



Motor Carrier Attachment 16:

Transcript of NTSB Interview with Motor Carrier

Oxnard, California

HWY15MH006

(18 pages)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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METROLINK TRAIN CRASH

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OXNARD, CALIFORNIA

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Docket No.: HWY-15-MH-006

FEBRUARY 24, 2015

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Interview of: [REDACTED] and

[REDACTED]

Harvest Management/Growers Company
Somerton, Arizona

Saturday,
February 28, 2015

The above-captioned matter convened, pursuant to notice.

BEFORE: MICHAEL FOX
Highway Accident Investigator

APPEARANCES:

MICHAEL FOX, Highway Accident Investigator
National Transportation Safety Board

██████████ Esq.
(Counsel for Harvest Management/Growers Company)
(Telephonically)

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By Mr. Fox		4

I N T E R V I E W

1
2 MR. FOX: Today is February 28, 2015. This is Michael
3 Fox from the National Transportation Safety Board, highway
4 accident investigator. I'm here at the principal place of
5 business of Harvest Management and the Growers Company in
6 Somerton, Arizona. We are going to be conducting an interview
7 with the principals of the company to ask them some questions
8 about their safety practices and some questions about the events
9 that led up to the crash that happened earlier this week.

10 We have several people in the room. We're going to go
11 around the room. Please state your name, spell your last name,
12 and then provide me your title.

13 MR. [REDACTED]: My name's [REDACTED]. And that's
14 [REDACTED]. And my title at the Growers Company is
15 assistant controller.

16 MR. [REDACTED]: I'm [REDACTED],
17 [REDACTED]. I am the president of Growers Company and the
18 president of Harvest Management.

19 MR. FOX: Okay. And on the phone we have counsel?

20 MR. [REDACTED]: Yes, [REDACTED] on
21 the phone from Los Angeles.

22 MR. FOX: Okay. Thank you, Mr. [REDACTED].

23 INTERVIEW OF [REDACTED]

24 MR. FOX: Okay. Can you both explain what your duties
25 and responsibilities are with the company?

1 MR. [REDACTED]: Sure. My duties and
2 responsibilities, they vary. I am responsible for compliance with
3 our payroll tax returns, as well as field tax returns. In
4 addition to that, I assist with the operations in assisting the
5 various departments with day-to-day operations, whatever that may
6 consist of.

7 MR. FOX: Okay. And [REDACTED]?

8 MR. [REDACTED]: I manage both corporations as far as
9 all accounting functions, all administrative functions, and
10 monitor the field functions.

11 MR. FOX: Okay. Are either one of you responsible for
12 safety for the company?

13 MR. [REDACTED]: Yes, we are both responsible for
14 safety.

15 MR. FOX: Oh.

16 MR. [REDACTED]: We actively sit on the safety
17 committee. And because of our commitment to safety, as president,
18 I chose to be part of the safety program.

19 MR. FOX: Okay. Are either one of you familiar with the
20 Federal Motor Carrier Safety regulations?

21 MR. [REDACTED]: Yes.

22 MR. FOX: Okay. How many mechanics do you employ?

23 MR. [REDACTED]: Shop mechanics, we have five full-
24 time mechanics.

25 MR. FOX: And do you have any other mechanics?

1 MR. [REDACTED]: Yes, we also have field mechanics,
2 which can vary depending on the season.

3 MR. FOX: How many are you employing right now as of
4 today?

5 MR. [REDACTED]: Currently, as of today, I believe we
6 have six.

7 MR. FOX: Six.

8 MR. [REDACTED]: I'm sorry, five.

9 MR. FOX: What are the duties and responsibilities of
10 the accident driver?

11 MR. [REDACTED]: The accident driver is a full-time
12 Arizona shop mechanic. His responsibility is to assist in the
13 maintenance, preventative maintenance, as well as repair of
14 various equipment. Mostly his specialty is in tractor motors and
15 the machine equipment which use tractor motors.

16 MR. FOX: Okay. Did the accident driver repair truck
17 tractors, buses, and other heavy equipment?

18 MR. [REDACTED]: I believe he would assist in repair
19 of other equipment.

20 MR. FOX: Okay. Do your mechanics -- excuse me;
21 correction -- scratch that.

22 Did the accident driver conduct any annual inspections
23 on any of your fleet?

24 MR. [REDACTED]: The accident driver did conduct
25 inspections throughout the year and those are documented in his

1 work orders.

2 MR. FOX: Okay. Would it be common practice that the
3 mechanic would test drive the equipment after repair?

4 MR. [REDACTED]: Yes. Yeah, he would test drive
5 equipment within the confines of our shop.

6 MR. FOX: Do you know what the distance is from your
7 office here to Oxnard, California?

8 MR. [REDACTED]: I do not off the top of my head.

9 MR. [REDACTED]: But you got it -- you got it on the
10 sheet.

11 MR. [REDACTED]: Is it okay if I look at the sheet?

12 MR. FOX: Sure, absolutely.

13 MR. [REDACTED]: Yeah.

14 MR. [REDACTED]: Yes, give him the route that we gave
15 him. That's the disc that we gave him.

16 MR. [REDACTED]: Yeah. Well, that's what I have; just
17 got to find out where it's at.

18 Okay. The distance from the shop here in Somerton to
19 Oxnard --

20 MR. FOX: Can you just give me an approximate time or --

21 MR. [REDACTED]: Sure. I can give you the time. I'm
22 having trouble finding the mileage, but the time given is 5 hours
23 and 37 minutes.

24 MR. FOX: Of drive time, would be approximate?

25 MR. [REDACTED]: Yes. And it's 344 miles

1 approximately.

2 MR. FOX: Okay. Thank you.

3 Were you aware that the accident driver should have used
4 a logbook for the trip that he conducted from here to Oxnard?

5 MR. [REDACTED]: Was I aware that he did or if he
6 should have?

7 MR. FOX: That he should have. Were you aware that the
8 driver should have had a record of duty status when he left the
9 office from here to go to Oxnard, California?

10 MR. [REDACTED]: Not via logbook, no.

11 MR. FOX: Okay. Do you currently have an annual
12 inspection for the accident truck or the accident trailer, as
13 required under Part 396?

14 MR. [REDACTED]: As required under Part 396, no, we do
15 not.

16 MR. FOX: Okay. Are your mechanics that work in the
17 shop, are they qualified under Part 396.19 or 396.15 for annual
18 inspection purposes?

19 MR. [REDACTED]: Yes, I believe there are, but it is
20 not documented.

21 MR. FOX: Okay. Did the accident driver ever receive a
22 drug or alcohol test as required under Part 382?

23 MR. [REDACTED]: Not that I am aware of.

24 MR. FOX: Okay. Do you have any driver vehicle
25 inspection reports, or DVIRs as they're commonly called, that you

1 can produce for the accident truck or the accident trailer?

2 MR. [REDACTED]: No. No, I cannot. It was a spare
3 vehicle, so it was not being used for a certain amount of time.

4 MR. FOX: Okay.

5 MR. [REDACTED]: But it was inspected before it left.

6 MR. [REDACTED]: Correct.

7 MR. FOX: And it was inspected how?

8 MR. [REDACTED]: Go ahead.

9 MR. FOX: Go ahead.

10 MR. [REDACTED]: It was inspected by one of the
11 mechanics at the shop and there was service or maintenance
12 prepared to the vehicle, which is documented by his recorders.

13 MR. FOX: Okay. Can either one of you, to the best of
14 your ability, walk us through the company's involvement with the
15 driver leading up to the crash? So we could begin with the driver
16 reported to -- the accident driver reported to work on Monday.
17 Can you, in the best of your ability, walk us through the series
18 of events that you're aware of?

19 MR. [REDACTED]: Sure. To the best of my knowledge,
20 the driver reported for work a little before 7 a.m. He was given
21 an amount of time to repair his vehicle and the trailer with the
22 tools needed for the operation that he would be departing to. At
23 around 2 p.m., he left for Somerton. He left Somerton for Oxnard,
24 to arrive Mountain Standard Time, you know, 5 hours and 40 minutes
25 later.

1 MR. FOX: Okay. Anything else?

2 MR. [REDACTED]: As far as his -- what his day
3 consisted of?

4 MR. FOX: Well, that you're aware of, yes. I mean, did
5 you -- for example, it's my understanding you provided him with a
6 map?

7 MR. [REDACTED]: Yes, sir.

8 MR. FOX: Can you explain that in detail?

9 MR. [REDACTED]: Absolutely. Prior to the mechanic's
10 departure, he was met with to explain what his job function would
11 be in Oxnard. It was discussed, you know, the terms and
12 conditions of his job function, as well as he was provided with a
13 map, which had locations of the hotel that he was supposed to
14 drive to Monday for his trip as well as the location of the ranch,
15 the location of a parts supply store if he were to need it. There
16 was a list of all of the different supervisors involved, in case
17 he needed questions. He was provided with their telephone
18 numbers.

19 He was given the map as well as a travel advance in the
20 amount of \$300 in case it was needed for gasoline or hotel rooms
21 or whatever he saw fit during the trip. Also, it was explained to
22 him that a hotel was purchased in his name for 28 days, which is
23 the maximum amount allowed by that hotel, and it would be renewed
24 until the duration of that job was completed.

25 MR. FOX: Do you know if the driver ever checked into

1 the hotel?

2 MR. [REDACTED]: To the best of my knowledge, the
3 driver did not check into the hotel. I did check on I believe
4 Tuesday to see if he had checked in and they said that he had not
5 at that time.

6 MR. FOX: Did the driver contact the company, either one
7 of you, immediately following the accident?

8 MR. [REDACTED]: Not directly. The driver did contact
9 his foreman, his supervisor here in Somerton, at the time of his
10 accident.

11 MR. FOX: And what transpired after the company was
12 notified?

13 MR. [REDACTED]: Once the company was notified --
14 well, as soon as the conversation took place between the driver
15 and his supervisor, the safety director was in the room, so the
16 phone was passed to her. She advised him to remain at the scene
17 of the accident, to talk to the authorities, to give company name,
18 give all information to the best of his ability, and if he was not
19 able to produce any information, she instructed him to please give
20 her phone number as a safety director or my phone number to assist
21 with that after the accident.

22 MR. FOX: Okay. Perhaps I didn't hear it, but can you
23 just clarify -- I understand that the driver had a breakdown, a
24 mechanical breakdown. Can you give some more detail to that?

25 MR. [REDACTED]: Sure. To the best of my knowledge,

1 what happened, and this is what I learned just through asking
2 questions from our personnel. The driver did have a breakdown in
3 the city of Jacumba, which is about, I believe, 45 minutes to an
4 hour outside of El Centro, just south -- southwest of El Centro,
5 California. It was a different route than given, so it was a
6 little to my surprise when I found out he broke down there. But
7 his supervisor did report that he received a call from him noting
8 that he had broken down due to a -- well, we didn't know the issue
9 at the time, but it was later found to be a radiator issue. And
10 the foreman, the shop foreman informed me that they did dispatch a
11 replacement truck for our mechanic to switch out in the road.

12 MR. FOX: What timetable was that?

13 MR. [REDACTED]: From, from our investigation, it
14 looked like the breakdown occurred around 5:30. A new truck was
15 sent out after being inspected and, you know, given the proper
16 maintenance around 6 p.m. or so. It arrived in Jacumba around
17 8 p.m. and then 2 hours later, at 10 p.m., our mechanic driver
18 left for -- continued on his way.

19 MR. FOX: Now, this mechanic that brought the substitute
20 vehicle, did that vehicle come from the shop here in Somerton?

21 MR. [REDACTED]: Yes. That vehicle came from our shop
22 here in Somerton.

23 MR. FOX: Okay. And was there any activity after this
24 breakdown, mechanical breakdown with the company?

25 MR. [REDACTED]: Yes. From our investigation, it was

1 reported that our mechanic driver called his supervisor a little
2 after 3 a.m. in the morning to report that he was involved in a
3 minor accident with another vehicle, which seemed to be on the
4 highway of Los Angeles, and he was instructed to call the police
5 to report the accident. And then the safety director was also
6 called during that time to report the incident as well as to
7 garner advice, which she advised the same procedure, to call the
8 police. The mechanic driver was called back afterwards,
9 instructed to call the police again, and then he was called again
10 to confirm that he called the police.

11 MR. FOX: So the -- as far as you know, the company was
12 aware that he did notify the police that he was sideswiped or he
13 had a problem, some type of accident?

14 MR. [REDACTED]: From what I was told, the mechanic
15 driver did confirm that the police were called. He reported that
16 to his supervisor.

17 MR. FOX: Okay. Have you received a copy of this police
18 report from the Los Angeles police department yet?

19 MR. [REDACTED]: No, we have not, but given my
20 experience, usually they do not release police reports until after
21 a certain period of time.

22 MR. FOX: Okay.

23 MR. [REDACTED]: We request them after 7 days.

24 MR. FOX: Okay. So it's your understanding that he had
25 notified the police and it was probably a report or details a

1 report that were initiated by the Los Angeles Police Department,
2 and then as far as you know, sometime after 3:15, he got back on
3 the road to final -- to finish the final leg of his destination?

4 MR. [REDACTED]: Yes, sir. It appears that way.

5 MR. FOX: Okay. And then the last event that you heard
6 from the driver or through the chain of command was that there was
7 an accident?

8 MR. [REDACTED]: Correct. It was in the morning -- I
9 guess Pacific Standard Time, it would be around 5:55, that he did
10 call his supervisor at that time to report that his vehicle had
11 been involved in a train collision.

12 MR. FOX: I see. Did either one of you go to the
13 accident site?

14 MR. S. R. [REDACTED] I did. [REDACTED] did.

15 MR. FOX: And [REDACTED], can you explain what your activity
16 was out at the incident?

17 MR. [REDACTED]: We -- I got there about 2:30 the day
18 of the accident and wanted to find my driver. So when I went, of
19 course, there was quite a scene. So I went to the police
20 headquarters and identified myself, gave them my business card,
21 told them who I was, and asked to see our driver. And I never
22 did. So at that point, walked around, talked to the railroad
23 people, talked to the policemen trying to find out what happened
24 to him, to get more information.

25 MR. FOX: So you never were able to speak to the driver

1 after the accident?

2 MR. [REDACTED]: To this date, I have not been able to
3 speak to him.

4 MR. FOX: I see. Okay. These are all the questions
5 that I have. Is there anything that either one of you feels
6 necessary that we did not cover in the questioning that you'd like
7 to bring forward?

8 MR. [REDACTED]: Yes. When -- he went there to start
9 work on Wednesday and he left on Monday. We gave him plenty of
10 time to get there, to rest, to get set up for the Harvest. It was
11 going to be 2 days from the time that he left. I think it's
12 important to note that.

13 MR. FOX: Okay.

14 MR. [REDACTED]: I would like to note too, in the map
15 that was given, because it's -- this is -- it's audio, so there's
16 nothing physical, it was an alternate route that he decided to
17 take which extended the length of the trip, as well as the route
18 that he chose had more, I guess, tumultuous conditions, you know,
19 mountains and such, which would produce extra strain on the truck.
20 The condition or the route that we take, we always plan it out to
21 ensure the safest route as well as a well-traveled route that
22 we're familiar with, which is one of the reasons why we produce
23 maps.

24 MR. FOX: Is there any reason why he would deviate from
25 your directions?

1 MR. ██████████: That's the question I wanted to ask
2 him, but I never got to talk him.

3 MR. ██████████: Not to my knowledge, no.

4 MR. ██████████: Yeah.

5 MR. FOX: Well, at this point we're going to conclude
6 the interview since there's no other comments. It's now 3 minutes
7 past 1:00 and the meeting -- the interview is now concluded.

8 (Whereupon, at 1:03 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: METROLINK TRAIN CRASH
OXNARD, CALIFORNIA
FEBRUARY 24, 2015
[REDACTED] and
[REDACTED]

DOCKET NUMBER: HWY-15-MH-006

PLACE: Somerton, Arizona

DATE: February 28, 2015

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.

[REDACTED]
Transcriber