning here
13 with sleeper berth. That's consistent with your GPS. However,
14 what's not consistent is the end, where you go sleeper berth at
15 4:30 a.m., you're actually driving. In fact, you're driving until
16 8:30 a.m., which puts you over the 11 hours of driving. You
17 actually drove 13 hours on that day, on the 21st, according to the
18 GPS. Your logbook indicates 10.75; however, GPS shows that you
19 were driving for 13 hours. So there's another violation of the
20 hours of service for the 21st. Would you agree?

21 A. I got 10.75.

22 Q. Yeah, you have 10.75 on your log. Your GPS says otherwise.

23 A. So it would be the 21st on the --

24 Q. Correct.

25 A. Okay.

1 Q. So if you look over your driving time, it's 13 hours. Okay?

2 So that's --

3 A. Well, in here it got 11 -- yeah, got 13 hours

4 (indiscernible).

5 Q. That's sleeper berth for 11.

6 A. Right.

7 Q. Driving for 13. You're only allowed to drive 11 hours --

8 A. Eleven hours, right.

9 Q. Okay?

10 A. Well, you must've missed something.

11 Q. So let's go to the 22nd.

12 A. No, because this showing time --

13 Q. So on the 21st, you stop in, looks like, El Paso, Texas and
14 you're taking a break there in El Paso. So you go to your sleeper
15 berth at 8:30. On the 22nd, you put yourself in Kent, Texas,
16 which Kent, Texas -- and you are in the sleeper berth, according
17 to your log, until 5:30 a.m. You're actually in there until about
18 8:30, or 8:00. At least -- you may not be in your sleeper berth,
19 but you're not driving. Your truck is not moving until 8:00 in
20 the morning. You have a fuel stop in there that looks like it's
21 off a little bit.

22 So on the 22nd, you have yourself driving 11 hours and you
23 actually only drove 9. And you're -- on the 22nd, this is where
24 you stop in Ehrenburg. Okay? So at about 5:45 or so in the
25 afternoon, you arrive in Ehrenburg, Arizona on the 22nd. Correct?

1 And the 22nd is the night before the crash. That makes sense that
2 you'd be in Ehrenburg.

3 A. Right.

4 Q. And then it has you in Ehrenburg beginning to drive on the
5 23rd at about 5 a.m., which is consistent with your driver's log.
6 Okay? So obviously we have several hours of service issues going
7 on, which is why I really want to go over some of your sleep
8 patterns.

9 And here's why I'm bringing up the sleep patterns. Your
10 truck was stopped out there with no cars around with the headlamps
11 off when you got hit. So when you tell me that you -- you know,
12 you were pushing in the clutch or doing whatever to release the
13 brakes and, you know, there was -- the car in front of you was
14 only a truck length ahead of you, that's incorrect. You were
15 actually stopped out there with headlamps off. Your --

16 A. Well, the lamp --

17 Q. -- running lamps and everything were on.

18 A. The lamp, that lamp stays on all the time. But why, why
19 would I cut them off? They, they stays on.

20 Q. I think it's, I think it's --

21 A. I don't touch that.

22 Q. No, I'm not saying your -- your trailer lamps and everything
23 were still on. Your running lamps were on. Your headlamps were
24 off.

25 A. I'm saying I never touched nothing, though, as far as the

1 lights or nothing.

2 Q. I think what happens is when you set your trailer brake, your
3 headlamps turn off while the truck is running. I think that might
4 just be a function of the truck. The bigger point is the fact
5 that you're stopped out there and you're stopped with nobody
6 around, which leads me to believe you fell asleep.

7 A. Well --

8 MR. GUNN: There's no question yet, no question, so you don't
9 have to respond. (Indiscernible) the question.

10 BY MR. PARENT:

11 Q. Did you fall asleep?

12 A. I was moving around, checking everything out. I mean, I
13 wasn't asleep. That's the, that's the problem. You say the
14 lights went off, because I at the time everything lit up. You
15 know what I'm saying?

16 Q. Would you like to see the video?

17 A. Show me the video. Because far as I know, I wasn't asleep.

18 Q. We just have some inconsistencies with your statement and
19 what other witnesses have said who said you were stopped out
20 there, as well as, you know, video evidence from one of the patrol
21 units who was traveling eastbound.

22 MR. PARENT: Mr. Gunn, would you like to look at this as
23 well?

24 MR. GUNN: Yeah, I would. Yeah, I'm not aware of it.

25 MR. PARENT: Can everybody see it?

1 MR. GUNN: Yeah.

2 MR. GUILFORD: Uh-huh.

3 MR. GUNN: And is, this is from that -- the patrol car that
4 was up a little, up the roadway?

5 MR. PARENT: Correct. So at the time --

6 MR. GUNN: Right.

7 MR. PARENT: -- we had a break on eastbound and westbound
8 side. This would be the vehicle that initially had the westbound
9 break --

10 MR. GUNN: Okay.

11 MR. PARENT: -- who is now turning around -- or, no, I'm
12 sorry. He had the eastbound break. He's now traveling toward
13 Indian Canyon to set up for the next break on the westbound side.

14 MR. GUNN: Okay.

15 MR. PARENT: So the video that you're about to see, the
16 patrol car is actually traveling eastbound on Interstate 10,
17 approaching the area that the collision occurred.

18 MR. GUILFORD: Uh-huh.

19 (Video playing.)

20 BY MR. PARENT:

21 Q. So what was going on, there was a line pull going on with the
22 Southern California Edison and this is the location of the line
23 pull. That's what the traffic break was in place for. Over here,
24 you'll see some lights. That's just a car parked on the shoulder,
25 but that's the westbound lanes. And I'm going to play it at full

1 speed and then I'll slow it down so we can see good.

2 So here we're starting to see the beginning of the traffic
3 break that's now been released.

4 Traffic is pretty cleared out there. If you look right up
5 here, that's going to be you, right there. Do you agree that your
6 headlamps are off there?

7 A. They have -- it looked like they was on, though.

8 Q. When you compare it to other vehicles around, other tractors
9 and trailers that are driving by -- let me reverse. I'm going to
10 play it in slower motion.

11 You notice how bright all these headlamps are, correct?

12 A. Yeah.

13 Q. Pretty bright, right? There's a truck. You'll see several
14 trucks --

15 A. (Indiscernible).

16 Q. -- there's a truck. There's another truck. Truck.

17 A. Yeah, truck.

18 Q. See how bright the lights are? See, all these vehicles are
19 clearing out?

20 A. Right.

21 MR. GUNN: And this is slow-mo, right?

22 MR. PARENT: Yeah, I'm at --

23 MR. GUNN: Okay.

24 MR. PARENT: -- a quarter speed right now.

25 BY MR. PARENT:

1 Q. Truck.

2 A. Yeah, I see how bright they are, but --

3 Q. I just want you to look at the headlamps --

4 A. Yeah, yeah. Yeah.

5 Q. -- and compare it to yours when it's coming up here.

6 A. I see.

7 Q. Do you see yours?

8 A. I have a little -- yeah, I, I see them. They ain't as bright
9 as everybody else's.

10 Q. Well, I think those are your running lights that are on, not
11 your -- and I'm not -- you know, like I said, you know, the
12 headlamps, nothing to do, right? This bus that hit you is coming
13 from the rear. It's -- I'm looking at tail lamps. I'm more
14 concerned about the fact that you're stopped.

15 A. Right.

16 Q. And you had been stopped for some period of time and, you
17 know, the crash happens probably another 2 minutes from there.

18 A. Yeah.

19 MR. GUNN: Oh, is it, is it the full 2 minutes?

20 MR. PARENT: I didn't look at the exact time, but --

21 MR. GUNN: Oh, yeah. I'm not (indiscernible) --

22 MR. PARENT: -- I suppose we can do that.

23 MR. GUNN: It's not, like -- it's not, it's not seconds?

24 MR. PARENT: Right. Correct.

25 MR. GUNN: Okay.

1 MR. PARENT: So it's probably a minute and a half to 2
2 minutes, I would say.

3 MR. GUNN: If you can continue with this video, does it show
4 -- do you ever see the bus?

5 MR. PARENT: No. In fact, I'll show it --

6 MR. GUNN: Oh, okay.

7 MR. PARENT: -- because this officer gets off in Indian
8 Canyon. He never --

9 MR. GUNN: Okay. If you don't mind --

10 MR. PARENT: No, I will.

11 MR. GUNN: -- this is tremendously helpful.

12 MR. PARENT: And I'll run that in full speed. So there -- he
13 just passed. Here are other vehicles approaching you. They're
14 able to avoid you. A couple of these are witnesses who say that
15 you're stopped --

16 MR. GUNN: Okay. So these are folks that didn't stop?

17 MR. PARENT: No, but we do have -- obviously I don't know
18 which ones are which, but there are two witnesses, at least, that
19 passed Mr. Guilford as he was stopped out there.

20 MR. GUNN: Yeah.

21 MR. PARENT: So now this officer is getting off at Indian
22 Canyon and we never see anything after that. He goes and sets up
23 at Indian Canyon, waiting to hear for the break, and then he gets
24 the call of the crash.

25 MR. GUNN: Okay. So it still hasn't happened.

1 MR. PARENT: So the crash is probably happening right about
2 now.

3 MR. BRAGG: Scott, were you able to see the bus on the FedEx
4 video?

5 MR. PARENT: Yes. So we were able to retrieve video from a
6 FedEx building that was adjacent to the collision site, and that
7 does in fact show -- it shows Mr. Guilford pulling up. The
8 problem with it is it's obscured by the FedEx building toward the
9 end of the queue. So we see other vehicles pulling behind
10 Mr. Guilford and stopping, and then after the break is released,
11 we see those vehicles moving and leaving. And then we see the bus
12 coming. So we can get a very accurate timeline as far as how long
13 he was stopped.

14 BY MR. PARENT:

15 Q. So the question becomes is why were you stopped out there?
16 My only explanation is you were sleeping. So were you sleeping?

17 A. I don't believe I was asleep. I was probably looking at the
18 radio or something, but I don't -- I wasn't asleep. I was -- I
19 had slept good that night before. I mean --

20 Q. I don't have any other explanation for it, other than you
21 were sleeping. And the reason I say that is you're obviously
22 driving a lot more than you should be.

23 A. Right.

24 Q. I don't know what's your quality of sleep when you're in a
25 sleeper berth.

1 A. Right.

2 Q. Do you get good sleep in your sleeping berth?

3 A. I get real good sleep.

4 Q. Okay.

5 MR. BRAGG: This is one of the reasons we want you to do a
6 sleep study, because one of the nuances of sleep apnea, you don't
7 get good sleep because you're constantly waking yourself up.

8 MR. GUILFORD: Right.

9 MR. BRAGG: And you don't really realize it, but it does
10 affect your quality of sleep. So that's why it's important for us
11 to understand is, did -- do you have a form of sleep apnea and is
12 it adversely affecting your quality of sleep. This is one of the
13 reasons that we wanted you to do the sleep study.

14 MR. GUILFORD: Right.

15 BY MR. PARENT:

16 Q. So you had mentioned you were stopped for 20 to 30 minutes.
17 We know that's not the case. And that leads me again to believe
18 that you fell asleep, and that's why --

19 A. Yeah.

20 Q. -- you think it was 20 to 30 minutes. So -- did you fall
21 asleep?

22 A. I'm not sure. I might've looked at the radio. I was playing
23 with the radio, but --

24 Q. I mean, your recollection of events is a little off.

25 A. Yeah, I understand.

1 Q. So let's go over your sleep real quick into more detail,
2 because I really wanted to look into this to determine, you know,
3 exactly how many hours of sleep did you really get, because you're
4 driving an awful lot. I mean, the fact that you just had done a
5 roundtrip from California, I mean, that's quite the trip to --
6 it's basically a turn-and-burn, right? I mean, you went to
7 California, you turned, you burned back to Alabama, and then 23
8 hours later, you're burning back to California again. I mean,
9 that's probably not healthy, right? Do you agree with the hours
10 of service regulations that are in there?

11 A. Yeah, I agree with that.

12 Q. Why do you think they're in place?

13 A. Make sure you get the proper rest.

14 Q. So we don't have situations where we have crashes involving
15 commercial vehicles, right? Would you agree that it's probably
16 dangerous to be driving without enough sleep, especially as a
17 commercial truck driver driving an 80,000-pound vehicle?

18 A. Yeah.

19 Q. So let's go --

20 A. I'm just trying to (indiscernible).

21 Q. -- let's look at the 18th and we're going to --

22 A. I was trying to go back to that time frame. I know I was
23 messing around with my, my radio and stuff, but I don't --

24 Q. Well, I -- you know, I don't think you were messing around
25 with your radio. Again, I'm fairly certain that you were

1 sleeping, and I think it's because you were extremely fatigued
2 from your lack of sleep on your trip back to California.

3 So let's go over the logs to look exactly how much sleep you
4 did get. And when I say logs, I'm talking about the logs that
5 were generated based upon the GPS.

6 MR. PARENT: Oh, I'm sorry, do you have -- I have --
7 Mr. Gunn, did you want a copy of the actual GPS tracks? I have
8 the --

9 MR. GUNN: Thank you, yeah.

10 BY MR. PARENT:

11 Q. Mr. Guilford.

12 A. Yeah.

13 Q. So the way this GPS works, every 90 seconds it's transmitting
14 data as far as location, speeds, and any type of startups or
15 shutdowns with the engine.

16 So let's look at the 18th. This is when you come back from
17 California and you shut it down at 3 in the afternoon. What did
18 you do after you shut your truck down on the 18th? This is after
19 you came back from California. Where did you go? Did you go home
20 to Georgia? Did you stay in Alabama?

21 A. No, I stay with my, my daughter -- at (indiscernible). Sonya
22 have a house in Charlestown.

23 Q. Okay. And that's not far from --

24 A. (Indiscernible).

25 Q. -- from your terminal?

1 A. No. No.

2 Q. Okay. What time did you actually, do you remember -- or what
3 were your activities that day? Did you sleep? Did you go to --
4 what time did you go to bed? I mean, I can only imagine that your
5 sleep patterns --

6 A. Well, once --

7 Q. -- are just terrible for you.

8 A. Once I, once I got off and everything, I went home and -- or
9 I went over their house and I washed my clothes up and then I
10 crashed.

11 Q. About what time, do you think? Was it still daylight out
12 when you went to sleep?

13 A. Yeah.

14 Q. I mean, your internal clock has just got to be completely
15 messed up --

16 A. Well --

17 Q. -- going through all these time zones and -- like I, I flew
18 from California last night --

19 A. Well, I've been in the military and that (indiscernible).

20 Q. -- and my time -- I'm all messed up right now.

21 A. It get, it get twisted some time, but when you -- you know,
22 if you can get some, that knockout sleep, that's, that's when you
23 get that quality of sleep, you know.

24 Q. Okay. So if you went to bed and it was still daylight, so,
25 what, it was probably -- I think daylight savings time --

1 A. Night, night when I woke up.

2 Q. Probably 8:00 in the evening --

3 A. Yeah.

4 Q. -- it was probably starting to get dark. And you went to
5 sleep in a bed?

6 A. Yeah. Uh-huh.

7 Q. And what time did you wake up on the 19th?

8 A. I'm not sure.

9 Q. When you woke up, was it light out? Was it dark? We know
10 you started driving at 3, around 3-ish in the afternoon. So what
11 time do you think you woke up? Was it in that morning? Was it in
12 the early morning hours of midnight --

13 A. Yeah, I woke up that, I woke up that night around -- late up
14 in the night and I watched a little TV and --

15 MR. BRAGG: What did you watch?

16 MR. GUILFORD: "I Love Lucy," or anything I can find late-
17 night. I was over their house, so they ain't --

18 MR. BRAGG: So about 2, 3 in the morning?

19 MR. GUILFORD: Yeah. Then I went back to sleep because ain't
20 nothing to do around that time in Georgia. Ain't nothing to do,
21 so I went back to sleep. And woke up that morning and trying to
22 talk my daughter into cooking me some breakfast. That ain't going
23 to happen. So --

24 BY MR. PARENT:

25 Q. What time in the morning did you wake up?

1 A. I wake up -- I woke up early, about 7. They don't wake up
2 till late, so that's why it wasn't, it wasn't even in the cards.

3 Q. Okay. Now where is the truck at, at this point?

4 A. In -- I want to say Live Oak. It's, like, not in the city of
5 Eufaula, but outside of Eufaula.

6 Q. Okay.

7 A. Going south a little bit.

8 Q. Was it -- so it wasn't at Tri-State?

9 A. Yeah. That's where --

10 Q. Okay.

11 A. -- that's where they at.

12 Q. Oh, okay. All right. So you dropped the truck off --

13 A. They're in the Eufaula --

14 Q. -- at Tri-State?

15 A. Yeah. Uh-huh. Yeah.

16 Q. Okay. Now how did you get back and forth to your sister's
17 -- I mean your daughter's?

18 A. My daughter. My pickup truck. I used to live down there in
19 Eufaula.

20 Q. Okay.

21 A. So, you know, I got my, my mom house. They passed, so my
22 sister stay there now, and I just stay with my son and my
23 daughter.

24 Q. All right. So in the weeks leading to that, you had never
25 come back to Georgia then?

1 A. No.

2 Q. Okay.

3 A. No, we stay down there.

4 Q. All right. Is it typical -- did you have the keys to the
5 truck?

6 A. No. Every time we drop the truck, they leave two keys in the
7 truck.

8 Q. Oh, okay.

9 A. Yeah. Uh-huh. They still in the yard.

10 Q. All right. Because there were several startups and shutdowns
11 between 7:30 and 11:30. That wasn't you?

12 A. No. Every time -- the protocol is when you, when you go in
13 the yard, take it to the bay. Ain't nobody there, if they don't,
14 leave the keys in the truck and they'll get everything the next
15 day. They'll check everything the next day.

16 Q. Okay. So at 3:00 there is a startup and that is probably
17 going to be you because that's when you start driving, so --

18 A. 3:00 in the evening?

19 Q. 3:00 in the afternoon.

20 A. Yeah, probably.

21 Q. Okay. So at 3:00 in the afternoon --

22 MR. GUNN: Am I -- Officer, am I reading this wrong? Isn't
23 it 3:30? Am I just reading --

24 MR. PARENT: No.

25 MR. GUNN: -- this wrong?

1 MR. PARENT: No. No, I'm talking about startup. So the
2 startup --

3 MR. GUNN: Oh, okay.

4 MR. PARENT: -- and shutdown is at 3:09.

5 MR. GUNN: Yeah, okay. I got it. I got it. Thanks. Okay.

6 BY MR. PARENT:

7 Q. So somebody started it up, shut it down, and then started up
8 again a few minutes later, and then driving began at 3:30.

9 A. Yeah.

10 Q. How many hours --

11 A. That was on the 19th?

12 Q. On the 19th. So how many hours of sleep do you think you
13 got?

14 A. Well, right there I (indiscernible). You see where the other
15 one comes on 3:30?

16 Q. Um-hum.

17 A. And then you got the big sleeper time right here?

18 Q. That's because you're unloading in Clayton. There was a --

19 A. Normally picking up. All right.

20 Q. I don't know. Picking up or loading.

21 A. There ain't nothing in Clayton, though.

22 Q. What's that?

23 A. I don't, I don't get nothing in Clayton.

24 Q. Let me see where it's at.

25 A. Clayton -- I know, I know --

1 Q. Oh, no. It was Baker Hill. Baker Hill that you -- so Baker
2 Hill is probably close to Clayton, I would imagine?

3 A. Yeah. Uh-huh.

4 Q. Huh? Yeah. So that's, it's probably --

5 A. Yeah.

6 Q. You know, your GPS -- I'm sure Clayton is right next to Baker
7 Hill, so it's just kind of picking up --

8 A. Yeah. Yeah. Yeah, you know --

9 Q. Okay.

10 A. -- probably pick up --

11 Q. So and Baker --

12 A. -- (indiscernible) spot, yeah.

13 Q. -- Baker Hill, which is right next to Clayton, you signed
14 that bill of lading --

15 A. Yeah, probably --

16 Q. -- on the 19th?

17 A. Yeah.

18 Q. And that was for Keystone Foods.

19 A. Right.

20 Q. In fact, that's exactly where the -- when you type in the GPS
21 coordinates, that's exactly where it puts the truck --

22 A. Yeah. Uh-huh.

23 Q. -- at Keystone Foods.

24 A. Yeah.

25 Q. Okay. So how many hours of sleep did you get? I know

1 obviously it was broken sleep since you -- you say you woke up at
2 2:00 in the morning or so to watch "I Love Lucy"?

3 A. 3.

4 Q. 3?

5 A. Yeah, I went back to sleep, got back up about 8, 9. Then --

6 Q. Would you say you felt well-rested after that?

7 A. I felt pretty good.

8 Q. Okay.

9 A. I felt real good. But I still didn't go nowhere. I just
10 kind of like hung around the house because my daughter -- my
11 daughter woke up and she had something to do, so I just told her
12 to bring me something back to eat. So I didn't really go nowhere.
13 I just hung around the house watching TV --

14 Q. Okay.

15 A. -- till it was time to go.

16 Q. All right. So you start driving after you do whatever you're
17 doing at Keystone Foods. You drive -- it looks like you started
18 about 7:30, heading west?

19 A. Yeah.

20 Q. And then you stop in Pearlinton, Mississippi on the 20th at
21 about 1, a little after 1 a.m. What did you do in Pearlinton,
22 Mississippi? Was that another load you had to drop off? Did you
23 fill up there with fuel?

24 A. I mean, I should've (indiscernible) that --

25 Q. Because there's a slight break between --

1 A. Yeah, I see it, like a hour and 15 minute. That's what
2 you're looking at?

3 Q. Yeah. Um-hum. So you did something in Pearlinton for an
4 hour and 15 minutes and then you drove to Baton Rouge. Now, on
5 your log you have --

6 A. I'm trying to think what did --

7 Q. -- unloading and loading in Baton Rouge. Was there another
8 -- because I don't think I have the bill of lading for that, if
9 you did anything in Baton Rouge regarding loads or --

10 A. I'm trying to think what I did in Mississippi. I mean, did I
11 have another piece of load to pick up or --

12 Q. I don't know. If that was reflected on your log -- I don't
13 think it is.

14 A. I don't know.

15 Q. All you have is unload twice in Baton Rouge.

16 A. Yeah, I --

17 Q. You have drop off load in Baker Hill.

18 A. Right.

19 Q. Okay. But then there's nothing in between -- you don't even
20 have that stop in Pearlinton.

21 A. I stop (indiscernible). I don't know.

22 Q. All right.

23 A. I'm trying to think of when did I stop. But, yeah, I
24 stopped.

25 Q. Is --

1 A. I remember Baton Rouge because I had to, I had to deliver in
2 Baton Rouge. I think I -- because Mississippi was --

3 Q. Did you take a little break there? Did you sleep or
4 something in a sleeper berth? I don't know. It's about an hour
5 and a half.

6 A. No, I'm trying to think. One of them loads, the Baton Rouge
7 load -- I'm trying to think did I deliver over that way. If
8 they're close to --

9 Q. Baton Rouge -- it looks like it might be. Probably an
10 hour --

11 A. I'm talking about the Mississippi, if that -- I'm trying to
12 think, we deliver over that way.

13 Q. Well, I mean, you don't have anything listed on your log for
14 any deliveries, other than Baker Hill.

15 A. So why did I stop in Mississippi?

16 Q. So --

17 A. I think I (indiscernible), so --

18 Q. -- what did you do in -- if you don't remember what you did
19 in Pearlington --

20 A. Okay.

21 Q. -- I mean, all I know is you were stopped there for an hour
22 and a half and then you drove to Baton Rouge. You were in one
23 part -- or you were in Baton Rouge from 4 a.m. until about 7:45
24 a.m., I'm assuming unloading or loading, because you had two loads
25 according to your load -- or your logbook, in Baton Rouge.

1 A. I don't know if that -- I had two loads I deliver --

2 Q. It looks like you switched, you may have switched trailers,
3 because you have two different trailer numbers listed on your log.

4 A. In Baton Rouge?

5 Q. Um-hum.

6 A. I'm not sure, but I know I picked back up in another part of
7 Louisiana.

8 Q. Right. Madisonville.

9 A. Yeah.

10 Q. And that --

11 A. I reloaded there.

12 Q. Okay. So that shows -- so all this time you're on duty and
13 then you drive from Baton Rouge to Madisonville and it looks like
14 you do something else for -- between 9 and 11:30 a.m.

15 A. Yeah, I loaded up.

16 Q. You're in Madisonville, Louisiana. Then you drive to
17 Beaumont, Texas, and then you stop driving. So you had been up
18 now since 3 a.m. I mean, you're up almost -- you're over --
19 you're up for, what, from 3 p.m. on the 19th until 4 p.m. on the
20 20th. That's 24 hours you were up.

21 A. No. I had a break in there somewhere, don't I? I had a
22 break in there somewhere.

23 Q. Well, you may. I don't know. I just know when you were
24 stopped. So whether or not that's time in your sleeper or where
25 that's at, I don't know, but --

1 A. Yeah, in my sleeper. What I'm saying, I -- I know the GPS
2 probably accurate, but this -- I couldn't have did all this. I
3 mean, I know -- before I do anything, I take a, like, a 10-hour
4 break because I got all this time.

5 Q. Well, I know what you say you take.

6 A. You know what I'm saying?

7 Q. But obviously I don't think that's the case. I think you're
8 falsifying your logbooks so that you can do more work to do what
9 you need to do.

10 A. But that's the thing, I don't, I don't --

11 Q. I mean, it's clear to me you didn't get your 24 -- your 34-
12 hour reset, first of all.

13 A. Well, I understand that. But --

14 Q. And we've got time for your driving for 13 hours a day.

15 A. I'm saying, but that's, that's -- I don't, I don't --

16 Q. And that's just based on your GPS. I'm not saying that.

17 A. I'm not -- I understand, I understand that, but --

18 Q. That's what the GPS is saying.

19 A. -- I don't do that, though. I mean, I don't drive no 13
20 hours. The most I probably drive 11 -- 11. I just don't, I just
21 don't understand how that can be.

22 Q. All right. So you finally go off duty -- well, not off duty.
23 You're either -- you're probably in your sleeper berth at 4, a
24 little after 4 p.m. in Beaumont, Texas, but you're not sleeping
25 because you, you shut it down. Now it's 6 p.m. And then you

1 start your truck up again at 9:30. Why do you keep starting up
2 your truck? Is there a reason for that, why you shut it down and
3 start it up all the time?

4 A. When you're sitting still?

5 Q. What's that?

6 A. Talking about while I'm sitting still?

7 Q. Yeah.

8 A. Probably the temperature. You know what I'm saying? Because
9 they're hot.

10 Q. To get your air conditioning in the sleeper berth?

11 A. Yeah.

12 Q. So --

13 A. If it cool or something, I don't run my air conditioning.
14 You know what I'm saying?

15 Q. So what we're seeing --

16 A. It get hot.

17 Q. -- here now, every time you do that, we're having the pattern
18 of broken sleep, right? Because let's say you go to sleep in
19 Beaumont, Texas and it's nice and cool. As you're sleeping, you
20 start getting hot and sweaty. You have to wake up, get out of
21 your sleeper berth, go to the front, turn the ignition on in your
22 truck. So you just broke your sleep there.

23 A. Well --

24 Q. This is -- like, that's similar to what sleep apnea does,
25 except for in this one, you're physically doing it. With sleep

1 apnea, it's you just stopping to breathe for a period of time --

2 MR. GUNN: That's not really --

3 MR. PARENT: -- where your body --

4 MR. GUNN: Yeah, that's not really a question yet, so --

5 BY MR. PARENT:

6 Q. So what type -- obviously we didn't get a complete sleep at
7 the time you shut it down at 6 until 9, if you were sleeping in
8 that time. Were you sleeping --

9 A. Oh, yeah --

10 Q. -- in the sleeper berth?

11 A. Oh, yeah.

12 Q. So at 9 p.m., you had to wake up to go start your truck up.
13 You started it up twice. And then presumably you went back to
14 sleep? Did you go back to sleep?

15 A. Yeah. I always go back to sleep. I mean, some of that might
16 not be starting up the truck neither. You know, you got people
17 knocking on your door. I mean, wind -- turning it on to wind down
18 the window, you know what I'm saying, trying to figure out what
19 they want. They don't want nothing, wind the window back up, go
20 back to sleep.

21 Q. Fair enough. That's still break in sleep.

22 A. Yeah. Yeah, I understand.

23 Q. Where somebody, somebody's --

24 A. Yeah.

25 Q. -- knocking on your door and waking you up. Because you're

1 stopping at all of these, these truck stops.

2 A. Right.

3 Q. I mean, every place you've pretty much stopped is a truck
4 stop, so --

5 A. They ain't, they ain't cleaned all of them up yet, you know?
6 You still got people --

7 Q. All right. So at 9 p.m. presumably you go back to sleep.
8 I'll give you the credit for going back to sleep.

9 MR. GUNN: Excuse me. Officer, I -- I'm just trying to
10 predict, do you still think you could finish by 1? And I
11 -- we'll go as long as you need to go. I just need to make other
12 arrangements if you don't think you'll finish by 1.

13 MR. PARENT: You know, it's -- it might be a little after 1.

14 MR. GUNN: Okay. Can we take 5 and --

15 MR. PARENT: Yeah.

16 MR. GUNN: -- Bruce could probably use it and then I can
17 call --

18 MR. PARENT: Sure.

19 MR. GUNN: -- my assistant and see if I can --

20 MR. PARENT: Absolutely.

21 MR. BRAGG: Okay. We're going to pause. The time is 12:35.

22 MR. GUNN: Were you able to find a nonstop back? There are
23 not many on Southwest.

24 MR. PARENT: No. No, there's only one coming out --

25 MR. GUNN: Yeah.

1 MR. PARENT: -- I got last night, but going back -- I think
2 there's one in the morning, but nothing in the afternoon.

3 MR. GUNN: Okay. I've got a -- that's the only reason I took
4 this 3:00. I mean, I knew it was kind of aggressive.

5 MR. PARENT: Oh, was it because it's a nonstop?

6 MR. GUNN: But let me give her a ring and see what --

7 MR. PARENT: Because we're -- is that the time your flight
8 leaves?

9 MR. GUNN: Yeah.

10 (Off the record.)

11 (On the record.)

12 MR. BRAGG: Okay. (Indiscernible) now, the time is now
13 12:42. We're going to go back on the record.

14 MR. GUNN: Yeah.

15 BY MR. PARENT:

16 Q. All right. So we're back on the 20th of October and we're
17 going into the 21st of October. And this, again, is based upon
18 the GPS that was retrieved from the tractor.

19 So Mr. Guilford, on the 20th and then 21st when you wake up,
20 you're in Beaumont, Texas. What kind of -- what did you do in
21 Beaumont when you stopped? Did you do -- like, did you stay in
22 your truck the whole time? Did you go into the truck stop?

23 A. I went in the truck stop for a few minutes to use the
24 bathroom, get me something to eat. And probably came back out to
25 the truck, because I got a TV and stuff inside my truck, so --

1 Q. Okay. And that was going to be my next question. When
2 you're in the sleeper berth, I mean, obviously you're not sleeping
3 the whole time, right? So you have this TV?

4 A. Well, I take that back. No, I'm thinking about my truck.
5 No, I don't have a TV in this truck. I have a radio. I just
6 listen to the radio. I'm particular -- I mean, I know it sound
7 corny, man, but I'm particular for radio, classic rock.

8 Q. There you go.

9 A. I know you're looking at me like --

10 Q. No. I'm not judging at all.

11 A. But that's why I'm saying, you know -- sleep, you know, like
12 you're saying, you can have (indiscernible) sleep, I'm particular
13 classic rock man. That's what really gets me going and I can
14 drive, you know, clear my head, I'm good. I listen to other music
15 and I just -- I don't know.

16 Q. So no --

17 A. I grew up on classic rock, though.

18 Q. -- no smooth jazz for you then, huh?

19 A. I, I hit jazz sometimes, you know? But, in fact, my mom used
20 to listen to Beethoven. She said it helped to calm her down, you
21 know. And I like that, you know, whenever you feeling, you know,
22 like, you know -- you know, you're feeling some kind of way, you
23 listen to a little Beethoven and it do mellow you down. It do.
24 But I'm a classic rock man. I just kind of -- kind of hard to
25 find a station, you know, so when you find one, you got to hold on

1 to it, you know. So I -- man, I toy with that thing all day until
2 I find a classic rock.

3 Q. I hear you.

4 A. I'm particular on that, man.

5 Q. I hear you. So you don't have a TV in the sleeper?

6 A. No. No, not this one. Not this trailer, no.

7 Q. How about your cell phone? You have a smartphone that you
8 can watch and stream, like, Netflix or anything like that?

9 A. I play a game, but that (indiscernible). I keep up with
10 sports, you know, sports a lot.

11 Q. So when you're in your sleeper berth, sometimes you do browse
12 the Internet on your phone or --

13 A. Yeah. Or I'll either call somebody and check on all my other
14 brothers, see if they going to be riding at night. You know what
15 I'm saying, we check on each other and find out who's going to
16 ride and how long they going to ride. And then that way you know
17 who to call when you get back up, you know what I'm saying?

18 Q. All right. Did you make any phone calls in your sleeper
19 berth on the 20th when you were in Beaumont?

20 A. I'm not sure. I probably didn't. I just crashed.

21 Q. Okay. And then it looks like you started driving at a little
22 after 5 a.m. What time did you wake up that morning?

23 A. Oh, I probably woke up --

24 Q. This is on the, on the 21st.

25 A. I know I set my alarm clock like 10, 15 minutes till. That

1 give me time to put on my clothes and whatever, and then I get
2 ready to do my pre-trip.

3 Q. Okay.

4 A. So I -- you know, that way I can -- I made me a sandwich, you
5 know, a peanut butter and jelly.

6 Q. Right, right.

7 A. (Indiscernible).

8 Q. Hey, I think everybody likes peanut butter and jelly. Hell,
9 I still eat those things.

10 A. It stick to your ribs, you know.

11 Q. So at a little after 5 a.m. you started driving from
12 Beaumont. You drove from 5:15 a.m. until about a little after 9
13 a.m., where you turned your truck off, and that was in Seguin,
14 Texas. What did you do in Seguin, Texas?

15 A. If that's -- Beaumont. That's Beaumont over by Houston,
16 right?

17 Q. Beaumont, Texas?

18 A. Down that way. I had a stop in El Paso, I think. Is that
19 close to El Paso?

20 Q. No, it's close to Junction.

21 A. Oh, okay.

22 Q. So --

23 MR. GUNN: You have it on your log too, just for reference.

24 MR. GUILFORD: So, let's see (indiscernible). That's the 20,
25 20?

1 BY MR. PARENT:

2 Q. Do you remember getting a wheel balancing and re-torque your
3 lug nuts?

4 A. A rebalance?

5 Q. Do you remember pulling your truck into Love's Tire Care
6 Center?

7 A. Yeah, I remember that. To get it fixed.

8 Q. Yeah. That was in Seguin.

9 A. Yeah.

10 Q. So when you were getting your tires rebalanced --

11 A. It was just one tire.

12 Q. It was one tire?

13 A. Yeah, one -- they didn't find nothing on other one. One tire
14 was out of whack.

15 Q. Well, do you know why? Just from normal driving or --

16 A. I'm not sure. I'm trying to, trying to -- he had just put a
17 new tire on there and it kind like vibrating, and then I was
18 trying to figure out what was going on. So pulled in there to see
19 -- I had to -- you know, they -- some of them put the, the stick
20 on there, the lead weights on there, and some of them just --

21 Q. Lead weight.

22 A. -- put the thing that suck in your tire, like a
23 (indiscernible). So once they checked it out, you know, one of
24 them was -- you know, had came out.

25 Q. Okay.

1 A. So he put it -- he balanced it back up, so --

2 Q. And that fixed the problem?

3 A. Yeah.

4 Q. What were you doing while they were fixing that?

5 A. I was just sitting there watching them.

6 Q. Okay. You were outside of the truck?

7 A. Yeah. I was outside the truck.

8 Q. Okay. So it looks like that took probably between a little
9 after 9 until about 10:45, and then you started driving again.
10 You drove to Junction, Texas. You arrived at Junction, Texas at
11 1:30 in the afternoon and you stopped there for some particular
12 reason. Do you remember why you stopped?

13 It was basically -- when I looked at the GPS and satellite
14 imagery, it looks just like some little rest stop with nothing
15 really in there but a couple bathrooms. And you were stopped
16 there for between 1:30 and a little after 2. Was that just a
17 bathroom break?

18 A. Yeah, probably so. Bathroom, walk around a little bit.

19 Q. Okay.

20 A. Make sure everything is still going good.

21 Q. All right. And then you got back in your truck and you drove
22 from 2:15, from Junction, Texas and you drove to El Paso. It
23 looks like you got to El Paso at about 8:30 in the evening. So
24 this was the day that you drove a lot, 13 hours. What did you do
25 at the rest stop in El Paso once you got there?

1 A. I think the game was on, probably went in there and check on
2 the score.

3 Q. Which game?

4 A. I want to say the Falcons were playing somebody.

5 Q. Well, unfortunately, they're not playing the Cowboys next
6 week.

7 A. The Cowboys got put out, right? I think I checked on the,
8 checked on the game and stuff, and --

9 Q. How did you check on the game?

10 A. -- took a shower.

11 Q. What do you mean?

12 A. They got TVs.

13 Q. Oh, okay. All right.

14 A. And I took a shower and went back in and went to bed.

15 Q. Okay. So it looks like you went and you shut the truck down
16 at 10:30. Would that be the time that you went to bed or did you
17 go to bed earlier than that?

18 A. I went to bed earlier than that.

19 Q. What time?

20 A. Well, about, about 9, 9:30.

21 Q. 9 or 9:30?

22 A. Yeah.

23 Q. And then you woke up at 10:30 to shut your truck down?

24 A. Yeah.

25 Q. Why did you shut the truck down?

1 A. Starting to get cold, I think.

2 Q. Okay.

3 A. Cold or hot, one of the two. Cold probably, because the wind
4 was blowing pretty good. Just crack the windows and --

5 Q. Okay.

6 A. -- go on to sleep.

7 Q. So once you shut the truck down, you immediately went back to
8 sleep?

9 A. Yeah.

10 Q. So it's safe to say that you went to sleep at 10:30?

11 A. Yeah, pretty much.

12 Q. Okay. And then it looks like at 7:30 a.m. is when the truck
13 started up. Would that be when you woke up?

14 A. Yeah. That's when the sun come up. The sun or something.

15 Q. Okay. Did you --

16 A. One of the two.

17 Q. Did you --

18 A. Let the truck warm up a little bit.

19 Q. Did you get a good sleep during that time?

20 A. I had a pretty good sleep.

21 Q. Nobody knocked on your doors and wanted to talk or anything
22 like that?

23 A. No, they -- in El Paso, they don't clean that out, that, that
24 spot. You know, but I mean, no lot lizard running around there or
25 nothing like that trying to --

1 MR. GUNN: What did you say?

2 MR. GUILFORD: Lot lizard. Women of the night.

3 MR. GUNN: Oh, okay.

4 MR. GUILFORD: Try to, you know --

5 MR. GUNN: Had not heard that term.

6 MR. GUILFORD: Well, that's what they call them, lot lizard.

7 MR. GUNN: I'm a little less innocent.

8 BY MR. PARENT:

9 Q. So you went to bed at 9:30, you woke up at 10:30 and went
10 right back to bed, and then woke up at 8?

11 A. Yeah.

12 Q. So it seems like a sufficient amount of sleep, as long as you
13 slept, right?

14 A. Yeah.

15 Q. And then you started driving at 8 a.m. from El Paso. You
16 drove to Eloy, Arizona? What did you do in Eloy, Arizona? And
17 you got there at about a little after 2 p.m.

18 A. I'm not sure.

19 Q. There's just a short break in there. Was that probably
20 filling up the fuel or something like that?

21 A. Probably so. I thought it was -- I had to take a break. You
22 got it at 8:00.

23 Q. And I think on your log I think you have something written
24 about Eloy. So I don't know if you have --

25 A. Yeah. I took a break and got fuel.

1 Q. Okay. Would that be the last time you got fuel before the
2 crash?

3 A. Yeah.

4 Q. And talking about fuel, so the trailer has a fuel tank also,
5 correct?

6 A. Yeah.

7 Q. Did you fill up both at that point in Eloy?

8 A. I don't know. I should -- normally I check it. If it's down
9 low, I go ahead and top it off.

10 Q. You don't remember if you topped it off in Eloy?

11 A. I'm not sure about that one. Because if it's, if it's, like,
12 three-quarter, you know, I'm close to my destination, I won't even
13 bother.

14 Q. Okay.

15 A. But if it start getting down around a quarter -- well, I
16 don't -- I try not to let it get under a half. I go ahead and top
17 it off so I can keep the truck, everything the same.

18 Q. Okay.

19 A. You know, because I don't like to keep getting fuel. The way
20 the knob around the tank, it's kind of narrow. My hand big. So I
21 want to do less as possible on that tank.

22 Q. Okay. What -- is it a 50-gallon tank in that --

23 A. Yeah, 50.

24 Q. So you don't let it get below a half?

25 A. I try not to let it get below a half.

1 Q. So is it safe to say that in Eloy, if your tank was at a
2 half, you wouldn't have filled it up?

3 A. Uh-uh.

4 Q. Okay.

5 A. I'm not filling that up.

6 Q. And then you drove to Ehrenburg, and that's where you stopped
7 at the Flying J, correct?

8 A. Yeah.

9 Q. And that was at 5:45 p.m., somewhere around there?

10 A. Yeah.

11 Q. And what did you do when you got to the Flying J?

12 A. Go inside, walk around and use the bathroom and see if I want
13 something to eat. And if anything good, I would probably get it
14 and go back to the truck.

15 Q. Okay. And then at just before 10 p.m., you started the truck
16 up again. So you shut it down when you got to Ehrenburg and then
17 you started it up again at a little before 10.

18 A. Yeah.

19 Q. Were you in the Flying J that whole time or would you say
20 that you went back to your truck before that?

21 A. Went back to the truck. Probably went back to it before
22 then.

23 Q. Okay. So the startup would be either because you were cold
24 or you were hot?

25 A. Hot probably. In California, I mean, you all got some crazy

1 weather around there. And then I found, just by going to
2 California, you know, you got the -- you got to get some rest
3 because I -- you know, you think you're one place and you ain't.
4 You know what I'm saying? I thought I -- when I stopped in Palm
5 Springs or something, I actually thought I was at the line. I
6 would've kept going. You know, I had plenty of time to keep
7 going. But hell, I thought I was at the line, so I went --

8 Q. Oh, you thought you were still in Arizona?

9 A. Yeah, I thought I had got to Arizona. I thought it was the
10 border of Arizona.

11 Q. Oh, okay.

12 A. Come to find out I had about 90 more miles to go to get to
13 Arizona. That throw you off, you know what I'm saying? You want
14 to manage your stops, you know?

15 Q. Um-hum.

16 A. In California, I ain't have no idea that that -- you all --
17 it's that long, long of state, you know? It looks short, look
18 easy, but, man, when you got to get through them hills and
19 everything, it's like whoa.

20 Q. Yeah, we got a little bit of everything. Desert --

21 A. You all got everything.

22 Q. You go up north, you got a lot of mountains and trees and
23 stuff.

24 A. I done seen this in Ecuador. Man, it's like flashback.

25 Q. So then you go to sleep. Did you get a pretty quality sleep

1 there? Were you woken up at all?

2 A. No, that's another good truck stop. They got everything.
3 Got a lot of this, a lot of little (indiscernible).

4 Q. So in these truck stops, some of them, you can go in and
5 watch TV and stuff like that?

6 A. Yeah. Uh-huh. Like most of your Flying J's and TAs and
7 Petro.

8 Q. Okay. And so in this Flying J, you didn't stay in there very
9 long?

10 A. I stay in there -- I didn't stay that long. I came back out.

11 Q. Would you say that you went to sleep at 9:30 or 10, or what
12 time did you go to sleep on the 22nd?

13 A. I don't know.

14 Q. Because we have a startup at 9:45.

15 A. Yeah.

16 Q. What did you do once you started the truck up? Did you watch
17 -- or listen to radio?

18 A. No, I just turned it on.

19 Q. Did you play your game on your phone?

20 A. No, I just -- if I turn it on like that, I normally go back
21 to sleep. I don't, I don't stay up. California -- like I say,
22 California is a different beast, man. You got to, you got
23 (indiscernible) and hit it. You can't, you can't (indiscernible).
24 You know, it ain't like Louisiana to Mississippi or Louisiana back
25 to Georgia. No, you never know what you're going to get with

1 California, you know. Because I've never been to Rancho
2 Cucamonga. I heard it on the TV, so I thought it was a made-up
3 name. So, you know, I finally said -- you know, I called my
4 brother. I said, hey, man, you know Rancho Cucamonga? Is it
5 actually real? Oh, man. I was, yeah; yeah, I got a delivery
6 there, you know. Like --

7 Q. And you got the 55 mile an hour speed limit, right? You like
8 that, right?

9 A. No, I don't like that. I don't like that. It's hard to try
10 to keep it down to 55.

11 Q. Yeah, I hear you.

12 A. You know, you're going down some --

13 Q. Especially when you're driving cross-country.

14 A. -- big old hills and, you know, you all got hills, you got
15 hills and steep grades and, and who figured out to try to keep it
16 on 55, I don't know.

17 MR. PARENT: He's talking to you. You're the federal
18 government.

19 MR. GUILFORD: That's, that's kind of -- honestly, because
20 you're burning up brakes --

21 MR. BRAGG: We're from the government. We're here to help.

22 MR. GUILFORD: You know, you're burning up brakes and
23 everything trying to keep it under 55, you know?

24 BY MR. PARENT:

25 Q. So it looks like you woke up -- well, you started driving at

1 5 a.m. in Ehrenburg. What time did you wake up that morning?

2 A. I'm ready at 5, you know, and then I do a pre-trip. I eat a
3 sandwich or whatever and then do my pre-trip.

4 Q. Okay. So you had -- you probably woke up a little earlier
5 than 5 because you started driving at 5, right?

6 A. About 5, 5:15, yeah.

7 Q. Well, you started driving at 5.

8 A. Yeah, driving at --

9 MR. GUNN: You mean 4 or 4:15?

10 MR. GUILFORD: Yeah. 4:45 I probably woke up.

11 BY MR. PARENT:

12 Q. Okay. Okay. And then we start driving and then we encounter
13 what we encounter. So just based upon what you said, it sounds
14 like you're not truly getting a full night's sleep sometimes,
15 whether it be people knocking on your door to ask for whatever,
16 directions or just talk to you --

17 A. Yeah.

18 Q. -- or --

19 A. Well, yeah, but sometime, you know, you got a remedy for that
20 too, you know. I just -- and I find that it work. You know, I
21 just don't -- I let it be still, you know, and they'll go away.

22 Q. Did you feel tired when you left Ehrenburg?

23 A. Uh-uh. Uh-uh. I felt good because, like I said, I want to
24 see this Rancho Cucamonga. Honestly --

25 MR. GUNN: It would've been disappointing, believe me.

1 BY MR. PARENT:

2 Q. Hey, I work graveyards, okay? That time in the morning,
3 right around -- it was really 3:00 local time.

4 A. Yeah.

5 Q. But that's the time where it really starts hitting you.

6 A. Yeah.

7 Q. Like if I'm up all night and I'm working.

8 A. Yeah.

9 Q. It's that time when the sun starts coming up, it just --

10 A. Well, I don't know, I don't know when you all's sun come up,
11 so I wouldn't know, you know what I'm saying? I'm just -- you
12 know, at first I just had a spot on (indiscernible). You know,
13 and I don't know -- I could sit here and, you know, try to figure
14 out when you all time come up and then -- I mean, sun come up, but
15 then I think the sun going to come up, but then there's this gray
16 clouds you all got and they say it ain't clouds, it's fog. I'm
17 like, what the hell?

18 Q. That's marine lair.

19 A. All right. Well, if that -- I mean, so when, when do the sun
20 actually come out? You know what I'm saying? So I don't know,
21 you know, I mean -- but the reason I keep saying Rancho Cucamonga,
22 because it was on a movie, right? You know, he said you going to
23 visit your friends in Rancho Cucamonga. So I --

24 Q. What movie was that?

25 A. I always thought it was made up, you know? You know, *Friday*,

1 *The Friday After Next*. You know, last year, he said he's going to
2 visit your, your cousin in Rancho Cucamonga, and I always thought
3 it was a made-up name, you know what I'm saying? Just like when
4 you watch *The Good, The Bad, The Ugly*, I thought Tucumcari was a
5 made-up name, but actually Tucumcari do exist. I'm like -- you
6 know, so, you know, you travel, you find out these things, you
7 know -- you know, just by watching TV, you don't know.

8 Q. All right. So we get to stop and you didn't physically turn
9 the headlamps off?

10 A. No.

11 Q. You never touched any switch --

12 A. No.

13 Q. -- to turn any lamps off?

14 A. Uh-uh.

15 Q. Okay. So I think through testing that we've done, it looks
16 like if you set your parking brake while the truck is running --

17 A. Yeah.

18 Q. -- the headlamps turn off.

19 A. I had no idea.

20 MR. BRAGG: Do they turn completely off or do they just dim
21 to the running, the running lights?

22 MR. PARENT: Oh, no, the running lights and everything stay
23 on. Just those headlamps.

24 MR. BRAGG: Sometimes, you know, sometimes when they go off,
25 there's a dimmer light.

1 MR. PARENT: Oh, that I don't know.

2 MR. GUILFORD: That's what thought I seen.

3 MR. PARENT: Our mechanical guy will have to look at that.

4 MR. BRAGG: Yeah.

5 MR. GUILFORD: That's what I thought I seen when we saw the
6 video. I thought the light was still on, they just weren't bright
7 as the lights that were passing by.

8 BY MR. PARENT:

9 Q. Okay. All right. So after looking at the video, and that's
10 corroborated obviously with the statements of witnesses, as well
11 as the GPS track that shows you stopped --

12 A. Yeah.

13 Q. -- do you agree that you were stopped --

14 A. Yeah.

15 Q. -- when that traffic had cleared out?

16 A. Yeah.

17 Q. Why were you stopped when that traffic cleared out?

18 A. Only thing I can think of, I -- yeah, I'm messing with my
19 radio, I'm doing something down and I look up, oh. And about the
20 time I push my brakes in and everything, released everything, I
21 get hit. Because I know, I know -- like I said, I was fresh. You
22 know what I'm saying? I'm fresh, you know.

23 Q. Well, I don't know if you're fresh. I mean, you're doing a
24 lot of driving and --

25 A. Yeah. I know, I know that, but see, in the military you

1 learn to catch a wink, get them when you can, you know what I'm
2 saying? Because, you know, you might not get 4 hour here and 5
3 hour here, but you got to get a quality sleep, you know what I'm
4 saying, because you got people depending on you and you just can't
5 sit down and say, well, I'm trying (indiscernible) and go to
6 sleep. You can't do that, you know? And I take driving serious.
7 You know, I know what you see on there, but I was fresh, you know.

8 BY MR. BRAGG:

9 Q. Is it possible you could've dozed off and not realized it?
10 Because here's the thing, a lot -- that happens. That's what a
11 micro-sleep is.

12 A. Yeah. Yeah, I understand that. But -- you know, I replay it
13 over and over in my mind, and the only thing I can see is I'm
14 fooling with that damn radio. You know what I'm saying? Trying
15 to find a good station, you know, trying to, trying to see what's
16 going on, you know?

17 MR. PARENT: So when you're --

18 MR. GUILFORD: Like glancing up every now and then, you know,
19 and I must've kept my head down and looked too long.

20 BY MR. PARENT:

21 Q. In your initial interview, you had mentioned that you heard
22 on the radio that --

23 A. Yeah.

24 Q. -- you were going to be there a while?

25 A. Well, yeah, up top. But you know, they, they say -- they

1 don't know. You know what I'm saying? And that why you have to,
2 like, keep looking up every now and then. You know what I'm
3 saying? But like I say --

4 Q. But when you hear that on the radio, does that put you in a
5 different mindset? Like, hey, I'm going to be here a while. Does
6 your level of alertness kind of go down because you now think that
7 you're going to be there a while?

8 A. Well, not, not alert go down. It just, it just -- you're in
9 the mood like, oh, not again. What -- you know, what this time,
10 you know.

11 Q. A lot of your concentration that you were using to the
12 driving task --

13 A. Yeah.

14 Q. -- right, is relieved when you hear we're going to be here a
15 while. In other words, now you don't have to sit here and
16 concentrate on driving and maintaining your lanes --

17 A. Well, that's, that's why -- that's why I go ahead and pull
18 the brakes, so I don't have to worry about trying to hold down the
19 brake and then, you know what I'm saying -- you know, because I've
20 seen a lot of guys' foot slip off the brake and they, you know,
21 they rolling but they -- you know, they looking around and, boom,
22 they hit somebody. So to stop all that, I just pull my brakes out
23 and -- but I didn't have no idea that they cut the lights out
24 though. You know what I'm saying? I was, I was -- I don't know
25 about (indiscernible) --

1 Q. Well, it only, it only dims or shuts down the headlamps. It
2 doesn't shut down your whole truck.

3 A. Oh. I don't know.

4 MR. BRAGG: And when you say you heard about it on the radio,
5 you mean the CB; is that correct?

6 MR. GUILFORD: CB. Yes.

7 MR. BRAGG: Okay.

8 BY MR. PARENT:

9 Q. When you heard that on the CB, how long did you thing you
10 were going to be stopped there for?

11 A. Well, they say, you know, it going to be a while, but if you
12 don't see no life flight or nothing, then they ain't going to be a
13 while, you know what I'm saying?

14 Q. But you saw lights flashing. You saw --

15 A. I said a life flight.

16 Q. Oh, a life flight?

17 A. Yeah. Like a helicopter or something like that.

18 MR. BRAGG: Like a Medevac.

19 MR. GUILFORD: Yeah. If you see that, now you know, you
20 know, you know it going to be about 5 or 6 hour or more --

21 BY MR. PARENT:

22 Q. So your idea --

23 A. -- (indiscernible) everything.

24 Q. -- at the time was that you were stopped for a traffic crash
25 then?

1 A. Yeah, and then --

2 Q. If you're talking about a life flight and all that?

3 A. Yeah. Well, I didn't think it was a crash. I thought it was
4 just they shutting down for some reason. I don't know. They just
5 said they got a road, a road block, you know what I'm saying?
6 Well, you know.

7 Q. Have you ever dozed off while sleeping before?

8 MR. GUNN: Wait. Can you re-ask that question? I think that
9 maybe didn't come out --

10 MR. PARENT: Have you ever dozed off while sleeping before --
11 or, I'm -- while driving before?

12 MR. GUNN: That's what you said the first time.

13 MR. PARENT: Thank you.

14 BY MR. PARENT:

15 Q. While driving before?

16 A. No. I normally -- if I'm not on shift or something like
17 that, then, you know, it going to be a while, I'll take a nap, you
18 know, like that. But other than -- just driving, I never
19 experienced sleeping while driving. I never experienced it.
20 That's why -- it just, all this is new to me. I'm trying to --
21 I've gone over it in my head, you know what I'm saying, trying to
22 figure it out.

23 BY MR. BRAGG:

24 Q. Have you ever dozed off while you're watching TV?

25 A. Well, yeah, I did that, but that's not work, though.

1 Q. How about you ever dozed off while you're talking --

2 A. That's only thing (indiscernible).

3 Q. You ever dozed off while you're talking to your wife or on
4 the phone with someone?

5 A. No. No.

6 Q. No?

7 A. You don't want to do that. I drive trucks (indiscernible) --
8 what you doing? What (indiscernible)? Why you did that?

9 BY MR. PARENT:

10 Q. So as we sit here right now, why was your truck stopped out
11 there? Why do you think you were stopped, with everybody else
12 moving and clearing out, the traffic brake was released, you're
13 out there by yourself --

14 A. Well, the last thing I heard was --

15 Q. -- stopped?

16 A. -- they was running some cables up on the straightaway.

17 Q. You heard that after the fact, right?

18 A. (Indiscernible), I mean.

19 Q. You heard that after the fact? You didn't know that at the
20 time?

21 A. No. No.

22 Q. No, so I mean why were you stopped when everyone else had
23 moved out?

24 A. I'm not sure. I just -- like I say, the only, only, only
25 logical explanation I got was I had been fooling around with the

1 damn radio and I looked up, you know, because normally, you know,
2 to keep, keep a glance on everything. But when I looked up,
3 everything like, whoa. And I was about to take off, and boom.

4 So --

5 Q. So there's no --

6 A. I have no recollection of the time, you know what I'm saying?

7 Just --

8 Q. Is there any possibility that you fell asleep?

9 A. No, not that I know. Like I said, every time I play it over
10 in my mind, sleeping ain't in that.

11 Q. I'm just looking over my notes here.

12 A. Well, why do you all got that 55 mile per hour and everybody
13 else going to --

14 MR. GUNN: That's California.

15 BY MR. PARENT:

16 Q. That's the State of California. Welcome.

17 A. Is it just, we want to do something different or it's
18 safer --

19 Q. It's a safety, safety issue.

20 A. -- safer to do it that way and --

21 Q. It's a safety issue.

22 I just have just a couple quick follow-ups. Why did you
23 falsify your log on the 19th when you say that you were off duty
24 when you were not?

25 A. The 19th?

1 Q. This is the day, according to your log, that you were off
2 duty the whole time, when in actuality you started your trip to
3 California in the afternoon of the 19th. Why did you do that?

4 A. Well, I was off the day before, right? Yeah.

5 Q. No, you weren't off.

6 A. On the 18th?

7 Q. You were only off 8 hours the day before. You needed 34 to
8 reset. Is that why you made your log 24 hours off duty on the
9 19th, so you had that 34-hour reset? I don't know any other
10 explanation for it.

11 A. I'm not sure.

12 Q. I mean, that's not something like it's a little typo. I
13 mean, I can understand some, you know --

14 A. Yeah, I understand.

15 Q. -- writing errors or something with the date, but this is
16 stuff where you physically have to draw lines on a graph.

17 A. Right.

18 Q. And you're well aware of the regulations regarding hours of
19 service and logbook.

20 MR. GUNN: I'm going to instruct him not to answer.

21 BY MR. PARENT:

22 Q. Did Tri-State know when your trip was supposed to start to
23 California? Like were there --

24 A. I'm not sure.

25 Q. Like, for instance, at Keystone Foods, was there a set date

1 that you were supposed to be there to pick up that load or drop
2 off a load, whatever you did at Keystone?

3 A. There's a pickup time, uh-uh, and we set delivery time.

4 Q. Was that a designated time that you were to pick that load
5 up.

6 A. They have a pickup by time.

7 Q. Okay.

8 A. You know --

9 Q. So there's like a window then?

10 A. Yeah. Uh-huh.

11 Q. Would you agree that you did not get your 34-hour reset time
12 before driving again? If you agree with the GPS?

13 A. I don't know. I --

14 Q. I mean, we've got a couple of violations, right? You're
15 probably in violation of the 70-hour on-duty time.

16 MR. GUNN: I'm going to instruct him not to answer any
17 question that requires him to agree to violating any law.

18 MR. PARENT: Okay.

19 MR. GUNN: I mean, the logbooks are what -- the GPS is what
20 it is.

21 MR. PARENT: All right. I don't have anything else.

22 MR. BRAGG: Okay.

23 BY MR. PARENT:

24 Q. Actually, I do. I do have to notify you that we have -- this
25 is a California law -- so search warrants were executed on the

1 GPS, your phone records, the engine control module on your
2 tractor. So all those search warrants have been executed. There
3 had been a delay in notification until I spoke with you. So this
4 will serve as notification that those search warrants were --

5 A. Okay.

6 Q. -- executed.

7 A. I wasn't sure you was who you say you are. You know what I'm
8 saying, I think I had told you I got a call before --

9 Q. Yeah.

10 A. -- and the guy was saying (indiscernible). And I knew
11 that --

12 Q. I'm sure you were getting all kinds of calls. It's --

13 MR. GUNN: Yeah, we've -- we were not wanting him to not
14 cooperate with you.

15 MR. GUILFORD: Right.

16 MR. PARENT: Yeah.

17 MR. GUNN: But he's going to get calls, investigators from --

18 MR. PARENT: Oh, I hear you. That's the same thing we were
19 doing with all the passengers. Every passenger, you know, there's
20 people coming out of the woodwork to talk to people, so --

21 MR. GUILFORD: Yeah. I just don't want you to think that I
22 was avoiding you. It's just because I had to check to make sure
23 you was who you say was.

24 MR. PARENT: No, I completely understand. I don't think you
25 were trying to avoid me at all.

1 MR. BRAGG: Okay. Gentlemen, the time is 1:16 p.m. We'll
2 conclude this interview. Thank you for cooperating.

3 (Whereupon, at 1:16 p.m., the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: TOUR BUS COLLISION WITH SEMI-TRUCK
 ON INTERSTATE 10 NEAR DESERT HOT
 SPRINGS, CALIFORNIA ON
 OCTOBER 23, 2016
 Interview of Bruce Guilford

DOCKET NUMBER: HWY17MH005

PLACE:

DATE: January 17, 2017

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.

Karen A. Stockhausen
Transcriber