



Motor Carrier Attachment – AGL Night Dispatcher Interviews

February 8th and 9th, 2023*

Louisville, NY

HWY23FH005

(67 pages)

*The following transcript has been redacted to protect the identities of Whistleblower complainants who have filed a complaint with the Federal Motor Carrier Safety Administration (FMCSA). These redactions are consistent with FMCSA's statutory duty to protect the identities of Whistleblower complainants under 49 U.S.C. § 31143(b), and FOIA exemptions (b)(3) and (b)(7) (C and D). *See* 5 U.S.C. §552(b)(3) and (b)(7)(C and D).

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: [REDACTED], Dispatcher
Aero Global Logistics

via telephone

Wednesday,
February 8, 2023

APPEARANCES:

MICHAEL FOX, Investigator
National Transportation Safety Board

DONALD ORYE, Special Agent
United States Department of Transportation
Federal Motor Carrier Safety Administration

I N D E X

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I N T E R V I E W

1
2 MR. FOX: So good afternoon. This is Michael Fox,
3 investigator for the National Transportation Safety Board out of
4 Washington, DC. We are on the phone conducting an interview with
5 a dispatcher at Aero Global Logistics in regard to our
6 investigation with the bus crash up in Upstate, New York. We're
7 going to go ahead, and if you could please state your name, spell
8 your last name for the record. We'll start off with Donald.

9 MR. ORYE: Donald Orye, O-r-y-e, Special Agent, United States
10 Department of Transportation, Federal Motor Carrier Safety
11 Administration.

12 MR. FOX: Okay. [REDACTED].

13 [REDACTED]: [REDACTED], [REDACTED] and I'm a
14 dispatcher at Aero Global.

15 MR. FOX: Okay. Well, thank you all for being on this phone
16 call. And I mentioned before we started the recording, Faith, I
17 have your permission to go ahead and record this?

18 [REDACTED]: Yes, sir.

19 MR. FOX: Okay. Thank you. Again, thank you for your time.

INTERVIEW OF [REDACTED]

20
21 BY MR. FOX:

22 Q. And you stated that you are the dispatcher for Aero Global
23 Logistics. And where, where is your office that you work out of?

24 A. Winchester, Virginia.

25 Q. Winchester, okay. And do you hold any other title besides

1 dispatcher?

2 A. Not that I'm aware of.

3 Q. And how long have you been employed there at Aero Global?

4 A. Since October of 2022.

5 Q. And what are your duties and responsibilities as a
6 dispatcher?

7 A. I print BOLs and trip sheets for drivers last minute I'll
8 change that. But my job is essentially to get all the drivers out
9 the door at their prospective time.

10 Q. How many drivers --

11 A. I also work closely -- I have 18 drivers.

12 Q. 18 drivers on the nightshift? I cut you off. You were
13 starting to say you also do what?

14 A. I work closely with the drivers. Like they're the only ones
15 I really work with.

16 Q. Okay. And you said BOLs. What does that stand for?

17 A. Bill of lading is what they take to the dealerships to drop
18 off to show what they're delivering.

19 Q. Okay. I understand because we've been up in there for the
20 past several days talking to your management that it's, it's kind
21 of a unique situation where I think that is a separate company
22 that's operating the dock operation. Is that the way you
23 understand it?

24 A. Yes. The people that work on the dock do not work for Aero
25 Global.

1 Q. And who do they work for?

2 A. They work for Roberto. I don't know his company's name. I
3 think it's A-K-K-I, I think.

4 Q. A-D-K-I?

5 A. That's what it is. There you go. Thank you.

6 Q. Or A -- I'm sorry. I'm getting confused too. It's A-K-D-I.

7 MR. ORYE: Yeah.

8 MR. FOX: A-K-D-I. Thank you, Donald.

9 BY MR. FOX:

10 Q. So and is he there at the same time that you're managing the
11 operation?

12 A. He is there all times of the day and night. So, yes. But he
13 is normally there my entire shift or most of it.

14 Q. And does Roberto run any Aero Global Logistics routes?

15 A. Yes.

16 Q. What routes does he run? Do you know?

17 A. They have, let's see, he has one driver that runs the 16 1.
18 Another driver that takes the 11 1. He has three trucks that run
19 out of Winchester, and I forget what the other route is.

20 Q. Okay. Let me think.

21 BY MR. ORYE:

22 Q. Do -- ████████, this is Donald. Do they run the same route
23 consistently or is it on an as needed basis?

24 A. Normally it's they run that route regularly.

25 Q. Okay.

1 BY MR. FOX:

2 Q. The other thing that we were concerned --

3 A. Yes.

4 Q. The other thing that we were interested in finding out is, is
5 AKDI, Roberto's people, running or is, is he asking Aero Global
6 Logistics people to run extra loads, extra runs?

7 A. Yes. I currently have a driver that drives from here to
8 Buffalo, drops off to another driver, makes a few deliveries, and
9 drives all the way back.

10 Q. And who is that driver?

11 A. His name is Tyler. He's my one one driver. He doesn't
12 normally do that route, but our one two driver was fired, and
13 because they didn't have another driver to take his spot, and
14 they've not hired anybody or I think they're in the process of,
15 but his insurance hasn't come back yet, and so they've had Tyler
16 run it. I've questioned several times with Tyler because by the
17 end of the week he's exhausted. He's tired.

18 Q. So he's --

19 A. But, yes, now --

20 Q. Run that through me again? Run that past me one more time,
21 Faith. He runs from Winchester to Buffalo?

22 A. He runs from -- so normally that route would go from
23 Winchester to DuBois, Pennsylvania, and it would be picked up by
24 another driver that then takes it to Buffalo. But because we're
25 short a driver we don't have anybody to do that, and so Tyler

1 takes that from Winchester to Buffalo. He meets a driver and off-
2 loads freight for those drivers, and then he makes two stops or
3 two deliveries before he then heads back to Winchester.

4 Q. Okay. And how long does that take him?

5 MR. ORYE: Let me -- yeah, go ahead.

6 [REDACTED]: If you give me a second, I can tell you.

7 MR. FOX: And I hope we're not -- making you late.

8 [REDACTED]: It's okay if he makes me late. It's okay.

9 BY MR. ORYE:

10 Q. Well, I was -- and that's what I was going to ask you, Faith,
11 what time do you need to leave so that you can be to work on time?

12 A. Probably about 4:45. But, again, they're not super strict on
13 what time as long as I'm there before seven when the first loads
14 start coming in.

15 MR. FOX: Okay. Hopefully --

16 MR. ORYE: Okay.

17 MR. FOX: We appreciate your willingness to speak to us, and
18 your candidness, and as Don said we are very sensitive about your
19 time. So we'll try to move things along.

20 BY MR. FOX:

21 Q. You're checking on --

22 A. I'm trying to look -- yeah. I'm trying to see how long it
23 takes Tyler to run that.

24 BY MR. ORYE:

25 Q. Is this something he does on a nightly basis? Will he be

1 doing this tonight?

2 A. He'll be doing it tonight, and, I guess he'll be -- he's
3 currently on the lineup to do it tonight. And so he will leave at
4 eight o'clock. Normally it's between 8:15 and 8:30, but he'll
5 leave, and then let me see.

6 (Pause.)

7 A. Trying to see what time he should get to Buffalo. So he'll
8 leave straight -- he'll leave straight from Winchester between
9 8:15 and 8:30, and then he'll head to Buffalo. But I can't pull
10 up currently what time he normally gets back because it's split
11 into two different routes.

12 Q. Okay.

13 A. So one route doesn't typically come down as far. They just
14 go to DuBois. So it only shows their start times and end time.
15 But I can tell you --

16 Q. And you say that's Route one one, correct?

17 A. Yes. He's running the one one and the one two. So when he
18 gets to Buffalo normally -- oh, hold on. I've got a way to pull
19 it up. I'm sorry. Give me one second.

20 MR. FOX: Take your time.

21 MR. ORYE: Take your time.

22 MR. FOX: Hey, Donald, it's 6 hours and 30 minutes just from
23 Winchester to Buffalo not including the stop in DuBois.

24 MR. ORYE: Yeah. Because --

25 ██████████: If he runs, if he runs it straight, he doesn't

1 to go DuBois. He just goes straight to Buffalo.

2 BY MR. FOX:

3 Q. I see. And then he returns back though to Winchester, yes?

4 BY MR. ORYE:

5 Q. When you give him his Bill of lading --

6 A. Uh-huh.

7 Q. -- is it -- does it show one one and one two or do you give
8 him two different ones?

9 A. So when I give it to him it has his trip sheet because he
10 doesn't have any bill of ladings for the one one. So he just has
11 his trip sheet. And then for the one two it would have a trip
12 sheet with his name as well as his BOL. And then he also carries
13 the one three, one four, and one five paperwork until he reaches
14 them.

15 Q. One three, one five?

16 A. Yes. The one -- so that route that Tyler runs to Buffalo
17 takes the one one, one two, one four and one five. Tyler runs the
18 one one and the one two.

19 BY MR. FOX:

20 Q. And then currently he's running the extra, these routes?

21 A. No. Just the one two route is what he's running. The one
22 three, the one five is run by other drivers. He just drops the
23 freight off to them.

24 Q. Oh, I see.

25 A. And it shows that -- I want to make sure that this is showing

1 me correctly, but so he reached -- I don't know how they're -- let
2 me see. He finished with his last stop at 12:12. Is that right,
3 last night? No. He arrived at the Buffalo domicile at 10:23, and
4 then --

5 Q. That's impossible.

6 A. Yeah, I know.

7 Q. He can't --

8 A. So I'm trying to figure out what they're doing.

9 Q. He can't --

10 A. I don't know if they're -- yeah. I don't know if they're
11 doing something internally to make it look like it's being run by
12 two different people or how they're doing that. Because it
13 clearly looks like there's two different people running this, but
14 it's not. But it shows that he left Winchester last night at
15 eight o'clock, and that he was back at Winchester a 4 a.m.

16 BY MR. ORYE:

17 Q. That, yeah, that's --

18 A. Yes. There's something --

19 Q. That -- yeah.

20 (Crosstalk)

21 Q. Is that just saying he went to DuBois or is it saying he went
22 to Buffalo and back?

23 A. It's just saying that he went to DuBois. And then the one
24 queue when I opened it up it's showing me that, like, that it
25 started in DuBois, let's see, at midnight, and then --

1 Q. Okay.

2 A. -- it went back -- then it reached Buffalo at 4 a.m., and
3 then after its last stop it was back at Buffalo at 9:02.

4 BY MR. FOX:

5 Q. Okay, now we're talking. That would be right. So that's how
6 long that would turn that thing is like 13 hours.

7 A. Correct. And I also have a driver that last night I'm not
8 even sure when -- now this driver is one of Roberto's, but he left
9 last night at 10:10, and he didn't get back until 11:30, 11:40
10 this morning. So but he ran two routes. I was told what to tell
11 you guys, and I'll tell you that I was told to tell you guys we
12 don't split routes, which we absolutely do every night.

13 Q. Who told you?

14 A. My terminal manager told me.

15 Q. Who is that?

16 MR. ORYE: Stacey.

17 [REDACTED]: Stacey.

18 BY MR. FOX:

19 Q. Stacey told you to lie to us?

20 A. Oh, yes. I'm told to lie to everybody, like -- and when,
21 see, I refuse. I came from another job where I was a logistics
22 manager --

23 Q. Right.

24 A. -- and I refused to lie. My job is to bring my drivers home
25 safe every night, not to put them at risk. So --

1 Q. Well, we really appreciate your honorable intentions, and I
2 can assure you we're going to get to the bottom of this. And it's
3 a shame that they're -- they basically told you to lie to us?

4 A. Yeah. It is a shame, and it's sad because this could have
5 all been avoided if -- if they would have just paid attention, and
6 they weren't so -- I know freight has to be delivered, but it has
7 to be done safely, and we have way too many accidents, even minor
8 ones. The drivers if they try to pull over and sleep, the
9 dispatcher that takes over for me she will call them and call them
10 and call them. They always get their routes done, but sometimes
11 they're just tired. And I tell them if you're tired, pull over.
12 Because I don't want them -- I want them to come home. My dad was
13 a truck driver. And so I want them to go home to their families
14 when they get back. I don't want them to have to live with
15 something that happened because they felt that they had to do
16 something. And the drivers at Aero very much feel like if they
17 don't do what they're told that they won't have a job.

18 Q. Now, were you also threatened the same way? Did Stacey say
19 if you, if you don't lie, we're going to fire you?

20 A. No. She just told me to lie, and I walked away. And because
21 you guys left yesterday she thought she was in the clear.

22 Q. I see. Okay. Does she have any --

23 BY MR. ORYE:

24 Q. What --

25 [REDACTED]: What was that?

1 MR. ORYE: I'm sorry.

2 BY MR. FOX:

3 Q. I was saying does Stacy have any --

4 MR. ORYE: What, what --

5 MR. FOX: Oh, my goodness. Go ahead, Donald.

6 BY MR. ORYE:

7 Q. I was just going to ask what is Tyler's last name?

8 A. It's Watson, I believe that his last name is.

9 MR. ORYE: Okay, that's fine. Go ahead, Mike.

10 BY MR. FOX:

11 Q. No, I was just going to ask, [REDACTED] do you -- does Stacey
12 have any kind of special relationship that she's so adamant that,
13 you know, that she's asking you to lie? I mean, what's her,
14 what's her stake in this thing?

15 A. She doesn't want to lose her job.

16 Q. Just -- I see. Is that what her impression is that if they
17 don't lie that they're -- that both you, both of you would be
18 fired?

19 A. I don't know. Their practices and the way that they do
20 stuff, if I didn't have kids to support I wouldn't stay there.
21 But it's -- they don't, they don't care. They're just there.
22 Like you guys have been there since Monday, and every day that
23 I've come in like I go back to my office, and they're out there
24 just playing around and, you know, playing games and stuff, and
25 that's -- we have trucks that have issues. The first day that you

1 guys were there that night my drivers went out I had four that
2 were pulled over that I know of, and two that were given
3 citations, and they knew you guys were coming. So it's not like
4 they didn't have time to get trucks fixed, but they don't care.

5 Q. Right.

6 A. They have kids that are running stuff that they have no
7 business running. If you tell a 20 something year old, hey, this
8 truck is broke, they're going to blow it off because, hey, my car
9 is broke too, but I still drive it every day. They don't put it
10 together.

11 Q. Right.

12 A. And Stacey, Stacey doesn't -- she doesn't know DOT
13 regulations. She doesn't know what the rules are. She doesn't
14 even, you know, she may talk to the drivers, but she doesn't
15 (indiscernible) them because ultimately she's going to do what
16 she's told to do to keep her job. And me, I'm just at the point
17 that I'm fed up, and I know that it's only going to continue to
18 happen if something isn't done.

19 MR. FOX: Okay. Go ahead, Donald.

20 BY MR. ORYE:

21 Q. I was going to ask is there any other routes that you know
22 that are being doubled up?

23 A. That are being doubled up? No. The 9 2 and the 10 2 are
24 split between drivers every night, but they're not doubled up. It
25 doesn't make their route really any longer. It's just they take a

1 couple spots from the 9 2. And then there's a driver that takes a
2 couple spots from the 10 2. But, really, outside of that. Now,
3 Chrysler, I don't know if they -- if the Chrysler side of Aero has
4 anybody running double routes. They're pretty good over there,
5 pretty put together. Our side seems to have the most issues.
6 When it comes to being told -- Stacey is our terminal manager, and
7 doesn't even create our lineup. Roberto does.

8 BY MR. FOX:

9 Q. Does he, does Roberto supervise your drivers?

10 A. He tries. And he'll tell -- I've heard him tell drivers that
11 if they don't want to do what he wants them to do then they can go
12 home.

13 Q. He told this to Aero drivers or his drivers?

14 A. No. He has his own drivers. He can't do it to Aero drivers.

15 Q. Okay.

16 A. Because they, they have their routes. But he can change the
17 routes. But he is ultimately the one that, that does our lineup.

18 BY MR. ORYE:

19 Q. Do you know anything about the Foxboro location in
20 Massachusetts?

21 A. I don't. I don't know anything about them.

22 MR. FOX: That was my next question.

23 MR. ORYE: And, oh, I'm sorry, Mike.

24 MR. FOX: No. I was going to ask if --

25 BY MR. ORYE:

1 Q. Do you live -- do you live in --

2 A. (Indiscernible) yes, I live in [REDACTED]. Yes.

3 Q. Would you be able to meet with me tomorrow around noon or one
4 o'clock?

5 A. Absolutely.

6 Q. We can meet up some place out of the way, I don't care, where
7 nobody can see or we can meet in public if it's -- wherever you
8 feel comfortable.

9 MR. FOX: Or you -- Donald, you can --

10 [REDACTED]: I --

11 MR. FOX: -- to the hotel where we were staying in the lobby
12 or wherever she wants to.

13 MR. ORYE: Yeah.

14 [REDACTED]: Yeah, no, that's fine.

15 MR. ORYE: I will, I will get your phone number from Mike
16 once we're off this call.

17 [REDACTED]: Uh-huh.

18 MR. ORYE: And I will give you a call tomorrow. I have to
19 run to Manassas to take care of something else, and then I would,
20 I would like to meet with you tomorrow afternoon so that we can
21 sit down and talk a little more in-depth. And understand you're
22 up against a time clock right now for work.

23 [REDACTED]: That's okay.

24 MR. FOX: No. It's not okay. We want to make sure you're on
25 time.

1 MR. ORYE: Yeah. If it would be possible, and if you are
2 comfortable doing it that -- I know you said that Tyler is
3 scheduled to run this long route tonight, would you be able to
4 take a copy or take a picture of the paperwork for that load on
5 your phone?

6 [REDACTED]: I can get you a copy of it.

7 MR. ORYE: Is it --

8 [REDACTED]: I can get you a copy.

9 MR. ORYE: I don't want it to draw attention to you. I don't
10 want to put you into something that you don't feel comfortable
11 doing. Your safety is definitely our priority. We don't want you
12 to get in trouble; don't want you to get fired or anything.

13 [REDACTED]: I would feel more comfortable giving it to
14 you, and knowing that you guys are going to write something that
15 needs to be wried (verbatim) so that no more drivers have to deal
16 with this or that no more drivers are put at risk.

17 MR. FOX: Yeah.

18 [REDACTED]: So if that means that I lose my job, well,
19 then that's their loss because I'm a great asset to them.

20 MR. ORYE: Of course. And we would never put you in --

21 [REDACTED]: So, you know, no, and I know that. I just want
22 to do what's best for the drivers. Like I said, I came from a
23 small company. We only had a few drivers, but they were like my
24 kids because they were younger, but they were good guys, and they
25 knew that my first rule was they were going to be safe.

1 MR. FOX: Well, you --

2 [REDACTED]: To not have that --

3 MR. FOX: Yeah.

4 [REDACTED]: To not have that say, and to not feel like I
5 can tell a driver, hey, there's no way you need to be going back
6 out on the road without being over --

7 MR. FOX: Let me ask you something.

8 MR. ORYE: Do you --

9 MR. FOX: I was going to ask --

10 MR. ORYE: Go ahead, Mike,

11 BY MR. FOX:

12 Q. Going back to Tyler does he keep a timesheet or does he keep
13 an ELD or how -- and is he running straight truck or tractor
14 trailer?

15 A. He is running a tractor and trailer. He does not that I am
16 aware of run an ELD because they said that he's within the 150
17 nautical miles or aeronautical miles.

18 Q. No.

19 A. So, I guess, right. Well, see, and that's the one thing that
20 I always question is how they do their mileage. Because a lot of
21 these guys -- my guys didn't go 100 miles out, but they still had
22 -- I still had ELDs for them. And we only have one driver that is
23 required under their standard to have an ELD, and it's because he
24 goes outside of the 150 aeronautical miles.

25 Q. Yeah. It's 327 miles from Winchester to Buffalo.

1 A. So --

2 BY MR. ORYE:

3 Q. Are you able to, are you able to see his times when he
4 delivers --

5 A. Yes.

6 Q. -- in Buffalo?

7 A. When he brings the paperwork back from the day before, he
8 brings me his paperwork with his trip sheet. So it would have his
9 times on it.

10 Q. And so, again, I would if -- only if you feel comfortable in
11 doing that if you would be able to get a copy of that sheet
12 showing those times that would greatly help. If you do not feel
13 comfortable doing that, then by all means do not do it.

14 A. Okay.

15 Q. But it would definitely help us in supporting what it is
16 you're telling us.

17 BY MR. FOX:

18 Q. Yeah, and you could explain it better to Donald in person
19 with the paper.

20 A. Okay.

21 Q. And I --

22 BY MR. ORYE:

23 Q. But, again, if there's a risk of you getting caught or it
24 causing any type of problems for you, by all means don't.

25 A. Yes. I understand. I'm not going to do anything to put

1 myself at risk, but at the same time I won't, I won't not -- I
2 will not tell you guys something that isn't true. And like I said
3 safety is something that's really big to me.

4 BY MR. FOX:

5 Q. Yeah. Well, if you can, if you can obtain a copy or as
6 Donald said --

7 A. Okay.

8 Q. -- take a picture, that would really be helpful for us in
9 what we're doing. And --

10 A. Okay.

11 Q. -- I realize it's 4:42, and as Donald said, we're very
12 sensitive about your getting to work on time. And you guys can
13 figure out a place to safely meet tomorrow where you feel
14 comfortable. If you want, you can loop me in on the conversation.
15 It's totally up to you all.

16 [REDACTED]: If you just want to let me know tomorrow what
17 time and where to meet you, and I'll gladly come meet with you
18 and --

19 MR. FOX: Okay.

20 MR. ORYE: All right. Tentatively I'm going to say 12:30 for
21 right now. That way, you know, I hear little ones in the
22 background. So I'm sure you have to arrange for child care and
23 things of that sort. And like I said, I'll get your phone number
24 from Mike. My cell phone number is a [REDACTED] number.

25 MR. FOX: I'm going to, I'm --

1 MR. ORYE: -- so --

2 MR. FOX: -- going to send a copy of both of our business
3 cards to [REDACTED]. I'll handwrite Donald's cell phone on there so
4 you can see it. Okay?

5 [REDACTED]: Okay. All right, thank you.

6 MR. FOX: And that way you guys can link up tomorrow. And,
7 [REDACTED], we're very proud of you for coming forward because this is
8 an extremely complicated case, and any information that we can get
9 -- if you know of other people that are equally concerned, maybe
10 you can let us know about that or tell Donald tomorrow. So --

11 [REDACTED]: Okay.

12 MR. FOX: -- with that, I think that we should -- Donald, did
13 you have anything else for her as far as logistics? You're just
14 going to give her a call, right?

15 MR. ORYE: I'll just meet with her tomorrow, and try to
16 hammer down. Me and you can talk tomorrow --

17 MR. FOX: Okay.

18 MR. ORYE: -- hammer out what we need.

19 MR. FOX: Okay. [REDACTED] we're going to let you go. We hope
20 you have a wonderful evening. I want you to stand tall and be
21 proud. Put your shoulders back, and realize that you did the
22 right thing. We're very proud of you for being so conscientious
23 about safety. It's extremely important for the motoring public,
24 and for everyone around you, and for your wellbeing. So we're
25 very grateful for your information.

1 [REDACTED]: Thank you.

2 MR. FOX: All right.

3 [REDACTED]: I hope you guys have a great evening.

4 MR. FOX: You too, [REDACTED]. Well, have a, have a great
5 evening. Thanks again. And we'll be in touch. Donald will be
6 calling you tomorrow.

7 [REDACTED]: Okay. Thank you.

8 MR. FOX: Thank you, [REDACTED]. All right.

9 [REDACTED]: All right. Thank you.

10 MR. FOX: So at this time -- bye-bye. The interview is over
11 at 4:45. Thank you all. Bye-bye.

12 (Whereupon, at 4:45 p.m., on February 8, 2023, the interview
13 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: FATAL CRASH OF A FREIGHTLINER BOX
TRUCK & BUS IN LOUISVILLE, NEW YORK
ON JANUARY 28, 2023
Interview of [REDACTED]

ACCIDENT NO.: HWY23FH005

PLACE: via telephone

DATE: February 8, 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.

[REDACTED]
Katherine Motley
Transcriber

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: [REDACTED], Dispatcher
Aero Global Logistics

via telephone

Thursday,
February 9, 2023

APPEARANCES:

MICHAEL FOX, Investigator
National Transportation Safety Board

DONALD ORYE, Special Agent
United States Department of Transportation
Federal Motor Carrier Safety Administration

I N D E X

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I N T E R V I E W

1
2 MR. FOX: So we'll go ahead and turn on the recorder, and
3 we'll start the interview now. This is Michael Fox, investigator
4 for the National Transportation Safety Board out of Washington,
5 DC. Today is February the 9th. And on the phone is the [REDACTED]
6 dispatcher for Aero Global Logistics, and Special Agent Donald
7 Orye from the Federal Motor Carrier Safety Administration.

8 We'll go ahead, and we'll just say this is a continuation of
9 the interview that we were having last night.

10 For the record, [REDACTED] we're recording this interview. Do we
11 have your permission?

12 [REDACTED]: Yes.

13 MR. FOX: Okay. And, Donald, why don't you go ahead, and
14 announce your name and title, and who you work for?

15 MR. ORYE: My name is Donald Orye. I'm a special agent,
16 United States Department of Transportation, the Federal Motor
17 Carrier Safety Administration. We are located at the Frederick
18 County Sheriff's Office in a recorded interview room within
19 Winchester, Virginia, at this time.

20 MR. FOX: Okay. [REDACTED]

21 MS. JACOBSON: I'm [REDACTED], and I'm the [REDACTED]
22 dispatcher for Aero Global Logistics.

23 INTERVIEW OF [REDACTED]

24 BY MR. FOX:

25 Q. Okay. Well, again, thank you again for coming in [REDACTED] Let

1 me just start off saying we really appreciate all your time and
2 effort into this investigation. Last night when you went into the
3 office was there any repercussions or any discussions regarding
4 the case?

5 A. Nobody was -- they were all gone for the day. So it's just
6 me.

7 Q. Okay. Very good. Okay, good.

8 MR. FOX: Well, Donald, go ahead. I know that you had some
9 questions.

10 BY MR. ORYE:

11 Q. So with the information that you provided regarding Tyler, so
12 we did have interaction with Tyler earlier today, and I have
13 forgot his last name. What is --

14 A. Watson.

15 Q. Tyler Watson. And you had indicated that he had a double
16 route basically two routes that he had to run starting yesterday,
17 which would have been February the 7th?

18 A. No, the 8th.

19 Q. The 8th. Okay, February -- excuse me. It would have started
20 on February the 8th. And on this sheet can you identify what time
21 Tyler reported to work?

22 A. So his arrival for work is at eight o'clock at night.

23 Q. And do you know --

24 A. 8 p.m.

25 Q. -- exactly what time he got there?

1 A. So last night he arrived at about 8:10.

2 Q. 8:10. Okay. And upon his arrival, was he aware that he had
3 a load that was going to be going to Buffalo?

4 A. Yes.

5 Q. So he knew this before he came to work?

6 A. Yes.

7 Q. When would he have been notified of that?

8 A. Typically they know way beforehand. He's been running this
9 route since Christmas.

10 Q. So he's been doing this since approximately Christmas give or
11 take?

12 A. Yes.

13 Q. And this week alone, and I'm just speaking -- the week of
14 February 5th, how many times has he ran this route this week?

15 A. Every day.

16 Q. He has ran this same route every day?

17 A. Yes.

18 Q. And is -- who is his direct supervisor?

19 A. So Stacey is our terminal -- she's our terminal manager, and
20 then Jake is our, I guess, (indiscernible) general manager. But
21 we don't see Jake very often, and Stacey doesn't make the lineup.
22 So I would say Roberto would be the one that would call the shots
23 there.

24 Q. Okay. And with this route being a double stop route as it's
25 been identified, how -- who makes the decision on Tyler getting

1 this route? Does Tyler ask for it or does someone approach Tyler
2 or how is that route determined?

3 A. So with this route I truly believe that because they knew
4 that Tyler wouldn't turn it down; that he would be reliable. He
5 is very reliable. He shows up. So I think that it was just known
6 that you have certain ones you can ask to do the stuff, and they
7 will do it; you have certain ones that you know will not

8 Q. So when, I guess, when would Tyler have known that this route
9 was going to occur last night? Would he have known it on Monday?
10 Would he have known it yesterday morning when he returned?

11 A. He would have known yesterday morning I'm almost positive,
12 but sometimes the routes aren't confirmed until later in the
13 afternoon.

14 Q. Okay.

15 A. So it could have been -- I know that routes have changed as
16 late as six o'clock. So drivers that have (indiscernible) they're
17 not taking one route; they're taking another. So it doesn't leave
18 them much time.

19 Q. Okay. So --

20 BY MR. FOX:

21 Q. Who do you think --

22 MR. ORYE: Go ahead, Mike.

23 BY MR. FOX:

24 Q. I was going to say do you know who approached him and said,
25 hey, can you -- who -- can you take this extra route back in

1 December? Was it Roberto?

2 A. I'm almost positive that it would have been.

3 MR. FOX: Okay.

4 BY MR. ORYE:

5 Q. In the evening I know you indicated that you're typically
6 alone. Does Roberto interact with the Aero drivers --

7 A. Yes.

8 Q. -- regularly?

9 A. Every day.

10 Q. And does --

11 A. He's there every day.

12 Q. He is there every night. And does he make any schedule
13 adjustments or changes for Aero Global drivers?

14 A. All the time.

15 BY MR. FOX:

16 Q. [REDACTED], are there other drivers like Tyler running extra
17 routes or double routes?

18 A. Not on our side, but probably on the Chrysler. I know there
19 have been. I don't know currently, but I know it's pretty
20 standard if they're shorthanded they'll throw it on a driver that
21 they know will take it.

22 Q. And is that a different dispatcher over there at Chrysler?

23 A. Yes. I don't know who the nighttime dispatcher is over
24 there. Now, during their daytime person she doesn't really --
25 she'll butt heads with Roberto. So she likes to make her own

1 route, and when she does it they're done correctly. They're done
2 to the standard what they should be. Because she's kind of like
3 me. She's a stickler for the way things should be.

4 Q. Okay. Do you know who the nighttime dispatcher is?

5 A. Not the nighttime dispatcher. The daytime I want to say
6 terminal manager would be Dawn, but I don't know her last name.

7 Q. Okay.

8 A. But -- would be the one that does their route, and she will
9 -- she'll fight Roberto if he tries to change it. She will stand
10 up to him. Stacey will not. Stacey will do whatever Roberto
11 says.

12 BY MR. ORYE:

13 Q. Is Tyler assigned to the warehouse South Pleasant Valley or
14 is he assigned to the warehouse at South Pleasant Valley or is he
15 assigned to the warehouse at Admiral Byrd?

16 A. He typically runs out of Admiral Byrd. He's been with us at
17 Pleasant Valley since about December.

18 Q. So essentially when he first began his employment this has
19 been typical for him to run a double route?

20 A. It's been typical for him, yes. I think he will pick up
21 whatever they -- because, see, when he's over at Admiral Byrd he
22 is their switcher. So he pulls trailers to the dock, and changes
23 trailers out before he then takes his route. So you're still
24 talking a good six hours switching trailers, and then a route
25 that's, what, eight hours long.

1 Q. Okay. So is Tyler, I guess, would he be a regular route
2 driver or would he be classified as a shuttle driver slash yard
3 jockey?

4 A. They may have him as a shuttle driver because that's -- at
5 Chrysler that's what he does.

6 Q. Okay.

7 A. So I don't know. But he also runs a regular route. So I
8 don't know how they would have him listed.

9 Q. Do you know if Tyler does shuttle work before he comes to the
10 South Pleasant Valley address to pick up this Buffalo route?

11 A. He did the other night. When I looked at Tuesday.

12 Q. So on Tuesday which would have been February --

13 A. Seventh.

14 Q. Sixth, sixth.

15 A. Sixth, yes.

16 MR. ORYE: Is that the correct date, Mike? I don't have a
17 calendar.

18 MR. FOX: Which day?

19 MR. ORYE: Tuesday. What was Tuesday, February 6th?

20 MR. FOX: No. Seventh is Tuesday.

21 MR. ORYE: Tuesday was the seventh. Okay.

22 BY MR. ORYE:

23 Q. So on Tuesday the seventh, you believe that he did yard work.

24 A. He was switching at Chrysler because we have another driver
25 that was supposed to go to New York and stay up there. He was

1 going to take the route up, and then stay up there to train a new
2 driver. So up until six o'clock that night Tyler was not on that
3 route. He was switching over at Chrysler.

4 Q. Do you know what time he would have come in at Chrysler?

5 A. My switcher normally gets there between 5:30 and 6. So I
6 would assume he would have arrived about the same time because we
7 all start our (indiscernible) about the same time.

8 Q. And then he would switch or do switching, shuttling, yard
9 jockeying up until the time he would have to leave --

10 A. Correct.

11 Q. -- to go on this route?

12 A. Because that's what he basically did Tuesday night was he
13 went in and shuttled until they switched the route.

14 Q. So --

15 BY MR. FOX:

16 Q. And then he ran to Buffalo?

17 MR. ORYE: Go ahead.

18 [REDACTED]: What was that?

19 BY MR. FOX:

20 Q. I said he did yard work shuttling trailers back and forth,
21 and then he ran his route to Buffalo?

22 A. Yes. He -- because our -- the route was not -- he was not
23 put on that route until after 6 p.m. that night. And then they
24 called in one of our part-time guys to do the shuttling at
25 Chrysler so that he could -- so that Tyler could come over and run

1 Buffalo.

2 Q. How is all this being recorded in payroll?

3 A. So for the shuttlers, I don't know how they get paid. I
4 don't. I really don't know if they get paid hourly or, or how
5 that works, or nightly for switching. But then he would have been
6 paid for the route as well. So his paycheck would have the \$500
7 for Tuesday night into Wednesday morning plus whatever he was paid
8 for switching.

9 Q. Are the drivers ever paid cash?

10 A. Not that I'm aware of, no. I've never seen that happen.

11 BY MR. ORYE:

12 Q. What about a separate check of some type, maybe --

13 A. No. Roberto pays his guys, his drivers, and I've never seen
14 one of our drivers be paid by Roberto.

15 Q. Okay. Do you know how he pays his drivers though? Are they
16 check, cash?

17 A. He -- from a hand check.

18 Q. He does a personal --

19 (Crosstalk)

20 A. -- company check.

21 Q. Okay.

22 A. Because I've given those to drivers before.

23 MR. ORYE: Hey, Mike, I'm just going to follow-up with a
24 couple of questions on some paperwork that she has here.

25 MR. FOX: Yeah. Go right ahead.

1 BY MR. ORYE:

2 Q. So that you have here that you brought with you today,
3 correct?

4 A. Yes.

5 Q. All right. So on this first document here that has a
6 scheduled start date of 2/7/2023.

7 A. Um-hmm.

8 Q. So this would be for Tuesday the 7th?

9 A. Yes, Tuesday night.

10 Q. Tuesday night. So on this document has -- describes
11 Winchester to DuBois and back to Winchester, which the DuBois
12 domicile location is where there's a switch off of freight that
13 comes off of this trailer onto local trucks?

14 A. No. So what they do in DuBois is if there was a one two
15 driver, he would come from Buffalo, and meet in DuBois.

16 Q. Okay.

17 A. And they would just swap trailers. So the one two driver
18 would bring the empty trailer from the night before down.

19 Q. Okay.

20 A. And Tyler would then drop the trailer that's full, and pick
21 up the empty and bring it back to Winchester while the other
22 driver took it to Buffalo to then split freight and run their own
23 route. But this run is -- he maybe stopping, but I know he
24 doesn't stop.

25 Q. He doesn't stop in DuBois?

- 1 A. No. He -- he goes up that way.
- 2 Q. And keeps going.
- 3 A. And then keeps going. Because right now he's the only one
4 running these two routes. But then you can see on the second
5 document --
- 6 Q. So there's a second document. The first document is titled
7 Trip Sheet FW1-1 that is dated 2/7/2023, 2000 hours. And then the
8 second document that is dated 2/7/2023 has a scheduled start of
9 2115, and is titled Trip Sheet FW1-2. Go ahead and explain this
10 document.
- 11 A. Okay. So this would be if the driver was coming from
12 Buffalo. So he would start at 2115 to come down and be -- to meet
13 Tyler at midnight.
- 14 Q. Okay. So under normal operation, and I'm just putting this
15 in layman's terms.
- 16 A. Right.
- 17 Q. The driver would leave Winchester, go to DuBois. At the same
18 time there is a driver coming from Buffalo to DuBois. They meet,
19 swap out trailers, freight, whatever.
- 20 A. Right.
- 21 Q. Then Tyler would return to Winchester. The other driver
22 would return to Buffalo, and start making deliveries up from --
- 23 A. Right. He would have --
- 24 Q. -- Buffalo --
- 25 A. -- two -- let's see. So he would have his one delivery, and

1 then he would go to the domicile in Buffalo, and pass out freight
2 to the other three drivers.

3 Q. Okay.

4 A. And then he would take this delivery, and drop it off. Then
5 he would return to the Buffalo domicile to be done for the night.

6 Q. Okay. So both of these documents have writing on them that
7 appears to be in ink. Are these copies or --

8 A. These are copies. I didn't want to take the originals.

9 Q. Okay. And that's --

10 A. They are copies.

11 Q. That is fine. Is this your handwriting on here?

12 A. No, sir.

13 Q. But have you altered or done anything to these documents?

14 A. No, sir. I just picked them up off my desk, and made copies.

15 Q. So to the best of your knowledge this handwriting would be
16 Tyler Watson's?

17 A. Yes, sir.

18 Q. Okay. So, again, on the sheet for 1-1 it shows a time out of
19 2105 which in a.m., p.m., would be 9:05. Is that the time he left
20 Winchester?

21 A. Yes.

22 Q. On February 7th?

23 A. Yes. He got there at -- well, it will show you that he was
24 switching -- no, wait. He got there at 7:43 because he was
25 already at Chrysler switching.

1 Q. Okay.

2 A. So he came in that night at 7:43 when they notified him that
3 he'd be taking this route. And then we didn't get him loaded
4 until late. So he left at 2105.

5 Q. Okay. So that's on, on the route sheet 1-1. So it says at
6 the bottom continued, X continued, which I guess would indicate
7 route continued.

8 A. Right.

9 Q. And then it goes over to the FW1-2 where it also says X
10 continued. And from my understanding in looking at these sheets
11 he would have arrived at Emerling Ford, Incorporated, at 4:39
12 a.m.?

13 A. Yes, sir.

14 Q. Would that be your understanding?

15 A. Yes, sir.

16 Q. And then he would have left from there at 4:58 a.m. Then
17 went to the Delacy, D-e-l-a-c-y.

18 A. No. That night he didn't actually do that stop. So that
19 night it looks like he went to the domicile first. It looks like
20 he went there at 3:27, and gave the other drivers their freight
21 and --

22 Q. Okay. So he reversed his route a little bit --

23 A. Yes.

24 Q. -- up there just with one stop?

25 A. Right. And so then he left the domicile at 4:06 in the

1 morning. He went to Emerling at 4:39. Left at 4:48. And then he
2 would have been back in Winchester. This is the time he would
3 have arrived back in Winchester was at 10:38.

4 Q. So 10:38 a.m. --

5 A. Yes.

6 Q. -- he would have arrived back. And at 10:45 a.m., he was
7 officially out of the office?

8 A. Yes.

9 Q. So in combination with these two sheets just to sum it all
10 up, he arrived, he arrived at the South Pleasant Valley location
11 at 1943. Left at 2105. Ran all the way to Buffalo, New York.
12 Met the domicile drivers. Switched out some freight, and returned
13 back to Winchester at 10:38 a.m., and would have been relieved
14 from duty at 10:45 a.m.?

15 A. Correct.

16 Q. But these sheets do not also reflect any time spent prior to
17 this route switching trailers at Admiral Byrd or at South
18 Pleasant?

19 A. No. And none of our trip sheets, like, my switcher doesn't
20 have that written on their timesheet either.

21 Q. Okay. Do I have your permission to take possession of these
22 documents?

23 A. Yes, sir.

24 MR. ORYE: Okay. Mike, you go anything on that one?

25 MR. FOX: I was going to. So we're looking at 12, 13, 14, 15

1 hours approximately, right, Donald?

2 MR. ORYE: 7:45 to 7:45 would have been --

3 MR. FOX: Well --

4 MR. ORYE: -- 12, 13 -- yes, 15 hours.

5 MR. FOX: 15 hours.

6 MR. ORYE: That does not include -- just on the routes, and
7 that does not include any switching time prior to that.

8 MR. FOX: Right, pre-trip or -- also that kind of stuff too.

9 MR. ORYE: He would have come in at --

10 BY MR. FOX:

11 Q. Is that document signed? Does he have a signature on there?

12 A. No. They're not required to sign.

13 MR. ORYE: These documents have his name on top of them.
14 Driver Tyler Watson. And it has odometer and times written in
15 ink.

16 MR. FOX: Got you. The other --

17 BY MR. ORYE:

18 Q. And these -- in your box on your desk?

19 A. Yes. So when they return in the mornings they bring their
20 paperwork or their bags then that have their paperwork in them.
21 And either dayshift or nightshift cleans them out. Typically I'm
22 the one to clean them out. And so I stack them on my desk for
23 dayshift to the sort through and file.

24 MR. ORYE: Okay. Go ahead, Mike.

25 BY MR. FOX:

1 Q. I was going to say besides you who else in the company knows
2 that this is transpiring with Tyler?

3 A. Everybody.

4 Q. So Tony would know?

5 A. I would assume Tony would know. He can pull it up just like
6 any of us can if he -- I mean, I've never met Tony. I've seen
7 just like I've seen you guys, but I've never talked to him, never
8 met him face-to-face. And so Stacey is aware. Jake is aware.
9 Roberto is aware. So I can only imagine that Tony would have to
10 be aware. He can't be oblivious to this.

11 Q. I see. And then the other question I know I've asked it, I
12 think, a couple of times, but I'm just trying to get
13 clarification. Do you -- are you aware of any other drivers that
14 are doing this similar type of operation of a double route?

15 A. Not currently that -- no.

16 Q. But in the past has this been a practice?

17 A. Yes.

18 Q. And who and when? I mean, over the past month or so can you
19 recall when this transpired with other drivers?

20 A. I've had a driver pull a 14-hour day not yesterday -- well,
21 it would have ended -- what was yesterday? Today is Thursday. So
22 it would have ended Wednesday morning. Tuesday night there was a
23 driver that left Winchester, went to Newport News that took two
24 routes with him. So he ran the 7 1 and the 7 2, and he didn't
25 finish until, I think he told me 3 o'clock --

1 Q. What time --

2 A. -- yesterday.

3 Q. So he started at what time?

4 A. 3 p.m. But he is one that will pull over and take a nap. He
5 doesn't care if they blow up his phone. If he's tired, he'll pull
6 over. But his trip he called them and told them he was not
7 driving back to Winchester. And so they put him in a hotel. So
8 last night he ran our 7 2 route. But Wednesday night he goes on
9 7 1 and 7 2.

10 Q. And what's his name?

11 A. His name is Nery. It's N-e-r-y, and it's Palanko (ph.).

12 Q. Palanko.

13 A. Yes.

14 Q. I know the driver. And so he started at 3 p.m., and he
15 finished at 3 a.m.?

16 A. No. He started at -- let's see. Wednesday night we ran
17 about an hour behind. So he probably would have left between 11
18 and 11:30 that night.

19 Q. 11:30.

20 A. That would have been Tuesday night. He would have left
21 between 11 and 11:30, and he said was finished around three. But
22 now I know that he will take any route Roberto calls him to take.
23 I've watched him literally get off at 5 p.m., and be back at my
24 office or waiting on paperwork at 10 o'clock at night. So --

25 BY MR. ORYE:

- 1 Q. So just to back that one up. So Tuesday night Nery Palanko
2 comes in somewhere between 11 and 11:30. He runs the 7 1, 7 2
3 route, which is --
- 4 A. Um-hmm.
- 5 Q. -- a double route.
- 6 A. Yes.
- 7 Q. And this goes to the Newport News, Hampton Roads region?
- 8 A. Yes. They do Williamsburg, Newport News, that whole area
9 down there.
- 10 Q. And he did not return to the terminal until Wednesday at
11 3 p.m.?
- 12 A. He -- no. He called at 3 p.m., and --
- 13 Q. He called --
- 14 A. -- said he was not --
- 15 Q. -- at three.
- 16 A. -- driving any further.
- 17 Q. Okay.
- 18 A. That he was requesting to stay down there.
- 19 Q. Does he drive a straight truck or a trailer?
- 20 A. A straight truck.
- 21 Q. Straight truck. And do you know if that truck has an
22 electronic log?
- 23 A. It does not.
- 24 Q. It does not.
- 25 A. We only have one driver that runs an ELD out of my terminal.

1 Q. Out of your terminal. Which driver is that?

2 A. Charlie Evans. And he's (indiscernible). He normally takes
3 the 7 1 route. He does take the 7 1 and 7 2, but he drops the 7 2
4 off to another driver. Like they do a --

5 Q. Are you familiar with a company called Mighty Mann?

6 A. So that is typically who Charlie meets in Newport News.
7 That's who he meets. Now, I don't know anything other than the
8 name of that company.

9 Q. Is Mighty Mann a separate entity from --

10 A. Yes.

11 Q. -- Aero Global?

12 A. Yes (indiscernible).

13 Q. Essentially in layman's terms a subcontractor --

14 A. Yes.

15 Q. -- that hauls freight for Aero Global under their authority?

16 A. Yes.

17 MR. FOX: Donald.

18 MR. ORYE: Yes.

19 MR. FOX: I'm just, I'm trying to calculate this trip that
20 Faith was telling us. 11 p.m. all the way until 3 p.m. the
21 following day that's 16 hours.

22 BY MR. ORYE:

23 Q. -- hours?

24 A. Yes. He was exhausted and --

25 BY MR. FOX:

1 Q. And did the company, did the company put him up in a hotel?

2 A. Yes.

3 Q. So they would have reimbursed it. Do you know where he
4 stayed?

5 A. I don't know where he stayed. I just know that he stayed
6 down there, and he met the 7 1 driver last night to pick up the
7 7 2 freight.

8 Q. And he stayed in a hotel where?

9 A. In Newport News or around that area. I can't give you an
10 exact location because I don't know.

11 Q. Would it be his practice to turn in a receipt though for the
12 hotel so he can get paid for it?

13 A. If they didn't pay for it, then yes the drivers would turn in
14 their receipt to show where they've paid for something out of
15 pocket.

16 Q. Okay.

17 A. So they can be reimbursed.

18 Q. Would that be in his trip paperwork then? Would that be in
19 your inbox tonight or today or yesterday?

20 A. That's (indiscernible) tomorrow.

21 Q. Tomorrow, okay.

22 A. If he is sending paperwork back like he should be with
23 Charlie, then yes, we'll receive it either tonight or tomorrow
24 night when Charlie comes in.

25 Q. And if possible, maybe you can make a copy of that also for

1 us.

2 A. Yes, sir.

3 MR. FOX: Go ahead, Donald.

4 BY MR. ORYE:

5 Q. Okay. So we have another two-page trip report that I want to
6 go over. And on the tops of these trip sheets, again, it says
7 trip sheet FW1-1, scheduled to start is 2/8/2023. So and this was
8 assigned to Tyler Watson, correct?

9 A. Yes, sir.

10 Q. And is this similar to the route that was ran on 2/7?

11 A. Yes, sir. It's the same route.

12 Q. The exact same route?

13 A. Yes, sir.

14 Q. Now these documents do not have the dates and information
15 filled in because he had not made it back yet.

16 A. Correct.

17 Q. So that is why they are blank. But this is the route that he
18 was scheduled for starting yesterday; is that correct?

19 A. Yes, sir.

20 Q. Okay. Do you know if he worked on doing any switching,
21 shuttling or anything like that --

22 A. No, sir.

23 Q. -- prior to --

24 A. He came straight to (indiscernible).

25 Q. And give me one second. I'm -- and has Tyler ever complained

1 to you or made a comment or a statement to you about being tired,
2 fatigued, exhausted, can't keep doing this, or I have to keep
3 doing this?

4 A. Every night.

5 Q. Every night.

6 A. Last night he came in, said he had three hours of sleep. And
7 so then I questioned him (indiscernible) about what route he would
8 be coming back on, and made sure that I had the truck and trailer
9 information.

10 Q. And as I indicated earlier that Tyler was stopped today by
11 the Virginia State Police for a roadside inspection by Trooper
12 Kevin Teeder (ph.). And as a result of that roadside inspection
13 Tyler was advised that he is being placed out of service for 10
14 hours. He did not arrive back to the Winchester terminal until a
15 little after 12 noon today. He was escorted back to that terminal
16 to where he was allowed to go home. So in order for him to
17 properly receive routes he would have to have 10 hours of off-duty
18 time, which would make a start time for him being 10 p.m. today,
19 February the 9th.

20 A. Right.

21 Q. Do you know if Tyler is schedule to run this same route again
22 tonight?

23 A. I do not know as of yet.

24 Q. Okay. When will you be able to find that out?

25 A. Whenever I log in to my computer.

1 Q. And what time is your normal start time at Aero Global?

2 A. 5 p.m. is my scheduled start time.

3 Q. Okay. Are you familiar with another driver named Briante
4 (ph.)? Have you ever heard of that or has that person ever been
5 to the --

6 A. Not that I'm aware. No. That name, I've never heard that
7 name.

8 Q. Okay, that's fine, that's fine. So going back to the 7 1,
9 7 2 route that Nery ran, you said he ran this because the regular
10 driver wasn't available? Is --

11 A. So this is Stacey's (indiscernible) here.

12 Q. Okay. When you say Stacey you're meaning?

13 A. The terminal manager.

14 Q. Stacey the terminal manager. Okay. Explain this one too.

15 A. Okay. So that night, I guess they needed somebody. Charlie
16 was schedule to run 7 1, and Mighty Mann's truck is broke down.

17 Q. Okay.

18 A. So Mighty Mann has not been able to run the route. So they
19 were going to send Nery with just 7 2. And Stacey said, oh, well,
20 since he's going to pass all the 7 1 stops, he can just take the
21 7 1 with him. And I said, no, Stacey, it will take too long to
22 run. And she said, no, it would be pointless to run two drivers.
23 So they made that call. Stacey and the officer manager Christy
24 made the call to talk to Roberto who ultimately was going to agree
25 because then that freed up a driver. And so Charlie was then sent

1 to Chrysler to run for the night.

2 Q. When you say Charlie, who is --

3 A. He is the typical 7 1 driver, Charlie Evans.

4 Q. Charlie Evans.

5 A. He's a Class A driver.

6 Q. Okay. (Indiscernible).

7 A. Yes.

8 Q. All right. So Charlie Evans typical 7 1 driver. He wasn't
9 available. So then Stacey said according to you she put the route
10 together to put 7 1 and 7 2 together, and had Nery take it leaving
11 out on Tuesday until he called in on Wednesday?

12 A. Yes.

13 Q. Do you have any knowledge of the Admiral Byrd address over
14 here --

15 A. No.

16 Q. -- of who runs what or who does what?

17 A. I know who the HR manager is. I know -- I just met Jake the
18 Friday before you guys showed up but --

19 Q. At any time has Jake instructed you or advised you we just
20 got to get this freight out or anything along those lines?

21 A. No, but Jake wouldn't talk to me. Like, he's gone by the
22 time I would come in. So typically it would be Stacey that would
23 relay anything to me or Roberto. But communication within this
24 company is horrible. So I learn when I log into my computer who
25 is running what.

1 Q. Okay. So do you make -- do you, yourself, in your position
2 make any route schedules or are they already scheduled before you
3 come in?

4 A. They are already scheduled before I come in. The only way
5 that I would do anything to them is if Roberto calls and says put
6 this driver on this route. Like if a driver calls in, he'll tell
7 me, well, then put this driver on this route or, hey, we need to
8 change this truck number.

9 Q. So Roberto does have, quote, unquote, authority to make
10 schedule changes?

11 A. Roberto runs our entire operation over there. Like, Stacey
12 doesn't have a clue what she's doing.

13 Q. Okay.

14 A. She's -- I'm not being mean, but they put Stacey in that
15 position because Roberto can run over top of her, and she will not
16 stand up to him.

17 Q. Okay.

18 A. And so, therefore, Roberto he runs everything over there.
19 It's not -- when our drivers need a fuel card, I tell them go to
20 Roberto because I don't know what to tell you. If you don't have
21 fuel card, then, you know. And that's what I've been trained to
22 do. And if I do something wrong, it's Roberto that's chewing my
23 butt, not Stacey.

24 Q. So if you for whatever reason didn't follow a process, didn't
25 do paperwork, whatever --

1 A. Yes.

2 Q. -- whatever wasn't done to their liking or done by policy,
3 procedures or whatever, Roberto would reprimand you --

4 A. Oh, yes.

5 Q. -- in layman's terms? So it's my understanding that Stacey
6 has only been in this position for three months. Is that a
7 correct estimate?

8 A. No. Because I've been there for -- I've been there since
9 October, and she was in that position before I arrived.

10 MR. FOX: I think it was like March or something she said of
11 last year.

12 MR. ORYE: Okay. Okay.

13 BY MR. ORYE:

14 Q. Do you know -- you said that there was a former person in
15 that position. Do you know who that person was?

16 A. It was a guy, but I don't know who it was, but all the
17 drivers said that he was horrible too. So --

18 Q. Okay.

19 A. But I don't know what his name was.

20 Q. So in your, in your term of employment from October until now
21 has this been the consistent normal daily operational practices at
22 Aero Global of doubling up routes, forcing driver to work beyond
23 normal hours? With Roberto having some sort of management control
24 over the operations of Aero Global trucks and drivers and things
25 of that sort. Is that a correct statement --

1 A. Yes, sir.

2 Q. -- that you would make?

3 MR. ORYE: Mike.

4 MR. FOX: Yeah. I have a couple of follow-up questions.

5 BY MR. FOX:

6 Q. We were talking if there was extra drivers or had this been
7 done recently, and you did say Nery, and you described this 7 1,
8 7 2 route. Are there any other drivers, [REDACTED], within the past 30
9 days or so that they have also done a similar situation like Nery
10 where they were doubled up?

11 A. No, not, not like Nery, no. Nery will run -- he'll do
12 recovery routes. If there's snow, he'll come in in the morning,
13 and do a recovery route, and then clock out and go home for three,
14 maybe four hours, and then come back in, and run another route.

15 BY MR. ORYE:

16 Q. When you say recovery route, just explain what that is.

17 A. If our trucks go out, and they hit bad weather, their policy
18 is that they're to take a picture, show us what they're looking at
19 so that they can then turn around. They make the call. We don't
20 make the call. If they see a (indiscernible), and they don't feel
21 comfortable, and they take a picture and send it in, and say
22 they're turning around, that's -- they're turning around. And
23 it's not because anybody has told them that that's what they
24 should do. It's because I think (indiscernible) to make that
25 call.

1 Q. So when you say they, you're talking about the drivers?

2 A. Yes.

3 Q. So driver starts his route going to whatever route they're
4 running. While running that route, they come into some bad
5 weather, snow, ice, the roads are too dangerous for them to be on
6 there, and the driver takes a picture, and sends it in, who does
7 he send it to?

8 A. Our nighttime -- or our overnight dispatcher Amy, who she
9 works from home, but she comes on the clock at midnight, and she
10 starts taking calls and stuff from the drivers if they have any
11 issues at midnight. I'm still there until about two in the
12 morning, but she is at home dealing with any issues that may
13 arise.

14 Q. Okay. So they send the picture in. Hey, it's too dangerous.
15 I can't drive anymore. And then the driver makes the call to turn
16 around --

17 A. Correct.

18 (Crosstalk)

19 Q. -- yes, go ahead and turn around?

20 A. Well, they're supposed to say to Amy is it okay? But most of
21 the time Amy isn't in a position to tell them that they can't
22 because they're the ones behind the wheel.

23 Q. Okay.

24 A. But if they turn around and come back, they bring that
25 freight back with them. And so we try to get that out without

1 having to overload the driver for that night. But we don't have a
2 lot of extra driver. So, like, Nery is one that will pick up
3 anything, and he'll take it, and then --

4 Q. So in essence what you're saying Nery works the most --

5 A. Yes.

6 Q. -- and the longest.

7 A. Yes.

8 Q. Okay.

9 BY MR. FOX:

10 Q. Does he run more than, more, run more hours than Tyler?

11 A. Probably in a given week, yes, probably.

12 Q. Okay.

13 A. Maybe not every night, but or every day, but yes.

14 Q. Okay.

15 A. He's getting the most break (indiscernible) in Newport News.

16 MR. ORYE: Okay. Just briefly, Mike, I'm going to go back
17 just to these trip sheets which are dated --

18 MR. FOX: I, I -- sure. I had --

19 MR. ORYE: -- February --

20 (Crosstalk)

21 MR. ORYE: -- 2023 for Routes 1 1 and 1 2.

22 BY MR. ORYE:

23 Q. So these documents have not been written on, correct?

24 A. No, sir.

25 Q. And do I have your permission to take them into my

1 possession?

2 A. Yes, sir.

3 Q. Okay. So I have.

4 MR. ORYE: I should have -- should have said that earlier,
5 Mike. I'm sorry.

6 MR. FOX: That's all right. I have one other follow-up
7 question for [REDACTED].

8 BY MR. FOX:

9 Q. I know we talked yesterday, but we were kind of rushing. I
10 just wanted to get it clear in my head that when -- I think it was
11 yesterday or the day before that -- walk me through Stacey
12 approached you and said, hey, the DOT and NTSB investigators are
13 here, and is it my understanding she said don't tell them that
14 we're running double routes? Can you just go over that one more
15 time for me?

16 A. So what was the last day that you guys were there? Tuesday?
17 Yes.

18 MR. ORYE: I was there yesterday.

19 MR. FOX: Yeah, we were --

20 MR. ORYE: Mike --

21 MR. FOX: -- yes.

22 MR. ORYE: NTSB was there on Tuesday.

23 [REDACTED]: Okay. So Tuesday when I came in you all were
24 interviewing Roberto. And I always go back to Stacey's office to
25 try to see if I can get any updates for the night, and how things

1 are going, and what I need to know if I can, you know. And she
2 told me that because I deal with the drivers at nighttime that you
3 guys would probably interview me. And she -- I said, okay, and
4 she said, but she said, you know, Roberto does not handle Aero
5 drivers. You only handle Aero drivers. He is to only handle his
6 drivers, and then that we don't run double routes, and we don't
7 have people out longer. And when I looked at her, she was, like,
8 yes, you have to lie. And I won't lie for anybody especially in
9 this situation.

10 BY MR. FOX:

11 Q. And did she, she -- was there a ultimatum made? Did she say
12 if you don't do it your, your job is in jeopardy or anything like
13 that?

14 A. No. She didn't threaten me with my job. She needs me too
15 bad. You all wouldn't have gotten half of what you got had it not
16 been for me going in and spending my entire Friday in there last
17 week.

18 Q. Well, we --

19 BY MR. ORYE:

20 Q. When you went in on Friday, what did you have to do to help
21 facilitate our visit?

22 A. Files, look through the driver files. They were missing all
23 kinds of things. They hadn't been updated. Medical cards were
24 missing. Drivers' licenses were missing. I knew you guys would
25 be looking for that more so than I didn't really know what they

1 would be looking for. And I didn't --

2 Q. When you say you guys --

3 A. -- DOT. I knew what DOT would be looking for because I
4 worked for the last three years in logistics. So I knew what DOT
5 would be looking for. I've never dealt with the NTSB. So,
6 thankfully, I didn't really know much about what -- but I tried to
7 let them know that they were going to need to produce DVIRs and
8 anything that I knew normal inspections and all this would come
9 into play.

10 Q. And did you perform that task yourself or did someone help
11 you or --

12 A. Stacey sat there with me while I went through them, and wrote
13 down what was missing so that she could then find it.

14 Q. Are you aware of or do you have any knowledge of any
15 documents that were created at that point in time to say okay this
16 is missing, we need to make one up?

17 A. (Indiscernible).

18 Q. Okay.

19 BY MR. FOX:

20 Q. Were any documents altered?

21 A. Not that I'm aware of. Not that I saw with my own eyes, no.

22 BY MR. ORYE:

23 Q. So this evening when you go to work will Tyler's complete
24 paperwork be at your desk today when you get to work?

25 A. If he went into the office this morning, then his completed

1 paperwork will be on my desk. If he left his bag in the truck, it
2 will depend on if somebody got it out or not.

3 Q. Okay. I did witness Tyler take his stuff in.

4 A. So then, yes, it should be on my desk when I go in to work.

5 Q. Do you feel comfortable enough or are you willing to either
6 make a copy or take a picture and provide that to us as well?

7 A. Yes.

8 MR. FOX: I'm especially interested in that hotel receipt.

9 [REDACTED]: Okay.

10 MR. ORYE: That would be for Nery, correct?

11 MR. FOX: Yes.

12 [REDACTED]: Yes.

13 BY MR. ORYE:

14 Q. Would you -- get his route paperwork as well?

15 A. Yes.

16 Q. And, again, we want to stress don't put yourself in any
17 position where somebody might see you doing something that may
18 jeopardize your employment or anything like that. We do not want
19 to put you in that situation.

20 MR. ORYE: Hey, Mike, one last thing that I'm just going to
21 ask that once -- I know this -- you're recording this on your end.

22 BY MR. ORYE:

23 Q. Once I'm done here, are you willing to give me a written
24 statement as to the conversation that Stacey had with you?

25 A. Yes.

1 MR. ORYE: Okay. I just wanted to get that on record too,
2 Mike.

3 MR. FOX: Absolutely. Those are all the questions I have,
4 Donald.

5 MR. ORYE: And that's pretty much going to sum it up for me.
6 The only thing I'm going to ask, and we don't have to record this,
7 is I do have a current copy of the drivers list, and after we get
8 off of here, I am going to ask [REDACTED] to take a look at this to the
9 best of [REDACTED] knowledge is this a true and accurate list? And if
10 [REDACTED] can identify all of the tractor trailer drivers. And I will
11 have [REDACTED] -- on the sheet if she knows who those individuals are.

12 MR. FOX: Sure. There's administrative stuff we can do
13 offline. But do you have any other questions for the record,
14 Donald?

15 MR. ORYE: For the record not at this time.

16 MR. FOX: Okay. So we'll go ahead, and we'll conclude the
17 interview. Oh, I'm getting ahead of myself.

18 BY MR. FOX:

19 Q. [REDACTED], we really appreciate all your time and energy and
20 your, your bravery coming forward and divulging all this
21 information. We can assure you it will be safeguarded. We've
22 asked a lot of questions. Is there anything that's pressing in
23 your, in your mind that we should know about that we didn't ask
24 you about?

25 A. No. I just want it to stop. I just want them to realize

1 that it took the life of six people. And in the same week we had
2 an accident in New York that claimed the life of somebody. I
3 mean, in North Carolina, that claimed the life of somebody.

4 BY MR. ORYE:

5 Q. When was this? I'm not aware of this.

6 A. The same, the same week that the accident in New York
7 happened there was a driver in North Carolina that --

8 Q. And this was an Aero Global driver?

9 A. Yes. He drives out of Chrysler, out of the Admiral Byrd
10 location.

11 BY MR. FOX:

12 Q. Do you know where in North Carolina?

13 A. I don't know where.

14 BY MR. ORYE:

15 Q. Do you know the driver's name?

16 A. You said you have a list of drivers?

17 Q. Yes. So I have a printed list which is the Excel spreadsheet
18 that was provided by Aero Global that has all of their current
19 drivers listed.

20 A. It was Elijah. I don't know which one. I would say the --
21 it's probably -- it was a -- I know his name was Elijah, but I
22 don't know which one.

23 BY MR. FOX:

24 Q. And you don't know what --

25 MR. ORYE: And --

1 BY MR. FOX:

2 Q. -- you don't know what city it was?

3 A. No, sir.

4 Q. And it was -- and, and the driver did not perish? The Aero
5 driver stuck another car and killed someone?

6 A. That's what we were told, yes, sir.

7 BY MR. ORYE:

8 Q. And you believe this occurred on the same day as the
9 accident?

10 A. The same week. I don't know it was the same day. I didn't
11 even know about the crash in New York until I spoke with you guys
12 yesterday.

13 Q. Okay.

14 MR. FOX: Goodness. Well, you're really giving us a lot of
15 information, [REDACTED]. We really appreciate it.

16 MR. ORYE: I don't believe that was on the crash list
17 neither, Mike.

18 MR. FOX: We'll dig it up, and we'll get --

19 MR. ORYE: Yeah.

20 MR. FOX: -- we'll get North Carolina involved on it too.
21 See if they can help us.

22 BY MR. ORYE:

23 Q. Any idea of city, county, region?

24 A. It would have been -- I want to say that he was going -- he
25 was running a route that went through the Outer Banks.

1 Q. Or is this something that maybe when you get to work this
2 evening that --

3 A. I can ask. I have two drivers that were the ones that told
4 me about this crash anyway. So I can ask them.

5 MR. FOX: We can --

6 MR. ORYE: If you --

7 [REDACTED]: -- it was, and I can text you, and let you
8 know.

9 MR. FOX: We can reach out to the North Carolina State Police
10 too, and see if -- and, and we'll look in our database. But I
11 don't want to hold [REDACTED] up anymore. Those are all the questions
12 that --

13 [REDACTED]: Well, when --

14 MR. FOX: Go ahead, [REDACTED].

15 [REDACTED]: When this accident occurred, Stacey created a
16 document for the drivers to say -- have them sign that said if
17 they were too tired, if they, you know, were sick, if they were on
18 medication, this whole list of things that she had them sign off
19 on that they would not drive if that was the case. And it was
20 just horror looks because nothing changed.

21 BY MR. FOX:

22 Q. Right. And that only happened after the New York State
23 crash?

24 A. It happened within the same week. Because I was told about
25 the North Carolina crash not the New York crash.

1 Q. I see. Okay. That's --

2 MR. ORYE: Yeah. I've got a way I can look it up too.

3 MR. FOX: Me too. All right. I don't want to hold up [REDACTED].

4 [REDACTED] just been awesome, and we really appreciate, appreciate all
5 of [REDACTED] time.

6 [REDACTED], did you have anything else you wanted to add?

7 [REDACTED]: No, I don't, but I just -- I want this company
8 to get it together or --

9 MR. FOX: Certainly.

10 [REDACTED]: -- I have a family to take care of, but
11 knowing that people are safe is more important to me than jobs I
12 can find.

13 MR. FOX: Absolutely. Okay, very good.

14 Donald, did you have any other questions?

15 MR. ORYE: That's all I have for now. Like I said once we're
16 done recording I'm going to have [REDACTED] identify drivers for me for
17 tractor trailers. And I will obtain the written statement
18 regarding what Stacey advised [REDACTED] to do.

19 MR. FOX: Okay. All right. Well, we really appreciate your
20 time, [REDACTED].

21 And at this point we're going to conclude the interview.
22 Thank you so much for all your time and energy. And the time now
23 is 1:22 p.m. Going off the record.

24 (Whereupon, at 1:22 p.m., on February 9, 2023, the interview
25 was concluded.)

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 [REDACTED]

ACCIDENT NO.: HWY23FH005

PLACE: via telephone

DATE: February 9, 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.

[REDACTED]
Katherine Motley
Transcriber