



Human Performance Factual Report Attachment

Statement to CHP

Pala Mesa, CA

HWY20FH003

(4 pages)

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
02/22/2020	1023	9650	015446	9650-2020-00651

1 Statements

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3 I contacted Party # 1 (Ben Ly) at the scene of this traffic collision and he related in essence the
4 following. Party # 1 stated that on 02-22-20 he was driving his company bus for Executive Lines
5 out of Baldwin Park, which is a commercial motor carrier that provides transportation services for
6 people from primarily Los Angeles County to San Ysidro, CA, then back. Party # 1 stated he is
7 commercial bus driver and has been one for the past 2 years. He stated he was trained to be a
8 commercial bus driver at a company by the name of *Transdev* for a period of two months. He
9 then worked for Greyhound as a commercial bus driver for a period of about one year and then
10 moved over to work for Executive Lines, where he has been employed as a bus driver for the past
11 year. He stated he has been driving for the past 35 years. He drives this same route from El
12 Monte, to Baldwin Park, to Pomona, to Riverside, to Temecula then to San Ysidro and back to El
13 Monte. He stated the route of travel he uses is eastbound I-10, to southbound 71, to eastbound
14 SR-60, to I-215 southbound to I-15 southbound. Party # 1 woke up on 02-22-20 at about 5:00 am
15 after getting about 8 to 9 hours of sleep. After waking up, he got ready for work at his home in
16 Whittier and then drove to his yard on Durfee in the city of El Monte, arriving there at about 6:30
17 am. While at the yard, he performed a routine vehicle safety inspection of his bus, which included
18 checking the air pressure, oil, lights and cleaned the bus as well. The bus was determined to be
19 in proper working order. While at the yard, he had picked up another co-worker and fellow driver
20 "Miguel", whom he would be transporting to San Ysidro so that Miguel could drive another bus
21 back from San Ysidro to El Monte. He ate some bread and drank some coffee while at his yard in
22 El Monte. He then drove his bus from the yard on Durfee and made his first pick-up of seven
23 passengers at about 8:00 am on Garvey in the city of EL Monte. He drove his bus from Garvey to
24 13523 Francisquito Avenue in Baldwin park for his second pick-up of three passengers which
25 occurred at about 8:10 am. He continued on his route to the city of Pomona and picked up one
26 passenger in Pomona near Reservoir at the 60 freeway at about 8:45 am. He continued on his

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D. OXLEY	015446	02/22/2020		

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1 Statements Continued

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3 route to the city of Riverside where he picked up 7 or 8 passengers at 4050 University Avenue.
4 After picking up from Riverside, he traveled southbound on I-215 to I-15 southbound and made a
5 stop at the 76 gas station at the corner of Rancho California Road at Old Town Front Street in the
6 city of Temecula. He regularly stops at this location for about 15 minutes, so the passengers can
7 get a rest room break and buy snacks if they want at the 76 station. He picked up one passenger
8 from this location in Temecula, which was the fifth stop of the day and would be his last pick-up on
9 his route. He stated he drives this route about four or five times a week and has been driving this
10 same route for about the past year. While stopped here, he stated he did use his cell phone to text
11 his work, but did so while parked at the 76 station and then put his phone away back into the
12 storage compartment after sending the text. He kept his cell phone in the storage compartment
13 area near the radio on his bus when he drives. He stated he does not use nor touch his cell
14 phone while he is driving his bus. After the passengers had their restroom break at the 76 station,
15 he re-entered the I-15 freeway southbound from Rancho California Road back en route to San
16 Ysidro. When he drove southbound on I-15 at Rainbow Valley, he encountered a lot of rain. He
17 drove southbound on I-15 in the # 1 lane as he approached Highway 76 at about 60 mph. As he
18 approached the hill south of Highway 76, Party # 1 stated he had changed lanes from the # 1 lane
19 all the way to the far right lane into the # 4 lane, because of the hill he has to go up in his bus.
20 While driving southbound south of Highway 76 in the # 4 lane, it was raining and he was now
21 driving his bus at an approximate speed of 50 to 55 mph as he started to go up the hill. While
22 starting to proceed up the hill, his bus's wheel suddenly "locked up" for an unknown reason. He
23 then applied his bus's brake using "medium" pressure. His bus then traveled out of control to the
24 left into the # 3 lane, then slid out of control to the right back into the # 4 lane, onto the shoulder of
25 off onto the dirt shoulder. His bus then overturned after it had slid out of control onto the dirt
26 shoulder. Party # 1 stated he had been wearing his three-point seat belt at the time of the
27 accident, but that none of the passengers ever use their seatbelts when he drives the bus. I
28 asked him specifically if driver error caused the accident or mechanical failure and he replied, "a
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3 mechanical problem and the wet road caused the bus to lose control." Party # 1 stated after the
4 accident the bus remained overturned upside-down and he was still trapped in the bus. He freed
5 himself and walked out of his bus. He advised me that he was expected to have arrived at 751 E.
6 San Ysidro Blvd in San Ysidro between about 11:30 am to 12:00 pm (noon). I asked Party # 1 if
7 he had ever been in a car accident before and he stated he had been involved in an accident
8 while driving his Greyhound bus in Santa Cruz a couple years ago. He stated his bus had struck
9 a pole while turning, but no one was injured from the minor accident. I asked him if he had been
10 fired by Greyhound after that accident had occurred and he state, no. Party # 1 advised me that
11 he had been advised from his doctor just recently on February 10th that he is [REDACTED] but
12 otherwise very healthy. He had passed his driving medical check on February 10th 2020. Party #
13 1 stated he does not take any prescription medications nor does he have any health problems,
14 other than being told he is [REDACTED] from his doctor while at his doctor's office in the City of
15 Industry. I asked him if he uses drugs or alcohol and he stated he does not use drugs and that he
16 last drank one beer on Thursday night while at a restaurant after work in El Monte, but that is the
17 last time he had consumed any alcohol.

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19 Party # 1 had advised me that on Friday, February 21, 2020, he had woken up at about 6:00 am
20 at his home in Whittier. He remained at his home in Whittier until about 10:00 am, when he drove
21 to the public library in San Gabriel to do some computer work in reference to an automobile app.
22 He ate some potato chips while at the library in San Gabriel. He worked on this app at the library
23 until about 4:00 pm. He left the library and drove to a market in San Gabriel sometime between
24 4:30 and 5:00 pm, where he ate some rice and fish. After eating he drove to the San Gabriel
25 Mission where he again worked on his "torq" app until about 8 or 9 pm. He left the San Gabriel
26 Mission and drove back to his home in Whittier and went to sleep sometime around 9:00 pm. He
27 did not drink any alcohol nor use any drug(s) prior to going to sleep at about 9:00 pm on Friday,
28 February 21, 2020, the evening before this collision occurred.

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