

Human Performance Group Chairman's Factual Report

**Gray Summit, Missouri
HWY-10-MH-018**

Attachment 2: E-mail Communication with Climate Express, Inc. Attorney

(8 pages)

Collins Dennis

From: Ted Perryman [tperryman@rpbm.com]
Sent: Friday, August 13, 2010 10:48 AM
To: Collins Dennis
Cc: rhughey@climateexpress.com; 'Korissa Zickrick'
Subject: RE: Additional information

Dennis: The following will hopefully respond to the questions below:

1. There is a break in his experience record from February 2009 through July of 2009. What was he doing during this time?

A: Michael took leave under FMLA for care for his father-in-law who had cancer and was undergoing cancer therapy.

2. When was the last time prior to the accident that he had traveled that part of I-44?

A: 2-3 weeks prior.

3. How would he describe the traffic conditions when he first got on I-44 and right before the accident?

A: Steady, but moderate.

4. When did he get to sleep on the 3rd in Jefferson City?

A: Approximately 11:30 p.m.

5. When did he wake on the 4th?

A: Approximately 7:00 p.m.

6. When did he leave Jefferson City for Union?

A: Approximately 9:15 a.m.

7. When did he arrive at Climate Express, Inc. on the 4th?

A: Approximately 10:45 a.m.

8. What did he do during the day on the 4th while they were working on his truck?

A: While he was off-duty, he went to Wal-Mart to pick up some personal items, got something to eat and then hung out at the Climate terminal in the driver's lounge.

9. When did he go to bed on the 4th? Where did he sleep?

A: Around 9:00 p.m. In the sleeper of his tractor No. 667.

10. When did he get up on the 5th?

A: At 7:30 to 8:00 a.m.

If you need any further information, please do not hesitate to contact me.

Ted L. Perryman
One U.S. Bank Plaza
Suite 2300
St. Louis, MO 63101
314-421-1850 (voice)
314-421-4346 (fax)
tperryman@rpbm.com

-----Original Message-----

From: Collins Dennis [mailto:collind@ntsb.gov]
Sent: Wednesday, August 11, 2010 11:07 AM
To: tperryman@rpbm.com
Subject: Additional information

Mr. Perryman -

I hope this message finds you well. As I said last week, I always seem to forget to ask some questions during the interviews, and this case is no different. I would appreciate it if you could pass the following questions on to Mr. Crabtree:

1. There is a break in his experience record from February 2009 through July of 2009. What was he doing during this time?
2. When was the last time prior to the accident that he had traveled that part of I-44?
3. How would he describe the traffic conditions when he first got on I-44 and right before the accident?
4. When did he get to sleep on the 3rd in Jefferson City?
5. When did he wake on the 4th?
6. When did he leave Jefferson City for Union?
7. When did he arrive at Climate Express, Inc. on the 4th?
8. What did he do during the day on the 4th while they were working on his truck?
9. When did he go to bed on the 4th? Where did he sleep?
10. When did he get up on the 5th?

In addition to the questions for Mr. Crabtree, I have one question and one request for Climate. The question is: Can the drivers open, look at, or otherwise use the Xata system when the vehicle is moving?

The request is this - when we were there, we talked about a printout for the company charge card that showed Mr. Crabtree's fuel purchases from the 2nd - 5th. Somehow, I managed to walk off without it. Would it be possible to scan and e-mail this document to me, or fax it to the number on my card?

Thank you so much for your assistance,
Dennis

Dennis Collins
Senior Human Performance Investigator
National Transportation Safety Board
Office of Highway Safety
490 L'Enfant Plaza SW
Washington, DC 20594
(202) 314-6449 Office
collind@ntsb.gov

CONFIDENTIALITY NOTICE: THIS E-MAIL TRANSMISSION MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, PROPRIETARY, SUBJECT TO COPYRIGHT, AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IT IS FOR THE USE OF INTENDED RECIPIENTS ONLY. If you are not an intended recipient of this message, please notify the original sender immediately by forwarding what you received and then delete all copies of the correspondence and attachments from your computer system. Any use, distribution, or disclosure of this message by unintended recipients is not authorized and may be unlawful.

Collins Dennis

From: Ted Perryman [tperryman@rpbm.com]
Sent: Friday, August 13, 2010 10:55 AM
To: Collins Dennis
Cc: rhughey@climateexpress.com; 'Korissa Zickrick'
Subject: RE: Additional information

On the question posed to Climate Express:

Can the drivers open, look at, or otherwise use the Xata system when the vehicle is moving?

A: Yes. The motion interlock is not engaged. However, drivers are instructed not to read, receive or send messages while operating their vehicle. Michael has confirmed that he complies with the company's policy and was not receiving, reading, sending or using the XATA system near or at the time of the accident.

Ted L. Perryman
One U.S. Bank Plaza
Suite 2300
St. Louis, MO 63101
314-421-1850 (voice)
314-421-4346 (fax)
tperryman@rpbm.com

-----Original Message-----

From: Collins Dennis [mailto:collind@ntsb.gov]
Sent: Wednesday, August 11, 2010 11:15 AM
To: tperryman@rpbm.com
Subject: Re: Additional information

That would be fine!

Dennis

----- Original Message -----

From: Ted L. Perryman <tperryman@rpbm.com>
To: Collins Dennis
Sent: Wed Aug 11 12:13:03 2010
Subject: Re: Additional information

Dennis. I am just about to leave the office and heading to Columbia, Mo. for the rest of the day. I am going to contact Climate and Michael Crabtree and will get the information you requested. Unfortunately, I will not be able to respond until tomorrow, but will get you this info first thing tomorrow morning.

----- Original Message -----

From: "Collins Dennis" <collind@ntsb.gov>
To: <tperryman@rpbm.com>
Sent: Wednesday, August 11, 2010 11:07 AM
Subject: Additional information

Mr. Perryman -

I hope this message finds you well. As I said last week, I always seem to forget to ask some questions during the interviews, and this case is no different. I would appreciate it if you could pass the following questions on to Mr. Crabtree:

1. There is a break in his experience record from February 2009 through July of 2009. What was he doing during this time?
2. When was the last time prior to the accident that he had traveled that part of I-44?
3. How would he describe the traffic conditions when he first got on I-44 and right before the accident?
4. When did he get to sleep on the 3rd in Jefferson City?
5. When did he wake on the 4th?
6. When did he leave Jefferson City for Union?
7. When did he arrive at Climate Express, Inc. on the 4th?
8. What did he do during the day on the 4th while they were working on his truck?
9. When did he go to bed on the 4th? Where did he sleep?
10. When did he get up on the 5th?

In addition to the questions for Mr. Crabtree, I have one question and one request for Climate. The question is: Can the drivers open, look at, or otherwise use the Xata system when the vehicle is moving?

The request is this - when we were there, we talked about a printout for the company charge card that showed Mr. Crabtree's fuel purchases from the 2nd - 5th. Somehow, I managed to walk off without it. Would it be possible to scan and e-mail this document to me, or fax it to the number on my card?

Thank you so much for your assistance,
Dennis

Dennis Collins
Senior Human Performance Investigator
National Transportation Safety Board
Office of Highway Safety
490 L'Enfant Plaza SW
Washington, DC 20594
(202) 314-6449 Office
collind@ntsb.gov

CONFIDENTIALITY NOTICE: THIS E-MAIL TRANSMISSION MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, PROPRIETARY, SUBJECT TO COPYRIGHT, AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IT IS FOR THE USE OF INTENDED RECIPIENTS ONLY. If you are not an intended recipient of this message, please notify the original sender immediately by forwarding what you received and then delete all copies of the correspondence and attachments from your computer system. Any use, distribution, or disclosure of this message by unintended recipients is not authorized and may be unlawful.

CONFIDENTIALITY NOTICE: THIS E-MAIL TRANSMISSION MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, PROPRIETARY, SUBJECT TO COPYRIGHT, AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IT IS FOR THE USE OF INTENDED RECIPIENTS ONLY. If you are not an intended recipient of this message, please notify the original sender immediately by forwarding what you received and then delete all copies of the correspondence and attachments from your computer system. Any use, distribution, or disclosure of this message by unintended recipients is not authorized and may be unlawful.

Collins Dennis

From: Ted Perryman [tperryman@rpbm.com]
Sent: Wednesday, September 01, 2010 5:28 PM
To: Collins Dennis
Cc: rhughey@climateexpress.com
Subject: RE: Another question

Dennis. Please forgive the delay in getting back to you concerning the question you raised below. We really do not have an explanation except that Michael Crabtree must have been confused by the time zones. He is required to keep his logs on CST because that is where his employer is located.

However, since he lives in the EST zone, this no doubt causes confusion from time to time. The good news is that we have the XATA data which shows his movements that day and the day before. Having represented trucking companies for over 30 years it has been my experience that despite the best efforts of some well-intentioned drivers, logbooks have conflicts. Despite what others may think, I welcome the day all trucks have EOBRs.

Ted L. Perryman
One U.S. Bank Plaza
Suite 2300
St. Louis, MO 63101
314-421-1850 (voice)
314-421-4346 (fax)
tperryman@rpbm.com

-----Original Message-----

From: Collins Dennis [mailto:collind@ntsb.gov]
Sent: Friday, August 27, 2010 11:01 AM
To: Ted Perryman
Subject: RE: Another question

Mr. Perryman -

I hope this message finds you well. In looking at Mr. Crabtree's log for the 5th (attached), there appears to be a discrepancy. He shows his time as on-duty, not driving - dropping a trailer and getting fuel - from 10:15 to 10:30. The accident occurred at 10:11 a.m., so my first thought was that he was keeping his book on Eastern time. If this is not the case, can you ask him about this apparent conflict?

Thank you,
Dennis

From: Ted Perryman [mailto:tperryman@rpbm.com]
Sent: Fri 8/13/2010 10:48 AM
To: Collins Dennis
Cc: rhughey@climateexpress.com; 'Korissa Zickrick'
Subject: RE: Another question

No. Central Time.

Ted L. Perryman
One U.S. Bank Plaza
Suite 2300
St. Louis, MO 63101
314-421-1850 (voice)
314-421-4346 (fax)
tperryman@rpbm.com

-----Original Message-----

From: Collins Dennis [mailto:collind@ntsb.gov]
Sent: Wednesday, August 11, 2010 6:16 PM
To: tperryman@rpbm.com
Subject: Another question

Ted -

Sorry to bother you again, but I have another question:

Does Mr. Crabtree record his logbook in Eastern time?

Thanks,
Dennis

CONFIDENTIALITY NOTICE: THIS E-MAIL TRANSMISSION MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, PROPRIETARY, SUBJECT TO COPYRIGHT, AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IT IS FOR THE USE OF INTENDED RECIPIENTS ONLY. If you are not an intended recipient of this message, please notify the original sender immediately by forwarding what you received and then delete all copies of the correspondence and attachments from your computer system. Any use, distribution, or disclosure of this message by unintended recipients is not authorized and may be unlawful.

CONFIDENTIALITY NOTICE: THIS E-MAIL TRANSMISSION MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, PROPRIETARY, SUBJECT TO COPYRIGHT, AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IT IS FOR THE USE OF INTENDED RECIPIENTS ONLY. If you are not an intended recipient of this message, please notify the original sender immediately by forwarding what you received and then delete all copies of the correspondence and attachments from your computer system. Any use, distribution, or disclosure of this message by unintended recipients is not authorized and may be unlawful.