



Human Performance Factual Report Attachment
Narratives and Transcripts of Investigative Interviews

Pala Mesa, CA

HWY20FH003

(118 pages)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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CRASH OF A MEDIUM-SIZED BUS
NEAR PALA MESA, CALIFORNIA,
ON FEBRUARY 22, 2020

Accident No.: HWY20FH003

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Interview of: BEN LY
Bus driver

McDonald's
11612 E Valley Blvd
El Monte, California

Friday,
February 28, 2020

APPEARANCES:

MICHAEL LAPONTE, Motor Carrier Investigator
National Transportation Safety Board

DENNIS COLLINS, Human Performance Investigator
National Transportation Safety Board

SGT. CHRIS BUONO,
Southern Division, MAIT Team
California Highway Patrol

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I N T E R V I E W

(7:59 a.m.)

1
2
3 SGT BUONO: Okay, today is February 28th, Friday, 759 hours.
4 We're here today with Mr. Ben Ly. We're at the McDonald's in El
5 Monte. I am Sergeant Chris Buono with the California Highway
6 Patrol, Southern Division MAIT Team; ID 17357.

7 MR. LAPONTE: Michael Laponte, Motor Carrier Investigator,
8 National Transportation Safety Board.

9 MR. COLLINS: Dennis Collins, Human Performance Investigator,
10 National Transportation Safety Board.

11 SGT BUONO: Sir?

12 MR. LY: Ben Ly. I'm the driver of the vehicle.

13 INTERVIEW OF BEN LY

14 BY SGT BUONO:

15 Q. Okay. Ben, again, we're here today to discuss the collision
16 that happened on February 22nd, about -- I think about 1023 hours.
17 Is that about right?

18 A. Yes.

19 Q. And it was on the Interstate 15, just down in the
20 unincorporated area in San Diego County somewhere?

21 A. Yes.

22 Q. Okay. I just wanted to, as we've previously discussed, I
23 just wanted to get on the tape that you're here, it's a consensual
24 interview. You're free to leave at any time you'd like to leave.
25 You're free to answer or not answer any questions that we have. If

1 any question that we have is not clear or doesn't make sense to
2 you, please let us know. If you need to take a break, please let
3 us know and we'll take a break. Or if you want to get something
4 to eat or drink. Do you have any questions about that, sir?

5 A. No, I understand what you, yeah, what you're saying.

6 Q. Okay.

7 A. Your direction.

8 Q. Obviously, we have a tape-recorder running today. This is to
9 help us so we can focus on what you have to say and not be writing
10 notes. And that way, we can have a little bit more interactive
11 conversation. I have a tape-recorder going. The NTSB
12 investigators have another tape-recorder going.

13 If you can, because we are taping the conversation, when we
14 ask questions, if they require a yes or no kind of answer, make
15 sure we vocalize that, we say yes or no, and we don't nod our
16 head. If we see you nodding your head, you may hear us remind
17 you, hey, was that a yes? Or something like that.

18 A. Yes.

19 Q. If we talk about directions or travel, if I see you pointing
20 in a direction, I may say, hey, are you saying left or are you
21 saying right? And that way, the people who are listening to the
22 tape later on understand what all of us in the room are seeing you
23 do.

24 A. Yes.

25 Q. Make sense?

1 A. Yes.

2 Q. Okay. Why don't you just go ahead and start with a
3 discussion of how you believe everything happened. Wherever you
4 want to start coming down the 15 there.

5 A. Well, as the rain was pouring down, I was on the number one
6 lane, and then I changed lane into the fourth lane, slow lane. So
7 at the -- as we approached the plane, which is the 15 freeway,
8 bottom of, I think, 76, Palomar Mountain, my vehicle started to
9 drift to the left, and then -- but I was still straight. And it
10 just wandered from four to three, and then into the second lane.
11 And then I tried to recover the vehicle, and then it traveled to
12 the right and I think it hit something, and that something is the
13 ramp. There's a ramp there.

14 You have to understand the design of this terrain. I've
15 never seen this before in my life. There's a slope here where
16 they channel the water. The water flows from the top down and
17 there's a ramp here to keep the water from overflowing to the
18 right of the shoulder. I've never seen this before in my life,
19 again. Because, usually, this ramp, there's not supposed to be a
20 ramp there. It's supposed to be a plane.

21 Because, like, a vehicle, you know, when you -- in an
22 emergency case, you know, your vehicle, you need to go to the
23 right and it's supposed to be, like, stop somewhere, you know,
24 safely on the shoulder. So that's the problem here. Because,
25 like, as the vehicle swerved to the right, it went over the ramp,

1 this ramp.

2 Well, before that, it's hydroplaning because the water is
3 coming down from the slope. And this slope, okay, this is the top
4 of the slope, the mid slope, and the bottom, which is indicated on
5 my drawing. This is like my -- I did this investigation
6 yesterday. And for some reason this is a plane right here, okay?
7 Slope, slope and plane at the bottom of the mountain, of the
8 terrain.

9 So, what happened, what you've got here is water coming down
10 from the slope, channeling, right, moving at a rapid rate. But
11 right here is plane. So it's supposed to be, you know, slope to
12 channel one way, but instead it went -- it looked like the plane
13 right here where it split up the water into the freeway itself,
14 okay, it go out into the freeway itself. And then, of course, you
15 know, like any given debris could deter that flowing of water,
16 okay?

17 As you drive, you don't notice this thing. You don't think
18 about, man, I'm going to have to run over some, you know, high
19 amount of water, because I'm in the slow lane. But it hit my
20 wheels to the -- my right wheels, I believe. Because, like, only
21 this has traction. The left wheel, when the left wheel have
22 traction, what happened is that it will shift the car, the bus, or
23 whatever, the vehicle to your left. So that's exactly what hit my
24 wheels, the water hydroplaning my right side.

25 And I wasn't doing super speed. Because, like, the freeway

1 itself is, like, 70 miles per hour is the speed limit. But in
2 this case, it's raining, so my speed wasn't that high. And I
3 think, I believe just, like, 55 to 60 is the most. But I was
4 hydroplaning and I tried to recover and I jumped over the ramp,
5 this ramp right here that keep the water from overflowing to the
6 cliff. Down here is the cliff where they have, like, plants or
7 citrus or mountain or rocks or whatever.

8 But this ramp is a very dangerous ramp. It's a solid ramp.
9 So a vehicle could jump over this ramp. So you've got a vehicle
10 jumping on top of the ramp. Just like a state porter (ph.), all
11 he needs is a slope, a slope and a momentum, which is the speed,
12 and then it will -- you know, he can travel super high and super
13 fast.

14 So, what happened is exactly what happened to the bus. The
15 bus jumped over that ramp, boom. And then, of course, the brake
16 wasn't applied because, you know, now I'm airborne, right? The
17 front end, the rear doesn't have brake. So as it land, of course
18 the sand itself, here's the dangerous part: it's wet. And if you
19 study geology, when you have water and sand together, it's kind of
20 like a quicksand. And then quicksand is, like, unstable,
21 unstable. You know, it's not solid ground. Because, like, once
22 you land into the solid -- I mean in the wet sand, it shifts.
23 There's no brake.

24 And then the vehicle -- and with the design of the vehicle,
25 the vehicle kind of like tumbled or something, because it landed

1 down. It hit the sand, it made marks, and it flipped over and
2 started rolling and rolling and rolling. And I think it stopped
3 somewhere between the mid cliff right here, where it stopped,
4 where it ended up upside down. And that's what happened.

5 Q. Okay.

6 A. That's how I recall it.

7 Q. And, Ben, you've done a very detailed drawing here for us.
8 Would it be okay if I take a picture of this drawing --

9 A. Yes. Yes.

10 Q. -- before we leave today?

11 A. Yes.

12 Q. And during the course of the interview here, we'll reference
13 back to this drawing. I may have you make some marks on the
14 drawing --

15 A. Yes.

16 Q. -- so we all know what you're talking about, and maybe number
17 some things.

18 A. Yes.

19 Q. And that way, when people are listening to us later on and
20 they look at your drawing, they can see exactly what it is you're
21 talking about. Does that sound fair?

22 A. Absolutely.

23 Q. Okay. I appreciate that. I know it has to be tough to talk
24 about it. It's a lot of information to go through. I'm going to
25 step away from this one second. We're going to go over some other

1 stuff, and then we'll come back, okay?

2 A. Sure.

3 Q. As far as you, what's your current weight and height right
4 now?

5 A. My height is 5'7". My weight is 164.

6 Q. Okay. And you were born what date, sir?

7 A. [REDACTED].

8 Q. Do you know your driver's license number?

9 A. No.

10 Q. Do you still have your driver's license with you?

11 A. I do.

12 Q. Okay. And is it still valid right now?

13 A. Yes.

14 Q. Okay. When did you get your driver's license?

15 A. When I was 18 years old.

16 Q. Okay. And so, about how long do you think you've been
17 driving?

18 A. Thirty-five to 40 years.

19 Q. Okay. And as far as your -- you seem very educated. You had
20 some very concise statements about, you know, what happened and
21 how things happen with sand. What's your education and
22 background?

23 A. I did 2 years of college, but that's not enough, and that's
24 about it.

25 Q. Okay. What did you study in college?

1 A. Basically, I like to do a lot of things. I'd like to be a
2 chemical engineer. I took computer and software development. I
3 do -- I'm a jack of all trade, but I'm not specialized in anything
4 in particular.

5 Q. Okay. Did you graduate high school?

6 A. I graduated from high school.

7 Q. Okay. And did you get any certificates or degrees when you
8 were in college?

9 A. No.

10 Q. Okay. On your driving, when you started driving, I guess
11 just like all of us, you drove, like, passenger cars and things
12 like that?

13 A. Yes.

14 Q. When did you start driving buses and larger vehicles?

15 A. 2017.

16 Q. Okay.

17 A. I was trained.

18 Q. And who trained you?

19 A. I was trained by Foothill Division, which is a company,
20 transport company, and their main training department called
21 Transdev, that's another company. And I was hired by Transdev for
22 them, and I was trained by them. And then I went to Greyhound,
23 and Greyhound trained me more, further.

24 Q. Let's talk about Transdev first. Where are they located at?

25 A. Baldwin Park, sir.

1 Q. And what year? Do you remember what year this all happened
2 for Transdev?

3 A. 2017.

4 Q. That was your first time?

5 A. Yes.

6 Q. Your first experience with buses?

7 A. Yes.

8 Q. Before then, was most of your experience all with passenger
9 cars?

10 A. Yes.

11 Q. Okay. And what did you learn at Transdev?

12 A. Again, bus maneuver, operate city buses.

13 Q. Was it classroom or was it, like, on-the-road kind of
14 training?

15 A. On-the-road training, classroom training, safety training.
16 We do extensive training.

17 Q. Okay. And did you get any, like, certificates because of
18 that, or anything like that?

19 A. No, because I didn't -- well, the training is to prepare me
20 to get a Class B license.

21 Q. Okay. So it's like a preparatory class?

22 A. Yes.

23 Q. Okay. And how long was that training?

24 A. Approximately, like, 1 to 2 months.

25 Q. Okay. And was it a one-on-one training or was it a group

1 environment?

2 A. It's a group environment. It's one-on-one instructor
3 monitored driving, directing, everything.

4 Q. So you had one instructor?

5 A. Multiple instructors, sir.

6 Q. Multiple. Is there, like, one lead one there?

7 A. There's a head group, and the other one are staff, which is
8 like -- they are well-educated, well-trained instructors.

9 Q. Do you remember the name of any of those instructors at all?

10 A. There's plenty of them. One of them is -- well, the lead
11 one -- I need to get back to you on that.

12 Q. Okay. What made you go there?

13 A. Well, I needed a job and --

14 Q. That's a good reason.

15 A. Yeah. Yeah, that's basically it; I needed a job.

16 Q. Okay. And how did you find out about that company?

17 A. By, again, internet, research on websites, you know, job
18 boards and stuff like that.

19 Q. Okay. Did you have to pay them for their service?

20 A. No, sir. They paid me while I was trained, while they
21 trained me.

22 Q. And then they paid you. Was it like a thing where they pay
23 you, and then they want you to work for them for a certain amount
24 of time?

25 A. No, they pay me -- and actually, they were working for

1 Foothill Division. They were like a Foothill Division
2 subdivision.

3 Q. You mean Foothill Transit, like the bus company?

4 A. Yes.

5 Q. Okay. Did you work for Foothill Transit?

6 A. No.

7 Q. Okay. And so you were there for 1 to 2 months in 2017. What
8 happened after you were done with them?

9 A. I went to First -- again, First Transit Pasadena.

10 Q. First Transit?

11 A. Yes.

12 Q. And what did you do there?

13 A. They trained me again for driving.

14 Q. What was different between Transdev and First Transit?

15 A. Well, First is like -- there's only one instructor. At
16 Transdev, there's, like, multiple instructors training you. Every
17 day you have different instructors.

18 Q. Do you remember the name of the instructor at First Transit?

19 A. He's a nice man. His name is Richard something.

20 Q. Richard?

21 A. Yeah, Richard. Very nice man.

22 Q. And how long were you there?

23 A. A couple weeks.

24 Q. And was that, again, like a preparatory class?

25 A. Yes.

- 1 Q. Okay. And so you went to Transdev, and then you went to
2 First Transit. And I didn't catch it, how long after Transdev was
3 the First Transit? The same year or --
- 4 A. It's the same year.
- 5 Q. The same year?
- 6 A. Yes.
- 7 Q. Okay. And after First Transit, what did you do?
- 8 A. I went to Greyhound.
- 9 Q. Okay. And where was that at?
- 10 A. It's downtown L.A., 7th Street.
- 11 Q. And what did you do there?
- 12 A. Again, they trained me for driving.
- 13 Q. Okay.
- 14 A. They prepared me to get the Class B license.
- 15 Q. And when you were at these Transdev, First Transit and
16 Greyhound, what kind of vehicles were you operating there?
- 17 A. Bus, 45-footers.
- 18 Q. Okay.
- 19 A. Yeah.
- 20 Q. Were you ever operating a bus similar to the one that you
21 were operating the day of the collision?
- 22 A. No.
- 23 Q. And so, I guess after Transdev and then First Transit and
24 Greyhound, why did you end up going to, like, three different
25 schools? You didn't feel like you were ready for the test, or

1 what do you think?

2 A. There's multiple issues going on with Transdev. Basically, I
3 didn't get along with the management there. Or the management
4 doesn't get along with me.

5 Q. Sure.

6 A. And he made it real difficult for me to get my driver's
7 license, so that's why I left.

8 Q. So, did you leave before you completed their course, like
9 early?

10 A. No, after, after I finished the course.

11 Q. So you had finished their entire course of instruction?

12 A. Yes.

13 Q. And then went on to First Transit and Greyhound. Did you
14 complete all their course of instruction, also?

15 A. Yes.

16 Q. Okay. And then what did you do after Greyhound?

17 A. I drive for Greyhound.

18 Q. Okay. How long did you drive for Greyhound?

19 A. Oh, a pretty good time. It's like 6 to 7 months.

20 Q. When did you start doing that?

21 A. I believe back in -- I can't remember the date, but --

22 Q. Best guess.

23 A. Yeah, best guess is back in 2018.

24 Q. 2018?

25 A. Yes.

1 Q. When you drove for them, how often are you driving for them?
2 Daily?

3 A. Daily. And throughout the state, throughout -- to different
4 state, as well.

5 Q. Okay. And was there a particular person who was, like, your
6 supervisor over at Greyhound?

7 A. Yeah, they have dispatch over there. So every time we go to
8 different stops, location, you have dispatcher and they kind of
9 like -- they're your boss, basically.

10 Q. Okay. When you drove for Greyhound, you said daily, about
11 how many miles do you think you were driving a year?

12 A. That's 365, but, you know, we have limited time, too,
13 because, like, we have to obey the DOT laws.

14 Q. Sure.

15 A. Which means 70 hours per week or whatever. You time that
16 by -- you get rest, too, right? Because, like, you have to take
17 off, rest, because you can't exceed that amount of time of driving
18 a week. So I have to rely on their record, because I cannot
19 remember it by --

20 Q. Okay, but you're talking full time?

21 A. Yes.

22 Q. I mean, every day that you were eligible to drive, you drove?

23 A. Exactly.

24 Q. Okay. During your time either at Transdev, First Transit or
25 Greyhound, did you ever operate their vehicles in conditions

1 similar to that during the collision?

2 A. Well, again, the vehicle is different. I operate at
3 Greyhound, you know, 45-footers. This vehicle is smaller. So
4 it's like one-third the size.

5 Q. Sure. Was the weather ever similar?

6 A. Oh, yes. And worse, too.

7 Q. So you've operated --

8 A. In diverse weather.

9 Q. In different kinds of weather. All over the country, you
10 said?

11 A. Not all over the country. Like the Midwest. I think the
12 furthest I traveled was New Mexico.

13 Q. Okay.

14 A. And as far north as Santa Barbara, Oakland, up Northern
15 California.

16 Q. Okay. I'm going to come back to that. The vehicle that you
17 were driving that day, describe that vehicle to me real quick.

18 A. It's a -- well, 6-wheel, 1 in front, 2 twin, 2 tire in the
19 back. And so, it's like six wheels. White -- the color is white.
20 I think the maker is Freightliner. We have one door -- main door
21 for entering. We have emergency exit windows for the customers.
22 And we have a cargo bay in the back.

23 Q. Okay. And what you're doing is you've drawn a little box
24 sketch of the vehicle on your drawing.

25 A. Yes.

1 Q. You've made some boxes in the front and some arrows where the
2 doors are at?

3 A. Yes.

4 Q. Could you just put a big A in the middle of that? And then
5 everyone will know we're talking about A on your drawing, okay?
6 And then we'll come back to that if we have some questions. How
7 many people were on the bus that day?

8 A. Approximately 22.

9 Q. Okay.

10 A. Because again, my -- we have a manifest of that, but I didn't
11 go over it. The original manifest I had was 18 count, but as I
12 get into different cities, like Riverside, it added more. But the
13 list wasn't updated, so I do not keep that number focused.
14 Because everybody has to have a ticket to get on, and so the
15 ticket was collected and put in an envelope.

16 Q. Okay. Who collects those tickets?

17 A. I did.

18 Q. Okay.

19 A. We also have a staff there, and she's the one that unite all
20 the customers together and the tickets.

21 Q. And these customers -- this staff person is on the bus with
22 you?

23 A. No. She's at her office in Riverside.

24 Q. Gotcha. And how many people does that bus seat?

25 A. Oh, good question. Approximately 30, 30. Approximately 30.

1 Q. So you said 22. So, in your opinion, it was below capacity?

2 A. Over 80 percent.

3 Q. Okay. We'll come back to the bus. This is the only job you
4 have right now?

5 A. Yes.

6 Q. Okay. And exactly how long have you been doing this
7 particular job?

8 A. Since April.

9 Q. Okay.

10 A. Yeah, 2000 and --

11 Q. And what's the name of the company?

12 A. Executive Line.

13 Q. How did you find this job?

14 A. I saw the wanted ad on the -- they posted on the front
15 window. So I came in and applied.

16 Q. What were the requirements for the job when you got hired?

17 A. Class B, passenger endorsed, clean record, no alcohol, no
18 drugs, basically.

19 Q. And what was the hiring process like? What was the hiring
20 process like?

21 A. It was -- well, you have to fill out the application. And I
22 was interviewed by my boss. His name is Mr. Stefanado (ph.). And
23 I was trained -- yes, I was trained, you know, like on the daily
24 route by his lead driver. His name is Mr. Leonard.

25 Q. Mister what, sir?

1 A. Leonard.

2 Q. Leonard?

3 A. Yeah.

4 Q. Okay. And how long was the training period for?

5 A. Approximately a week.

6 Q. And was that both classroom and on-the-road or --

7 A. On-the-road training.

8 Q. On-the-road?

9 A. Yes.

10 Q. During that time, did you operate the vehicle, or did they
11 operate the vehicle?

12 A. He operate the vehicle first, and then I had behind-the-wheel
13 driving.

14 Q. Okay. So, how much of it was him driving and how much of it
15 was you?

16 A. Ninety percent was me and only 1 day is him.

17 Q. Okay. And are you single?

18 A. Yes, right now. I'm divorced.

19 Q. Okay. I'm just kind of going through my list here real
20 quick. And I know we're skipping around a little bit here, so I
21 apologize for that. Since the collision happened, have you talked
22 with anyone else about the collision?

23 A. Well, just to my boss, and some of the drivers asked
24 questions.

25 Q. Okay. And what did you talk to them about? What did you say

1 to them?

2 A. That the vehicle hydroplaning and I lose control, and I
3 regained control and it flipped over. Just how I explained it.

4 Q. Okay. And when did you first contact your boss about the
5 crash?

6 A. The same day. Because, like, I don't have my phone, I don't
7 have my phone number. One of the drivers, he call in. So,
8 basically, when I come in contact my boss is when I was at the
9 California Highway Patrol in Vista. And he contacted the -- yeah,
10 we got in touch with my boss to pick me up from there.

11 Q. And so you talked to your boss about it, and you told him
12 pretty much what you told us so far?

13 A. Exactly.

14 Q. Okay. And have you seen any of the media coverage about the
15 crash?

16 A. No.

17 Q. Okay. You've said you've driven in these kind of conditions
18 before and sometimes worse, and you used the term hydroplaning.
19 Can you explain to me what hydroplaning means to you?

20 A. Hydroplaning is when your tires are above water and the water
21 is kind of like either ice or water, solid or liquid. And if you
22 don't have traction, that's hydroplaning.

23 Q. Okay. And how do you know that you were hydroplaning at the
24 time?

25 A. I was steering straight and thing just wandered off to the

1 left.

2 Q. Okay.

3 A. And I applied brake, but it seemed like there's no -- it does
4 nothing. Nothing grab.

5 Q. Okay. Had you experienced this kind of phenomenon before?

6 A. No, sir.

7 Q. So, during your time in Greyhound, when you have weather,
8 worse weather, you've never had this kind of hydroplaning effect?

9 A. No.

10 Q. Okay. How often do you think you've driven in the rain
11 before?

12 A. Very often. Well, we could say, like, 60 to 70 percent. If
13 the weather's bad, then of course you're going to hit it.

14 Q. Okay. And since you started driving this particular type of
15 vehicle, about how often are you driving this vehicle?

16 A. Good question. Because, like, I -- at the company, I just
17 drive mostly the 45-footer. But this is, like, 50 percent of the
18 time, if you ask.

19 Q. So at this same --

20 A. If it's available, yeah.

21 Q. Oh, sorry. Go ahead, please.

22 A. If it's available.

23 Q. Okay. So at this same company, you drive the 45-footers and
24 the smaller one?

25 A. No, and that one.

1 Q. And this one that we're --

2 A. Yes.

3 Q. -- that you were driving during the crash?

4 A. Yes.

5 Q. Okay. So, what do you think hours wise? How many hours do
6 you think you're driving this one per week?

7 A. Ten to 20 hours per week.

8 Q. Okay.

9 A. Oh, I'm sorry. That's just, that is just too much. One day
10 is like -- what, 9 hours or 7 hours. Well, yes, that's like what
11 I just say: 14 hours for 2 days out of the week.

12 Q. Have you driven the vehicle that was involved in the
13 collision before?

14 A. Yes.

15 Q. Okay, how many times have you driven it?

16 A. Since I hired or since the -- a week or -- what are you --

17 Q. Yeah, so this particular vehicle that was involved in the
18 crash, since you've started working for the company, how often
19 have you driven this vehicle?

20 A. I don't have a count number. Because I was hired since April
21 to now, so I can't --

22 Q. Would you drive it weekly?

23 A. No.

24 Q. Monthly?

25 A. No.

1 Q. How many of these vehicles do they have of this particular
2 size?

3 A. Let me count. 1, 2, 3, 4 -- 4.

4 Q. Four?

5 A. Yes.

6 Q. So in -- let's just say how about the months before the
7 crash, how many times have you driven this particular vehicle?

8 A. Two to three times, I believe.

9 Q. Okay. Have you ever had any previous traffic collisions?

10 A. Traffic -- with the company or outside the company?

11 A. Yeah, your entire driving.

12 A. For commercial or --

13 Q. Let's start before commercial.

14 A. Before commercial? No, I didn't even have a speeding ticket.

15 Q. Okay. How about when you're in a commercial vehicle?

16 A. Twice. Because at Greyhound I was involved in an accident,
17 and this is the second one.

18 Q. So one at Greyhound and then the one that we're talking about
19 today?

20 A. Yes.

21 Q. Tell me about the one at Greyhound.

22 A. Greyhound, I was going up early in the morning, it's like 7,
23 7:00 a.m. in the morning. The condition, the weather was foggy.
24 Santa Cruz is like Old Town Pasadena where the road is really
25 narrow, and this is my first time up there. And I went through

1 this narrow, straight street, if you will, and the other street
2 was -- you know, I have to make a right turn, and there's a light
3 pole there. Light pole here and there's a box, you know the block
4 sign box? You know the box, the walk/don't walk hand signal box?
5 It was here. It was at this location, which you cannot see it.

6 Q. So what we've got is your pen vertically with one of the
7 business cards kind of stuck in it for the signal sign, right?

8 A. Yes.

9 Q. Okay.

10 A. Signal box.

11 Q. Signal box.

12 A. And I turned -- I made a turn in the 45-footer, narrow turn,
13 narrow right turn, and this box just clip onto the window of the
14 bus. And then the bus cannot proceed, so I tried to back up, and
15 then it made it worse. So now, I'm kind of like pinned up now.
16 So that's what happened.

17 Q. Okay. And about -- do you remember the date when this
18 occurred?

19 A. It's in somewhere, I think, back in 2018, August.

20 Q. August 2018?

21 A. Yes.

22 Q. Were there passengers on the bus?

23 A. Yes.

24 Q. How many passengers? Do you remember?

25 A. I don't.

1 Q. Okay. Was anyone injured during the collision?

2 A. Nobody was injured.

3 Q. Did the highway patrol or police come out and take a report?

4 A. Yes. I called the police and they came out and helped me
5 back out of that pole.

6 Q. Do you remember if it was the highway patrol or the local
7 police?

8 A. No, local police.

9 Q. Okay. And you said you've never even gotten a speeding
10 ticket. Have you ever gotten any kind of traffic ticket before?

11 A. It was a long time ago, but maybe when I was 18. That's
12 about it.

13 Q. Have you ever received a traffic citation for your commercial
14 operation of vehicles?

15 A. None.

16 Q. Have you ever been pulled over for anything?

17 A. No.

18 Q. Okay. Have you ever been arrested for driving under the
19 influence or anything like that?

20 A. No.

21 Q. Okay. Let's talk before the crash and right now. So when I
22 ask these questions, if there's a difference, let me know. Okay?

23 A. Um-hmm.

24 Q. What would you classify your general state of health right
25 now?

- 1 A. Still memory kind of, kind of like 70 percent, because my
2 head was banged up so badly in that bus crash. It's like it's
3 distorted me. Yes, that's a good question. It's distorted me
4 still, that's about it.
- 5 Q. So before the crash, did you have any health problems at all?
- 6 A. No.
- 7 Q. Okay. And after the crash -- you said you hit your head
8 during the crash?
- 9 A. Yes, multiple times.
- 10 Q. And it's affecting your memory right now?
- 11 A. No, maybe not. But, you know, like if you ask me questions
12 back in the 18 -- when I was 18 years old, I cannot pull up that
13 record, that's all.
- 14 Q. Sure. Do you have any disabilities as a result of the crash
15 right now?
- 16 A. No.
- 17 Q. Okay. Did you have any disabilities before the crash?
- 18 A. Well, if you mention disability as in mental state and if you
19 cannot recollect something, that could classify as disability.
- 20 Q. Sure, mental or physical, all right?
- 21 A. Yes. But physically, no, just mental.
- 22 Q. Before the crash, no physical disabilities?
- 23 A. None.
- 24 Q. Were you treated by a doctor or anyone else?
- 25 A. No.

1 Q. How about before the crash; when was the last time you saw
2 your doctor?

3 A. Well, I went for the medical checkup for DOT 2 weeks before
4 that, February 10th, and I was in good shape. I was
5 (indiscernible) by the doctor.

6 Q. And what did they do there?

7 A. Everything, physical, drugs, urine test.

8 Q. Okay. And everything came back clear?

9 A. Yeah, clear.

10 Q. Did they take any blood samples or anything like that?

11 A. No, no blood.

12 Q. Just a urinalysis?

13 A. Yes.

14 Q. Are you familiar with the results of those urinalysis tests?

15 A. No.

16 Q. Okay. Do you know whether they talked to you about your
17 glucose levels or anything like that? Did everything come back
18 fine?

19 A. It's fine.

20 Q. Okay. Have you ever had any diabetes or anything like that?

21 A. They did mention, like, I have pre-stage of diabetic, that's
22 about it.

23 Q. Prediabetic?

24 A. Yeah, prediabetic.

25 Q. Where did you have this exam done at?

1 A. Hacienda Heights. It's at the clinic, Universal Clinic,
2 Medical Clinic. That's what they call it.

3 Q. Do you know the address there by chance?

4 A. No, not by --

5 Q. Do you have a telephone number or anything for them?

6 A. No.

7 Q. What street were they on?

8 A. I believe it's on Gail, yeah, and Hacienda. Basically, if
9 you need that information, you can pull up my DMV record.

10 Q. Okay. Yeah, I'm really familiar with this area, so I was
11 trying to picture it in my mind. It's at Gail and Hacienda, you
12 said?

13 A. Yeah, somewhere down there, yes.

14 Q. Do you remember the name of the doctor at all?

15 A. No.

16 Q. It's just a clinic right there?

17 A. It's a clinic and a doctor. They have multiple doctors, but
18 this doctor was a lady and she's (indiscernible).

19 Q. Okay. During that examination, did they recommend that you
20 take any sort of medications?

21 A. No.

22 Q. Okay. Are you taking any kind of medication or drugs right
23 now?

24 A. No.

25 Q. Okay. I see you have glasses on today. Are you required to

1 wear glasses while you're driving?

2 A. No, this is just reading.

3 Q. Me too.

4 A. We're getting old.

5 Q. Yeah. So you only wear them while you're reading, but you
6 don't have to wear them like -- like, sometimes I wear mine when
7 I'm driving at night and stuff like that. You don't wear them at
8 night or anything?

9 A. No.

10 Q. Are they for near or farsightedness?

11 A. For reading, nearsighted.

12 Q. Just for reading?

13 A. Yes, just for reading.

14 Q. Do you have any cataracts or color or night blindness or
15 anything like that?

16 A. No.

17 Q. Do you have any hearing difficulties at all?

18 A. No.

19 Q. Okay. Emotionally, before the crash, any personal problems
20 going on?

21 A. No.

22 Q. Any financial issues that were concerning you?

23 A. No.

24 Q. Were you under the care of any psychiatric or psychological
25 treatment at the time?

1 A. No.

2 Q. What would you say your general state of being was during the
3 crash? Were you happy, sad?

4 A. Well, before that, I was happy because it's Saturday, we got
5 paid. The mood was good and the vibe was great. Everybody on
6 board is happy.

7 Q. Okay. So nothing troubling you at the time, right?

8 A. No. No, not at all.

9 Q. Let's go back to the vehicle real quick. On the vehicle,
10 start me out when you start your day for that vehicle. What did
11 you do to get that vehicle ready to go?

12 A. Okay. First, I started up the engine, I let it warm up,
13 okay? I turn on all the light, emergency, also; then I stepped
14 out and I checked for the light. This is what we call a pre-trip
15 inspection.

16 Q. Okay.

17 A. Make sure all the lights, emergency signal, everything's
18 working, everything's in working order; checking the blade,
19 windshield wiper -- checking the windshield wiper's in working
20 order; checking the windshield, make sure there's no debris that
21 could obscure my view, the window's clean.

22 And then I check -- I do a walkaround check. I check my
23 tires. I check the psi, the air level of the tire; everything's
24 in working order. And I check the suspension, make sure that the
25 vehicle is in even level, level ground and not lopsided or

1 whatever. The vehicle was in working order.

2 And then I start the engine, I open up the engine hood, and
3 then I check the oil level. The oil level was at good, full
4 level. The transmission level was good, coolant was good. The
5 steering fluid was good. I walk around, listen for air leaks.
6 The vehicle was good, solid. There's no air leak.

7 So I went on board and checked my instrument panel.
8 Everything is in working order. I start up the engine again, I
9 read the air compressor tank; it was at 110 psi working order.
10 The fluid level is good. Oil pressure level is 75 psi, good. So
11 the inside panel, the light, everything is lit up. I can see all
12 the instruments. It's good. So everything is in working order.

13 So I went back to the passenger compartment, our seats, make
14 sure everything is in working order. I check the emergency
15 window. Everything's in working order. I checked for the
16 emergency equipment, the triangle, fire extinguisher, everything's
17 there; it's in working order. And basically, I approved the
18 vehicle.

19 Q. Okay. That's pretty detailed. Who taught you to do all
20 that?

21 A. I was trained by, again, Transdev, First Transit, and then
22 Greyhound.

23 Q. So that pre-trip inspection that you just mentioned, that was
24 pretty much standard for you?

25 A. Every day I practice that.

1 Q. Does the company require you to document that pre-trip
2 inspection on any forms?

3 A. Yes. Well, we have an electrical (verbatim) app for that.

4 Q. Okay. And what does that consist of?

5 A. Again, you have to report you're on duty, your pre-trip
6 inspection, your defect inspection, and you have to log in.

7 Q. Okay. So, during that pre-trip, is it just a checkmark like
8 I did it, and then like a description if there's any defects, or
9 how does that work?

10 A. Yeah, if there's any -- I'll say like if there's engine
11 noise, there's a checkmark for the engine, and you have to comment
12 that, and you say, okay, engine is making rattling noise. Or
13 let's just say like wiper blade is bad, so you have to put a
14 checkmark on that, and you have to put in a description, wiper is
15 bad. And then --

16 Q. And you -- go ahead, sir, please.

17 A. And then if you determine that that vehicle is unsafe to
18 drive, then you have to put in -- you have to pick unsafe, unsafe,
19 and then submit that information.

20 Q. And how long does this pre-trip inspection usually take you?

21 A. Thirty minutes.

22 Q. And then how long does it take you to complete the form that
23 says you've completed it?

24 A. The digital app is like less than 5 -- 10 to 5 minutes.

25 Q. Is that on, like, an iPad or your phone?

1 A. Yes, we have iPad for that.

2 Q. Okay. And where does that -- does that information get sent
3 straight to the company, or what do you do with that?

4 A. I'm not in the IT department, but once you certify it, it's a
5 web app, so this should be on the server somewhere.

6 Q. So nothing was wrong at all that you found with the vehicle
7 that day, right?

8 A. To my recollection -- well, I do have a concern about the
9 right tread of the tire, rear tire.

10 Q. Okay, which tire was this?

11 A. It's the rear right tread. Rear tire.

12 Q. And was that reflected on your pre-trip inspection form?

13 A. No, I did not.

14 Q. Okay. What was the concern that you had with the right rear
15 tire tread?

16 A. The amount of tread is probably like less than $\frac{1}{4}$ inch.

17 Q. And how did you measure that?

18 A. Well, by my fingernail. Again, I'm a machinist. I took a
19 machinist course before, so basically I know measurement.

20 Q. Okay. This machinist course you took, was that the 2 years
21 of college?

22 A. Yes.

23 Q. Okay. And so do you know how much tread is required to be on
24 a tire?

25 A. Like a quarter in back of both, $\frac{3}{8}$ in front.

1 Q. And what was it in front?

2 A. 3/8 of an inch.

3 Q. Okay. So the tire was low in tread. Was it across all the
4 grooves or was it towards the outside, the middle? Could you
5 tell?

6 A. It was worn out evenly on that tire.

7 Q. Okay. Are you familiar with tires at all?

8 A. No.

9 Q. Okay. Do you know how long those tires had been on that
10 vehicle?

11 A. No. I'm not in maintenance. I don't know.

12 Q. Okay. So other than the right rear tire, you didn't have
13 anything else that you noticed that was wrong with the vehicle,
14 right?

15 A. Yes.

16 Q. And when you checked the air in the tires, did you do that
17 with a tire gauge?

18 A. No.

19 Q. How did you check the air in the tires?

20 A. Visual and push against the tire. Because you can push and
21 if you can see that it's sagging, that's -- it's losing air.

22 Q. So when you say visual, you're looking at the tire and you're
23 seeing whether or not it looks, like, flat to you?

24 A. Yes.

25 Q. And then when you say you push against the side, you're doing

1 that with your hand?

2 A. Yes.

3 Q. And you're pushing on the sidewall of the tire?

4 A. Yes.

5 Q. And what does that tell you?

6 A. The psi, the volume of air that's in there. It could be flat
7 because -- if this -- you could push inside the wall. It's
8 supported by the second wheels, so if you push, that means that
9 thing is leak (verbatim), that thing is flat.

10 Q. Does the company provide you any tools to do this pre-trip
11 inspection?

12 A. No.

13 Q. Okay. If a tire looked low, how would you remediate that?

14 A. The weight of the vehicle would, you know, like tilt it. If
15 the suspension doesn't look right, I mean, it's lopsided.

16 Q. And what would you do about it if it looked like that?

17 A. Of course, I'm not in charge of mechanic or maintenance. If
18 it look like that, I have to call the maintenance guy, the
19 mechanic, and say, hey, you know, we need some air or, you know,
20 you've got to check it out.

21 Q. Are they available to you that same day?

22 A. No. Well, the same day, no. At the time, no, because I --
23 they operate at different timeframe. Because my shift that day
24 was 8:00 a.m. in the morning.

25 Q. Do they have air available to you there at the inspection

1 facility?

2 A. No.

3 Q. So if it's -- whether it's this right rear tread or anything
4 else wrong with the vehicle, if you decided you didn't like it,
5 what would you do?

6 A. Switch to another bus.

7 Q. Okay. Was that option available to you that day?

8 A. There was another bus, but that bus I reported as unsafe,
9 also.

10 Q. Okay. When did you report the other bus as unsafe?

11 A. Like a week before.

12 Q. What was unsafe about it?

13 A. Oh my god. I saw oil build up underneath the thing, the
14 transmission, the spring of the suspension, and the engine was
15 making noise.

16 Q. So there was oil contaminant in the undercarriage; is that
17 what you're saying?

18 A. Yes. Yes.

19 Q. And are you saying the suspension was bad or that there was
20 oil contaminant on the suspension?

21 A. Oil contaminant on the suspension.

22 Q. Okay. And was it a bus very similar to the one -- like this
23 one?

24 A. Yes.

25 Q. And so you reported it a week prior, and then the day that

1 you look at this bus, that vehicle was still not capable of -- had
2 not been repaired, I guess?

3 A. I don't know, because we don't know the status of anything in
4 there. Because here's the situation: They only have one
5 mechanic.

6 Q. Okay.

7 A. And he's maintenance of, like, six vehicles. And of course,
8 vehicle wear and tear annually, any problem, and he just cannot
9 handle the volume. How can I trust a bus if nobody tell me, hey,
10 you know, there's a green light on this bus, you know, it's all
11 checked and cleared? You know what I mean? I don't have green
12 light. I cannot trust that bus on that day.

13 Q. I mean, you just started in April, right?

14 A. Yeah.

15 Q. You went there because you needed the job.

16 A. Right.

17 Q. This is the only bus, it sounds like, other than the one you
18 reported unsafe that's available. If you would have reported this
19 bus not ready to go, what would have happened that day?

20 A. Good question. I cannot predict what would happen.

21 Q. Did you feel any pressure or were you pressured at all to put
22 this bus on the roadway if it wasn't safe?

23 A. Well, my thinking -- I cannot answer that question.

24 Q. If this bus wasn't available that day, would they have
25 cancelled the trip?

1 A. Yes.

2 Q. Okay. What time did you take this bus out?

3 A. 8:00 a.m. Oh, no, no, no, earlier than that. 7:00 -- I'm
4 sorry -- 7:30 a.m.

5 Q. And the mechanic doesn't start till 8:00?

6 A. After 8:00, yes.

7 Q. Okay. And so if that trip would have been cancelled, what
8 would have happened?

9 A. I don't know.

10 Q. Okay. Have you ever cancelled a trip before because a bus
11 was unsafe?

12 A. Not with that company.

13 Q. Okay. When you check the wipers on the bus, how do you check
14 those?

15 A. Windshield wiper? Take it out. I mean, you disengage it
16 (indiscernible) make sure the blade, the rubber is pretty fresh or
17 at least the amount of blade is 80 percent to 90 percent.

18 Q. Okay.

19 A. In working order.

20 Q. And when you opened the hood and you checked the engine
21 compartment, you talked about all the fluid levels you checked.
22 How did you check those fluid levels?

23 A. There's a dipstick. You have to pull it out and you have to
24 wipe it off, and you have to dip it back in.

25 Q. So there's a dipstick for the radiator?

1 A. Radiator, you have to look at the coolant level, the reserve
2 tank.

3 Q. Okay. And it showed running out there -- was that with the
4 engine on or engine off?

5 A. Engine off.

6 Q. Okay. And you said you checked the transmission level
7 through the dipstick?

8 A. Yes.

9 Q. And did you check the brake fluid level?

10 A. Brake fluid level, no.

11 Q. Okay. Was that available for you to look at?

12 A. No.

13 Q. Is it --

14 A. The only -- wait, wait, wait, I'm sorry. After the engine, I
15 don't know where that is.

16 Q. Okay. But you were able to check the oil level, correct?

17 A. Yes.

18 Q. And that was fine?

19 A. You see, the brake doesn't -- it's not brake fluid. This is
20 an air brake.

21 Q. Yes.

22 A. So why would I check for fluid on the brake?

23 Q. Okay. I just wanted to make sure we all understand how the
24 brakes work, right?

25 A. Oh, okay. I'm sorry. I'm sorry. I'm going to ask you a

1 question back, so --

2 Q. That's okay. This is a back-and-forth here. So you checked
3 the air in the system, correct?

4 A. Yes.

5 Q. Okay.

6 A. It's 110 psi.

7 Q. Okay. And did you let the air bleed out at all to see
8 whether it came back up to 110?

9 A. Yes.

10 Q. Okay. And that all occurred as you planned it to happen?

11 A. Yes.

12 Q. Okay. Are you able to access the prior work that's done on
13 this bus? Like, do they have a list of other things that people
14 have complained about?

15 A. No.

16 Q. Has anyone ever complained about any other issues on this
17 bus?

18 A. Don't know.

19 Q. You don't know?

20 A. Don't know.

21 Q. The other drivers don't talk about, hey, like this bus is a
22 real piece of work?

23 A. I don't know. The information is not shared.

24 Q. Okay. So there's no list of ongoing issues on the bus?

25 A. Not available.

1 Q. When you bring up that app that you look at for pre-trip,
2 does it ever say like, hey, this was a problem before, check it
3 out?

4 A. If I make that unsafe report and all that stuff, it'll show
5 me. But if another driver made that report, it's supposed to
6 show, but there's nothing; it's clean.

7 Q. Okay. Where did the trip start for the day?

8 A. El Monte. Well, it start at the yard, because I have to do
9 pre-inspection to get out of the yard. And my first stop is going
10 to be at the El Monte station.

11 Q. And where is that at?

12 A. Right here in Garvey and Mountain View.

13 Q. Garvey and Mountain View?

14 A. Yeah.

15 Q. Okay. And what kind of station is that?

16 A. It's an office. It's big, with big parking lot and a good
17 amount of room to maneuver.

18 Q. Okay. And where do you fuel the vehicle?

19 A. At the fuel station down in (indiscernible).

20 Q. Okay. And did you fuel it between your pre-trip and going to
21 El Monte that day?

22 A. No. No.

23 Q. Okay. So you went to the El Monte station. What happened
24 there?

25 A. That's where we pick up our customer and check in with the

1 staff there. I usually check in with her.

2 Q. Okay. And how many customers did you pick up there? Do you
3 remember?

4 A. Approximately five, something like that.

5 Q. Okay. Are these customers regular customers, or have you
6 seen them before?

7 A. Random. Random people from everywhere.

8 Q. Okay. Did you talk with any of the passengers ahead of time?

9 A. No.

10 Q. Okay. And how long did it -- were you at the El Monte
11 station?

12 A. Well, we were there at approximately 7:30, so 30 minute. 8
13 o'clock we pulled out.

14 Q. Okay. And where did you go from there?

15 A. To Baldwin office.

16 Q. Baldwin --

17 A. Baldwin Park.

18 Q. -- Baldwin Park?

19 A. Yes.

20 Q. Where is that located at?

21 A. It's on Francisquito Avenue.

22 Q. Francisquito?

23 A. Yeah, Francisquito.

24 Q. Is it --

25 A. In the city of Baldwin Park.

1 Q. Do you know where the CHP office is right there? Is it near
2 there? Is it near the 10?

3 A. It's near the 10.

4 Q. Okay. Like near the In-N-Out? Big buildings there?

5 A. I don't see an In-N-Out.

6 Q. Okay. Is it north of the 10 or south of the 10?

7 A. North of the 10.

8 Q. North of the 10. Okay. And what did you do at the Baldwin
9 Park office?

10 A. Picking up the passenger, checking with the staff there.

11 Q. Okay. And how many passengers do you think you picked up
12 there?

13 A. Approximately -- I don't recall, but like seven, something
14 like that.

15 Q. And about what time did you arrive there?

16 A. It only takes me, like, approximately 7 to 10 minutes to get
17 to Baldwin Park, so it was 8:10 or 8:15.

18 Q. Okay. Between El Monte and Baldwin Park, any problems with
19 the vehicle at all?

20 A. No.

21 Q. Okay.

22 A. It was good.

23 Q. Okay.

24 A. It's in working order.

25 Q. And how long were you at the Baldwin Park location?

- 1 A. Approximately, like 20 minutes or -- 15 to 20 minutes.
- 2 Q. Were you required to be there at a particular time?
- 3 A. Yes.
- 4 Q. And were you on time that day?
- 5 A. Yes.
- 6 Q. Okay. And then where did you go from there?
- 7 A. I have to pick up a customer in Pomona, I believe.
- 8 Q. Like one customer?
- 9 A. One customer.
- 10 Q. Wow.
- 11 A. Yeah.
- 12 Q. Where was that at?
- 13 A. An ARCO station in Reservoir, Reservoir.
- 14 Q. Reservoir is a street there?
- 15 A. A street.
- 16 Q. Okay. And what time did you get to the ARCO?
- 17 A. Approximately, it take me like 30 minute to get there, so
- 18 like 8:15, 8:45. I don't recall.
- 19 Q. Okay. About how long do you think it took you? 30 minutes
- 20 you said?
- 21 A. Less than 30 minutes.
- 22 Q. And how was the weather during the time?
- 23 A. Well, I could see some cloud, but the weather -- the road is
- 24 clear, clean and dry.
- 25 Q. Okay. And where did you go from there?

1 A. To Riverside.

2 Q. Okay. And do you know about what time you left for
3 Riverside?

4 A. Approximately 9:00, 9-ish, -- 9:00, 9:30 I believe.

5 Q. And is that on time --

6 A. Yes.

7 Q. -- for you? On time? Okay. Are you required to, like --
8 you know, pretty strictly about what time you have to leave and go
9 and start, and so on and so forth?

10 A. Usually I'm on time, so I wasn't pressured to be there on
11 time.

12 Q. When you go from El Monte to Baldwin Park to Pomona and then
13 head into Riverside, are you required to log those times anywhere?

14 A. No.

15 Q. Okay.

16 A. The apps track you. The app tracks you.

17 Q. What app?

18 A. The (indiscernible).

19 Q. Is that built into the vehicle or is that on your little
20 iPad?

21 A. It's on the iPad, the pad, the tablet.

22 Q. Okay. And so when you go to each location, it automatically
23 knows when you stop and everything like that?

24 A. It should know, yeah.

25 Q. Do you have to check-in the passengers on there?

1 A. Yes.

2 Q. And so is there a timestamp associated when you check-in all
3 these passengers?

4 A. Well, the app doesn't check the passenger -- doesn't log the
5 passenger in. The only time we check-in the passengers, we
6 collect the ticket, that's about it. That's where -- that's the
7 only way they have.

8 Q. And that's a physical ticket?

9 A. Physical ticket.

10 Q. But you don't write anything on there about when you're doing
11 this stuff?

12 A. No.

13 Q. Okay. How often have you done this route before?

14 A. This is a daily route. This is since April.

15 Q. Okay. You've done this same route where you go El Monte,
16 Baldwin Park, and then maybe not Pomona but Riverside?

17 A. Yes, randomly, yes.

18 Q. Okay. And tell me the route you take from Pomona down to
19 Riverside?

20 A. Well, I get back onto the 60 freeway to hit 60 East, and then
21 I have to exit at Market, I believe, the Market exit, make a right
22 turn on Market and go down to University Drive and make a right,
23 two blocks, make a left at Maxi Food store, a market if you will,
24 and that's where I pick up my passenger.

25 Q. This is which location you picked up the passenger?

1 A. Riverside.

2 Q. Okay. So you took the 60 all the way down to the city
3 streets, and then went down and you picked up one more passenger?

4 A. No, no, there again, as I drive -- there's supposed to be two
5 or three. I can't remember the exact number, but randomly you
6 could have, like, more customer, new customer added to that list,
7 right?

8 Q. Okay.

9 A. So I said three. You probably pick up, like, seven right
10 there, and so your list now is not up to date. The hard copy that
11 I'm supposed to have, the manifest if you will, is not up to date.
12 If I'm getting, like, five more or four more, that total number is
13 out of balance. I was supposed to have 18 at the beginning, but
14 now, if 4 more are added to it, it's 22. So that's not up to
15 date.

16 Q. Okay. So as long as you have seats, you'll take them, right?
17 Is that pretty much it?

18 A. No, they check with the girl there when they sell ticket.
19 They know what's available, what seat's available, how many number
20 of seats available. So that's how they sell the tickets.

21 Q. Okay.

22 A. So they already know what's available. I don't need to know
23 that information but I do (indiscernible) know, right?

24 Q. And in Riverside, is this another terminal that you're at,
25 like a station, or is it just like a --

- 1 A. They have an office inside the market. And you pull up on a
2 nice alley for you to, you know, to dock and to load your
3 passengers.
- 4 Q. And so, from the -- when you did your pre-trip, the bus was
5 already full for gas?
- 6 A. Yes.
- 7 Q. Okay.
- 8 A. Just like every night we're required to fill it up.
- 9 Q. Okay. And so you pick up the one in Riverside. Where do you
10 go from there?
- 11 A. Temecula.
- 12 Q. Okay. And where at in Temecula?
- 13 A. I have to -- the front, Old Town Front, or something like,
14 Street.
- 15 Q. It's a hotel you went to?
- 16 A. No.
- 17 Q. I couldn't hear that, I'm sorry.
- 18 A. Old Town Front is a street that's --
- 19 Q. Oh, like Old Town Temecula?
- 20 A. Yeah, Old Town.
- 21 Q. And you picked up more passengers there?
- 22 A. Just one.
- 23 Q. One passenger in Temecula?
- 24 A. Yeah.
- 25 Q. Okay. And do you know about what time you got to Temecula?

1 A. 10-ish.

2 Q. 10:00?

3 A. Yeah.

4 Q. And what route did you take to get there from Riverside?

5 A. 215. Well, I have to get on the 15 again, and then to the
6 215 -- no, not the 15, sorry. Get on the freeway, to the 215
7 freeway, and then to the 15 freeway, and exit at Rancho something.

8 Q. And you went to Old Town?

9 A. Yeah, Old Town Street. I'm sorry, I didn't come prepared
10 with all this information. I just memorize it by heart.

11 Q. I know, it's a lot of questions.

12 A. Yeah.

13 Q. And how long were you there in Temecula?

14 A. Approximately 10 to 15 minute.

15 Q. Okay. And then what happened? Where did you go?

16 A. Back onto the 215, to the 15, headed straight to San Ysidro.

17 Q. Okay. And it's along that route where the collision occurs?

18 A. Yes.

19 Q. Okay. And about how long after you left Temecula did the
20 collision occur?

21 A. Probably 25 -- 20 to 25 minutes.

22 Q. And when did the rain start in all this?

23 A. It start to rain, sprinkling at first, when we start to get
24 onto the freeway, but then it stopped. On and off. This thing is
25 like -- the weather is strange. It's like one part could get hit,

1 and then the next part is clear. And one part could get hit
2 again, and when you get to the top it's clear. Or when you're at
3 the bottom it's clear, when you get to the top it's hit, like
4 rushing, gushing, rain pouring down. I don't know, it's out of
5 nowhere.

6 Q. So was it raining in Riverside?

7 A. No.

8 Q. Was it raining when you got to Temecula?

9 A. A light sprinkling, but on and off.

10 Q. Okay. So it's when you left Temecula is when you started
11 having this on-and-off rain condition that you're describing?

12 A. Yes.

13 Q. And you said that it got heavier, though, as you went towards
14 the crash scene?

15 A. I believe, like, yes, it -- before the crash site, it get
16 heavy, and then it stop. And I was on the number one lane. It
17 wasn't that heavy. And then it hit on the -- it hit heavy while I
18 was on the number one, so I had to -- I'm like, okay, we've got to
19 get out of this lane, get into the number four lane, because I
20 don't know what's up there on the top. So that's what happened.

21 Q. Okay. I want to get to the crash, and we're going to get
22 there. All right, a few more questions before we get to the
23 crash. Take me back, just real quick, about 24 hours before the
24 crash. What did you do that day?

25 A. I was working on my app at the local library.

1 Q. You said your app?

2 A. Application. I'm a software developer by trade.

3 Q. Okay.

4 A. And I love to do stuff, and so I work there. And after a
5 while, I went to get some food to eat, and I went back to the
6 Mission. Mission is the -- St. Gabriel Mission is a church, and
7 the library is not that far. So I stayed there for a while to
8 work on the app some more, kill time, and then went back to go to
9 sleep.

10 Q. So what time did you get up that morning, the day before?

11 A. Approximately 5:00 a.m.

12 Q. This is not the day of the crash, the day before.

13 A. Before? Before I was up, too, because, like, I have 2 day
14 off, Thursday and Friday. So the day before, I probably got up,
15 like, around 6:00 or 7:00 a.m.

16 Q. So you said you were off the 2 days before the crash?

17 A. Yes.

18 Q. And had -- you worked how many days before you were off?

19 A. Two, I believe.

20 Q. Is it normally like two on, two off, or --

21 A. No, it's scattered schedule.

22 Q. Okay. So you had 2 days off, and the day before you're off.
23 You get up in the morning and you did what?

24 A. The day before I get off?

25 Q. The day before the crash.

- 1 A. Oh, okay. What did I do first?
- 2 Q. Yes.
- 3 A. Eat breakfast.
- 4 Q. Is this at the Mission?
- 5 A. No.
- 6 Q. Where at?
- 7 A. At another restaurant, you know, a Chinese restaurant.
- 8 Q. Okay. And where were you staying at the time?
- 9 A. Staying?
- 10 Q. Do you have a residence you're at, or where were you staying?
- 11 A. I was staying on the street.
- 12 Q. On the street?
- 13 A. Yeah.
- 14 Q. Okay. And so you got up and you went to go eat at a Chinese
- 15 restaurant, and then where did you go from there?
- 16 A. To the library.
- 17 Q. Okay. And this is which library again?
- 18 A. St. Gabriel library.
- 19 Q. St. Gabriel? What time do they open? Or what time did you
- 20 go there, do you think?
- 21 A. 9 o'clock in the morning.
- 22 Q. 9 o'clock?
- 23 A. Yeah.
- 24 Q. And you spent how long at the library?
- 25 A. From 9:00 to 4:00, I believe.

1 Q. Okay. That's a long time. Did you go out for lunch or
2 anything like that?

3 A. No. At 4:00 I get hungry, so that's when I go out and get
4 some lunch.

5 Q. Okay. What kind of app are you making?

6 A. It's like Google Earth, Google Map, tracking application for
7 a bus.

8 Q. Okay.

9 A. Because every bus company, they need some kind of like --
10 they have a route, but the route could be fixed or -- it could be
11 static or dynamic, so -- and our company's dynamic, not like Local
12 Transit. Transit is static where, you know, you have to go to
13 that location, and then that location, and that location. But my
14 company is, like, dynamic. One day you could pick up here, the
15 next day you could pick up here, here and here, Baldwin Park,
16 Pomona, Corona, or pick up at Pomona and Riverside for the next
17 day. So it's dynamic.

18 Q. Okay.

19 A. So that's the type of application that I tried to build for
20 the bus company.

21 Q. Okay.

22 A. And it's kind of like, based upon the route, it plotted out a
23 guide, the best route that the bus driver is supposed to take. So
24 it's a (indiscernible) that's really precise, and precision.
25 Number one, if there's an accident, it'll route to a better route

1 so you save time, right? And you don't have to be in traffic. So
2 basically, that's --

3 Q. (Indiscernible).

4 A. Yeah.

5 Q. Okay.

6 A. Google Maps is pretty up to date with that sort of
7 technology.

8 Q. So, when you left at 4:00, where did you go?

9 A. I went to another Chinese restaurant to get something to eat.

10 Q. Okay. What did you eat?

11 A. Fish and rice.

12 Q. Okay.

13 A. That's what I would eat.

14 Q. And what about -- what did you do after that?

15 A. I went back to the Mission, to the parking lot, and worked on
16 it some more. I have to develop this.

17 Q. So you went to the Mission. And about what time was that?

18 A. Like around 5:00, like after I eat, around 5:30 or something.

19 Q. Okay. And how long did you stay at the Mission?

20 A. Like a few hours.

21 Q. Okay. And what did you do at the Mission?

22 A. Again, designed my code.

23 Q. They have computers there?

24 A. No, no, no, no, my laptop.

25 Q. You have a laptop.

1 A. I'm software travel guy, development, software engineer. You
2 can sit there --

3 Q. Yeah, yeah.

4 A. -- move to the desktop. No, you don't have to do that. You
5 can be anywhere and just whip out your laptop and away we go.

6 Q. Okay. And where did you go from the Mission?

7 A. I went back to get some sleep.

8 Q. Okay. And I don't want to pry into your business, but I
9 mean, where are you sleeping right now?

10 A. St. Gabriel library, there's parking lot. And across the
11 library is police station, so the library have a parking space.
12 And that's -- I usually park there and relax there, take a quick
13 nap.

14 Q. Okay, so you have a car that you're sleeping in?

15 A. Yes. Yes.

16 Q. Okay. And about what time did you start sleeping?

17 A. Like after 8:00 p.m. sometime.

18 Q. And how would you say your sleep is when you're sleeping in a
19 car? I mean --

20 A. Comfortable.

21 Q. -- do you get comfortable sleep? Did anyone disturb you
22 during the night?

23 A. No. No, it's pretty restful there. There's a police station
24 right there.

25 Q. Okay. Good. And about what time did you get up?

1 A. Like around 5:00 a.m. in the morning.

2 Q. Okay. When you got up, did you feel well rested?

3 A. Yeah.

4 Q. Okay.

5 A. This is my daily routine. It's what I build into my mind.

6 It's like your body's in perfect, healthy condition.

7 Q. Good. And then you went over to the station in El Monte?

8 A. Yes.

9 Q. Okay. When you get up in the morning, do you have a chance
10 to go someplace and get cleaned up and get ready for work, or how
11 do you do that?

12 A. Yeah, at the yard we have restroom facilities, and I wash up.

13 Q. Good.

14 A. Get, you know, dressed.

15 Q. Okay. So you got up about 5:00. About what time did you get
16 to the yard then?

17 A. Like around 6:00, 6:30.

18 Q. Okay. And then you got all ready for work, and then you went
19 out and did your pre-trip?

20 A. Yes.

21 Q. Okay. Let me talk about the crash. So you've drawn this map
22 and you've discussed it for me in detail. Can you show me on the
23 map you have what part of this is the actual freeway?

24 A. This is the actual lane of the freeway.

25 Q. Okay.

- 1 A. The number four lane.
- 2 Q. And when you say this, you're pointing to an area where your
3 vehicle is kind of drawn. And is this one lane of travel, sir?
- 4 A. One lane? What do you mean by one lane?
- 5 Q. Does the freeway have multiple lanes?
- 6 A. Yes. Yes.
- 7 Q. And is this just one lane?
- 8 A. Yes. This is the number four lane.
- 9 Q. The number four lane.
- 10 A. Yeah.
- 11 Q. Can you put a B in this lane for me?
- 12 A. Sure.
- 13 Q. Perfect. And how many lanes did that freeway have? Do you
14 remember?
- 15 A. Four.
- 16 Q. Okay. And you're heading south?
- 17 A. Yes.
- 18 Q. Okay. And talk to me about traffic around you.
- 19 A. Traffic around me, again, it's kind of, like, moderate
20 because people -- it rained on an off. People going 65, number
21 one, which I was going with them at that speed down the slope, and
22 then I feel that really is not wise. I went back to four lane,
23 the number four lane. This is the number four lane.
- 24 Q. And how do you know how fast the other cars are going?
- 25 A. I look at my odometer -- speedometer.

1 Q. Speedometer?

2 A. Yeah.

3 Q. Okay. And it says what?

4 A. 65.

5 Q. Okay. And so all the other vehicles around you are staying
6 paced with you?

7 A. I was staying pace with them.

8 Q. Do you normally go 65?

9 A. Yes. Because the speed limit there, the freeway, is 70 miles
10 per hour.

11 Q. Okay.

12 A. The limit right there. So I'm below the limits.

13 Q. Now, I wasn't out there, so I'm going to ask you some
14 questions because you were there, and I need to know how you felt
15 about it. Do you feel like 65 was a safe speed to go in the rain?

16 A. No.

17 Q. Okay. Then why were you going 65?

18 A. Because I was going down the slope. And with freight,
19 passengers, gravity pulls you forward more, right? So -- and if
20 you apply brake like -- well, it was clear, the lane was clear
21 first, dry first until the wind started hitting -- I mean, the
22 rain started coming down out of nowhere. So that's why I traveled
23 at that speed at that time.

24 Q. So you're going 65 before the rain; is that what you're
25 saying?

1 A. Well, yes, and more.

2 Q. Okay. How fast?

3 A. 70. The speed limit's 70 right there.

4 Q. Did you ever go over 70?

5 A. Sometime because, like, you know, it's the Murphy Law, if you
6 step a little bit more, it increase 1 or 2 miles.

7 Q. So during the route, what's the fastest you think you were
8 traveling?

9 A. On this particular day?

10 Q. Yeah. Absolutely.

11 A. Probably 70 miles per hour.

12 Q. Okay. So you're going along, the fastest is 70. It starts
13 raining, and that's when you look down and you see that you're
14 going 65?

15 A. Yes.

16 Q. And at that time, you said that you believed that, that was
17 an unsafe speed for the rain?

18 A. Yes.

19 Q. And did you make -- did it cross your mind that you should
20 slow down?

21 A. That's why I changed to number four lane. I was at one,
22 number one lane, traveling with traffic. And I said it's not
23 safe, so I went back to -- I went across to number four lane.

24 Q. Okay. So you were in the number one lane, which --

25 A. I was in the number one lane.

1 Q. And when we say the number one lane, just for the people who
2 don't understand, is that the lane closest to the middle?

3 A. To the left.

4 Q. To the left.

5 A. To the left of the -- yeah, that's the first left.

6 Q. Okay. And so you're going 65 miles an hour, it starts
7 raining, you're in the number one lane, and you start to move over
8 to the number four lane, which is the lane all the way to the
9 right?

10 A. Yes.

11 Q. Okay. And when you move out of the number one lane, did you
12 use your turn signal?

13 A. Yes.

14 Q. Was there other traffic around you?

15 A. Yes.

16 Q. Did it have to yield to you to have you move over?

17 A. It was clear. I mean, the traffic was like -- again, I'm
18 going with traffic, right? So when I start signaling, it was
19 clear for me and safe for me to make a turn -- I mean, a change of
20 lane.

21 Q. So it's a Saturday. It's probably -- is it heavy traffic?

22 A. Moderate.

23 Q. Moderate. Okay. And when it started raining, did it seem
24 like the vehicles around you were slowing down or not?

25 A. Yes, some vehicles, yes, they did slow down, too.

1 Q. Okay. So you moved from the number one lane and you used
2 your signal. Did you move all the way from the one to the four in
3 one big movement, or how did you do that?

4 A. Gradually.

5 Q. Gradually. So you moved from the number one lane, and then
6 moved to the number two lane, and then just little bit by little
7 bit moved over?

8 A. Number three lane. Yes.

9 Q. And during that time, did you slow down from 65 at all?

10 A. Yes.

11 Q. Okay. And so, by the time you were in the number four lane,
12 how fast were you going?

13 A. Approximately 55 to 60.

14 Q. Okay. And you slowed down -- as you said, you were going
15 downhill, right?

16 A. Yeah.

17 Q. So not because of, like you said, gravity, it's because you
18 hit the brakes? You applied the brakes to the vehicle?

19 A. I applied the brake to the vehicle.

20 Q. Okay. And when you applied the brakes, would you say that,
21 that was like a light brake application, a moderate, or --

22 A. Light.

23 Q. Light? And during the movement from the number one lane to
24 the four lane, did you ever at that time feel any loss of
25 stability of the vehicle?

1 A. No.

2 Q. Okay. Now, you're in the number four lane. Was there any
3 vehicles ahead of you?

4 A. Yes.

5 Q. What kind of vehicles were ahead of you?

6 A. A sedan.

7 Q. Sedans? Were there any commercial vehicles?

8 A. No.

9 Q. And how long were you in the number four lane before you
10 started experiencing a problem?

11 A. A good time. I was going straight for a good time.

12 Q. What's a good time?

13 A. Like, a good time's like 100 yards or 200 yards.

14 Q. Okay. So what's -- we talked about distance, 100 and 200
15 yards. What about time? What do you think, a minute, less than a
16 minute?

17 A. It could be a minute or so.

18 Q. A minute?

19 A. More than a minute.

20 Q. Okay. And the whole time there's a couple -- you said there
21 may be a sedan ahead of you?

22 A. Yeah.

23 Q. Okay. How far ahead of you is the vehicle?

24 A. Well, we were trained to look straight, like we were trained
25 clear distance, distant watch. It was ahead pretty good distance.

1 Q. Okay. What were you doing at the time, inside the cab?

2 A. Two hands on the wheel, down straight, looking, driving.

3 Q. What were the passengers doing?

4 A. Relaxing.

5 Q. Okay. Were you listening to, like, conversations going on or
6 anything at the time?

7 A. No.

8 Q. Was the radio on in the vehicle?

9 A. Yeah, my music was on.

10 Q. Was it loud, soft?

11 A. It was guitar music, Mexican guitar.

12 Q. Okay. What would you -- I mean, is it a digital radio or the
13 knob ones or --

14 A. No, no, no, this is on my iPad. Every time when I turn on, I
15 put it off, I have a little boombox, a little --

16 Q. A little speaker box?

17 A. Yeah, a speaker box.

18 Q. Like a Bluetooth one?

19 A. Yeah, exactly.

20 Q. Okay.

21 A. Yeah, it was on.

22 Q. Was it loud?

23 A. It was good. It's not too loud. It's a good, like, good
24 guitar, relaxing music.

25 Q. Would you say it's loud enough that the people in the back of

1 the bus could hear it clearly?

2 A. I don't know. Because, like, it was pretty good volume. Not
3 too loud, like, bad. That box doesn't go up that loud.

4 Q. Did anyone on the bus tell you that it was too loud?

5 A. No.

6 Q. Okay.

7 A. Just relaxing music.

8 Q. Okay. Anyone in the back of the bus moving out of their
9 seats or anything like that?

10 A. Not at that time.

11 Q. Was there another time when they were?

12 A. During this route?

13 Q. Yeah.

14 A. During this accident? No, nobody was out.

15 Q. No, before the accident. Are they allowed to get out of
16 their seats while you're driving?

17 A. No.

18 Q. Okay. Is there a restroom on that --

19 A. No, it's just a short, little box car -- box truck.

20 Q. Is there a restroom on this bus?

21 A. No. No, no.

22 Q. I haven't seen the bus. No restroom?

23 A. No restroom.

24 Q. Okay. So there's really no reason they should be out of
25 their seats?

1 A. No.

2 Q. Are they supposed to wear seatbelts?

3 A. They're supposed to. It's optional.

4 Q. It's optional. Does the bus have seatbelts for every
5 passenger?

6 A. Yes. Yes. Yes. Yes.

7 Q. Were you wearing your seatbelt?

8 A. Yes, safe (indiscernible).

9 Q. Is it a lap only, or is it a shoulder and lap harness?

10 A. Three-point, yeah.

11 Q. Okay.

12 A. It's shoulder and lap.

13 Q. And all the passengers, are they also lap and shoulder?

14 A. Yes.

15 Q. So are you required to give them any kind of briefing when
16 they get on the bus about, hey, this is our bus and here's what it
17 is?

18 A. No. But I do that as practice every time.

19 Q. You practice doing it or you did it?

20 A. I did it.

21 Q. Okay, tell me -- I'm a passenger on your bus, give me that
22 briefing. Tell me what it says.

23 A. It's usually, like, in Spanish. It's like, *sentaros todos*
24 *tiempo*. That means like sit down all the time. *Llame oficina*
25 *para información*. That means like you call the office for

1 information, don't go walking up and ask me for information,
2 right, because it's a distraction. And I'm against it because,
3 like, it's Murphy Law, anything could happen. And then the third
4 instruction is where are we taking the break, which is, like, you
5 know, *baños* break (indiscernible) and it's only, like, 10 -- *diez*
6 *minutos por favor*, something like that.

7 Q. Why is it in Spanish?

8 A. Because the general passengers are Spanish-speaking people.

9 Q. Okay. So do you say it in English and Spanish or just
10 Spanish?

11 A. Spanish.

12 Q. And are you familiar with --

13 A. Mixed with English.

14 Q. Are you fluent in Spanish?

15 A. I took some courses, two semesters of Spanish.

16 Q. During your 2 years at college?

17 A. High school.

18 Q. In high school?

19 A. Yeah.

20 Q. Okay. So you took -- and how often do you speak Spanish?

21 A. Every day while I work there, but not fluently or understand
22 a lot of what they're saying, because they talk fast.

23 Q. Could you write in Spanish if you had to?

24 A. Sure.

25 Q. Okay. And so if someone asked you to explain -- you know,

1 gave you a paragraph and asked you to say it in Spanish, you could
2 say it fluently?

3 A. No. No.

4 Q. Okay. So is it more like you know the language of what you
5 need to convey to them in Spanish?

6 A. Yes.

7 Q. Do they acknowledge this briefing that you give them?

8 A. Sometimes they don't. Sometimes people just, they don't
9 care. They don't listen.

10 Q. And so when you made the stop in El Monte, Baldwin Park,
11 Pomona, and Temecula, do you give that same briefing every single
12 time?

13 A. For the new passenger, yes.

14 Q. Okay. Do you ever tell them that they're required to wear
15 the seatbelts?

16 A. You know, that did not come across my mind, because I drive
17 safe, get there safely. And every time we go to San Ysidro and
18 come back, I didn't inform them on that. But Greyhound, I did
19 because I was able to speak English. The people understand
20 English. I say if you don't wear your seatbelt, this bus is not
21 going to go an inch. They understand.

22 Q. At either Greyhound or with this company, is there any policy
23 or requirements for you to give the safety briefing?

24 A. No.

25 Q. Has anyone ever trained you that you have to give a safety

1 briefing before you do a trip?

2 A. Greyhound, yeah. It's just like basic information.

3 Q. Okay. Did you tell them where the exits were and how to
4 operate the emergency exits?

5 A. In Spanish, no. I don't know that.

6 Q. Okay.

7 A. But at Greyhound, yeah, because it's --

8 Q. What about on this bus?

9 A. It's only the door and the window next to them, that's it.

10 Q. Okay.

11 A. But I can't speak Spanish on that.

12 Q. So, on the figure that you drew with the letter A in it, the
13 second arrow back here, you said you had looked at the primary
14 entrance, and then there's an emergency exit?

15 A. No.

16 Q. No? What was this other arrow signifying?

17 A. Oh, the rear wheel.

18 Q. The rear wheel.

19 A. Yeah.

20 Q. So is there only one exit out of the bus -- one entrance and
21 exit?

22 A. Yes, one entrance and exit.

23 Q. And is there any emergency exit?

24 A. No.

25 Q. What about the windows? Can they come out so people can get

1 out the windows if they had to?

2 A. Yes. Yes.

3 Q. Okay. And did you inform them of that at all?

4 A. In Spanish, no.

5 Q. In English?

6 A. No.

7 Q. Okay. And the same thing with their seatbelts; if they're
8 not wearing their seatbelts, do you ever say anything to them?

9 A. No.

10 Q. Okay. You said earlier that you don't do it because you're
11 safe and you never had a problem. Do you think that because
12 you're safe that people don't have to wear seatbelts?

13 A. It's optional.

14 Q. You think it's optional to wear a seatbelt?

15 A. Because, like, by law, everybody know how to strap up. And
16 my company doesn't, you know, enforce us or instruct us to get
17 that information out.

18 Q. So, as far as your understanding is, it's optional for them
19 to wear the seatbelts on the bus?

20 A. Yes.

21 Q. And the company has no policy or requirements for you to
22 inform them that the bus has seatbelts or to wear them, right?

23 A. Yes.

24 Q. Okay. Were you ever on a cell phone?

25 A. No.

1 Q. Did you make any --

2 A. Oh, wait, wait, wait, during the trip?

3 Q. Yes.

4 A. Because at the stop, Temecula stop, before that, too, I
5 received, like, calls. And at the stop, I texted the office that
6 I picked up the passenger, and then I was coming back and not to
7 use the cell phone. So that's the time that I used the cell
8 phone.

9 Q. Do you have, like, a Bluetooth for your cell phone or
10 anything like that?

11 A. No.

12 Q. So, if you were to make a call, you would have to pick up the
13 cell phone and talk on it?

14 A. Yes.

15 Q. So there was no time --

16 A. Actually, I put it on speakerphone.

17 Q. Speakerphone?

18 A. Yeah.

19 Q. So there's no time while you're in the one lane or when you
20 moved to the four lane, or as you're moving towards the crash,
21 that you're on the phone?

22 A. Right.

23 Q. Okay. Is there any reason any of the passengers would think
24 that you were on your telephone?

25 A. No.

1 Q. Okay.

2 A. My hand is like this.

3 Q. Okay.

4 A. I'm telling you, it's -- I'm concerned, and my priority is
5 safety.

6 Q. And I don't know that bus. Does it have, like, a CB radio or
7 any kind of radio thing in there?

8 A. No.

9 Q. Okay.

10 A. No transmission device.

11 Q. Do you smoke at all?

12 A. No.

13 Q. Okay. Is there smoking allowed on that bus?

14 A. No.

15 Q. What about eating? Did you have any snacks or were you
16 eating at all?

17 A. No. While I was driving (indiscernible). I'm not eating,
18 but I have my cup of coffee.

19 Q. Okay. Where did you get the coffee?

20 A. 7-Eleven.

21 Q. No, not today, I mean the day of the crash. The same thing?

22 A. 7-Eleven.

23 Q. Okay. And when did you pick up the coffee, between stops
24 or --

25 A. No.

1 Q. Before?

2 A. Before, when -- at the yard.

3 Q. Okay. Did you eat breakfast that morning?

4 A. Yes.

5 Q. And where did you eat breakfast?

6 A. I had coffee and bread that morning.

7 Q. Where did you eat that at, at 7-Eleven?

8 A. At the yard.

9 Q. Did you get the bread at 7-Eleven?

10 A. No, I got it at the Chinese market.

11 Q. Okay. And so you're going down on the four lane, you're
12 heading towards where the crash happens. You said you were in the
13 number one lane going 65. You may have slowed to, you said, 60 or
14 55?

15 A. Yes.

16 Q. Okay. And you slowed down because of the rain?

17 A. Yes.

18 Q. And the rain's getting heavier?

19 A. It's heavy and then it stop (indiscernible).

20 Q. Okay. And what do you think causes this, what you called
21 hydroplaning, situation? Was there water in the lane?

22 A. Water, yes. The lane was wet. Again, experience from the
23 volume of water coming down before that I drive. So the water
24 must be up here. It's a lot of water. The water could accumulate
25 in this channel, the water, this channel that they build. The

1 slope here is designed to channel the water from the top down, but
2 here, instead of the slope, it become a plane, straight, straight
3 line. So basically, the water doesn't have anymore slope, like,
4 forcing it to go this way.

5 Q. And let's put a C, a big C in this middle section you're
6 talking about right now. So the four lane is here. Is there any
7 shoulder between the four lane and the slope?

8 A. Shoulder as in, like, this space?

9 Q. Yes. Is there a line on the side of the road that tells you
10 that's the right side of the four lane?

11 A. Yes.

12 Q. And then next to that right line, is there a shoulder?

13 A. This is the shoulder right here.

14 Q. Okay. So are you saying within the actual lane it slopes
15 down?

16 A. Yes. The lane --

17 Q. Where is the white line that shows you the right side of
18 the -- okay. So this slope is outside of the traffic lane?

19 A. Yes.

20 Q. So this slope, is this the shoulder?

21 A. I believe so.

22 Q. Okay. So where we put the C at, that's going to be the
23 shoulder where the slope is. And you're saying that, at different
24 points in the shoulder, it goes from sloping to flat?

25 A. Yes. It went from slope, channel, angle wise, and it turned

1 to flat right here, flat, flat, flat.

2 Q. Okay. And with these arrows, what do these arrows signify in
3 Section C?

4 A. Flow of water.

5 Q. Okay. So the water is flowing down the shoulder?

6 A. Yes.

7 Q. Is it flowing in the roadway?

8 A. Below here. It hit on the plane right there. Because this
9 degree could alter the course of the water.

10 Q. Okay. Is the roadway sloped at the same degree as the
11 shoulder is?

12 A. No. The slope is -- the angle of the slope is different.
13 It's designed to channel the water. You know, the water could be
14 like right here, right? This is, here, my road.

15 Q. Okay, so the card in your left hand is the road?

16 A. Right.

17 Q. And the card in the right hand is the shoulder?

18 A. Yes.

19 Q. And you're showing that it's sloping down towards the right,
20 away from the traffic lane?

21 A. Yes.

22 Q. Okay. And so, is there a -- and what does this represent?

23 A. The ramp right here, the ramp. They got this little angled
24 ramp that, again, keep the water from overflowing to this side, to
25 the right. This ramp right here.

- 1 Q. Okay.
- 2 A. That's the angle here.
- 3 Q. So if --
- 4 A. The angle right here.
- 5 Q. -- if the shoulder is sloping down and the ramp is sloping
6 down towards the shoulder, is that a culvert? Do you know what a
7 culvert is?
- 8 A. It could be. I don't know what a culvert is, but --
- 9 Q. Is that an area where water's supposed to drain?
- 10 A. Yeah, to channel, to channel the water.
- 11 Q. And so, when you're in --
- 12 A. In one direction.
- 13 Q. In one part, there is a portion where it's supposed to drain,
14 but then it flattens out?
- 15 A. Yes.
- 16 Q. And you're saying the water that was traveling down that area
17 moved into the flat area, and then moved into the traffic lane?
- 18 A. Yes. Yes, yes.
- 19 Q. I don't want to put words in your mouth, so I want to make
20 sure that --
- 21 A. I think you got the drawing and the figure correct.
- 22 Q. Okay.
- 23 A. The description of it correct.
- 24 Q. And how much water do you think is coming into the traffic
25 lane?

1 A. Again, I was focused on the road, and the water's kind of
2 clear. And you could see approximately 1 to 4 inch, because,
3 like, heavy rain was pouring here. It could have been pouring up
4 here, too, right? Up here, before it stopped. So I can't
5 estimate the exact height of that water.

6 Q. So 1 to 4 inches; have you ever experienced 1 to 4 inches of
7 water on a roadway?

8 A. More.

9 Q. Okay. And what happens when you experience that kind of
10 water on a roadway before?

11 A. If you have traction, the car kind of like -- or the bus kind
12 of like, you know, hesitantly moves straight as it's hitting the
13 water.

14 Q. Okay.

15 A. Splashing the water, fighting its way, you know, up because
16 it have the traction.

17 Q. There was a car in front of you that you mentioned earlier.
18 Did it have a problem going through that area where the water was?

19 A. At that time, he probably didn't hit that water.

20 Q. Why not?

21 A. I don't know. Because water can flow at random rate, at
22 different time.

23 Q. So you think he went through, there was no water, and then
24 you went through and there was water?

25 A. It hit me with water.

1 Q. Okay.

2 A. It could be.

3 Q. Do you know or you're not sure? I want to make sure we have
4 that right.

5 A. I'm not sure about his car, because I cannot, you know,
6 predict what he hit and whether he hit, because he went straight
7 up, fast.

8 Q. How far ahead of you is that other car?

9 A. Probably at this mid or top level.

10 Q. Like, is he a second ahead of you, a hundred yards, 12 car
11 lengths? What would you say?

12 A. I don't -- I cannot give you an estimate because I only see
13 what I see, which is like a block moving away from this distance.

14 Q. Okay. And as you come through there and this water, I
15 guess -- are you saying that it, like, suddenly just appears in
16 the roadway?

17 A. Yes, sir.

18 Q. Okay. And you couldn't see the water? Because it's daytime.
19 You couldn't see the water because it's clear? Is that what your
20 words were?

21 A. Clear and I was, again, focused on the road.

22 Q. Okay.

23 A. Focused on my, you know, driving.

24 Q. And so, you feel -- did you see it or you feel the water
25 first?

- 1 A. I feel the sliding.
- 2 Q. You feel the sliding?
- 3 A. Yeah.
- 4 Q. Okay. And you're holding the steering wheel when the sliding
5 happens?
- 6 A. Yeah, trying to keep it in line with the lane.
- 7 Q. Okay.
- 8 A. But it wander off.
- 9 Q. It wanders off which direction?
- 10 A. To number three lane, and then to the number two lane.
- 11 Q. Okay. So your vehicle, without any steering input, moves two
12 lanes of traffic over to the left?
- 13 A. Yes.
- 14 Q. Okay. And while this is happening, do you push the brakes at
15 all?
- 16 A. I apply brake.
- 17 Q. And do you try to steer the other direction?
- 18 A. I sure did.
- 19 Q. When you push the brakes, what happens?
- 20 A. I keep sliding.
- 21 Q. Does it slide more, less?
- 22 A. I believe it come into that -- it just glide.
- 23 Q. It glides?
- 24 A. Yeah.
- 25 Q. Okay.

1 A. Just glide.

2 Q. And when you push the brakes, how would you describe that?
3 Did you push them hard? Did you push them a little bit?

4 A. I applied medium brake because, like, I want to get back in
5 control with that lane.

6 Q. Okay. Do you know whether this bus has any, like, stability
7 control or anything like that?

8 A. No.

9 Q. Have you ever seen that on a car sometimes, that the car will
10 kind of --

11 A. Traction.

12 Q. Traction control?

13 A. No.

14 Q. Is there any lights on the dash that light up when you lose
15 traction or anything like that?

16 A. No. It's not trained to be -- I don't know if it's built in.

17 Q. You don't know?

18 A. I don't think -- I don't know.

19 Q. Okay. So as the bus is sliding to the left, you hit the
20 brakes, and what about steering? You said you tried to steer the
21 other way?

22 A. Yes, tried to get back --

23 Q. How much steering did you put in?

24 A. Like, what steering -- what quantity? What is the quantity
25 that you're referring to?

1 Q. You're kind of like a pretty scientific guy. If you're
2 holding it straight, how many degrees to the right, do you think?

3 A. Perhaps like 15 degrees.

4 Q. Fifteen degrees to the right?

5 A. Fifteen degrees to the right, yeah.

6 Q. Okay. And so, it's sliding from the four to the three to the
7 two, and then what happens?

8 A. I apply brake and I try to make -- I try to get it back into
9 the lane -- to the shoulder, try to get it to the shoulder.

10 Q. And how far -- how long after you first feel it sliding did
11 it take you to decide to push the brakes, you think?

12 A. Immediately.

13 Q. Okay. And then when did the vehicle actually start going
14 back to the right?

15 A. I really can't tell because I was really shocked.

16 Q. Okay.

17 A. My first impression is there's some mechanical problem.

18 Q. Why is that?

19 A. Suddenly go to the -- if vehicle make -- going to the left
20 and you're holding the steering wheel straight. Double check my
21 holding, say, what happened?

22 Q. Okay. When you pushed the brakes and you're sliding over
23 this way, did you look at the speedometer at all? Did you see
24 whether the car was -- or the bus was slowing down?

25 A. At the time, I was steering and focused on the brake and my

1 steering, so I did not see my speedometer. I did not see the
2 speed.

3 Q. And what happened when it stopped going to the left and
4 started going right again?

5 A. Again, it swerved to the right.

6 Q. Okay.

7 A. Sliding.

8 Q. Did you swerve to the right or the vehicle started swerving
9 to the right?

10 A. The vehicle, yeah.

11 Q. What, in your mind, made it go from the left to the right all
12 of a sudden?

13 A. The steering. The steering helps.

14 Q. The steering helped it?

15 A. Yeah, altered the course of the vehicle.

16 Q. Okay. And so, when it started moving back to the right, what
17 did you do?

18 A. Applied the brakes.

19 Q. You applied the brakes?

20 A. Yes.

21 Q. Why?

22 A. Because I want to control. I want to park it to the
23 shoulder, and I was applying more brake to it.

24 Q. Okay. And when you're doing this braking, is the vehicle
25 slowing down?

- 1 A. Slightly.
- 2 Q. Slightly?
- 3 A. Slightly.
- 4 Q. Do you know whether that bus has any antilock brakes where
5 they won't lock up?
- 6 A. That bus is equipped with ABS.
- 7 Q. Okay. Did you feel -- have you ever felt the ABS before?
- 8 A. No.
- 9 Q. Okay. Have you ever felt the tires lock up before on a bus?
- 10 A. No.
- 11 Q. Okay. Did the tires lock up that day?
- 12 A. I don't know.
- 13 Q. You don't know? Did you feel any shutter in the steering
14 wheel or anything like that, like the steering wheel vibrating
15 hard?
- 16 A. I'm too shocked to feel anything.
- 17 Q. Okay. Did you feel any pulses in the brake pedal at all?
- 18 A. No, I'm too shocked (indiscernible).
- 19 Q. Okay. So you start hitting the brakes; it's moving to the
20 right.
- 21 A. It's moving to the right.
- 22 Q. Okay. And now it's coming towards the shoulder. What's
23 going through your mind right then?
- 24 A. I need to park by the shoulder safely.
- 25 Q. You're trying to park?

1 A. Yes.

2 Q. So are you hitting the brakes enough to actually try and slow
3 it to a stop, or you're trying just to slow it down?

4 A. I'm trying to slow it down and park.

5 Q. Okay. So, when you enter the shoulder, about how fast do you
6 think you're going?

7 A. At that time, I believe it's probably 45 to 50. I don't
8 know.

9 Q. Okay.

10 A. It's still --

11 Q. And about how long after you first experienced the loss of
12 control do you think it was till you got to the shoulder?

13 A. How long?

14 Q. Yeah.

15 A. A few second.

16 Q. A few seconds?

17 A. Yeah, just (makes quick sound).

18 Q. And does the bus go onto the shoulder?

19 A. It jump over the ramp, this little ramp that you're going to
20 have right there. It went up, jump over it.

21 Q. So, before it gets to the ramp, we're in this little section
22 C here. This is the shoulder, correct?

23 A. You quite sure?

24 Q. Well, I'm asking you. I don't know.

25 A. I call it the water channel.

1 Q. Okay. So it got in this water channel and you enter that.
2 Is the bus traveling straight?

3 A. No, it makes, like, a turn. It make, like, a turn.

4 Q. Like, it's sideways almost?

5 A. Yeah, like this.

6 Q. Okay. So, when it's turning towards it, and you're using a
7 card to move it towards the right, are you trying to steer the
8 other direction?

9 A. No, I'm trying to get it straight here.

10 Q. Okay. Well, how are you getting it straight there? Are you
11 turning left?

12 A. Again, it's like a fraction of a second. This thing just
13 moved fast, slide fast.

14 Q. So I wasn't there, you were there.

15 A. I know.

16 Q. Are you holding the steering wheel straight or are you trying
17 to turn it left to go the other -- to get away from the shoulder?

18 A. I did try to steer it the other way.

19 Q. You did try to turn left?

20 A. Or kind of, like, too shocked to do anything else.

21 Q. I don't want to give you a suggestion of what you were doing.
22 If you don't remember, then that's a good answer, too.

23 A. Yeah, I just don't remember. That's all I can tell you, I
24 don't know.

25 Q. Okay. And so it enters the shoulder and then it comes up to

1 this ramp part, and then what happens?

2 A. It jumps.

3 Q. Okay.

4 A. It jumps or it's doing something.

5 Q. When it hits the ramp, did you feel like you had any control
6 of the vehicle?

7 A. No.

8 Q. Okay. And what were the passengers doing during this time;
9 do you know?

10 A. I don't know. They're freaking out just like I did.

11 Q. Okay. And then what happens after it hits the ramp?

12 A. It's airborne. I believe it's airborne. Because look, look,
13 look, if you have a ramp and it's going a fast rate, what would
14 happen? You freaking are airborne.

15 Q. What made you feel like it was airborne?

16 A. Just the law, law of gravity -- I mean, the rate of speed and
17 velocity. And then you get the slope, it will go over that.

18 Q. Did you hear the engine revving?

19 A. I'm too shocked to know anything.

20 Q. Okay. Did you feel it hit the ground hard?

21 A. Yes.

22 Q. Okay. And about how long after you went over the ramp did
23 you feel until you hit the ground; do you know?

24 A. Too shocked.

25 Q. Okay. Do you know what part of the vehicle hit the ground

1 first?

2 A. I think the right tire or something like that.

3 Q. The right tire? Like the front right tire?

4 A. The front right tire.

5 Q. Okay. And then what happened?

6 A. I feel the vehicle losing balance, and then it flipped. The
7 vehicle losing balance, and it flipped (indiscernible) for some
8 reason.

9 Q. It flipped over?

10 A. Yeah, it flipped over, overturned.

11 Q. When it flipped over, did you lose consciousness at all when
12 you hit -- is that when you hit your head?

13 A. Multiple time.

14 Q. Okay. Did you ever lose consciousness? Do you know what
15 that means?

16 A. Yeah.

17 Q. Okay.

18 A. A little bit. Yes, for some time.

19 Q. Okay. Did you ever see or feel any of the other passengers
20 moving about the cabin of the vehicle while it's overturning?

21 A. No.

22 Q. What's the first thing you remember once it stops?

23 A. That I can't move.

24 Q. Why can't you move?

25 A. I'm pinned up. My head is pinned up. I was upside down. I

1 was hanging upside down. My seatbelt was strangling my throat.

2 Q. Okay.

3 A. I can't breathe.

4 Q. And what did you do then?

5 A. Tried to breathe.

6 Q. Okay. Were you able to get out of the seat?

7 A. No, I was pinned in. I was pinned in like a sardine.

8 Q. Okay. And how did you end up getting out of the vehicle?

9 A. I've got to tell you something that only three people
10 believe.

11 Q. Sure.

12 A. I called for Jesus. My breath -- I cannot breathe here,
13 right? I had my mind say, you -- water's gushing down my throat
14 to my lung, filling up my throat. I can't breathe. My seatbelt's
15 strangling my breath. My brain said, you only have a few more
16 breath, and you're going to die. You're going to die. And I feel
17 my last breath, and I said, hell, this is a bad way to go out.
18 Excuse my language, I just, I just think that.

19 Q. Say what you have to say. Go ahead, please.

20 A. And then I blacked out, and I see the white light. I see a
21 white curtain. I don't know for how long. And then my eyes are
22 open up, and it's kind of like my body reboot or something. I
23 don't know. And then a word come into my mind: Get your seatbelt
24 off, get your seatbelt off, move your hand, move your hand. I
25 can't move my hand. I can't move my hand. Move your right hand.

1 Okay, I tried to get the belt open, but I can't see the belt.
2 My face is pinned in toward the ground. I can't see the belt. I
3 can't see the belt. Feel the belt, feel the belt. So I feel the
4 belt. Okay. Because the bus drop down this way. Release the
5 latch. Pressed the latch. So I dropped a little bit where I was
6 able to get some more air. And then this is where the faith came
7 in.

8 Q. Sure.

9 A. I was like, Jesus, help me; Jesus, help me. I don't know if
10 anybody (indiscernible). Jesus, help us. Okay, suddenly I hear a
11 large quantity of Good Samaritan came down and started to rescue
12 us. But here's the different -- here's the part that I don't
13 understand: This guy, he came with a jigsaw, he start cutting up
14 the (indiscernible), just cutting the panel, and then he just
15 picked me out like I was like a ragdoll. He was so strong. This
16 man is so strong.

17 Q. Was it like a firefighter?

18 A. No.

19 Q. Okay.

20 A. Because, like, traffic has built up. And first responder,
21 it's going to take them a while to get through this traffic.

22 Q. Okay.

23 A. My mind say, you only have less than 5 minute to live,
24 because again, the water is still filling my lung.

25 Q. Okay.

- 1 A. This guy, he just cutting that thing up like pancake, and
2 pulled me out. Another guy picked me up and get me over the
3 embankment, or whatever you call it.
- 4 Q. What part of the bus did he take you out from? Do you know?
- 5 A. Behind the seat -- behind the driver seat.
- 6 Q. From one of the windows?
- 7 A. Yeah.
- 8 Q. Okay. And what about the rest of the passengers?
- 9 A. That's where the faith part come in. The Good Samaritan are
10 all over the bus, all over. When he get me out, here's the words,
11 say we got this, we got this. I don't know what we got this mean.
12 That mean, you know, it's under control, it's under control. So
13 that's what I remember.
- 14 Q. Okay. And do you know about how long it was from the time of
15 the crash to the time the first responders got there?
- 16 A. Quite a time. Because I was up on the ground already, and I
17 don't see any firemen. I don't see any men in uniform.
- 18 Q. What would you estimate?
- 19 A. I'm too shocked to estimate.
- 20 Q. Okay. Did they eventually come talk to you?
- 21 A. Yeah, yeah, yeah. Who's the driver, who's the driver? I
22 volunteer, I'm the driver.
- 23 Q. Who was that, CHP?
- 24 A. CHP, fireman.
- 25 Q. Okay.

1 A. Ambulance.

2 Q. Did you ever have an opportunity to check on any of the
3 passengers or --

4 A. I sure did.

5 Q. -- see if they were injured?

6 A. I sure did.

7 Q. What did you do?

8 A. Walk around, I inspect, like, their health, the condition.

9 Some already covered with blanket because, like, again, this Good
10 Samaritan, they really covered the scene. And there's no need for
11 me to check because all the necessary CPR, I know, or life saving
12 opportunity would have been done already -- applied already.

13 Q. Did you provide any first aid to any of the passengers?

14 A. No.

15 Q. Okay. Did the passengers ask you any questions or talk with
16 you?

17 A. No.

18 Q. Who was the first person to ask you about the crash?

19 A. My office.

20 Q. Okay. Did you give them a statement in writing or did you
21 just talk to them about it?

22 A. I just talk about it. I just said -- the first thing that I
23 ask them, the moment I rescued, I saw a tire -- a spare tire on
24 the ground. So I tell them that the spare tire fell off. I mean,
25 the tire fell off -- came off. That's the first thing I saw on

1 the ground.

2 Q. Okay.

3 A. In front of me. Because how the hell did that happen?
4 That's what my impression is, either the front or the back, and
5 what the fuck did that? Excuse my language again.

6 Q. That's okay. Do you think there's anything you could have
7 done to avoid the collision?

8 A. The collision with what?

9 Q. The collision that occurred, the crash.

10 A. No, because this ramp is invisible. It's like -- normally,
11 when you drive, this ramp is supposed to be a flat plane. Nobody
12 expects this kind of design up there. I travel all over the
13 freeway, different state, Nevada, California, I don't see this
14 type of design. Why would somebody create this ramp like that? I
15 can't -- because the first thing in my mind is, everything is flat
16 and plane, thus it's a safe place for me to apply brake safely.
17 But it's not.

18 Q. So is it your opinion that the roadway caused the crash?

19 A. The design of this roadway caused the crash.

20 Q. Do you feel like anything that you did contributed to the
21 cause of the crash?

22 A. No. No.

23 Q. Do you feel you could have done anything differently to stop
24 the crash from happening?

25 A. No. Information is not available of the design of this

1 terrain -- of this road. How do you figure out somebody would
2 design something like this? I don't know.

3 SGT BUONO: Okay. I'm going to review my notes, and I'm
4 going to let him ask you some questions, okay?

5 MR. LY: All right.

6 MR. COLLINS: Thanks, Mr. Ly.

7 MR. LY: Can I take a break?

8 MR. COLLINS: Oh, of course.

9 SGT BUONO: Yes.

10 We're taking a break at 954 hours.

11 (Off the record at 9:54 a.m.)

12 (On the record at 9:58 a.m.)

13 SGT BUONO: All right. It's Friday, February 28th, at 0958
14 hours. This is the continuing recording of the interview of
15 Mr. Ben Ly.

16 BY MR. COLLINS:

17 Q. Mr. Ly, when you were describing what happened to the bus,
18 how it turned, so once it tips or trips, what happens to the bus
19 then? Can you describe how it moves, how many times it might roll
20 over?

21 A. I cannot count, but it rolled over a good number of time --
22 two to three time, boom, boom, boom. It's sliding down the
23 cliff -- down to the shoulder by the cliff here.

24 Q. Okay. And I'd like to expand a little bit on your week, what
25 you did in the days prior to the crash. We talked about Friday.

1 That's when you were at the library and worked on your app. Do
2 you remember what time you woke up on Thursday, which was the
3 20th? That would be your first day off, because you said you had
4 two.

5 A. Yeah, 6 or 7 o'clock in the morning.

6 Q. Okay. And what did you do after you got up?

7 A. Are you talking about on Thursday?

8 Q. On Thursday.

9 A. Got something to eat, I guess, or -- yeah.

10 Q. Do you remember what sort of things you did that day?

11 A. Just relaxing, cleaning up, doing my laundry and other stuff
12 on Thursday.

13 Q. Do you remember what time you went to sleep Thursday night?

14 A. I went to sleep early. It's like 8-ish or 9:00, 9:00 a.m. --
15 p.m., sorry.

16 Q. And were you still in your vehicle, in that same parking lot?

17 A. Yes.

18 Q. Okay. And then I want to go backwards one more day, so to
19 Wednesday the 19th. Do you remember what time you got up on
20 Wednesday the 19th?

21 A. Approximately, like, 4 o'clock in the morning, I think.

22 Q. Okay. And what did you do that day, that Tuesday -- or
23 Wednesday? Excuse me.

24 A. I have to work early, I think.

25 Q. Do you remember what time you got to the yard?

1 A. Early, because -- no, I -- let me think. I forget my
2 schedule, so I cannot bring back the -- if I had my phone here, I
3 would be able to see my schedule, which is like -- is it -- am I
4 supposed to go on, like, 6 o'clock or 8:00 on that day?
5 Perhaps -- it's probably 6 a.m. in the morning. I mean, yeah, my
6 shift start at 6:00. Again, I -- my memory is kind of, like,
7 disabled right now.

8 Q. There aren't any wrong or right answers, and if you can't
9 remember, saying you can't remember is perfectly fine. So you did
10 work on Wednesday. You got up at 4:00. You think you may have
11 been at the yard by 6:00, depending on your schedule.

12 A. Early. Early.

13 Q. Early. Okay.

14 A. 4:30 or 5:00. Because if it's 6:00, I have to get there
15 early to inspect my vehicle. I'm really diligent about inspecting
16 my vehicle.

17 Q. So 4:30 or 5:00 at the yard, and your shift would have
18 started -- you would have started at 6:00?

19 A. Um-hmm.

20 Q. Okay. On that Wednesday, the 19th, do you remember where it
21 was you were driving to?

22 A. The same -- let's see, 6:00 a.m. Yes, the same route.

23 Q. And so you drove this same route as on the day of the crash,
24 down to San Ysidro and then back?

25 A. At 6 o'clock, no. That route -- let me take it back. We go

1 to Corona if it's 6 o'clock in the morning. Instead of Riverside,
2 we go to Corona. So it's a different route.

3 Q. But you still go down to San Ysidro --

4 A. Yes.

5 Q. -- and then --

6 A. Yes.

7 Q. -- you drive back that same day?

8 A. Yes.

9 Q. Do you remember what time you got back to the yard that
10 evening?

11 A. If I go at 6:00, I get back around possibly 3:00 or 4:00 p.m.
12 in the afternoon.

13 Q. Okay. And do you remember what you did after you got to the
14 yard?

15 A. Well, we have to fill up our vehicle first and then park the
16 vehicle. Does that answer your question?

17 Q. Yes. And then -- so you finished your shift, you returned
18 the vehicle to the yard. Do you remember what you did next?

19 A. Oh, hang out with the mechanic, see what he's doing.

20 Q. And do you remember what time you went to bed Wednesday the
21 19th?

22 A. 8:00 or 9:00 p.m.

23 Q. And you've already been kind enough to answer some questions
24 about your health. Do you have a primary or a general care
25 doctor? If you get a cold, a cough or something that's bothering

1 you, do you have one doctor you go see usually?

2 A. You know, I'm a very healthy man. I take medication over the
3 counter.

4 Q. Okay.

5 A. So I do not need a doctor.

6 Q. Okay. If you did happen to go to the doctor and they
7 prescribed you a prescription strength health medicine or an
8 antibiotic, is there a particular pharmacy you would use?

9 A. Well, there's CVS. That's about it.

10 Q. Okay. Do you have any allergies to tree or grass pollen,
11 animals, foods, anything like that?

12 A. No.

13 Q. Okay. And you mentioned some over-the-counter medications.
14 Is there anything you take on a regular basis?

15 A. No.

16 Q. Well, did you take any over-the-counter medications on the
17 day of the crash?

18 A. None. No.

19 Q. Do you take any herbal supplements or traditional medicines?

20 A. No.

21 Q. And on the day of the crash, that morning, how would you
22 describe how you felt?

23 A. Happy.

24 Q. Happy? Were you having any health issues or any problems
25 that day?

1 A. No. Healthy.

2 Q. Do you drink alcohol?

3 A. No. Well, yes, I do drink a little bit of beer.

4 Q. About how often?

5 A. If I feel like it.

6 Q. Do you remember the last time you drank some before this
7 crash?

8 A. Thursday night.

9 Q. Thursday night? Here's a question that makes everyone laugh:
10 Do you take any drugs?

11 A. No.

12 Q. Any illegal drugs or illicit ones?

13 A. No.

14 Q. Okay. We talked about your glasses and your hearing. Do you
15 see a specific eye doctor for your reading glasses? Are they
16 prescribed to you by a doctor?

17 A. No.

18 Q. Where do you get them?

19 A. I get them at CVS.

20 Q. Do you use a hearing aid or any other devices to assist your
21 hearing?

22 A. No.

23 Q. I'd like to talk about your rest a little bit. Generally you
24 said that when you sleep, you generally sleep well, if I remember
25 from earlier?

1 A. Yes.

2 Q. Okay. Do you regularly take naps during the day?

3 A. No.

4 Q. On a typical day, do you generally wake up during the night
5 or sleep straight through?

6 A. I have a good rest.

7 Q. Have a good rest?

8 A. Yep.

9 Q. Do you take any medications or anything else to help you fall
10 asleep?

11 A. No.

12 Q. When you wake up, do you take anything to help you get
13 started?

14 A. No.

15 Q. Okay. Do you generally use an alarm clock or --

16 A. No.

17 Q. -- are you able to wake up on your own?

18 A. Just instantly like a timeclock. I'm a well-trained guy.

19 Q. On the days you're off, do you change your wake and rest on
20 the days you're off?

21 A. No, the same pattern.

22 Q. You're pretty consistent across, say, a whole week?

23 A. Yes.

24 Q. Okay. Do you have a personal cell phone? You said you did?

25 A. (No audible response.)

1 Q. Was it with you in the bus?

2 A. Yes.

3 Q. It was? Were you using it at or near the time of the crash?

4 A. Near the crash, which is, again, Temecula stop. I did use
5 that cell phone to contact my office.

6 Q. What kind of phone is it?

7 A. Android REV 2.

8 Q. And do you have any kind of handsfree device or headphone
9 with it?

10 A. No.

11 Q. If you needed to use it while you were driving, you got a
12 call that you thought you needed to answer, or you needed to make
13 one, how would you do that? What would you normally do?

14 A. Well, the procedure trained by Greyhound, and I strictly
15 follow it, pull over and use it.

16 Q. If you could think back to right before the crash, as you're
17 driving down the roadway, do you remember anything interesting or
18 unusual outside of the bus in the environment?

19 A. Only it's raining, that's all.

20 Q. It's raining. Okay. Turning the question around a little
21 bit, do you remember anything interesting or unusual going on
22 inside the bus?

23 A. No.

24 Q. Does your employer, to the best of your knowledge, have a
25 seatbelt policy? Does your employer require you to wear your

1 seatbelt?

2 A. There's no policy on that.

3 Q. Do you know if he has one on cell phone use?

4 A. No.

5 Q. Does your company have any policies related to driving in
6 inclement weather -- driving in bad weather?

7 A. No.

8 Q. You had talked earlier about you inspected this vehicle,
9 there was another one available, but you had declared that one
10 unsafe previously and didn't know its status. Had you known that
11 vehicle had been fixed, or had there been a third vehicle
12 available that you thought was safe, would you have --

13 A. Yes.

14 Q. -- switched to it or would you have continued with this one?

15 A. I would switch to it.

16 Q. Did this vehicle -- would you have considered this vehicle
17 unsafe?

18 A. Yes.

19 MR. COLLINS: I think that's everything I have at the moment.

20 Mike, do you have anything?

21 BY MR. LAPONTE:

22 Q. Just one question. Do you always start at the same time?

23 A. No.

24 Q. So your company runs six runs a day. What is the predominant
25 run that you usually operate for them?

1 A. Well, usually --

2 Q. The start time.

3 A. Depending on the week, it's usually -- I mean, way back in
4 the month, it's 10:00. The predominant time is 10:00 a.m.

5 Q. Okay.

6 A. And then they changed it to 6:00, and then 8:00, and then
7 8:00, and then 6:00.

8 Q. But it's always before noon?

9 A. Yes.

10 Q. So you always work one of the first three runs in the
11 morning?

12 A. Yes, sir.

13 MR. LAPONTE: Okay, that's all I have.

14 BY SGT BUONO:

15 Q. Sir, Sergeant Chris Buono. I'm going to ask a couple of more
16 questions in follow up. Do you have health insurance?

17 A. Yes.

18 Q. Where do you have your health insurance from?

19 A. MediCal.

20 Q. MediCal?

21 A. Yes.

22 Q. Do you happen to have your MediCal card on you, or ID that
23 has an identifier on it, by chance?

24 A. No.

25 Q. Okay. And how would you go about using your MediCal service

- 1 if necessary?
- 2 A. One of the clinic down in downtown.
- 3 Q. You have to go downtown?
- 4 A. Yes.
- 5 Q. Do you know where that's at?
- 6 A. I believe it's on Grand. I usually do use the Grand.
- 7 Q. Okay. Do you see a certain doctor there or just whoever's
- 8 available?
- 9 A. There's a certain doctor.
- 10 Q. What's his name, or her name?
- 11 A. This is like way back now. I don't recall.
- 12 Q. I know you get some mail at your sister's house, right?
- 13 A. Yes. Yes.
- 14 Q. When you get mail about the MediCal, does it come there, that
- 15 you know that you're signed up for this and it's valid and all
- 16 that kind of stuff?
- 17 A. I haven't received anything from MediCal.
- 18 Q. Okay. So when you go in and ask for a medical service, do
- 19 they ask for, like, your Social Security Number?
- 20 A. Yes.
- 21 Q. Is that how they validate you?
- 22 A. Yes.
- 23 Q. Okay. But you haven't used it recently?
- 24 A. Right.
- 25 Q. When was the last time you used it?

- 1 A. Two years ago, I believe.
- 2 Q. For what?
- 3 A. Just a health checkup.
- 4 Q. Like a physical?
- 5 A. Physical check.
- 6 Q. Okay. Was there anything wrong during that physical?
- 7 A. Well, the doctor say Vitamin D deficiency. That's all.
- 8 Q. Are you taking anything, any supplements for Vitamin D?
- 9 A. No.
- 10 Q. Okay. Your cell phone you described as an Android, and what
11 was the model again, sir?
- 12 A. REV 2, R-E-V 2.
- 13 Q. Now, a lot of cell phones look alike. Do you have anything
14 on your phone that would distinguish it from other phones?
- 15 A. Yes. There's a picture of me and my daughter and my son.
16 When you turn it on, sort of like the on, it's my email address in
17 case somebody found it but can't unlock it.
- 18 Q. Is that on, like, the video screen?
- 19 A. Yeah, it's on, like, a splash page.
- 20 Q. Okay. Is there any physical things on it, like --
- 21 A. Yes.
- 22 Q. -- a particular type of cover or sticker?
- 23 A. Yes. There's a safety thingy, a safety -- what do you call
24 those thing?
- 25 Q. Like a case?

1 A. A case.

2 Q. Okay.

3 A. And there's two Velcro bar on the bottom.

4 Q. Two Velcro straps?

5 A. Yeah.

6 Q. On the back, and they run vertically along the phone?

7 A. Yes. Yes.

8 Q. Okay. What color is it?

9 A. Black.

10 Q. Black? And the straps are also black?

11 A. Yes.

12 Q. What is the Velcro for?

13 A. I'm, like, an application developer for the apps, so it's for
14 my laptop, so the thing -- I can stick it on my window,
15 windshield, the screensaver phone.

16 Q. In the bus, do you have something to stick it on?

17 A. No.

18 Q. Where do you put the phone at when you're in the bus?

19 A. The radio compartment, there's a slot there, and I just put
20 it on there and leave it alone.

21 Q. Okay. Is there any reason any of the passengers on the bus
22 would say that you were wearing earphone at the time of the crash?

23 A. I don't have earphones.

24 Q. Okay. We talked about policy a lot for your company, does
25 the company have this policy or that policy. Have they ever given

1 you any type of written policy?

2 A. No.

3 Q. So you've never seen any written policy on anything, driving
4 a bus, anything like that before?

5 A. No.

6 Q. Did they give you any kind of paperwork when you --

7 A. And if they do, it's always in Spanish.

8 Q. Okay. But they --

9 A. I don't know. They didn't give me anything.

10 Q. When you first started, at orientation did you ever get any
11 paperwork?

12 A. Yeah.

13 Q. Okay. Did any of that explain any of the policies or
14 procedures of the company?

15 A. Drug use and alcohol use are prohibited. You know, just the
16 basic company policy like that.

17 Q. And how was that given to you? On papers?

18 A. Yes.

19 Q. And did you say it was in Spanish or English?

20 A. English.

21 Q. Okay. So you had some paperwork from them in English that
22 said that drug and alcohol use was prohibited?

23 A. Yes.

24 Q. Was there anything like that regarding operation of the
25 vehicle?

1 A. No.

2 Q. Okay. Does the iPad have any kind of policy on it that you
3 use?

4 A. No.

5 Q. Okay. Has anyone ever verbally told you any sort of policy
6 regarding how to operate the vehicle other than the in-vehicle
7 driving that you did with the one guy?

8 A. No.

9 Q. Okay. When you did your in-vehicle drive training with the
10 person for the company, did he ever go over policy with you?

11 A. No.

12 Q. Is there any signs in the bus, placards or anything, that
13 says that passengers have to wear seatbelts?

14 A. I don't recall.

15 Q. Okay. Have you ever seen that in any bus like that?

16 A. No.

17 Q. Okay.

18 A. Just Greyhound.

19 Q. Greyhound had a sign?

20 A. Yeah, I believe.

21 Q. Okay, but you're not sure whether these buses had these
22 signs?

23 A. No.

24 Q. Lastly, because your phone is still down in San Diego, what's
25 the best way to contact you right now?

1 A. Email.

2 Q. Okay. And what's your email address?

3 A. [REDACTED]

4 Q. Okay.

5 A. [REDACTED]

6 Q. [REDACTED]

7 A. Yeah.

8 Q. Okay.

9 A. [REDACTED]

10 Q. And so, if we correspond with you by email, you kind of get
11 that on your laptop, and then we can get ahold of you?

12 A. Sure.

13 Q. Okay. Is there any other way that you want us to be able to
14 get ahold of you?

15 A. Let's see -- no.

16 Q. Okay. If either these gentlemen or my counterparts ever
17 wanted to talk with you again, should we just email you?

18 A. That's the best way.

19 SGT BUONO: Okay.

20 All right, sir.

21 MR. COLLINS: I think we've covered everything I need to.

22 MR. LAPONTE: Yeah, I'm good. Yeah, I just had a couple of
23 questions, like I said, about what his normal work runs were.

24 MR. COLLINS: So you're okay?

25 MR. LAPONTE: Yeah, I'm good.

1 BY SGT BUONO:

2 Q. Is there anything at all that we have not covered today that
3 you would like to add to the interview or you feel is relevant
4 that we haven't talked about?

5 A. Oh, yeah. I have few suggestion.

6 Q. All right, let's do it.

7 A. Yeah, this is going to help you guys out real -- help us out
8 a lot. You see, most of the road, the pattern inside of the line,
9 right? Channeling the water down, right? So you only have two
10 way the water can exit out of a tire, right? Either up or back.
11 See, this is my tire. This is flat. There's a groove right here,
12 right? There's a groove right here, right? Flat, flat. Flat,
13 flat. So this flat part, there's only way or the other way.

14 But if you guys design something with an X, right? You see
15 how many channel the water can escape from that tire? Everybody
16 tire is different, right? And it's worn out easily. And
17 especially people, they do not check their tire. And this is a
18 very, very bad thing that I witness on Thanksgiving on that same
19 freeway. There's a lot of accident. You can check it out.

20 Q. Sure.

21 A. And an overturned vehicle, too. Because why? They're
22 hydroplaning. Because the road, either there's no line or there's
23 only one line channeling the water. But if you design the road
24 where it could have either 1, 2, 3, 4, 5, 6 -- 6 ways water can
25 diffuse, you know, from the tire. Okay, if this flat part on

1 here, the water could channel here, the water could splash here,
2 here, here, out of the way.

3 And especially down the mountain and up the mountain, this
4 got to be implemented. This must be implemented. That's really
5 easy. Why? Because it improve braking, right? You could improve
6 braking. I've got no grips. Dude, man, I've got no grips, no
7 grips of the pavement. Because why? If this is worn out, I'm
8 hydroplaning. If this is -- on this design, water in this flat
9 area, it's not an issue. This improve the grips, improve braking.

10 Q. Okay.

11 A. Because the water are channeling out six ways. I'm not
12 hydroplaning because there's no water for me to hydroplane.

13 Q. Anything else, sir?

14 A. Oh, I'm sorry.

15 Q. That's okay.

16 A. Okay, there's another one. Look, look, look, look. Rainbow
17 speed limit, 70 miles per hour. When it's dry, right? But when
18 it's wet, you've got to put, when it's wet on there, give me 50
19 miles per hour, please. This is -- I don't know. It's just my
20 suggestion.

21 The cliff, right? You've got to have rails on it, right?
22 Because why? Because geology, right? Your land shift, right?
23 And that area is worn out by the rain. The rain cut the terrain
24 bad. You could have pockets of -- what do you call it, hills of
25 same slope. So you need cliffs rails.

1 You've got to remove the ramp. This ramp, it's invisible,
2 and I've never seen that before in my life.

3 Okay, here's another one for the safety thingy: Electric
4 handheld jigsaw. You've got to have -- you've got to suggest
5 this, okay? Every commercial vehicle got to have one. Why? In
6 case of accident, you could cut through all debris, all material.
7 Why? How? The blade, the blade got to be made out of titanium.
8 Titanium material cut through any aluminum, metals, fiberglass,
9 plastic. If you don't have this jigsaw, man, it's impossible to
10 get me out of that coffin alive.

11 Because why? Rescuer, first responder, it take time for you
12 to get to me. I'm going to be out of air. And if this is on
13 board, somebody could use it, cut through, it would be just like
14 that. So I recommend that this, too, to be added to all
15 commercial vehicle as -- what do you call that? Emergency tool.

16 Q. Okay.

17 A. So that's my two cents. What else? Oh, balancing. That
18 vehicle was not balancing. Because why? Yesterday, I saw that
19 vehicle from the same company -- from the company, tilting like
20 this, tilting from the back. If you drive, you were not able to
21 feel it, you were not able to see it, but if you're back here,
22 you'll see that it will tilt and swing like that. It's like a
23 pendulum -- unstable pendulum.

24 And if any weight shift, what happen? Overturn. So that's a
25 bad design. I don't know who in the hell designed an ugly looking

1 bus. Excuse my language again.

2 Q. That's all right.

3 A. But again, you know, like, I'm a driver for Greyhound -- I'm
4 a Greyhound driver, because I trained by Greyhound. I take all
5 that knowledge, safety tips, discipline with me to this company.
6 So I cannot prevent this, so I'm sorry.

7 Q. Is there anything else, sir?

8 A. No.

9 Q. Okay. I have a follow-up question on the speed. Just in
10 your mind, I want to get your thoughts on it. They have a maximum
11 speed limit on the roadway, and you've said it's 70 miles an hour.

12 A. 70 miles per hour.

13 Q. Is there anything prohibiting you from going slower than 70
14 miles an hour?

15 A. No.

16 Q. Is there anything prohibiting you --

17 A. Well, I was going with traffic. So the vehicle in front, of
18 course, (indiscernible) run him over, right?

19 Q. Are you required to drive in the number one lane?

20 A. No.

21 Q. Does your company have any policy that says you have to drive
22 in the number one lane?

23 A. No.

24 Q. If vehicles are traveling faster than you would like them to
25 travel, is there anything prohibiting you from moving to the right

1 and traveling in the right lanes?

2 A. The right lane is four lane, right?

3 Q. Yes.

4 A. No.

5 Q. Okay. Could you have traveled at a slower speed the day of
6 the collision?

7 A. Yes.

8 Q. Was there anything the company or you had that prohibited you
9 from slowing down and traveling at a safer speed?

10 A. No.

11 SGT BUONO: Okay.

12 Any other follow-ups?

13 BY MR. COLLINS:

14 Q. I had one more that occurred to me. Why was it that you left
15 Greyhound to come to drive for --

16 A. Safety issue. Because after the accident of the turn -- my
17 sharp right turn, it is a Murphy Law, I cannot see it. It's in
18 the fog. That light pole -- that light box is parallel with the
19 mirror, and the color is the same, the box is the same. It
20 obscure my side vision. So I wasn't anticipating hitting that
21 box, but I'm aware that anything could go wrong.

22 So, from that day on, I made sure that everybody wore a
23 seatbelt and the vehicle -- because Greyhound, they got lots of
24 vehicle without seatbelt. So I start to implement that policy,
25 and they start to give me, like, vehicle without seatbelts. So I

1 rejected those vehicle. And, again, when you reject the vehicles,
2 guess what happen? You get retaliation. Retaliation from who?
3 The guy that dispatch. They have the union. I'm a newbie. What
4 am I to say? Just do as you're told.

5 So I'm like, fuck that; I don't want to take this -- the bus.
6 So the heat goes on and on. I said, no. The next thing they gave
7 me was a lopsided bus. Of course, a lopsided bus mean, dude, man,
8 there's no air in the suspension, right? And I could collapse if
9 I go through a dip. I reject that. And then again, retaliation.
10 So I said, you know, you're getting a lack of concern for the
11 customer safety. I had it. So I give, you know, like *adios*.

12 BY SGT BUONO:

13 Q. And were you -- did you quit Greyhound or were you terminated
14 from Greyhound?

15 A. Quit from Greyhound.

16 Q. Okay. Now, you said that because of everything you
17 experienced at Greyhound, that you were concerned about seatbelts
18 and you wanted to make sure that everyone was wearing the
19 seatbelts. Did you make sure everyone was wearing the seatbelts
20 the day of the crash?

21 A. No.

22 Q. Why didn't you do that?

23 A. Number one, I didn't anticipate on this accident. And number
24 two, it's free will. The seatbelt is there. You use it of your
25 own free will. Do it. I can't say that in Spanish. Can you say

1 that in Spanish? No. I don't know. I can't even tell me what I
2 can say.

3 SGT BUONO: Gentlemen?

4 MR. COLLINS: I'm good.

5 MR. LAPONTE: No.

6 SGT BUONO: Anything else for us?

7 MR. LY: I'm good. Are you good?

8 SGT BUONO: Okay, we have ended the interview Friday,
9 February 28th, at 1028 hours.

10 (Whereupon, at 10:28 a.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: CRASH OF A MEDIUM-SIZED BUS
NEAR PALA MESA, CALIFORNIA
ON FEBRUARY 22, 2020
Interview of Ben Ly

ACCIDENT NO.: HWY20FH003

PLACE: El Monte, California

DATE: February 28, 2020

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Lisa Fuerstenberg
Transcriber