

## UNITED STATES OF AMERICA

## NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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*DIXIE VANDAL* COLLISION WITH  
 MOORED *TRINITY*

\* Accident No.: DCA19FM026 99119

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Interview of: TODD BEHLKE

VP Canal &amp; River Vessel Operations

Kirby

United States Coast Guard  
 Sector Houston, Texas

Wednesday,  
 March 28, 2019

## APPEARANCES:

CWO [REDACTED], Investigator  
United States Coast Guard

LT [REDACTED], Investigator  
United States Coast Guard

BRIAN YOUNG, Marine Accident Investigator  
National Transportation Safety Board

BIJAN SIAHATGAR, Attorney  
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(On behalf of Kirby Inland Marine)

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I N T E R V I E W

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LT [REDACTED] Lt. [REDACTED] [REDACTED] Sector Houston,  
Investigations.

MR. SIAHATGAR: Bijan Siahatgar on behalf of Kirby.

MR. PALTIYEVICH: Misha Paltiyevich on behalf of Kirby.

MR. YOUNG: Brian Young with the National Transportation  
Safety Board.

MR. BEHLKE: Todd Behlke, Vice President, Canal and River  
Vessel Operations for Kirby.

CWO [REDACTED] Mr. Behlke, thank you for your time. Thank  
you for meeting with us today. Basically, the Coast Guard always  
-- and the NTSB, we always look at the incidents and we try to get  
a feel of what may have happened and how can we prevent this type  
of situation in the future. So, we're always looking at it as --  
from a safety standpoint. So, thank you again for your time.

## INTERVIEW OF TODD BEHLKE

BY CWO [REDACTED]

Q. Can you please talk to us what the operations role is when it  
comes to -- or how involved are the operations when it comes to  
the watch schedules on the individual boats?

A. So our safety management system prescribes that it not exceed  
the regulations of 12 hours a day in any 24-hour period. We work  
to -- when crew members are boarding vessels for crew changes, we

1 work to get them on board. They travel during their on-watch time  
2 so that that travel time, which constitutes or looks at work  
3 hours, doesn't exceed that 12 hours in that day. So our crew  
4 dispatch group, if you live, you know, 4 to 6 hours away from  
5 where your vessel's going to be, we will actually stage you in a  
6 proximity to the boat the night before. So we bring them in the  
7 night before. That way, their travel time is, you know, usually  
8 about an hour or maybe 2 to the vessel, and they do it on their  
9 own, what's scheduled to be their own time, so it counts as part  
10 of their work.

11 BY LT [REDACTED]

12 Q. As far as on the vessel, the watch rotations, that's set by  
13 the vessel or is that set by Kirby Operations?

14 A. It's set by the vessel.

15 Q. And does it stay as that watch rotations or are you aware  
16 that it can change often? Or is there a particular captain could  
17 come on board that says, okay, I'm going back to the 6 and 6, and  
18 then the next guy gets on, puts it back to 12 and 12?

19 A. Typically, the watch schedules remain the same as -- you  
20 know, if they're a 6 and 6 boat, they typically stay a 6 and 6  
21 boat. If the crew as a whole decides they want to go to an  
22 alternative watch schedule, such as a 7/5/5/7 or an 8/4/4/8, you  
23 know, we permit them to do that. That's their discretion. Ours  
24 strictly is is that they cannot work more than the prescribed 12  
25 hours a day.

1       We will occasionally get a call, if you get a new captain, he  
2 or she may want to change the schedule, and we work with them and  
3 the crew and just to educate them and coach them through, you  
4 know, get everybody on board, you know, so you're not -- because  
5 otherwise, we end up with a bunch of transfers wanting somebody to  
6 work a varied schedule. So a lot of the captains really have no  
7 issues with this. There's not a bunch of changing of schedules  
8 that we're made aware of. So they tend to stick with what the  
9 crew is comfortable with and likes.

10 Q. Uh-huh. Is this all captured in the WheelMate? Does that  
11 have the hours it tracked or --

12 A. So work/rest hours are captured in Helm for the deck crew,  
13 all right, which is our management system for the towing vessel  
14 record. And in WheelMate, which is the onboard computer system,  
15 which sends and receives orders to the vessels, captures various  
16 messaging and some other stuff. But it's got a wheelman on, a  
17 wheelman off function that they sign into and it just records  
18 their work hours.

19 Q. I imagine you guys have done an internal investigation for  
20 this incident as well. Have you guys discovered any lessons  
21 learned for this incident?

22 A. The investigation, I mean, we're -- it's certainly not  
23 completed. And at this point, any lessons learned are being  
24 evaluated, such as the watch rotation of the 12 hours on this boat  
25 as opposed to, you know, a 6 and 6 or a 7/5/5/7 or an 8/4/4/8.

1 Q. Uh-huh.

2 A. So I believe that's one thing at this point I can say that  
3 we're evaluating that as, you know, a lessons learned.

4 Q. Have you guys had a lot of issues with 12 and 12, like  
5 incidents or concerns of fatigue?

6 A. No. It's not -- it's a watch rotation that is typically used  
7 by the day boats, the fleet boats. So a day boat, they come in  
8 and actually only technically only work 11 hours. So they come in  
9 at 7 o'clock in the morning and they'll work until 6 o'clock that  
10 evening. And we leave that hour for their transit to and from  
11 home, because they typically live just 15, 20 minutes down the  
12 road. So it's not a real common watch rotation that's worked for  
13 live-aboard vessels. But there are boats that do do it, and  
14 choose to do it.

15 You know, a lot of it has to do with the work that they're  
16 performing. If it's a vessel that's underway, you know, 24 hours  
17 a day, you know, for extended voyages, you're not going to want to  
18 sit in the wheelhouse for 12 hours constantly steering. A boat  
19 like a fleet boat, you know, they may be over here in the fleet  
20 helping somebody get out; they may be down for, you know, for 2, 3  
21 hours doing something. You know, some of the harbor boats that  
22 are much like the bunker boats, you know, they're on kind of a  
23 milk run, and they have a lot of down time in between runs, so  
24 their stress level -- so that's why we're looking at it. And I  
25 can't fully constitute that that's a -- you know, the sole reason

1 of this particular case.

2 Q. We discussed a lot of like watch ready stuff with the crew  
3 members --

4 A. Uh-huh.

5 Q. -- and how it translates throughout the watch. And they all  
6 talked about their stop-work authority. Has anyone ever utilized  
7 their stop-work authority to pull over a vessel because of  
8 fatigue?

9 A. We have had -- how do I want to say this? We've had reports  
10 of somebody who has gotten up and they've called in and said, I've  
11 had some stuff going at home, you know, that might be a family  
12 member that was ill, so it was on their mind; they didn't get  
13 sleep. So what we did was we ordered a shore tankerman and had  
14 them sleep and rest on that. So we encourage the crews to advise  
15 us if they're not watch ready.

16 Watch ready is a mantra that we developed about 4 years ago,  
17 and we've stuck to it pretty hard. It's in our safety action  
18 plans. It's discussed at the crew. It's on stickers in the  
19 galleys and around the building, as you see here. So, you know,  
20 it's not something I feel that they're afraid to report to us  
21 because we treat it appropriately. We take it seriously.

22 You know, if it would be something that would be repeated  
23 watch over watch over watch, we would remove the crew member from  
24 the boat so they could tend to their issues. But if it's, you  
25 know, if it's a one-watch deal, you know, we'll make arrangements



1 to either get somebody -- if it's a wheelman, we'll get somebody  
2 to the boat or let the boat sit moored at the dock or in the  
3 fleet. If it's a deck crew, we'll make accommodations to let them  
4 rest their next watch until they're -- until they can state that  
5 they're watch ready for us to go.

6 Q. If you had a captain that was out pushing a boat and he calls  
7 into the office reporting that he feels he's not watch ready, what  
8 would take place at that point?

9 A. We would immediately tell him to stop at the next safest  
10 location, notify the off-watch master to come up and assist them  
11 until they can get secured, and then we would either dispatch  
12 somebody to that vessel or we would send a port captain to -- or  
13 have the vessel relieved if we had horsepower. So a lot of  
14 variables in that situation, depending on the location of the unit  
15 and where they're at is -- would play into how we would manage the  
16 situation. But we would not encourage them to continue to operate  
17 in any manner.

18 Q. Would they be allowed to just simply push up on a bank and  
19 rest for a little while or is it up to dispatch, or who makes that  
20 call?

21 A. No, I think we would discuss it. It would be operations that  
22 would discuss it with the individual. And I think it would also  
23 have to be determined what level of watch readiness are you -- I  
24 mean, have you not slept for, you know, a severe extended period  
25 of time, or is it you're not watch ready because maybe you have a

1 headache or something of that nature. We would have to gauge the  
2 severity in discussing with the individual what type of assistance  
3 can we provide you. And then, we would take the actions  
4 according.

5 Q. Is there any type of fatigue or endurance training that's  
6 provided to crew members?

7 A. So crew members -- crew endurance management started, oh,  
8 several years ago. It's something that is discussed in their  
9 bridge resource management and simulator training about how to  
10 manage and make sure that, you know, they're going -- they're  
11 expending all their time, their off-watch time resting.

12 There's a leadership course and a crucial conversation course  
13 that discusses -- because we look at the master and the wheelhouse  
14 personnel to watch and oversee the deck crew. So if they see them  
15 off watch playing with their phones, staying up watching TV -- you  
16 know, that crucial conversation course is to help them focus on  
17 discussing with that individual, you know, the importance as  
18 opposed to -- so what we saw was, you know, hey, Jim, you need to  
19 go to bed; well, come on, you're not my dad.

20 (Laughter.)

21 So it's just a lot of education on our part, and we've looked  
22 for -- you know, that course has a curriculum that far and exceeds  
23 just that, but it is a component of it.

24 So crew endurance management, when we got into it, oh, 12, 14  
25 years ago, the changes that were done to the vessels -- hospital-

1 grade mufflers, blacked out all the windows on the vessels so  
2 crews could sleep, doors used to have louvers in the doors so, you  
3 know, you would hear noise and see light shining through. We  
4 changed out doors, provided some better lighting in the galley so  
5 that when you're in there, you would feel rejuvenated and -- you  
6 know, a lot of it was education passed around.

7 Dietary, we send out important dietary information to help  
8 them improve their, you know, the foods that they're consuming so  
9 they're not eating a bunch of junk foods and feeling bloated.

10 Exercise equipment, we provide anything that they ask for,  
11 obviously within reason. We've identified all adequate exercise  
12 equipment that, you know, they can purchase and put in the  
13 vessels. I mean, there's a number of different things we've --

14 Q. Are you familiar with the timeline, time frames for the BNWAS  
15 motion sensor system on board the vessels?

16 A. Yes. So there's two systems that are on board. There is the  
17 system which would have been on the *Vandal*, which is the Rio  
18 electric system that was installed. And then, any new  
19 construction or equipment, if those -- if we have to do any  
20 replacement or what else, we put the Furuno BNWAS system on.

21 So the timing for the Rio system is about anywhere from --  
22 it's about 30 seconds, maybe 1 or 2 either way, just depending on,  
23 you know, who's doing the timing of the sensors. And then they'll  
24 get their initial alarm, and then subsequent to that, if you do  
25 not motion, you know, another minute or so later the general alarm

1 will go off.

2 Q. And there weren't any known issues with the system on board  
3 the *Vandal*?

4 A. No. We looked back and we had not seen any tech reports or  
5 no reports from the crew of sensors not responding to our -- our  
6 test and inspection criteria and requirement, request that as part  
7 of their voyage planning to ensure that that's tested prior to  
8 getting underway. And we have not received any reports that it  
9 has not.

10 Q. Is a crew able to disable that device or --

11 A. There is no on/off switch that's available to them. I mean,  
12 you can disable anything, I would assume, if you went to the  
13 ability of pulling a breaker or doing something of that nature.  
14 But there is no on/off switch. There is no disable button. There  
15 is a delay button, but that is only if you get the -- that is only  
16 if you push it and you need to go step outside, if you were shoved  
17 into the bank or something and you needed to go check your face  
18 ropes or doing something so it took you out of that wheelhouse for  
19 that moment.

20 Q. Kirby does annual physicals for all crew members?

21 A. Yes, sir.

22 Q. Does that include any kind of like a sleep evaluation or  
23 study?

24 A. Not that I'm aware of, no.

25 Q. And then, if a crew member has like sleep apnea or a sleep

1 disorder or condition, is that made aware to Kirby?

2 A. It'll be part of their medical records, but that wouldn't  
3 necessarily come to me. I'm not, obviously, privy to violation of  
4 any HIPAA law, unless they told me or --

5 Q. Yeah, yeah, gotcha. Is there any procedures if someone  
6 needed a certain kind of equipment on board a vessel to make sure  
7 it's available to them on board the vessel, like a sleep apnea  
8 machine?

9 A. There are individuals that bring their own machines, but that  
10 would be part of their medical protocol if they needed one, and  
11 then they would have a medical waiver that would be associated  
12 with that. And then that would be permitted on board.

13 Q. But it's not tracked or anything like that or --

14 A. Through our medical records group, they will have record of  
15 who has a sleep apnea machine, because it would be part of their  
16 medical waiver for their license.

17 Q. Is there any way to verify that it would be on board the  
18 vessel?

19 A. I don't have that ability, no.

20 LT [REDACTED] Do you have any other questions?

21 BY CWO [REDACTED]

22 Q. Are you aware of any written policy, procedure, standard  
23 where crew members are required to inform, whether it be back at  
24 the office or directly to the master on board, if they're taking  
25 medications?

1 A. There is a policy that requires them to advise us if they  
2 have any prescription-type medicine.

3 BY MR. YOUNG:

4 Q. Thank you for your time today, sir. My name's Brian Young.  
5 I'm with the NTSB. I understand you are the vice president of  
6 canal operations. Can you -- probably there's more to it as well  
7 as that. Can you describe your position and what you're  
8 responsible for?

9 A. So I work with the team of operations managers and port  
10 captains who oversee the vessels that are basically the owned  
11 inland vessels of Kirby Inland Marine.

12 So beneath me, there are 5 operations managers and 20 port  
13 captains who have roughly 10 to 12 vessels per port captain. So  
14 they manage the day-to-day operations of -- they're basically the  
15 advocate for the vessel to the shore. So they'll work with the  
16 captains. If the captains have personnel issues on board that  
17 they need assistance in resolving, if, you know, they have  
18 questions or concerns about cargo ops or navigation safety, the  
19 port captains will work with them. They'll report up to the  
20 operations managers and then to myself, if it needs to escalate to  
21 my level.

22 But primarily, on a day-to-day basis, checking on ensuring  
23 that they're watching the crews for high water on the Mississippi,  
24 making sure they're watching the individuals that we're putting on  
25 board, making sure they're the right personnel, they're posted,

1 they're trained. And then, obviously, the financial part of it,  
2 too, but that's a much smaller piece.

3 Q. Would you say that you're -- somebody in your office is in  
4 daily communication with each of your vessels?

5 A. Yes.

6 Q. And how is that communication? Is it email or phone or a  
7 combination of --

8 A. There's a combination of ways that they'll, throughout their  
9 workweek and their months, that they will speak to those boats.  
10 Not every vessel will be spoken to every day, okay? I didn't want  
11 it misunderstood what I meant there. But they're in constant  
12 communication throughout the workweek for various different  
13 things, whether it be crew changes to following up on some  
14 supplies or maybe some change in SMS or policy that we're  
15 discussing or just reminding them about a safety initiative that  
16 we have going on. So they could be discussing the 2019 Safety  
17 Action Plan. They could be discussing a recent lessons-learned  
18 video, or a reflective learning tool that we put out. So they're  
19 constantly communicating with them about various things like that.

20 Q. And how long have you been with Kirby?

21 A. I've been with Kirby since 1998.

22 Q. And do you have any sort of maritime background prior to  
23 coming to Kirby?

24 A. I do. I graduated from Maine Maritime Academy. I've held my  
25 license since 1992. But then I came to Kirby in '98 and served in

1 various positions all the way to captain, and then I came shore  
2 side in 2006.

3 Q. About how many vessels would you say you're responsible for?

4 A. 236, if you roll them all up.

5 Q. And would it encompass all sorts of different day boats,  
6 bunker barges, or is it contained to one type of vessel?

7 A. No, we have a large array of fleet boats, bunker boats,  
8 harbor shift boats, line haul boats that operate on the river  
9 system, unit tow boats that are just a -- basically serve on a  
10 contract from maybe an A to B, back and forth contract run, to  
11 spot moves where they may pick up a tow, go to a location,  
12 redeliver back to another location, drop that, and pick up  
13 something else. So it's a vast array of different services that  
14 we provide.

15 Q. And of all these different services, what would you consider  
16 the *Dixie Vandal*?

17 A. The *Dixie Vandal* is a bunker.

18 Q. A bunker boat.

19 A. She's been a bunker boat for several years.

20 Q. And not considered a day boat, right?

21 A. No, sir.

22 Q. There was -- I think we did talk a little bit about the  
23 work/rest histories, that there is a system in place that the  
24 vessels enter their work/rest history on a computer and then it's  
25 entered or at least addressed. But is there somebody at the



1 company that is keeping an eye on these or watching them when they  
2 do come in?

3 A. They're not screened every day for a compliance perspective.  
4 But what we do is, if there's a near miss submitted or if there's  
5 an incident or if there's a -- you mentioned earlier about  
6 somebody would report if they weren't watch ready. We would then  
7 go in and we'll do spot checks of work/rest hour compliance to  
8 ensure. But it's truly left up to the master on board to monitor  
9 that. That's why they have to sign off on it and make sure that  
10 the personnel on board he or she's boat is in compliance with  
11 work/rest hours. But we do, do spot checks, too.

12 Q. And then previously, we were talking about some of the SEMS  
13 training that takes place in either the training facility or the  
14 simulators. Is there ever any -- I know there's a term called  
15 coaches that go out to the vessels to instruct the crews about  
16 SEMS and all?

17 A. So we -- several years ago, we went through coaches'  
18 training, so we actually have several experts shore side that  
19 brought in all our captains, and we made all our captains coaches.  
20 So Captain Beau Fournet would have been one of those individuals  
21 that would have been a coach. So we've done that. It's been a  
22 few years since we brought everybody through, but that was our --  
23 our intent was to make a captain the coach on board each of the  
24 vessels, so that they could then oversee the crew endurance  
25 component of their boat.

1 Q. And what is entailed in becoming a coach? Are you a coach?

2 A. I was a coach, yes. Or I am a coach, yeah. I have not done  
3 any refresher training in some time, but I did go through -- we  
4 brought them in for, I believe it was a day and a half of  
5 education at our training center. But I would have to get the  
6 specifics of everything that was covered that day.

7 But a lot of it was the different components of crew  
8 endurance management. The watch schedule is a component, but it's  
9 not the only component. It was discussing dietary importance. It  
10 was discussing the engineering improvements that could be done on  
11 board the boats, so if they identified -- we did a -- every vessel  
12 -- this has been, again, several years ago. Every boat was -- got  
13 a crew endurance audit done on it. So we wanted to make sure if  
14 they didn't have hospital-grade mufflers, the shipyard schedule  
15 for them, it was set up to be done and budgeted. Doors blacked  
16 out, as I mentioned, all those various things. So we did sound  
17 decibel audio testing inside on the interiors to ensure that the  
18 bunk rooms were quiet enough for them to get sleep.

19 Q. And is that a recurring thing what these audits continue on  
20 or is it more of a one-shot deal?

21 A. It occurred -- it was a one-shot deal at that time, and it's  
22 been some time since it's been redone. But we've taken a lot of  
23 those items and adapted them into our new construction, so our new  
24 construction took from all the lessons that were learned when we  
25 did those audits. And we've simply been retiring that equipment

1 as we go. And then, anything we purchase, as they cycle through  
2 the shipyards, we're applying those. So it's an ongoing thing or  
3 an ongoing initiative from lessons that we've learned several  
4 years ago.

5 Q. And I know you mentioned that Kirby does have a safety  
6 management system. If there is an update to a policy, how does  
7 that get out to each of your vessels?

8 A. So that is distributed through our Helm system. So every  
9 update we do twice a year to our Vessel Operations Manual and our  
10 Cargo Handling Procedure Manual. So those are sent to the boats.  
11 And then they have to go in and acknowledge that they've read and  
12 received those.

13 Q. And I don't mean to jump around a little bit, but I'm just  
14 looking at my notes.

15 A. That's okay.

16 Q. On the watch ready system that's in place, is there some sort  
17 of guidance if a new captain was to come aboard what the captain  
18 should be looking for when another person is coming to relieve  
19 that captain in terms of the evaluation? Is there any specific  
20 items that they're supposed to be looking for that is brought to  
21 their attention by the company? They could just say, okay, make  
22 sure this guy is watch ready; what does that entail?

23 A. Oh, okay. I see what you're saying. All right. A lot of  
24 that has to do with the master changeover. The watch ready  
25 stickers, I mean, we post it that they ensure that they have

1 proper PPE. They ensure that the orders that are given to them  
2 are understood. A lot of that watch ready is supported through  
3 our push of stop-work responsibility, so that the crews feel  
4 enabled, if they're tired or not watch ready, to enact their stop-  
5 work responsibility. So I don't know if that answers your  
6 question or not, but I'm --

7 Q. In a way.

8 A. It's not a checklist of items other than what's listed on  
9 that sticker of ensuring that you have proper PPE, ensuring that  
10 you have the proper tools. You know, those are all listed on that  
11 sticker that -- and that's what people are looking for and that's  
12 what we felt were the most -- the five key things to watch for.

13 Or if so-and-so doesn't look -- looked drowsy, we encourage  
14 that they do a watch ready huddle and they ask hard questions. So  
15 boats, when they do their watch change, they're asking, hey, did  
16 you get enough sleep last night (indiscernible) or were you  
17 distracted by anything going on at home? We're trying to -- we've  
18 been coaching them along on that.

19 Q. And how frequently does that coaching occur?

20 A. We do it at safety meetings. Port captains do it during  
21 their vessel visits. We send reflective learning videos out  
22 encouraging, you know, watch readiness, risk normalization. A lot  
23 of those -- they're all components of our safety action plan that  
24 goes out to the fleet.

25 Q. I know the *Dixie Vandal* was built in the '60s. And the BNWAS

1 system was probably put on at a later date. Was there any  
2 specific reason why these vessels were equipped with BNWAS  
3 systems?

4 A. I got to tell you, I was on board the vessel at the time that  
5 decision was made. And if I recall, my understanding at that  
6 point, it was following the I-40 bridge strike that caused -- I  
7 think it was an incapacitated wheelman that ended up hitting the  
8 bridge. And as a result, we went to put on -- we wanted to put on  
9 these BNWAS systems, as they call now.

10 Q. Right.

11 A. I guess they originally were called incapacitated wheelman  
12 alarms.

13 Q. And you might not have this number right off the top of your  
14 head, but is -- what percentage of your fleet of your tow boats  
15 have the -- a BNWAS system installed?

16 A. Our intention is to have every vessel with one. We were at  
17 100 percent, but our recent acquisitions of *Higman* and *Cenac* are  
18 the only vessels that do not. And as those boats are going into  
19 the shipyard, or we have an opportunity to do it if they're  
20 sitting in the fleet or down for something, we're having them  
21 installed. So the intention is to have 100 percent of them done,  
22 but that is the only reason I can say that we're not at 100  
23 percent is because we purchased two companies that did not have  
24 those systems aboard their vessels. At least not all of them. A  
25 few of them they did.

1 Q. Right. You had talked about some other watch schedules, and  
2 obviously, want to ensure that the crew is getting the proper  
3 rest. Do you, as a manager or leader, have any preference or have  
4 any feedback from your crews as to which watch schedule works the  
5 best your crews?

6 A. So it's -- that's always an ongoing discussion with them, and  
7 I don't know that -- some of them feel it's really dependent upon  
8 the work that they do. The boats that are running for long  
9 periods of time, you know, are typically that 6 and 6 or 7/5/5/7,  
10 in my experience. The harbor boats or the boats that are doing  
11 some more work shifting, stop and go, are typically either that  
12 8/4/4/8, just -- there's a lot of different preferences out there.

13 And that's really the only thing, you know, if you're -- the  
14 deck crew don't want to be out on a barge for 8 hours for a long  
15 period of time in the hot sun in July and August, so they'll tend  
16 to go with a 6 and 6 or a 7/5/5/7. Pilots don't want to be in the  
17 wheelhouse for 8 hours in a nighttime shift, so they -- 8/4/4/8 is  
18 probably not your most common preferred one. The 6 and 6, if you  
19 switch it to that 7/5/5/7, there is that extra hour, which is good  
20 in situations, you know, where you can get on there.

21 So really it's varied. I think if you asked 10 people, you'd  
22 get 10 different opinions.

23 Q. You talked about the stop-work authority and people using it.  
24 I have to ask, but are there ever any repercussions for using it?

25 A. No, not -- we have, from the highest in our company, the CEO

1 on down, if an individual uses their stop-work responsibility, we  
2 are to honor it. We are to investigate, you know, what the reason  
3 is that they did use it. Did we not communicate something? Is  
4 there something missing? Is it truly a safety issue or is it a  
5 communication issue? But we will -- there may be instances that  
6 we end up doing the job, we just do it different and in a manner  
7 that they understand and they feel comfortable now performing the  
8 job. But as far as disciplinary, no.

9 Q. And you think there's an understanding throughout your fleet  
10 that to use a stop-work authority, there wouldn't be any  
11 repercussions?

12 A. It's in our policy. It's in our SMS. And I would like to  
13 believe that, yes, they do believe that. Is there somebody out  
14 there that may be hesitant? I don't know. I hope not. I hope  
15 they're believing -- we encourage it in our safety seminars. You  
16 know, it's used every day in some form or fashion. You know,  
17 maybe not to the level of we're just refusing to do a job. But I  
18 see them asking more questions as opposed to just doing the job,  
19 getting clarification on stuff when maybe they wouldn't have in  
20 the past.

21 I can tell you the fleets that we acquired have made comments  
22 that it's different here; we would not have been treated the same  
23 had we asked the same questions or brought the same concerns. So  
24 that's encouraging to me that, yes, it is radiating a positive  
25 culture in the fleet.

1 Q. And if some -- say, a captain did want to stop a tow because  
2 the captain felt that there was an unsafe environment. Is there  
3 an official tracking of the stop-work request or is it tracked, I  
4 guess?

5 A. There's a near-miss report that they submit. But if they  
6 just called in, you know, as opposed to submitting a near miss and  
7 waiting for it to be, you know, submitted, no. But we would  
8 encourage them, if they did use a stop-work, hey, turn that in as  
9 a near miss so we have it in our system, but then we would address  
10 it. But if they chose not to, no, there is no active log or email  
11 that's created to track it.

12 Q. And if you can come up with a number, about how many near  
13 misses do you think are reported to your office within your fleet  
14 per month?

15 A. Last year, we had over 22,000.

16 Q. 22,000 reports from your fleet?

17 A. Um-hum. We require a near miss a week per vessel. And  
18 that's at a minimum. So we're a little over 3300 as of year to-  
19 date, 2019. So when we track compliance, we -- our safety  
20 department goes through our near misses. They prioritize the near  
21 misses Category 1, 2, and 3. All Level 3's are sent to the port  
22 captains for review and further investigation or looking into.  
23 They're submitted via an app on the computer or on their cell  
24 phones or through a program called Intalex. And that's the  
25 housing group for all of those.



1 Q. What's an example of a Level 3 stop-work, just something so I  
2 can understand what your leveling system is?

3 A. Well, we use it -- it's based on severity. So if, you know,  
4 if a boat would have reported a potential man overboard from a  
5 certain condition or maybe they intervened or saw something that  
6 was potentially threatening to the equipment, a fire, a fuel leak,  
7 or something along those lines. You know, they may elevate that  
8 to a criteria.

9 Q. Are a number of your vessels starting to install CCTVs? Are  
10 you doing that on some of your newer vessels? Closed circuit TV  
11 systems?

12 A. No. We're not installing --

13 Q. Cameras?

14 A. Well, we're installing cameras, but we're not installing the  
15 displays in the wheelhouses for them to view. We feel that that  
16 is an additional distraction potentially to them. The cameras are  
17 a -- basically, a DVR that will override itself after about 96  
18 hours. And if we have an incident, we have access to them via  
19 either remotely or we can go on board on the DVR and pull the  
20 information. So vessels that are coming into the shipyards, we're  
21 installing them, and all new equipment. But no displays are in  
22 any wheelhouses for those.

23 Q. And are any of these that you're installing or retrofitting,  
24 are they including cameras in the wheelhouse or not?

25 A. They are, yes. There'll be a camera that'll be a camera and

1 audio directly above the head of the operator looking down at  
2 their -- the sticks and swing meter and throttles and their  
3 dashboard controls. Then there is also hardwire relay from the  
4 radar to the DVR. So those will all be recorded.

5 Q. And is this a Kirby initiative to do this?

6 A. Yes. There's no Subchapter M or regulatory requirement to  
7 install cameras on the vessels that I'm aware of.

8 Q. And of your fleet, what is your intention with Subchapter M?  
9 How many of your vessels are you intending to get into it in the  
10 near future?

11 A. They are all actively in Subchapter M and Subchapter M  
12 compliant -- or SMS is -- has our TSMS certificate, so we are  
13 almost to our 20 percent COIs for the July requirement. So we  
14 will actually be ahead of that at that point. But everyone is  
15 following a Subchapter M TSMS-approved SMS at the moment.

16 Q. Every one of your vessels?

17 A. Every one.

18 MR. YOUNG: I don't think I have any more questions. Thank  
19 you very much for your time. We appreciate you helping us out  
20 understand everything that happened today. Any questions for us?

21 MR. BEHLKE: No, sir.

22 MR. YOUNG: We'll secure the recording.

23 (Whereupon, the interview was concluded.)  
24  
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

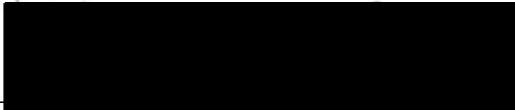
IN THE MATTER OF:            *DIXIE VANDAL COLLISION WITH*  
                                     *MOORED TRINITY*  
                                     Interview of Todd Behlke

ACCIDENT NO.:                DCA19FM026 99119

PLACE:                         Houston, Texas

DATE:                          March 28, 2019

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.

  
\_\_\_\_\_  
Wendy C. Cutting  
Transcriber



**Office of Marine Safety  
Transcript Errata**

**Matter:** Tow of *Dixie Vandal* struck moored *T/V Trinity*: 3/15/2019

**Ref:** DCA19FM026

Good morning,

Enclosed with this letter is a copy of the transcripts for the interviews of:

- Dixie Vandal Pilot: Kullen South
- Dixie Vandal Relief Captain: Gene Evans
- Kirby VP of Canal and River Operations: Todd Behlke

taken on March 28, 2019. Kindly review these transcripts for accuracy and provide corrections, if any, in the attached tables.

Thank you in advance for your attention to this matter.

5/13/2019  
Date

Brian Young  
Major Marine Accident Investigator

TABLE OF CORRECTIONS TO TRANSCRIPT OF INTERVIEW FOR

Kirby VP Canal & River Operations: Todd Behlke

TAKEN ON

March 28, 2019

PAGE NUMBER	LINE NUMBER	CURRENT WORDING	CORRECTED WORDING

If, to the best of your knowledge, no corrections are needed kindly circle the statement "no corrections needed" and initial in the space provided.

NO CORRECTIONS NEEDED.

TMB  
Initials

Todd M BEHLKE

Printed Name of Person providing the above information

  
Signature of Person providing the above information

15 MAY 2019  
Date