



Motor Carrier Attachment – LBFNY Owner Interview

Louisville, NY

HWY23FH005

(26 pages)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FATAL CRASH OF A FREIGHTLINER BOX
TRUCK & BUS IN LOUISVILLE,
NEW YORK ON JANUARY 28, 2023

Accident No.: HWY23FH005

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Interview of: JAMES BEGLEY, Owner/President
LBFNY

Weedsport, New York

Tuesday,
January 31, 2023

APPEARANCES:

MICHAEL FOX, Investigator
National Transportation Safety Board

DR. RAFAEL MARSHALL, Investigator
National Transportation Safety Board

MICHAEL CERASA
Federal Motor Carrier Safety Administration

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of James Begley:	
By Mr. Fox	5
By Dr. Marshall	22
By Mr. Cerasa	23
By Mr. Fox	24

I N T E R V I E W

1
2 MR. FOX: Today is January the 31st, 2023. This is Michael
3 Fox, investigator for the National Transportation Safety Board out
4 of Washington, D.C. Today we are located at LBFNY, which is the
5 bus company that was involved in this crash. We are located at 16
6 Drumlin Drive in Weedsport, New York. There is multiple folks in
7 the room. We will go around and identify each person. Please
8 state your name, who you work for, and your title.

9 So, Rafael -- Dr. Marshall, can you start it off?

10 DR. MARSHALL: Yes, this is Rafael Marshall, last name is
11 M A R S H A L L. I am with the National Transportation Safety
12 Board and I am the human performance investigator.

13 MR. SILVERSTEIN: Okay, I am Adam Silverstein, it's spelled
14 Silver and the S T E I N. I'm with New York State Department of
15 Transportation. I'm a supervising motor carrier investigator.

16 MR. CERASA: Michael Cerasa, FMCSA, Federal Motor Carrier
17 Safety Administrator -- Administration. The title, safety
18 investigator.

19 MR. FOX: Sir?

20 MR. BEGLEY: James Begley, owner of LBFNY and (indiscernible)
21 B E G L E Y.

22 MR. FOX: Before we start the interview, we discussed before
23 we want on the record that we have permission to tape record this?

24 MR. BEGLEY: Yes, you have my permission to record.

25 MR. FOX: Okay, very good. Thank you, sir. We apologize to

1 be an extra burden for you in this time of grief and on behalf of
2 the NTSB, the chair, we offer our sincerest condolences to the
3 folks that were lost in this crash.

4 MR. BEGLEY: Thank you.

5 MR. FOX: And we do have, coming today to your office,
6 Max Green, who is with our TDA, our Transportation Disaster
7 Assistance Officer.

8 MR. BEGLEY: Uh huh.

9 MR. FOX: So, he'll be available for you as well as grief
10 counseling for your passengers that survived the crash as well as
11 your driver.

12 INTERVIEW OF JAMES BEGLEY

13 BY MR. FOX:

14 Q. So, could you please just describe how your company came to
15 be?

16 A. Yeah, so I grew up on a family farm. We always had migrant
17 laborers on our family business. Three years ago, I saw an
18 opportunity to start building solar farms and we've always a great
19 group of Hispanic people. So, instead of them being farm workers,
20 picking vegetables, we decided to start building nuts and bolts in
21 solar farms. That's grown into a somewhat sizeable business
22 extremely fast and we have approximately a hundred employees at
23 this time scattered around New York State building solar farms
24 every day of the week.

25 Q. Okay, now is that -- do you have a -- I mean, what is your

1 business model? How are you getting the solar farms, you know --

2 A. Oh, so --

3 Q. -- marketed or --

4 A. Yeah, so everything we do is word of mouth, so basically we
5 do a very good job, we're fast, we're easy to work with. So, once
6 you get in with some of our customers, they just never let go of
7 us. So, everything is just, you know, word of mouth and, you
8 know, that's how we get our business, referrals.

9 Q. Referrals. Do you have a website?

10 A. We do, LBFsun.com, which is an extremely -- you know, there's
11 not much on it. There is a map that has all of our job sites
12 we've completed on it.

13 Q. Did you say that you're just operating in the state of New
14 York?

15 A. The majority of our business is in the state of New York, but
16 we do travel outside of the state of New York if required.

17 Q. Okay.

18 A. Currently, at this moment, we are only working in the state
19 of New York. But in this calendar year, we have been in Maine,
20 Connecticut, Rhode Island, Pennsylvania, New York.

21 Q. How many drivers do you have?

22 A. Approximately 15 -- ten to 15.

23 Q. And then how many commercial motor vehicles do you have?

24 A. LBFNY has 15 or 16.

25 Q. And are they all buses?

1 A. There's one van -- 15-passenger van and then three of those
2 vehicles are not used currently and have been in a long-term
3 storage, you know, not even registered. We don't have --

4 Q. So, three are not registered?

5 A. Yeah, three are not registered.

6 Q. And that's the size of your fleet?

7 A. Yes.

8 Q. Okay.

9 A. That's the size of LBFNY's fleet.

10 Q. Okay, is it --

11 A. I would like to confirm that, you know, that's the size of
12 the fleet.

13 Q. Okay.

14 A. I might've missed one, but that's the size of the fleet.

15 Q. Okay, maybe you have an equipment list so we could take a
16 look at that later?

17 A. Yeah.

18 Q. Now, the bus that was involved in the accident had a Montana
19 tag?

20 A. Yep.

21 Q. But you said the business is here?

22 A. Yep.

23 Q. Why is there a Montana tag on the bus?

24 A. Avoid sales tax and just -- Montana just seemed to be the
25 easiest state to register motor vehicles in and it was a little

1 faster process than New York State.

2 Q. Do you have an actual business or buildings or anything in
3 Montana?

4 A. We just use a service as (indiscernible). We don't have a
5 physical brick and mortar in Montana.

6 Q. So, it's just a mailing address?

7 A. Mailing address, yeah.

8 Q. But no brick and mortar there?

9 A. Correct.

10 Q. Okay. All right, and is all of your fleet registered there
11 in Montana?

12 A. Yes.

13 Q. All of it, okay.

14 A. And now I'm wishing it all registered in New York State.

15 Q. Now, are you -- is this -- so, this is an LLC?

16 A. Yes.

17 Q. So, you're a managing member?

18 A. Yep, and only member.

19 Q. Do you have other staff?

20 A. Yes.

21 Q. And can you say who they are and what are their duties and
22 responsibilities?

23 A. Yenny Pinto, Y E N N Y.

24 Q. I'm sorry, what is it?

25 A. Y E N N Y.

- 1 Q. I'm an old Army man, I have bad hearing.
- 2 A. Yeah, no problem.
- 3 Q. What was the first name?
- 4 A. Her first name is Yenny and last name is Pinto, like the car.
- 5 Q. Oh.
- 6 A. P I N T O.
- 7 Q. Okay.
- 8 A. And she's the office manager.
- 9 Q. Office manager, okay. Anyone else?
- 10 A. What -- I guess, what type of staff are you looking for?
- 11 Q. Do you have a dispatcher, a maintenance person?
- 12 A. No -- yep, so we have one mechanic, Leonal.
- 13 Q. Can you spell that name?
- 14 A. L E O N A L.
- 15 Q. L E O --
- 16 A. O N A L.
- 17 Q. N A O. (sic)
- 18 A. L, yeah, I could get you the exact spelling later.
- 19 Q. Okay, and do you have anybody else on payroll staff wise?
- 20 A. Alejandro Flores (ph.).
- 21 Q. And what does that person do?
- 22 A. He kind of -- I'm trying to describe his job.
- 23 Q. Jack of all trades?
- 24 A. Jack of all trades, yeah, and he, you know, he helps Leonal,
- 25 like, buy parts and all of that stuff. He's the fellow you spoke

1 to on the phone.

2 UNIDENTIFIED SPEAKER: Yeah.

3 MR. BEGLEY: Yeah, kind of helps with the mechanic side and
4 he arranges when buses need to come in and out for service, you
5 know, he's kind of in charge of truck.

6 BY MR. FOX:

7 Q. Do you have any other paid staff? Not your workers, but do
8 you have any other paid staff? Do you have a safety person,
9 someone in charge of safety?

10 A. We don't have a formal safety person, no.

11 Q. Who --

12 A. We have another employee, Bryan Lamson (ph.).

13 (Knocking)

14 MR. BEGLEY: You can come in.

15 UNIDENTIFIED SPEAKER: You have more.

16 MR. BEGLEY: I have more.

17 UNIDENTIFIED SPEAKER: Hi.

18 UNIDENTIFIED SPEAKER: Hey.

19 MR. FOX: Oh, this is -- so, we're going to -- we have more
20 NTSB staff arriving. We're going to have to stop the recording.

21 (Off the record)

22 (On the record)

23 MR. FOX: We had some NTSB staff that came into the room, so
24 we had to pause. But we're back on record.

25 BY MR. FOX:

1 Q. We were talking about Montana. Do you have any other
2 properties, or divisions, or subsidiary companies besides this?

3 A. I own a farm -- Lake Breeze Farms, LLC, which has nothing to
4 do with LBFNY except we just share the same office space.

5 Q. And that's where we're located here?

6 A. And we're -- kind of, you know, we're in a shared office
7 space amongst our family of companies.

8 Q. Okay, but this building is -- the other entity is sharing
9 this same location?

10 A. Yes, two entities are in the same and then I don't know if it
11 matters, I have another LLC -- two more LLC's that are just on
12 real estate. So, like, this is a, you know, separate company.

13 Q. It's not --

14 A. Nothing operating.

15 Q. Nothing in transportation?

16 A. Nothing in transportation, yeah.

17 Q. But this is your only business in transportation?

18 A. Lake Breeze Farms and LBFNY are the only businesses that own
19 vehicles.

20 Q. Okay, how do you recruit or hire drivers?

21 A. Referral business, word of mouth, and fellow employees say,
22 you know, hey, my friend or cousin's looking for work. Everything
23 we do is extremely, basically in the family.

24 Q. And do you have a minimum qualification standard for hiring a
25 driver?

1 A. A driver's license and then, you know, we just want to make
2 sure the guy's a good guy and if he's referred by the family of
3 being a good guy, we assume that if the family member trusts him,
4 then we should trust him.

5 Q. And aside from that, I mean, is there -- can you walk me
6 through your process if you hire -- by word of mouth -- do you
7 conduct an interview with the driver?

8 A. Yeah, we conduct an interview. So, Alejandro conducts an
9 interview.

10 Q. Okay, so Alejandro, he's the person that interviews the
11 driver?

12 A. Yep.

13 Q. And he's the hiring person too?

14 A. Yeah, he would have the decision if we hire him or not.

15 Q. Is that Flores then?

16 A. Flores, yep.

17 Q. So Flores does the interviewing and hiring?

18 A. Yep.

19 Q. And going back to the minimum qualifications, they just have
20 to have a valid license?

21 A. Valid license, yep.

22 Q. And how do you validate that license? Do you run a DMV
23 report or anything?

24 A. We don't.

25 Q. Do you --

1 A. We just trust.

2 Q. You just trust. So, you just say do you have a valid license
3 and it's just -- so, it's just a verbal exchange?

4 A. It's verbal, yep.

5 Q. Okay, and was Flores the one that hired --

6 A. Christopher?

7 Q. -- Christopher?

8 A. Yes.

9 Q. And we had asked before the interview began about what we
10 call and by regulation is a driver qualification file. Do you
11 have a driver qualification file for the driver?

12 A. We keep photos of the driver's licenses attached here.

13 Q. Let me see that. Is he in here? Oh, Christopher.

14 A. Yep.

15 Q. And again, Christopher, from what I'm understanding, that's
16 not his official name?

17 A. His name on his paycheck is different than his name on his
18 driver's license.

19 Q. Because I guess -- oh, no, it says Christopher -- I guess
20 Jesus. Do you have an application -- did you do an application
21 for employment?

22 A. Yeah.

23 Q. You can print it off later.

24 A. Yeah, we have -- every -- we use a large email for all of our
25 HR paperwork. So, we have all of the applications saved that way.

- 1 Q. Oh, you have it in a file?
- 2 A. In -- on the computer, yeah.
- 3 Q. On the computer, okay. Let's see -- and how about -- do you
4 have -- oh, so these pieces of paper that are in this file that
5 you have on --
- 6 A. Sorry --
- 7 Q. Yeah, all I'm seeing is just a couple of copies of his
8 driver's license.
- 9 A. His license, yeah.
- 10 Q. And do you have a copy of his medical -- does he have a
11 medical card?
- 12 A. He does not have a medical card.
- 13 Q. No medical card, okay. Now, when drivers are hired, do you
14 have any kind of training program you put them through?
- 15 A. No documented, formal training.
- 16 Q. No documented, formal training. Do you give them a road
17 test? Do they go out and --
- 18 A. Yeah, we go on a road test and make sure the guy could handle
19 a vehicle. Typically, when they first get hired, they're not a
20 driver and then you could tell pretty quickly -- like, you know,
21 they might take the bus one day with one guy just to go somewhere
22 to see if they could handle it.
- 23 Q. So, do -- are a lot of your drivers just like Christopher?
24 Do they have that kind of license?
- 25 A. The majority of them have United States license.

1 Q. U.S. license?

2 A. Yeah.

3 Q. And did they -- do you know if they have a -- what we would
4 call a passenger endorsement?

5 A. A few have passenger endorsements. But since we do not have
6 any large school buses, we weren't aware that we needed passenger
7 endorsements.

8 Q. Okay.

9 A. When we had the -- we used to have full-sized school buses,
10 but we have discontinued those and left them off the road for
11 almost a year now. When we had those, we had drivers that had
12 passenger endorsements.

13 Q. Okay, do you do any safety training, any kind of -- do you
14 have a safety manual?

15 A. We have a safety manual, yes.

16 Q. Okay, so later we'll take a look at that?

17 A. Yep.

18 Q. And do you provide the drivers with any kind of driver
19 handbook or company handbook?

20 A. In our safety manual, there's a driving second with the
21 company handbook.

22 Q. Okay, and I guess just to review, going back to your business
23 model, from what I'm understanding -- or maybe you can elaborate a
24 little further, it's job site to job site, is that correct?

25 A. Correct.

1 Q. So, the drivers will go onto a job, they will stay at a
2 motel?

3 A. Yes.

4 Q. And then from there, they will -- each morning, your company
5 bus will take them from the hotel to the farm field to install the
6 solar panels and then return back to the hotel?

7 A. Yep, exactly.

8 Q. And then they'll move from one job site to another job site.

9 A. Yeah, approximately, every two months, we complete a project
10 and then, you know, we'll take a day and we'll move to a new
11 hotel, you know, somewhere else, wherever the next project is.

12 Q. Okay.

13 A. And then, you know, we'll continue the daily commute and
14 typically, we're always making sure -- sometimes it's hard in
15 rural areas, but the majority of the time, we always are well
16 within an hour of the job site for a morning shift.

17 UNIDENTIFIED SPEAKER: Excuse me.

18 MR. BEGLEY: We want to minimize the driving and, you know,
19 it's better on the guys to get more sleep to work their shift.

20 BY MR. FOX:

21 Q. So, just for clarification -- excuse me -- so, the drivers
22 are -- the whole group is basically living in that --

23 A. Yeah, that's their home.

24 Q. That's their home and they go from that home to another home?

25 A. Yep.

1 Q. But did -- so, they're not ever returning back home unless
2 they take a vacation?

3 A. Correct.

4 Q. Okay.

5 A. They're migrants. I mean --

6 Q. Yeah -- no, I understand. How about -- do you have any kind
7 of drug testing program?

8 A. No, we -- in the event of at-fault workers comp, we
9 automatically drug test them. But we don't have any random drug
10 testing program.

11 Q. Who do you use for that random -- or that at fault?

12 A. We've never had an accident.

13 Q. Never had an accident?

14 A. We've worked half a million man hours without a single
15 workplace accident.

16 Q. Do you have an accident register?

17 A. You mean for accidents?

18 Q. Yeah, to -- either as a record -- you're supposed to keep if
19 you've had any accidents?

20 A. Yeah, we do fill out that OSHA form. But we have literally
21 had half a million man hours -- we haven't had an accident yet in
22 our business.

23 Q. So, that's for OSHA, do you have anyone for the DOT?

24 A. No, we don't. Like a vehicle accident one?

25 Q. Yes.

- 1 A. No, we don't.
- 2 Q. Okay, so we'll probably ask for a loss report from your
3 insurance company.
- 4 A. Okay.
- 5 Q. So we can get a copy.
- 6 A. And we've had zero insurance losses. But we have had -- zero
7 loss from our insurance. We have had a few minor infraction
8 tickets.
- 9 Q. And going back to the kind of -- the routine that each group
10 is doing on the project. There's no dispatch, the driver just --
- 11 A. Yeah --
- 12 Q. The driver wakes up --
- 13 A. It's the same route every day.
- 14 Q. He wakes up with the crew because he's part of the crew?
- 15 A. Yep.
- 16 Q. And in our case, this -- our driver involved in this crash,
17 he was also a skid steer operator and would --
- 18 A. On the job site, yeah.
- 19 Q. Yeah, he would move earth around during the day, or parts, or
20 whatever?
- 21 A. Yeah.
- 22 Q. But there's no dispatching?
- 23 A. Yeah, we have no dispatch.
- 24 Q. Do you keep up with hours of service -- what they call hours
25 of service -- like timecards?

1 A. Like -- we have -- when they're on the job site, they punch
2 in and then we just assume the driver works an hour more on each
3 day.

4 Q. And you have a record of that?

5 A. We have a timeclock.

6 Q. A timeclock, okay. We'll take a look at that later. Do you
7 have any EZ Pass records?

8 A. I wish we had EZ Pass records. We don't have EZ Pass, but we
9 have a never ending supply of, you know --

10 Q. Toll?

11 A. Toll by mail envelopes that show up.

12 Q. Okay. All right, well we may want to take a look at that
13 later.

14 A. Yeah, there's a lot of them.

15 Q. Do you have a disciplinary program?

16 A. We do, I mean, we have a three-strike rule.

17 Q. Okay.

18 A. You know, verbal, written, termination.

19 Q. And our driver, was he ever disciplined?

20 A. He's perfect, he's one of the best guys we got.

21 Q. Okay, how about on the opposite direction, are there
22 any -- is there a rewards program? Any kind of safety incentive?

23 A. We do raises and such, you know, just throughout the company
24 based -- to reward people on being good guys, but there's no
25 formal safety policy -- or safety tied to --

1 Q. Incentivize for safety?

2 A. Yeah.

3 Q. Okay, let's switch gears. How about maintenance on the
4 buses, do you perform them internally?

5 A. We perform some internally. Some stuff, which is beyond our,
6 you know ability, we hire out.

7 Q. What type of level of maintenance do you guys do here?

8 A. What type --

9 Q. What types of services do you guys do?

10 A. We pretty much do everything.

11 Q. Everything?

12 A. Yeah.

13 Q. Tires?

14 A. Engines, tires, transmissions.

15 Q. Okay.

16 A. Brakes, obviously.

17 Q. And that's Leonal?

18 A. Yeah, typically, like, tires, we all get, you know, mounted
19 at a -- tires we have a tire shop too. But in general, everything
20 else, we do.

21 Q. Do you have a requirement to have the drivers do a pre-trip
22 inspection?

23 A. The drivers are required to do a pre-trip inspection every
24 day.

25 Q. And are they memorialized in any way? Do they write it down

1 on what we call a driver-vehicle inspection report?

2 A. They -- we have provided them in the past, but we probably
3 have not done as good a job of enforcing them to make sure they
4 get them done.

5 Q. So, if there is a safety issue, what's the procedure? Like,
6 if they have a --

7 A. At pretty much all the job sites, we have two vehicles, but
8 only one crew. In case there's -- if they find anything wrong
9 with the inspection, we have them take the other one until we, you
10 know, get the other one fixed. So, like, up in Massena, we had
11 two buses.

12 Q. But is there a formal process? So, for example --

13 A. Oh, yeah, call and let us know this one's broken and then we
14 have --

15 Q. But there's no written record of it like hey, the tires are
16 flat, or torn, or whatever?

17 A. No, I mean, there me text messages, but --

18 Q. Okay. All right, do you keep copies of roadside inspections?
19 Have you had any? I haven't gotten the chance to look.

20 A. I've had one. I have a copy on my phone of the, you know,
21 DOT inspection.

22 Q. And you made the necessary corrections and sent it back to
23 the Trooper office or whatever?

24 A. Yeah, we paid our fine.

25 Q. Okay

1 A. It comes through use of access and all that stuff, yeah.

2 MR. FOX: These are the general questions I have. Michael,
3 do you have any questions you want to follow up on?

4 MR. CERASA: Probably, but not right this second.

5 MR. FOX: Okay.

6 MR. CERASA: Until I get some more information.

7 MR. FOX: Okay, sure.

8 UNIDENTIFIED SPEAKER: No, I'm okay.

9 MR. FOX: Rafael?

10 DR. MARSHALL: I just have one.

11 BY DR. MARSHALL:

12 Q. Just wanted to confirm, so the bus driver for this accident
13 was not drug tested after the crash, correct?

14 A. We have not drug tested him and he did not say he was drug
15 tested. I don't know if he was in such shock, he didn't realize
16 he was being drug tested. But as far as I know, he was not.

17 DR. MARSHALL: Then I'll call a drug test. Okay, just
18 wondering.

19 MR. CERASA: I do have a couple of questions if you're done?

20 MR. BEGLEY: Speaking on behalf of him, he would be happy to
21 do a drug test at any second you wanted to. So, if you wanted to
22 do one today, he would say, you know, here you go.

23 BY DR. MARSHALL:

24 Q. Yeah, you just mentioned that you would only drug and alcohol
25 test for at-fault drivers. So --

1 A. Yeah, in like actions -- like, if a guy, you know, does
2 something, then -- probably we didn't follow our employee handbook
3 policy the way it was supposed to be because it was just such a
4 traumatic, you know, what the fuck type thing. (Verbatim)

5 Q. Okay.

6 A. I'm sure you guys would understand.

7 DR. MARSHALL: Absolutely.

8 Michael, go ahead.

9 BY MR. CERASA:

10 Q. Sorry, Bryan Lamson, I didn't get his job title?

11 A. Oh, he's just, like, another, like, office manager, project
12 manager, Jack of all trades. Everybody here wears many hats. So,
13 like, he would have the fastest access to our safety manuals and
14 stuff if you needed them.

15 MR. CERASA: Okay.

16 MR. FOX: Yeah, we'll look at them after we finish the
17 interview.

18 BY MR. CERASA:

19 Q. Okay, and then one other thing. The address where
20 maintenance is done, is that done on site here or is that --

21 A. No, that's done at -- a few miles away from here. 85 Fire
22 Lane 12, Cato.

23 Q. 85 Fire Lane 12?

24 A. 12, Cato.

25 Q. And that's Cato, C A T O?

1 A. Yep, you are correct.

2 Q. Okay.

3 A. And that's where you want. [REDACTED] is the house, 85 is that
4 actual barn.

5 BY MR. FOX:

6 Q. But you do have receipts and maintenance records?

7 A. Yeah.

8 MR. FOX: Okay, we'll look at them later.

9 MR. CERASA: I will have additional questions once we --

10 DR. MARSHALL: Absolutely, we'll have lots of other
11 questions.

12 MR. FOX: So, for now, we'll conclude the interview. We
13 thank you for your time.

14 MR. BEGLEY: Thank you.

15 MR. FOX: Thank you, everyone, for your help and support.

16 So, at this point, we're going to terminate the interview. It is
17 11:23 a.m.

18 (Whereupon, at 11:23 a.m., the interview was concluded.)
19
20
21
22
23
24
25

CERTIFICATE

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

IN THE MATTER OF: FATAL CRASH OF A FREIGHTLINER BOX
TRUCK & BUS IN LOUISVILLE, NEW YORK
ON JANUARY 28, 2023
Interview of James Begley

ACCIDENT NO.: HWY23FH005

PLACE: Weedsport, New York

DATE: January 31, 2023

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.



Carolyn Hanna
Transcriber