

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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ANDREW J. BARBERI
STATEN ISLAND, NEW YORK

* Docket No.: DCA-10-MM-017

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Interview of: DANIEL M. SYLVESTER

Staten Island Ferry Facility
Staten Island, New York

Monday,
May 10, 2010

The above-captioned matter convened, pursuant to notice,
at 8:07 a.m.

BEFORE: R. JON FURUKAWA
Chairman, Deck Operations Group

APPEARANCES:

R. JON FURUKAWA, Marine Investigator
Chairman, Deck Operations Group
National Transportation Safety Board
490 L'Enfant Plaza East, S.W.
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LARRY D. BOWLING, Marine Investigator
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DAVID ORAVETS, Senior Port Captain
New York City Department of Transportation
Staten Island Ferry

JAMES J. GILLETTE, Chief Warrant Officer
United States Coast Guard

BRIAN P. WALSH, Safety Manager
New York City Department of Transportation
Staten Island Ferry

WAYNE D. MEEHAN, Esq.
Freehill, Hogan, and Mahar

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I N T E R V I E W

(8:07 a.m.)

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2
3 MR. FURUKAWA: Okay. It's Monday, May 10th, at 08:07 at
4 the Staten Island Ferry Building. And we're here to interview
5 Mr. Daniel Sylvester who was a deckhand on the Andrew J. Barberi.
6 And, Mr. Sylvester, do you understand that we're recording?

7 MR. SYLVESTER: Yes, sir.

INTERVIEW OF DANIEL SYLVESTER

8
9 BY MR. FURUKAWA:

10 Q. Can you state your full name and then spell it out?

11 A. Daniel Martin Sylvester. D-A-N-I-E-L, M-A-R-T-I-N, S-Y-
12 L-V-E-S-T-E-R.

13 Q. Okay. And, Mr. Sylvester, your address?

14 A. [REDACTED] Staten Island, New York 10303.

15 Q. And your telephone number?

16 A. [REDACTED]

17 Q. And your position at the time of the accident?

18 A. I was in the pilothouse. I'm deckhand number 7.

19 MR. FURUKAWA: Okay. Oh, and for the record or for the
20 transcriber, we'll go ahead and go around and introduce ourselves.
21 This is for the Deck Operations Group, and this is Jon Furukawa,
22 NTSB, Marine Accident Investigator, and I'm the Chair of the Deck
23 Operations Group. And we'll just go around.

24 MR. BOWLING: Larry Bowling with the National
25 Transportation Safety Board.

1 MR. ORAVETS: Dave Oravets, Senior Port Captain, Staten
2 Island Ferry.

3 MR. GILLETTE: Chief Warrant Officer Jim Gillette with
4 the United States Coast Guard.

5 MR. WALSH: Brian Walsh, Staten Island Ferry.

6 MR. FURUKAWA: And that's safety manager with the --

7 MR. WALSH: That's correct.

8 BY MR. FURUKAWA:

9 Q. Okay. Mr. Sylvester, some background information.
10 What's your age?

11 A. Forty-seven.

12 Q. And how long have you been working for Staten Island
13 Ferry?

14 A. Nineteen and a half years.

15 Q. And what has been your position or job in 19½ years?
16 Has it all been deckhand, or --

17 A. Deckhand.

18 Q. And I understand that the line handlers on the pier are
19 also called deckhands. Has it all been on the ferries or have you
20 also been on the piers?

21 A. Mostly on the boats.

22 Q. On the boats?

23 A. Yes.

24 Q. About how many years on the boats, of those 19½ years?

25 A. I don't think I've ever been in a dock job. I've always

1 been on the boat.

2 Q. Okay. What else? And can you describe -- let's see.

3 Well, do you have any training in, you know, nautical operations,
4 deck operations, you know, formal training? Did you go to any
5 schools?

6 A. I went to Kings Point for all different kind of stuff,
7 firefighting, shipboard stuff.

8 Q. Okay. Did you go through an orientation when you got
9 the job here at Staten Island Ferries?

10 A. No.

11 Q. That was 19½ years ago, before the 2003 accident. Okay.
12 Do you have any formal recurring training, any refresher training
13 like the one that you went to Kings Point, I guess it's GMATS. Do
14 you do that every so often, or --

15 A. I've only been once. I'm not sure what's the deal on
16 that.

17 Q. Do you know how long ago you went there?

18 A. No, I can't remember how long, three years ago.

19 Q. Okay. What's your hometown?

20 A. Excuse me?

21 Q. What's your hometown? Where did you grow up?

22 A. I was raised in Grenada, West Indies, the Caribbean.

23 Q. Do you have any certification or competency
24 certifications by the U.S. Coast Guard or any other maritime
25 agency for, you know, do you have a Merchant Mariner's Document,

1 are you an ordinary seaman or able seaman or do you have a
2 license?

3 A. No, I don't.

4 Q. Okay. Mr. Sylvester, before I ask you about the 72 hour
5 work/rest schedule, what I would like to ask you now though is
6 basically it's our job to listen to you. That we weren't at the
7 accident so, you know, we depend on witnesses to tell us what
8 happened. Like I explained earlier, the Safety Board, non-
9 regulatory -- our product is our recommendations to agencies and
10 companies to try to prevent these from happening again. So with
11 that, why don't you just tell us about the accident, what you did,
12 what you saw?

13 A. The safety, the docking, safety docking was made, I went
14 upstairs to relieve the lookout. He went downstairs, I went
15 upstairs, I was sitting there and then the captain said we're
16 coming in kind of fast. The -- then AC said yes, and I see them
17 all reach for the control, there were too many -- backs it down.
18 Nothing happened. The captain said full back. Nothing happened.
19 The boat just kept coming. It crashed into the bridge, crashed
20 into the wood first, the rack, it crashed into the rack and went
21 onto the bridge.

22 Q. Okay. Anything else?

23 A. No.

24 Q. Okay. Where were you positioned in the pilothouse?

25 A. I was standing on the right side of the pilothouse.

- 1 Q. And that would be the --
- 2 MR. ORAVETS: New Jersey side.
- 3 BY MR. FURUKAWA:
- 4 Q. New Jersey side?
- 5 A. Jersey side, right.
- 6 Q. Do you normally stand? There's a stool over there?
- 7 A. Yes.
- 8 Q. So do you normally sit over there?
- 9 A. Yes.
- 10 Q. Okay. How's your field of vision from that stool?
- 11 A. It's pretty good.
- 12 Q. And then when you stand even better?
- 13 A. Yeah.
- 14 Q. Okay. Let's see. You said you were coming in too fast.
- 15 When did you notice that you were coming in too fast?
- 16 A. Some place in between the buoy and the rack, the KV buoy
- 17 and the rack --
- 18 Q. So from the KV buoy -- open water before you entered the
- 19 slip from -- or the --
- 20 A. Right.
- 21 Q. What do you call -- the piers or slip from open water?
- 22 A. The racks.
- 23 MR. ORAVETS: The racks.
- 24 BY MR. FURUKAWA:
- 25 Q. The racks?

1 A. Uh-huh.

2 Q. Okay. Is that a local term? I never heard that one
3 before. Okay. So you noticed you were going too fast somewhere
4 between the KV buoys and the rack?

5 A. Yeah.

6 Q. Did the other people on the bridge notice that also?

7 A. At that point, everybody noticed it when the captain
8 said we're coming in too fast. Everybody noticed it.

9 Q. So what kind of action did they take before the ferry
10 entered the rack?

11 A. Started backing up.

12 Q. Okay. And then can you -- and then once you entered the
13 rack, what kind of action was going on?

14 A. It just kept backing down in the -- eventually went full
15 back and nothing happened.

16 Q. And someone reached for the controls?

17 A. The AC. When the captain said we're coming in a little
18 bit too fast, we're coming in too fast, he reached over and took
19 the controls.

20 Q. Okay. And you know the controls if there's a -- I guess
21 there's a New Jersey or, sorry, there's a New York side and a
22 Staten Island side. Do you know which controls he reached for?

23 A. He reached for the control on his right, on his right
24 hand side.

25 Q. So that would be like the outboard side? That's the of

1 New Jersey side?

2 A. That's pitch.

3 UNIDENTIFIED SPEAKER: That would be the Jersey side.

4 UNIDENTIFIED SPEAKER: I'm sorry. The outboard side
5 would be the Staten Island side on the pitch handle.

6 MR. SYLVESTER: New Jersey.

7 UNIDENTIFIED SPEAKER: Right.

8 BY MR. FURUKAWA:

9 Q. Okay. Crash -- did you notice -- did anybody sound a
10 danger signal or alarm or make an announcement?

11 A. The mate made an announcement and somebody did blow the
12 whistle. I'm not sure if it was the captain or the AC.

13 Q. So you said the mate made an announcement?

14 A. Yes.

15 Q. Do you know what he said?

16 A. I think he said brace, brace, brace.

17 Q. And the captain did the whistle. Okay. You said you're
18 deckhand number 7?

19 A. Yes.

20 Q. So when you're, let's see, your rotation for lookout,
21 where did you start your rotation as a lookout?

22 A. We started on the main deck rotation, number 1 side. We
23 started on the lookout for number 1, which is the main deck.

24 Q. When you're not a lookout, your normal position is on
25 the main deck?

1 A. No, I'm on the bridge deck.

2 Q. Always?

3 A. Yes, I don't understand your question.

4 Q. I'm sorry. As a lookout, we understand that you guys
5 rotate as lookouts?

6 A. Right.

7 Q. Where did you pick up the duty as lookout?

8 A. As a bridge deck guy. We got two guys on the bridge
9 deck. I relieved the lookout coming to Staten Island, so he could
10 go downstairs and open up the gates and whatever he does.

11 Q. And where do you relieve him? Where's the ferry when
12 you relieve him?

13 A. He makes the announcement at the KV buoys, then I go
14 upstairs to relieve him.

15 Q. Okay. And do you do this on the New York side also or
16 just the Staten Island side?

17 A. Just the Staten Island side.

18 Q. Okay. And where's your position on the bridge deck when
19 you're -- before you're lookout?

20 A. The Brooklyn side.

21 Q. Bridge deck, Brooklyn side?

22 A. Right.

23 UNIDENTIFIED SPEAKER: Excuse me, Jon?

24 Q. Yes.

25 UNIDENTIFIED SPEAKER: A Mr. Par (ph.) is here. He

1 wants to, I guess, sit in on the interview. So --

2 MR. FURUKAWA: Okay.

3 UNIDENTIFIED SPEAKER: They're escorting him back here
4 now. All right?

5 MR. FURUKAWA: Okay.

6 BY MR. FURUKAWA:

7 Q. And, Mr. Sylvester, what the NTSB -- the NTSB is
8 interested in fatigue, so we do a 72-hour profile, you know, what
9 you did three days leading up to the accident. The Coast Guard's
10 asking for 96 hours. So I'd like to take you back four days. So
11 the accident was on Sunday, correction, the accident was on
12 Saturday. What time did you wake up in the morning on Saturday,
13 the morning of the accident?

14 A. 4:00.

15 Q. And what are your regular -- what time did you report to
16 work?

17 A. For 5:00. For 5:00.

18 Q. 5:00?

19 A. 0500.

20 Q. And your normal working hours would have been -- what
21 was your scheduled knockoff time for Saturday if the accident
22 hadn't happened?

23 A. 6:30, 2:30. Well, I'd have been off at 3:00.

24 Q. And 5:00 is a little early because I guess you guys do
25 training. What kind of training or drills did you do at 5:00?

1 A. Fire and boat drills.

2 Q. Now, I'd like to take you back to Friday, the day before
3 the accident. What time did you go to sleep Friday night?

4 A. Friday night? I don't know, 10:00.

5 Q. Okay. And was Friday a workday?

6 A. Oh, you said Friday night?

7 Q. Right.

8 A. Yes, that was right, 10:00.

9 Q. And Friday, was that a workday?

10 A. Yes, Friday was a workday.

11 Q. And what time did you start work?

12 A. 6:30.

13 Q. 0630. And what time did you work till?

14 A. 3:30.

15 Q. And what did you do between knock-off time at 3:30 until
16 you went to sleep at 2200, 10:00 at night?

17 A. Let's see, Friday, we're talking about, right?

18 Q. Uh-huh.

19 A. I went to visit someone. Then about 6:30 went dinner,
20 went home.

21 Q. You went to visit someone, had dinner then went home?

22 Okay.

23 A. I went to visit somebody and have dinner, with my
24 daughter.

25 Q. Okay. And would you describe that as -- did you take a

1 nap during that time?

2 A. No.

3 Q. What time did you wake up Friday morning?

4 A. 5:30.

5 Q. Okay. Thank you. And I'm going to bring you back to
6 Thursday. Can you tell me what time you went to sleep Thursday
7 night approximately?

8 A. Around 10:00.

9 Q. And was that a workday or a vacation day?

10 A. Thursday, no, it was my regular day off.

11 Q. Day off? Okay. And what time did you wake up on
12 Thursday?

13 A. Around 7:00, 8:00. Maybe, I'm not too sure.

14 Q. And from the time you woke up on Thursday at 7:00, 8:00
15 to the time you went to sleep at 10:00 on this day off, what were
16 your activities that day?

17 A. Basically stayed at home, didn't do too much, just
18 stayed at home.

19 Q. Okay. Did you do any work at home or was it a relaxing
20 day?

21 A. Just relaxing.

22 Q. Did you take a nap?

23 A. No.

24 Q. And I'd like to take you back to Wednesday. Do you know
25 about what time you went to sleep Wednesday night?

1 A. I'm not sure, but it was before 12:00.

2 Q. And do you remember what time you woke up Wednesday
3 morning?

4 A. No, I can't remember.

5 Q. And was Wednesday -- that was another day off?

6 A. Yes.

7 Q. And can you -- do you remember your activities on
8 Wednesday during this day off?

9 A. I think I did little work around the house, housework,
10 in the yard.

11 Q. Housework, in the yard?

12 A. In the yard. Yeah, I did.

13 Q. Anything else, exercise, naps, any strenuous?

14 A. No.

15 Q. So it was another relaxing day?

16 A. Yes, pretty relaxing.

17 Q. Last day now. Tuesday, was that a day off or was that a
18 workday?

19 A. I actually worked that day.

20 Q. That was a workday?

21 A. No, it wasn't a workday. It was overtime. Well, it was
22 a workday but it was overtime.

23 Q. Because it was optional but it was overtime?

24 A. Yes.

25 Q. Okay. Do you remember about what time you went to sleep

1 Tuesday night?

2 A. About 2:00. Tuesday night?

3 Q. Right.

4 A. Tuesday night. I went to sleep early because I was, I
5 remember I was tired, so I went to sleep maybe about 9, 10:00,
6 between 9:00 and 10:00.

7 Q. And do you remember what time you woke up on Tuesday
8 morning?

9 A. 7:00.

10 Q. Okay. And you said that -- now, what were your working
11 hours on Tuesday?

12 A. 8:00 to 4:00.

13 Q. You said this is an overtime day?

14 A. Yes.

15 Q. What kind of work did you do that day?

16 A. We put life jackets away on one of the boats. We had a
17 Coast Guard inspection on the lifeboats.

18 Q. Oh, so you weren't working as a deckhand on the ferries
19 crossing? It was --

20 A. No, I wasn't.

21 Q. -- for the inspection?

22 A. Yes.

23 Q. Okay. Was the Coast Guard -- was it inspection
24 preparations or was the Coast Guard person there watching?

25 A. No, he was there.

1 Q. So it was a workday? Okay. And, let's see, Mr.
2 Sylvester, are you taking any prescription medication, or -- no?

3 A. No.

4 Q. Any non-prescription medication like aspirin or
5 vitamins?

6 A. No medication.

7 Q. And like I said, we're going to do two rounds of
8 questioning so I'll pass onto Mr. Bowling.

9 BY MR. BOWLING:

10 Q. Good morning, Daniel. I'm going to -- is it okay to
11 call you Daniel that'll be right?

12 A. That's fine.

13 Q. Mr. Furukawa, what he was looking for in the days
14 preceding the incident, is we try and get a profile of a mariner
15 of what he or she was doing from a standpoint, were they
16 adequately rested and so forth, so that's why he was stepping you
17 back through that.

18 When Jon was talking to you earlier, you had indicated
19 you were up on the bridge at the time of the incident on the
20 starboard side of the wheelhouse. Is that an area that you
21 normally perform your duties as lookout?

22 A. Yes.

23 Q. Is it an assigned station or is it something that has,
24 you've just been trained to that's where you stay. Can you tell
25 me how you perform your function in that area of the bridge?

1 A. It's not really assigned. That's just the way it's been
2 ever since I can remember, but you don't necessarily have to sit
3 there. You can sit on the other side if you want to, if there's
4 no one sitting there.

5 Q. Can you describe your workstation there? How much
6 visibility do you have forward? How much visibility do you have
7 to the right or on the starboard side of the ship to the left side
8 of the ship?

9 A. You got pretty much full visibility except for the
10 little metal in the way and stuff, but they got -- you can see
11 basically all the way around. You can just -- it's pretty much
12 high up.

13 Q. And I understand you've been serving, you've been
14 working with the New York City Department of Transportation for 19
15 years, I believe so you said?

16 A. Yes.

17 Q. And you've served in the role of the deckhand for that
18 entire time? Or did you start doing something else during your
19 first part of your career?

20 A. I was a deckhand.

21 Q. Okay. Now, as a deckhand, did you come to the agency
22 with that experience or were you provided training that was
23 specific to job-related functions?

24 A. I did some time in the Navy so I had Navy experience.

25 Q. And you say Navy. Was it U.S. Navy or Navy West Indies?

1 A. U.S. Navy.

2 Q. How long were you in the U.S. Navy?

3 A. Three and a half years active.

4 Q. All right. And on that three and a half years of active
5 duty service, give me a little bit of a background on that. Was it
6 shore side? Was it a ship assignment?

7 A. On ships.

8 Q. Can you remember the name of the ship you served on?

9 A. U.S.S. Niagara Falls and U.S.S. Wichita.

10 Q. Did you take any of that Navy time and apply that toward
11 a U.S. Merchant Mariner's Document or a Mariner's Document from
12 any other place? I know you said you didn't have a Merchant
13 Mariner's credential, but do you have a Merchant Mariner's
14 Document we're talking about?

15 A. No, I don't.

16 Q. As far as the back-to-job specific training that has
17 been provided by the New York City Department of Transportation,
18 what type of training is provided, say on an annual basis? Are
19 you familiar with any type of training that even if it's something
20 as how to park your car, what does the company provide you on an
21 annual basis from a training standpoint, an ability to do your job
22 or perform successfully?

23 A. We're always training drills, we're always doing drills
24 just about every week.

25 Q. That's shipboard training you're talking about with

1 drills?

2 A. Yes.

3 Q. With regard to the lookout responsibilities, can you
4 tell me what your understanding of your role is as lookout and
5 being part of that bridge team?

6 MR. MEEHAN: He can certainly speak for himself. This
7 is Wayne Meehan.

8 MR. FURUKAWA: This is Jon Furukawa. We're going off
9 tape for a bit. It's still Monday.

10 (Off the record.)

11 (On the record.)

12 MR. BOWLING: All right, we're back on tape. It's Larry
13 Bowling with the National Transportation Safety Board. And all
14 the members of the original parties are here during the interview
15 with Mr. Daniel Sylvester. We did have an attorney by the name of
16 William Jewska (ph.).

17 MR. MEEHAN: Oh, my God, I gave you the wrong card.

18 MR. BOWLING: Well, actually, Wayne Meehan. We got two
19 of those cards. Wayne D. Meehan with Freehill Hogan and Mahar.
20 And, Mr. Meehan, if you would -- and we're, yeah, we're going to
21 have this transcribed and we'll make sure if Daniel wants a copy,
22 Daniel will get a copy of the transcribed interview, but for the
23 record, you are representing?

24 MR. MEEHAN: I'm representing Mr. Sylvester for purposes
25 of this interview, and I'm also going to be representing the DOT.

1 MR. BOWLING: Okay. So you are representing the DOT and
2 Mr. Sylvester?

3 MR. MEEHAN: For purpose of the investigation, yes.

4 MR. BOWLING: All right. And just real quick, I want to
5 apologize primarily to Dan. Normally, we get these interviews
6 going, Dan, and you would be out of here by now having your
7 coffee, but hopefully the rest of our day will go a lot more
8 smoothly. And it's not due to the good interviewee, you're doing
9 a great job.

10 BY MR. BOWLING:

11 Q. Dan, if we ask you any questions that you don't
12 understand or you don't have an answer to, there's no right or
13 wrong answers, just tell us, you know, you don't know it.

14 I'm going to talk to you about some safety management
15 system stuff. Are you familiar with the term safety management
16 system?

17 A. Yes.

18 Q. Tell me what in your opinion, what that term, what's it
19 carry, what's it mean? What is a safety management system?

20 A. Basically, it's a way for you to do your job in a safe
21 way.

22 Q. Okay. Do you have any role in the safety management
23 systems on board the A.J. Barberi, the ferry? Do you have any --
24 do you perform any functions under that system?

25 A. My job, it's part of the safety management system.

1 It's my job.

2 Q. Do you know where to find guidance for the safety
3 management system?

4 A. Yes.

5 Q. Where?

6 A. In the pilothouse.

7 Q. Okay. Have you looked at the system before?

8 A. We've done training on the system and safety management,
9 yes.

10 Q. What kind of training have you done with the safety
11 management system?

12 A. Well, a lot of training; abandon ship, man overboard.
13 If there is a fire, a bomb situation, whatever, it's going to tell
14 me what to do.

15 Q. All right. Do you have safety meetings on the ship?

16 A. Yes.

17 Q. How frequent do you have those?

18 A. I'm not sure, maybe once a month, I'm not sure.

19 Q. That's fine. And again, if you don't know just, you
20 know, you don't know.

21 I want to get back to the accident itself. Can you walk
22 me through the three minutes preceding the accident? From your
23 perspective as a lookout, what was going on? What was normal
24 about the approach to the landing? You mentioned some things
25 earlier that were abnormal. I don't want to put words in your

1 mouth. You said something to the effect that the vessel wasn't
2 slowing, you noticed the vessel wasn't slowing or something like
3 that.

4 A. Yes.

5 Q. What was normal proceeding up to the accident that --
6 before you got alerted that something was going wrong, I mean,
7 what were you noticing that was just another day at work?

8 A. Everything was normal except for that. The boat was set
9 up right to go into the slip. Everything was normal except for
10 the fact that the boat wasn't backing.

11 Q. Was the approach of the vessel --

12 A. The approach was fine.

13 Q. From a standpoint of your perspective looking toward the
14 rack?

15 A. Yes.

16 Q. Okay. And what about the engine noises and sounds,
17 anything there?

18 A. I didn't really notice anything there.

19 Q. I want to go back on that same line of thought, still
20 you're on the bridge performing your functions as lookout. I want
21 to cover the things that you felt were unusual or abnormal for
22 that particular day. You mentioned the speed. Can you tell me
23 what was unusual there?

24 A. We were coming in a little faster than usual, the boat
25 wasn't slowing down.

1 Q. And when you say a little faster than usual, can you
2 build, can you expand on that for me?

3 A. Usually at the KV you slow the boat and you take your
4 time and come in, but it seemed like we weren't slowing down, we
5 just kept coming. That's what it seemed to be.

6 Q. Okay. And when you were doing that, when the vessel was
7 -- or when you noticed this, what interaction was going on with
8 the bridge team? And when I say bridge team, I'm referring to
9 everyone on the bridge. Can you tell me the interactions between
10 you and maybe the captain or the alternate or the assistant
11 captain, or between the captain and the assistant captain? Can
12 you tell me what was going on in that time from the minute you
13 passed the -- it's the Kill Van Kull buoy, correct, KV buoy?

14 A. Yes.

15 Q. From the minute you passed the Kill Van Kull buoy till
16 the actual time of the incident, can you walk me through that
17 interaction between the people on the bridge?

18 A. I went upstairs, which is just inside the KV buoy when
19 I got upstairs. Everything was fine. Everybody was doing what
20 they were supposed to do. The AC was docking the boat, the
21 captain was back there, the mate was standing. I was on the
22 starboard side. Everything was fine until the captain said we're
23 coming a little bit fast. And then him and the AC started -- he
24 told the AC back it, back it down right away. They were the only
25 ones really doing any interaction after he noticed how fast the

1 boat was coming in.

2 Q. Okay. Now, who was telling you that again?

3 A. The AC that was, the mate that was, the captain was
4 telling the AC this.

5 Q. And so you were overhearing this?

6 A. Yes.

7 Q. All right. And what was the captain telling the AC
8 again, or that you heard, you thought you heard?

9 A. He said we're coming in a little fast, told him back it
10 down. He said back it all the way down, back it down, back it
11 down. Nothing happened.

12 Q. Were you instructed or asked to perform any functions
13 during that time?

14 A. No.

15 Q. As a lookout on the emergency muster assignments on the
16 vessel, are you assigned any functions in the wheelhouse other
17 than lookout?

18 A. I do the announcements.

19 Q. Okay, when you say you do the announcements, what do you
20 mean the announcements?

21 A. Well, there is an automated system that you punch the
22 button and do the safety announcements, like the docking
23 announcements, the department announcements. Stuff like that.

24 Q. The public address system?

25 A. Yes.

1 Q. Okay. And now is it your responsibility to make the
2 emergency announcements too, or as well?

3 A. (Indiscernible), yes. Part of my job.

4 Q. Who made the emergency announcements on the date of the
5 incident?

6 A. The mate. I looked over, he grabbed the thing and he
7 made the announcement.

8 Q. With regard to the mate, was there any other interaction
9 between the mate and you from say a point where the vessel passed
10 the KV buoy until the time of the incident?

11 A. No.

12 Q. Okay. Compared to the interactions you have seen as
13 part of this bridge team, was there anything unusual leading up to
14 the incident, I mean, was it a normal day, were there more
15 communications, less communications, about normal communications?
16 I'm trying to get a feel for this little window of time if I was
17 on the bridge when I walked away that day, what would I be saying
18 about the communications between the bridge team. Do you
19 understand the question?

20 A. Yeah, it seemed like a normal, it was a normal day.
21 Everybody was basically doing regular routine.

22 Q. When you were on the bridge or other places on the
23 vessel that day, did you hear anybody, an engineer, a deckhand or
24 anyone talking about any problems on the vessel?

25 A. No.

1 Q. Okay. Jon, I think that's all I have at least here.

2 MR. FURUKAWA: For first round.

3 MR. BOWLING: Go to the Coast Guard.

4 BY MR. GILLETTE:

5 Q. Hi Daniel. This is Chief Warrant Officer Gillette. I'd
6 like to stick kind of with the same kind of questions there that
7 were being asked going back on the KV buoy when you came up and
8 took watch. Who was it that you took watch from?

9 A. Peter Carroll.

10 Q. Okay. Did you guys pass anything to each other?

11 A. Pass anything?

12 Q. Like a watch relief. Is there a normal watch relief or
13 did you just -- came in, he left.

14 A. I just came in and he left. Relieved me, and he left
15 and went upstairs.

16 Q. He didn't tell anybody that you had the watch or
17 anything to that nature?

18 A. No.

19 Q. Okay. And then once you came in and he left, did you
20 just, did you sit down in the chair and then begin your watch, or
21 you said you stood up?

22 A. (indiscernible) was sitting on the stool when I first
23 came upstairs.

24 Q. When you came in, you took that watch that was right
25 after the KV buoy?

1 A. Yes.

2 Q. Where was everybody physically located when you came
3 into that watch? I know it's a small room and as a lookout,
4 you're going to be, you know, zoning everything, so do you
5 remember where everybody was physically located?

6 A. I'm not sure exactly where everybody was located. The
7 AC was steering the boat. That was -- I was on the starboard
8 side, New York side. I'm not sure where the captain and the mate
9 were located, where they were to my left.

10 Q. To your left?

11 A. Yes.

12 Q. There's a bench there. Was anybody sitting on the
13 bench?

14 A. On the settee? I'm not sure.

15 Q. Did you, during the course of the events between the KV
16 buoy and the time that the boat hit the pier, was anybody sitting
17 on the bench?

18 A. I'm not sure.

19 Q. Okay. There was some other stuff up there like
20 magazines and stuff on the bridge. Was anybody reading magazines
21 or talking about things other than mooring the boat some time that
22 shouldn't have?

23 A. No idea. I didn't notice that.

24 Q. When you passed the KV buoy, when was it first noted or
25 you said the captain had said, hey, I think we're going too fast.

1 Where was that on the water? Was it right past the KV buoy? Was
2 it a couple of boat lengths from the slip? Do you remember where
3 that was? I mean, you had the lookout so you probably had a good
4 idea where that comment was said because you were probably looking
5 out and seeing everything so do you remember where that was, where
6 it was first recognized that the boat was going too fast and he
7 asked the AC to slow down?

8 A. Maybe about a couple of boat lengths from the slip.

9 Q. Now, you said they were going too fast. Do you have a
10 speed calculation? Were you able to see anything that reads
11 speed?

12 A. No.

13 Q. You weren't able to see it?

14 A. No.

15 Q. Okay. Did you feel that you were going, you said you
16 felt they were going too fast?

17 A. Yes, we were coming in kind of fast, too fast.

18 Q. Okay. Do you know the speed that they normally come in,
19 like knots? Do you know what it normally is or do you just have a
20 good feel of the water from 19 years experience, hey, this is too
21 fast or too slow?

22 A. Just by looking at the speed we were coming to the rack.

23 Q. Can you say that again, I couldn't hear it?

24 A. The pace we were coming up to the rack, yes, I noticed
25 we were a little bit, a little fast.

1 Q. And that was just from your experience of being on --

2 A. Yes.

3 Q. It wasn't from looking at a GPS or nothing like that?

4 A. No.

5 Q. Okay, so when you were you said about two boat lengths
6 from the rack --

7 A. At least two boat lengths. I'm not sure exactly the
8 distance, but I know we were outside going to the racks.

9 Q. And that's when the captain had told the AC?

10 A. Yes.

11 Q. Where was he physically at when he said that?

12 A. The captain?

13 Q. Yes.

14 A. He was standing on the Brooklyn side of the pilothouse.

15 Q. Okay. Was he looking at any piece of equipment that
16 would tell him that they were going too fast, or the GPS?

17 A. I'm not sure. I didn't see him looking at anything.

18 Q. When he asked the AC, or you said he told the AC, hey,
19 we're going too fast, did he say back it down?

20 A. Yes.

21 Q. Okay. Did the AC attempt to back it down?

22 A. Yes, he did.

23 Q. And what did the AC tell the captain after he backed it
24 down? Was there any communications between the AC and the
25 captain, or was it all one-way conversations?

1 A. The captain was doing most of the talking.

2 Q. Most of the talking?

3 A. I can't remember any conversation from the AC. The
4 only thing I really remember him saying yes or something like
5 that, saying yes.

6 Q. So the captain was telling the AC to back it down? At
7 any time did the captain try to take over the controls?

8 A. Not that I remember, no.

9 Q. Do you remember going into the slip itself?

10 A. Yes.

11 Q. Did you have a good view? What were the conversations
12 when you actually entered the slip? Was there any conversations
13 there?

14 A. They really (indiscernible) the conversation was we're
15 backing the boat down, back it down, back it down.

16 Q. Okay. How about the mate? Did the mate, was the mate
17 told or instructed to use the emergency, to say brace, brace,
18 brace?

19 A. No.

20 Q. He just did it automatically?

21 A. He just grabbed it. He was standing right behind me and
22 just grabbed it and did it.

23 Q. Just said brace, brace, brace? Okay. After the vessel
24 hit the pier, was there any conversation between the AC and the
25 captain as to what they felt went wrong?

1 A. No. I left soon after we hit the pier and went
2 downstairs.

3 Q. Did you leave -- did you just say hey, I'm leaving?

4 A. I just left, going downstairs to see if there were any
5 injuries, to see if anybody had died.

6 Q. You didn't tell anybody on the bridge you were leaving?

7 A. No.

8 Q. You just left? Did anybody else leave with you, just
9 yourself?

10 A. No, everybody stayed downstairs.

11 Q. Okay. You didn't hear any conversation then of
12 anything, hey, this is happening or this is happening? You didn't
13 hear any conversation at all?

14 A. No.

15 Q. Okay. Thank you, Daniel.

16 MR. FURUKAWA: And we'll go next to Dave.

17 BY MR. ORAVETS:

18 Q. Dave Oravets, Staten Island Ferry.

19 Daniel, about how long do you think it was from KV buoy
20 in to the time you got into the slip time-wise, roughly?

21 A. I'm not sure. It happened so fast, I'm not even sure.

22 Q. Minute, less than a minute?

23 A. I came upstairs inside the KV, so. He made the
24 announcement at the KV, I came upstairs and maybe a minute, a
25 couple of minutes.

1 Q. On some of the drills you said that you do drills and
2 stuff on the boat. Are some of the drills related to steering
3 loss, you said man overboard you do, fire-on-boat drills, there
4 are crowd controls, you do any of these drills or anything?

5 A. Crowd control, steering loss.

6 Q. Steering loss. What's your function during a steering
7 loss drill?

8 A. On the -- basically be on the phone and you're talking
9 to the people downstairs giving them directions.

10 Q. Now, you're a deckhand. Now, your roles as a deckhand,
11 do you alternate going up into the wheelhouse on different runs
12 and stuff, or are you always up there, or what?

13 A. I'm always up there while we're docking, coming into
14 Staten Island.

15 Q. Coming into Staten Island?

16 A. Yes.

17 Q. Okay. So you're pretty familiar with --

18 A. Yes.

19 MR. ORAVETS: That's all I have for now.

20 BY MR. WALSH:

21 Q. Brian Walsh from Staten Island Ferry. Good morning,
22 Dan.

23 Did you say you would fill in the role as the lookout in
24 the pilothouse as the vessel passed the KV buoy? What were the
25 duties and responsibilities of the lookout?

1 A. You look out to make sure that you don't get into
2 accidents with anything else out there, report any contacts to the
3 captain, basically, primary duty.

4 Q. How would these, how were the duties of a lookout
5 communicated to you? Did you receive any training on that?

6 A. Yes.

7 Q. Who gave you that training?

8 A. The mate.

9 Q. That's all.

10 BY MR. FURUKAWA:

11 Q. Dan, halfway through, Mr. Sylvester, this is round two
12 now.

13 Let's see. Lookout duties and responsibilities -- but
14 you said you do that other than being a lookout, you did have
15 collateral duties of the lookout?

16 A. Yes.

17 Q. And that was to what? What were your collateral duties
18 again? That was to make an announcement, or --

19 A. Yes. Well, we make the announcements. There is a PA,
20 public announcement system with different announcements you have
21 to make when departing a slip, there are certain announcement,
22 entering into the dock at there are certain announcements, safety
23 announcements.

24 Q. Okay. So these are canned announcements arriving --

25 A. Departing.

1 Q. -- departing and safety, so it's three?

2 A. Safety announcements. They're all safety announcements.

3 Q. About how many of them did you do then while you're on
4 the bridge?

5 A. Excuse me?

6 Q. How many of them do you do?

7 A. One. Pulling into the slip, you only do one, which is
8 the docking safety.

9 Q. Okay. And do you feel that takes away from your duties
10 as a lookout?

11 A. No.

12 Q. Let's see. When you were in the Navy for three and a
13 half years, you were on the Niagara Falls and the Wichita?

14 A. Yes.

15 Q. What rate were you? What was your rating?

16 A. I was a boatswain mate.

17 Q. Boatswain mate. So were you a petty officer?

18 A. I just made second class before I got out.

19 Q. Okay. You've been here for 19½ years. Were you on the
20 Andrew J. Barberi back in 2003 for that --

21 A. Yes, I was.

22 Q. Oh, you were? Okay. What were your duties at the time
23 of the accident back in 2003?

24 A. I was assigned to the main deck at the time.

25 Q. Main deck, okay. So, even though I'm Deck Operations

1 I'll ask you survival factors, have you seen -- what kind of
2 changes have you seen in the company's safety culture, I guess,
3 from 2003 till today? Have you --

4 A. There's a lot of safety -- lot of changes, a whole lot
5 of changes.

6 Q. Lots of changes. Can you give me some examples?

7 A. Well, they have the SMS system in place now. We do
8 training every week from every month. Basically, you got standard
9 operating, SOP, which you go by which you did not have before.
10 Everything positively changed.

11 Q. Okay. Yesterday, one of the Coast Guard investigators
12 mentioned that even the uniforms -- or now you guys are in
13 uniforms where that wasn't the case before?

14 A. Right.

15 Q. So it's pretty major. I don't want to put words in your
16 mouth, but it's pretty major changes?

17 A. A complete different operation.

18 Q. Okay. It's for round two. I'll pass onto Mr. Bowling.

19 MR. BOWLING: Thank you. I don't have anything else.

20 BY MR. ORAVETS:

21 Q. Dave Oravets. These changes, how do you feel that --
22 for the better, for the worse, from 2003?

23 A. For the better.

24 Q. Yeah. I had another question, I forgot it though. All
25 right. That's all I have.

1 MR. GILLETTE: This is Chief Warrant Officer Gillette.

2 I have no other questions either. Thank you.

3 MR. WALSH: Brian Walsh, no questions.

4 MR. FURUKAWA: Okay. It's Jon Furukawa to wrap it up.

5 BY MR. FURUKAWA:

6 Q. But before I wrap it up, so were these safety changes,
7 personally, was it easy or was it difficult for you, for, you
8 know, people that were here before 2003 just to get with the
9 program?

10 MR. BOWLING: Let me interject. The witness is only
11 going to be able to answer questions related to him not other
12 individuals.

13 MR. FURUKAWA: Oh, okay.

14 MR. BOWLING: So what Jon's asking what's your position
15 on the -- from 2003 to present, how did you build these skills
16 that came about with these safety changes? Were they easy for you
17 to comprehend these things coming in, were they difficult, were
18 they moderate? I think that's what you're trying to ask, right?

19 MR. FURUKAWA: Right.

20 MR. BOWLING: But strictly from your standpoint?

21 MR. SYLVESTER: We learned a lot of stuff at one time so
22 it wasn't that easy but you had to do it.

23 BY MR. FURUKAWA:

24 Q. And how about your -- you feel your level of
25 professionalism or as a deckhand, have you learned something since

1 2003?

2 A. I learned lessons.

3 Q. So you developed?

4 A. Yes.

5 Q. And the last part of our interview is that's when, you
6 know, I told you the NTSB try to make sure, find out why it
7 happened, why the accident happened, never happens again. We'd
8 like you to talk if there's something we, you know, you want to
9 say or something that we didn't say that we, you know, quite
10 simply we should have asked you, or any suggestions that you may
11 have that, you know, how not to -- why this accident happened and
12 how to prevent it from happening again. It's your floor.

13 A. I really don't have anything. I'm pretty much --
14 everything was -- as far as I can see, everything was done
15 properly. And that's it. I really don't have anything to say.

16 MR. FURUKAWA: Okay. It's 09:27 on Monday, May 10th.
17 And the interview with Mr. Sylvester, we're ending.

18 (Whereupon, at 9:27 a.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: ANDREW J. BARBERI
 STATEN ISLAND, NEW YORK
 Interview of Daniel M. Sylvester

DOCKET NUMBER: DCA-10-MM-017

PLACE: Staten Island Ferry Facility
 Staten Island, New York

DATE: May 10, 2010

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.

Christina H. Neilson
Transcriber