



**Human Performance Attachment – NTSB Interview with Truck Driver**

**Louisville, NY**

**HWY23FH005**

(44 pages)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FATAL CRASH OF A FREIGHTLINER  
BOX TRUCK & BUS IN LOUISVILLE,  
NEW YORK ON JANUARY 28, 2023

Accident No.: HWY23FH005

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Interview of: HARLY DIAZ, Driver  
Arrow Global Logistics

Utica, New York

Wednesday,  
February 1, 2023

APPEARANCES:

MICHAEL FOX, Investigator  
National Transportation Safety Board

DR. RAFAEL MARSHALL, Investigator  
National Transportation Safety Board

MAXWELL BOTTINI, Attorney  
(On behalf of Aero Global Logistics)

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MR. FOX: I'll Just put it here, okay.

UNIDENTIFIED SPEAKER: (Indiscernible).

MR. FOX: And then I got to get my questions up here. Okay, so I'm going to start the tape now and we'll begin. Today is February the 1st, 2023. This is Michael Fox, investigator for the National Transportation Safety Board out of Washington, D.C. Today, we are located at -- that's not it --

(Crosstalk)

UNIDENTIFIED SPEAKER: (Indiscernible).

MR. FOX: We're located at [REDACTED] in Utica, New York. We are going to be interviewing the driver of the straight truck that was involved in the crash that we've been investigating this week. There are several people in the room. We'll go around the room and identify each person. We'll start off with Dr. Marshall.

DR. MARSHALL: Okay, this is Rafael L. Marshall. My last name is spelled M A R S H A L L. I am the human performance investigator for the National Transportation Safety Board.

MR. FOX: And sir, can you say your name and spell your last name?

MR. DIAZ: My name Harly Diaz. My last name is D I A Z.

MR. FOX: Okay, and what is your title?

Ma'am, can you hear me?

INTERPRETER: Sorry?

1 MR. FOX: I said --

2 INTERPRETER: Yes.

3 MR. FOX: Can you ask him what his title is?

4 INTERPRETER: What is your title?

5 MR. FOX: Or position with the company?

6 INTERPRETER: Your position in the company -- your job?

7 MR. DIAZ: I drive the truck.

8 MR. FOX: Drive the truck?

9 MR. DIAZ: Yeah.

10 MR. FOX: Okay.

11 DR. MARSHALL: Ma'am, do you mind if we turn the volume up on  
12 this a little bit?

13 MR. FOX: It's up all the way.

14 DR. MARSHALL: Okay.

15 MR. FOX: Do you want to make it louder?

16 DR. MARSHALL: Yeah, isn't there a speaker?

17 MR. FOX: It's on speaker.

18 DR. MARSHALL: Oh, jeez, okay.

19 MR. FOX: It's kind of -- I know it's not very loud, I'm  
20 sorry, and I don't have an external speaker I could hook it to.

21 But before we start any further -- begin to commence the  
22 interview, we want to ask your permission to tape record this. We  
23 have your permission to tape record the interview?

24 Ma'am?

25 INTERPRETER: Before starting, I'd like -- sorry?

1 MR. FOX: Can you hear? The question to the driver was --  
2 (Crosstalk)

3 INTERPRETER: Yes, I was going to speak.

4 MR. FOX: Yeah, do we have his permission to record the  
5 interview?

6 INTERPRETER: Mhmm. Before starting could you tell me if you  
7 have -- if we have your permission to record this interview?

8 MR. DIAZ: Yes.

9 MR. FOX: Okay, very good.

10 INTERPRETER: Yes.

11 MR. FOX: How long have you been employed with the motor  
12 carrier, the company, Global Logistics -- Arrow Global Logistics?

13 INTERPRETER: How long have you worked for the company,  
14 Global Logistics?

15 MR. DIAZ: Three (indiscernible) weeks -- 3 weeks.

16 MR. FOX: Three months, is that what he --

17 INTERPRETER: Three weeks.

18 MR. FOX: Two weeks?

19 INTERPRETER: I'm not sure -- I'm not even hearing him very  
20 well.

21 MR. DIAZ: Three weeks. Three weeks.

22 INTERPRETER: Can you repeat that for me?

23 MR. DIAZ: Three weeks.

24 INTERPRETER: It's three weeks.

25 MR. FOX: Three weeks, is that correct? Yes, the wife is

1 saying yes, three weeks. Okay.

2 MR. BOTTINI: I can't hear what she's saying.

3 MR. FOX: Yeah.

4 MR. BOTTINI: Is it possible to add in my cell phone into  
5 that call with your language line -- to add in another call and to  
6 merge them?

7 MR. FOX: Yeah, let me --

8 MR. BOTTINI: Just to hear what she's saying?

9 MR. FOX: I don't know --

10 He's asking can we merge in Max on the call -- on this call?

11 DR. MARSHALL: Or we can merge the language line in here if  
12 this is any louder.

13 MR. FOX: Yeah, we can -- I mean, I don't know how to do  
14 that.

15 MR. BOTTINI: Whatever is easiest for you guys. I don't know  
16 how this works.

17 DR. MARSHALL: Max, can you continue speaking, I just want to  
18 make sure that we have -- because you're very low too. So, yeah,  
19 you're right, maybe we should merge Max into this one.

20 MR. FOX: How do you do that? I don't know how to do that.

21 DR. MARSHALL: I don't know either.

22 MR. FOX: Or do you --

23 (Crosstalk)

24 MR. FOX: -- maybe -- do you have a little (indiscernible).

25 DR. MARSHALL: Yeah, I can do an add call, Mike.



1 MR. FOX: Huh?

2 DR. MARSHALL: I think we can add a call, Max.

3 MR. FOX: What's your cell phone, Max, because I have you on

4 a --

5 MR. BOTTINI: It's [REDACTED].

6 MR. FOX: [REDACTED].

7 MR. BOTTINI: [REDACTED].

8 MR. FOX: [REDACTED].

9 MR. BOTTINI: [REDACTED].

10 MR. FOX: [REDACTED]. Come on. Hello. I think that'll work. Mike

11 -- Max, can you say that again, please?

12 MR. BOTTINI: Sure, [REDACTED].

13 DR. MARSHALL: [REDACTED].

14 MR. BOTTINI: [REDACTED].

15 DR. MARSHALL: [REDACTED].

16 MR. BOTTINI: [REDACTED].

17 DR. MARSHALL: [REDACTED].

18 (Phone ringing)

19 MR. BOTTINI: Here we go. All right, I'm on.

20 MR. FOX: Okay, that's much better. That's super loud.

21 MR. BOTTINI: Now, you just have to merge the calls.

22 MR. FOX: Oh, you do the -- is it that one? Okay.

23 DR. MARSHALL: Did that work?

24 MR. BOTTINI: Yeah, so, I think -- yep, is the language line

25 there?

1 INTERPRETER: Yes, I'm here. Can you hear me?

2 MR. BOTTINI: Okay, guys -- so I'm just going to x out -- so  
3 there's no feedback, I'm just going to stay off -- I'm going to  
4 get off of the Teams meeting.

5 MR. FOX: Okay.

6 MR. BOTTINI: (Indiscernible).

7 MR. FOX: You got off of the Teams call?

8 MR. BOTTINI: Yeah, I'm on here. I can hear you guys just  
9 fine. I'll let you know if I've got any sound issues on my end.

10 DR. MARSHALL: Okay, it sounds good, Max.

11 MR. BOTTINI: Thank you.

12 DR. MARSHALL: We apologize for all of this technical --

13 MR. BOTTINI: No, no, no, not a problem. Thank you.

14 MR. FOX: We'll get it going good.

15 DR. MARSHALL: This is the first time we've tried this.

16 MR. FOX: Yeah, this is a first for us. But we've -- Teams  
17 has been working out very well because everyone's so spread out on  
18 this investigation, so it's actually been very handy. But we're  
19 sorry for this little glitch.

20 MR. BOTTINI: No, no, not a problem.

21 MR. FOX: Okay, so the -- going back to the last question,  
22 the driver -- we asked him how long he's worked for the motor  
23 carrier and he said for three weeks.

24 MR. BOTTINI: Okay, you can continue.

25 INTERVIEW OF HARLY DIAZ

1 MR. FOX: Okay, what kind of license do you have?

2 INTERPRETER: What type of license do you have?

3 MR DIAZ: Regular.

4 MR. FOX: It's a regular license?

5 MR. DIAZ: (Indiscernible).

6 INTERPRETER: A regular one.

7 MR. FOX: It's a non-CDL. It says it's a Class D. So, you  
8 just -- you can drive vehicles under 26,000 pounds?

9 MR. DIAZ: Mhmm.

10 MR. FOX: Class D?

11 INTERPRETER: Meaning Class D? For vehicles under 26,000  
12 pounds?

13 MR. DIAZ: Mhmm.

14 MR. FOX: Yes, it says this is a Class D. Yeah, okay. Did  
15 you go to any kind of truck drivers school or get any kind of  
16 formal training for driving a vehicle when you got your license?

17 INTERPRETER: Did you go to a driving school?

18 MR. DIAZ: Yes.

19 MR. FOX: And where was that and when was that?

20 INTERPRETER: Where was it and when?

21 MR. DIAZ: It was in New York, the Bronx, it's been about 10  
22 -- it was around 2018, I think.

23 INTERPRETER: It was in the Bronx, around 2018.

24 MR. FOX: It was in the Bronx and say the last part again?

25 INTERPRETER: The year? 2018.

1 MR. FOX: 2018?

2 MR. DIAZ: Two thousand --

3 MR. FOX: Okay.

4 INTERPRETER: Uh-huh.

5 MR. FOX: Before you started working for Global Logistics,  
6 who did you work for?

7 INTERPRETER: Before you started working with this company,  
8 for Global Logistics, who were working for?

9 MR. DIAZ: I worked in battery delivery, by (indiscernible)  
10 contractor and UPS.

11 INTERPRETER: Were you able to hear that? I'm sorry, I was  
12 not --

13 UNIDENTIFIED SPEAKER: (Indiscernible) something that --

14 MR. FOX: Can you say it again, Senor?

15 MR. DIAZ: I worked for --

16 INTERPRETER: Can you --

17 MR. DIAZ: -- battery delivery by FedEx Contract and UPS.

18 MR. FOX: Oh, UPS and a battery delivery?

19 MR. DIAZ: By FedEx Contract.

20 MR. FOX: Contract? How did you work -- how long did you  
21 work there?

22 MR. DIAZ: What's he saying?

23 INTERPRETER: For how long?

24 MR. DIAZ: I worked for FedEx four years.

25 MR. FOX: Four years?

1 INTERPRETER: Four years.

2 MR. DIAZ: At UPS I worked a few months because I had to go  
3 back to where I was working -- to the same company -- to battery  
4 -- I didn't work there too long.

5 INTERPRETER: So, not much -- not too long.

6 MR. FOX: Not too long at UPS?

7 INTERPRETER: You didn't work too long for --

8 MR. DIAZ: Yes.

9 MR. FOX: So, are we talking a month, a week, a day, a year?

10 INTERPRETER: How long? Like a month, a week, a year?

11 MR. DIAZ: It was for several months.

12 INTERPRETER: There were a couple of months.

13 MR. FOX: Okay. Who hired you for your job you're in now?

14 INTERPRETER: Who hired you for your job now?

15 MR. DIAZ: Tom.

16 MR. FOX: Tom?

17 INTERPRETER: Sorry?

18 MR. DIAZ: Tom.

19 MR. FOX: Is he saying Tom?

20 DR. MARSHALL: Yeah, it's -- is it Tom Bagaglio?

21 MR. DIAZ: Yes.

22 DR. MARSHALL: Okay.

23 MR. FOX: Okay, and is he also your supervisor? Your boss?

24 Your "Jefe"?

25 INTERPRETER: Is he your supervisor?

1 MR. DIAZ: Yes.

2 MR. FOX: Yes? When you were hired at Global Logistics, did  
3 you receive any training?

4 INTERPRETER: When you were hired there, did you get any  
5 training?

6 MR. DIAZ: Yes.

7 MR. FOX: And can he --

8 INTERPRETER: Yes.

9 MR. FOX: -- describe was it a day, a week, a month of  
10 training?

11 INTERPRETER: And can you describe if it lasted a month, a  
12 week, how long?

13 MR. DIAZ: One week.

14 INTERPRETER: One week.

15 MR. FOX: One week?

16 INTERPRETER: Uh-huh.

17 MR. FOX: And since you've been with the company, do they do  
18 any safety training meetings?

19 INTERPRETER: And when you were with the company, did they do  
20 any safety training?

21 MR. DIAZ: Just a driver gave me some training, safety  
22 training.

23 INTERPRETER: Sorry, can you repeat that please?

24 MR. DIAZ: The driver who trained me gave me the training on  
25 safety things.

1 INTERPRETER: Yes, the one who trained me -- trained me, the  
2 driver, taught [sic] me some safety things, but not much.

3 MR. FOX: Did they take you out driving your truck as part of  
4 the training? Did you go in the classroom? How did it work?

5 INTERPRETER: How did the training work? Were you driving  
6 the truck or was it in a truck?

7 MR. DIAZ: No, he just taught me the route. He drove the  
8 first few days and then he let me do it, but I already have  
9 experience driving those types of trucks. I used to work with  
10 battery delivery by FedEx contract; I used to drive that type of  
11 trucks.

12 INTERPRETER: So, I was -- the first days I was driving but  
13 it was also because I had already experience driving this sort of  
14 vehicle because of my previous job.

15 MR. FOX: I see. Okay, I see on his license, it says Bronx,  
16 New York. But now he's here at this new address. How long has he  
17 lived here at this address?

18 INTERPRETER: I see that your driver's license says Bronx,  
19 New York, but now you are at a new address, right? How long have  
20 you been at this new address?

21 MR. DIAZ: I moved here four months ago.

22 INTERPRETER: Yeah, it's been four months.

23 MR. FOX: Four months?

24 MR. DIAZ: Uh-huh.

25 MR. FOX: Does he need a break?

1 MR. DIAZ: No.

2 MR. FOX: He's okay? I'm asking if he's okay, Max.

3 INTERPRETER: Are you okay to continue or do you need a  
4 break?

5 MR. DIAZ: Yes, I'm fine.

6 MR. FOX: Are you --

7 INTERPRETER: Yes, I'm fine.

8 MR. FOX: Okay. Are you assigned a specific truck each --  
9 you know, that you drive? Do you drive the same truck or  
10 different ones?

11 INTERPRETER: Were you assigned a specific truck or were you  
12 driving different ones?

13 MR. DIAZ: So, that day it was a new truck, a different  
14 truck.

15 INTERPRETER: This day, yes, I was driving a different truck.

16 MR. FOX: Can you repeat that?

17 INTERPRETER: Those days, I was driving a different truck.

18 MR. FOX: He was driving a different truck that week -- or  
19 those couple of days?

20 INTERPRETER: Mhmm, that week, right? Or those days --

21 MR. Diaz: No --

22 INTERPRETER: -- or that week were you driving a --

23 MR. DIAZ: That --

24 INTERPRETER: -- a different one?

25 MR. DIAZ: That day only.



1 INTERPRETER: Just those days.

2 DR. MARSHALL: Which days?

3 MR. FOX: Which days?

4 INTERPRETER: What days specifically?

5 MR. DIAZ: The day of the accident.

6 INTERPRETER: The day of the accident.

7 MR. FOX: The day of the accident was a different truck?

8 INTERPRETER: The day of the accident was a different truck?

9 MR. DIAZ: Yes, but, they changed it with another one.

10 INTERPRETER: Yes, they changed me to another one.

11 MR. FOX: So, prior to the crash, he had been riding in his  
12 regular truck?

13 INTERPRETER: So, before the accident you were driving the  
14 same truck always?

15 MR. DIAZ: No.

16 INTERPRETER: No.

17 DR. MARSHALL: So, each day, do you drive a different truck  
18 or do you -- so, yeah -- so, every day that you do delivery, it's  
19 a different truck?

20 MR. DIAZ: No.

21 DR. MARSHALL: Okay.

22 MR. FOX: It's the same truck, but I guess the day of the  
23 crash, it was a different truck.

24 DR. MARSHALL: Okay.

25 MR. FOX: That's what I understand it to be.

1 DR. MARSHALL: Yeah, okay.

2 MR. FOX: Are you dispatched or do you have a set route?

3 INTERPRETER: I'm sorry, would you be able to repeat that?

4 MR. FOX: I asked him, is he dispatched by a dispatcher or  
5 does he have a set route?

6 INTERPRETER: Okay. Do you have a specific route or do you  
7 go do deliveries by a dispatcher?

8 MR. DIAZ: The same route.

9 INTERPRETER: I always take the same route.

10 MR. FOX: Always do the same route. And do you maintain a  
11 logbook or a timecard for your hours?

12 INTERPRETER: And do you keep a card with your work hours?

13 MR. DIAZ: When I login to the company's system it is logged  
14 in there.

15 INTERPRETER: In the company system it is like, registered.

16 MR. FOX: Can you repeat that? I couldn't hear you.

17 MR. DIAZ: In the system of the company, when you log in, it  
18 stays registered -- the time.

19 MR. FOX: They registered the time? I still don't  
20 understand. Is he on a paper log or is he using a timesheet or  
21 something for his hours? Or you're saying the company maintains  
22 his hours for him?

23 INTERPRETER: He said that there's a system in his company  
24 where he logs in and registers when he's at work.

25 MR. FOX: So, does he do --

1 INTERPRETER: When he's started -- when he's working.

2 MR. FOX: Is it done through a timeclock, or is it done  
3 through, like, a cell phone, or does he, you know, physically  
4 check in at a location?

5 INTERPRETER: And how does this work? This system at your  
6 company? Do you need to login manually or from your cell phone?

7 MR. DIAZ: It is a company cell phone where I login with my  
8 ID number to see the stops I get and it shows right there the time  
9 I start work and the time I quit.

10 INTERPRETER: Okay, yes, it's a company cell phone where I  
11 log in with my ID and there is -- it says the time that I started  
12 working and the time that I am off work.

13 MR. FOX: Okay, that's great. And what is his normal work  
14 schedule?

15 INTERPRETER: What is your normal work schedule?

16 MR. DIAZ: 1:00 in the morning to 11:30, always 11, mostly.

17 INTERPRETER: 1:00 to 11:30.

18 MR. FOX: 1:00 to 11:30?

19 INTERPRETER: Uh-huh.

20 MR. FOX: Is that what you said, ma'am, 1:00 a.m. to 11:00  
21 a.m.?

22 INTERPRETER: Yes, he said 1:00 in the morning to 11:30.

23 MR. FOX: 11:30 a.m. And where does he begin --

24 INTERPRETER: He did not specify a.m.

25 MR. FOX: Where does he begin his route? Does he pick his --

1 INTERPRETER: Where do you start --

2 NR FOX: -- truck up at a certain location?

3 INTERPRETER: Mhmm. Where does your route start? Do you  
4 pick up the truck at any place in particular?

5 MR. DIAZ: Yes, we have a meeting point and that's where the  
6 truck is parked also.

7 INTERPRETER: Yes, there is a place that I have to pick up  
8 the truck.

9 MR. FOX: Where is that?

10 INTERPRETER: And where is that?

11 MR. DIAZ: It's in Whitesboro, New York.

12 MR FOX: Whitesboro? I think your wife said that she has the  
13 address.

14 UNIDENTIFIED FEMELE: (Indiscernible).

15 MR. FOX: Yes.

16 UNIDENTIFIED SPEAKER: It's 190.

17 MR. FOX: 190.

18 UNIDENTIFIED SPEAKER: Mohawk.

19 MR. FOX: Mohawk.

20 UNIDENTIFIED SPEAKER: Street, Whitesboro.

21 MR. FOX: Whitesboro.

22 UNIDENTIFIED SPEAKER: New York. Zip code?

23 MR. FOX: Oh, I can get it. Thank you, ma'am.

24 UNIDENTIFIED SPEAKER: No problem.

25 MR. FOX: How many hours a week do you work?

1 INTERPRETER: How many hours a week do you work?

2 MR. DIAZ: Ten hours -- per week, it's -- I mean -- it is --  
3 How many is it? Ten hours -- 10 hours per day.

4 INTERPRETER: Well, it's 10 hours a day.

5 MR. FOX: Ten hours a day? Is that Monday through Friday,  
6 Monday through Saturday, seven days a week?

7 INTERPRETER: How many days per week? Monday through Friday,  
8 7 days per week?

9 MR. DIAZ: It is Tuesday through Saturday.

10 MR. FOX: (Indiscernible).

11 INTERPRETER: Give me one second, sorry. Yes, it's from  
12 Tuesday to Saturday.

13 MR. FOX: Tuesday through Saturday?

14 INTERPRETER: Uh-huh.

15 MR. FOX: How and when are you paid?

16 INTERPRETER: How and when are you paid?

17 MR. DIAZ: Every Monday. And how much? Is that what you  
18 asked me?

19 INTERPRETER: Mhmm. Yes, when do you get paid? How often  
20 and how are you paid?

21 MR. DIAZ: They pay me weekly and every Monday.

22 INTERPRETER: Mhmm. They pay me weekly; every Monday.

23 MR. FOX: The vehicle -- the truck that he operated the day  
24 of the crash, is that the first time that he's driven that truck?

25 INTERPRETER: The truck you drove the day of the accident,

1 was that the first time you were driving that truck?

2 MR. DIAZ: Yes.

3 MR. FOX: The first time?

4 INTERPRETER: Yes.

5 MR. FOX: Yes. Before -- on the day of the accident, did he  
6 do a pre-trip inspection on the truck?

7 INTERPRETER: The day of the accident, did you do an  
8 inspection of the truck before you drove it?

9 MR. DIAZ: Yes.

10 MR. FOX: Did he make a record of it?

11 INTERPRETER: Do you have a record of that?

12 MR. DIAZ: I write it on a paper, but it was always in the  
13 truck; I don't know if it is still there.

14 INTERPRETER: I always write it down in a piece of paper and  
15 it was in the truck, but I don't know if it still was there.

16 MR. FOX: Say that again? He does record it down or no?

17 INTERPRETER: He writes it down in a piece of paper and he  
18 left it in the truck. But he doesn't know if the paper is still  
19 there.

20 MR. FOX: Okay. And, on the day of the crash, did -- how was  
21 the vehicle operating? Oh, I think Max is off. Hold on a second.  
22 I think we lost Max here.

23 UNIDENTIFIED SPEAKER: He's calling me.

24 MR. FOX: Oh, he's calling you?

25 UNIDENTIFIED SPEAKER: Hey, Max. Of course. No problem.

1 Add him to the call, please?

2 MR. FOX: Add him to the call -- do you want to do it?

3 DR. MARSHALL: Okay.

4 MR. FOX: We're going to take a moment to get our attorney  
5 back on the phone call.

6 DR. MARSHALL: Okay, let's -- what's his number again? [REDACTED]?

7 MR. FOX: [REDACTED].

8 DR. MARSHALL: [REDACTED].

9 MR. FOX: [REDACTED].

10 DR. MARSHALL: [REDACTED].

11 MR. FOX: [REDACTED].

12 (Phone ringing)

13 MR. BOTTINI: For some reason it dropped my call.

14 MR. FOX: Okay, I think we're all on again.

15 MR. BOTTINI: Okay, thank you.

16 MR. FOX: Yes, sir.

17 MR. FOX: The truck that you operated on the day of the  
18 crash, did it have any mechanical problems?

19 INTERPRETER: The truck you operated -- you drove the day of  
20 the accident, does it have any mechanical problems?

21 MR. DIAZ: No.

22 MR. FOX: Okay -- You can take over, Rafael, do you want to  
23 sit over here so he can hear you better and I'll stand up.

24 DR. MARSHALL: I'm okay.

25 MR. FOX: I want to stand up.

1 DR. MARSHALL: Okay.

2 MR. FOX: Excuse me. (Indiscernible), excuse me.

3 MR. FOX: What kind -- please ask him what kind of equipment  
4 he has in the truck for his job?

5 INTERPRETER: Okay, what type of equipment do you have in the  
6 truck for this work?

7 DR. MARSHALL: Like, do you have a scanning device for your  
8 job to scan the boxes or anything like that?

9 MR. DIAZ: Yes.

10 INTERPRETER: He's saying yes.

11 DR. MARSHALL: Okay. Is there any other piece of equipment  
12 that you use in your job?

13 INTERPRETER: Would there be any other equipment that you use  
14 for your job?

15 MR. DIAZ: No, just that.

16 INTERPRETER: No, just that.

17 DR. MARSHALL: Okay, can -- would you describe the weather at  
18 the time of the crash?

19 INTERPRETER: Could you describe for me the climate on the  
20 day of the accident?

21 MR. DIAZ: It wasn't snowing but -- or raining, but the road  
22 was a little wet, like when they clean the snow off, that's it.

23 INTERPRETER: Okay, yes, Tuesday was snowing. The -- like  
24 the road was a little bit wet when they cleaned the snow.

25 DR. MARSHALL: Okay, can you see the lines on the road? Was



1 that clear?

2 INTERPRETER: Were you able to see the line on the road  
3 (indiscernible) on the track?

4 MR. DIAZ: Yes.

5 INTERPRETER: Yes.

6 DR MARSHALL: Okay, can you describe how much snow was  
7 falling?

8 INTERPRETER: Can you tell me how much snow was falling?

9 MR. DIAZ: No, it wasn't raining.

10 INTERPRETER: No, I'm sorry, I think I made a mistake. It  
11 was not snowing.

12 DR. MARSHALL: Not snowing?

13 INTERPRETER: That was my fault, sorry.

14 DR. MARSHALL: Okay, not snowing. Was it still dark at the  
15 time of the crash?

16 INTERPRETER: Was it still dark at the time of the accident?

17 MR. DIAZ: Yes.

18 DR. MARSHALL: Still dark?

19 INTERPRETER: Yes.

20 DR. MARSHALL: How was the traffic? How much traffic was on  
21 the roadway at the time?

22 INTERPRETER: And how was the traffic, how much traffic was  
23 on the roadway at the time?

24 MR. DIAZ: There was no traffic.

25 INTERPRETER: Did you say there was or there wasn't?

1 MR. DIAZ: There was no traffic at that time.

2 INTERPRETER: (Indiscernible). There was no traffic.

3 DR. MARSHALL: Can you describe your normal day before you go  
4 to work? Can you describe what you do every day before you go to  
5 work? Do you have a normal routine?

6 INTERPRETER: Mhmm -- Could you describe a normal day before  
7 you go to work? What was your routine before going to work?

8 MR. DIAZ: So, when I get back from work somewhere around  
9 11:40 -- 11 and change or 12, I eat and then I go to bed. I get  
10 up at 5:00 or 6:00; I eat something light and then I go back to  
11 sleep until I have to get up to go to work.

12 DR. MARSHALL: Okay. Yes, when I go back to work from around  
13 11:40 or even 12:00, I usually eat and then I went to sleep and  
14 then I wake up around 5:00 or 6:00 and I eat something small and  
15 go back to sleep again until I have to wake up to go to work.

16 DR. MARSHALL: Okay, how long is the commute from -- white --

17 UNIDENTIFIED SPEAKER: Sorry, what is it --

18 UNIDENTIFIED SPEAKER: Utica to Whitesboro?

19 DR. MARSHALL: Yeah. How far is the commute from Utica to  
20 Whites --

21 UNIDENTIFIED SPEAKER: Whitesboro.

22 DR. MARSHALL: Whitesboro.

23 INTERPRETER: I'm sorry, would you be able to repeat that?

24 DR. MARSHALL: Sure. How --- how long is the commute from  
25 home to where he picks up the truck?

1 INTERPRETER: Okay, what's the length -- how long does it  
2 take you to go from your home to the place where you have to pick  
3 up the truck?

4 MR. DIAZ: It's about 14 minutes or less, no more than 14.

5 INTERPRETER: Usually, no more than 14 minutes.

6 DR. MARSHALL: 14 minutes?

7 INTERPRETER: One four.

8 DR. MARSHALL: Okay, so your normal routine is to come home  
9 around 11:40 or 12:00, eat, and then you go to sleep. Around what  
10 time do you go to sleep when you get home from work?

11 INTERPRETER: Mhmm, so, you're telling me that your routine  
12 is that you arrive between 11:40 or 12:00 to eat and then you go  
13 to bed, right? What time, more or less, would you be going to  
14 bed?

15 MR. DIAZ: Sometimes right after I am done eating. Like --

16 INTERPRETER: As soon as I --

17 MR. DIAZ: Like for example, it may be like 12:15, something  
18 like that -- 12:20

19 INTERPRETER: Okay, as soon as I stop eating, around 12:15 or  
20 12:20.

21 DR. MARSHALL: Okay, and then you go straight to bed around  
22 12:20 and then you wake up between 5:00 and 6:00 and then you eat  
23 a small amount and then you sleep again and then what time do you  
24 go back to work on a normal day?

25 INTERPRETER: So -- and so, you are telling me that you wake

1 up again at around 5:00 or 6:00 to eat something light and then  
2 you sleep again, but what time do you start working again?

3 MR. DIAZ: I start working again -- I go in at 1:00, but I  
4 leave my house at around 12:40 -- 12:50, something like that.

5 DR. MARSHALL: Okay.

6 INTERPRETER: So, I go back to work at 1:00 a.m. I usually  
7 leave my house around 12:40 or 12:50.

8 DR. MARSHALL: Okay.

9 MR. FOX: Hold on a second, did we lose Max again?

10 DR. MARSHALL: No, don't worry about it.

11 (Beeping sound)

12 MR. FOX: Okay, (indiscernible).

13 DR. MARSHALL: Was there anything different about your work  
14 on the day of the crash?

15 MR. DIAZ: No.

16 DR. MARSHALL: So, it was just a normal routine before you  
17 went to work? Okay.

18 INTERPRETER: Was there anything different related to your  
19 work on the day of the accident?

20 MR. DIAZ: No.

21 DR. MARSHALL: So it was just the normal routine before you  
22 went to work. Okay.

23 INTERPRETER: So it was a -- the same routine before you went  
24 to work?

25 MR. DIAZ: Yes.

1 DR. MARSHALL: Was your -- did your -- how many days in a row  
2 did you work before the crash?

3 INTERPRETER: How many days did you work on the highway  
4 before the day of the accident?

5 MR. DIAZ: It was four and that was my last work day.

6 INTERPRETER: Four days.

7 DR. MARSHALL: Okay, was anything different on those four  
8 days before the crash? Did anything happen, like, anything  
9 different or did you have the same routine?

10 INTERPRETER: Mhmm, in those four days, was there anything  
11 different or was it the same routine?

12 MR. DIAZ: No, the same.

13 DR. MARSHALL: Everything's the same? Okay, do you have a  
14 primary care physician?

15 INTERPRETER: Do you have a primary care physician?

16 Mr. DIAZ: In New York, but not here.

17 INTERPRETER: No, I don't think so.

18 DR. MARSHALL: No?

19 INTERPRETER: (Indiscernible).

20 DR. MARSHALL: (Indiscernible). Does the company provide you  
21 with health insurance?

22 INTERPRETER: Did the company give you health insurance?

23 MR. DIAZ: I am not -- I am not sure.

24 INTERPRETER: No.

25 UNIDENTIFIED SPEAKER: He said, "not sure."

1 MR. DIAZ: I'm not sure.

2 DR. MARSHALL: So, you do not know if you have health  
3 insurance with the company?

4 INTERPRETER: Did you tell me you are not sure, that you  
5 don't know?

6 MR. DIAZ: I am not sure.

7 DR. MARSHALL: Okay.

8 INTERPRETER: I'm not sure -- mhmm.

9 DR. MARSHALL: Do you have any pre-existing medical  
10 conditions?

11 INTERPRETER: Do you have any previous medical condition?

12 MR. DIAZ: No.

13 DR. MARSHALL: Okay, do you remember where you went for your  
14 medical examination for commercial driver medical examination?

15 INTERPRETER: Do you remember where you went for your medical  
16 examination to get your commercial driver license?

17 MR. DIAZ: What? Can you repeat that again?

18 INTERPRETER: Yes. Do you remember where you did your  
19 medical examination to get your driver's license?

20 MR. DIAZ: Like the drug test or something like that?

21 UNIDENTIFIED SPEAKER: (Indiscernible).

22 INTERPRETER: Would you mind explaining that again?

23 DR. MARSHALL: Yeah, (indiscernible) I want to ask  
24 (indiscernible).

25 INTERPRETER: I don't think he understands.

1 DR. MARSHALL: Do you have a medical card -- a DOT medical  
2 card?

3 MR. DIAZ: Yes.

4 DR. MARSHALL: Where did he get it?

5 MR. FOX: Yeah.

6 UNIDENTIFIED SPEAKER: (Indiscernible).

7 DR. MARSHALL: Where did you get your medical card?

8 INTERPRETER: Where did you get it?

9 MR. DIAZ: In the Bronx.

10 DR MARSHALL: Bronx?

11 MR. FOX: Does he have a copy of it here?

12 UNIDENTIFIED SPEAKER: May I say something?

13 INTERPRETER: Do you have a copy?

14 DR. MARSHALL: Yes.

15 UNIDENTIFIED SPEAKER: I went with him to Well Now because  
16 that's where they referred him.

17 DR. MARSHALL: Well Now?

18 UNIDENTIFIED SPEAKER: Yeah, to get the DOT card. To get the  
19 -- well, I have a copy of that. Do you need it?

20 MR FOX: Oh, yeah.

21 DR. MARSHALL: Oh, yes, please, thank you.

22 UNIDENTIFIED SPEAKER: No problem. I just want to make sure  
23 everything is --

24 DR. MARSHALL: Yeah, yes, ma'am, thank you for your help.

25 UNIDENTIFIED SPEAKER: Oh, no problem.

1 DR. MARSHALL: Okay, thank you. Oh, no, that's the drug test  
2 probably. It's like a medical -- it's a --

3 MR. DIAZ: (Indiscernible) what they want is (indiscernible)  
4 the DOT.

5 UNIDENTIFIED SPEAKER: Oh.

6 DR. MARSHALL: DOT medical certificate.

7 MR. DIAZ: It's in the middle.

8 UNIDENTIFIED SPEAKER: He has that because I remember when we  
9 did that for (indiscernible). He has that. Sorry.

10 MR FOX: Oh, thank you.

11 DR. MARSHALL: Yep, that's it.

12 UNIDENTIFIED SPEAKER: (Indiscernible).

13 DR. MARSHALL: May I take a picture?

14 MR. FOX: We can do it later. Just put it on the table.

15 DR. MARSHALL: Okay. Do you -- what do you do in the truck  
16 while you are working? Do you listen to music, or do you talk on  
17 the phone, or do you, you know -- well, how do you -- I mean what  
18 do you do in the truck while you are working since a lot --  
19 there's a lot of time between traveling?

20 INTERPRETER: What is it that you do while you are driving  
21 the truck, for example, maybe you listen to music or you talk on  
22 the phone? Because there is a lot of time between travel and  
23 travel.

24 MR. DIAZ: Nothing, I am just concentrating on my work.

25 INTERPRETER: No, I'm not doing anything. I'm concentrating



1 in my work.

2 DR. MARSHALL: Okay.

3 Mike, do you have any other questions?

4 MR. FOX: Yes. I see that you have some injuries. Were you  
5 hurt in the crash?

6 INTERPRETER: I'm sorry, the line is cutting off. Would you  
7 mind repeating that?

8 MR. FOX: I asked -- I said it looks like you were injured in  
9 the crash, were you hurt in the crash and what are your injuries?

10 INTERPRETER: Yes, it seems you suffered some wounds in the  
11 accident, what are your injuries?

12 MR. DIAZ: On my right hand I broke a bone; I don't remember  
13 well what the name of the bone is, and on my left leg, the upper  
14 part was also broken.

15 INTERPRETER: Okay, I broke my right hand. I don't remember  
16 the name of the bone. And also my left leg in the upper part is  
17 broken too.

18 MR. FOX: And did he hurt his hip? I thought he hurt his  
19 hip?

20 UNIDENTIFIED SPEAKER: (Indiscernible).

21 INTERPRETER: Did you hurt your hip also?

22 MR. DIAZ: Like a part of my hip, the upper part, yes, the  
23 (indiscernible) part of my hip, left side.

24 INTERPRETER: Yes, on the left side.

25 MR. FOX: And you -- did you break your hip? That's what I

1 thought I heard. Did you break your hip?

2 MR. DIAZ: Yes.

3 INTERPRETER: Mhmm, I heard -- okay.

4 MR. FOX: Mhmm, and are you on -- I'm assuming they gave him  
5 medication since this accident, but was he on any medication prior  
6 to the accident?

7 INTERPRETER: Okay, so I take it you're on medications right  
8 now, but before that, were you already taking any other  
9 medication?

10 MR. DIAZ: No.

11 MR. FOX: I just have the one last but you can go ahead.

12 DR. MARSHALL: Okay. I want to -- I want you to describe to  
13 us, like, starting, maybe, you know, a little bit before the  
14 crash, but what -- can you describe step by step what you  
15 experienced and saw before the crash?

16 INTERPRETER: You said what he has experienced and what else?

17 DR. MARSHALL: Yeah, I just wanted him to tell us what  
18 happened before the crash, leading up to the actual crash.

19 INTERPRETER: Okay, yes. Do you think you can tell me what  
20 happened just before the accident and what led to the accident  
21 happening?

22 MR. DIAZ: Okay. So I was on my lane and the bus was coming  
23 from the side opposite to me. Its high beams were on, but I tried  
24 -- the bus was starting to go into my lane, which was already a  
25 little dry. I tried to veer a little to the right but there

1 wasn't enough time, it was already too late, it hit me. I didn't  
2 have the time to honk the horn or do anything else.

3 INTERPRETER: (Indiscernible).

4 MR. DIAZ: That's when I tried to steer the truck so it  
5 wouldn't fall off the void and I stepped on the brake so to --  
6 when it hit me I stepped on the brake, I tried to keep the truck  
7 off the void.

8 INTERPRETER: Okay. So -- give me one second. So, there  
9 were two cars in the opposite side of the lane I was. But then I  
10 saw a bus going to my lane and I was trying to turn right so we  
11 don't hit each other. But he didn't even give me enough time  
12 because it didn't even give me time to (indiscernible) traction  
13 and it hit me, and so I tried to stop the truck so it doesn't go  
14 to the cliff and, yeah, that's what happened.

15 MR. FOX: He tried to stop the truck before it went where?

16 MR. DIAZ: To the cliff (indiscernible).

17 MR. FOX: Oh, to the cliff?

18 UNIDENTIFIED SPEAKER: He mentioned high cliffs.

19 MR. FOX: Okay.

20 INTERPRETER: He mentioned something about a -- I don't know  
21 how to say it in English. It's a very Spanish word.

22 MR. FOX: Okay, so tell me about the -- you said there were  
23 two cars before the bus on that -- on the opposite side, is that  
24 correct?

25 INTERPRETER: So, did you mention that there was a vehicle on

1 the opposite side? Two vehicles?

2 MR. DIAZ: No.

3 INTERPRETER: Can you explain it some more?

4 MR. DIAZ: What?

5 INTERPRETER: Can you explain it again, please?

6 MR. DIAZ: No, I didn't say that.

7 INTERPRETER: Right, but I am asking you again.

8 MR. DIAZ: What do you mean? What are you asking me?

9 INTERPRETER: I'm asking again, okay? Yes, I am asking you  
10 what did you say initially?

11 MR. DIAZ: I said initially that when the bus was coming with  
12 its high beams on -- I saw it was getting into -- it was blocking  
13 my sight, it was coming into my lane. So I tried to veer a little  
14 to the right, but I did not have enough time because it hit me  
15 right then. So when it hit me I stepped on the brake and I tried  
16 to keep it from going off the road -- the truck.

17 MR. DIAZ: Okay, so what I was saying is that -- give me one  
18 second -- so, there was this bus without its lights on, so I was  
19 not able to see anything. So, when I saw that he was going to my  
20 side, I tried to turn right, but I didn't have enough time and he  
21 hit me. But that's when I tried to stop the truck so it doesn't  
22 go off of the road.

23 MR. FOX: Okay, okay. So was the bus and his truck the only  
24 vehicles on the roadway at that time?

25 INTERPRETER: So was the bus and your truck the only two

1 vehicles on the roadway at that time?

2 MR. DIAZ: Yes, at that time yes.

3 MR. FOX: Okay.

4 INTERPRETER: Yes, in the moment, yes.

5 MR. FOX: Okay, did you take any medications prior to the  
6 crash? Do you take any prescription medicine or do you take any  
7 over the counter medicines?

8 INTERPRETER: Did you take any medication before the  
9 accident? Any over-the-counter medicine or any prescribed  
10 medication?

11 MR. DIAZ: NO, just one Tylenol, that was all.

12 INTERPRETER: No, just one -- what was the name you told me?

13 MR. DIAZ: Tylenol, one Tylenol

14 INTERPRETER: Just one Tylenol.

15 MR. DIAZ: But that was around 6:00 or something in the  
16 afternoon.

17 INTERPRETER: That was around 6:00 in the afternoon, right?

18 MR. DIAZ: Mhmm.

19 INTERPRETER: 6 p.m.

20 MR. FOX: Okay, (indiscernible) so -- I apologize, are you  
21 getting tired? Are you okay?

22 MR. DIAZ: I'm okay.

23 MR. FOX: So, you said you use an application to do your time  
24 for your company; do you do that on a different phone -- I mean,  
25 do you have a company phone and then do you have a personal phone?

1 UNIDENTIFIED SPEAKER: Yes, he has a company phone. He told  
2 us.

3 INTERPRETER: Yes, you were telling me you used the company  
4 phone to record -- well -- (indiscernible) your time -- besides  
5 that do you have your own phone?

6 MR. DIAZ: Yes I have my phone.

7 INTERPRETER: Yes, I have a personal --

8 MR. DIAZ: The company phone (indiscernible).

9 DR. MARSHALL: I'm sorry, say that again, please?

10 INTERPRETER: Mhmm. I have -- yes, I have my personal phone  
11 and the company phone.

12 DR. MARSHALL: Okay, do you have the phone number for the  
13 company phone?

14 INTERPRETER: Do you have the phone number of the company?  
15 The company phone?

16 MR. DIAZ: No, I don't know.

17 INTERPRETER: No, I don't know.

18 DR. MARSHALL: Okay, do you know where the company phone is  
19 now?

20 INTERPRETER: Okay, do you know where the company phone is  
21 right now?

22 MR. DIAZ: Yes, at the hospital, the first hospital they took  
23 me to a person from -- a city investigator [sic]; I gave him both  
24 phones.

25 INTERPRETER: Yes, in the hospital, there was an investigator

1 and he took both of my phones.

2 DR. MARSHALL: Okay, okay -- you wouldn't know what the  
3 company phone number is, do you?

4 UNIDENTIFIED SPEAKER: No.

5 DR. MARSHALL: Okay.

6 Mike, do you have any other questions?

7 MR. FOX: I just wanted to ask him and say a couple of  
8 things. One is you've been asked a lot of questions, is there  
9 anything that we haven't asked you that we think that we should  
10 ask you about this crash?

11 INTERPRETER: Of all the questions we have asked you, do you  
12 think that there is anything we should have asked you regarding  
13 this crash?

14 MR. DIAZ: No, no, I don't think so.

15 INTERPRETER: No, no, I don't think so.

16 MR. FOX: Okay, very good. How well do you sleep? I mean,  
17 are you -- do you have a good sleep when you're sleeping or do you  
18 have --

19 DR. MARSHALL: Prior to the crash.

20 MR. FOX: Yeah, prior to the crash?

21 INTERPRETER: I'm sorry, would you mind speaking closer to  
22 the microphone? I'm not able to hear you.

23 DR. MARSHALL: I apologize. I was wondering how well he  
24 sleeps prior to the crash?

25 INTERPRETER: Okay, I would like to know how well were you

1 sleeping before the accident?

2 MR. DIAZ: Fine.

3 INTERPRETER: Yes, good.

4 DR. MARSHALL: Okay. What days are you off?

5 INTERPRETER: What days --

6 DR. MARSHALL: You said it was Sunday and Monday, is that  
7 correct?

8 MR. DIAZ: Yes.

9 MR. FOX: Do you change your schedule on Sunday and Monday so  
10 you sleep at night instead or do you still sleep during the day?

11 MR. DIAZ: When I finish on Saturday -- when I finish on  
12 Saturday, I go through the same routine. I eat, I sleep and I get  
13 up late. So I'm off the next day, and also Monday, so I go  
14 back --

15 INTERPRETER: Okay. The Saturdays that I go off work, I do  
16 the same routine. I eat and I sleep so that I am free the next  
17 day.

18 MR. DIAZ: (Indiscernible).

19 MR. FOX: Okay, what do you do on your days off?

20 INTERPRETER: What do you do on your days off?

21 MR. DIAZ: Nothing, usually I stay here at home, mostly with  
22 my family.

23 INTERPRETER: Nothing, usually I stay at home.

24 MR. FOX: Okay.

25 UNIDENTIFIED SPEAKER: (Indiscernible).



1 MR FOX: Okay. Someone that was trying to visit you in the  
2 hospital yesterday, his name is Max Green.

3 UNIDENTIFIED SPEAKER: Yeah.

4 INTERPRETER: I'm sorry?

5 MR. FOX: I said we had someone from our office that was  
6 trying to visit with him in the hospital and he couldn't talk to  
7 him. His name is Max Green.

8 INTERPRETER: We had somebody from our office who was trying  
9 to visit you while you were at the hospital and he couldn't do it.  
10 His name is Max Green

11 MR. FOX: He is from our Disaster -- from our Transportation  
12 Disaster Assistance Office.

13 INTERPRETER: Transportation Disaster Assistance Office?

14 MR. FOX: Yeah, Transportation Disaster Assistance Office,  
15 TDA.

16 INTERPRETER: Okay. Yes, this person is from our  
17 Transportation Disaster Office (indiscernible) TDA.

18 MR. FOX: And he was trying to give him some information on  
19 counseling and assistance from the Red Cross.

20 INTERPRETER: Yes, and he was trying to give you information  
21 about counseling and assistance from the Red Cross.

22 MR. FOX: I'm going to write down his name and number on the  
23 back of my business card so that he or his wife can give him a  
24 call so that they can reach out for counseling and other  
25 assistance.

1 DR. MARSHALL: You have one?

2 UNIDENTIFIED SPEAKER: Thank you.

3 MR. FOX: Oh, you already got it?

4 UNIDENTIFIED SPEAKER: Yeah.

5 MR. FOX: Okay, he can -- just tell him the wife already got  
6 the information from our office.

7 INTERPRETER: Your wife already has the information  
8 (indiscernible) about their name and phone number to call them and  
9 they can provide you with some help

10 MR. DIAZ: Okay.

11 MR. FOX: I think that's all.

12 DR. MARSHALL: So, I think that this is all. Do you have any  
13 questions for us, sir?

14 MR. DIAZ: No.

15 MR. FOX: So --

16 INTERPRETER: Do you have any -- oh, sorry.

17 MR. FOX: Ask him if there's any other questions or concerns  
18 for him?

19 INTERPRETER: That would be all. Can you tell me if you have  
20 any questions or any worries?

21 MR. DIAZ: No.

22 MR. FOX: All right, so without any further questions, we're  
23 going to go ahead and end the interview.

24 INTERPRETER: If there are no more questions we're going to  
25 end -- conclude the interview.

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MR FOX: And the time now is 4:22 p.m.  
(Whereupon, at 4:22 p.m., the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: FATAL CRASH OF A FREIGHTLINER BOX  
TRUCK & BUS IN LOUISVILLE, NEW YORK  
ON JANUARY 28, 2023  
Interview of Harly Diaz

ACCIDENT NO.: HWY23FH005

PLACE: Utica, New York

DATE: February 1, 2023

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

  
Zhanh Cifuentes  
Transcriber