



Motor Carrier Attachment – AGL Foxboro, MA Terminal Manager Interview

Louisville, NY

HWY23FH005

(18 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: THOMAS BAGAGLIO, Terminal Manager
Aero Global Logistics

Foxboro, Massachusetts

Wednesday,
May 10, 2023

APPEARANCES:

MICHAEL FOX, Senior Highway Accident Investigator
National Transportation Safety Board

MARK OESTERLE, Transportation Consultant
Motor Carrier Safety Firm, LLC

I N D E X

ITEM

PAGE

Interview of Thomas Bagaglio:

By Mr. Fox

4

I N T E R V I E W

(1:54 p.m.)

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2
3 MR. FOX: This is Michael Fox, investigator for the National
4 Transportation Safety Board. Today is May the 10th, 2023. We're
5 located at Aero Global Logistics' terminal located at 35 -- is it
6 Panas, Pananas (ph.)?

7 MR. BAGAGLIO: Panas.

8 MR. FOX: Panas Road in Foxboro, Massachusetts. We're going
9 to be interviewing the terminal manager here. Sir, we said that
10 we would go through these questions, is it okay if I interview by
11 tape?

12 MR. BAGAGLIO: Of course.

13 MR. FOX: Good, all right. How long have you been employed
14 here at -- oh, before I start, what we'll do is go around the room
15 and introduce each person that's here.

16 Tom, can you go ahead and lead us off? Say your name, give
17 us your title, and spell your last name, please.

18 MR. BAGAGLIO: Yeah. Thomas Bagaglio, terminal manager, Aero
19 Global Logistics. B-a-g-a-g-l-i-o.

20 MR. OESTERLE: Mark Oesterle, MCSF, LLC, consultant. O-e-s-
21 t-e-r-l-e.

22 MR. FOX: Okay. Thank you for being with me today.

INTERVIEW OF THOMAS BAGAGLIO

23
24 BY MR. FOX:

25 Q. How long have you been employed by Aero Global Logistics?

1 A. I'm in my 10th year.

2 Q. Tenth year?

3 A. Yes.

4 Q. And what did you do before you came here to Aero Global?

5 A. I was associated with various transportation organizations
6 for, oh, 33 years.

7 Q. Did you ever receive any formal training on the Federal Motor
8 Carrier Safety Regulations?

9 A. Yes.

10 Q. And can you explain? Was there a training class or --

11 A. Generally speaking, through several former employers, we did
12 -- I did participate in several classroom seminar-type scenarios
13 that were sponsored by the various companies I worked for.

14 Q. Okay. Have you always been the terminal manager or did you
15 have a job before you became terminal manager?

16 A. With Aero Global Logistics?

17 Q. Yes, sir.

18 A. When I first started, I ran the second shift, the outbound
19 shift here for Aero.

20 Q. Okay. Currently, how many employees do you have at this
21 terminal?

22 A. Approximately 50.

23 Q. And what kind of -- what staff do you have here at the
24 Foxboro terminal?

25 A. Office, administrative, supervisory?

1 Q. Yes, as far as staff structure. So there's you.

2 A. There's myself, there's a first shift supervisor, a second
3 shift supervisor.

4 Q. And who are those people?

5 A. The first shift supervisor is Kevin Doolin, the second shift
6 supervisor is Rui Avila, and we presently don't have a third shift
7 supervisor, and we have a customer service team.

8 Q. And how many drivers do you employ here at the terminal?
9 Approximately.

10 A. Twenty-five-ish or so.

11 Q. Okay.

12 A. Give or take.

13 Q. And how many routes do you run out of the terminal?

14 A. In all different operations?

15 Q. Yeah, so you have the automotive routes and then you have the
16 retail routes, can you explain?

17 A. Yes. The retail routes, we run five routes a day. The
18 automotive, we're running a total of 25.

19 Q. And do you have a union here?

20 A. Yes.

21 Q. And is it a driver union or can you explain?

22 A. Drivers and dock workers.

23 Q. But what is that, what is the name of that union?

24 A. The International Aerospace and Machinists Workers Union
25 (sic).

1 Q. Did you originally hire -- were you part of the interview
2 process for driver Diaz, the driver involved in the crash?

3 A. Yes.

4 Q. You were. Who approves payroll for the office here?

5 A. I do.

6 Q. You do, okay. How are drivers paid?

7 A. Drivers are paid, essentially, a salary. They're paid a per
8 diem rate which equates to a weekly, weekly pay.

9 Q. And that pay is generated when a driver comes on duty to run
10 a particular route, when he or she is assigned to a route, is that
11 approximately correct?

12 A. That is correct.

13 Q. And there is overtime that gets factored into the driver pay
14 under what scenario?

15 A. The routes, every different route and every different
16 geography has an engineered time, 10 hours, 9 hours, 8 and a half
17 hours, whatever it may be. Contractually, drivers are paid --
18 over 8 hours, they're paid time and a half on a daily basis. So
19 if a 10-hour route exists and a driver is doing it, it's paid out
20 at 8 hours of straight time and 2 hours of overtime for that 10-
21 hour day.

22 Q. Okay. And that is negotiated by the union?

23 A. Correct.

24 Q. Like every couple years?

25 A. Every 3 years.

1 Q. And if there is a reason that a driver is delayed, like a
2 mechanical breakdown, for example --

3 A. Um-hum.

4 Q. -- is there -- is that when additional overtime would be
5 calculated in there or how does that work?

6 A. That would be a manual add-on into their payroll for the day
7 at a hourly rate, per hour.

8 Q. But that's done manually here at the office, either you --

9 A. Correct.

10 Q. -- or one of your staff would say so-and-so broke down, we're
11 going to add an hour or 2 hours or whatever.

12 A. However long it was, yeah.

13 Q. And then that goes into that matrix of the wages that you
14 were explaining or showed me?

15 A. Yes.

16 Q. That would be part of that calculation.

17 A. Correct.

18 Q. And that goes by seniority, by the route, it's a whole big,
19 complicated formula.

20 A. Yes.

21 Q. Okay. Now, the union, is that -- do they represent the
22 entire company or only for the Foxboro --

23 A. Only for the Foxboro location.

24 Q. Is there a union for the Winchester location or --

25 A. No, there is not.

1 Q. -- in Virginia? Now, you're going to be opening up a new
2 terminal in Tennessee?

3 A. Correct. Memphis.

4 Q. Memphis, Tennessee.

5 A. Yeah.

6 Q. When do you think that will begin?

7 A. That's slated for late June.

8 Q. Who is responsible for dispatch here?

9 A. That's a twofold answer, it depends on whether we're talking
10 the automotive side of the business or the retail side. The
11 retail side would normally be done by the third shift supervisor,
12 who -- that slot is open right now and is now currently being
13 performed by the -- either myself or the office staff early in the
14 morning.

15 Q. And those routes, correct me if I'm wrong, are they the
16 daytime routes, the H&M --

17 A. H&M and Barnes and Noble.

18 Q. -- Barnes and Noble, those guys are running daytime.

19 A. During daylight hours, correct.

20 Q. Okay, that's what I thought. And who's responsible for hours
21 of service compliance?

22 A. That is the supervisory team, myself included, second shift,
23 the first shift supervisor, third shift supervisor.

24 Q. When we were talking yesterday, we were talking about a new
25 driver hiring packet, I believe you called it, or package. Is

1 that a new procedure for the company?

2 A. Basically, the hiring packet is the application, which has
3 always been standard, there were add-ons made into that packet
4 that have some policies that were added to the end of that packet,
5 as well as some different federal forms and stuff that were
6 changed or that expired and had to be renewed.

7 Q. And that new procedure went into effect when?

8 A. Approximately sometime in February, as I recall.

9 Q. Okay. Now is that hiring packet for -- just for Foxboro or
10 is it company-wide?

11 A. Company-wide.

12 Q. Before the crash that we're investigating, did the company
13 have a standalone fatigue policy?

14 A. No.

15 Q. Do I understand that you've implemented one since --

16 A. Yes.

17 Q. -- the crash? I think Jake sent me one.

18 A. Yes.

19 Q. But that is the new policy. Does the company have a fatigue
20 management program?

21 A. No, sir.

22 Q. Can you explain your company cell phone policy?

23 A. Yes. If a driver is stopped, not hands -- well, stopped for
24 the reason and cited for being not hands free, i.e., using their
25 cell phone, the new policy is that that would be termination.

1 Q. Hands free is acceptable?

2 A. Yes.

3 Q. Okay. And not to put words in your mouth, but I believe the
4 policy said something about that if you need to use your phone for
5 an emergency or to call the office, pull over to a safe area. Do
6 you want to elaborate on that?

7 A. Correct. Well, we would prefer, if necessary, to be in a
8 safe area and not operating the vehicle, pulled over, a rest area,
9 side of the road or what have you, or be hands free.

10 Q. Okay. Did driver Diaz receive any additional training
11 besides the 4 days with Harold Crouch?

12 A. No. That was his training.

13 Q. That was his training. Just to ask it again a different way,
14 in the packet that Jack -- Jake had sent me, there was a
15 PowerPoint presentation for driver training, he did not receive
16 that, correct?

17 A. No.

18 Q. Okay. In the DQ file there's these three documents that were
19 signed by driver Diaz, which are the employee acknowledgement,
20 receipt of the employee handbook dated 1/16 of '23, consequences
21 for refusal for testing or testing positive for drug use. And
22 then the third document is the driver evaluation road test form
23 dated 1/16. So all three of these documents were signed on the
24 16th. Driver Diaz was off duty that day. Do you know why this --
25 these documents are signed on the 16th, the consequences to refuse

1 and the employee acknowledgement?

2 A. I can't say specifically why they were signed on the 16th,
3 but those two documents that you're holding in your hand are part
4 of a larger packet that would've included items for payroll, i.e.
5 direct deposit, tax withholding and other items like that that
6 would've been sent up with the handbook inside a packet for him,
7 so we could get him onto the payroll.

8 Q. Got you. So these would've been sent up by your HR or
9 administrative office?

10 A. We would've sent them up from here.

11 Q. Okay.

12 A. Yeah.

13 Q. Got you. Oh, from here?

14 A. Correct.

15 Q. Okay, all right. I got it on those documents. Now, this
16 document here, the driver evaluation form, it says on here driver
17 Diaz and then it was -- it says it's the test form, it says the
18 test date 1/16 and then it says observed by Harold Crouch, and
19 then it has a multitude of different items that are circled and
20 then it's signed by the evaluator, which is Harold Crouch. Again,
21 this is dated, it says the test date, the 16th, but he was not
22 working. Can you elaborate on why that is here?

23 A. Well, per our discussions with Harold, Harold believes that
24 he did that after the fact, as a -- as I recall our conversation
25 with Harold, after the fact, he did that after the fact, based

1 upon the evaluation of his training that he was with him for the
2 several days prior.

3 Q. Right, because he was training him the 10th, 11th, 12th, and
4 13th according to the sheets that we have here.

5 A. Correct.

6 Q. Correct. So it might've just been an oversight or whatever.

7 A. Quite possibly.

8 Q. Okay, all right. I just wanted to get that issue. All
9 right. And let me see. Okay. We had a discussion about these
10 trip sheets, we have the 13th for Harold Crouch, which he was
11 finishing the training with driver Diaz.

12 A. Um-hum.

13 Q. And then we were looking at the driver's -- Harold Crouch's
14 ELD record, in which he ends on the 13th training Diaz at 12:07
15 p.m. and then he -- according to his ELD, it says that he's going
16 on duty to run a line haul at 13:50 hours. Can you explain?

17 A. No, that requires some further looking into. We don't have a
18 good answer for a few different reasons there, some geographical
19 pinpoints are questionable --

20 Q. Right.

21 A. -- and we need to get a little more clarity on that whole,
22 that whole piece right there so I can have a great answer for you.

23 Q. Okay, so we'll just leave it pending. Along those same lines
24 which you were just alluding to, because we did have this
25 discussion earlier, before we went on record, on the ELD it shows

1 Whitesboro and then it also shows a location of Emporia, Virginia,
2 which we couldn't quite figure out why that was.

3 A. Correct.

4 Q. Yeah, so we'll just leave that as something to follow up on.

5 A. Yes.

6 Q. Okay. Okay, one of the last items is that we were -- you
7 know, I had asked for the originals, which I have or you provided,
8 and I actually thought of them last night by accident, but these
9 are the originals for driver Diaz and for Harold when he was doing
10 the training.

11 A. Yeah.

12 Q. The day of the 10th is missing, do you know where that one is
13 located? The original document for the trip sheet for the 10th.

14 A. Right there.

15 Q. I'm sorry, excuse me. Let me see. That's the 11th.

16 A. Well, it -- no.

17 MR. OESTERLE: No, if you look at the top, it goes 9, 10, and
18 10, 11.

19 MR. FOX: Okay, so I'm looking for this document. This is a
20 copy.

21 MR. BAGAGLIO: Yeah.

22 MR. FOX: That's not the original.

23 MR. BAGAGLIO: So that's the 9th.

24 MR. FOX: Yeah, the 9th.

25 MR. BAGAGLIO: I will go and look for that, we should have

1 that. We should have everything.

2 MR. FOX: Okay. The reason why I ask is because we do have a
3 copy of it.

4 MR. BAGAGLIO: Okay.

5 BY MR. FOX:

6 Q. And it's different than yours. The information on the bottom
7 has been removed. And I wanted to know if you knew anything about
8 that. Yes, sir, there's items that have been redacted from that
9 document. Can you explain that?

10 A. No. No.

11 Q. And you'll look and see if you have it in a file, because all
12 you provided was this copy from day 1 when I, you know, was first
13 at the office in Winchester and that's why I was curious.

14 MR. OESTERLE: So this came from Winchester?

15 MR. FOX: No, that came from the driver.

16 MR. OESTERLE: Oh, okay.

17 MR. FOX: Okay, we'll have to maybe do some homework on that
18 one, as well.

19 MR. BAGAGLIO: Yeah.

20 MR. OESTERLE: What is the receipt to the right?

21 MR. FOX: This is the photograph, the driver took a photo of
22 this.

23 MR. OESTERLE: No, is that a fuel receipt?

24 MR. FOX: That's a fuel receipt.

25 MR. OESTERLE: Okay. On that same day?

1 MR. FOX: Yeah, I think so.

2 MR. OESTERLE: Can I see? I didn't look at that fuel
3 receipt.

4 MR. FOX: Well, maybe we'll just add that to the other items
5 pending. Yeah, you could do some research on that and figure out
6 what's -- what happened with that one. That's basically the
7 questions that I had. We discussed a lot of things over the past
8 couple of days, Tom.

9 MR. BAGAGLIO: Um-hum.

10 BY MR. FOX:

11 Q. Is there anything that we haven't covered that you think
12 would be important for our investigation?

13 A. I mean, not at this particular time. You know, we got a
14 couple things we got to look into over here, but I don't have
15 anything for you, specifically, no.

16 MR. FOX: Okay. All right. Well, at this point we're going
17 to go ahead and conclude the interview, we thank you for your
18 time. And the time now is 2:15 p.m. Thank you.

19 (Whereupon, at 2:15 p.m., the interview concluded.)
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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 Thomas Bagaglio

ACCIDENT NO.: HWY23FH005

PLACE: Foxboro, Massachusetts

DATE: May 10, 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.

A black rectangular redaction box covers the signature of David A. Martini. The redaction is positioned above a horizontal line that separates the signature from the typed name.

David A. Martini
Transcriber