



Motor Carrier Attachment –AMT CEO and GM Interview 7/29/21

Phoenix, AZ

HWY21MH008

(80 pages)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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FATALITIES DUE TO MILK TANKER *

ACCIDENT IN PHOENIX, ARIZONA * Accident No.: HWY21MH008

ON JUNE 9, 2021 *

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Interview of: SUSAN SOLOMAN, President; and
MIKE THIESSEN, General Manager
Arizona Milk Transportation

Tempe, Arizona

Thursday,
July 29, 2021

APPEARANCES:

MICHAEL FOX, Investigator
National Transportation Safety Board

STEVEN NYBOER, Trooper
Arizona Department of Public Safety

JAMES F. MAHONEY, Attorney
James F. Mahoney, PLC

DAVID STOUT, Attorney
Jones, Skelton & Hochuli, PLC

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I N T E R V I E W

1
2 MR. FOX: This is Michael Fox, investigator for the NTSB
3 Office of Highway Safety out of Washington, DC. Today is July the
4 29th, 2021, and I'm located here at Arizona Milk Transport at 2111
5 Industrial --

6 MS. SOLOMAN: Park Avenue.

7 MR. FOX: -- Park Avenue in Tempe, Arizona, and we're
8 speaking to the motor carrier president, and in the room we have
9 quite a few people. So, we're going to go around the room, what
10 I'll ask you to do is state your name, state your title, and then
11 spell your last name.

12 Go ahead, Susan, we'll start with you.

13 MS. SOLOMAN: Susan Soloman, that's S-O-L-O-M-A-N, and I am
14 the president of Arizona Milk Transport.

15 MR. FOX: Go ahead, counselor.

16 MR. MAHONEY: My name is James Mahoney and I'm an attorney
17 and I am here on behalf of Arizona Milk Transport.

18 MR. STOUT: David Stout, counsel for Arizona Milk Transport.

19 MR. THIESSEN: My name is Mike Thiessen, T-H-I-E-S-S-E-N.
20 I'm the general manager for Arizona Milk Transport.

21 OFC NYBOER: Steven Nyboer, N-Y-B-O-E-R, I'm a trooper with
22 AZDPS.

23 MR. FOX: Okay. Well, thank you all for being here. So,
24 we're just doing a follow up with AMT to look at some paperwork
25 and go over some technical questions that I came across as I was

1 looking at the paperwork. We'll do that after we go off the
2 record, I'll go over some of this paperwork I have some questions
3 about.

4 INTERVIEW OF SUSAN SOLOMAN AND MIKE THIESSEN

5 BY MR. FOX:

6 MR. FOX: So, Susan, how long have been hauling for UDA?

7 MS. SOLOMAN: Since 2005.

8 MR. FOX: Okay. And do you bid on the contracts to haul?

9 MS. SOLOMAN: No. They are the ones that make the offer, the
10 offer was made originally in 2005. It's pretty difficult to get
11 in here, it's not really who you know, it's what you know. And at
12 that time, my ex was originally a general manager for a different
13 company who they kind of had a falling out and they needed another
14 hauler, so they offered just a few routes at that time to start
15 with. So, we went ahead and agreed and started a company to haul
16 those routes, and it's just grown since then.

17 MR. FOX: Okay. And I know we were talking about this before
18 we were on record, but how many drivers do you employ, do you know
19 off the top of your head?

20 MS. SOLOMAN: It's approximate, around 35.

21 MR. FOX: Okay, yeah.

22 Mike, do you know?

23 MR. THIESSEN: It's around -- it's somewhere in there, maybe
24 a few more.

25 MR. FOX: Okay.

1 And how many trucks do you own or operate?

2 MS. SOLOMAN: 23.

3 MR. FOX: 23?

4 MS. SOLOMAN: Tractors.

5 MR. FOX: Truck tractors?

6 MS. SOLOMAN: Yeah.

7 MR. FOX: Do you own any trailers?

8 MS. SOLOMAN: No.

9 MR. FOX: Okay. Do you have a dispatcher?

10 MS. SOLOMAN: The managers' the dispatchers, they're the ones
11 that do the dispatching at the same time. Multi-talented
12 individuals, so --

13 MR. FOX: And who -- does that include Mike?

14 MS. SOLOMAN: That includes Mike.

15 MR. FOX: And is there other folks that --

16 MS. SOLOMAN: I have an operations manager and his name is
17 John Schuster (ph.), and then I have a couple of supervisors that
18 also work in that area.

19 MR. FOX: Okay. And how are drivers dispatched?

20 MS. SOLOMAN: For the most part they know their routes, and
21 it's generally the same dairies every day. But we do not set the
22 delivery for those dairies, that is orders that come from United
23 Dairymen on a daily basis, and we fill those orders. They
24 basically give us how many loads need to go to which plant, and
25 they basically will say, you know, X amount for this plant, X

1 amount for that plant. We know which dairies are accepted for
2 those plants, so we try to fill those orders with the amount of
3 milk that we have, and those orders go into that plant.

4 It's a very fluid operation, so sometimes loads will go into
5 a particular plant on a regular basis. But then that will get cut
6 and will come back to UDA or end up going to another plant because
7 of the orders that we received. We receive them every 24 hours.

8 MR. FOX: Now, do I -- you guys have two contracts with UDA?

9 MS. SOLOMAN: I -- yes, I do, just because I have some longer
10 distanced dairies and those pay a different rate.

11 MR. FOX: Okay. The long -- the further out ones pay better?

12 MS. SOLOMAN: Yeah.

13 MR. FOX: Or pay --

14 MS. SOLOMAN: Well, yeah, they pay a little more.

15 MR. FOX: Pay more.

16 MS. SOLOMAN: And the contract is exactly word for word the
17 same other than the rate.

18 MR. FOX: It is, yeah. And to your knowledge, there's no --
19 let me rephrase the question. Those contracts are typically
20 renewed annually?

21 MS. SOLOMAN: Yes, typically they are on a yearly basis.

22 MR. FOX: Okay.

23 MS. SOLOMAN: There's always oddballs. I mean, we've gone
24 three years before. We've also gone a year without a contract.
25 It's just, you know, it just kind of depends on the situation of

1 what's going on.

2 MR. FOX: Okay, and I'll come back to contracts in a minute.
3 The dispatch, did you say that was emailed to the company?

4 MS. SOLOMAN: No. The dispatch is not -- they put the
5 schedule for the dispatch together once they get the orders of
6 where the orders that United Dairymen is telling us those loads
7 need to go into the plant. They -- that's basically -- what
8 you're looking at is the orders to the facilities, the plants --

9 MR. FOX: Right.

10 MS. SOLOMAN: -- the bottling plants. And so, we take that
11 and make our dispatch schedule from that. We will take it and
12 then figure out how many loads need to go into each plant, each
13 facility.

14 MR. FOX: But this -- isn't this -- is this emailed to you
15 guys?

16 MS. SOLOMAN: Yes.

17 MR. FOX: Okay.

18 MS. SOLOMAN: Or faxed. One or the other.

19 MR. THIESSEN: It's faxed to us.

20 MR. FOX: It's faxed?

21 MR. THIESSEN: Every day.

22 MS. SOLOMAN: They don't email? I thought they emailed you
23 guys?

24 MR. THIESSEN: Of our own stuff because you have for the
25 whole plant --

1 MR. FOX: This is for everybody.

2 MR. THIESSEN: Everybody?

3 MR. FOX: Yeah. So, this is for the whole --

4 MR. THIESSEN: Yes.

5 MR. FOX: All of UDA?

6 MR. THIESSEN: Right.

7 MR. FOX: Is it safe to say, basically, that drivers are
8 going to run sort of a set schedule?

9 MS. SOLOMAN: Yes. Yeah.

10 MR. FOX: Sort of?

11 MS. SOLOMAN: They normally start the same time every day.
12 We tend to, as a company, be a little more flexible with people.
13 We're not absolutely saying you have to be here at 8:00 or we're
14 going to write you up.

15 MR. FOX: Right.

16 MS. SOLOMAN: If they show up at 9:00, you know, there's
17 usually a reason.

18 MR. FOX: Right.

19 MS. SOLOMAN: Truck problems, traffic problems, whatever. We
20 give them their dispatch; we have a little bit of a leeway in our
21 scheduling. So, as long as we have them showing up, you know,
22 we're good.

23 MR. FOX: Are the -- do the -- do any of the trucks slip
24 seat, you know, or are they --

25 MS. SOLOMAN: We have in the past, but with COVID we stopped

1 because there was too much -- oh, man, we were so lucky in a
2 couple past instances that we didn't spread COVID around. So, we
3 put a -- when COVID came in we immediately had to stop all of that
4 because it was too risky that the slip seater would come down with
5 COVID and then spread it to every person that he came in contact
6 with.

7 MR. FOX: Sure.

8 MS. SOLOMAN: So, we haven't done that in over a year.

9 MR. FOX: So, for the past year it's just been assigned
10 vehicles per -- to a driver.

11 MS. SOLOMAN: We don't -- we only have a few trucks that are
12 assigned, and the majority of the trucks are not, it's what is
13 available for them to use. So, if they came in, there may be
14 three or -- let's say, you know, John Smith comes in, there may be
15 three or four trucks available to go. The dispatcher may ask him
16 which truck he wants, and he will tell them. Now, we do have a
17 few trucks that are assigned because we have some people that are
18 just -- they've been with us a long time, maybe they're older, we
19 don't want them to have problems with their knees and that kind of
20 a thing, so we have given them assigned autos.

21 MR. THIESSEN: Can I speak for a minute?

22 MS. SOLOMAN: Yes, please.

23 MR. THIESSEN: When you're saying -- when you're using the
24 word slip seat, you're thinking of one thing -- I know you're
25 speaking -- you're thinking of do two drivers take the same truck.

1 Yes, that is --

2 MS. SOLOMAN: Oh, see I'm thinking something totally
3 different.

4 MR. THIESSEN: Yes, we do.

5 MR. FOX: Okay.

6 MR. THIESSEN: Our idea of slip seat is when somebody else
7 takes over the trucks and delivers it for them.

8 MS. SOLOMAN: It's almost like a drop and hook.

9 MR. FOX: Okay.

10 MR. THIESSEN: But yes.

11 MS. SOLOMAN: All right.

12 MR. FOX: I'm going to talk about that when we go off because
13 I think I have a scenario like that in the paperwork that I'm -- I
14 have a couple of questions on.

15 MS. SOLOMAN: Okay, so --

16 MR. THIESSEN: So, two drivers slip seat the same truck, one
17 night shift, one day shift.

18 MS. SOLOMAN: Yeah.

19 MR. FOX: So, that does happen?

20 MR. THIESSEN: Yes, it does.

21 MS. SOLOMAN: Yes.

22 MR. FOX: Okay. When the drivers come in, it looks like
23 they're coming in over here.

24 MS. SOLOMAN: Right.

25 MR. FOX: Right, and do they get their key right off the

1 board?

2 MS. SOLOMAN: Yes.

3 MR. THIESSEN: Yes.

4 MS. SOLOMAN: No. Well, it's handed to them.

5 MR. THIESSEN: Well, they get it from the dispatcher.

6 MR. FOX: Oh, there's a physical person?

7 MS. SOLOMAN: Yes.

8 MR. THIESSEN: We're open 24/7.

9 MS. SOLOMAN: We're always here.

10 MR. FOX: Oh, I know. But from what I saw it -- I might be
11 wrong, but --

12 MR. THIESSEN: Okay. So, what -- if you're looking -- if
13 you're talking about where somebody would come in and get off
14 work, yes. Maybe let's say John goes home -- let's say he goes
15 home, let's say if he went home at 3:30 in the afternoon, but
16 night dispatch comes in at 7:00, there are a few drivers that
17 start around 5:00 who already know what they're doing, they're
18 truck is here. They'll come in, they have keys, go up and get the
19 truck as long as it's what's on the board, it's not out of
20 service, and know they know they've gotten dispatched over the
21 phone, and then go get the truck. So, that's what we're saying --

22 MS. SOLOMAN: But that would be the exception, not the rule.

23 MR. FOX: Well, Caesar was that way a couple of times because
24 there's no one in the office. So, he comes in, he grabs his
25 stuff, you know.

1 MR. THIESSEN: To start around 5:00.

2 MR. FOX: He gets ice or whatever and then he boogies out.

3 MS. SOLOMAN: Right.

4 MR. THIESSEN: Yeah.

5 MR. FOX: Okay.

6 MR. THIESSEN: Yeah. He's almost guaranteed to come in, get
7 ice, go out, do his pre-trip.

8 MR. FOX: Right.

9 MR. THIESSEN: I mean, he's really meticulous.

10 MR. FOX: Right.

11 MR. THIESSEN: So, okay. Yes.

12 MR. FOX: Okay, very good. Do you -- does the company haul
13 anything besides milk?

14 MS. SOLOMAN: No. We used to haul cream, but we don't do
15 that anymore.

16 MR. FOX: Okay, well --

17 MS. SOLOMAN: That was gold, man. I wish we had that. But
18 anyway, it's gone.

19 MR. FOX: We were just kind of talking about it, but
20 formally, can you tell me how do the drivers get their trucks?

21 MR. THIESSEN: How do they get their dispatch?

22 MR. FOX: And vehicle.

23 MR. THIESSEN: Okay, so -- if they -- we kind of -- like,
24 let's say night shift starts at 7:00 p.m. to roughly 7:00 a.m.;
25 kind of a block time, that's just general. And then day shift

1 will, say, starts at 7:00 a.m. to 7:00 p.m., just is how our
2 schedule is sort of set up. So, if somebody starts -- but some
3 drivers will start at 5:30 or 6:00, and then some will start at,
4 you know, maybe 3:30 in the morning because they work at a
5 different sort of slot schedule. But ideally 7:00 a.m. to 7:00
6 p.m., 7:00 p.m. to 7:00 a.m.

7 So, let's say if somebody is going to start at 6:00, well if
8 they would call into the dispatch phone and John Harris, whoever,
9 will answer the phone and say yeah, you're doing your normal
10 thing, you're doing Butterfield and Butterfield, which barn
11 they're going to go to. But they generally have the same dairies
12 that they go to. But then they'll -- if there's a change in their
13 rout number, like, sometimes maybe one of these numbers a little,
14 start them running let's say a 365. Today we're going to run a
15 364 because UDA has assigned that 364 number, which maybe we don't
16 use as an alternate number. But they've assigned it to Shamrock
17 who won't fulfill their load.

18 So, they'll tell them hey, look, you have the 364 load out of
19 Butterfield, and you have the, let's say, the 328 load out of
20 Butterfield, and your first one goes to Shamrock and your next one
21 goes to Tolleson. They say okay, is it okay if I start? Yep,
22 your truck's here or whatever, they'll come in. If somebody's
23 here, well, they just hand them the keys. But if somebody's not
24 here, well, they'll just come in, go up, get their keys, get some
25 ice, because we have an ice machine for our samples. Do whatever

1 they need to do, you know, go out, go do their vehicle inspection,
2 and go get a trailer and get ready to go.

3 MR. FOX: So, are there hard copy dispatch -- you know,
4 sheets or whatever -- pick up sheets for them? Because I thought
5 I saw -- isn't there that -- isn't there, like, a carbonized
6 sheet, or is that for another thing that they're doing?

7 MS. SOLOMAN: The only non-carbon paper would be the DBIRs
8 (ph.) that I know of.

9 MR. THIESSEN: No. You mean a schedule of where they go?

10 MR. FOX: Yes.

11 MR. THIESSEN: Oh, so they --

12 MS. SOLOMAN: But the drivers don't get those.

13 MR. THIESSEN: They don't get it, we have it. The dispatcher
14 has it.

15 MS. SOLOMAN: Because that's a constantly changing, fluid
16 schedule. Throughout the day it changes constantly.

17 MR. THIESSEN: Right, because maybe that driver calls in, and
18 normally he goes to Butterfield twice -- let's say Butterfield
19 Dairy. But let's say there's not enough milk there because milk
20 levels have dropped.

21 MS. SOLOMAN: Right.

22 MR. THIESSEN: So, they might have to go to Stokes Dairy.

23 MS. SOLOMAN: Right.

24 MR. THIESSEN: But no, we -- yes, we have a hard copy of
25 where they go.

1 MR. FOX: Okay. So, I guess I was misinterpreting. They
2 don't physically come in and get, like, their dispatches like this

3 MR. THIESSEN: No.

4 MS. SOLOMAN: No.

5 MR. FOX: It's not like that?

6 MS. SOLOMAN: No.

7 MR. FOX: They have a --

8 MR. THIESSEN: Probably get it written on a post-it note or
9 they write it down themselves on whatever they're going to --

10 MS. SOLOMAN: And you may even have one driver that is
11 expecting to go, let's say, on a second route to a dairy, but
12 somebody else needs him to go over here because they're so full
13 that they're going to run over, or they going to get -- we may
14 need to redirect that guy to come over here.

15 MR. FOX: Sure.

16 MR. THIESSEN: Yeah, they're set in stone.

17 MS. SOLOMAN: So, things are constantly changing.

18 MR. FOX: Okay. And then do you radio the driver or phone
19 call him?

20 MR. THIESSEN: Phone him if -- you mean if there's a change?

21 MR. FOX: Yeah.

22 MR. THIESSEN: While they're in route? Well, then once they
23 get to the plant they'll -- we'll know ahead of time because it's
24 not -- I mean, it's fluid, but it's like we'll know ahead of time.
25 Like, we might say your first load's going to Butterfield, and

1 then let's say once you get unloaded give us a call because we
2 might need you to go to Stokes as opposed to Kerr Dairy. So, then
3 they'll call us on the phone, we'll tell them no, you're still
4 good on this one or whatever it was and boom, then off they'll go.

5 MS. SOLOMAN: They also call in from the dairy before they
6 leave because they give their --

7 MR. THIESSEN: Numbers.

8 MS. SOLOMAN: -- numbers of how much they loaded, what amount
9 of -- we -- so, we have to really be on top of the milk. So, they
10 have to tell them how much milk is left --

11 MR. THIESSEN: In the silos.

12 MS. SOLOMAN: -- in the silos. So, they're constantly trying
13 to make sure that they have a full load for somebody to go out
14 there. We don't want to send somebody out for a partial. If it's
15 something that somebody needs to be out there quicker, or are we
16 going to need to wait and add time before we have the next pickup?
17 So, they're constantly calling before they leave that dairy about
18 how much they left on, if there was any problems, like temperature
19 problems, anything that may have come up that was happening out
20 there. So, before they leave every load they're contacting them.

21 MR. FOX: Okay. So, again, I'm repeating myself and
22 repeating what you guys said; they'll come into the office, get
23 their key is always surrendered every day?

24 MR. THIESSEN: Yes.

25 MR. FOX: Because the truck stays here, that's --

1 MR. THIESSEN: Yes.

2 MS. SOLOMAN: Yes.

3 MR. THIESSEN: Somebody else will use it when they're gone.

4 MS. SOLOMAN: Yes.

5 MR. FOX: Right, sure. And then they'll durn in their DBIR?

6 MR. THIESSEN: Yep. And if, for some reason, let's just say
7 they did their post trip, and let's just say this truck had a
8 problem and they didn't feel like it should go out again because
9 of their post trip. They would write it on their DBIR, they would
10 take their keys and they would put them on the out-of-service bar,
11 let -- call us and let us know, you know, this thing has developed
12 an air link, or it's -- something happened, whatever.

13 MR. FOX: Yeah.

14 MR. THIESSEN: Or it's got a flat tire or whatever, and let
15 us know, and if somebody wasn't in the office, well they know to
16 put it in the out-of-service line --

17 MR. FOX: I saw that on your board, yeah.

18 MR. THIESSEN: They'll turn the DBIR in -- I mean, if it's a
19 flat tire, we'll call the tire guy immediately to get the truck
20 fixed, obviously. But that's pretty much, you know, how it is,
21 and then we know that that truck is not available. But for the
22 most part --

23 MS. SOLOMAN: And we only have a few drivers that have the
24 keys to the office.

25 MR. THIESSEN: Yeah. The ones that need them.

1 MS. SOLOMAN: Not all of them.

2 MR. THIESSEN: Who? Caesar.

3 MR. FOX: Yeah.

4 MS. SOLOMAN: Yeah.

5 MR. FOX: Do you have -- or is all the fleet kept out over
6 here?

7 MS. SOLOMAN: Yeah, or it's at the yard over at UDA, hook to
8 a trailer. It'll be there --

9 MR. THIESSEN: If it's a super tanker.

10 MS. SOLOMAN: Yeah, or here.

11 MR. FOX: Okay.

12 MS. SOLOMAN: If it's disconnected, it's here.

13 MR. FOX: Oh, where the scales are?

14 MR. THIESSEN: Right.

15 MR. FOX: Where we were -- where you and I were.

16 MR. THIESSEN: Exactly because we can only put two out here
17 without bothering the --

18 MR. FOX: Oh, if it's hooked.

19 MS. SOLOMAN: Yeah.

20 MR. THIESSEN: Because of the fire extinguisher and -- I
21 mean, there's no fire hydrant.

22 MR. FOX: Yeah.

23 MR. THIESSEN: You guys, I mean, you know -- I wouldn't mean
24 you, you.

25 MR. FOX: Do you have any other terminals or buildings? And

1 I'm excluding -- I know you have your office at your -- over at
2 your --

3 MS. SOLOMAN: Yeah. That's just a temporary thing right now.

4 MR. FOX: That's just your mailing -- but do you have any
5 other --

6 MS. SOLOMAN: Okay, the mailing address -- the Diesert (ph.)?
7 That's a UPS store.

8 MR. FOX: Oh, okay.

9 MS. SOLOMAN: There's no physical location there.

10 MR. FOX: Okay.

11 MS. SOLOMAN: That's because most things require somebody to
12 sign for it or whatever. So, that's what we have.

13 MR. FOX: Physically -- sure.

14 MS. SOLOMAN: And I've had mail stolen before.

15 MR. FOX: Oh, really?

16 MS. SOLOMAN: Yeah. So, I've had child support checks stolen
17 and things like that. So, I just cut to the chase and went there
18 to make sure the mail was safe.

19 MR. FOX: But as far as like --

20 MS. SOLOMAN: Well, I will tell you that we do rent a spot at
21 a dairy out in Buckeye, and there are a couple drivers that have
22 assigned trucks that start their day out there.

23 MR. FOX: Okay.

24 MS. SOLOMAN: And it's what, two trucks?

25 MR. THIESSEN: Two trucks, yeah. Grandview Dairy.

1 MR. FOX: Okay.

2 MR. THIESSEN: Yeah.

3 MR. FOX: All right, very good. All right, we asked her
4 where the fleet was kept. Do you operate any other trucking
5 business?

6 MS. SOLOMAN: No.

7 MR. FOX: Are you or have you been affiliated with Milky-Way
8 Transport?

9 MS. SOLOMAN: No. My ex -- was that the name of it?

10 MR. THIESSEN: No.

11 MS. SOLOMAN: No.

12 MR. FOX: Milky-Way's right here next to your neighbor.

13 MS. SOLOMAN: No, I'm getting myself confused. My ex was a
14 general manager for another trucking company that's no longer in
15 existence.

16 MR. FOX: Okay. Well, I'll ask that since you asked -- or
17 you --

18 UNKNOWN PARTICIPANT: The ethics?

19 MR. FOX: No.

20 MS. SOLOMAN: No. What was what's-her-name's business?

21 MR. FOX: Idaho?

22 MR. THIESSEN: Desert Milk?

23 MS. SOLOMAN: No, it was before Desert Milk.

24 MR. FOX: Idaho?

25 MS. SOLOMAN: Idaho Milk is --

1 MR. THIESSEN: Wayne Woods (ph.), WW.

2 MS. SOLOMAN: Yeah, it was Wayne Woods.

3 Idaho Milk is some cousins that live up in Idaho that I
4 rarely ever speak to or talk to.

5 MR. FOX: Are you affiliated with that company, though?

6 MS. SOLOMAN: No.

7 MR. THIESSEN: No.

8 MR. FOX: Did your ex -- was your ex part of that operation?

9 MS. SOLOMAN: My ex worked for them back in the '80s for
10 about two years, I think -- three years as a driver. Idaho Milk
11 Transport?

12 MR. FOX: Right.

13 MS. SOLOMAN: Yeah.

14 MR. FOX: And they haul for UDA too, right?

15 MS. SOLOMAN: I don't know --

16 MR. FOX: Maybe years ago?

17 MS. SOLOMAN: Well, maybe they did. I don't know.

18 MR. FOX: A long time ago or something?

19 MS. SOLOMAN: I -- you'd have to ask them. I don't know.

20 The only thing I know that they do -- I know they used to have a
21 place out in Buckeye. Didn't they have a yard in Tonopah or
22 something?

23 MR. THIESSEN: Yeah.

24 MS. SOLOMAN: But I don't know what they were doing. But I
25 know that I -- the last I've heard is that they bring in organic

1 milk into Shamrock from California.

2 MR. THIESSEN: They're and outside contractor.

3 MR. FOX: Okay.

4 MS. SOLOMAN: I don't know.

5 MR. FOX: But as far as you --

6 MS. SOLOMAN: I have nothing to do whatsoever.

7 MR. FOX: You have nothing to do with it.

8 MS. SOLOMAN: Yeah. I rarely --

9 MR. FOX: So, it's probably because your ex was connected to
10 them, I'm guessing.

11 MS. SOLOMAN: Maybe, I don't know. He worked for them back
12 in the '80s.

13 MR. THIESSEN: That was 30 years -- 40 years ago.

14 MS. SOLOMAN: Yeah.

15 MR. FOX: It came up.

16 MR. THIESSEN: Way before my time.

17 MR. FOX: It came up in conversation on some report that I
18 had.

19 MS. SOLOMAN: I have no idea. I don't know why, but yeah.

20 MR. FOX: Okay. Well, fair enough.

21 MS. SOLOMAN: In fact, he hates them with a passion.

22 MR. FOX: Who?

23 MS. SOLOMAN: My ex hates that part of my family with a
24 passion.

25 MR. FOX: Oh, got it.

1 MS. SOLOMAN: Maybe -- he's a disgruntled employee for them.
2 Let's just put it that way.

3 MR. FOX: Okay, I get it. I get all that. Okey dokey, all
4 right. How are drivers paid? Are they paid by mile, by the load?

5 MS. SOLOMAN: By the load. There's additional pay that's
6 also there, but it's primarily by the load.

7 MR. FOX: Okay. We'll get to it after we go off the tape.

8 MS. SOLOMAN: Okay.

9 MR. FOX: But I have questions about the overtime. There's a
10 sheet in here that you guys gave me on overtime, and I don't --
11 I'm trying to figure it out.

12 MS. SOLOMAN: All right.

13 MR. FOX: So, we'll look at it.

14 MR. THIESSEN: It's considered to be wait time.

15 MS. SOLOMAN: Wait time.

16 MR. THIESSEN: It's not overtime.

17 MS. SOLOMAN: It's waiting, they're sitting on their butt.

18 MR. FOX: Over at UDA --

19 MS. SOLOMAN: Yeah. They're sitting on their butt waiting so
20 we call it wait time.

21 MR. FOX: Overall, who's -- pardon me -- who's responsible
22 for safety for the company?

23 MR. THIESSEN: I am.

24 MR. FOX: Mike is, okay.

25 MR. THIESSEN: Yeah.

1 MR. FOX: And when you say you're responsible for safety,
2 what are you looking at as far as compliance or safety.

3 MR. THIESSEN: Well, everything as far as truck maintenance,
4 tires, drivers, hours of service, keeping them aware of any new
5 rules that come out from FMCSA, health issues, COVID, anything
6 like that. Making sure that we do, obviously, through a
7 consortium (ph.) control random drug testing and, you know, I
8 mean, that sort of thing. We all -- well, we're always -- we're
9 real involved with our drivers. So, we're -- I mean -- as far as
10 us, it's part of safety, but we are well aware of if somebody has
11 alcohol problems as far as our knowledge, you know, that kind of
12 thing. Or anything like that because we see everybody face to
13 face, so we know we know we don't have any of those things going
14 on, you know.

15 MS. SOLOMAN: And some of those responsibilities are also
16 shared. So, background checks --

17 MR. THIESSEN: Training.

18 MS. SOLOMAN: Previous employer, you know, notifications and
19 getting that information, that's all done by myself and my office
20 manager. So --

21 MR. FOX: Do you use a third party for background checks?

22 MS. SOLOMAN: No, because I don't feel like I can trust
23 people to do accurate information. So, we do pay -- like there's
24 a lot of services that people require you to go through, like
25 Tenstreet, Driver IQ, and DriverFacts, and some of those things

1 that we pay because that's the only way you're going to get your
2 information.

3 MR. FOX: Right.

4 MS. SOLOMAN: But, you know, we do a lot of tracking down of
5 as much as we can of people, if that makes sense. So, you know,
6 I've had lots of instances where people have gone out of business
7 and I've managed to track down the owners, and I don't feel like I
8 can trust a third party to do that. I feel like they're just
9 going to look and oh, well, they went out of business two years
10 ago, okay, well, they're out of business, there's no body to
11 contact, you know. So, we try to do as much as we can on our own.

12 MR. THIESSEN: Also, as part of safety that goes along, if we
13 have a particular issue with a particular dairy -- I mean, things
14 change a lot, but we have a lot of things, like if something comes
15 up because there's, you know, maybe there's a particular problem
16 at a dairy, they've got frayed hoses or something. So, we want
17 them to make sure they're not going to get stainless in their
18 fingers and stuff, we make sure we tell every driver as they come
19 in. I mean, safety as far as training, is ongoing all the time.
20 It's not a set thing, it's a lot.

21 MR. FOX: So, do you have a training program? Do you have a
22 set curriculum, or --

23 MR. THIESSEN: Yes. When someone starts it's four to five
24 days that we train them on all the safety issues of what's
25 involved with hauling milk. Plus, they have to go down to the

1 Department of Ag, take a test there, plus go out and get inspected
2 by the Department of Ag at the dairy.

3 MS. SOLOMAN: They're also put through classes twice a year
4 through UDA that address a lot of that.

5 MR. THIESSEN: Recertifies.

6 MR. FOX: The training that you guys do, is that documented
7 or memorialized in any way?

8 MS. SOLOMAN: Yes, in the DQ files?

9 MR. FOX: Okay. I'll ask for some of that later.

10 MS. SOLOMAN: Yeah.

11 MR. FOX: Are you using, like, video tapes or things of that
12 nature for any of this?

13 MS. SOLOMAN: We have in the past. But it's not been -- most
14 of the videos that we were using have not been updated in
15 probably, I don't know, 15 years.

16 MR. THIESSEN: Yeah. Most things are, like, seatbelts,
17 driving and things, you know, we have a hundred safe-driving
18 exercises which they're talking about.

19 MS. SOLOMAN: Yes. And what I'm talking about for videos was
20 more the actual duties of a milk hauler. That information has not
21 been really updated.

22 MR. FOX: Yeah. So, I know that there's a whole big plethora
23 of stuff that they have to do to handle the milk, and test it, and
24 get ready for the lab --

25 MS. SOLOMAN: Right. So, we're probably talking about two

1 different subjects here.

2 MR. FOX: Yeah. So, that's the milk thing. But as far as
3 more safety compliance with the DOT regulations, that's more of
4 what I'm honing in on.

5 MS. SOLOMAN: We have brought in compliance people that have
6 come in and have had -- and it's very difficult for our company to
7 get everybody together --

8 MR. THIESSEN: At the same time.

9 MR. FOX: Oh, I'm sure.

10 MS. SOLOMAN: -- at the same time. So, you know -- but we
11 have in the past, we have had people come in and do distracted
12 driving and do different subjects, and, you know, we have -- Greg
13 West has a great library that, you know, people have had to sit
14 down and go through, and be tested. They have questions at the
15 end of their videos and things like that. It really -- kind of
16 for us what the driving force is, is our Drive Cam videos. If we
17 watch and we see something coming up that's concerning, we sit
18 down, we coach that driver from the video that they have had an
19 event that they caused, right.

20 MR. FOX: Okay.

21 MS. SOLOMAN: So that they're seeing exactly what we're
22 seeing.

23 MR. FOX: Okay.

24 MS. SOLOMAN: And we watch those on a daily basis. If we see
25 that person improving, that's great. But if they have not

1 improved, you know, we have kind of a program where we -- first
2 it's just vocally telling them, then we are actually writing them,
3 then we're putting them on a 90-day suspension. It just kind of
4 depends on the severity of what the thing it. If we're seeing
5 them do something that, you know, is just outrageous, they're
6 gone. I mean, we've cut people because we've seen them have road
7 rage incidents. I'm not going to coach that guy, I want him out
8 of my truck.

9 MR. FOX: Right, sure.

10 MS. SOLOMAN: That kind of a thing.

11 MR. FOX: The dive-cam, are you -- some of them have software
12 systems -- I mean, part of the software suite that you get with
13 Drive Cam, it has like a disciplinary -- what it'll do is if there
14 is a critical event, a hard break stability control event, it'll
15 normally trigger a management report, disciplinary thing to
16 capture the event. Are you getting those?

17 MS. SOLOMAN: No. Well, we're getting the event, it will
18 score the event, and so, you know, people are getting scored. So,
19 the lower the number, the better you are.

20 MR. FOX: Sure.

21 MS. SOLOMAN: There's definitely drivers that we don't ever
22 see -- we never see in the video, and there's some, you know, that
23 were seeing for a while. We try to coach them on, you know,
24 seatbelt seems to be the thing that we see quite a bit.

25 MR. FOX: So, do you have a portal, or a website, or a system

1 that you have internally that's tracking that as far as the
2 company?

3 MS. SOLOMAN: Yeah. It's not the company's software, it's
4 Drive Cam. This Lytx is software that we are using there --

5 MR. FOX: Okay.

6 MR. THIESSEN: Yeah, it scores them by these events and
7 stuff, and then when you're coaching -- the term that they're
8 using for coaching is where we talk to the driver and tell them
9 about the event. Of course, we check this has been coaching.

10 MS. SOLOMAN: We put in that it's coached.

11 MR. THIESSEN: And then their scores run on, like, a colored
12 thing.

13 MS. SOLOMAN: So, we can pull up, like, certain types of
14 events, like seatbelt, for instance, and we can see who the main
15 offenders are for seatbelt violations, for instance. That kind of
16 thing.

17 MR. THIESSEN: And it will flag us, like, if somebody's
18 become a -- as we've been going along, maybe coaching somebody,
19 maybe somebody came up a couple of times, say, on a seatbelt issue
20 or something, it will flag and change color from green, to yellow,
21 to red, or something like that.

22 MR. FOX: Okay. After we finish this, maybe you can show me
23 that system?

24 MS. SOLOMAN: Sure. And we just changed our cameras to --
25 before this accident happened, we were already ordered, but we

1 just upgraded all of our cameras. So, I will do my best, but we
2 just -- actually was it last week or whatever they just finished.
3 So, I'm a little rusty but --

4 MR. THIESSEN: Yeah. It's kind of like going from analog to
5 digital kind of a situation with the Drive Cam.

6 MR. FOX: Oh, okay.

7 MS. SOLOMAN: I'll do my best.

8 MR. FOX: But is it still Drive Cam?

9 MS. SOLOMAN: Still the same thing, oh, yeah.

10 MR. THIESSEN: Oh, yeah.

11 MR. FOX: Did they replace the cameras or is it just the
12 software?

13 MS. SOLOMAN: Oh, everything.

14 MR. FOX: Everything?

15 MR. THIESSEN: Yeah.

16 MR. FOX: Oh, wow.

17 MS. SOLOMAN: Yeah.

18 MR. FOX: Okay. That's a little different than when we first
19 talked, so I asked that question all over again.

20 MS. SOLOMAN: Right, okay.

21 MR. THIESSEN: Sure.

22 MR. FOX: Good, okay. Do you have a written safety plan?

23 MS. SOLOMAN: Yes.

24 MR. FOX: Okay. I'll need to see a copy of that. Not now,
25 later. We'll put it on a list of stuff to do. And do you have

1 safety manuals?

2 MS. SOLOMAN: These guys? These right here?

3 MR. FOX: No. I mean, those are the instructions.

4 MR. THIESSEN: You mean, like, do we have, like, a safety
5 manual that regards, like, drug policy, privacy policy, any of
6 that kind of stuff?

7 MR. FOX: Maybe, and then what are your procedures, you know,
8 how do you hook up the hoses to the tank when you're at the this
9 and the that? Or oh, it's the right way --

10 MS. SOLOMAN: Oh, there's multiple --

11 MR. THIESSEN: We have a training book. Our training manual.

12 MR. FOX: Training manual.

13 MS. SOLOMAN: For the milk hauling?

14 MR. FOX: Not necessarily the milk hauling; I know that
15 that's a whole separate ballgame. But I'm talking specifically
16 about safety, you know, wearing your seatbelt, you know --

17 MR. THIESSEN: We have policies like that.

18 MR. FOX: Policies?

19 MR. THIESSEN: I mean, it's not a necessarily -- it's all
20 part of the safety policy, and seatbelt policy, reporting accident
21 policies.

22 MS. SOLOMAN: When you go through the -- in fact, I have all
23 those DQ files over there waiting for you to go through.

24 MR. FOX: Oh, okay. Awesome.

25 MS. SOLOMAN: You will see that they have signed that they

1 understand that that's the policy.

2 MR. FOX: And is -- do you provide the drivers with the
3 driver handbook?

4 MR. THIESSEN: Yes. I mean, they get --

5 MR. FOX: They'll have FMCSA handbooks.

6 MR. THIESSEN: We get FMCSA, you get a training manual which
7 is all about Arizona Milk and how you milk up milk, and where the
8 dairies are at.

9 MS. SOLOMAN: Right.

10 MR. THIESSEN: You also get the alcohol and drug policy, you
11 also get -- what is that -- ethics policy, kind of like how to
12 behave, you know --

13 MR. FOX: Okay. So, after we finish this, we'll take --

14 MR. THIESSEN: Sure.

15 MS. SOLOMAN: All of this.

16 MR. FOX: Yeah, we'll take a look at all that stuff. So, I
17 did see the drug testing policy, but I did not see the safety
18 manual. So, we'll take a look at that after.

19 MS. SOLOMAN: Okay.

20 MR. FOX: Or safety plan. I was asking if you had a safety
21 plan. So, we'll look at all that kind of stuff after we finish
22 this.

23 MR. THIESSEN: Okay, sure.

24 MS. SOLOMAN: So, right --

25 MR. THIESSEN: Yeah. They get two different manuals.

1 MR. FOX: Okay, great. Training, talked about Idaho Milk. I
2 think I've asked all of my immediate questions.

3 Steve, did you have any other follow-up questions?

4 So, at this point, I think -- did you have any questions for
5 me, ma'am, officially?

6 MS. SOLOMAN: No, I guess --

7 OFC NYBOER: I do have some question, Mike.

8 MR. FOX: Okay. Go ahead.

9 BY OFC NYBOER:

10 OFC NYBOER: How many trailers? I know we talked -- not how
11 we talked before, but how many super tanks are you --

12 MS. SOLOMAN: Pulling?

13 OFC NYBOER: -- pulling? How many do you guys use?

14 MS. SOLOMAN: We were at eight, but I think we're down to --

15 MR. THIESSEN: We're at, like, five now.

16 MS. SOLOMAN: Yeah.

17 OFC NYBOER: Okay.

18 MR. THIESSEN: Five, six, it just depends because --

19 MS. SOLOMAN: They are breaking and they are not fixing them,
20 and we don't think they're going to get them --

21 MR. THIESSEN: They're cracked in the middle.

22 OFC NYBOER: Okay. Nobody else told me what the issues was,
23 but it sounds like there was an issue?

24 MS. SOLOMAN: Yeah, the --

25 MR. THIESSEN: I'm on your side.

1 MS. SOLOMAN: It's up at the dome. It's up at the top, yeah.
2 They're not -- because -- they think it's because it's elliptical
3 and not round that it's causing suction -- they don't really know.
4 But's it's causing --

5 MR. THIESSEN: It's leaking milk.

6 MS. SOLOMAN: It's causing it up on the top to have pressure
7 that's kind of doing this as it's full, and so it's getting some
8 cracking up there at the top.

9 OFC NYBOER: And I probably have some of this information
10 already. But because I've been talking to the other carriers --

11 MS. SOLOMAN: Okay.

12 OFC NYBOER: It just brings it to my -- how many dairies do
13 you guys service?

14 MS. SOLOMAN: I'd have to go back to --

15 MR. THIESSEN: Dairy, individual -- dairy names? Or barns?

16 OFC NYBOER: Dairy names. I guess I'll go with that.

17 MS. SOLOMAN: Yeah.

18 MR. THIESSEN: I'm not exactly -- but probably 17, but, like,
19 22 barns. But, like, we've got them on the -- they're on the
20 board on the wall in there, they actually count them out.

21 MR. FOX: All right. We can look at that.

22 You touched on it, but just to ask the question formally, do
23 you have a disciplinary program?

24 MS. SOLOMAN: Yes.

25 MR. FOX: It was basically like three strikes and you're out

1 is -- from what I'm understanding?

2 MS. SOLOMAN: It kind of depends on -- I mean --

3 MR. THIESSEN: It depends on what it is.

4 MS. SOLOMAN: It depends on what it is.

5 MR. FOX: Of course. But --

6 MS. SOLOMAN: Some things it won't take --

7 MR. THIESSEN: Not even that far.

8 MS. SOLOMAN: No -- yeah.

9 MR. FOX: Right. But you have a progressive disciplinary --

10 MS. SOLOMAN: Yes.

11 MR. FOX: From what I'm -- generally speaking --

12 MS. SOLOMAN: Yes.

13 MR. FOX: Verbal, written, and then --

14 MR. THIESSEN: Probation.

15 MR. FOX: -- probation or termination.

16 MS. SOLOMAN: The last thing I want to do is make a perfect
17 driver for somebody else. I'd rather them stay with me if I can
18 get them to improve. But if there's no improving over bad habits,
19 if I see them making turns too fast, or they're running red
20 lights, or whatever, they're gone.

21 MR. THIESSEN: But we also do things like if somebody's not
22 sampling the milk properly and not following the PMO, you know, I
23 mean, they're not washing their hands before they take their milk
24 samples, that's part of that too.

25 MS. SOLOMAN: Yeah.

1 MR. THIESSEN: Disciplinary stuff too that can contribute to
2 bacteria.

3 MS. SOLOMAN: I have to buy those loads, so --

4 MR. FOX: No, it's part of your contract that they're going
5 to -- you guys are going to get whacked financially if one of
6 those things is not done, or if they fail to put the temperature
7 or whatever else on there. So, I get that.

8 MS. SOLOMAN: Right.

9 MR. THIESSEN: Yeah. So, it's not just about driving. Now
10 it's --

11 MR. FOX: No, it's procedural --

12 MR. THIESSEN: Yeah, procedural to serve.

13 MR. FOX: And do you -- along the same lines, Susan, do you
14 have a rewards program for the drivers?

15 MS. SOLOMAN: I am -- wow that's an old one. You know what,
16 we need to give them a new one, not this one.

17 MR. THIESSEN: She's extremely generous, bonuses twice a
18 year, which is unheard of, and plus, we have our little contest of
19 if you can get your milk closest to a certain weight it -- you can
20 get free gift cards. That kind of thing, you mean?

21 MR. FOX: How -- so, you give safety bonuses. Is it an
22 incentive bonus, like, for safety performance? Or can you explain
23 that?

24 MR. THIESSEN: You get -- well, obviously, if you're not
25 doing what's right, your bonus is not going to be, you know,

1 better. I mean, it's not, like, based on how safe you are. But
2 if you're not safe, you're not going to work here. So, if you do
3 a good job, then you get a decent bonus.

4 OFC NYBOER: If a driver gets a clean roadside inspection is
5 there --

6 MR. THIESSEN: Yes.

7 MS. SOLOMAN: A hundred bucks.

8 MR. THIESSEN: Yes.

9 MR. FOX: Which we should talk about that.

10 MS. SOLOMAN: Yeah. I have some complaints on that.

11 MR. FOX: I know you don't -- well, you don't have any
12 inspection. Well, the thing is that -- and I'm not saying
13 anything bad, but what happens is if the guy pulls you over and he
14 doesn't find no problems, they don't do nothing.

15 MS. SOLOMAN: He has to have a reason.

16 MR. FOX: I mean, you know what I mean. They don't -- they
17 should give him a decal.

18 MS. SOLOMAN: If -- it may start out as a level one, and then
19 if they don't find anything, they change it to a level three.

20 OFC NYBOER: Okay. So, do you do anything at the level one
21 to get a --

22 MR. FOX: You don't -- they don't do the paperwork.

23 OFC NYBOER: Well, I'm confused by the fact that will get
24 stopped and not get an inspection report?

25 MS. SOLOMAN: Yeah.

1 OFC NYBOER: That tells me that that's not a commercial
2 driver -- or a commercial trooper.

3 MS. SOLOMAN: I don't know what that --

4 MR. THIESSEN: But that's why -- I bet you almost nobody
5 does. I mean, because there's no problem, so why bother?

6 MR. FOX: All right. Well, he can -- Steve can take care of
7 that. He can look into that.

8 (Crosstalk)

9 OFC NYBOER: We prefer to give you a good inspection.

10 MS. SOLOMAN: Absolutely.

11 MR. THIESSEN: Well, you would. But not the guy on the road.
12 The guy on the road just wants to move that truck out.

13 OFC NYBOER: Well, we're supposed to wright an inspection
14 whether it's good or bad.

15 MS. SOLOMAN: Well, let me tell you, the last -- I think I
16 may have gotten one after this. But really, the one that stands
17 out in my mind was we had a gal that was kind of cute, and she
18 was, like, the last one that one and we haven't gotten any since
19 then.

20 MR. THIESSEN: We've been pulled over plenty of times, or
21 whatever, and they -- because they're doing their, you know,
22 round, kind of check maybe, or whatever, I don't know how it goes.
23 But -- and gotten expected, passed 100 percent, but got no
24 paperwork.

25 OFC NYBOER: You don't get an inspection report?

1 MR. THIESSEN: No.

2 MS. SOLOMAN: And she was so upset --

3 MR. THIESSEN: And most of the time the driver is so glad
4 they didn't get a ticket for something, and they roll.

5 MR. MAHONEY: And if you ask then, you know, you're not
6 exactly on the good side of that officer.

7 OFC NYBOER: Well, they want to write a report, though.

8 MR. THIESSEN: Yeah. I think the drivers want as little
9 contact as possible.

10 MR. MAHONEY: But not the guys out on the road. They want to
11 move trucks.

12 MR. FOX: Okay. So, here's what I need you to do from now
13 on. If that happens, somebody pulls in later today and you know
14 that Jim Bob just got pulled over and didn't an inspection report,
15 shoot me an email so that I can look into it.

16 MR. THIESSEN: All right.

17 MR. FOX: Yeah, because you know most guys they just want to
18 get away from you guys and have no problem.

19 OFC NYBOER: Yeah, we want to -- that shouldn't happen.

20 MR. FOX: But you know, it's just like --

21 MR. THIESSEN: They're also not giving out citations. They
22 might be giving out warnings for certain things.

23 OFC NYBOER: I'm not worried about that.

24 MR. THIESSEN: Because the violation sticks and you can't go
25 to court and get the ticket dismissed.

1 OFC NYBOER: Right.

2 MR. THIESSEN: You just have to deal with DQ.

3 MR. FOX: All right. So, we'll talk about that more when we
4 go off the tape.

5 MS. SOLOMAN: Okay.

6 MR. FOX: Going back to the reward program, I'm just trying
7 to tease that out. So, I think you mentioned that there is an
8 incentive for clean roadside.

9 MR. THIESSEN: Right.

10 MR. FOX: But going back to this, is there a formula for how
11 you're putting together the safety bonus?

12 MR. THIESSEN: It's not a safety bonus, right --

13 MR. FOX: So, it's not a --

14 MR. THIESSEN: It's not a safety bonus.

15 MR. FOX: So, it's just a company bonus?

16 MR. THIESSEN: It's a company bonus. But if you're not safe,
17 it's -- I'm just trying to work to assemble my thing here, okay.
18 It's not safe, then you obviously wouldn't work here or you
19 wouldn't get a bonus.

20 MR. FOX: Okay.

21 MR. THIESSEN: Does that work?

22 MR. FOX: Well, I'm just trying to ask --

23 OFC NYBOER: What's your methodology for deciding if
24 somebody's safe, or partially safe, or not safe?

25 MR. THIESSEN: They're still working here.

1 MS. SOLOMAN: And they're Drive Cam video is primarily --

2 OFC NYBOER: So, do you assign points to various aspects
3 then? Or does it depend on what color they're in? Or -- I think
4 that's what you're trying to get after, right?

5 MR. THIESSEN: No. It's not -- you know what -- I mean,
6 nobody's going to be in the red and be in that red for a long
7 time. If they jump into yellow then they have issues and we'll
8 talk to them, you know, go over that, and make sure through Drive
9 Cam. But it's not based on that.

10 MS. SOLOMAN: We're meeting these guys every day; you've got
11 to understand that.

12 OFC NYBOER: Sure.

13 MS. SOLOMAN: They're with them every day and we're looking
14 at these videos every day.

15 MR. THIESSEN: All the time.

16 MS. SOLOMAN: And so, if there is anything that's coming up,
17 they're talking to them about that video. Why are we seeing this,
18 can you tell me what happened, what was going on in this that
19 caused this to happen?

20 OFC NYBOER: Sure.

21 MS. SOLOMAN: Why did you change lanes, why did you, you
22 know, whatever may be going on.

23 MR. FOX: Right. Well, some companies do an incentive plan
24 based on a series of things because for example, you guys have the
25 milk area, that would be maybe factored into it because that deals

1 with performance.

2 MS. SOLOMAN: Right.

3 MR. THIESSEN: Right.

4 MR. FOX: So, if they're not doing the job right, that
5 affects the company. So, that may be something you may want to
6 look at, you know, the milk component, are they having an errors
7 there? And then as Steve was talking about, how about roadside
8 inspections, do they have any speeding tickets, do they have any
9 Drive Cam events so that you can make a whole matrix.

10 MS. SOLOMAN: Right.

11 MR. FOX: It's just something to think about --

12 MR. THIESSEN: Yeah, and we don't get a lot of inspections.

13 MR. FOX: Maybe not, but there's other things.

14 MR. THIESSEN: Sure.

15 MR. FOX: From Susan's perspective, she's seeing stuff every
16 day.

17 MS. SOLOMAN: Yeah.

18 MR. FOX: Well, if they're getting so many -- excuse me -- if
19 they're getting so many little marks against them, then that may
20 decrease their bonus. Do you follow what I'm saying?

21 MR. THIESSEN: Yeah.

22 MS. SOLOMAN: Sure.

23 MR. FOX: It's -- see, I've went to -- I've been in a
24 thousand carriers and I've seen all kinds of different safety
25 programs.

1 MS. SOLOMAN: Right.

2 MR. FOX: So, you know, you may -- it's wonderful that you're
3 giving them money, especially twice a year.

4 MS. SOLOMAN: Right.

5 MR. FOX: You may want to tie it to a safety perspective so
6 that it's -- because, what it'll do is it -- if you're having any
7 type of, you know, dings or whatever, or any kind of insurance
8 claims, or anything like that, it will go right to your bottom
9 line.

10 MS. SOLOMAN: Right.

11 MR. FOX: So, it's just something to think about.

12 MR. THIESSEN: Right.

13 MS. SOLOMAN: Right.

14 OFC NYBOER: Mike, do you want a bottle of water?

15 MR. FOX: That would -- yeah. Oh, thank you, sir.

16 MS. SOLOMAN: Here's some tissue if you need to --

17 MR. FOX: I think you've answered all the questions that I
18 have right now, and I'm sure some will come up as I look at the
19 paperwork.

20 Steve, did you have anything else you wanted to ask?

21 OFC NYBOER: How many loads a week?

22 MS. SOLOMAN: Oh, my gosh.

23 OFC NYBOER: And I think we talked about this already but I
24 just want to make sure.

25 MS. SOLOMAN: It'd be easier to tell you by the month.

1 OFC NYBOER: Sure.

2 MS. SOLOMAN: You want that? I'll get that information to
3 you.

4 MR. THIESSEN: And --

5 OFC NYBOER: And the difference between the -- whatever you
6 call the warm months and the cool months?

7 MS. SOLOMAN: Oh, yeah, there's a big difference.

8 OFC NYBOER: Right, so if I could get those two numbers.

9 MS. SOLOMAN: Those two numbers, okay. So, let's pick some
10 months. So, we just finished June, let's get June and -- what do
11 you think, December? Do you want June and December?

12 OFC NYBOER: You know better. It could be your worst month
13 or your best month.

14 MS. SOLOMAN: June and January.

15 MR. THIESSEN: January.

16 OFC NYBOER: Sure.

17 MS. SOLOMAN: All right. So, let me just --

18 MR. FOX: A couple just circle-back questions.

19 OFC NYBOER: Sure.

20 MR. FOX: You said approximately you have, like, two shifts;
21 7:00 a.m. to 7:00 and 7:00 p.m. to 7:00 a.m.?

22 MR. THIESSEN: Right. We base everything on our schedule.

23 MR. FOX: Okay, because I was trying to figure out some of
24 these drivers' schedules.

25 MR. THIESSEN: Right.

1 MR. FOX: And I was like I can't figure it out.

2 MR. THIESSEN: No. Bigger dairies, yeah. I mean, we have
3 our schedule sheet, which I could show you. But it's like night
4 shift and day shift.

5 MR. FOX: Okay. That will make it easier for me to figure
6 that out.

7 MR. THIESSEN: And then -- yeah, and then you can figure.
8 And then, some guys instead of starting at 7:00 in the morning,
9 they'll start at 3:00 in the morning because they'll have a load
10 that's available earlier, plus where they're going to deliver to
11 needs their load earlier. So, they'll just work their time from
12 2:00 a.m. to noon and --

13 MR. FOX: Well, that's what I can't -- I couldn't figure it
14 out. I was like I have no clue.

15 MR. THIESSEN: Sure. That's why it's hard for us to -- like
16 we can't get together as a complete group. We cannot go okay,
17 we're going to have a safety meeting, which a long time ago -- a
18 couple years ago I used to have safety meetings. We'd shut down
19 for the next three hours, bring drivers in, all this kind of stuff
20 to have them all together to watch videos and do all this kind of
21 stuff.

22 MS. SOLOMAN: It's almost impossible now.

23 MR. THIESSEN: It's almost -- and not in our business. So,
24 we almost have to do it on a day to day or weekly basis.

25 MS. SOLOMAN: So, for, like, open enrollment for health

1 insurance, for instance, it takes us three, four days to get
2 everybody.

3 MR. FOX: I bet.

4 MS. SOLOMAN: You know, so --

5 MR. THIESSEN: It's a nightmare.

6 MS. SOLOMAN: It is, it's tough.

7 MR. FOX: No, I totally get it. Now --

8 MS. SOLOMAN: And that's with half the company not wanting
9 the insurance, so.

10 MR. FOX: Now, in the contract it was mentioning you're
11 guaranteed five routes? That's the way it's written --

12 MS. SOLOMAN: Yeah, per truck. That's how it's written but
13 we don't give five. There's no way you can run one truck and do
14 five routes in 24 hours. You can't because the plants can't get
15 us unloaded quick enough. It takes them too long to get us out in
16 order for -- I mean, when we first started, we were getting -- our
17 average was actually over six in a 24-hour period, and it's --
18 we're lucky in some areas we're three, you know. So, it averages
19 a little -- like four. I think four between --

20 MR. THIESSEN: Yeah. They do a lot of sitting.

21 MS. SOLOMAN: I've had to buy a lot of extra equipment to
22 handle the routes because the -- we can't do five; it's
23 impossible.

24 MR. THIESSEN: And stay within guidelines, and that's a big
25 -- it is a big deal.

1 MR. FOX: So, you were mentioning that your -- when you're
2 managing the safety, you were -- you did mention hours of service.
3 How are you tracking that?

4 MR. THIESSEN: Well, we know what time they start, and every
5 day on our schedules we write down the time they start and we know
6 when they finish. And then, obviously, when they turn in the
7 payroll sheet there's a --

8 MS. SOLOMAN: So, for instance -- do you want to see the
9 payroll? Those sheets for the people you asked?

10 MR. FOX: Well, we'll look at that when I just get off of
11 here.

12 MS. SOLOMAN: You'll see the --

13 MR. THIESSEN: Yeah. We know when somebody starts. You look
14 at all those sheets from months back, we know exactly when each
15 driver starts, we write it down exactly, like, their time, we've
16 given them dispatch and they're going to get ready to take off.
17 That way we know because how we have to base our situation is that
18 if a driver goes out and they're going to -- if they sit at a
19 plant for three or four hours.

20 Let's just say they have three really close loads, but we
21 know somebody got stuck at Tolleson and they're sitting there for
22 four hours. When we cut the third load, they're going to get
23 compensated for their wait time -- that's what they wait time
24 piece is, because of the -- anything over an hour-and-a-half
25 they're going to get paid 18 dollars an hour for. But we also

1 don't want them to run outside of their service hours. We're just
2 saying that 12-hour day is what we're trying to stay within. And
3 so, what happens is that we'll have -- we'll know basically what
4 time they're going to finish.

5 Now, if they have enough time to run out and get a load and
6 bring it back, and we have to drop it -- get it to drop so we
7 don't even have to unload it, we can get them on and have the next
8 driver come in, and that's good too. So, we know the times that
9 they start and they finish.

10 MR. FOX: So, you're trying to stay within a 12-hour day?

11 MR. THIESSEN: Absolutely. We try to, you know, every once
12 in a while, they'll run a 14-hour day. They'll run -- it just is
13 what it is.

14 MR. FOX: And you said they're paid by the load?

15 MR. THIESSEN: By the load.

16 MR. FOX: And does it vary? I mean, is each load -- how much
17 is the --

18 MS. SOLOMAN: So, the typical case -- so, the majority of our
19 regular loads are paid, like, a set amount, and it also is
20 seniority, I mean, as -- they get raises as they stay. So,
21 somebody that's been here five years is going to make more for a
22 regular load than somebody that was just hired, okay. So --

23 MR. THIESSEN: And our regular load means the --

24 MS. SOLOMAN: The closer --

25 MR. THIESSEN: -- the closest basic load because we have

1 other ones too.

2 MS. SOLOMAN: And then our longer distanced loads pay either
3 ten or 20 dollars more depending on which one they're going to.
4 And then, all of our super tanker loads are a set rate depending
5 on where they're going.

6 MR. THIESSEN: And they're only assigned two of them a day
7 because we are -- we limit -- our trucks are limited to 55 miles-
8 per-hour under our permit. So, we're not pushing for time, we're
9 not pushing for distance, you know, you should be able to, no
10 problem, finish two of those loads within a ten-hour period. Five
11 hours is more than enough. So, obviously, if we're banking on
12 getting two drivers in one truck to do four loads, realistically,
13 that should be easily accomplished within 20 hours -- you know,
14 ten and ten, you know what I mean, each driver. So, there's
15 plenty of room between for the truck to sit and wait for the next
16 driver. They have time to call each other, you know, make sure
17 that they're good.

18 MS. SOLOMAN: They also get paid wait time, so -- I know we
19 discussed that. So, if they're at a plant and the first hour-and-
20 a-half is considered part of the load, anything after that is 18
21 dollars an hour. So, if they're there two hours, then they're
22 going to get a half hour of wait time. So, that --

23 MR. THIESSEN: And our -- so, our schedule -- also back to
24 where its being really fluid, we've had it where, you know,
25 they've sat at Tolleson for three or four hours. So, we cut the

1 third load so -- which means -- you know what I mean, if it was
2 preplanned and on the smaller trucks, that awaits. So, that's why
3 our schedule kind of, like, low numbers in dairy do change and
4 kind of move.

5 MS. SOLOMAN: It's constant.

6 MR. THIESSEN: That's why the guys on their dispatch, they
7 might not necessarily going to go to Butterfield first because the
8 other guy had a long unload time, say, another driver, so they're
9 going to need to go to this other dairy first. So, that's why our
10 dispatch can change the designation of the dairy where they're
11 going to pick up.

12 MS. SOLOMAN: It's a lot of juggling.

13 MR. THIESSEN: But they're not going to lose any money.

14 MR. FOX: You know, I'm understand that it's --

15 MR. THIESSEN: Okay.

16 MR. FOX: And you're dealing with cows and, you know,
17 livestock.

18 MS. SOLOMAN: Right. I mean, we can have a thunderstorm and
19 the next day the milk has, like, dropped, you know, because the
20 cows freaked out overnight and the stress caused them to --

21 MR. FOX: Sure. I get that, and then there could be a change
22 in the schedule say oh, well we don't need a million pounds today,
23 give us --

24 MS. SOLOMAN: Or they could have, you know, aflatoxin or
25 something in the milk and they, you know, so --

1 MR. THIESSEN: So, the dairy's bad.

2 MS. SOLOMAN: -- or they could have some temperature issues
3 and they want us to wait because they're trying to get their milk
4 chilled. You know, I mean, there's a lot of things that can come
5 into --

6 MR. FOX: Sure. There's a lot of variables. I'm still
7 trying to understand the pay. I get it that there's some extra
8 pay if they're delayed, but is there a general rate per driver?
9 Or you said it was --

10 MS. SOLOMAN: It's starting for a regular load is 75 dollars
11 for a starting person. A regular load is --

12 MR. THIESSEN: And some of them would be three loads a day.
13 That's what you're talking about, a base.

14 MS. SOLOMAN: And if they go to the longer distance, it's
15 either an addition ten or an additional 20 on that, depending on
16 if they're going to Butterfield or if they're going to Ambien
17 (ph.).

18 MR. THIESSEN: Maybe it's 15, 20 miles farther or something.

19 MS. SOLOMAN: Yeah.

20 MR. THIESSEN: Instead of --

21 MS. SOLOMAN: But their regular base pay is always at 75
22 dollars, and that's if they're hauling the smaller tankers --
23 right, the regular tankers.

24 MR. FOX: So, they're -- so, from what I can tell, our driver
25 was working, like, 13-hours a day. Is there a limit, I mean, of

1 how many loads they can pull? Basic?

2 MS. SOLOMAN: Our goal is always, you know --

3 MR. FOX: Two or three?

4 MS. SOLOMAN: -- ten hours if we can. That's our goal, but
5 right now with things with COVID we're not doing the slip seating
6 that I thought we were talking about earlier.

7 MR. FOX: Right.

8 MS. SOLOMAN: We're not doing that.

9 MR. THIESSEN: Three loads.

10 MR. FOX: Three loads.

11 MS. SOLOMAN: And so, they're doing three loads a day, and
12 yeah, it can be longer right now.

13 MR. FOX: Sure.

14 MR. THIESSEN: But we do try to cut them off at the end.

15 MS. SOLOMAN: At the end.

16 MR. THIESSEN: But yeah, it does happen that somebody will
17 work a 13 or 14-hour day.

18 MR. FOX: Yeah. I mean, that's what I see.

19 MR. THIESSEN: Sure.

20 MR. FOX: But can they do more than that if they want?

21 MS. SOLOMAN: No.

22 MR. THIESSEN: Not -- they're not -- there's no wanting to
23 it. We're not having anybody go past that. I mean, the only time
24 they would -- something like that would happen is when we can't
25 control the last destination. They went to Tolleson, and they're

1 over there, and for some reason they ended up waiting three hours
2 to get it unloaded. I mean, we don't -- so, we know they're going
3 to come back here. Nobody's going to be going out and working 18
4 and 20 hours. That's not going to happen, we don't work like
5 that.

6 MR. FOX: So, I'm going to pull out paperwork here in a
7 minute after we shut this down. Is it possible --

8 MS. SOLOMAN: If somebody does do a fourth load, let's just
9 say, on the rare occasion, if they are -- let's say everything has
10 worked really well for them that day, 45 minutes to deliver their
11 first load, an hour the second load, the third load is the same
12 way.

13 MR. THIESSEN: Because they went from the dairy that was at
14 Stotz and they delivered four miles away.

15 MR. FOX: Right.

16 MR. THIESSEN: And they got unloaded and they went back, yes,
17 a fourth load, sure.

18 MS. SOLOMAN: And if they got a fourth load, when they get
19 back here, they drop it. They're not delivering it, so --

20 MR. FOX: Okay. Well, that's leading up to my question.

21 MR. THIESSEN: Sure.

22 MS. SOLOMAN: Okay.

23 MR. FOX: So, it is possible if on the paperwork where the
24 driver could start --

25 MR. THIESSEN: Sure.

1 MR. FOX: And it says the driver, and then at the bottom it
2 says delivered, but he may not have -- he or she may not have
3 delivered that load at the end? At the real end of their shift?

4 MR. THIESSEN: Oh, yeah, absolutely. Yes. That's because we
5 call them drop loads -- that's definitely a possibility. And
6 whenever we're going to have -- let's say, somebody was running
7 really good and they're going to pick up that fourth one, and they
8 bring that fourth load back, they'll drop it. Let UDA deliver it.
9 So, they'll just come back here, be done.

10 MR. FOX: Mike, is there a way to figure out who did that
11 load? Or how that -- do you follow what I'm saying?

12 MR. THIESSEN: Yeah. Like --

13 MR. FOX: When that happens -- because it's in my paperwork
14 where it doesn't match, it looks like somebody else delivered it,
15 or it doesn't make sense.

16 MS. SOLOMAN: It's possible. With slip seating that's very
17 possible somebody else delivered it.

18 MR. FOX: So, that's your slip seating that you're talking
19 about?

20 MR. THIESSEN: Oh, well, yes, and plus -- then once somebody
21 gets back here, another driver could come in. I mean, that
22 doesn't happen a lot, but it does happen when a driver -- they do
23 relieve each other. So, like --

24 MR. FOX: Is there a way -- I didn't mean to cut you off.

25 MS. SOLOMAN: Yes.

1 MR. FOX: Is there a way who would've delivered that?

2 MS. SOLOMAN: Okay. So, let's say we're both drivers, okay,
3 and he's the night driver and I'm coming in after him, okay?

4 MR. FOX: Uh huh.

5 MS. SOLOMAN: And so, when I come in, if he is still trying
6 to unload his load in the bay -- is that what you're talking
7 about?

8 MR. THIESSEN: Yes. And I come in, and --

9 MS. SOLOMAN: And I -- he's ready to go home, I'm already
10 here, I'll go get in his truck, he goes home, and I finish the
11 load.

12 MR. THIESSEN: And I know what your question is -- I don't
13 know how we --

14 OFC NYBOER: But then the bill would still show that it was
15 your load.

16 MR. FOX: So, that --

17 MR. THIESSEN: Yes, it will. And I don't know how, because
18 then if there was a -- if I --

19 MS. SOLOMAN: But, you know, what I will say, on our
20 timesheets is when those drivers -- like, if I do that, if I
21 relieve him, I'm getting the wait time from doing that, and
22 there's no deductions of the 90 minutes. So, as soon as I come in
23 at, let's say, 7:00 in the morning and I finish his load, I'm
24 putting down I slip seated him at 7:00 until 8:30, and then as
25 payroll, we pay him for that amount.

1 MR. THIESSEN: And then the only weird thing is that where it
2 wouldn't be correct following this line of thinking is where,
3 let's say, if we have a driver -- there's different kind of
4 caliber, you get old-school drivers that are truck drivers, then
5 you have the newer ones who manage every minute. You have a
6 driver who will come in and, you know what, he's here, I will take
7 care of this guy's load, and he won't even write down the
8 overtime. Now, he'll write the time he starts, but he may be --
9 so, you wouldn't be able to go off, like, the timesheet where he
10 wrote it in because he's like I'm already here. You know, it's
11 only 45 minutes so they won't -- they're not --

12 MS. SOLOMAN: I do have a lot of drivers that don't take
13 advantage of the wait time because they don't want to do the math,
14 and I don't know what to tell you.

15 MR. THIESSEN: It's only money.

16 MS. SOLOMAN: You know, because -- I mean, I understand it's
17 a dollar-forty-five, it could be a dollar-forty-five here, six
18 bucks here. But over a pay period and several loads a day, it
19 adds up.

20 MR. FOX: Sure.

21 MR. THIESSEN: But they do write down their start time.

22 MS. SOLOMAN: I mean, I pay a lot. Yeah.

23 MR. THIESSEN: So, that would overlap. I mean, if we're
24 really going to get into it, you know what I mean, that would be
25 the only --

1 MR. FOX: Do you track it? Do you track the hours over in
2 here, in your office then?

3 MR. THIESSEN: We track when the driver starts and when they
4 finish. That's -- is that what you mean?

5 MR. FOX: Yes.

6 MR. THIESSEN: But then as far as pay, it would be on their
7 timesheet.

8 MS. SOLOMAN: Right.

9 MR. FOX: Okay. So, if you have a different -- maybe show me
10 what you're talking about later when we get off of this thing?

11 MS. SOLOMAN: Okay. For the total load count, okay, so last
12 month for June, which was the last ended month was 1,667, and
13 January was 1,793. So, what is the difference? I don't keep days
14 in my head. What is the difference -- how many days in January
15 and how many --

16 MR. FOX: 31.

17 MR. THIESSEN: 31.

18 MS. SOLOMAN: And how many in June?

19 MR. FOX: 30.

20 MS. SOLOMAN: So, there's an extra day in January.

21 MR. THIESSEN: Which Tolleson can be 80 loads.

22 MR. FOX: Going back to that scenario about the I'm finished
23 my load and you're going to relieve me.

24 MS. SOLOMAN: Okay.

25 MR. FOX: Do I get paid for the load or is it split?

1 MS. SOLOMAN: He gets paid for the load. Like, if he is the
2 one that delivered the load, he's -- the only I'm getting paid for
3 is sitting on my butt in that truck waiting to get unloaded. I'm
4 getting paid 18 bucks an hour.

5 MR. FOX: Even though you got the tank and brought it here?

6 MR. THIESSEN: No.

7 MS. SOLOMAN: No, he brought the tank back.

8 MR. THIESSEN: If you picked up the load, you get paid for
9 the load, yes.

10 MR. FOX: Okay.

11 OFC NYBOER: So, if I don't wait for an hour-and-a-half, you
12 don't get anything?

13 MS. SOLOMAN: Well, only -- you've got to understand, if I'm
14 relieving him so he can go home, there's no deduction of that 90
15 minutes. As soon as I get in the truck and relieve him --

16 MR. THIESSEN: The wait times aren't as much as what you're
17 thinking. But if she was waiting for three hours, we would pay
18 her for an hour-and-a-half, because the hour-and-a-half, and then
19 I would get paid --

20 MS. SOLOMAN: If I was delivering my load. We're talking
21 about two different things here.

22 MR. FOX: So, I guess -- and we'll talk about it more because
23 it is making me a little confused.

24 MR. THIESSEN: Live it every day.

25 MR. FOX: You're dealing with some hourly pay, and then

1 you're dealing with the load pay?

2 MR. THIESSEN: The load pay, yeah.

3 MS. SOLOMAN: Right.

4 MR. FOX: And then they're reconciled together at some point
5 or --

6 MS. SOLOMAN: At -- well, basically --

7 MR. THIESSEN: So, honestly from the driver's lot -- you know
8 what I mean, I mean, realistically, when they left as far as
9 they're cutting the time off, and the other driver's going to
10 start and take over the load.

11 MR. FOX: All right. Well, maybe we'll -- again, I'll have
12 to talk about that later because it's making me a little confused.

13 MS. SOLOMAN: I think having a timesheet in front of you will
14 help.

15 MR. FOX: That will help me a whole lot. So -- and like I
16 said, we have some scenarios where we have the driver and it's
17 delivered like 5:00 in the morning. I was like that's not true
18 because I --

19 MS. SOLOMAN: It's a drop load probably.

20 MR. FOX: That's one that I have a sticky note on it. It's
21 not that one.

22 MR. THIESSEN: Okay.

23 MR. FOX: I was just using that as an example because there
24 are some anomalies where I was like well, that's not right. I
25 just -- this was the sheet that I pulled out.

1 MR. THIESSEN: Sure.

2 MR. FOX: I know he left because it shows that he left the
3 campus -- your area. But it's like he left at 3:00 and the load
4 is delivered at 5:00. I'm like how did that happen?

5 MS. SOLOMAN: It had to be a drop load.

6 MR. FOX: Yeah. So, you've cleared that up, but maybe you
7 could show me how that was.

8 MS. SOLOMAN: And some of the drop loads, they're not
9 delivered by us anyway, they're the yard's.

10 MR. THIESSEN: Yeah. We don't deliver the drop loads. We
11 don't.

12 MR. FOX: Oh, so you're saying it would go over to UDA?

13 MS. SOLOMAN: No, we just drop the trailer and bring the
14 truck back here and we're done.

15 MR. FOX: A yard jockey or somebody would pick it up?

16 MS. SOLOMAN: Yeah.

17 MR. THIESSEN: Yeah. They go put it in the bay and deliver
18 it, and then scale it out, and we're all done.

19 MR. FOX: Oh, okay. All right.

20 MR. THIESSEN: Yeah. We don't even --

21 OFC NYBOER: So, the only time you would deliver the load is
22 if for some reason you two were -- you're helping him out?

23 MS. SOLOMAN: Yeah.

24 MR. THIESSEN: Yes.

25 MS. SOLOMAN: Yeah, I'm here anyway and I can't leave until I

1 get his truck and he gets out of it. So --

2 MR. THIESSEN: Because we share a truck, maybe too. Because
3 there are other trucks, somebody could go get a different truck.
4 But it's like if we're sharing a truck --

5 MR. FOX: Did Caesar have a person that shared his truck?

6 MS. SOLOMAN: A co-person?

7 MR. THIESSEN: You know what, not usually. He had his own
8 truck.

9 MR. FOX: Okay. That's what I thought.

10 MR. THIESSEN: Yeah. He had his own truck, we never touched
11 him, and just -- he was always so meticulous it would make me
12 crazy. I'd be waiting for him to get -- because he did his
13 inspections, I'm telling you, this guy -- 12 years, he knew
14 enough, you know. He made sure everything was good when he left.

15 MS. SOLOMAN: The one thing with us, we were, you know, so
16 trying to work on trying to get peoples' hours down, and I spent a
17 lot of money on equipment to have extra standby trucks so that,
18 you know, people aren't standing around waiting to leave because
19 somebody else is being held up.

20 MR. THIESSEN: Right. And not just for safety, but because
21 we want our employees to stay here. You know, the tradition rate
22 of rollover of driver could've been -- used to be crazy, you know.

23 MR. FOX: So, you have 35-ish drivers, how many do you
24 actually want?

25 MS. SOLOMAN: I would like another four or five. If I could

1 --

2 MR. FOX: For the amount of trucks you have?

3 MS. SOLOMAN: But no, I'll tell you honestly, if I didn't
4 have COVID to deal with and I could do slip seating, I'd probably
5 order -- I'd have ten.

6 MR. THIESSEN: Yeah.

7 MS. SOLOMAN: You know, so that I could have people on a
8 couple --

9 MR. FOX: Ten extra folks?

10 MS. SOLOMAN: Yeah.

11 MR. THIESSEN: But understand what she's saying, too. When
12 she said slip seating, her -- she means over there. Like, a
13 driver comes into takeover his truck because we used to do that,
14 and somebody would just be working in the yard. And then that
15 other guy -- then the other guy who brought in the load would just
16 go get a truck and another trailer and take off to go pick up a
17 load, and that person would slip seat that truck.

18 MR. MAHONEY: That's not the ordinary version of slip
19 seating.

20 MR. THIESSEN: It's a different version, yeah.

21 MR. FOX: No, not the industry word, yeah.

22 MR. THIESSEN: That's why when we were talking before -- I
23 know what he's.

24 MR. FOX: I'm sure I'll have more questions.

25 Steve, did you?

1 OFC NYBOER: No, sir.

2 MR. FOX: All right. Well, we'll end this right -- you know,
3 stop the tape. So, at this point we're going to end the interview
4 and we're going to go off record. So, the time now is 3:30.
5 Thank you.

6 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

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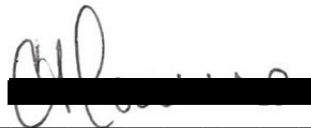
IN THE MATTER OF: FATALITIES DUE TO MILK TANKER
ACCIDENT IN PHOENIX, ARIZONA
ON JUNE 9, 2021
Interview of Susan Soloman and
Mike Thiessen

ACCIDENT NO.: HWY21MH008

PLACE: Tempe, Arizona

DATE: July 29, 2021

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

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FATALITIES DUE TO MILK TANKER *

ACCIDENT IN PHOENIX, ARIZONA * Accident No.: HWY21MH008

ON JUNE 9, 2021 *

*

* * * * *

Interview of: Susan Soloman, President
Arizona Milk Transport

Tempe, Arizona

Wednesday,
July 29, 2021

APPEARANCES:

MICHAEL FOX, Investigator
National Transportation Safety Board

STEVEN NYBOER, Trooper
Arizona Department of Public Safety

MIKE THIESSEN, General Manager
Arizona Milk Transportation

I N D E X

ITEM

PAGE

Interview of Susan Soloman

By Mr. Fox

4

I N T E R V I E W

1
2 MR. FOX: So, this is Mike Fox, NTSB. We're still here at
3 Arizona Milk. We're going back on record because there was a
4 couple of questions that I did not ask Susan. So, I just want to
5 get some clarification.

INTERVIEW OF SUSAN SOLOMAN

6
7 BY MR. FOX:

8 Q. So, Susan, when you get your loads from UDA, is there ever an
9 occasion where they forced you to make sure that you're delivering
10 those loads from your dispatch orders?

11 A. All that they give you has to be -- I mean, you're basically
12 under contract that you're going to deliver the loads that you
13 have. They can cut your contract with 24-hour notice. If I
14 started dropping the ball right and left, not only would I pay for
15 the milk going down the drain, but then they could turn around and
16 cut the contract within 24 hours.

17 Q. So, before we came back on you said that the silo may be full
18 and --

19 A. Sure, absolutely. If I can't get out there to the dairy in
20 time, and the dairyman has to dump milk in order to milk the next
21 batch of cows, I'm responsible. I'm responsible for any milk that
22 hits the ground, you know. So, if the driver screws up, you know,
23 something that causes me to buy that load -- I bought one here not
24 too long ago that didn't have a seal properly on the back. If
25 they overflow the top of the tanker, that milk that spills on the

1 ground, you know, we have to try to figure out and come to an
2 agreement with the dairyman how much was lost and I have to pay
3 for that milk.

4 So, if I can't get out there in a timely manner, which I'm
5 under contract for, and they end up having to flush that milk
6 before I can get back out there, I will have to pay for that milk.
7 Now, there are some situations where we would not have to. If,
8 for instance, all of our trucks are tied up here at the plant and
9 I can't get unloaded, I can't get out there to pick up their milk.
10 Then, in that situation, I would not have that.

11 Q. That's on them, though. But --

12 A. That's exactly right.

13 MR. THIESSEN: Repose your question exactly. You mean -- you
14 understand that there's no load created from them that isn't
15 there. So, if we're going to go pick it up, do you mean to the
16 plant? I mean, are there any time where they say --

17 MS. SOLOMAN: You're talking about forced dispatch.

18 MR. FOX: Yeah, I'm trying to find out --

19 MR. THIESSEN: Yeah, but we don't -- it doesn't work like
20 that. Like, we don't -- they're not going to say you need to go
21 pick up this load and deliver it here. They don't even know if
22 there's a load there unless we tell them that. Does that make
23 sense?

24 MR. FOX: No, but from what I --

25 Steve, can you hand me that sheet?

1 OFC NYBOER: Yeah, the sheet here?

2 MR. FOX: So, this is what I'm understanding, like, your
3 routes are the 200s right? These -- so, like, these 217 to 256 is
4 your --

5 MR. THIESSEN: Right, yes.

6 MR. FOX: Your bank of loads.

7 MR. THIESSEN: And it'll always be there, the load.

8 MR. FOX: Right, but if they sent this over -- if UDA sends
9 it over to you guys and say pull these loads and you can't, what
10 happens?

11 MS. SOLOMAN: If I, for instance, am short drivers, or
12 something to that effect?

13 MR. FOX: Yes.

14 MR. THIESSEN: We move them around.

15 MS. SOLOMAN: We do our best.

16 MR. FOX: But it's on you guys to make sure it's moved?

17 MR. THIESSEN: Yes.

18 MR. FOX: Including -- you have to get in the truck and you
19 have to pull a load?

20 MR. THIESSEN: Yes, absolutely.

21 BY MR. FOX:

22 Q. Do you ever pull a load, Susan? Are you CDL driver?

23 A. No, I'm not a CDL driver.

24 Q. Does your attorney ever pull a load? I'm kidding. I'm just
25 playing. But Mike will if I ask him.

1 A. And you know what the benefit of that is, to have your
2 managers go, they know all the problems going on.

3 Q. All right. So, let me rephrase the question, I'm trying to
4 find out if you feel that -- does UDA ever put you in a
5 compromising situation as far as --

6 A. It's not compromising. It's -- we know up front what our
7 responsibilities are. It's not like they call us up on a Friday
8 afternoon and say Sunday you are going to have to go and pick up
9 this dairy that we've never picked up before.

10 MR. THIESSEN: Yeah, it doesn't work like that.

11 MS. SOLOMAN: And that we are now going to be assigned an
12 additional three loads or five loads a day.

13 MR. THIESSEN: Right.

14 MS. SOLOMAN: We don't have that happen. It's not that kind
15 of a situation.

16 MR. FOX: It's more set into a --

17 MR. THIESSEN: It's more set, and we manage the dairy levels.
18 We assign the dispatch.

19 MS. SOLOMAN: Yeah.

20 MR. FOX: So, they do not interfere with your --

21 MR. THIESSEN: No.

22 MR. FOX: There's a firewall between you guys and them?

23 MR. THIESSEN: Yes.

24 MS. SOLOMAN: It's ours to lose. If we, you know, have this
25 pool of milk and we can't continue to pick it up, our very

1 realistic expectation would be one of our cherry-type dairies,
2 they may take from us and give to somebody else because we
3 obviously can't handle what we are hauling.

4 MR. FOX: Okay.

5 MS. SOLOMAN: All right? And so, with us, we have kind of a
6 combination of dairies that some are just sweet, man, we just --
7 everything works like clockwork and it's great.

8 MR. THIESSEN: Because they have plenty of space to hold the
9 milk.

10 MS. SOLOMAN: And we have others that are just the biggest
11 pain in the butt.

12 MR. THIESSEN: So, we just push it off.

13 MS. SOLOMAN: So, those cherry ones are the treat at the end
14 of the stick you don't want to lose, you know. So -- but we -

15 MR. THIESSEN: But if for some reason like -- no, they don't,
16 there's no forced anything like that.

17 MR. FOX: Okay.

18 MR. THIESSEN: It's a matter of if they have this particular
19 dairy because it's high protein and it needs to go to --

20 MR. FOX: Fairlife, right?

21 MR. THIESSEN: Wherever it's got to go. Well, if for some
22 reason we couldn't pick it up because we didn't have enough
23 drivers or something, let's say -- what we would do, because we
24 want to meet the needs of Fairlife, a dairy that's going to come
25 back here that has plenty of space, we'll just roll their load.

1 Go pick that dairy up and deliver it to meet their needs, and then
2 we'll catch up on the other one because they have, you know, 350,
3 400,000 pounds worth of space. Does that make sense?

4 MS. SOLOMAN: But we do that as much as we can --

5 MR. THIESSEN: We're not forced into anything.

6 MR. FOX: Okay, so you --

7 MS. SOLOMAN: Right. If we have days that, like, we're -- we
8 have a bunch of people that call in and all of a sudden we're
9 scrambling because we have a bunch of people that are sick -- I
10 mean, with COVID we've had that situation come up, then that's
11 exactly what we're doing, where we know the next shift we're
12 actually heavy on drivers. Or --

13 MR. THIESSEN: And that's why we're three managers deep
14 because -- and we're all CDL holders. So, we'll go out and get a
15 load a milk if, you know, if we need to.

16 MR. FOX: So, there's enough -- I don't mean to put words in
17 your mouth.

18 MR. THIESSEN: Sure.

19 MR. FOX: But there's enough slop in the schedule, so to
20 speak, so you can shift it around and say I'll pick that up later,
21 I'll pick this one up, or I'll bring in another -- I'll bring my
22 night shift supervisor, he'll run the (indiscernible).

23 MR. THIESSEN: Exactly.

24 MS. SOLOMAN: We'll roll this load into the day shift and
25 take it out of night shift.

1 MR. THIESSEN: And that's why our schedule would change if a
2 driver -- when it gets dispatched maybe it won't go to this dairy
3 because of one of those particular situations.

4 MR. FOX: Okay, all right. That's fair.

5 MS. SOLOMAN: And we've been doing this long enough to know
6 that we have to be proactive on things. Like, we have one
7 particular dairy that is on the other side of a wash. We had all
8 this rain last week that's really unusual.

9 MR. FOX: Right.

10 MS. SOLOMAN: He sat out there --

11 MR. THIESSEN: I sent over the supertanker; the dairymen are
12 going just cross it. I'm looking at -- not you guys, but, you
13 know, the signs from DOT saying do not cross. I'm not going to
14 cross. They say oh, we'll bring the front loader out and we'll
15 get you. Sorry, can't do it.

16 MS. SOLOMAN: But they were already proactive earlier in the
17 day because they knew the rain was coming.

18 MR. THIESSEN: Yeah, and we're watching Doppler and
19 everything.

20 MS. SOLOMAN: And they had emptied that dairy out, so even
21 though they needed to pick him up by 7:00 normally, they had
22 enough space that they weren't worried about picking them up
23 until, I don't know --

24 MR. THIESSEN: The next morning. The next day.

25 MS. SOLOMAN: -- 4:00, 6:00 the next morning or 8:00,

1 something like that.

2 OFC NYBOER: Do you go to each of your dairies multiple
3 times, every day?

4 MR. THIESSEN: Yes. We're in and out all the time.

5 OFC NYBOER: Right.

6 MR. FOX: Okay.

7 MR. THIESSEN: And we know who has space, you know, who has a
8 hundred-and-fifty pounds worth of space, let's say two, three
9 loads worth of space, but we're always on them, they're always
10 really low. We always keep -- we track their numbers that are
11 left every movement, every single -- every three or four hours.
12 We know exactly -- these are the -- I was telling you about the
13 start time stuff.

14 MR. FOX: Okay. Well, that's something -- that's a sheet
15 that I want to look at.

16 MS. SOLOMAN: And -- but that is exactly what I was talking
17 about, why the drivers, when they are getting ready to leave a
18 dairy, they call.

19 MR. THIESSEN: They tell us what they've left.

20 MS. SOLOMAN: They're in constant contact with them. They
21 call before they leave, they tell them how much they've loaded,
22 which they can't really tell them until they've scaled, and then
23 how much has been left behind so that they know -- because that
24 way we're not caught unaware that all of a sudden they're 35
25 hundred pounds up or, you know, whatever.

1 MR. THIESSEN: Yeah, it's not a set schedule.

2 OFC NYBOER: It's not that UDA is telling you where to go to
3 pick up, it's -- they're telling you where you have your dairies,
4 we need this amount to go whatever plant.

5 MR. THIESSEN: Right. And along with, like, say, those route
6 numbers, what they're saying is that some dairies have a lot of
7 jersey cows, so their proteins are really high. Well, they don't
8 want that milk to go to, let's say, a bottling plant, they'll want
9 that to come back here for cheese. So, that's why they direct
10 high protein loads to come back here, milk that's in the 3.25
11 percentage range to go to certain places.

12 MR. FOX: Right.

13 MR. THIESSEN: So, that's --

14 OFC NYBOER: But they're not saying today you must go to XYZ
15 dairy and take it here. They're just saying that milk from that
16 dairy we need here, or we need there.

17 MR. THIESSEN: Yes. And if, for some reason, we can't get
18 the milk that time, we'll replace it.

19 MS. SOLOMAN: And not necessarily even from the dairy, they
20 just say -- may say that we need seven loads for Tolleson today,
21 and we know that we can't take high protein in there.

22 OFC NYBOER: But sometimes if it's a jersey cow dairy they
23 might say a specific dairy. But otherwise, it's just take seven
24 loads here, three loads there?

25 MR. THIESSEN: Yes. But they do say we know our high

1 protein; we know which cattle we have at which dairies.

2 OFC NYBOER: Right.

3 MR. THIESSEN: And they -- so, we know enough not to go to
4 Rovey Dairy, super high protein, and take that to Tolleson.
5 They'd have a fit. We just know that's got to go to a cheese
6 company. But they also scheduled a 217, which is Rovey Dairy,
7 two drivers worth of cheese.

8 MS. SOLOMAN: Right.

9 MR. FOX: All right, you answered my question, thank you all
10 for your -- so, at this point, we'll just go ahead and end the
11 interview again for the second time. So, thank you all again.
12 It's 3:50, thank you.

13 (Whereupon, at 3:50 p.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: FATALITIES DUE TO MILK TANKER
ACCIDENT IN PHOENIX, ARIZONA
ON JUNE 9, 2021
Interview of Susan Soloman

ACCIDENT NO.: HWY21MH008

PLACE: Tempe, Arizona

DATE: July 29, 2021

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