



Transcript of Interview

William O'Leary

Mt. Pleasant, Pennsylvania

HWY20MH002

(39 pages)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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PENNSYLVANIA TURNPIKE CRASH *

IN MT. PLEASANT, PENNSYLVANIA * Accident No.: HWY20MH002

ON JANUARY 5, 2021 *

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Interview of: WILLIAM O'LEARY, VP of Maintenance
Penske Truck Leasing

Via telephone

Wednesday,
June 6, 2021

APPEARANCES:

SHAWN CURRIE, Investigator
National Transportation Safety Board

JULIE KANG, Project Manager
National Transportation Safety Board

TIM SMITH, Representative for Mr. O'Leary
Pion Law Firm

JULIE BRENNAN, Representative for Mr. O'Leary
Pion Law Firm

I N D E X

ITEM

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Interview of William O'Leary:

By Mr. Currie

5, 13, 14, 16,
19, 24, 25, 27

I N T E R V I E W

(9:12 a.m.)

1
2
3 MR. CURRIE: Okay, we can start. It is June 9th at 9:12, and
4 this is Shawn Currie, S-H-A-W-N, C-U-R-R-I-E, with the National
5 Transportation Safety Board, and I'm talking to -- is it Bill or
6 William?

7 MR. O'LEARY: William.

8 MR. CURRIE: It's William O'Leary. And the spelling of your
9 last name is O-L-E-A-R-Y?

10 MR. O'LEARY: O, apostrophe, L-E-A-R-Y.

11 MR. CURRIE: Thank you. And you're the Vice President of
12 Maintenance for Penske?

13 MR. O'LEARY: I'm Vice President of Maintenance, Southeast
14 Region.

15 MR. CURRIE: Okay. And where are you located at?

16 MR. O'LEARY: Atlanta, Georgia.

17 MR. CURRIE: Okay. And also on is Julie Brennan and Tim
18 Smith. And could you introduce yourselves, please?

19 MR. SMITH: Yeah. Tim Smith and Julie Brennan from the law
20 firm of Pion Law in Pittsburgh and we are representing Mr. O'Leary
21 for this interview.

22 MR. CURRIE: Okay. And monitoring is Julie Kang, K-A-N-G.
23 She's a Project Manager with the National Transportation Safety
24 Board. And we're here to talk about the Mount Pleasant,
25 Pennsylvania crash that occurred last year.

1 INTERVIEW OF WILLIAM O'LEARY

2 BY MR. CURRIE:

3 Q. Mr. O'Leary, can you explain your duties with Penske?

4 A. Sure. So I am the Vice President of Maintenance for the
5 Southeast Region, which, my duties are oversee the shop operations
6 in the Southeast region. And then each one of -- there's four
7 counterparts in the country, each one of us are assigned specific
8 accounts. UPS being an Atlanta-based business, I've dealt with
9 them for -- since 1998.

10 And I handle UPS' account for Penske from a maintenance
11 standpoint. We also have a salesperson, so it's really
12 maintenance, operations, and then we have a salesperson that's
13 assigned to the account.

14 Q. Okay. How many -- can you tell me approximately how many
15 vehicles are in the UPS account?

16 A. This specific fleet for UPS, which we call CMG, there's
17 roughly 1,300 units.

18 Q. What's CMG stand for?

19 A. I -- it's an acronym for UPS. I don't know. It's --

20 Q. They do have their own language.

21 A. This fleet -- what this fleet does for UPS, it handles all
22 their dedicated overnight packages. So anything that would go --
23 you know, what they do is they'll put it on a truck rather than a
24 plane, and they run a team operation with these trucks. They run
25 280,000 miles a year, roughly. Trucks are -- you know, they've

1 turned these trucks about every three years.

2 Q. Okay. So each truck goes about 280 a year?

3 A. Yes, sir.

4 Q. Okay.

5 A. Yep.

6 Q. And you said dedicated overnight packages, so what they'd
7 call, like, feeder? A feeder driver or -- are you familiar with
8 their vernacular?

9 A. Yeah. No, it's not really a feeder driver. They call these
10 the over-the-road drivers and, you know, they don't have this in
11 the brown fleet that they -- everything is in the Penske fleet.

12 Q. Okay.

13 A. So like, a normal brown truck that would run a feeder route,
14 you know, out four hours, back four hours, we don't handle those,
15 those trucks for them. We just handle the over-the-road trucks --

16 Q. Okay.

17 A. -- for them.

18 Q. The tractor-trailer type?

19 A. Correct.

20 Q. Okay. So if -- you're the account manager for UPS, you must
21 be fairly familiar with who's responsible for what, as it regards
22 to maintenance?

23 A. From a maintenance standpoint? Yeah, I'm pretty familiar.

24 Q. Okay. Could you explain that to me?

25 A. So when they lease a truck from Penske, Penske is responsible

1 for, you know, the asset itself, any other repairs that go with
2 that asset, the running side of the truck. So, you know, we
3 charge them X dollars per mile or cents per mile, and X dollars
4 per month for the truck. So they pick it up, and then three years
5 later, they turn it in, and they get a new -- another asset.

6 So it's kind of like -- it's a walk -- what they call a walk-
7 away lease, so to speak. They're only responsible for vehicle
8 damage or driver abuse.

9 Q. So all the oil changes and tires and all that, Penske's --

10 A. That is a Penske responsibility.

11 Q. Okay. Do you have a specific -- for maintenance purposes, do
12 you have a specific, like, an interval that these vehicles are
13 supposed to come in?

14 A. Yeah. I mean, we PM based on -- our preventative maintenance
15 is done based on miles. So these trucks are done every 45,000
16 miles --

17 Q. Okay.

18 A. -- and whatever time comes first. So, you know, if they can
19 run, you know, like I said, they run a lot of miles relatively
20 quickly, and they could -- it could be seasonal, right? So they
21 may run more miles during peak -- what I'll call peak, which is
22 the Christmas rush, and then less miles, like, this time of year.

23 Q. Okay.

24 A. So it could change the time but, you know, it doesn't change
25 the miles. We service it every 45,000 miles.

1 Q. Okay. And I thank you for providing me with all the
2 paperwork.

3 A. Yep.

4 Q. It's been interesting to go through, just trying to learn all
5 the different -- a lot of acronyms. So I'm going to --

6 A. A lot, yeah.

7 Q. We'll get to some a little bit --

8 A. And you know -- and I don't mean to expand, but I mean, just
9 as technology has evolved, things have evolved, so that -- that's
10 a challenge in itself.

11 Q. Yeah. So I've looked at the training program that you folks
12 have for your technicians.

13 A. Mm-hmm.

14 Q. Can you give me kind of a 10,000-foot view of that, how it --
15 are you familiar with it, first of all?

16 A. Oh, yeah. Yeah, I mean, we have an internal training program
17 that we put our technicians through. And typically these are Tech
18 3's, Tech 2's. Normally Tech 1's don't go through the PM
19 training. They don't do PMs, very rarely. But so -- and as we
20 bring on a new hire, we put them through -- you know, a lot of the
21 things that you'll be familiar with, maybe the other folks on the
22 call.

23 So you know, right to know; right to know is like, what
24 chemicals are in the shop and so on and so forth, what's
25 hazardous, what's not hazardous. Then we put them through a

1 training program from a preventative maintenance standpoint. So
2 we have our internal trainers that would come out and train
3 individuals on how to do a proper PM. And then we put them
4 through what we'll call a certification process.

5 It's not an ASE certification. It is an internal
6 certification that we put them through to make sure that they
7 understand what we're expecting of them, and then we certify them
8 to move forward to do preventative maintenance.

9 Q. Okay. And looking -- reviewing the training slides that I
10 was sent, it's not paper-based, is it? It seems to be all
11 computer-based and verbal?

12 A. It's a little of both, Shawn. I mean, we do -- some of it's
13 online, some of it's shadowing. And then we have what we'll call
14 a Trainer Guild member, that would actually go out and do the PM
15 with the individual, make sure they understand, you know, hey, you
16 know, how do you adjust the brakes? You know, all the DOT items
17 that they should be familiar with, make sure that they're
18 documenting those correctly.

19 Q. Okay.

20 A. And then it goes through, you know, a final certification by
21 a certifier.

22 Q. Okay.

23 A. PM Certification Tech.

24 Q. Obviously, we've sent this request quite a while ago. So
25 have you had a chance to review the documents about this truck?

1 A. Yeah. For the most part, I've went through all the
2 documents.

3 Q. Okay.

4 A. There's a lot of documents. There's a lot of documents to go
5 through, so --

6 Q. Yeah, I agree. I've gone through them and -- has Penske
7 looked at this package of documents? Have you been the one
8 assigned to look at it, or --

9 A. I don't understand the question.

10 Q. So we've got this truck with a potential problem that's been
11 there since June of 2019, involved in a crash in January of 2020.
12 Is there -- have you looked at it from a Penske point of view to
13 see if there's any process improvements or any process issues?

14 A. Yes.

15 Q. And what have you found?

16 A. Well, we -- I -- you know, there's several, several process
17 enhancements. So number one, I think, you know, we need to talk
18 to the customer in regards to their, you know, their
19 responsibilities. As you alluded to earlier, DVIRs are the
20 professional truck driver's responsibility. That's rule number
21 one. So that needs to be reviewed with our customer. And I have
22 not had any conversation, just FYI, with UPS, on this at all.

23 Then, I think we have to go back and take a look at our
24 process as far as the PM itself, you know, when people answer the
25 questions. These are voice-guided PMs, so I don't -- you know

1 what that is? Let me elaborate a little bit. So rather than it
2 in hand by that check sheet like we've had years ago where you
3 take a PM form itself, and you go down through the form, check
4 left front tire, and you go all the way down, work your way around
5 the truck, underneath the truck, on top of the truck.

6 Virtually, what we've done is we've put that into a voice
7 command where he has -- he gets it in his ear, every step of the
8 PM to do, and he answers questions, you know, as it takes him
9 around that truck. So we go start at the left front tire, walk
10 our way around. We go underneath the truck, drain the oil. We
11 come on top of the truck and we obviously fill it back up more.

12 So we've looked at the steps in the process, and there's a
13 few steps in there I think we've decided we were going to -- we
14 have enhanced a few things since then, but I think we have a few
15 other things that we need to take some action on --

16 Q. Okay.

17 A. -- if that answers your question.

18 Q. It does, but as with all good answers, it brings up a couple
19 more questions.

20 A. Okay.

21 Q. What steps have y'all enhanced?

22 A. Well, for example, like on the PM that we did from July, and
23 then there was one in September, one in November, if you look at
24 the voice or if you look at the PM form, there's two steps that
25 don't match up from PM to PM. And the reason they don't match up

1 -- and Julie, I'm sorry I didn't talk to you about this, but when
2 the technician was asked, is the truck equipped with a collision
3 avoidance system, he responded in the voice, no. So therefore, he
4 wasn't asked to, obviously, do the walk-around and inspect for
5 damage. So that's a difference in the PMs.

6 So we've decided now that we know the truck is equipped with
7 it. We're not going to ask the question anymore. We're just
8 going to say, inspect it. So that was one of the misses that we
9 saw between July and September.

10 Q. Okay. And you had mentioned a couple other things that you
11 had thought of changing?

12 A. Right now, it's under review with the maintenance leadership
13 team, is -- and I talked to Tim about this, is if we see a defect
14 -- as you know, the collision avoidance system is non-DOT. I
15 mean, the customer can elect to drive the truck with the collision
16 avoidance system having an issue. We are going to, as a company,
17 elect to -- we'll call it a DOT item, Shawn, and we're going to
18 elect not to let a truck leave the facility.

19 Q. I've heard that's been happening.

20 A. Yeah.

21 Q. So -- in regards to this specific vehicle, you know, I've
22 reviewed your -- I want to make sure I get the terms right -- the
23 work summaries?

24 A. Yes, sir.

25 Q. Okay. And I see it lists -- I see some active fault codes

1 listed. And I'm going to ask you to try to translate them. Are
2 you familiar with the codes and what they are? Or --

3 A. Yes.

4 Q. Okay. So it appears in -- on July, September, November's
5 maintenance, that, under Headway ECU -- what is Headway ECU?
6 What's that mean? Electronic Control Unit?

7 A. Correct.

8 Q. Batting 100 percent so far.

9 A. So it -- basically what that is, is kind of the brain that
10 pulls everything together. So whether you have an engine fault
11 code, a chassis fault code, a brake fault code or tire fault code,
12 it pulls it all into one place. It's a suppository [sic]. So
13 when we print out what we call the health report, we can see those
14 faults.

15 Q. Okay. So on those three, it shows a -- I want to get it
16 right, so I'm just going to look at -- grab one here, since
17 they're sitting out. And of course, I grabbed the wrong one. So
18 it shows a fault code of undefined, out of cal, which I'm led to
19 believe means out of calibration. And then it has some numbers.
20 What would that mean to you?

21 A. Is that the --

22 MS. BRENNAN: Shawn, do you have our --

23 MR. O'LEARY: Is it the FMI-13?

24 BY MR. CURRIE:

25 Q. Yes, FMI-13, and I'm referring to Penske, page 29, for --

1 A. Perfect.

2 Q. Sorry.

3 A. That should be an SPN, which is what you need to use --

4 Q. Yep.

5 A. -- wow, I lost everybody. Okay. There you go, Julie. SPN-
6 523006, and it's a calibration event that says, you know,
7 obviously something has to be calibrated. And that could be, you
8 know, that could be, side radar, front radar, it's just giving you
9 --

10 Q. Okay. It's just giving you a place to start?

11 A. Correct.

12 Q. Okay.

13 A. Yep.

14 Q. Now, on the December 7th-ish one, which is page 34, of Penske
15 --

16 MS. BRENNAN: And Mr. Currie, I assume you're fine if we pull
17 those up?

18 MR. CURRIE: Absolutely, I appreciate it.

19 MR. SMITH: Okay.

20 BY MR. CURRIE:

21 Q. I really appreciate it. Okay, so this one's different.
22 What's the difference? And how did it become different? Because
23 on 3 -- July, September, November, it gives us that FMI-13, and
24 says cal event, and this one is an FMI-12, that says bad
25 intelligent device or component. What -- did somebody --

1 A. Well, I mean -- best of my knowledge, this is telling me that
2 there's a device that's not communicating back to the truck at
3 all. So it's not registering anything.

4 Q. So it's still the same system, but just a little more
5 specific? Does that sound right?

6 A. It's the same system, but it's more defined.

7 Q. Okay.

8 A. It's more defined.

9 Q. Now, is that -- could be that -- yeah. Let me think how I
10 can phrase this question so it doesn't sound like I'm trying to
11 lead you down the primrose path here. So the other ones were
12 pretty general, this one's more defined. Is that the system
13 making that decision, or is that something that a technician is
14 able to drill down or query differently, to make it more specific?

15 A. No, this is coming straight out of the system.

16 Q. Straight out of the system? So it's -- no people input
17 whatsoever, it's just --

18 A. No, sir.

19 Q. Okay.

20 A. No.

21 Q. Okay. That's all the questions I had about that. Thank you,
22 Julie, for bringing that up.

23 A. Okay.

24 Q. So maintenance paperwork-wise, I think we -- you touched on
25 one of your earlier answers about communication between you folks

1 and your customer. If there's work done on a truck, obviously
2 there's quite a bit of either paperwork or computer paperwork
3 associated with it, Penske-wise. Does that get shared with the
4 customer?

5 A. Yes. And Julie, can you pull up what I sent you the other
6 day? Just so Shawn has a feel for what the customer gets?

7 MS. BRENNAN: Is this form yesterday, Bill?

8 MR. O'LEARY: Yeah, it's the one that has the red boxes
9 around it and all.

10 MS. BRENNAN: Okay.

11 MR. O'LEARY: And Shawn, I'll elaborate once you see it.
12 Because I don't know if you have this.

13 BY MR. CURRIE:

14 Q. You holding out on me, Bill?

15 A. No, I mean --

16 Q. I'm just giving you a hard time, I'm sorry.

17 A. I was --

18 MS. BRENNAN: It was 20 minutes, maybe a bit longer than we
19 thought, Shawn.

20 MS. BRENNAN: Yeah, just give me a minute. I have to find it
21 here.

22 BY MR. CURRIE:

23 Q. Yep. No problem.

24 A. So while she's looking that up, Shawn, I'll kind of
25 elaborate, what -- how the communication works. So we have what

1 they call Fleet Insight. Fleet Insight is a portal that customers
2 use very religiously, and they can go in and see anything that's
3 going on with the truck. We're very transparent in that regard.

4 So when we finish a vehicle, A, we print this work summary
5 out, and it goes in a sunvisor clip in the truck, so when their
6 driver comes in, the reviewing driver from the prior day -- I
7 mean, he can look at his DVIR book, that you're familiar with, and
8 say, okay, driver wrote up, you know, left headlight out. And I'm
9 just using that as an example.

10 Well, the work summary would be in the truck that says, oh,
11 left headlight was fixed, bink [sic]. So then he would review it,
12 you know, obviously sign off, and start his pre-trip for his day,
13 or her day. So what we do is we post them into what we call the
14 Fleet Insight portal, which is what Julie's pulling up. So they
15 have transparency, if they go look. I mean, they have to go look.
16 And that information is placed in there as well.

17 So they can go in at any time and look at one of these
18 trucks. Now, there you go. So this is that specific truck. And
19 then you can see -- I just put in here, what's visible in Fleet
20 Insight because there is internal docs that we don't share with
21 the customer.

22 Q. Okay.

23 A. But you can see the Health Report is in there, so they can
24 see what health report says. The work summary -- I didn't print
25 that one, but the work summary -- and the PM form is also in

1 there. Because they may need that for a DOT audit at some point
2 in time. So it's kind of a self-service place where they can go
3 get the documents.

4 Q. Okay. And --

5 A. Does that make sense?

6 Q. It does. So I'm looking on here. Is there anything on here
7 that would indicate to the customer that there's still work that
8 needs to be done, or there's fault codes or defects out there? Or
9 do they have to drill down further?

10 A. They have to drill down further.

11 Q. Okay. And who --

12 A. And if there was a -- Shawn, just -- I don't mean to
13 interrupt you, but --

14 Q. No, no.

15 A. If there was a DVIR associated with this, that would be
16 posted there as well. As you know, there are -- there's very few
17 of those.

18 Q. Correct. So --

19 A. I don't know if that helps answer your question.

20 Q. It does, but with all -- like I said, it just brings up more
21 questions, but we'll leave this alone. So just to make sure I
22 understand it right, so this is Fleet Insight, and --

23 A. Mm-hmm.

24 Q. -- it's an outward-facing portal where customers have to go
25 in to look to track their vehicles, and I'm looking down. I don't

1 see anything down in the internal Penske notes that says there's
2 any active fault codes or any follow-up that needs to be done. Am
3 I looking at it right?

4 A. Yeah. On this specific one, no, I don't see that, either. I
5 mean I just pulled an example.

6 Q. No, I -- and --

7 A. Yep.

8 Q. -- it looks, you know, pretty similar. I've got the vehicle
9 health reports. I think I have those to go with this, so I'm good
10 with that.

11 A. Correct. You would. I think we've got them in there.

12 Q. Yeah. So describe to me what would have been left on the
13 sunvisor clip for this one.

14 A. Julie, would you -- can you pull that one up, do we? Pull up
15 -- you know, the only one I can think of that I remember seeing
16 was the one from December.

17 MS. BRENNAN: Yeah.

18 MR. O'LEARY: Any of those

19 MR. SMITH: Vehicle work summary?

20 MR. O'LEARY: Yes, sir.

21 MR. CURRIE: I think it's Penske number 32?

22 MS. BRENNAN: Yes.

23 BY MR. CURRIE:

24 Q. See, I'm a little more prepared than you thought.

25 A. So this is an example of a work summary that would get left

1 in the vehicle for the reviewing driver.

2 Q. Okay.

3 A We have a clip on the sun-visor that just, you know, it gives
4 -- you have -- if you had a DVIR, you would actually initial off,
5 saying you made the repairs, whatever was listed. Or let's just
6 say it was a non-DOT and we deferred it 'til the next PM, it'd
7 have all those notes on there. The DVIR goes in there, along with
8 the work summary.

9 Q. Okay. So this was left in December.

10 A. Correct.

11 Q. Would we have to assume that it was also left there in July,
12 September, and November with the same issue with the radar warning
13 light on, or -- that was one of my original questions, is -- this
14 is the first time that -- I didn't see many work vehicle work
15 summaries and the paperwork. I think this was, like, the only
16 one. That was --

17 A. I'd have to get back to you on that. I don't know. This was
18 the only one I saw.

19 Q. Yeah. It's the only one I saw, too. So what I'm trying to
20 get at here, for all involved, is, was this the first time that
21 Penske provided UPS with a piece of paper that said, hey this
22 radar unit's not working like it's supposed to? And if so, how
23 come? Because, you know, you saw it at least three other times.
24 Does that question make sense?

25 A. Yeah, the question makes sense, although I'd have to research

1 that to see if we did the summaries.

2 Q. Could you?

3 A. Yeah.

4 Q. Thanks. Sorry to give you a homework assignment.

5 A. Yep.

6 Q. So that's -- you know, like I said before, I'm just trying to
7 figure out when this should have been caught earlier, and I think
8 you said communication. I think you've done -- you guys have done
9 some steps for the communication, but it's all still -- most --
10 the biggest part seems to still be dependent on the driver
11 relaying that form back to UPS.

12 A. Unless they go to the portal and look.

13 Q. Now, is --

14 A. Yeah, I mean --

15 Q. Is there a way for you to see who's looked at the portal and
16 when?

17 A. Yes.

18 Q. On this vehicle?

19 A. Yep.

20 Q. Could you see if UPS looked at the portal for this vehicle?

21 A. We can see if someone hit the portal and looked at it. You
22 know, it's going to give a -- probably an employee ID number,
23 which I wouldn't be able to tell you who that is at UPS.

24 Q. Oh, I bet that I can find out. So --

25 A. We can -- yeah, I'm sure you can. So -- all right, so just

- 1 let me -- I'm just trying to capture my notes.
- 2 Q. Yep.
- 3 A. So we want to see work summaries from July, September, and
4 November?
- 5 Q. If there -- they exist --
- 6 A. Is that correct?
- 7 Q. -- yeah, that'd be great.
- 8 A. Okay. And then, you want to look at who looked in the
9 portal?
- 10 Q. Or if and when?
- 11 A. Okay.
- 12 Q. I would assume there's probably been some activity post-
13 crash, but I'm more interested in that July to early January.
- 14 A. Yeah, I'll have to check with our IT guys --
- 15 Q. Yep.
- 16 A. -- they can -- if it's date-stamped. I'm sure it is -- it's
17 date-stamped. At least my -- well, we date-stamp everything, so
18 it should say, you know, Shawn Currie looked in here on July 18th.
- 19 Q. Okay.
- 20 A. Shawn Currie is going to be, you know, employee number one,
21 two, three, four, so we'll be able to provide that to you.
- 22 Q. You're not far off on the number, so --
- 23 A. Okay.
- 24 Q. Excellent. So yeah, because I think just -- part of the
25 issue here is obviously, that's a busy time of year for UPS, that

1 Thanksgiving to Christmas time.

2 My next questions are a little different. So does Penske
3 have certain things that they're willing to deadline a vehicle
4 for, that aren't DOT-related? And it probably isn't called
5 deadline, but you know what I mean?

6 A. With this specific account?

7 Q. Yes.

8 A. Let me talk this account --

9 Q. Yes, please.

10 A. -- because they do have some unique things. So if an air
11 conditioner will not blow cold, then we drive the truck. Now,
12 that's not a DOT item but -- or a UPS -- with the union, if their
13 conditioner's not blowing cold, they wouldn't drive it.

14 Q. Okay.

15 A. Other than that, it would all hinge on DOT items.

16 Q. But Penske's either taken or is looking at adding collision
17 avoidance systems as a deadline item?

18 A. Yes, sir. We're going to have -- we have a call scheduled
19 for Monday to review that. And just, you know, I know -- I just
20 want to elaborate on one other point. So in May of '20 -- hang
21 on, let me get my -- I'm just trying to get my notes. May of '20,
22 we started a new process with the -- well, with customers, not
23 just UPS, any customer.

24 If we have a fault code for a collision avoidance system, we
25 actually send the customer a notification. And that's, you know,

1 part of our actions that we've taken to let the customer know --
2 and it's not the driver, and it's not the dispatcher. It's the
3 guy who signed the document, and -- or gal. And we let them know,
4 hey, you've got a fault code. Now, they can elect to still drive
5 the truck, like I said, it's a non-DOT item. But we did start
6 that process, and Julie, I think I sent you a version of the
7 notification.

8 MR. SMITH: And Bill, what's the name of that system, for
9 Shawn?

10 MR. O'LEARY: The notification system?

11 MR. SMITH: Yes.

12 MS. BRENNAN: That would be Penske Proactive Solutions.

13 MR. O'LEARY: Yeah, it's the Penske Proactive Alert
14 Solutions. Okay, yeah, something like that. And basically, it
15 uses the portal, which I talked about before. But this is even up
16 -- over and above the portal. This is a direct email to an
17 individual saying, hey, you've got this problem.

18 BY MR. CURRIE:

19 Q. Okay.

20 A. Now, we put a May -- we piloted it in May of '20 with -- and
21 then it rolled out in August of '20.

22 Q. So in that time, approximately how many of these
23 notifications have gone out?

24 A. Oh, Shawn, I would have no idea.

25 Q. Well, could you ballpark it? Like, 10 or 100 or 1000, or --

1 A. I would say it would be more than that. And I'm sure I can
2 get you that number, let me just -- how many?

3 Q. Yeah, just -- it'd be interesting to know, because I know you
4 haven't talked to UPS, but I visited them, oh, I don't know, a
5 week or so ago. And they were saying how -- that Penske had been
6 holding trucks for collision avoidance system fault codes, so, I
7 think what you're doing is working, if it makes you feel better.

8 A. Yeah.

9 MR. SMITH: But does it make you feel better, Shawn, that's
10 the --

11 BY MR. CURRIE:

12 Q. Yes. So -- I think -- yeah.

13 A. The technology on these trucks, I mean, just FYI, I mean, as
14 you started with Gen 1 of a collision avoidance system through
15 today's technology, I mean, it's evolved so fast, you know?
16 Number one: keeping the technicians up to date; and then number
17 two: keeping the drivers up to date. You know, drivers tend to
18 not truly like this system.

19 So I mean, they follow too close, it gives them alert, you
20 know, and they got a sleeper, you know, they got another partner
21 in the sleeper, and you know, it tends to wake them up, you know,
22 when it goes off. And you know, you should tap your fellow driver
23 on the shoulder and just say slow down a little bit. You know,
24 you don't follow so close.

25 Q. Well, yes. So how many vehicles does Penske lease?

1 A. I'm going to give you a ballpark number.

2 Q. Yeah.

3 A. 190,000? We have a fleet of 250,000.

4 Q. So you're -- would it be fair to say that you're probably the
5 biggest leasing outfit in America?

6 A. I think that'd be a fair statement, yeah.

7 Q. Okay.

8 A. Yeah.

9 Q. Do you have any idea how -- and if you don't know, you don't
10 have to answer, but about how many of your vehicles have collision
11 avoidance systems in them? Do you know?

12 A. Hm. No, I don't, but I can get you that. I can tell you our
13 rental fleet, we equipped with collision avoidance system in 2017,
14 so every rental truck or tractor would have collision avoidance
15 system on them.

16 Q. Okay. And you said they have, like, a three-year -- well,
17 UPS --

18 A. Well, not the rental fleet. The rental fleet would be around
19 much longer because they don't run that kind of miles like UPS.
20 So a rental tractor that you would see going up and down the road,
21 it could be around for five to seven years, depending on the
22 mileage.

23 Q. Okay.

24 A. I mean, we were first to the industry to bring on ABS brakes.
25 We were first in the industry to bring on air-disc brakes in the

1 rental fleet, you know, between us and our competitors. And then
2 we were the first ones to bring on a collision avoidance system as
3 a standard spec in our rental trucks.

4 Q. Okay. Is there, like, a rental or a lease truck association?
5 Is there, like, some kind of professional group that if we wanted
6 to get a message out to you folks, or y'all pretty much --

7 A. Yeah, there's -- it's called TRALA. It's Truck Rentals --
8 hang on. Truck Rentals, something leasing. I don't know what the
9 -- TRALA is the name of it, Truck Rental and Leasing Association.

10 MS. BRENNAN: Truck Renting and Leasing Association.

11 MR. O'LEARY: Yeah, there you go.

12 MR. SMITH: We need more acronyms.

13 MR. CURRIE: Yeah. Yeah. If you look at my notes, I --
14 they're all acronyms. And everybody's acronym is different and
15 then they have acronyms about acronyms. And I will say, I'm a
16 little disappointed in your Penske Proactive Alerts; you couldn't
17 have come up with a good acronym for that? I was waiting for it.
18 So --

19 MR. SMITH: Give us time, and we'll work on that.

20 BY MR. CURRIE:

21 Q. Excellent. Thank you, Tim. I forgot to ask about your
22 background, Bill. How did you get to be where you are? Sorry for
23 not doing that in the beginning.

24 A. Well, I started in the industry out of -- basically, out of
25 high school, I joined the military. I was in the military for

1 eight years, came onboard with Penske when I got out of the
2 military 34 years ago. So I started as a mechanic, you know, then
3 I was what they call a Branch Service Manager, District Service
4 Manager, Area Maintenance Manager, and then I've been the Vice
5 President of Maintenance since 1996.

6 Q. Okay. So you're familiar with collision avoidance systems
7 and how they work generally? Or is that not your wheelhouse
8 anymore? Or is it?

9 A. I mean, I can talk intelligently about it.

10 Q. Well, do you want a job? No. So can you explain how Penske
11 checks a collision avoidance system to make sure it's functional,
12 or appears to be functional?

13 A. Well, I mean, the first thing is a visual inspection of the
14 truck, you know? Because -- and it's not just the front, it's the
15 side as well.

16 Q. Mm-hmm.

17 A. And then they have camera systems in, as well. So when we
18 bring it in for a PM, obviously, we're walking around, checking
19 for any damage. Then, you know, obviously, you plug up for the
20 health report and see if there's any fault codes.

21 And then you rely upon the driver, you know, if there's a
22 malfunction, we rely upon the driver to tell us. I mean, we don't
23 drive the trucks, we just try to maintain the trucks. So it's
24 kind of that three-phase approach.

25 Q. Okay. And a driver would tell you about it through DVIR?

1 A. DVIR. DVIR.

2 Q. So just to let you know, we've looked at, you know, what's
3 required to be on a DVIR, and really, it hasn't changed since, oh,
4 like 1979-ish.

5 A. I was going to say, it hasn't changed since I've been around.

6 Q. Yeah. So we've approached FMCSA to kind of freshen things
7 up, because we all know that truck technology's changed a little
8 since 1979, with the -- I mean, certain systems have. ABS has
9 come in. But that's a mandated system, so it's covered.

10 Basically, my thought on the whole process is if it's on a
11 truck, it should probably work. If somebody wants a system
12 installed and it's there, it should be functional. How do you
13 feel about that?

14 A. I -- we're advocating for that ourselves.

15 Q. So maybe we can all work together for the greater good. So
16 --

17 A. Mm-hmm.

18 Q. So yeah, that's one of the things. Because what we do is we
19 look at what happened, why it happened, and how can we prevent it
20 from happening again?

21 A. Yeah.

22 Q. And we make recommendations. We don't make rules or laws.
23 We just make recommendations to people who do make the rules and
24 laws, and --

25 A. Sure.

1 Q. -- and say hey, you know, this -- we've had this problem,
2 this is what should happen. A lot of the things that I thought
3 would be recommendations to make to Penske, potential
4 recommendations, it sounds like, have been implemented already,
5 which is good.

6 A. Uh-huh.

7 Q. Those are safety accomplishments. It means that -- and UPS
8 has also made safety accomplishments in this. They've changed
9 programs that were actually in the works even before the crash
10 happened. So I think we're going in the right direction.

11 A. Well, that's great. I mean, you know, we are a very safety-
12 conscious company. I mean, we want to focus on, you know,
13 obviously, the motoring public. I mean, we've got a lot of
14 vehicles out there. So we want to make sure we're putting the
15 best product out there, and, you know, we have the best processes
16 in order to capture those.

17 And you know, as -- like I said, as this technology has
18 evolved, it's, you know, there's no -- and COVID behind us, I
19 mean, I think there's a lot of things that we can do as partners
20 to make sure that we provide that product.

21 Q. Okay. So you guys did a -- basically an after-action and
22 reviewed everything. You made some short-term and some long-term
23 changes. Did we ever figure out, or did -- do you see anywhere
24 where the -- it could have been done a little bit better,
25 communication-wise?

1 A. Yeah, I mean, I think, you know, when we spotted the original
2 defect, and we, you know, obviously, notify a driver. You know,
3 that's why I think, you know, we put in place that we're going to
4 notify somebody above the driver, because they're -- quite
5 frankly, I don't think there's any incentive for a driver to say,
6 oh, I'm not going to take that truck.

7 I mean, it just reverts back to a truck that doesn't have
8 collision avoidance systems, and I'm in control, I can handle it.
9 Well, the folks that make that decision, you know, invested the
10 money for the collision avoidance system. They would want it to
11 work. And hence is why I said, we're going to make that a
12 deadline item on the Penske side. Even though it's not a DOT
13 item, we're going to make it a deadline. You cannot take your
14 truck, period.

15 And then, you know, how we'll approach that from a financial
16 standpoint, I don't know. And quite frankly, that's not in my
17 wheelhouse anyway. But I think from a maintenance standpoint, we
18 want to, you know, provide the customer the information.

19 Now, if the customer elects to do something different, I
20 think we just need to figure out how we document that.

21 Q. Okay. Since you've started this new process, has anybody
22 said we don't care, we want our truck, we got to roll?

23 A. Shawn, not to my knowledge. I mean, logically, I wouldn't
24 think somebody with any intelligence would do that. But I don't
25 have any knowledge of somebody saying, you know, heck with that,

1 we're still taking the truck. I'll get the information as far as
2 how many we've sent out, and then we can figure out, I mean, from
3 there, if somebody says, no, I'm not going to fix it, we'll be
4 able to know that.

5 Q. Okay. Okay. Do we know why the truck was in just after --
6 or just before Thanksgiving, this truck, and then again, quickly,
7 back in December? Because it only looked like it --

8 A. Yeah

9 Q. -- went a few thousand miles.

10 A. So when we do a PM service, we actually do lab work on the
11 truck, lab work --

12 Q. Okay.

13 A. -- meaning the oil sample and coolant sample. And this one
14 had a bad coolant sample that came back, so it -- the after action
15 was to bring it back and replace the coolant.

16 Q. Okay. And then in December, it said -- have to get the truck
17 scheduled in to sub out the collision avoidance system. Do you
18 know if that was scheduled, or --

19 A. I drilled into that. They say they made a phone call to get
20 it scheduled, but I cannot verify that.

21 Q. Okay. They, being --

22 A. The local shop in Harrisburg, Pennsylvania.

23 Q. Okay. But they don't report to you? You're the Southeast
24 guy?

25 A. Well, they don't report to me, no, in -- directly. But

1 indirectly, they do. And you know, they say they made a phone
2 call, but I mean, there's nothing documented that, hey, you know,
3 hey, I sent, you know, Shawn an email and said hey, I need to
4 schedule this. We don't have anything like that.

5 Q. Okay. All right.

6 A. Again, you know, we rely on that driver --

7 Q. Yeah.

8 A. -- to say it's not working.

9 Q. Okay. I think that's all the questions I have. Do you have
10 any questions for me? Is there anything I forgot to ask you?

11 A. Not that I can think of. No, just let me go through my to-do
12 list and make sure I've got the information. I'll try to get this
13 back to you today, if I can.

14 Q. Oh, perfect.

15 A. So just some follow-up item -- work summaries, July,
16 September, November, follow-up item. The portal might take me a
17 few days.

18 Q. Yeah. That's fine.

19 A. The work summaries, I -- so, you know, who went into the
20 portal and when, how many notifications have gone out since the
21 roll-out in August of 2020, and then the other follow-up question,
22 has anybody ever said no? I'll see if we can get that.

23 Q. Yeah. That's not a show-stopper, but just a curiosity
24 factor.

25 A. And then, just a note I've made by something you said, I

1 think I'm going to bring up to my leadership, which I don't think
2 they'll push back on, is, refresh the DVR (sic) to include the CMS
3 system. You know?

4 Q. Yeah.

5 A. Just a call-out; hey, is it operational? Then if this guy
6 puts okay, then it's called out. But you're right, that DVR has
7 not been updated.

8 Q. Since 1979, from what we can see.

9 A. Okay. I mean, we have our -- now, I know UPS has their own.

10 Q. Yep.

11 A. But, I mean, they're very similar. If you lay them side by
12 side and just change the name on the top, you wouldn't know the
13 difference.

14 Q. I might have them side by side on the screen. I don't know.

15 A. So --

16 Q. Shocking --

17 A. So yeah, I think that's a good takeaway. I like that,
18 actually.

19 Q. Well, and I'm not talking out of school, but in dealing with
20 UPS, I had one of their driver coaches who teaches their walk-
21 around inspection, go through, and they have a similar --
22 obviously, they don't plug a tool in to see any fault codes, but
23 they do a similar approach.

24 They walk around the vehicle and they look at the various
25 sensors to see if they're cracked or dirty or obviously damaged,

1 covered with bugs, what have you. And one of the things that I
2 noticed and pointed out to them is they don't really talk about
3 the dashboard warning lamp on the visual display unit. In fact,
4 the trainer had never seen it, and didn't know where it was.

5 So we happened to have one of your trucks, which didn't have
6 any faults by the way, congratulations, in the parking lot. And
7 we were able to, you know, cycle the key and get all the lights to
8 light up and we were able to go through. And one of the
9 suggestions we made to them is that they talk about, you know, the
10 hardware's important, but the brain is probably, to use a great
11 word, importanter, because --

12 A. More importanter.

13 Q. More importanter, yes. Because --

14 A. Yes.

15 Q. -- you can't see what's going on inside, right? And it's the
16 thing that decides what happens and if everything's working
17 properly. So they were kind of missing a little bit of that
18 piece, too. And I think they're going to do something similar to
19 what you did and go, oh, hey, that's a pretty good idea. Let's
20 incorporate that before somebody tells us to. So --

21 A. Right.

22 Q. You know, it's -- forward leaning is good, I think, so --

23 A. Yeah, I think some of the other technologies that are out
24 there are -- you know, I don't know if you've seen this, but a
25 couple of the manufacturers have what you call a pre-trip option,

1 right, where you get in the truck, you turn your key on -- you
2 don't start the truck. And then, you know, in the dash display,
3 it'll say pre-trip. What it does, it goes through all the lights
4 on the truck to make sure every light on the truck is burning.
5 That is one of the highest -- I'll call it, CSA violations in the
6 country, is lights, right?

7 Q. Yep.

8 A. And it's mainly trailer, but you know -- because most of the
9 tractors nowadays all have LED lights on them. But, I mean, that
10 is another good thing I wrote down is, you know, we should make
11 them hit the switch and do the pre-trip on the lights.

12 Q. And I noticed that with the unit that was there, it actually
13 had some -- you could -- by manipulating all the buttons, and -- I
14 didn't break your truck, I just want to say that before we get too
15 far on this -- I had adult supervision. But you could walk your
16 way through the visual display unit menus and you could actually
17 check systems for fault codes, brakes, and everything else. So --

18 A. Absolutely. Yep.

19 Q. And you could update the software. I didn't pick that one,
20 but it was tempting.

21 A. But to update the software, you know, on a truck, there's a
22 couple things that have to be turned on.

23 Q. Yeah.

24 A. Just -- you have to have it connected -- what they call
25 connected, so it can do it, you know, via Bluetooth, or you know

1 -- actually, you can do some of these newer trucks through, if the
2 truck has got Bluetooth, it'll update the software on the truck as
3 it's going down the road.

4 MR. CURRIE: Crazy. So -- well, I'm going to stop recording
5 at 10:01, unless anybody has any questions, and -- any questions?
6 Going once?

7 MS. BRENNAN: No, we're good.

8 MR. CURRIE: Going twice? So 10:01, we're going to stop the
9 interview.

10 (Whereupon, 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: PENNSYLVANIA TURNPIKE CRASH
IN MT. PLEASANT, PENNSYLVANIA
ON JANUARY 5, 2020
Interview of William O'Leary

ACCIDENT NO.: HWY20MH002

PLACE: Via telephone

DATE: June 9, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



MILTON ORDAKOWSKI III
Transcriber