



Motor Carrier Attachment 30:

Howard County Public School Interviews

Baltimore, MD; 11/1/2016

HWY17MH007

(44 pages)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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SCHOOL BUS/COMMUTER BUS CRASH IN
BALTIMORE, MARYLAND ON
NOVEMBER 1, 2016

Accident No.: HWY17MH007

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Interview of: DAVID RAMSAY and
CATHERINE MAGERS
Howard County Public Schools

Transportation Office
Howard County Public Schools
5451 Beaver Kill Road
Columbia, Maryland

Thursday,
November 10, 2016

APPEARANCES:

MICHAEL FOX, Highway Accident Investigator
National Transportation Safety Board

RAFAEL MARSHALL, Ph.D., Human Performance Investigator
National Transportation Safety Board

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I N T E R V I E W

1
2 MR. FOX: Today is November the 10th, 2016. This is Michael
3 Fox, Investigator, NTSB, out of the Washington, D.C. office. I'm
4 currently located in Howard County Public School System, Pupil
5 Transportation Office, located at 5451 Beaver Kill Road, Columbia,
6 Maryland. And I'm going to -- we are going to be interviewing
7 David Ramsay. He's the director of pupil transportation here. So
8 for the tape, we'll go around the room and introduce ourselves.

9 We'll start with you, Mr. Ramsay. Can you state your full
10 title -- correction, your name, your full title, and spell your
11 last name, please?

12 MR. RAMSAY: It's David Ramsey, R-a-m-s-e-y, and I'm the
13 Director of Transportation for the Howard County Public School
14 System.

15 MR. FOX: And spell your last name.

16 MR. RAMSAY: R-a-m-s-a-y.

17 MR. FOX: Thank you.

18 DR. MARSHALL: Rafael Marshall, M-a-r-s-h-a-l-l, Human
19 Performance Investigator with the NTSB.

INTERVIEW OF DAVID RAMSAY

20
21 BY MR. FOX:

22 Q. So, Mr. Ramsay, thank you for meeting with us today. As
23 mentioned, we had received a drug test result from Y&L
24 Transportation. The NTSB interviewed the owners over there
25 yesterday and they gave me a report from your office concerning

1 the accident driver involved in our Baltimore, Maryland crash that
2 happened last Tuesday, specifically Mr. Glenn Chappell. I
3 received a notice from the owners over at Y&L stating that he was
4 not qualified to drive, and we just wanted to work through some of
5 the paperwork that you have, your office.

6 Can you explain your process, how you get a notification from
7 the bus company and the process of whether they're accepted or
8 not?

9 A. Sure. Any of our prospective candidates are sponsored by one
10 of our independent school bus contractors. The first step that is
11 required by a bus contractor is that they are to submit the
12 complete record of the applicant's MVA driving record. The second
13 piece of information they're to submit are the drug test results.
14 The third piece is that the contractor sends the applicant to get
15 fingerprinted so we can look at their criminal background. And
16 once we review that information, then we make a determination if
17 the candidate is eligible to continue through with our
18 certification process. But those are the three basic components
19 that first need to be accomplished.

20 Q. So can you go through the chronological process of how Y&L
21 sent you the appropriate paperwork, and then your responses to
22 those requests?

23 A. Well, actually we have other pieces. This actually involves
24 several companies that we have paperwork with Mr. Chappell. So,
25 here, we could do this --

1 Q. So in addition to Y&L, there were other motor carriers --

2 A. Yes.

3 Q. -- or companies that responded?

4 A. Yes.

5 Q. I see. And can you identify what they are?

6 A. The first one is we have a request from Tip Top
7 Transportation, and we received this September 23rd, 2014. And
8 with it is the attached driving record of Mr. Chappell. And at
9 that point, after reviewing the driving record, I informed the
10 company that he would not be a candidate to be certified in Howard
11 County. And my reason for that is I noticed seven seatbelt
12 violations on his driving record.

13 Q. What was the date, sir, again?

14 A. That was on October 30th, 2014. I have a note in which I did
15 not approve this candidate. And then my admin had also informed
16 the company on September 23rd of 2014, as well, that the candidate
17 was not eligible for further consideration.

18 Q. All right, sir. Is that the oldest record you have?

19 A. That's the oldest one, yeah. That's the oldest one.

20 Q. Okay.

21 A. And then let's see here. So that's this one.

22 Q. Can we clip them together so we keep them in, you know, one
23 stack? Or did you already staple all --

24 A. This is all yours.

25 Q. Oh. Oh, okay. Great.

1 A. That's all yours.

2 Q. This is your copy. Okay.

3 A. That's all yours.

4 Q. I did not realize that. So thank you. Okay, so this is Tip
5 Top.

6 A. That's Tip Top.

7 Q. I understand. This is all the related paperwork for that.

8 A. That's with that.

9 Q. And who is this down here? Is that -- that's Tip Top?

10 A. That's with the -- she's the manager, yeah.

11 Q. Do you by chance have contact information for Tip Top?

12 A. Yeah, I can get that. I can get that for you.

13 Q. Okay, so we'll get that later. All right. And then what's
14 next?

15 A. So then it looks like -- this is a form that we have of just
16 all of the components of what we expect this process. So we have
17 the contractor applicant verification form; driving record, when
18 we receive it; fingerprint and reference number when we receive
19 it; the CJIS Maryland, which CJIS is the Criminal Justice
20 Information System, so both for the state of Maryland and the FBI;
21 DOT physical exam, pre-employment drug test, and then just other
22 steps that we take along the process. So this is our check-off
23 list.

24 So, with this, we received the information from Mr. Chappell.
25 So this is his U.S. DOT card that we received at the time, and his

1 license.

2 Q. Is that in this stack here, too?

3 A. It is, um-hum. It is.

4 Q. Oh, I see it. Okay.

5 A. We have a copy of his medical examination report. And then
6 over here -- so let's see here. I have an email from, it looks
7 like someone in, yeah, Baltimore City, in which we were just
8 getting verification if the driver was approved in Baltimore City.

9 And so this is a thread of emails: Please -- is Glenn R.
10 Chappell currently a certified school bus driver in the city? And
11 then our response back was he is not certified. His in-service
12 expired on 6/24/15. His DOT physical is good; doesn't expire
13 until 8/31. And his MVA doesn't expire until 6/16. And we just
14 say thank you.

15 Q. Sir, now, please help me. I might need a sticky note. Who
16 is going -- this is the same email?

17 A. Yeah. So Catherine is one of my secretaries that's
18 responsible for the --

19 Q. Okay, Catherine is in your staff?

20 A. Correct. Catherine Magers.

21 Q. Magers?

22 A. Yeah.

23 Q. I think I talked to her yesterday.

24 A. Yeah, you did.

25 Q. Yeah, she was very helpful.

1 A. Yeah.

2 Q. And she is staff here at Howard County?

3 A. Correct. Yeah.

4 Q. All right, sir.

5 A. And so basically what Catherine's responsibility is, is
6 pulling all this together, and she goes through the initial
7 screening. And if there is something that is in the driving
8 record or the MVA record that she believes needs to be brought to
9 my attention, then that's what she does.

10 Q. And so this email is going to who?

11 A. It looks like a representative in Baltimore City, because if
12 someone is certified in another jurisdiction, we will reach out to
13 them to say, hey, is this so-and-so certified? If they say yes,
14 then we'll just review the information. They still have to go
15 through the entire process, but we just reach out because it has
16 an impact on if they -- for their behind-the-wheel observations.
17 Under COMAR, you either have a 3 or 9-hour observation. So if we
18 have someone that's certified in Baltimore City or Baltimore
19 County as a school bus driver, for our observations we only need
20 to spend 3 hours with them as opposed to 9 hours.

21 DR. MARSHALL: How would you know if they're certified in
22 other places?

23 MR. RAMSAY: We send them an email. We reach out to them.

24 DR. MARSHALL: So is he certified anywhere else besides
25 Baltimore City? Do we know that?

1 MR. RAMSAY: I'm not sure. I'm not sure.

2 BY MR. FOX:

3 Q. So just again going back to this email, Catherine Magers from
4 your office sent an email to what person?

5 A. It looks like Michelle.

6 Q. Best?

7 A. I'm assuming so.

8 Q. And do you -- do we know who she is? I mean, this is going
9 to where? This is going to Baltimore County?

10 A. Baltimore City.

11 Q. City?

12 A. I'm assuming so because Steve James is copied on there. So
13 Steve James works in Baltimore City. If you look down at the
14 bottom, Steve James.

15 Q. Oh, okay. I see now.

16 A. Yeah.

17 Q. Steve James. Okay. So it was copied to him.

18 A. Yeah.

19 Q. Okay. So Michelle Best. Best. And then cc'd to Steve
20 James.

21 A. Yes.

22 Q. Now, and their response was what? Or they just --

23 A. Well, right here it says --

24 Q. It's saying, "I apologize for getting back to you -- is not
25 certified for the City"?

1 A. Yes. Now, remember, this was -- what date was this sent out?

2 Q. '15, September '15.

3 A. '15. So, you know, it's not uncommon for drivers to -- you
4 know, if they don't show up for training, then they lose their
5 certification and then they come back and they regain their
6 certification. But at that point when we sent him the email,
7 yeah, it looks like on here his in-service expired on 6/24/15. So
8 what this tells me is he probably was certified at one time,
9 didn't attend the mandatory training, so they removed his
10 certification and I guess he got it back. Well, I'm assuming he
11 got it back at some point.

12 Q. Okay.

13 A. But when we sent this email, at this point he was not
14 certified.

15 Q. I see. All right.

16 A. Okay? So that's that. And then the next email is from AAA
17 Affordable. Do you have that one?

18 Q. Yes.

19 A. And Catherine says, "I'm forwarding information on
20 Mr. Chappell for consideration for certification in Howard County.
21 He is employed by us." Actually, this is coming from AAA
22 Affordable to our office. "He is employed by us and is currently
23 certified in Baltimore City as a school bus driver. Attached in
24 the email is a memo noting -- indicating his drug test and
25 results." So, once again, they're going through the approval

1 process of sending stuff over.

2 Q. So they're asking if he can be certified in the county?

3 A. Right. Um-hum. Right.

4 Q. And this is on -- what is the date on this, sir? Oh,
5 September the 3rd.

6 A. Of '15.

7 Q. September 3rd, 2015.

8 A. Correct. And then over here is the accompanying paperwork
9 that we had talked about. So they have to fill out all of this
10 information.

11 Q. Okay.

12 A. So this is from AAA Affordable, and attached is a copy of a
13 driver's license and the medical certificate, and then a copy of
14 his driving record.

15 Q. Okay. And this document is your document?

16 A. Um-hum, that's our document.

17 Q. So the contractor would fill out the appropriate information
18 and fax it back or email it to you?

19 A. Right. Right.

20 Q. Okay, so they're sending --

21 A. Yeah, and so what it says is the undersigned contractor
22 certifies that a review of the information, all disclosed former
23 employers have been contacted, blah, blah, blah. It just goes
24 through all the expectations that we have. It has, I have
25 attached the applicant's complete driving record, and then, you

1 know, it goes back through all, you know, all the pieces that we
2 have. Yeah, they sent it over to us.

3 Q. Yes, sir.

4 A. And then this is verification, the next document, for their
5 pre-employment drug test.

6 Q. Yes, sir.

7 A. Okay? And the medical examination report from Concentra.
8 And then over here, once again, this is the CJIS report. On this
9 one, this is the state, and then this is the FBI. And under the
10 CJIS report, once again we state ineligible.

11 Q. I see the note here, but I don't see anything -- what does it
12 say? Supported criminal --

13 A. Well, flip it on the --

14 Q. Oh, so there's -- I was going to say, is there a report? Oh,
15 okay, so there's this. Then I have seen a similar report.

16 A. Okay. So what Catherine does is highlights everything for
17 me. So the nol prosses I can't look -- I don't consider, because
18 they didn't prosecute. But the other things that concerned me in
19 here were the probation for a violation of ex parte order.

20 Q. Maybe we should highlight like you did on yours. We can do
21 it later.

22 A. Okay. Wherever you see checkmarks. So under here, the nol
23 pros, you know, the State's Attorney's Office decided not to
24 prosecute, so I can't factor that in there.

25 Q. I see.

1 A. But the ones that are, when their final disposition has been
2 given on the outcome of a case. So you can see that he had a
3 variety of different charges.

4 Q. Yes, sir.

5 A. And then under the federal, this is the federal report,
6 there's nothing on the federal level.

7 Q. So, now, dealing with AAA, this packet here, did you send a
8 document or email to AAA to say he was not qualified? I see that
9 it says ineligible, but was there -- you know, they sent it --
10 obviously they sent in this package that we're looking at and
11 saying, hey, we want to add him as a driver for Howard County.
12 And then this document here, after you reviewed the criminal
13 history, it says ineligible, CM. So is there a communication back
14 to AAA saying he's --

15 A. I don't have that. It probably was just a --

16 Q. Email?

17 A. It could have been, or a verbal to say we've already reviewed
18 the record and he's not eligible.

19 Q. Is it possible that maybe Catherine would know? Would she be
20 the one, or would it be you personally doing that?

21 A. Yeah, I mean, Catherine has many, many hundreds and hundreds
22 of telephone calls. I can pull her in and ask her.

23 Q. Could you please? That would be great.

24 A. Yeah, absolutely.

25 Q. We'll just wait a second. That would be awesome. Thank you,

1 sir.

2 (Pause.)

3 MR. FOX: We're currently waiting for Catherine Magers to
4 come into the room. So we'll just let the tape run so we don't
5 have to turn it off and introduce ourselves again.

6 (Pause.)

7 MR. FOX: Is she coming?

8 MR. RAMSAY: Yep, she sure is.

9 MS. MAGERS: Hi.

10 MR. RAMSAY: Here's Catherine.

11 MS. MAGERS: Hi. Good morning.

12 MR. FOX: Catherine, Mike Fox from the NTSB.

13 MS. MAGERS: Mike.

14 MR. FOX: Good morning. This is Dr. Marshall with the NTSB.

15 MS. MAGERS: Dr. Marshall.

16 MR. FOX: Please have a seat. We are on the record.

17 MS. MAGERS: Tell me about this.

18 MR. RAMSAY: You're on the record, Catherine.

19 MR. FOX: Yes, we're on the record.

20 MS. MAGERS: And on camera, also?

21 MR. FOX: This is just -- we do this because we can't keep up
22 with the notes fast enough, especially when we're dealing with
23 pieces of paper.

24 MS. MAGERS: Perfect.

25 MR. FOX: And we just want to make sure that we've touched

1 upon everything in the sequential order. So joining us in the
2 interview is Catherine Magers.

3 INTERVIEW OF CATHERINE MAGERS

4 MR. FOX: And for the record, could you state your full name,
5 your title, and spell your last name?

6 MS. MAGERS: Catherine Lavin Magers, M-a-g-e-r-s. I'm a
7 secretary.

8 MR. FOX: Yes, ma'am. Well, thank you for coming.

9 MS. MAGERS: You're welcome.

10 MR. FOX: So, currently, what we're doing is discussing the
11 various procedures that your office has for certifying drivers for
12 contract work for the County, and we're specifically working on
13 Glenn Chappell, who was the driver of the school bus that was
14 involved in the crash last week. And we are -- we've reviewed
15 what appear to be two or three requests for positions at various
16 companies, and I wanted -- we looked at Tip Top Transportation and
17 I see the audit trail on that. We're currently reviewing the one
18 for AAA, and let me --

19 I don't know if you want to show her your copy.

20 So, from what we understand -- and maybe you can explain it
21 from your perspective of how this process works?

22 MS. MAGERS: Sure. Sure. Do you know if these happen to be
23 in chronological order?

24 MR. RAMSAY: No, the first -- yeah.

25 MS. MAGERS: They are? Okay.

1 MR. RAMSAY: Tip Top was the first. And we've already
2 discussed Tip Top.

3 MS. MAGERS: Okay. And so then you're up to --

4 MR. FOX: AAA.

5 MR. RAMSAY: Yeah.

6 MS. MAGERS: AAA.

7 MR. FOX: And they may be in backwards order. He was laying
8 them out for --

9 (Pause.)

10 MR. FOX: I think we could start with this one, right? Or
11 this one?

12 MS. MAGERS: Exactly where I am, yes. Give me just a moment
13 to go through my work.

14 MR. FOX: Yeah, no, no. We've shuffled them around.

15 MS. MAGERS: Sure.

16 MR. FOX: So you take your time to put them in the order as
17 you understand the file.

18 MS. MAGERS: Chronological.

19 MR. FOX: And I'm going to put mine in the same order so we
20 can take a look at them.

21 MS. MAGERS: And then -- oh, September 9th. September 9th.
22 Okay.

23 MR. FOX: Would it be this one first, September 2nd?

24 MS. MAGERS: Yes. This arrived in the -- the contractor's
25 verification application form from AAA Affordable to me arrived in

1 the office September 2nd --

2 MR. FOX: Okay.

3 MS. MAGERS: -- with the attachments that I request, and that
4 is a complete driving record.

5 MR. FOX: Okay. And so that's this stack?

6 MS. MAGERS: That's this.

7 MR. FOX: Yep, gotcha.

8 MS. MAGERS: And it says attached is a complete driving
9 record.

10 MR. FOX: Okay.

11 MS. MAGERS: So I have that. Upon review of the driver
12 record --

13 MR. RAMSAY: I had done the other one where we didn't approve
14 it.

15 MS. MAGERS: Okay. So I set that aside. By then, I would
16 think the name would be familiar to me because of the past. These
17 are in the past. The name rang a bell. I put it to the side
18 because I had more paperwork to review. Affordable had already
19 done a drug testing -- pre-employment drug test, and given me the
20 appropriate cover memo that he's added to their program. That's
21 okay. That's what I request for certification.

22 And that's previous. Based on the date stamp, it appears
23 that she also sent me a copy of his DOT card and license. After
24 recognizing that name, I knew that he wasn't eligible because of
25 -- I had disqualified him because of his criminal information

1 previously. And this sheet here is ultimately the certification
2 record when I fill in the date certified. But with my software, I
3 can print it out and use it as a checklist for the companies, have
4 they sent me the items listed. Ineligible. I would scan this and
5 then, also, cover it with my email, with the message --

6 MR. FOX: Which is that one? Do I have that one? David, do
7 I have a copy of that one?

8 MR. RAMSAY: No.

9 MS. MAGERS: Just this -- no.

10 MR. RAMSAY: Yeah, we just have the one from AAA to us.

11 MR. FOX: Oh, is that this one then?

12 MS. MAGERS: Okay, now, this one is from me from -- no, I'm
13 sorry, this is to Catherine Magers. All right, just a moment.
14 I've got to get the chronology correct.

15 MR. RAMSAY: Yeah, you have this one.

16 MR. FOX: This one, she's talking about?

17 MR. RAMSAY: Yeah. Right.

18 MR. FOX: It's hard to look upside down.

19 MR. RAMSAY: Yeah.

20 MS. MAGERS: Okay. So when his items are in order, and I
21 also had a physical, current physical. A person, if they are
22 certified, currently certified in another Maryland county or
23 Baltimore City, their certification is current, my observation
24 time that I give them behind the wheel can be reduced from 9 hours
25 to 3 hours. So I reach out to another Maryland county.

1 Oh, wait, I'm getting ahead of myself. We need to go back to
2 the September 9th email from me to Michelle Best at Baltimore --
3 is Michelle Baltimore City or Baltimore County?

4 MR. RAMSAY: I'm assuming since Steve James was copied, it's
5 Baltimore City.

6 MS. MAGERS: That's Baltimore City?

7 MR. RAMSAY: Yeah. I don't know the person.

8 MS. MAGERS: So at some point in doing my routine, I reached
9 out to another Maryland county or Baltimore City and asked if his
10 certification is current, and the City replied no, he's not
11 current.

12 DR. MARSHALL: Ms. Magers, why did you reach out to that
13 particular entity, Baltimore City?

14 MS. MAGERS: It would be because I have inquired with the
15 driver, or one of my co-workers, upon my request, inquired of the
16 driver are you certified in another Maryland county or city; if
17 you are, I can reduce your time from 9 to 3 behind the wheel, and
18 the word had come back to me that, yes, he's certified in the
19 city. So I need to verify that. So I reach out to the next
20 county or city. The reply came back, no, he's not current in his
21 certification.

22 After I put all the pieces together -- I've got to see why I
23 determined -- I'm thinking I determined he was ineligible because
24 of criminal issues.

25 MR. FOX: We're up to this one, I think.

1 MS. MAGERS: Okay. Ineligible. I would share this with the
2 director. But I don't have his sign-off, so maybe I decided.

3 MR. FOX: It looks like here --

4 MS. MAGERS: He has a guilty conviction of assault. I
5 determined that he was ineligible.

6 I don't know if I shared it with you because I don't have --

7 MR. RAMSAY: Yeah.

8 MS. MAGERS: -- I don't have your initials on here. I put
9 all those pieces together and I sent AAA Affordable this memo.
10 Oh, it looks --

11 MR. RAMSAY: Yeah, and then --

12 MS. MAGERS: I forgot to put the word not. I am forwarding
13 information to Mr. Chappell for consideration. Oh, this is from
14 Tracy.

15 MR. RAMSAY: Right. What they're asking for is do we have
16 anything written to formally state that we're not approving him.
17 We just don't have an email or anything along those lines for
18 that.

19 MS. MAGERS: Except this.

20 MR. RAMSAY: Except that.

21 MS. MAGERS: Yeah. This is on November 9th.

22 MR. RAMSAY: Right.

23 MS. MAGERS: And then it would be this. Now, since it's
24 September, I may be able to retrieve in my sent email the cover
25 from my email box. Right now, this, which this doesn't tell you

1 that it actually got sent in the email.

2 MR. FOX: So this one right here, you would have sent this
3 document over to AAA to say he's not eligible?

4 MS. MAGERS: He's ineligible.

5 MR. FOX: Okay.

6 MS. MAGERS: Yeah.

7 MR. FOX: All right.

8 MS. MAGERS: Would you like for me to look in my email box
9 for a send receipt?

10 MR. FOX: Yes, ma'am, if you could just show any type of
11 proof.

12 MS. MAGERS: That I had sent?

13 MR. FOX: Yes, ma'am, that this document went over to AAA,
14 that would be very helpful.

15 MS. MAGERS: Yeah, I'll go look for that right now.

16 MR. FOX: Yes, ma'am.

17 Did you have any other questions? She wrote on here
18 ineligible.

19 DR. MARSHALL: Right. So would your email probably say why
20 he was ineligible, do you know?

21 MS. MAGERS: I'll take a look.

22 DR. MARSHALL: Thank you.

23 MS. MAGERS: I'll go take a look.

24 DR. MARSHALL: I don't know if you usually do that or not.

25 MR. FOX: Thank you. Thank you, Ms. Magers. So just come

1 right back in.

2 MS. MAGERS: I'll be right back.

3 (Whereupon, Ms. Magers leaves the room.)

4 MR. FOX: So we'll just let her go and get that.

5 MR. RAMSAY: Yeah, we -- Catherine does a really nice job of
6 going through this. And we're finding that there's a critical
7 driver shortage throughout the United States.

8 MR. FOX: It's a systemic problem.

9 MR. RAMSAY: It is.

10 MR. FOX: Yeah, for all -- I don't know why it's such a
11 shortage.

12 MR. RAMSAY: The economy is good.

13 MR. FOX: The economy is good, but, you know, the driver jobs
14 are very lucrative depending on where you work.

15 MR. RAMSAY: Yeah, our challenges are it's not a full-time
16 job; it's 180 days, work a little bit in the morning, a little bit
17 in the afternoon. So we have found successes with folk that
18 retire and say, look, I want to use up a little time, occupy
19 myself and become, you know, attached to something that we think
20 is really valuable and important. But, yeah, it's a big challenge
21 for us right now, a big, big challenge.

22 But of course, when we see stuff in reviewing their driving
23 records and their CJIS, which is, you know, in my estimation --
24 and as I was sharing with Rafael, it's very subjective for each of
25 the school systems that look at this. Because when you look under

1 the Code of Maryland Regulations, a satisfactory past driving
2 record. So it doesn't give you definitive guidelines on X number
3 of points or the type of infractions.

4 MR. FOX: There are, though -- and I'm not a scholar of the
5 COMAR regulations. Federal regulations are more my area of
6 expertise.

7 MR. RAMSAY: Right. Right.

8 MR. FOX: Regarding the COMAR regulations, I do believe there
9 are disqualifiers in there that I am familiar with, you know,
10 criminal in nature that I saw on -- I forget what site it was.
11 With that being said, is there -- who is the -- what government
12 agency enforces COMAR regulations? Who would be the government
13 body?

14 MR. RAMSAY: Well, since this comes under the education
15 article, so we would -- the Maryland State Department of
16 Education. And so every 2 years they come in and they audit our
17 records.

18 MR. FOX: Maryland --

19 MR. RAMSAY: State Department of Education.

20 MR. FOX: And did they audit the records every 2 years?

21 MR. RAMSAY: Um-hum.

22 MR. FOX: And when they come in and audit, do they do a
23 sample size of files like this, and then do you get like a written
24 report, a compliance review type of document?

25 MR. RAMSAY: Um-hum.

1 MR. FOX: When was the last time you were audited?

2 MR. RAMSAY: I think this past year. So we're still waiting
3 for the -- I can't remember if they've submitted the final report
4 or not, to us or not.

5 MR. FOX: And is it graded, so to speak? Is there some type
6 of matrix that they say you're doing good or bad or satisfactory?

7 MR. RAMSAY: Yeah. Yeah, no, no, they'll just report their
8 findings. So typically they will do a sampling of, I want to say,
9 25 drivers, 25 buses. Don't quote me on the exact number. They
10 pull that, and what they're looking for is to make sure that, you
11 know, our drivers are in compliance with, you know, all of the
12 preliminary requirements as well as the continued employment or
13 certification requirements, so our training, physical, things
14 along those lines.

15 And then similarly, with the -- when they random sample the
16 buses, inspection records are up to date, make sure all the buses
17 have been inspected, if they've been pulled out. And then you
18 have the Motor Vehicle Administration that manages that piece, or
19 oversees that piece.

20 MR. FOX: If there were issues of noncompliance, what type --
21 is there any type of prosecution or --

22 MR. RAMSAY: No, what they can -- you know, and I'm not an
23 expert on this, so I don't know. But typically they would -- if
24 there were repeat findings, then they could put you under a
25 performance program where they would closely monitor a

1 jurisdiction's performance and follow up. But I'm not an expert
2 with that, over that.

3 And then, of course, there are some monetary findings, and
4 this gets into when they -- each of the jurisdictions are eligible
5 for money for the students with disabilities. And so we're
6 actually in the process of putting together our final report to
7 submit to the Maryland State Department of Education. So we have
8 about 1200 students that due to their IEP, their Individual
9 Education Program, the County receives money from the State to
10 contribute to the transportation. And if they find that we
11 submitted a name and it's not reflected on the IEP, then they
12 would start -- they would hit us with a monetary act, or
13 deduction, I should say, fine, deduction.

14 (Whereupon, Ms. Magers enters the room.)

15 MS. MAGERS: No, I cannot substantiate the email. This would
16 be an attachment. I can't substantiate the email.

17 MR. FOX: Okay. All right. Well, thank you for checking.

18 MS. MAGERS: Yeah, I'm going to look over all the paperwork
19 while we're here.

20 MR. FOX: If you return back to your office and you're able
21 to find it or locate it, or you happen to have a fax sheet or
22 whatever type of transmission --

23 MS. MAGERS: Yeah.

24 MR. FOX: -- that you might have sent and you do find it,
25 please by all means, if you could email or fax it to me. Did I

1 give you a business card?

2 MR. RAMSAY: I have one. Yeah.

3 MS. MAGERS: The emails are set to drop -- to keep my email
4 box empty, to automatically delete after so many days.

5 MR. RAMSAY: Yeah, well, that's a system -- I think it's like
6 after 60 days or something.

7 MS. MAGERS: Yeah. So maybe somebody --

8 MR. FOX: Could it be maybe retrieved from your IT
9 department?

10 MS. MAGERS: That's what I was thinking, maybe somebody that
11 knows how to go deeper. Is it ever really deleted?

12 MR. FOX: No.

13 MS. MAGERS: Okay, so maybe --

14 MR. RAMSAY: It's around forever.

15 MR. FOX: As we all know, right?

16 MS. MAGERS: Yeah. So I'm optimistic we can find it.

17 MR. FOX: So if you could contact your technical people, see
18 if they could retrieve that email. It's vitally important.

19 MS. MAGERS: Right.

20 MR. FOX: So it would be urgent that we see if we can't
21 recover that.

22 MR. RAMSAY: Okay.

23 MR. FOX: And considering Ms. Magers' attention to detail,
24 I'm sure that it's in there somewhere. So we appreciate your
25 service, Ms. Magers. Thank you for --

1 MS. MAGERS: Thank you.

2 MR. FOX: -- your very careful review.

3 MS. MAGERS: I'm pleased to be a part of it.

4 MR. FOX: Did you have anything else in talking about the
5 paperwork that you needed to bring to our attention?

6 MS. MAGERS: No.

7 MR. FOX: No. All right. Then --

8 MR. RAMSAY: Okay. Well, I'll try to put this back together
9 for you, Catherine.

10 MS. MAGERS: And I'll sit here and do it, too.

11 MR. RAMSAY: Okay.

12 MS. MAGERS: Unless you want me to leave?

13 MR. FOX: Well, maybe you could, Ms. Magers, and then we'll
14 finish up with David.

15 MS. MAGERS: Okay.

16 MR. FOX: And if you do find -- did you have another question
17 for her?

18 DR. MARSHALL: Yeah. No, I really just had a general
19 question. How often do you reject a driver who is actually
20 eligible in another city or county?

21 MS. MAGERS: I can't speak for the other cities or counties,
22 but I have another -- I do have a rejection email cover letter to
23 this company in my email box now that shows an example of my
24 writing, but it's not this person.

25 MR. RAMSAY: Right, but for folks that are saying they're

1 certified in other counties, and when we're doing our verification
2 to see if they need to do the 3 or the 9 and we say no, how often
3 does that happen?

4 MS. MAGERS: That doesn't happen.

5 MR. RAMSAY: Well, it happened with this, where he was
6 certified in Baltimore City -- well, allegedly certified in
7 Baltimore City but we said no.

8 MS. MAGERS: Because of criminal information.

9 MR. RAMSAY: Right. So for us it could be criminal, it could
10 be the driving record.

11 MS. MAGERS: Well, everything has to be -- all the ducks have
12 to be in alignment. So even if another county or city says okay,
13 I don't know why they're saying okay, but I'm going to follow
14 COMAR. And if all the ducks don't align, so we're going to say
15 no.

16 DR. MARSHALL: Yeah, I guess I just wanted to find out how
17 much communication there is between counties on things like this.
18 You know, so if a driver is eligible in one other county and
19 you've rejected that driver in Howard County, is there any
20 communication back to the other county on why you've rejected that
21 driver?

22 MS. MAGERS: If another county asks me the same question I'm
23 asking, "Catherine, is so-and-so currently certified in Howard
24 County," I'll either reply yes or I'll reply no, this driver's
25 observation is expired, or no, this person hasn't attended in-

1 service classes, he or she is not currently certified.

2 DR. MARSHALL: I guess my question is we sort of had the same
3 issue when it came to commercial drivers some years ago, where a
4 driver would go from, I guess, one -- you know, so they all have
5 to have medicals.

6 MR. RAMSAY: Right.

7 DR. MARSHALL: So they'd go from one doctor to another until
8 they'd finally get -- you know, until they'd finally get their
9 certificate. And there's no communication between the doctors or
10 anything so that nobody knows, you know, whether they've been
11 rejected from another place.

12 MR. RAMSAY: Right. Right.

13 DR. MARSHALL: So in this case, I can see that also
14 happening, where you've got counties that aren't speaking to each
15 other and so a driver can just shop from one county to another
16 until they finally get certified.

17 MR. RAMSAY: Yeah, so it gets back to the subjectivity as
18 we're reviewing the records. Now, I can share that there is a
19 essential repository database for severe infractions in which we
20 are obligated to submit. So it's the Maryland State Department of
21 Education's Disqualified Database.

22 MS. MAGERS: MSDE.

23 MR. RAMSAY: Right. So if a driver were to test positive on
24 a drug or alcohol test, we are required to submit that to the
25 Maryland State Department of Education. And part of our process

1 is we have to check that database, as well as any other
2 jurisdiction, to make sure that there's a driver not in there.

3 So on something like this, this wouldn't rise to the occasion
4 with a CJIS or an MVA record review of someone ending up in that
5 database. Typically it's COMAR violations and the names would be
6 submitted there. Or if there was -- we discovered that there was
7 a behavior that was exhibited that was so egregious and we
8 believed that no county should hire this person, then we would
9 submit the name to MSDE.

10 MR. FOX: So he did have an assault charge on there. Did
11 that not rise to the level?

12 MR. RAMSAY: It's not a crime of violence. And a crime of
13 violence is defined -- and I have the chart. But that's what
14 COMAR states.

15 MR. FOX: I see.

16 MR. RAMSAY: Yeah.

17 MR. FOX: Okay. So just for clarification, none of the
18 violations that you vetted was a breach of COMAR, was in violation
19 of a COMAR standard?

20 MR. RAMSAY: It could be interpreted. You know, when we look
21 at assault, and depending on first degree, second degree -- and
22 once again, it gets back to be, it's very -- it can be very
23 subjective when you have the conversation.

24 MR. FOX: Right.

25 MR. RAMSAY: The COMAR specifically states a crime of

1 violence, and I -- I'll pull the information for where it defines
2 the crime of violence. And then there are obviously some other
3 areas within COMAR. But, you know, this was kind of twofold.
4 One, he had the assault on his record, and then just the other
5 aspects that were on there. It was just too much stuff.

6 MR. FOX: Right.

7 MR. RAMSAY: Yeah.

8 MR. FOX: Let me ask you a question. When a driver is
9 certified, do you have such a thing as a roster, a driver roster?
10 I'm just using -- I'm trying to replicate the same language I
11 heard over at Baltimore City. That's what they said, they put him
12 on the roster. Do you have such a definition or system?

13 MR. RAMSAY: Well, we have all of our drivers in a database.
14 And so, yeah, I guess you could interpret that as a roster. But
15 it's all in our database. And so we use that to manage, to make
16 sure that they have their -- they're up to date on their safety
17 training, they're up to date with their physicals, they're up to
18 date with --

19 What else, Catherine?

20 We track any accidents that they may be involved in. We
21 track drug and alcohol testing.

22 MR. FOX: Perhaps you might be able to do a screenshot?

23 MS. MAGERS: It's all of this.

24 MR. RAMSAY: That's what that --

25 MS. MAGERS: This is a one-time submission, and then I enter

1 them into a flag program upon my certification. I have a
2 connection with the MVA and I put them on a flag roster; tell me
3 any activity of any of my certified drivers that's bad.

4 These are prerequisites: They go to be fingerprinted, and
5 then I have that CJIS report. That's a one-time item. Physicals
6 are annual. This is a one-time -- they give me this memo that so-
7 and-so has been tested for pre-employment and is added to their
8 random drug-testing program, and then the rest begins.

9 Behind the wheel, that's initially a 9-hour observation, and
10 then we give it every other year. COMAR requires it every 24
11 months. Transit evaluation is optional, a flat-nose bus versus a
12 long-nose bus. The criminal background information form is a one-
13 time item that we solicit, we collect at our pre-service class.

14 MR. FOX: So all of these fields are in a program that's
15 managing the drivers' due dates and expiration dates, and then it
16 will flag you by some kind of email or prompt if something is
17 going to fall out of compliance?

18 MS. MAGERS: That's me. That's my job. Yes, I monitor the
19 certification. I maintain the records to see that all of our
20 drivers are up to par.

21 MR. FOX: Is this an Excel spreadsheet or is it a --

22 MR. RAMSAY: No, it's an Oracle database.

23 MR. FOX: So it's a system management software program?

24 MS. MAGERS: Um-hum.

25 MR. RAMSAY: Different systems -- you know, I can't speak to

1 what other systems do, but this is what we do in Howard County,
2 and it's just a tool for us so we can make sure that folks are in
3 compliance. I mean, ultimately, it's the contractor's
4 responsibility to make sure that their employees are up to date
5 with their DOT physicals and make sure that they have all of their
6 drivers enrolled in the drug and alcohol testing program.

7 But we, interestingly, with the MVA flag program -- and
8 obviously that's come to light with part of the investigation, is
9 the time in which jurisdictions are notified if something occurs
10 on one of our drivers' driving records. And the only way that
11 we're made aware of it is through self-disclosure of the employee,
12 notifying their employer that, hey, I got pulled over on 95 for
13 speeding, or if it comes up through the flag program. We have to
14 rely on the flag program and/or the contractors notifying us. But
15 the flag program is our primary source to receive that
16 information.

17 MR. FOX: In your role, do you ever suspend a driver, so to
18 speak? If they get in an accident or something of that nature, is
19 that part of your protocol?

20 MR. RAMSAY: Um-hum.

21 MR. FOX: And when you suspend a driver, do you monitor -- do
22 you have a protocol on the number of days they would be suspended
23 or the length of time that they're not behind the wheel?

24 MR. RAMSAY: Yeah, it's twofold. I mean, once again, it
25 depends on the particular infraction that we're dealing with. So,

1 for instance, I typically will get involved for COMAR-related
2 issues. I have to rely on the contractors to deal with other
3 employee, specific employee issues, because the school bus drivers
4 are not employees of the school system. So like yesterday, I met
5 with someone who was assessed five points, so I permanently
6 disqualified them as a driver.

7 MR. FOX: Five points. How was that generated?

8 MR. RAMSAY: I was alerted through the MVA flag system.

9 MR. FOX: Oh, through the flag system.

10 MR. RAMSAY: Yeah, through the flag system.

11 MR. FOX: So aside from the Motor Vehicle Department, if a --
12 is it your procedure, if there is a school bus incident or
13 accident, does that go to the office and does your office vet
14 those things?

15 MR. RAMSAY: We do. All of the accidents are reviewed by
16 what we refer to as the Accident Review Committee. It's a
17 committee comprised of the Howard County Police Department,
18 Maryland State Police Department, our driver instructors,
19 managers, area managers, representatives from our safety and risk
20 management office. And who else? Oh, and a driver
21 representative.

22 And so the committee, for all of our accidents, they come in
23 this room and they read the reports, put information up on the
24 screen, and then the committee makes a determination of the
25 preventability or non-preventability of the accident based on the

1 National Safety Council's guidelines for preventability or non-
2 preventability of an accident. So all of them are --

3 MR. FOX: You said a point system?

4 MR. RAMSAY: No, it's either preventable or non-preventable.

5 MR. FOX: Oh, non-preventable or preventable.

6 MR. RAMSAY: On the part of the driver. So they're very high
7 standards. You know, it's higher than when the law enforcement --
8 you know, someone could be at fault, but they may not issue a
9 ticket or citation for that. And so what we look into, and really
10 the guiding principle, did the driver do everything in his or her
11 power to prevent the accident from occurring.

12 MR. FOX: Understood.

13 MR. RAMSAY: And so we would then intervene if a driver --
14 all of our drivers who have a preventable accident, they're
15 required to go through what we call a driver improvement program.
16 It's a 1-hour class with our driver instructors. Because we want
17 our folks to succeed. So they would go through this class. If a
18 driver has two preventable accidents within 24 months in which
19 there's appreciable damage or bodily injury, then COMAR states
20 that I have to disqualify them unless I believe that there is a
21 compelling reason not to.

22 MR. FOX: If there was a driver that had a preventable
23 accident, at that point are they considered disqualified?

24 MR. RAMSAY: Uh-uh.

25 MR. FOX: Or they're still qualified in the system, but are

1 they flagged in the system, saying that they shouldn't be driving?

2 MR. RAMSAY: Uh-uh.

3 MR. FOX: Are they suspended?

4 MR. RAMSAY: Uh-uh. No, not necessarily. Someone could be
5 doing a backing maneuver in the school bus and back into a
6 mailbox. We don't suspend someone immediately for an accident
7 that -- what we do is we have all of the accidents go through the
8 review committee, and then at that point we will look at the
9 records to see, you know, have they had another preventable
10 accident. Then we follow what COMAR states.

11 Now individual companies, within their policies, may have
12 provisions if you have an accident, you're suspended. But the
13 school system, since they're not our employees, we do not have
14 that. So we follow what's outlined in COMAR.

15 MR. FOX: So your office doesn't have the power to suspend a
16 driver, or do you?

17 MR. RAMSAY: We do. We do. We have the authority to
18 disqualify a driver, yes.

19 MR. FOX: So disqualify --

20 MR. RAMSAY: Or suspend.

21 MR. FOX: You can do either one?

22 MR. RAMSAY: Yeah, we can do that.

23 MR. FOX: And when a driver is suspended, is that flagged in
24 your system? Do you have like a, you know, Mike Fox, the driver,
25 is currently suspended for whatever the offense may be? Is there

1 a clock, or is it tracked in your system at all?

2 MR. RAMSAY: No, it's just tracked through their file, and
3 it's the letter that they receive from me.

4 MR. FOX: And that's contingent -- their getting reinstated
5 or coming off a suspension is contingent upon meeting certain
6 criteria?

7 MR. RAMSAY: It could be. It could be. It could be, where
8 we may say, you know, in order for you to come back, you have to
9 successfully complete the following items.

10 MR. FOX: I see. Perhaps, when we leave, you can just -- I
11 can just take a peek at your screen just to take a look and see
12 what it looks like, when you command it up, what does it look
13 like.

14 MS. MAGERS: Sure.

15 MR. FOX: And that's all we would need.

16 MS. MAGERS: Yeah.

17 MR. FOX: So --

18 MS. MAGERS: I have one more comment.

19 MR. FOX: Yes, ma'am?

20 MS. MAGERS: Yeah. So if you take my two emails that look
21 like -- that have not handwritten on them -- is this one mine?

22 MR. FOX: That's original.

23 MS. MAGERS: Okay. Okay. But find these two. They were
24 both issued on September 9th, in Glenn Chappell's name. It's an
25 email. Let's see. Keep going. Keep going.

1 MR. FOX: We still haven't talked about that one, now I
2 realize. We haven't talked about this one.

3 This one, ma'am?

4 MS. MAGERS: They both have Glenn's name at the top.

5 MR. FOX: Do I have those?

6 MS. MAGERS: That's the CJIS report.

7 MR. FOX: Oh, here we are.

8 MS. MAGERS: Those two.

9 MR. FOX: These two?

10 MS. MAGERS: Yes.

11 MR. FOX: Yes, ma'am.

12 MS. MAGERS: Okay, and then -- okay, so they're both on that
13 same day, and then -- September 9th, one's at 9:36 and one's at
14 10:07. So at the same time I was communicating with Baltimore
15 City and AAA was putting together their packet of information to
16 us that I received, and the City replied to me that Glenn is not
17 certified. Michelle works with Steve.

18 MR. FOX: James?

19 MS. MAGERS: James. My point I'm getting to, I wrote this
20 "not" here to highlight that I have information he is not. This
21 "not" is not a typo correction. This is my personal exclamation
22 when we disagree with something; somebody tells us something and
23 we go not, it's not true, not.

24 MR. FOX: Yeah.

25 MS. MAGERS: That's what that one is.

1 MR. RAMSAY: Okay.

2 MS. MAGERS: So Tracy at AAA forwarded me this whole package
3 and Tracy said he is certified in Baltimore City. And to myself I
4 went "not," because moments before I had received from the City
5 that he is not certified.

6 MR. FOX: I understand.

7 MS. MAGERS: So if you keep those in that order and maybe
8 make a note or whatever that's my exclamation not.

9 MR. FOX: I gotcha.

10 MS. MAGERS: It's not a typo.

11 MR. FOX: So I realize now we have one more to discuss while
12 you're in here, because it does have your notes on there.

13 MR. RAMSAY: Okay, that goes with that one because that's --

14 MS. MAGERS: Original, um-hum.

15 MR. RAMSAY: Yeah.

16 MR. FOX: There was an additional operator that contacted
17 your office for Y&L.

18 MS. MAGERS: Um-hum, April and Y&L.

19 MR. FOX: Is this yours or mine?

20 MS. MAGERS: Those are all yours.

21 MR. FOX: I think those are mine here. And do you have it in
22 your packet?

23 MS. MAGERS: I do.

24 MR. FOX: So you also received a notification?

25 MS. MAGERS: I think the last person that Mr. Chappell

1 applied for employment was Y&L, and April from Y&L began
2 submitting her items like the other. And by this time, I knew the
3 name and I summed it up with this email to her that ends with, "He
4 should know this." "Glenn is not eligible for certification due
5 to information in his Maryland criminal history report. He knows
6 this. He has been turned away from Howard County as recently as
7 last month, April." This time it's April the month, and that's
8 April the girl.

9 MR. FOX: Gotcha.

10 Rafael, do you have a question?

11 DR. MARSHALL: I think we won't have time, actually. I can
12 ask later.

13 MR. FOX: Well, go ahead and ask it right now if you have a
14 question, real quick.

15 DR. MARSHALL: Well, I guess I wanted to find out a little
16 bit about their drug-testing policies here, because I wanted to
17 see if it's as confusing as it is in Baltimore City.

18 MR. FOX: Well, we can contact David later.

19 DR. MARSHALL: Yeah.

20 MR. FOX: We have an appointment at 10:00 downtown Baltimore
21 we need to run to.

22 MR. RAMSAY: Okay.

23 MR. FOX: So we may have a couple of follow-up questions.

24 MR. RAMSAY: Okay.

25 MR. FOX: But you both have been very helpful and

1 informative, and we appreciate your due diligence.

2 MR. RAMSAY: Okay. I'm glad we were able to help.

3 MR. FOX: So we'll just end with that we're going to do a
4 follow-up. I might be back in the area next week and pop in, if
5 necessary, to see some of the things. And then we'll just take a
6 look at your screen to see what it looks like. And at this point,
7 we're just --

8 Do you have any comments or concerns you wanted to state?

9 MS. MAGERS: Uh-uh.

10 MR. FOX: We appreciate your time. And at this point, we're
11 going to conclude the interview. Thank you.

12 (Whereupon, 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: SCHOOL BUS/COMMUTER BUS ACCIDENT
 IN BALTIMORE, MARYLAND ON
 NOVEMBER 1, 2016
 Interview of David Ramsay
 and Catherine Magers

DOCKET NUMBER: HWY17MH007

PLACE: Columbia, Maryland

DATE: November 10, 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.

Lisa Fuerstenberg
Transcriber