



Motor Carrier Attachment – Prairieland Owner Interview

Teutopolis, IL

HWY23MH017

(59 Pages)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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FATAL TRUCK SEMI-CRASH *

NEAR TEUTOPOLIS, ILLINOIS * Accident No.: HWY23MR017

ON SEPTEMBER 29, 2023 *

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Interview of: DON BLOEMKER, Owner and President
Prairieland Transport

Prairieland Transport
1532 IL Highway 185
Brownstown, Illinois 62418

Monday,
October 2, 2023

APPEARANCES:

MICHAEL FOX, Investigator
National Transportation Safety Board

SHAWN CURRIE, Investigator
National Transportation Safety Board

DR. ENSAR BECIC, Project Manager
National Transportation Safety Board

DR. RAFAEL MARSHALL, Human Performance Investigator
National Transportation Safety Board

DANIEL G. SHELTON, President
Hazmat Resources, Inc.

LUIS MEZA, Acting Division Administrator for Illinois
Federal Motor Carrier Safety Administration

MSGT. BRAD BRACHEAR, Master Sergeant
Illinois State Police
Traffic Crash Reconstruction Unit

TPR. MICHAEL VIVERITO,
Commercial Vehicle Enforcement Officer
Illinois State Police

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Don Bloemker:	
By Mr. Fox	5
By Mr. Currie	20
By Dr. Marshall	32
By TRP. Viverito	30
Dr. Marshall	47
By Dr. Becic	50
By Dr. Marshall	52
By Mr. Fox	56

I N T E R V I E W

1
2 MR. FOX: Good afternoon. This is Michael Fox, investigator
3 with the National Transportation Safety Board out of Washington,
4 D.C. Today is October 2nd, 2023. I'm located at Prairieland
5 Transport in Brownstown, Illinois.

6 We are here to interview the motor carrier involved in the
7 crash, the Prairieland Transport owner. The crash number is
8 HWY23MH017. We're responding to a crash that took place on
9 September 29th on U.S. 40.

10 There's a lot of folks in the room. We're going to go around
11 the room, and I'll ask you to say your name, spell your last name
12 and provide your title. And we'll start off with you, sir.

13 MR. BLOEMKER: Don Bloemker, B-l-o-e-m-k-e-r,
14 president/owner, Prairieland Transport.

15 MR. SHELTON: Daniel G. Shelton, president, Hazmat Resources,
16 Inc. Last name, S-h-e-l-t-o-n.

17 MR. MEZA: Luis Meza, M-e-z-a. I'm from FMCSA. I'm the
18 acting division administrator for Illinois.

19 MR. CURRIE: Shawn, S-h-a-w-n, Currie, C-u-r-r-i-e. I'm an
20 investigator with the National Transportation Safety Board.

21 MR. BECIC: Ensar, E-n-s-a-r, Becic, B-e-c-i-c, project
22 manager with the NTSB.

23 MR. BRACHEAR: Brad Brachear, B-r-a-c-h-e-a-r. I'm a master
24 sergeant with the Illinois State Police, Traffic Reconstruction
25 Unit.

1 MR. MARSHALL: Rafael Marshall, R-a-f-a-e-l, M-a-r-s-h-a-l-l.
2 I'm a human performance investigation with the National
3 Transportation Safety Board.

4 MR. VIVERITO: Michael Viverito, V-i-v-e-r-i-t-o. I'm a
5 commercial vehicle enforcement officer with the Illinois State
6 Police.

7 MR. FOX: Sir, as I mentioned earlier, on behalf of the NTSB,
8 we're sorry for all the upsetment that you've had with the crash,
9 and we really appreciate you inviting us into your home to let us
10 speak with you today.

11 As mentioned, we're going to record the interview. Do we
12 have your permission to do so?

13 MR. BLOEMKER: Yes.

14 MR. FOX: Okay. Great. Thank you.

15 INTERVIEW OF DON BLOEMKER

16 BY MR. FOX:

17 Q. We're just going to talk a little bit about your operations.
18 Let's start off with the history of the company. How did the
19 company begin?

20 A. Are we serious here? It -- we began in October, first part
21 of October 2010. So we are having a birthday here really soon. I
22 drove for the company. I actually bought a person out to get
23 started. I worked for him prior to purchasing. So I purchased
24 that in October of '10. The first season started immediately. We
25 have since from then, I've bought five trailers and two trucks,

1 and we have grown immensely since then. So, the equipment list
2 will show that I've got I think probably 18 bottles (ph.), and
3 I've got 11 -- 9 full-time drivers. That does not include Jacob
4 or myself.

5 Q. When you say you bought out a company, what was the name of
6 that company?

7 A. It was Troy Huddleston Trucking. And he has since passed.
8 He was my age and had a heart attack --

9 Q. How tragic.

10 A. -- a couple years ago. Yep.

11 Q. Was he also operating with hazmat?

12 A. Yes, I bought his -- the hazmat bottles from him.

13 Q. Oh, okay.

14 A. Yep.

15 Q. All of them or --

16 A. No, just five.

17 Q. Five originally. Okay.

18 A. Yep.

19 Q. Okay. Very good. Describe your business model. You're
20 hauling what product.

21 A. So we haul primarily anhydrous ammonia and propane. And then
22 those are about probably 48 percent apiece of our business, and
23 the remainder is freight. And I have four freight boxes that we
24 haul in the slow time.

25 Q. And, what's your delivery range?

1 A. So, our customer base that we are consistently delivering to
2 is the further south we go is Western Kentucky, south of Mayfield
3 a little bit, and then over to Clinton, Kentucky. So the western
4 edge of Kentucky and then various points between here or there and
5 Interstate 72. So that's our propane coverage. Ammonia coverage,
6 we'll actually get up the same basic general area, Decatur area,
7 and then kind of the eastern side of Illinois and then just south
8 of Mount Vernon. That's -- those are our regular customers.

9 Q. Um-hum.

10 A. I do work for -- carry for another customer that we go out
11 long haul for him. And so we've been out to south of Richmond,
12 Virginia. We've been out to Western Oklahoma and all of that
13 comes back into this area.

14 Q. Um-hum. Okay. Do they have -- do they use a sleeper berth
15 when they do this --

16 A. Yes.

17 Q. -- over the road?

18 A. Yes. All of my trucks are sleeper, sleeper trucks.

19 Q. Okay. Do you have any staff? Is it just yourself or --

20 A. I've got myself and then my wife takes care of a lot of the
21 secretary duties, and then Jacob is a shop foreman as well. And
22 then my son, Joel, back here is a shop employee.

23 Q. Okay. Very good. Can you describe your hiring process? How
24 do you bring in -- bring on drivers?

25 A. When I'm looking for a driver, I look for recommendations

1 from my current drivers, my current driver pool. The last driver
2 I hired, he called me and says, Don, I know you need a hand. I'm
3 going to come and work for you. He checked out good. How do you
4 turn a guy down who says I'm coming to work for you? So that's,
5 that's basically my hiring practice. I had a driver leave and his
6 truck sat empty for 2 or 3 years because I could not find someone
7 to suit -- that suited me to be in that truck. And I figured I'm
8 safer making more money with that truck sitting than to have an
9 unsafe individual driving this up and down the road.

10 Q. Do you do any active recruitment or do you have a website or
11 anything like that?

12 A. I have a website, but it's getting ready to be discontinued
13 because it's absolutely no use for me.

14 Q. I see.

15 A. My customers is my best advertisement. Active recruiting,
16 no. When I need a driver, I look. I use my current drivers as
17 resources.

18 Q. Okay. Do you have a minimum qualification standard for
19 hiring?

20 A. Yes, yes. Insurance tells me they have to 2 years verifiable
21 experience. I will hire them if I know them, and I know their
22 background.

23 Q. Um-hum.

24 A. If I don't know their background, I want 4 or 5 years
25 minimum. And then as far as training hazmat, I would prefer

1 they're not trained, and I train them the way I want it done. And
2 I ride with the guys for multiple loads until I'm comfortable that
3 they know what's going on. And therefore, I ride with them. I'm
4 shotgun. They're the driver. I know how they're driving. I can
5 coach them on how to drive the tanks. So, I feel that's a pretty
6 good training program. If I get somebody -- I have hired
7 experienced tanker drivers, and I have to kind of tweak them to my
8 method.

9 Q. So the onboarding process that you're describing, is it a
10 day, a week, a month? How long a process is it?

11 A. I will probably ride with them for at least a week, a minimum
12 of five loads. And I can do 5 loads in 2 days or I can do 5 loads
13 in a week. So that's -- if we're in our busy season, I can do 5
14 loads in 2 or 3 days at least. So -- because they're short runs.

15 Q. Aside from that, is there a specific training program that
16 the drivers are provided? You know, do you do like video based or
17 any kind of training like that besides on the road?

18 A. Right. So Danny comes and trains the guys with their hazmat
19 requirements.

20 Q. Okay.

21 A. If he's not available, he has -- he sends me resources to get
22 that to happen within the 90 days of hiring.

23 Q. Okay. Do you have any third party resource that you use for
24 vetting drivers to make sure that they're qualified or anything
25 like that?

1 A. Yes and no. Maybe not official, but I contact their old
2 employers and a lot of these guys that I know are all local. So I
3 can contact friends that know everybody and get their character.
4 That's important to me is their character, integrity, their
5 honesty as well as being safe, but I mean all of that. If they're
6 honest and all of that, typically they will be safe as well.

7 Q. This is your, this is your terminal and principal place of
8 business, correct?

9 A. Right.

10 Q. And you warehouse your or stage your bottles as you call
11 them.

12 A. Right.

13 Q. Your cargo tanks are parked out back.

14 A. Part of them are here, and then part of them are at some of
15 my employees, their residence as well.

16 Q. And you own all the equipment. You own the truck tractors.

17 A. So I own -- I have five tractors that's company. All of the
18 bottles, trailers are company. I do lease owner/operators, and
19 I've got six or seven of those.

20 Q. Okay.

21 A. I think I've got six full time and one part time.

22 Q. Okay. All right. We'll talk about that a little bit later.
23 Do you have a policy or mission statement or anything like that
24 about the procedures for the company?

25 A. I do not. Not at this time.

1 Q. Okay. So nothing. No formal written document at all that
2 describes safety? Do you have any kind of policy, procedure,
3 anything like that?

4 A. We do have -- Danny has given me, well, a security plan,
5 nothing really in writing.

6 Q. Okay.

7 A. But I know the rules. So I follow the rules the best I can.

8 Q. Okay. How is that communicated to the drivers though?

9 A. I inform them when I hire them that we have to train you
10 within 90 days, and then every 3 years thereafter, you are
11 required to train again.

12 Q. Okay. Is that memorialized in any way? Do you have a
13 document that shows that training?

14 A. I've got their hire date and no -- yes, sorry. Danny gives
15 us certificates for every driver that he trains.

16 Q. Okay. Are there driver handbooks that you provide your
17 folks?

18 A. Not from my -- not from Prairieland, no.

19 Q. Okay. Is there any requirement about how far a driver can
20 live and commute into the office here?

21 A. Right now, all of my drivers are within 30 to 40 miles --

22 Q. Okay.

23 A. -- of here.

24 Q. Local, yeah.

25 A. Yes. And that's, that's where I like to keep them.

1 Q. Okay.

2 A. Close because of where we haul. It works better that way.

3 Q. Do you have a drug testing program?

4 A. Yes, sir.

5 Q. And how do you -- who's your vendor?

6 A. TSI.

7 MR. SHELTON: TSS.

8 MR. BLOEMKER: TSS. They're out of Mississippi, and they
9 take care of all of my pre-employment, and then they take care of
10 our random as well.

11 BY MR. FOX:

12 Q. Okay. And the MRO, or do they have a -- is there a MRO
13 assigned to TSS do you know?

14 A. What's a --

15 MR. SHELTON: Let me correct the record. They're out of
16 Daphne, Alabama, not Mississippi.

17 MR. FOX: Okay.

18 MR. SHELTON: And they do have a MRO.

19 MR. FOX: Okay.

20 MR. SHELTON: And a procedure as well.

21 MR. FOX: Okay. We'll look at drug testing later.

22 MR. SHELTON: Okay.

23 BY MR. FOX:

24 Q. Do you have a drug testing policy?

25 A. Yes, sir.

1 Q. Are the drivers trained on that?

2 A. Yes, sir. And they get a copy of it.

3 Q. Okay. Great. How about hours of service? How do you track
4 that?

5 A. We have ELDs.

6 Q. Who is your provider for that?

7 A. Samsara. And I am learning through this experience that I
8 could probably use paper logs because we very seldom go out of our
9 radius of 150 miles.

10 Q. Okay. Now, when you say you radius of 150 miles --

11 A. Or 170, whatever that rule is.

12 Q. Which rule are you describing now?

13 A. From -- help me out, Danny.

14 MR. SHELTON: It's within 150 air mile radius of your work
15 reporting location. And that's a little different for ag exempt
16 because then you can daisy chain which is in general 150 air mile
17 radius which is 172.4 nautical miles.

18 BY MR. FOX:

19 Q. Is that what you're following though? You're following the
20 150 air radius exemption. Is that what you --

21 A. Yes.

22 Q. -- you log. But yet you have ELDs.

23 A. Absolutely, right.

24 Q. Okay.

25 A. I've got some drivers that have ran paper and he said I would

1 prefer ELD because I will behave.

2 Q. Okay. Well, that's a good driver then.

3 A. And I said, here it is.

4 Q. Okay. How about dispatch? Do you take care of dispatch?

5 A. I take care of all the dispatch.

6 Q. I'm guessing with that piece, you are right in the middle of
7 it.

8 A. And right there.

9 Q. How do you get, how do you get your loads? How --

10 A. So in anhydrous, my dedicated customers will send me a list
11 of load numbers, and depending on the season and the price of
12 anhydrous, they will send anywhere from 50 to 200 load numbers.
13 They just give them to me, and I just check them off down through
14 the list. As each load gets carried, I put a name beside it.

15 Q. Okay.

16 A. Destination, name and date.

17 Q. Say again, who provides that list?

18 A. Our customers.

19 Q. Your customers.

20 A. We haul direct for our customers.

21 Q. Okay.

22 A. So they buy, they buy from a supplier. That supplier gives
23 them a contract number. So say there's 200 tons in this contract,
24 that equates out to 10 truckloads. So they'll give me a contract
25 number with a number 1, 2, 3 through 10, and I dispatch

1 accordingly to that number.

2 Q. Okay. All right. I'll take a look at that a little further
3 to get my head around it.

4 A. When you get it, I've got my book right here.

5 Q. Okay.

6 A. And then on propane, I get emails from my customers on
7 propane. That's a little different.

8 Q. If you're shorthanded, do you turn down the loads or is it
9 expected that you haul no matter what?

10 A. They will work with me, yes, and I purposely do not overbook
11 myself.

12 Q. Okay.

13 A. I have had opportunities to do that, and I refuse to do it.

14 Q. As far as the ELDs and hours of service compliance, do you --
15 are you checking on that? Do you monitor your drivers or does
16 your wife do that or --

17 A. Yes, I look at those. I look at our Samsara board pretty
18 much all day. And if I'm out and about, I can look at it on my
19 phone. So I have it with me at all times.

20 Q. If there is a -- what they call a critical event reading or
21 report, do you get that sent to your phone --

22 A. Yes.

23 Q. -- for example?

24 A. Yes, it will.

25 Q. Do you get a summary report or anything like that, tabulated

1 for you, from Samsara or do you generate it yourself?

2 A. For?

3 Q. Your drivers.

4 A. Their critical events?

5 Q. Yes.

6 A. Thankfully I have very few.

7 Q. Okay.

8 A. Very few.

9 Q. Okay.

10 A. And the events that I get are typically like a hard brake --

11 Q. Right.

12 A. -- and I can go in and see the video, pictures of what they
13 were braking and it's a non-event.

14 Q. Okay. Speaking of video, are all of your trucks equipped
15 with drive cam or --

16 A. Yes.

17 Q. -- a forward facing camera?

18 A. Yeah, a forward facing camera, all of -- any truck that has
19 Prairieland on the side has a camera in it.

20 Q. What is the vendor for that?

21 A. Samsara.

22 Q. Samsara also.

23 A. Yeah.

24 Q. So as far as technology, we have Samsara forward facing
25 camera and then you have a Samsara ELD. Is the -- is there any

1 other technology you have on the equipment?

2 A. So, with the ELD comes the tracker. So at any given point, I
3 can look and tell where my truck is. I can tell how fast they're
4 going. If the engine throws a code, I can see the code come up.
5 I mean it is very, very -- to me, it's very helpful.

6 Q. Sure.

7 A. My customers will call and say, hey, where's my load at. I'm
8 getting ready to go home. How close is he? I look at Samsara and
9 say, he's 5 minutes out. I don't have to call the driver to
10 bother them using this, and to me, that's safer because I don't
11 bother the driver.

12 Q. Okay. Great. Let's talk about vehicles and maintenance.
13 Are vehicles -- are truck tractors assigned to specific drivers?

14 A. Yes. Every driver has his own truck, and I assign every
15 driver a trailer.

16 Q. Okay.

17 A. So -- and my theory on that is if they're driving the same
18 tractor, pulling the same trailer, they're going to know each of
19 them inside out. And if it gets a vibration or anything that is
20 not normal, they will feel it because it has changed. There's
21 something going wrong.

22 Q. How about maintenance? How is that performed?

23 A. We do all of our PMs, the maintenance service, there we go,
24 the service is done every 10 to 15,000 miles depending on where he
25 is at in the week. And if there is anything wrong, it is fixed

1 immediately.

2 Q. All your services are done here on --

3 A. No, I do not do any -- let me correct that. On the tractors,
4 I do no service here. I want a third party to look at my
5 equipment.

6 Q. And who is that?

7 A. I use two or three different shops. There's a shop up here
8 right down the corner from me, Frailey Diesel Repair. In
9 Effingham, there's Fleetmaster and I-70 I go to. And all three of
10 them are very, very reputable and good. I have no qualms with any
11 of them.

12 Q. That's for the truck tractors.

13 A. For the trailers, other than wiring and airlines and
14 lighting, so anything that has oil or dirt, I do not touch here.
15 So tires, I don't do tires. I don't do brakes. I don't do wheel
16 seals. Anything on the vessel itself, we are certified to handle
17 that.

18 Q. Okay.

19 A. So we do that in house so I know it's done right.

20 Q. Okay. So you have a shop here --

21 A. Yes.

22 Q. -- on the premises?

23 A. Um-hum.

24 Q. Okay. And are your folks -- so you have -- is it just your
25 sons or do you have outside --

1 A. No, just my boys, Jacob and Joel.

2 Q. Are they -- do they hold any certifications?

3 A. Jacob is certified to do a VK. He's a brake, brake inspector
4 as well. He's certified to do that type of thing, DOT
5 inspections. He is also a -- he went to welding school for a
6 year. So he doesn't have an official certificate because they
7 wouldn't give him one --

8 Q. Right.

9 A. -- but he is -- he had 9 months down in Tulsa at the welding
10 school.

11 Q. How about annual inspections? Do you do them or --

12 A. Yes, we do. Danny has trained us on that, and I've done
13 those for a long time.

14 Q. Both the trucks and the trailers?

15 A. Not the trucks because I want somebody else to look at that,
16 but the trailers, you're talking DOT annuals.

17 Q. DOT annuals.

18 A. We will do the trailers but I don't want to do the trucks
19 because there's too many moving parts.

20 Q. Okay.

21 A. Now, on the trailers, if there is a repair made that is dirt
22 or oil, it goes to an outside shop, and then we'll bring it back
23 and certify it.

24 Q. And the, and the VIRs, do you keep them or are they on the --

25 A. They're on the ELD.

1 Q. Okay.

2 A. Yeah. And my motto is to the driver, if it's broke, don't
3 wait, fix it. And our shops in Effingham, Fleetmaster, can
4 typically get us worked in that evening to get it fixed.

5 Q. Okay. I'm sure there will be more questions as we get into
6 the paperwork, but those are my general questions. I'm going to
7 pass it over to Shawn Currie for hazmat.

8 A. You were very good, Mike. You were easy.

9 MR. FOX: Shawn is easy.

10 MR. CURRIE: How do I follow that up?

11 MR. FOX: We both do the same job, Shawn and I.

12 MR. BLOEMKER: There you go. Okay.

13 BY MR. CURRIE:

14 Q. All right. So, my are very specific just for the cargo tank
15 and cargo tank trailer.

16 A. Okay.

17 Q. So, thank you for meeting with us. We talked the other day
18 when you came to the garage and talked basically how you obtained
19 this trailer. Could you go over that again for me please?

20 A. Yeah. So I bought it from a company, I don't know how many
21 years ago it was, 5, 6, 7. Time gets away. Bought it from a guy
22 that was retiring. I bought seven trailers. I've sold one. It
23 was of no use to me. So I got rid of it. And I have -- every one
24 of those, I have went through completely. There were -- the pumps
25 were installed backwards. The pumps were installed backwards. I

1 pulled the pump off, turned them around. Any valves that needed
2 replaced, we have worked them through our shop, replaced the
3 valve, replaced the plumbing. Any airlines, brake lines,
4 electrical wiring, has all been redone. As they were working, but
5 it wasn't like I wanted. So we pulled them into the shop when
6 time allows and do take care of all that. I take care of that
7 here because I'm particular in how I want it done. So that's all
8 done in house here.

9 Q. Okay. And you said both you and your son are certified to do
10 visual and leakage inspections?

11 A. Correct.

12 Q. And what training do you have for that? Just for you
13 specifically. I think you've already talked about your sons.

14 A. I have 13 years of working on trailers. So a lot of it is
15 self-taught, but I have had mentors do that as well. When I first
16 started, I would ask how do I do this, and we -- and I have
17 improved. From what I was guided to do, we have improved
18 dramatically since then.

19 Q. Okay. And do you have a formal -- what's your education and
20 background I guess I should start that question with?

21 A. K through 12, and the school of hard knocks.

22 Q. We -- I think we've all got a piece of that one. So you're a
23 certified cargo tank retest facility here?

24 A. We do not do 5 years.

25 Q. Okay. But --

1 A. We do VKs.

2 Q. Okay. So you're a certified facility for that?

3 A. Yes.

4 Q. Okay. And I'm guessing in there, there's the paperwork for
5 that?

6 A. I don't know if we've got that in there or not, but we've got
7 the paperwork.

8 Q. Okay.

9 A. We can get it.

10 Q. You have hazardous materials registration with PHMSA?

11 A. Um-hum.

12 Q. Okay.

13 A. It's good through '24.

14 Q. Okay.

15 A. It's not here because I don't -- I wasn't prepared for that,
16 but it's on the computer.

17 Q. Okay. And, this particular cargo tank, you said you've just
18 had some work done on it recently?

19 A. It had it's 5 year done in March that we're aware of.
20 Everybody's aware of that.

21 Q. Um-hum.

22 A. In the paper, we've got -- we have its maintenance records.

23 Q. Okay.

24 A. Everything we've done for it in the last 2 years since Jacob
25 has come on. It's document in an Excel program.

1 Q. Okay.

2 A. And there's a diagram of like the -- when we rewired it and
3 re-aired it, there's a diagram of that in there as well.

4 Q. Okay. You said you -- well, 5 to 7 years ago you purchased
5 this trailer as a batch?

6 A. Right.

7 Q. I think when we spoke the other day, you said you had
8 additional paperwork for that from the previous owner. Do you
9 still have that?

10 A. I've got -- yes.

11 Q. I know Danny wants you to say no, but --

12 A. No. Yeah.

13 Q. So -- okay.

14 A. I can get --

15 MR. SHELTON: What do you mean Danny wants you to say no?

16 MR. BLOEMKER: I can get it, yes. If it's needed, I can get
17 it.

18 BY MR. CURRIE:

19 Q. Yeah, if you could, that would be great.

20 A. Okay.

21 Q. My job in looking at the package, for lack of a better thing,
22 is just to rule out any issues with the package.

23 A. Um-hum.

24 Q. So in order to do that, the bigger --

25 A. Right.

1 Q. -- of information I have, the better off. I can --

2 A. Right.

3 Q. -- look at your -- look at the package and go, hey --

4 A. And this is, this is why I kept. He had paperwork, 10 years
5 on his tanks.

6 Q. Okay.

7 A. I'm not going to say 10 years, but he had years' worth of
8 maintenance.

9 Q. Okay. And in March, there was some maintenance performed on
10 this cargo tank?

11 A. Yes.

12 Q. Do you remember what that was?

13 A. It was the baffles I believe. The baffle areas.

14 Q. Okay. Was there some welding -- grinding and welding done on
15 the belly inside?

16 A. There might have been. I'm not 100 percent on that.

17 Q. Okay. But if it was, there would be --

18 A. Yes.

19 Q. -- paperwork.

20 A. Yes, it's in here. We have the RO1 in here.

21 Q. Okay. And the facility that you used, Paul Akers, we talked
22 the other day is one of many that you use?

23 A. One of several, yes.

24 Q. Several. And, how many -- can you estimate how many times in
25 the past you've used them for work? You can just ballpark it.

1 A. I would say four, five, six.

2 Q. Okay. Any issues when you've had work done?

3 A. No. No issues. He has, he has done some good work for me,
4 and that's why I go back.

5 Q. Okay. By some good work, give me, give me a snapshot of it.

6 A. We had a tank that failed its 5 year because it had a pinhole
7 through a weld, and he has fixed that.

8 Q. Okay. And, how long does it usually take him to do a 5 year
9 on your -- drop it off and pick it up that same day or do you --
10 how does it work?

11 A. This trailer, he would have had close to a month.

12 Q. Okay.

13 A. Now, he didn't do work on it the whole month. You and I both
14 know that. But it was over there for 3 to 4 weeks for sure.

15 Q. Does he charge you by the hour or by the job?

16 A. By the job.

17 Q. Okay. And about how much does a 5 year cost when you go to
18 him?

19 A. A basic 5 year, absolutely no issues, is 3 to 5,000.

20 Q. Okay. And would issues then --

21 A. It goes up. He charges, he charges by the hour.

22 Q. Okay. Would you have the records of what he charged you for
23 the hour -- by the hour for this because obviously if he worked on
24 the baffles and --

25 A. I've got the invoice of this trailer.

1 Q. Okay. All right. I'd like a copy of that if I could.

2 A. Okay.

3 Q. We'll get it one way or the other. We can get it here or
4 there.

5 A. I'll help him out as much as I can.

6 Q. Yeah. So --

7 A. I think he is completely honest.

8 Q. Yeah, and I'm not -- like it's just -- like I said, I've got
9 to dot all the Is and cross all the Ts.

10 A. Right, right.

11 Q. So what -- so you had the 5 year done at the end of March.
12 About how many trips has that cargo tank made since it's had its 5
13 year?

14 A. We ran it hard in spring. So I mean I could go back to the
15 driver that pulled it --

16 Q. Just --

17 A. -- but I'm going to guess 50.

18 Q. And is it always to Lima or Lima?

19 A. No, no.

20 Q. Where do you usually get your --

21 A. So in the spring, we run local, and those runs would be
22 anywhere from 10 to 80 or 90 miles.

23 Q. Okay. So --

24 A. And those are multiple trips per day.

25 Q. So this trip to Lima --

1 A. Um-hum.

2 Q. -- how often do you make that trip?

3 A. It depends on my customer.

4 Q. Okay. Is this -- this was for a specific customer?

5 A. Yes, correct.

6 Q. And who was the customer?

7 A. Nutrient. Nutrient Ag Solutions.

8 Q. And where are they located?

9 A. They have multiple retail stores around.

10 Q. Okay. Where was this load going to go?

11 A. This load was heading to Warrensburg, Illinois.

12 Q. Which is how far from here? I'm sorry. I'm not familiar
13 with Illinois.

14 A. An hour 15 minutes north of here.

15 Q. Okay. So up hear --

16 A. Decatur. It would be just northwest of Decatur.

17 Q. Has there been any issues with this trailer since it's came
18 back from its 5 year?

19 A. Absolutely none.

20 Q. Okay. Have you pulled it since it's come back?

21 A. You're making me go to my archives.

22 Q. If you don't recall, that's fine.

23 A. Possibly once. I like to pull my trailers, all of them, just
24 so I'm aware of what -- if there are issues because I can find
25 issues that my drivers can't, but I don't honestly remember. I

1 can't give you an answer on that one.

2 Q. Okay. I noticed in your yard you have a lot of LPG trailers.
3 How many, how many anhydrous trailers do you have?

4 A. I've got 18 total.

5 Q. Okay.

6 A. And roughly at any given point half are ammonia, half are
7 propane. Sometimes there's a little more ammonia trailers because
8 I switch a couple of them back and forth, and other times, there's
9 more propane trailers --

10 Q. Okay.

11 A. -- for that same reason.

12 Q. So this trailer is a dedicated ammonia or is it --

13 A. It's dedicated anhydrous, yes.

14 Q. This one.

15 A. It is completely anhydrous, yes.

16 Q. And why is that?

17 A. I don't -- it is not -- so when I started, I was switching
18 almost every trailer back and forth, and it is -- what's the word
19 I'm looking for? To get a trailer clean from anhydrous to put
20 propane in it is very tough. It takes a lot of air. I've had a
21 fan on a trailer for 3 weeks before. So it just -- so for me, the
22 more trailers I have dedicated to one or the other, the less
23 chance I have of a contamination at one of my customers.

24 Q. Okay.

25 A. So when I clean a trailer out, I have an anhydrous sensor

1 that tells you parts per million. It's got to be at 0 for a full
2 minute after it sits overnight. So all that vapor is sitting at
3 the bottom. So I think I'm very particular, but I'm covering my
4 butt because if I would ruin a customer, it's negligence.

5 Q. Okay. So just a couple more quick questions.

6 A. Um-hum.

7 Q. In regards to hazardous materials training, what specific
8 hazardous materials training do you do for your employees in
9 regards to anhydrous ammonia transportation?

10 A. So we do, of course, our every 3 years, and as far as
11 continuing education, they do it every day.

12 Q. Okay. Is it formal documented or is it just OJT type stuff?

13 A. OJT. I mean it's, it's every load that we haul, you don't
14 forget what you're doing.

15 Q. Okay. The racks, I guess for lack of a better term, do you
16 call it a rack where you fill up?

17 A. Yes.

18 Q. Okay. I didn't want to mess that up.

19 A. You're good.

20 Q. Sometimes. So the rack that you fill up at, do they have
21 established safety procedures?

22 A. Yes, they do.

23 Q. And are they -- do they require you to train to their
24 procedures and give you like a certification like it's -- it's
25 common in the petroleum industry that if you're going to pull from

1 the Acme rack, you have to --

2 A. Um-hum.

3 Q. -- be carded for Acme.

4 A. So every place that we go to, we do have a card to get in,
5 and most places we can get in -- every place we have a card, we
6 can get in 24 hours a day. There are a certain -- like our CF
7 Industries, they do not card because they have operators onsite.
8 So to get in there, we have to do a training video and then they
9 come out and watch us load three times, and then once they're
10 satisfied, then we're good to go.

11 Q. Okay. Is that where this -- I don't have the shipping papers
12 in front of me.

13 A. This was from a Nutrient facility.

14 Q. Okay.

15 A. At that facility, the driver pulls on the scale, chocks the
16 wheels, keys in a box, and he goes sits in a shed. They load it
17 for you.

18 Q. Okay. So how long does it usually take to load a trailer?

19 A. I've been there, up to an hour and a half, 45 minutes.

20 Q. Does it all depend on the temperature and everything else?

21 A. The temperature, the help, all the above.

22 Q. Okay. And not to beat the training thing up too much, but do
23 you have training records for each of your employees, not just for
24 the every 3 year training, but additional trainings that --

25 A. So we --

1 Q. -- are covered under those?

2 A. -- we typically have a safety meeting once or twice a year,
3 and I document. They sign their papers to -- their names to a
4 paper.

5 Q. Okay.

6 A. And we had one last February or March.

7 Q. Do you remember what the topics were?

8 A. Number 1, I thanked them. So we had a nice dinner and their
9 wives were present. So -- but it was just -- honestly, I can't
10 tell you exactly what it was, but basically just reminders of
11 being careful and how to handle your hoses and that type of thing.

12 Q. Okay. Do you keep like almost a syllabus of what you go over
13 or like --

14 A. I don't.

15 Q. Okay.

16 A. The one year, several years ago, we had a safety meeting. I
17 invited a local guy to come in and give us CPR training because I
18 felt that was necessary for my drivers to go out, if they had an
19 accident or something, they would be of assistance. So I do stuff
20 kind of like that as well in our safety meetings.

21 Q. Okay. I don't want to steal any of Mike's policy thunder, so
22 I guess I'm all set for right now.

23 A. Okay.

24 Q. Thanks for answering my questions.

25 A. Yes.

1 Q. Is there anything I should have asked you about your cargo
2 tanks that I didn't?

3 A. No.

4 Q. No. Okay.

5 A. I mean I have absolutely nothing to hide. So I --

6 Q. I didn't think you did.

7 A. It's coming out.

8 Q. I didn't know if there was something that you wanted to tell
9 me that I just glossed over. Sometimes I do that. So.

10 A. No, I don't think so.

11 MR. CURRIE: I'll pass it back to Mike. Thank you.

12 MR. FOX: Okay. Thank you. Thank you, Shawn. I think I'll
13 pass it over to Dr. Marshall.

14 BY DR. MARSHALL:

15 Q. Yeah, I don't have very many questions.

16 A. Good.

17 Q. One is would you describe your operation as a 24 hour
18 operation?

19 A. At times, yes.

20 Q. Okay.

21 A. Most of the time, no. So when it becomes 24 hours is in the
22 ammonia season in the ag industry. And I require my boys to get
23 minimum of 5 hours of sleep. So, I have pulled all nighters
24 before, and it's not good. So I have done that personally. I do
25 not expect my drivers to do that, and I will dispatch them

1 accordingly. If I see him getting tired, I'll say, I'll tell you
2 what. You go take a nap. I'll send you a dispatch in the
3 morning. Because if they have dispatch, they're going to roll it.
4 If they don't have dispatch, they'll park.

5 Q. If they told you they were tired, what would you say?

6 A. Take a nap, and I don't care what time of day or night it is,
7 you pull off and take a nap.

8 Q. How are your drivers paid? Are they paid by the load or they
9 paid by the hour?

10 A. So my company, my company drivers, when we're pulling a
11 bottle, propane or anhydrous, are paid by the load, a percentage
12 of the total without fuel surcharge, but of the basic charge,
13 they're paid a percentage. On freight, they're paid per mile. So
14 if I paid them a percentage on the freight, they would go broke.
15 So I opt, me being who I am, they get paid the greater of the two
16 on freight, and that's always by the mile. So.

17 Q. Could you describe your disciplinary and your reward program?

18 A. Yes. Disciplinary, go back to Samsara. I'm able to watch
19 their speeds, their habits. If I see any issues, we have a visit.
20 I had a driver recently, he has left now thank goodness, but he
21 had a heavy foot. And my comment to him was, Tim, you've got one
22 more chance. If I can't trust you, you're gone. And he
23 straightened up and was good after that. So I was thinking of
24 putting a governor on my truck, and I said -- I told him -- I
25 opted not to because if I can't trust you to drive my truck at the

1 speed limit, I don't want you.

2 Q. So you have like a two strike or three strike and you're out?

3 A. Yes.

4 Q. How does that work?

5 A. Just what I told you.

6 Q. Okay.

7 A. And I am very lenient, and when I called him in, when I got
8 done, he said I thought I was getting a pink slip today. I said,
9 Tim, you've got one more chance. So -- and he did. He tooled it
10 down. So.

11 Q. Okay. And do you have a rewards program?

12 A. Yes, I do. For every clean inspection that we get out on the
13 road, it's 100 bucks cash for any driver, and that goes
14 owner/operator or company. On the company drivers, they get a \$50
15 a month clean truck bonus. So if I look in their truck at any
16 time, and I deem it clean, they get an extra 50 bucks for the
17 month. And then my company drivers get a nice little holiday cash
18 bonus.

19 Q. Is there any sort of reward for a safety, for example, not
20 driving over the speed limit or not having any accidents or --

21 A. I haven't yet because I haven't really thought that far
22 ahead, but the \$100 cash bonus for a clean inspection is a good
23 incentive for that direction I feel.

24 Q. Do you require drivers to go to a particular certified
25 medical examiner or is that up to them?

1 A. That is up to them, but whenever they go, I document that
2 they are certified.

3 Q. Okay.

4 A. Yep.

5 Q. Do you tell your drivers anything about how they should use
6 their phone while driving?

7 A. Yes, we have a hands free policy. They are to have a
8 bluetooth. If they don't have a bluetooth, I furnish them one.
9 And they -- I had a lawyer draw up a little contract, and if they
10 get caught using their phone with their hand, they pay the fine.
11 So that's a little contract that when I hire them, they sign it.
12 And if they don't sign it, I don't hire them. And when that law
13 came out, I actually fired a guy because he wouldn't sign it. So.

14 DR. MARSHALL: Mike.

15 MR. FOX: Dr. Ensar, do you have any questions for the owner?

16 DR. ENSAR: Not at this time.

17 MR. FOX: Okay. So, we'll pass it over to the State Police.

18 BY TPR. VIVERITO:

19 Q. One of -- the main reason for me attending the meeting is I
20 was just going to see if you had made any progress with the ELD
21 tablet or if we could somehow upload them to the portal.

22 A. You're here. I'll get them to you.

23 Q. Okay. Great.

24 A. Yep. Right there on my laptop. I can do it.

25 Q. Okay.

1 A. Man, these are getting easier. It'll be easy on me.

2 BY MSGT. BRACHEAR:

3 Q. I've got a consent form for the engine control module from
4 the truck, that records the data from the truck.

5 A. Okay.

6 Q. And then also for the conversation you said the Samsara
7 system records, a bunch of different data, if we could get some of
8 that leading into the crash as well.

9 A. Okay. So, on this particular truck --

10 Q. Um-hum.

11 A. -- it has very limited data as far as engine data --

12 Q. Right.

13 A. -- because of the type of plug it is and of its age.

14 Q. Um-hum.

15 A. So the newer trucks, I can get oil temperature, antifreeze --

16 Q. Yeah.

17 A. -- all of that. This truck I cannot.

18 Q. Okay. It does have -- I ran the VIN, and it's got engine
19 data, like the last stop records and things like that --

20 A. Right.

21 Q. -- is kind of what we're looking for. So.

22 A. I'm fine with that, because I know Jacob --

23 Q. And everything's on the video anyway.

24 A. That's exactly right.

25 Q. It's just to make sure --

1 A. Yep.

2 Q. -- and we just like to get as much data as we can.

3 A. You want the tracking records. I have to give them to you,
4 and it's very obvious. So I mean that's just a formality as far
5 as I'm concerned.

6 Q. Thank you.

7 BY MR. CURRIE:

8 Q. This is Shawn Currie again. I've just got a couple of quick
9 follow-up questions that you reminded me of. You said it has
10 tracking data, Samsara's tracking data. What other type of
11 telematics data does it provide you? You said on this truck it's
12 limited because of the communication but what does this truck
13 provide you?

14 A. Really as far as engine data, truck data, absolutely nothing.

15 Q. Does it provide you with a location?

16 A. Yes, it -- all my trucks have location tracking data.

17 Q. Okay. And does that also provide you with the speed?

18 A. Yes.

19 Q. And does it record a history?

20 A. Yes.

21 Q. About how long is that recording? Is it a space in time or
22 is it over --

23 A. I can't answer that, but it is --

24 Q. Can we find out?

25 A. It's many months.

1 Q. Okay. That's what I was getting at. So there's -- this
2 whole trip should be --

3 A. Absolutely.

4 Q. -- recorded on it somewhere.

5 A. Absolutely.

6 Q. Perfect.

7 A. And I mean if you want to see it, it's right there.

8 Q. All right. Perfect.

9 MR. FOX: FMCSA, do you have any questions?

10 BY MR. MEZA:

11 Q. I just have one follow up on the load.

12 A. Yeah.

13 Q. So you said it was coming from Lima, Ohio.

14 A. Um-hum.

15 Q. And it was headed to --

16 A. Warrensburg.

17 Q. -- Warrensburg. When you map it, where was it --

18 A. I knew this question was coming. So, when Jacob agreed to
19 take the load, we can't turn that in one day. We had friends here
20 that night, and he asked if he could come back here, spend time
21 with these friends and then deliver on Saturday morning. And I
22 said absolutely because these friends are near and dear to him,
23 and they were leaving Saturday morning, midmorning. So I said
24 absolutely because you can't do it anyway. The load was not
25 rushing. So basically he went out, preloaded it, come back here

1 and was delivering on Saturday.

2 Q. So his intent was to come down the rest of the way here, park
3 overnight and then Saturday morning come back, grab the truck and
4 then make the final delivery.

5 A. Right. Sometime Saturday.

6 Q. Yeah.

7 A. But at a later date, yes. Yes.

8 Q. About how far is it from here to the rack?

9 A. So, he started actually in Effingham.

10 Q. Okay.

11 A. And it's around -- right at around 5 hours from Effingham.

12 And then back to here is about 5 1/2.

13 Q. Do you know the air mile distance because I know you have it
14 on your phones?

15 A. I don't know the exact air miles. I know where the 150 air
16 mile mark is, and that is at Morrisdale Oak (ph.), Indiana. And
17 he was inside that mark for the exemption. And then he was exempt
18 for, if I remember right, almost 9 hours.

19 Q. We can follow up on that. That's fine.

20 MR. FOX: How are you holding up?

21 MR. BLOEMKER: I'm doing good so far.

22 MR. FOX: Good, good. You're a good sport.

23 MR. BLOEMKER: You guys are doing well so far.

24 MR. FOX: Well, we're almost finished.

25 BY MR. FOX:

1 Q. So just one follow-up question to Rafael. How frequently are
2 drivers paid?

3 A. Once a week.

4 Q. Once a week.

5 A. And they are paid -- they haul it this week, we bill it next
6 Tuesday. They are paid the following week.

7 Q. And I wanted to, because you were actively involved in the
8 whole crash sequence, can you kind of walk us through how that day
9 unfolded for you?

10 A. So you want my day or --

11 Q. Well --

12 A. -- after the accident happened?

13 Q. Well, I mean as FMCSA division administrator was just asking
14 you, your son decided to come here.

15 A. Um-hum.

16 Q. Was that done in the early morning or --

17 A. It was done the night before.

18 Q. The night before.

19 A. So Thursday evening --

20 Q. Thursday evening.

21 A. -- we talked about it, had the discussion whether he wanted
22 to run it, I wanted to run it. And he hadn't been out, and we was
23 waiting. We've got a trailer in the shop, and he was waiting on
24 parts. So Friday was going to be a do nothing day really. And he
25 said, Dad, I'm -- I don't mind getting out and driving. He said I

1 want to run it if I can.

2 Q. Okay. And did I hear it -- I've talked to so many people
3 over the past couple of days.

4 A. No, that's fine.

5 Q. Was your son not on the regular driver roster or --

6 A. He's part time.

7 Q. Part time.

8 A. So the majority of his work is in the shop.

9 Q. I see.

10 A. Yeah.

11 Q. And after his dispatch and he was coming home --

12 A. Um-hum.

13 Q. -- can you kind of walk us through how the day unfolded?
14 When did you --

15 A. For him?

16 Q. For him, yeah. From your understanding.

17 A. So he loaded, come back across, stopped at Subway for a
18 while. I don't know how long, got him a sandwich because he
19 hadn't eaten. He stopped and got fuel right after he loaded. So
20 he didn't need fuel to come home. And he just -- he drove the
21 rest of the way. And then I was visiting with him when he got off
22 the Interstate at Casey (ph.) and prior to that, I was on the
23 phone with him just -- because I was coming back from a load of
24 propane. So we was just driving, both of us visiting.

25 Q. You were driving a truck, too?

1 A. Right. I was -- hauled a load of propane to Kentucky. So
2 just visiting, and when he got over to two lane, I said I'm going
3 to let you go so you can drive, and I'll see you at the house. He
4 was 30 minutes behind me.

5 Q. So then what happened?

6 A. So I got home, finished my paperwork, turned my truck off,
7 and I got the phone call. And then after I got the phone call --
8 it was from Jacob.

9 Q. He called you.

10 A. He called me from a passerby or -- well, a witness' phone,
11 and he just said, Dad, I've been involved in a major accident. I
12 need help. So, I come in here, gathered my wife and boys.

13 Q. Okay. We're going to take a break for a moment.

14 A. Yeah.

15 Q. So we're going to take a pause here.

16 A. Okay. Thank you.

17 (Off the record.)

18 (On the record.)

19 MR. FOX: So we had to take a few minutes break, and we are
20 back on record.

21 BY MR. FOX:

22 Q. So we were, we were -- we left off that you had gotten the
23 call from your son.

24 A. Um-hum.

25 Q. And he called from a fellow motor's telephone.

1 A. Yes.

2 Q. And he was actually able to communicate with you?

3 A. Yes, yes.

4 Q. And what did he say?

5 A. He said, I've been involved in a major accident. I need
6 help, and he was coughing because he had a lot of ammonia come in.

7 Q. Sure.

8 A. I said, obviously you're okay. You made it out. He said,
9 yeah, but I need help. I said, do you have water? He said, yes.
10 I said, just start drinking water, get rid of that anhydrous out
11 of your esophagus. You've got to drink water. So, I don't
12 remember the rest of the conversation, but I came in, got the
13 family. I took a truck. My wife and the boys took another
14 vehicle, and we were headed for the site because he was still
15 there. As we was coming between Effingham and Teutopolis, the
16 ambulance lady called me, says we have Jacob in the ambulance.
17 We're going to head for the hospital. I relayed that information
18 to my wife. She turned around and went to the hospital to meet
19 Jacob.

20 I continued on as close -- my goal was to get to the site but
21 I got stopped about a mile south. Met the sheriff and some
22 firefighters there. Of course, they stopped me which was good.
23 And, they were -- I introduced myself and they were asking, you
24 know, they're saying it's chlorine. I said, no. This is
25 anhydrous ammonia. You are dealing with anhydrous ammonia. And,

1 they immediately -- I think there was three or four of them, all
2 of them immediately called and said, you are dealing with
3 anhydrous ammonia. So I was very glad that I was there to get
4 that information to the guys.

5 Q. Sure. Absolutely.

6 A. And then I stayed there for a little bit. Right before I
7 left, the fire trucks had showed up onsite, and I'm assuming
8 that's when they started throwing water on it. So -- and then
9 about that time, then I left and went to the hospital. So.

10 Q. And then later you -- because I talked to you. You were in
11 the command center. You went back to the crash site.

12 A. So, yes. Let me think that one through. The sheriff --
13 somebody from the command center called me and said that they were
14 going to want a truck. So Jacob was already sedated. He didn't
15 know who -- he was completely out. So I told my wife, I said, I'm
16 leaving. I'm going to head to the house, get my truck and go
17 back. So, that's when I did, and they told me to go there and
18 meet up with Joe. So I come home, got my truck, went back and met
19 with Joe and then just stayed there. They knew where I was. I
20 talked with a lot of people that was there. They had questions.

21 Q. But you had an empty over there, right?

22 A. I brought an empty truck or empty trailer, yes.

23 Q. And they got it off the injured or the damaged vehicle --

24 A. Right.

25 Q. -- and put it onto yours?

1 A. So that was Saturday afternoon, and to do that, I had to
2 relieve the pressure out of the trailer that I had so we was not
3 pushing against pressure, trying to load. So I -- Saturday
4 morning early, I brought it back to the house, pulled the pressure
5 off, so it was at 0 and then I took it back. And then Saturday
6 afternoon, the guys showed up, and we pumped it off.

7 Q. Okay.

8 UNIDENTIFIED SPEAKER: Do you know how many gallons they
9 pumped off?

10 MR. BLOEMKER: I don't. It's about 50 percent. When I go
11 deliver it, I will get a scale ticket so I know exactly what I've
12 got.

13 BY MR. FOX:

14 Q. We've been talking about a lot of things, and we've talked,
15 you know, off record. Is there anything in particular that you
16 think we -- would be important for our investigation that maybe we
17 haven't talked about or the police having had a chance to get that
18 information from you, something that stands out?

19 A. I think the state police have the eyewitness, at least one of
20 them, their phone number and have visited with them. Other than
21 that, I can't think of anything else honestly.

22 MR. FOX: Okay. Does anyone else here at the table have any
23 other questions?

24 BY DR. BECIC:

25 Q. I just have a couple of clarifying questions. So you

1 mentioned that whenever you receive something from Samsara about a
2 critical event, that you take a look at it, and if necessary,
3 coach the driver. Do you keep the record of those critical
4 events?

5 A. It stays in Samsara.

6 Q. Okay.

7 A. So I can go back and look. Yeah, it's with Samsara for many,
8 many months. I have not ever tried -- let me rephrase that. I
9 tried on time when I first got it to go back a couple of years,
10 and I know I can't go that far.

11 Q. Okay. I was wondering whether it kept track of how many
12 critical events each driver might have within a certain period?

13 A. Some of my drivers have never had any.

14 Q. Okay.

15 A. They have one maybe once a year.

16 Q. Okay.

17 A. And a lot of times it's, it's like out in the middle of
18 nowhere and they hit the brakes. I'm assuming it's a deer, but it
19 flags that. So --

20 Q. Okay.

21 A. -- but as far as like being in an accident, flagging that,
22 there's not ever been that.

23 Q. So I just wanted to get a sense whether and it sounds like
24 you would have an idea if any driver had a recurrent number of
25 critical events.

1 A. Yes. If it's recurring, I will start making a file, I guess
2 note in my phone where I go back and look. The one driver that
3 had a heavy foot that's no longer employed, I have that, a note
4 made of him, the date, the time, that I visited with him.

5 MR. FOX: Rafael.

6 BY DR. MARSHALL:

7 Q. This is Rafael. You described your training program to us.
8 Was you -- was Jacob's training very similar to what you described
9 or was there any differences in the training?

10 A. Jacob's training, Jacob's training was very different. He
11 started training at age 16. Worked along with me in the shop. He
12 would ride with me. I would never let him touch it, a live hose.
13 So when we repair our trailers, we have to take all the pressure
14 off, and then we re-pressure them once it's satisfactory. He
15 would go out and help me do that, and that's where he received a
16 lot of hands-on training was through that, but I was standing
17 right there to watch him and tell him, you hook this first, you
18 open this first, you take a cap off, you get the pressure off
19 first and all of that. So he has had a lot more in depth training
20 than any other driver I have, and it started way back. So he
21 really did -- I did not really turn him loose until this year to
22 be on his own. And he's had all those years of training up to
23 that point. And he is -- he was -- he is very, very cautious.
24 I've watched him. I was unloading a load, and he was unloading a
25 load, and I've watched him. And, he was probably a lot more

1 cautious than I was but I've got years of experience. So I know
2 how I can do it.

3 Q. You mentioned that he drove part time, and he would work also
4 in the shop.

5 A. Um-hum.

6 Q. Did he have any other employment outside that?

7 A. When he was in Tulsa, he worked for a ready mix plant, yard
8 guy, mechanic, just all around gopher. And that's what he did for
9 8 of the 9 months down there. Other than that, he has no
10 employment other than here.

11 MR. SHELTON: Can I ask, can I ask some questions to clarify
12 some questions from Don? Danny Shelton for the record.

13 So, to either one of the State Police, have you all been able
14 to speak to the eyewitness?

15 UNIDENTIFIED SPEAKER: We've spoken -- yeah, I mean we've
16 spoken to multiple witnesses.

17 MR. SHELTON: Okay. So have they confirmed what we saw in
18 the video as well?

19 UNIDENTIFIED SPEAKER: Yeah, I mean, yeah, the video is about
20 as clear as what they're saying, yeah.

21 MR. SHELTON: Okay.

22 UNIDENTIFIED SPEAKER: I haven't. I haven't spoken to any of
23 the witnesses.

24 MR. SHELTON: And I notice there's a lot of questions
25 concerning hours of service, and I understand that completely. Is

1 there any concern that this driver, his son, was tired and that
2 was a contributing factor in the crash?

3 MR. FOX: No.

4 MR. SHELTON: Okay.

5 MR. FOX: I mean we're going to, we're going to examine
6 everything, all aspects. We do a holistic examination of
7 everything.

8 MR. SHELTON: I understand. I understand.

9 MR. FOX: So, you know, these are kind of boiler plate
10 questions that we ask all motor carriers that we visit with. So
11 we have to just ask everything and everything concerning the
12 operation.

13 MR. SHELTON: And one of the things I'm not aware of -- I'm
14 not aware of a lot of things, but I'm a lot more aware now, that
15 on the (indiscernible) which are in the document, they've been --
16 he's been with the same insurance company since 2016 --

17 MR. BLOEMKER: Actually when I started.

18 MR. SHELTON: -- the loss (indiscernible) since 2016, and
19 there's zero losses. I mean zero losses until this year, and
20 there was one over in Missouri I think, was \$10,000.

21 MR. FOX: Yeah.

22 MR. SHELTON: So, I mean the end results are the end
23 results --

24 MR. FOX: Yes.

25 MR. SHELTON: -- I mean. So.

1 MR. FOX: Yeah, it's a shocker.

2 MR. SHELTON: It is a shocker. It shocked me.

3 MR. FOX: I understand your question about the hours of
4 service. We treat every investigation the same way even if he
5 literally just woke up, drove around the corner and got in a
6 crash. We look not just at the regulatory portion of it, but we
7 look like I believe the 72 hour window, you know, of what his life
8 in a day -- day in a life was. So, you know, whether there's a
9 hours of service issue or not, we're still going to ask the same
10 questions.

11 MR. BLOEMKER: Gotcha.

12 MR. FOX: Let me just put that --

13 MR. BLOEMKER: Okay.

14 MR. FOX: -- put a pin in that one. We're not really looking
15 at that.

16 MR. SHELTON: Okay.

17 MR. FOX: I think we've asked all our major questions. As we
18 evaluate the paperwork, I'm sure there may be some other
19 questions, and we can just -- we don't have to go on record for
20 that --

21 MR. BLOEMKER: Okay.

22 MR. FOX: -- unless necessary, but at this point, does anyone
23 -- oh, Ensar.

24 BY DR. BECIC:

25 Q. Just one quick one. Since, Shawn, you mention in your

1 questions about hours of service, just regarding your -- since
2 your son was a part-time driver, in general, for your other
3 drivers, and you mentioned you were busier at times during certain
4 seasons. How often or do you have -- how often might you have
5 drivers that will take on longer shifts, maybe longer than 12 or
6 longer 14 hours?

7 A. We all do that every day in the ammonia season. Like I said
8 earlier, I require them -- I try to require them to get a minimum
9 of 5 hours. And I have told the guys, I want you in bed between 2
10 and 4 in the morning because that's when all the accidents happen,
11 a lot of them. So, I don't care when you take your 5, but I want
12 those hours included. So.

13 Q. So do you keep track of the number of hours that they have
14 worked? So this is outside regardless of hours of service within
15 a 7 or 8 day period? So if they take on an extra long shift
16 today, do you have them dispatched immediately the following day
17 or the next 3 days after?

18 A. So, in season, weather and farmers dictate our schedule. If
19 it rains, once we're caught up, we get a day off and we all take
20 it. To answer your question, I can gauge when the guys are
21 getting tired, and when I feel that they're getting tired, I will
22 stop dispatching until they're -- have gotten rest. I don't
23 believe in forcing my drivers. So, I -- in fact, I will ask them.
24 Are you tired? And if they say, no. I say, are you sure? And
25 they say, yep. I say, okay, you're on it. But I can -- I know

1 them well enough. I know their voice. And if they're voice is
2 showing fatigue, they're done.

3 BY DR. MARSHALL:

4 Q. This is Rafael. Just for my edification, when is ammonia
5 season?

6 A. So we have --

7 MR. SHELTON: I want to hear the answer to this question.

8 MR. BLOEMKER: We have two ammonia seasons. So we have
9 customers -- there's a line in the sand just north of us, and we
10 have customers in the north that we do in the fall. Our fall
11 season is a lot tamer than our spring season. If our customers
12 can get out of our two local terminals, my drivers are home every
13 night, long enough to get a shower and a nice rest. Some of them
14 eat supper at home every night. That's in a perfect world, and I
15 have had that multiple years. Again, that goes back to, I don't
16 overbook myself.

17 Spring season, different story. The days are getting longer.
18 That's when we start running longer hours. So, I try to get the
19 boys home once or twice a week in an evening so they can acquaint
20 theirselves (ph.) with their family again, shower, sleep in their
21 bed. But again, farmers and rain dictate our schedule as far as
22 we've had to work continuous for, you know, a week, but then it
23 rains, and then we get 2 days off. So it sounds rough, but it's
24 not that bad.

25 BY DR. MARSHALL:

1 Q. So it's like 3 months --

2 A. So you asked a timeframe.

3 Q. Yeah.

4 A. Depending on the weather, the spring season will last 6 to 8
5 weeks, and of the 6 to 8 weeks, we have 1 week that is brutal.
6 And I say brutal, it's just long days where I require the guys to
7 get their sleep. After that, it's -- we get home a lot of nights.
8 It's relaxed. So you go up, peak, and then come down. In the
9 fall, it is basically a 3 to 4 week run starting around the 1st of
10 November, give or take on the weather, and by Thanksgiving, we're
11 typically done. So if we're not done, we're really, really close.

12 Q. Thank you.

13 A. Yep.

14 BY MR. FOX:

15 Q. So now, I promise this is my last part.

16 A. That's the third promise. No, no --

17 Q. All right. I haven't broken one yet. So with Rafael's
18 question about -- and it bring in the times, you originally said
19 you were working under 150 air mile radius. Is that correct?

20 A. Um-hum.

21 Q. Are you really working under the agricultural exemption?

22 A. On the anhydrous we are an aggricant (ph.).

23 Q. That really makes a huge difference from what you just said?

24 A. Yes.

25 Q. That's why I asked that question.

1 A. So on anhydrous in the spring and fall, it is the ag
2 exemption.

3 Q. Okay. This trip here was not the ag exemption. So it was a
4 what?

5 A. We claim the ag exemption once we got within that 150 mile
6 circle of Lima.

7 Q. Did you annotate it on your ELD?

8 A. Yes, but in a different way. And I don't think it's -- I
9 mean you're going to see it on the ELD. So I will just explain it
10 here. On Samsara, it has a waiting time, and I don't know what
11 waiting time is. But I know that we were going to be within our
12 agricultural exemption and everything we -- typically, 150 air
13 miles is about 8 hours time, by the time you're loaded -- between
14 8 to 8 1/2 hours. Some I knew we were fine, and when we come back
15 out of that circle, he was 2 hours from home. So, with that ag
16 exemption, he didn't start -- I don't think he left Effingham
17 until around 7:30 in the morning. So he didn't have a real early
18 morning. Got over there, went to Lima, come back, and -- so
19 anyway.

20 We -- he notated it as waiting time because we knew we were
21 okay, whether we went off duty or sleeper berth or however we
22 wanted to document as an exemption, and I'll explain that further
23 here in a minute, just to see what that waiting time was. Because
24 it was on there. I have never used it, and I was confused on what
25 it is. And I probably -- I mean if waiting time is not allowable,

1 you guys tell me because I won't use it again. But I wanted to
2 see what it did to our ELD. So I used him for that knowing that
3 he was on ag exemption. So when you guys see his log, you're
4 going to see on there waiting time.

5 Q. Yeah.

6 A. And now you know why it's waiting time. So on Samsara --
7 now, I'll go into a little more depth. Samsara does not have an
8 ag exemption. So if we go off duty on Samsara, we can note that
9 it is an ag exemption. When we come back on duty, before our 10
10 hours is up, we're immediately red flagged, and we cannot get rid
11 of the red flag until we take a solid 10 off. So, what I opted to
12 do was I have went to sleeper berth so I don't get red flagged
13 coming back on because I know what we're doing is legal but when I
14 get a red flag on sleeper berth, these guys are going to say, you
15 have a red flag. What are you doing?

16 Q. So you're putting sleeper berth but you're actually still
17 operating?

18 A. Correct.

19 Q. Okay.

20 A. And I, and I'm open for ideas because I'm not trying to hide
21 anything.

22 Q. Sure.

23 A. I'm just trying to make my ELD work --

24 Q. Okay.

25 A. -- so I'm not getting red flagged.

1 BY MR. FOX:

2 Q. Okay. I think what we could do is maybe have a conversation
3 after this interview.

4 A. Okay.

5 Q. We haven't seen any of the logs so it's not fair for us --

6 A. Right.

7 Q. -- to comment because we haven't reviewed them. So I think
8 there will be a whole lot more questions when we dive into that
9 part.

10 A. We're good.

11 Q. But for now, I think we'll go ahead and conclude the
12 interview unless there's any other pressing questions from
13 anybody?

14 (No response.)

15 BY MR. FOX:

16 Q. So, sir, we really appreciate your time. Thank you so much.
17 We also have our TDA office here, one of our folks from TDA which
18 is our Transportation Disaster Assistance Office.

19 A. Okay.

20 Q. Sarah. I think --

21 A. She called me --

22 Q. Did she -- she called you, okay. Perfect.

23 A. -- and emailed me.

24 Q. That's great.

25 A. Yeah.

1 Q. That's a resource at your disposal.

2 A. Okay.

3 MR. FOX: So at that time, we want to -- at this time, we'd
4 like to conclude the interview. Thank you so much for all your
5 time and everyone else here at the table. The time now is 3:30
6 p.m. Thank you.

7 (Whereupon, at 3:30 p.m., the interview was concluded.)

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CERTIFICATE

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

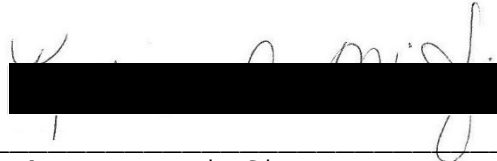
IN THE MATTER OF: FATAL TRUCK SEMI-CRASH
NEAR TEUTOPOLIS, ILLINOIS
ON SEPTEMBER 29, 2023
Interview of Don Bloemker

ACCIDENT NO.: HWY23MR017

PLACE: Brownstown, Illinois

DATE: October 2, 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.


Kathryn A. Mirfin
Transcriber