

UNITED STATES OF AMERICA  
NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

ANDREW J. BARBERI  
STATEN ISLAND, NEW YORK

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\* Docket No.: DCA-10-MM-017  
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Interview of: DONALD E. RUSSELL

Staten Island Ferry Facility  
Staten Island, New York

Monday,  
May 10, 2010

The above-captioned matter convened, pursuant to notice,  
at 12:30 p.m.

BEFORE: R. JON FURUKAWA  
Chairman, Deck Operations Group

## APPEARANCES:

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I N T E R V I E W

(12:30 p.m.)

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2  
3 MR. FURUKAWA: It is Monday, May 10th. It is almost  
4 12:30, and we're at the Staten Island Ferry administration  
5 building. We're going to be interviewing Captain Don Russell, the  
6 master of the Andrew J. Barberi. My name is Jon Furukawa with the  
7 NTSB. I'm the Group Chairman for the Deck Operations Group. And  
8 we'll go counter-clockwise.

9 MR. BOWLING: Counter-clockwise? We'll go this way.  
10 Larry Bowling of the National Transportation Safety Board.

11 MR. WALSH: Brian Walsh, Safety Manager from Staten  
12 Island Ferry.

13 MR. ORAVETS: Dave Oravets, Senior Port Captain, Staten  
14 Island Ferry.

15 CWO GILLETTE: Chief Warrant Officer, Jim Gillette,  
16 United States Coast Guard.

17 MR. MEENAN: Wayne Meehan of Freehill, Hogan and Mahar.

18 MR. RUSSELL: Donald Russell.

## INTERVIEW OF DONALD E. RUSSELL

20 BY MR. FURUKAWA:

21 Q. Okay. Donald, can you state your full name and spell it  
22 out?

23 A. Donald Ellsworth Russell. Do you want me to spell that?

24 Q. Your last name.

25 A. R-u-s-s-e-l-l.

1 Q. Your address, your mailing address?

2 A. [REDACTED] Bolton Landing, New York 12814.

3 Q. Okay. And your phone number?

4 A. [REDACTED]

5 Q. Okay. And your hometown?

6 A. Bolton Landing.

7 Q. Okay. And your age?

8 A. Twenty-seven.

9 Q. Okay. And, let's see, how long have you been working  
10 for Staten Island Ferries?

11 A. Since August of 2005.

12 Q. Okay. And did you have any background in, you know,  
13 nautical training before you started in August of 2005?

14 A. Yeah. I came here with my third mate ocean's license  
15 from Fort Schuyler, SUNY Maritime College over in the Bronx. So,  
16 yeah, I --

17 Q. And what year did you graduate from Fort Schuyler?

18 A. 2005.

19 Q. 2005. Okay. So this is your first job out of high  
20 school?

21 A. I mean, I had jobs, you know, kind of decking with Sandy  
22 Hook pilots in the summers. I've been out with -- you know, as an  
23 observer, kind of observer on -- with K.C. That's about it.

24 Q. Who's K.C.?

25 A. Towing.

1 Q. K.C. Towing. So while you're going to Fort Schuyler,  
2 during summer times you'd ride with the Sandy Hook pilots and K.C.  
3 Towing?

4 A. I mean, I'm saying, you know, people that I've been out  
5 with. I wasn't, you know, I wasn't being paid for it. Actually,  
6 I was paid down at Sandy Hook, but K.C. I was out with them  
7 through a program at school.

8 Q. Kind of an internship?

9 A. Yeah.

10 Q. Okay. Oh, and, Captain Russell, we're going to -- for  
11 these NTSB investigations or, you know, the questioning, we're  
12 going to pretty much do two rounds. So pretty much take turns,  
13 you know, first round, and then the second round we'll call it  
14 quits.

15 Okay. Can you -- or, let's see, with your third mate's  
16 license, what else do you have on -- do you have a license or do  
17 you have the MMC, the merchant mariners' credential?

18 A. They're all -- I think it's now referred to -- the  
19 license is referred to as a merchant mariner credential. I think  
20 its --

21 Q. So you have the red book or yellow paper license?

22 A. Yes, I do.

23 Q. Okay. So for your merchant mariners' credential, what  
24 other endorsements do you have on it besides third mate?

25 A. I believe I have a person in -- the tanker man

1 endorsement on it. I have a limited tonnage inland master's  
2 license. I have a first-class pilotage endorsement for the upper  
3 bay. I have vessel security officer, VSO, training. I don't know  
4 if that's on my certificate though. I recently had the class. I  
5 don't know if it's on my actual credential yet. But I think  
6 that's about the sum.

7 Q. Okay. With first-class pilot upper bay, what are the  
8 boundaries of the upper bay that's on your endorsement?

9 A. It's from the Battery down to Staten Island -- or  
10 Verazzano Bridge, if you wanted to --

11 Q. Okay. When did you get your first-class pilot's  
12 license?

13 A. That's a good question.

14 Q. What year?

15 A. I'm trying to think. I would say probably -- I don't  
16 know, I'd say I had like 16 months, 17 months. I don't -- I  
17 really -- I don't know. I can grab it and let you know.

18 Q. No. No, no, no.

19 A. I don't know --

20 Q. Yeah, actually, that's --

21 A. -- the exact date on it, to be honest with you.

22 Q. Okay. Actually, you know, that's stuff that's written  
23 down somewhere. The reason why I want to interview you fairly  
24 quickly is, you know, perishable information. I guess, our job is  
25 going to be now to, since we weren't there and you were there, to

1 find out the facts and just have you narrate what happened, you  
2 know, the day of the accident.

3 A. Okay. Do you want me to --

4 Q. Yeah. Go ahead and tell us about the accident. You  
5 know, walk us through it.

6 A. You know, we were southbound coming into St. George. I  
7 guess, you know, everything -- you know, the whole docking  
8 evolution starts at the KV buoy. That's kind of like when, you  
9 know, everything is done. St. George is called, you know, to let  
10 them know we're, you know, making the approach. Engine room is  
11 notified, you know, that we're getting prepared to dock. Crew  
12 members, you know, start working their way forward into the  
13 docking positions. You know, that's when the whole evolution  
14 starts.

15 So at the KV buoy, you know, that evolution began. And  
16 the -- I mean, it's -- I'm, you know, trying to think of how, you  
17 know, to say it. There's tons of different ways, you know, as far  
18 as, you know, what's a, you know, acceptable speed coming. And,  
19 you know, there's no written procedure on, you know, how we're  
20 going to pull it back. Some guys, you know, keep the RPMs all the  
21 way up and only pull back on the pitch. Some guys take the RPMs  
22 off and then take the pitch back. It's all personal feelings.

23 At the KV or, you know, a little after, the AC pulled  
24 back on the RPMs and, you know, it makes this, you know, noise of  
25 -- you know, the RPMs come down, and then as he pulls back on the



1 pitch the RPMs kind of go back up. It's, you know, what they call  
2 it -- it's just a variation. It's a noise that you hear.

3           Anyway, probably, you know, half way between the KV and  
4 the racks, you know, 5 slip, I noticed that, you know, the speed  
5 was -- you know, seemed to be higher than, you know, than I would  
6 have liked to have seen it. And that's when, you know, I told  
7 him, you know, "Maq, hey, you know, I'm not really comfortable  
8 with your speed. Bring it down." At this point it's not -- you  
9 know, it wasn't, you know, anything to be worried about.

10           Now, I've seen plenty of people come in, you know, at  
11 that time, you know, faster or just as fast. There was no --  
12 there's no alarm bells going off in my head. And I did see him,  
13 you know, come back on the pitch. So I wasn't really nervous.

14           We got closer and, you know, he was still, you know,  
15 moving at a pretty good clip. And that's when, you know, I told  
16 Maq, you know, pull it back, you know; come back hard, you know.  
17 I saw him come back with it. And before we entered the slips the  
18 speed was still, you know -- you know, I didn't even want to, you  
19 know -- I mean, it's on the video. I'm sure, you know -- but, you  
20 know, I told him, you know, back it -- you know, again I said,  
21 back it down a 100 percent. And, you know, I stood up at that  
22 point. And it was kind of like the -- I don't know, I'll call it  
23 extremist point or like, oh, shit point. And that was the point  
24 where I felt that, you know, I could get the boat stopped. At the  
25 speed we were going with a 100 percent pitch and, you know,

1 full -- with RPMs all the way up, the boat under normal operating  
2 conditions, if everything had been operating as it's supposed to,  
3 which was, you know, my assumption at this point, I would have  
4 gotten the boat -- the boat would have stopped.

5           And, you know, I pushed the RPMs all the way forward  
6 and, you know, all the way, you know, to a 100 -- you know, just  
7 pegged it, everything that you could possibly get. And I did not  
8 feel any -- there's a feeling the boat gets. It's a shaking.  
9 It's like this biting feeling of the, you know, the Voith units  
10 digging in, and I didn't get it. And that's when I was -- you  
11 know, that would be, you know, the point where I was -- you know,  
12 knew that, you know, that was going to be, you know, an allision  
13 with the bridge.

14           I sounded -- you know, we sounded danger signals, you  
15 know, you know, as we were coming in at that point. And, you  
16 know, the mate hopped on the PA and made an announcement to, you  
17 know, brace, brace yourself -- or, you know, I don't remember the  
18 wording. I don't know what he said.

19           Q.    Okay. Let's see, so you're southbound?

20           A.    Do you want me to continue with like what happened  
21 afterwards or is that, you know, is that --

22           Q.    Oh, sure. Yes, please.

23           A.    I mean, you know, I was just beyond -- you know, freaked  
24 out. The first thing I did was just, you know, called down to the  
25 engine room to make sure, you know, everyone downstairs was okay.

1 It might have been -- yeah, I think that was the first thing I  
2 did. At some -- you know, we called, you know, St. George and  
3 Whitehall to let them know what happened. We called John Garvey  
4 to let him know. And they -- you know, everyone acted, you  
5 know -- it seemed almost surreal how fast everything, you know,  
6 took place from there. They got a gangway rigged like -- it  
7 seemed faster than I could even make, you know -- you know, to ask  
8 them to do it; it was already being done. And the crew was --  
9 couldn't have asked for a better response. It was pretty amazing  
10 in my opinion.

11           You know, before -- you know, I mean, at that point I  
12 was, you know, almost in like a state of shock. And before I  
13 could even ask, you know, these things to happen, you know, get  
14 lines out, you know -- I'm like, you know, let's get the line --  
15 you know, get the lines out. And I look and there was like -- you  
16 know, it was already happening. It was pretty amazing, I thought.

17       Q.    Okay. Anything else?

18       A.    That's it.

19       Q.    Okay. Let's see, you're southbound. You said the KV is  
20 where the docking evolution starts. And so you make your calls.

21       A.    Yes.

22       Q.    And what else is the docking evolution? You know, past  
23 KV, what do you normally do?

24       A.    Well, you know, the deckhands all have an assigned  
25 position on where to go. This was the -- in fact, it was the

1 9:30 trip. So, you know, it was -- I'm trying to think. We made  
2 the -- I guess we were into our fourth trip, so it was like the  
3 number four guy's watch. It was the saloon deck guy, the -- you  
4 know, the saloon deck-level deckhand gets relieved by the bridge  
5 deck man, who was Daniel Sylvester. Those two do a, you know, a  
6 change off. You know, the engine room is called. And, you know,  
7 I -- I believe I was on the settee as we were coming in. And  
8 as -- you know, after the KV approaches, these calls -- you know,  
9 engine room is running and everything, and that's when I, you  
10 know, proceed. That's the point where I get up and I kind of, you  
11 know, oversee what, you know, what's going on.

12 Q. Okay. Salon -- or a deck --

13 A. I'm just trying to give you like everything that, you  
14 know, I could possibly.

15 Q. Okay. So Mr. Sylvester relieved who now?

16 A. The number four deckhand. I don't know who that was.

17 Q. Okay. The engine room is called. Did you call the  
18 engine room or -- you called the engine room?

19 A. I believe it was -- I mean, it's usually the mate. I  
20 don't recall that day. I mean, it's -- you know, who made the  
21 call at that time. The call was made, I mean.

22 Q. Okay. And up until the KV, you can sit on the settee,  
23 and then you get up from there?

24 A. Yeah.

25 Q. Okay. Let's see, what kind of RPMs -- when you pass KV,

1 for engine speed, do you slow down or what do you slow down to?

2 A. Like I said, I mean, there's many different like styles  
3 of docking.

4 Q. Uh-huh.

5 A. I mean, some captains will come in and leave the RPMs,  
6 you know, at 100 percent, you know, at 720 throughout the whole  
7 evolution. Some guys cut it back. I mean there's different, you  
8 know --

9 Q. Okay. What's your style?

10 A. I pull back the RPMs before I come back on the pitch.  
11 It makes the boat less quirky. I mean, if you have higher RPMs  
12 and you give it wheel, the boat reacts much quicker. You know, if  
13 you have the RPMs high and I give it, you know, 10 degrees, you  
14 know, right wheel, it's going to move a lot faster than, you know  
15 -- and you want to be more subtle inside the, you know, racks.  
16 You know, you don't want to be knocking people over. The idea is  
17 to have the smoothest landing possible.

18 Q. Okay. So you pull back on the RPMs before you pull back  
19 on the pitch?

20 A. Pull back on the pitch.

21 Q. And --

22 A. And I believe -- and that's -- that is what happened  
23 that day. I mean, I don't want to say it like I know it. I mean,  
24 I know it's on video, so -- but, you know, he did pull back on the  
25 pitch and -- you know, he pulled back on the throttles, so the

1     RPMs were low and --

2           Q.     Do you know about how --

3           A.     Let's say, normal operating you're 720.

4           Q.     Uh-huh.

5           A.     I would say he had it dropped, I would say, you know, in  
6     the 600 range or high 500s. I don't know. It's just a -- you  
7     know, it's more of a, you know, an audible thing.

8           Q.     Okay.

9           A.     If he's overwinding the engines you can hear it. And  
10    typically if you're, you know, above -- you know, when you're  
11    revving them, going too high with it, you'll get a buzz from the  
12    engine room telling you to come down with the RPMs.

13          Q.     Okay. And when you pass the KV buoys and your assistant  
14    captain went down to that 600, 500 range, did you feel anything?

15          A.     What do you mean did I feel anything?

16          Q.     You said that you could feel it slow down.

17          A.     Yeah, it felt like the RPMs came down. Yeah.

18          Q.     Okay.

19          A.     On the end, on the -- you know, the RPMs came down.

20          Q.     Okay. And, let's see. And which RPMs is it? You have  
21    a New York side and Staten Island side?

22          A.     Well, yeah, you have four engines.

23          Q.     Uh-huh.

24          A.     And it's controlled through two throttles. One and 2  
25    are the New York end; 3 and 4 are the Staten Island end. And you

1 pretty much operate them in sync with another. You don't --  
2 you're not going to pull back on RPMs on one and keep the RPMs  
3 ahead on the other. It's kind of synonymous.

4 Q. All four?

5 A. So, I mean, you're pulling back on all four.

6 Q. Okay. Okay. I'm a -- forgive me, I'm a traditional --  
7 you know, just regular conventional, you know, got a rudder, you  
8 know, got a propeller. That -- you know, the Voith Schneider is  
9 different for me.

10 Okay. So you come down on your RPMs on all four engines  
11 and all four engines are acting in conjunction with each other?

12 A. Yes.

13 Q. Okay. And then when you come back on your pitch, you  
14 said for more control?

15 A. No. When you're pulling back on the RPMs --

16 Q. Uh-huh.

17 A. -- that's what's causing you to -- I don't want to --  
18 it's not less control; it just makes it less -- you want to have  
19 more subtle moves when you're inside the racks.

20 Q. Okay.

21 A. You don't want to -- you know, you don't want to come  
22 over and knock -- you know, jostle people. I mean, they're pretty  
23 powerful. It's a powerful piece of equipment.

24 Q. Okay. So when you come back on your pitch, where is  
25 that on the bridge?

1 A. When you -- what do you mean?

2 Q. Where is the controller on the bridge when you come back  
3 on your pitch?

4 A. The throttle is on the left hand side; the pitch is on  
5 the right. It's all the way forward.

6 Q. Okay. And there's Staten Island and New York throttles  
7 and --

8 A. Yes. Yeah, two.

9 Q. Okay. So when you come back on the pitch, is that both  
10 the Staten Island side and the New York side, or just the Staten  
11 Island side?

12 A. Yeah. You typically come back with both. Yeah.

13 Q. Okay. Okay. So then you said halfway between the KV  
14 buoy and the racks. Let's see if I've got it right -- 5 slip. I  
15 don't know what I wrote, but, you know, you're still at a high  
16 speed between --

17 A. Yeah. I don't want to -- I shouldn't even use the term  
18 higher speed. I don't like the way that -- I mean, you can use  
19 that term. I have no idea. But there was no cause for panic at  
20 that point. It was just, you know, I would rather have, you know,  
21 come in slower. I'd prefer to, you know, err on the side of  
22 caution and I just wanted him to bring it down.

23 Q. Okay. And was that halfway between or more than halfway  
24 between?

25 A. I would say probably, you know, halfway between, you



1 know, the KV and the racks.

2 Q. Okay. So between the time that you noticed that you  
3 felt you were going a higher speed than you'd like, when did you  
4 say something or --

5 A. Well, I mean, as soon as I started to get uncomfortable,  
6 you know. I think I asked him like four times, three or four  
7 times. I'm not even -- let's say three times, to bring it back  
8 before, you know.

9 Q. Okay. Where were you when you -- where were you on the  
10 pilothouse?

11 A. At that point I was standing up behind the radars, right  
12 next to the radars.

13 Q. Okay.

14 A. The mate was over to the right. I was on the left, I  
15 believe. I don't know because I usually -- yeah, left-hand side,  
16 I'm sure.

17 Q. Okay. And when you told him three or four times to  
18 bring it back, was he bringing it back or was he doing that before  
19 you even asked him?

20 A. I mean, he -- yeah, he was coming back, you know. He  
21 was coming back. The first couple times, you know, he just, you  
22 know, he didn't really say anything. And then he said, "I got it,  
23 I got it." And that was, you know, that was the only response,  
24 you know, "I have it."

25 Q. After you told him to bring it back?

1 A. Yeah.

2 Q. Okay. Okay. Let's see. So from there -- about  
3 approximately where was the vessel when -- was it entering the  
4 racks yet or was it --

5 A. When I started, you know, asking him to cut it back  
6 or --

7 Q. Yes.

8 A. I would say, you know, an eighth of a mile, about  
9 halfway between is when, you know, I started, you know --

10 Q. Okay.

11 A. -- asking him to cut it back. And as it got closer, you  
12 know, I repeated myself and kind of raised my voice a little  
13 louder. And that's when he said, "I got it," you know, "I got it,  
14 I got it."

15 And before entering the racks, that was when I had my --  
16 you know, I had the, you know, the point where I didn't feel that  
17 the situation was under control and that, you know, something was,  
18 you know, something was wrong. And that's when I got up and, you  
19 know, pushed the RPMs all the way forward. And I thought -- you  
20 know, if the boat had been in normal operating conditions,  
21 that's -- it would have stopped, you know. It would have, you  
22 know, and it didn't, did not, you know, back.

23 You've got to understand, I mean -- I'm kind of going  
24 off on a tangent here. It's just a fine line between, you know --  
25 you know, it's just a very fine line between, you know, when he's

1 coming in and, you know, letting him have it, because, you know,  
2 you do so many, you know, landings a day, and you've got to trust  
3 the other person. And, you know, it's a very fine line between,  
4 you know, trusting him and letting him -- and I let him have  
5 control of it. You know, I gave him my input at the point where  
6 -- you know, I let him take it as far as I was willing to let it  
7 go, and I felt that I was coming in at a point where I could stop  
8 it or avert, you know, that situation, and that's when I realized,  
9 you know, shit, this boat's not backing, you know.

10 Q. Okay.

11 A. We do the landing so many times and I've had -- you know  
12 what I mean, I've been with people before where, you know -- you  
13 know, they're coming in and you don't like something they're  
14 doing, you tell them, and at the point where you know it's going  
15 to be a screw up but you can avoid it, you hop in and, you know,  
16 the situation is averted. I mean, it's --

17 Q. Okay. And at the point where you felt that you had to  
18 come in, to step in, you said that you stood up. That was before  
19 entering the racks? How many boat lengths before entering the  
20 racks or were you already into the racks or --

21 A. I would say it was just starting that -- you know,  
22 before entering the racks.

23 Q. Oh, just starting?

24 A. Just before.

25 Q. Just before.

1           A.    You know, prior to was the point where I got up and I  
2 was like, okay, we got to get this thing stopped. And, you know,  
3 something's not happening here that should be. That's, you  
4 know -- the first thing that I thought to do was to, you know, put  
5 the RPMs up. Because if you're going astern and you're not  
6 getting, you know, you're not getting what you want, you need to  
7 get those RPMs up to get, you know, more of a backing. And that  
8 was the first thing I thought of.

9           Q.    Okay. Let's see, some things I forgot to ask you was --  
10 switch modes. You've been with the company since you graduated,  
11 2005?

12          A.    Yes.

13          Q.    And what was your position when you first got hired?

14          A.    I started as a mate.

15          Q.    You started as a mate?

16          A.    Yep.

17          Q.    And how long were you a mate for?

18          A.    I guess from '05 to, you know, towards like '08, I would  
19 say.

20          Q.    Okay.

21          A.    Yeah, '08 to, you know, '09, you know, steering.

22          Q.    '08 to --

23          A.    '08 to -- or '09 to -- you know, a year and -- I don't  
24 even know, 18 months, 16 months steering. I don't know, you know.  
25 And not to say I didn't have any -- you know, I had had plenty of

1 experience, you know, steering before that, but, you know -- as a  
2 mate. But -- you know, actually in, you know --

3 Q. Okay. So '08 to '09 you said steering. Technically, is  
4 that as assistant captain?

5 A. Yeah.

6 Q. Okay. And as assistant captain what ferries were you  
7 on?

8 A. I was on every ferry.

9 Q. Every ferry?

10 A. They got a whole -- there's a training program in place  
11 that they, you know --

12 Q. But not for training but as a, you know, the steering,  
13 assistant captain?

14 A. Yeah, I've worked every boat. You have to, you know,  
15 hop on every ferry. I do -- I don't know what it is, five  
16 landings -- or I think it may be more than that.

17 Q. Okay.

18 A. I forget, it's so long. Five, 10 landings in each slip  
19 with each class of boat.

20 Q. Okay. How many times did you work on the Barberi or the  
21 sister ship?

22 A. In the capacity of steering?

23 Q. Yes.

24 A. Hundreds, hundreds of times.

25 Q. Okay.

1           A.    I mean a lot.

2           Q.    Okay.  Is there any difference between the Barberi and  
3 its sister ship, what, the Newhouse?

4           A.    I mean, it's the same, you know.  There are differences.  
5 I mean, there's differences you know from working on them.  The  
6 Newhouse is a dog.  It's not as quick.  It doesn't seem to be, you  
7 know, as good a handling boat either.  I mean, I hate to say --  
8 the Barberi's a -- up until this, it was, you know, one of my  
9 favorite boats.  You know, it was a good ferry to operate.

10          Q.    Okay.  And they don't have permanent crews on the  
11 Barberi, so you weren't like the permanent assistant captain?

12          A.    They do.  You know, I mean, you do have bid jobs.  I was  
13 not the permanent captain there.  I was just, you know, I was just  
14 sliding in.

15          Q.    Okay.  Well, for assistant captain, you like -- you  
16 would bid for the Barberi?

17          A.    Would I?

18          Q.    Right.

19          A.    Yeah.  Do I like that boat?  Yeah.

20          Q.    Okay.

21          A.    I mean, it's a great boat obviously.

22          Q.    Okay.  And that was from 2008 to 2009.  So when did you  
23 become captain?

24          A.    Just recently, in March, I believe.  I don't even know.

25          Q.    Okay.  And how long have you -- how many times did you

1 serve as captain?

2 A. I've been serving as captain, you know, since March. I  
3 mean, I was in the training program which was -- they had, you  
4 know, a captain with me and, you know, I, you know, I ran the  
5 drills. I, you know, did the landings in Whitehall. I -- you  
6 know, I supervised what was going on deck. You know, I ran the  
7 show but I had the supervision of, you know --

8 Q. Okay. How long is the captain's training program?

9 A. It's, you know, six -- I mean, it's really, you know,  
10 until, you know, they're -- you know, people are comfortable with  
11 you and you're comfortable with yourself.

12 Q. Okay. How long was it for you?

13 A. To be honest, I felt, you know, I felt good before I  
14 really started. But I was there six weeks.

15 Q. Six weeks. And that was beginning of March 2010?

16 A. Beginning of March until --

17 Q. Or that's when you completed the program?

18 A. No, no, no, no, no. I mean, I started the program in,  
19 you know, March.

20 Q. Started the program in March?

21 A. And I was working, you know, from March on, which really  
22 isn't that long.

23 Q. Okay. And when did you get signed off as captain, not  
24 having the training program?

25 A. This was my second official day as a captain, you know,

1 on my own doing my own --

2 Q. Official day. Okay. But you had been doing all the  
3 training before that. Okay. Let's see, so you got the -- the  
4 captain's training program was six weeks. When you were assistant  
5 captain was there a training program for that also?

6 A. Yes, that's what I was telling you, the docking  
7 evolution and everything. That was the assistant captain,  
8 captain's training program, you know what I mean, you go through,  
9 you know. There's a -- you know, there's these sign off sheets  
10 of, you know, basic understanding of propulsion, you know,  
11 emergency evolutions, SMS procedures, that you have that get  
12 signed off, and you get walked through by port captain or, you  
13 know, a captain working, you know, on his boat.

14 Q. Okay. Is there a program before you become a fully  
15 qualified assistant captain and then another program before you  
16 become a fully qualified captain?

17 A. Yes, two different --

18 Q. Okay. And the one for assistant captain, how long did  
19 that one take you?

20 A. It's really as fast -- you know, once you have the  
21 docking sheets and you're signed off by every captain.

22 Q. Uh-huh.

23 A. I think for me it was, I don't know, five weeks.

24 Q. Okay. And same --

25 A. I'm saying that. It might have been, you know, it might



1 have been six; it might have been four. Like I really don't, you  
2 know --

3 Q. Okay. And for when you got hired as mate, was there an  
4 orientation and a training for being a mate?

5 A. Yeah. The same thing. I mean, they have, you know,  
6 certain, you know, procedures we had to know and it's signed off  
7 by, you know, the senior mate on watch.

8 Q. Okay. And about how long do you think it took for that  
9 one, guesstimate?

10 A. I would say the same thing; it was like four to five  
11 weeks.

12 Q. Okay. The assistant captain, how long have you worked  
13 with him?

14 A. I really don't know him all that well.

15 Q. Okay. Had you worked with him before?

16 A. I have not, no.

17 Q. So this is the first time?

18 A. Yeah.

19 Q. Okay. So when you were assistant captain or when you  
20 were a mate, you guys never worked together?

21 A. I don't believe so. I mean, I'm not saying I didn't;  
22 maybe I did. I just do not recall any instances. I mean, I know  
23 who he is. I know -- it's a pretty small organization down here.  
24 I don't recall ever working with him.

25 Q. Okay. And what is your work schedule: how many days

1 on, how many days off?

2 A. It's, you know, four on, three off. And that swings, I  
3 mean. You know, sometimes, you know, because I don't really have  
4 a permanent boat as of right now, I'll do, you know, two days on,  
5 a day off; work a day, take a day. I've kind of have been jumping  
6 around. I haven't been working four consecutive.

7 Q. Is that because you're pretty junior for now that you're  
8 a captain or --

9 A. I seem to stay junior everywhere I go. I was junior as  
10 a mate, I was junior as an ACM, junior as a captain.

11 UNIDENTIFIED SPEAKER: I'm very sorry to interrupt. Is  
12 John -- he's not in here. Okay. Thank you. Sorry about that.

13 MR. FURUKAWA: No problem.

14 BY MR. FURUKAWA:

15 Q. Let's see. For the Voith Schneider system, you learned  
16 it all here or did you --

17 A. No, I had no previous experience with it until I had  
18 come here.

19 Q. Okay. And -- okay.

20 MR. FURUKAWA: And with that -- you know, we're going to  
21 do two rounds. How about we -- Jim?

22 MR. BOWLING: Yeah. Let me. Here is the video, Jim, if  
23 you want to go ahead and use it. I'm going to -- I'll be asking  
24 questions through it.

25 There's a video that I think you've already seen that

1 Jim will probably ask you to take a look at.

2 Jim, it's ready to go. You just hit --

3 CWO GILLETTE: Hit the actual video itself?

4 MR. RUSSELL: Have you already seen this?

5 MR. FURUKAWA: No.

6 MR. BOWLING: Highlight the video and bring it up.

7 MR. RUSSELL: You haven't?

8 MR. FURUKAWA: No.

9 MR. RUSSELL: Oh.

10 CWO GILLETTE: Okay. So, we'll watch the video and then  
11 we'll go on.

12 MR. BOWLING: Watch the video once. Everybody watch it.

13 CWO GILLETTE: We'll watch it once and then I'll ask  
14 some questions. Okay.

15 MR. BOWLING: We're looking at the video, slip 5.

16 CWO GILLETTE: Here you go.

17 MR. BOWLING: From the -- it's the video on the bridge  
18 and there is no sound.

19 (Video played.)

20 MR. BOWLING: Okay, basically the ferry's hit. The  
21 tape's still rolling here, but why don't we go ahead and replay  
22 that.

23 UNIDENTIFIED SPEAKER: Can you play that so we can watch  
24 it again?

25 MR. BOWLING: Yeah. Jim, I'll let you just basically

1 just (indiscernible).

2 CWO GILLETTE: Okay. What we're going to do is watch it  
3 one more time at normal speed.

4 MR. RUSSELL: Yeah, that was a little sped up.

5 CWO GILLETTE: Well, whatever speed it is, it's -- I'm  
6 not manipulating anything, just hitting play.

7 MR. RUSSELL: Right.

8 CWO GILLETTE: So whatever speed that was recorded at is  
9 what we're going to watch it at.

10 (Video replayed.)

11 BY CWO GILLETTE:

12 Q. Okay. So --

13 A. Oh, shit.

14 Q. -- Captain -- okay, so what I'd like to do now, Captain,  
15 is kind of what I just said, kind of like to ask questions off the  
16 video.

17 A. Yeah.

18 Q. So this way you could kind of explain, while we're  
19 watching it, what's going on and stuff. So what we want to start  
20 with now, because we can't see the windows, we can kind of tell  
21 where we're at. So right, right off the bat we see that it  
22 appears that you're sitting. Were you sitting or --

23 A. Yup.

24 Q. Okay.

25 MR. BOWLING: Tilt -- that helps the screen any for

1 everybody? Is that okay for looking at the video?

2 BY CWO GILLETTE:

3 Q. Does it help you, Captain? That's the one --

4 A. That's fine.

5 Q. As long as you can see it. Okay. So you are sitting.  
6 What were you doing while you were sitting there?

7 A. I have no idea, man.

8 Q. Okay. All right. Is this your mate?

9 A. That's the mate, yep.

10 Q. Okay. And what's his name?

11 A. Aldean.

12 Q. Aldean. And what's the AC's name again?

13 A. Ahmed, Maq.

14 Q. And the AC, he's up --

15 MR. BOWLING: Jim, just real quick. For the record, Jim  
16 is moving the cursor and he's put the cursor on the back of an  
17 individual with a white shirt and yellow gloves, who the captain  
18 has identified as a mate.

19 CWO GILLETTE: Sure. I'll describe the video better.

20 MR. BOWLING: There you go.

21 BY CWO GILLETTE:

22 Q. Okay. So the description of the person in front in the  
23 video, it looks like his right hand is on some sort of indicator  
24 on the left-hand side. There's a matching one on the right. What  
25 is that that we're looking at?

1 A. This here is your pitch.

2 Q. So the indicators that you pointed at where the AC has  
3 his hands on are the pitch?

4 A. Yep.

5 Q. And there's two of them there, the right hand one, would  
6 that be the New York side or the Staten Island side?

7 A. Yes. That's the New York side.

8 Q. So the pitch indicator -- the pitch throttle handle on  
9 the right side controls the -- say it again?

10 A. The New York side.

11 Q. The New York side?

12 A. Wait. No, the starboard controls the New York side.

13 Q. Okay. So the one on the right-hand side controls the  
14 Staten Island side?

15 A. No, the New York side. I'm ---

16 Q. Okay. We can stop for a second. We're inside the  
17 bridge. This is the Staten Island end of the bridge?

18 A. Yes.

19 Q. Okay. So looking at those throttle handles, which one  
20 controls the --

21 A. Staten Island and New York.

22 Q. Okay. So you pointed at the Staten Island side is on  
23 the --

24 A. On the port, left port.

25 Q. -- left port. And the New York side?

1 A. Is on the right.

2 Q. Is on the right?

3 A. Yeah.

4 Q. Okay. And, then, next to you standing up -- he's got  
5 gloves in his pockets -- you referred to him as the mate, correct?

6 A. Yeah.

7 Q. Okay. So I'm going to push play.

8 And we'll pause it here in a second. So we're watching  
9 him come in. The video still shows you sitting down.

10 CWO GILLETTE: Okay. Is there a pause on this?

11 MR. RUSSELL: I think -- yeah.

12 UNIDENTIFIED SPEAKER: That was the stop button.

13 MR. BOWLING: Yeah, pause is right there where your --

14 CWO GILLETTE: Okay. I see it.

15 MR. BOWLING: Yeah.

16 BY CWO GILLETTE:

17 Q. All right. Okay, so you're sitting down. I'm re-  
18 showing the same video.

19 Okay. You stand up and it looks like your hand, your  
20 right hand is near something. What is that near?

21 A. It's near the radar.

22 Q. Okay, near the radar. And it appears like the mate is  
23 looking at something, like an indicator over by the radar. What  
24 are you looking at at the radar?

25 A. I have no idea.

1 Q. No idea at the time. Okay.

2 So I hit play. Okay. The mate reaches his hand across  
3 to some kind of indicator across the radar. What is that?

4 A. The AIS.

5 Q. The AIS.

6 A. I'm not sure what he's doing.

7 Q. Okay, not sure what he's doing. Okay.

8 Okay. It appears that you have a magazine of some sort  
9 or a pamphlet?

10 A. I believe I'm handing off a lunch menu.

11 Q. A lunch menu?

12 A. I believe so.

13 Q. Okay. You're handing that to the mate?

14 A. Yeah.

15 Q. Okay. Is that what you were reading when you were  
16 sitting down or --

17 A. I mean, I was sitting there --

18 Q. Okay. All right. I'm going to hit play again.

19 It appears that the mate is now reading the menu.

20 I hit pause. At this point you could physically see  
21 what appears to be the pier. Is this -- I'm pointing now in the  
22 left-hand corner of the screen. What is this that I'm looking at  
23 on here?

24 A. It's slip 5.

25 Q. Slip 5?



1 A. Yeah.

2 Q. Okay. And it appears that you have now walked around  
3 the mate and over towards the assistant captain, off to his left  
4 shoulder?

5 A. Yeah.

6 Q. Okay. Do you know what you're doing right there, is  
7 that --

8 A. I mean, I'm coming back to, you know --

9 Q. Okay.

10 A. I'm getting closer to, you know, just keeping an eye on  
11 what's going on.

12 Q. Okay. Do you realize at this time or recognize at this  
13 time that you're going too fast?

14 A. No. I'm not panicking at this point. You know, I mean,  
15 he -- you know, it's, you know, I'm telling him to come back on  
16 it, but it's not a panic situation there at this point.

17 Q. Okay. At this point do you recognize -- at any time  
18 have you looked at the speed off of an indicator or any type of  
19 meter that says the speed or are you judging speed --

20 A. Well, it's, you know, it's right over here on this --  
21 you know, on the radar is the most accessible.

22 Q. Okay. So do you know what the speed is at this point?

23 A. At this point, exact point, no, I don't. I know it's  
24 moving quicker than I would have liked to at the point. That's  
25 why --

1 Q. At any time during the evolution, from the point where  
2 your feet were rested and sitting down, up to this point --

3 A. I mean, I really don't like the way you're wording that,  
4 to be honest with you, because it's --

5 Q. Okay. I'll just say it --

6 A. -- you know, it's implying that --

7 Q. Okay, I understand. I understand. I understand.

8 A. You know, I'm really not comfortable with the way you're  
9 wording it --

10 Q. Okay. Okay. Okay.

11 A. -- because it's not, you know --

12 Q. Okay.

13 A. We do this how many times a day. From the KV it's a  
14 five minute evolution. You're making it sound like I'm like  
15 lounging about and, you know --

16 Q. Okay. That's fine.

17 A. -- and, you know, I'm relaxing.

18 Q. Captain --

19 A. I'm just really not comfortable with it.

20 Q. -- okay, I understand, I understand. And what I'm  
21 saying is, I'm being descriptive because of the use of the video  
22 and that's --

23 A. Yeah, I mean, you're being very descriptive and I  
24 just -- I'm --

25 Q. I'm just being descriptive because of the use of the

1 video. So what I would like to do --

2 MR. BOWLING: Do you want to take a break?

3 MR. RUSSELL: I need to take a -- I want to take a

4 break.

5 CWO GILLETTE: Yes, please.

6 MR. RUSSELL: I'm really not cool with the way --

7 MR. BOWLING: Just let the captain, let the witness walk

8 you through the video --

9 CWO GILLETTE: Yes, let's do that, let him describe it.

10 MR. BOWLING: -- and let him describe it.

11 CWO GILLETTE: Let's take a break.

12 MR. RUSSELL: I want to take a break.

13 CWO GILLETTE: Let's take a break. That sounds good.

14 MR. BOWLING: Okay. Do you want to go off the recorder?

15 CWO GILLETTE: Yeah, why don't we do that? Yeah,

16 that's --

17 MR. BOWLING: Pause?

18 CWO GILLETTE: -- the camera -- no, this thing.

19 MR. BOWLING: Where's pause? Where do you do that at?

20 (Off the record.)

21 (On the record.)

22 MR. FURUKAWA: All right. We're back. You good, Don?

23 MR. RUSSELL: Yeah.

24 MR. FURUKAWA: Okay.

25 MR. BOWLING: We're back on the record from the break we

1 had and we're in the -- we're still reviewing the video from the  
2 bridge of the A.J. Barberi. Jim?

3 MR. RUSSELL: All right. Do you want to --

4 CWO GILLETTE: Just a second, please.

5 CWO GILLETTE: Okay. Sorry. Chief Warrant Officer  
6 Gillette back. We're going to have Captain Russell just describe  
7 the video.

8 BY CWO GILLETTE:

9 Q. And, like we said, just stop it when a different action  
10 happens or whatever, and you can kind of just describe what you  
11 see, and just do your best to kind of be descriptive because  
12 you're describing it to a tape recorder while looking at a video.  
13 And we'd appreciate that.

14 A. Okay.

15 Q. You can use this right here. This will move the -- the  
16 mouse will control the -- I'll pause it right there. Okay, there  
17 you go.

18 A. All right. You know, I was sitting on the settee. I,  
19 you know, I stood because we're, you know, we're moving closer  
20 towards the docks and I want to keep an eye kind of on what's  
21 going on with the assistant captain. So I'm rising off the  
22 settee. I'm not sure if I'm glancing at the radar and looking at,  
23 you know, to the right, because this is the same thing that is  
24 printed out -- showing over here. It's just a -- you know, it's  
25 the same exact thing. It mirrors -- this is the radar. It's

1 basically the same.

2 Q. Can you describe where you're pointing at when you point  
3 at something?

4 A. I'm talking about this radar to my right. I was -- you  
5 know, my head was tilted in that direction. I don't know if I was  
6 looking at the speed over there. I was looking in the right-hand  
7 direction. I don't know if that's what I was doing. I'm pretty  
8 sure that's what I was doing.

9 I have -- what I have in my hand is a menu that I'm  
10 handing off to the mate. There's absolutely no reason to -- you  
11 know, I'm looking out the window. I can see where I am. I'm not,  
12 you know, nervous about speed at this point. I may have mentioned  
13 to him, you know, cut it back at this point. I'm not sure when I,  
14 you know, began to give him those -- you know, begin to say that  
15 to him. But at this point I'm not -- I'm clearly not too nervous.

16 The racks will come into view. I know at this point,  
17 you know, I'm coming forward and I'm telling him, you know, "Maq,  
18 slow it down." You can see his hands are, you know, on the pitch  
19 controls and he's coming back. His hand is on the New York end  
20 steering unit on the left-hand side and his hand is on the pitch  
21 controls. I'm coming over and I'm telling him, you know, back  
22 it -- now I'm telling him, you know, you've got to start backing  
23 hard here. And he is -- you know, he is in the astern propulsion.  
24 We're not inside the racks yet. I'm really, you know -- but I am  
25 getting concerned at this point.

1            Now we're, you know, outside the racks, and I can't tell  
2 if he's 100 percent astern but he is almost, you know, pretty much  
3 full astern. Let me just see if he -- yeah, he's pulled back at  
4 that point and --

5            Q.    What position right now is the throttles?

6            A.    They are --

7            Q.    Can you tell from the --

8            A.    Yeah. I mean, I would say they're probably -- you know,  
9 because he's full astern, I would say probably in the, you know,  
10 higher sixes. I don't know. They're not all the way up. I'm  
11 pegging them, just trying to get the boat stopped and -- at this  
12 point.

13           Q.    Why don't you explain what you mean when you said  
14 pegging?

15           A.    Pushing -- you know, that's the RPM gauge. I mean, it's  
16 the RPM -- to raise the, you know, RPMs on the engines.

17           Q.    So you're pushing --

18           A.    To get maximum backing power.

19           Q.    -- them forward?

20           A.    And I don't know what. See if I can reverse this video,  
21 I don't know.

22           Q.    Can you reverse it?

23           A.    I don't know. I guess like that.

24           Q.    Yes, you can.

25           A.    Yeah. So, I mean, he's actually -- If you watch right

1 there -- you know, I'm going back in the video. So, I mean, you  
2 can see the slip's here. And as I'm coming -- as he's coming in,  
3 you know, he's backing not that hard. Now he's backing with both  
4 New York and Staten Island. And now we're getting closer. He's  
5 at, you know, I would say like 60, 65 astern. And he's at -- now  
6 he's at 100. I've given the order for him to back it hard 100  
7 percent. We're outside the racks. We're not -- you know,  
8 we're -- I don't know how far off the racks you would say, 200  
9 feet, 100 feet off the racks. I don't know.

10 He's backed 100 percent and throttles, you know, are  
11 probably in the, you know, in the sixes. I mean, it's up but not  
12 all the way. He's 100 percent back. Now we're entering the  
13 racks. I'm like -- so at the mouth of the slip at the racks I've  
14 put, you know, the RPMs all ahead. Coming down the racks, halfway  
15 down the racks I sound a danger signal, just trying to get  
16 everybody back, and that's it. It's so quick.

17 I mean, if you think about it, the dock evolution from  
18 the KV to 5, to a running slip, you're talking, what is it, it's a  
19 quarter mile. And let's say, you know, I don't know what the  
20 average speed is from there to coming in, but let's say it's, you  
21 know -- you know, because you're going -- you pull ahead and  
22 you're coming to -- at the slips you'd like to be at -- you know,  
23 five -- you know, it's a quarter mile. You're talking, you know,  
24 it's under a five-minute evolution or five-minute evolution. I'm  
25 talking from the time the aprons are down and passengers are

1 coming off, it's -- it's beyond quick. We do it so many times a  
2 day. And, I mean, I don't know, looking at this video, I don't,  
3 you know, I don't see any complacency as far as -- you know. I  
4 mean, I'm up; I'm watching; I'm seeing what's going on. My oh  
5 shit meter -- you know, if I play it -- you know, I don't know if  
6 that's -- sorry for the --

7 Q. That's okay.

8 MR. BOWLING: That's all right.

9 MR. RUSSELL: You know, the -- there's something wrong  
10 with me.

11 BY CWO GILLETTE:

12 Q. Do you want to go back to start?

13 A. Yeah. Again this is pretty much at the --

14 Q. Okay, so now we're back to start.

15 A. -- incident. Yeah, I mean, I'm just looking at like,  
16 you know -- I know at the point where I walk forward, you know, I  
17 think I'm telling him at this point, you know, when it's coming  
18 in, you know, "Maq, cut it back," you know. But I'm not scared or  
19 freaked out because the speed is within -- was within normal  
20 operating.

21 Q. At this point, Captain, it's 18 seconds on the video  
22 where you're saying that you feel the speed is a little fast? Is  
23 that what you're saying?

24 A. I'm saying, yeah. I would say -- I mean --

25 Q. Is this by feel?



1           A.    -- I don't know, you know, where that is because I can't  
2 see out the windows.

3           Q.    Uh-huh.

4           A.    -- to see exactly where I am. I think, you know, I'm  
5 pretty sure -- let me just play it from the beginning just so, you  
6 know, I don't --

7           Q.    Sure. No problem.

8           A.    -- you know, want to, you know, say anything, you know,  
9 that's not accurate --

10          Q.    Take your time.

11          A.    -- to my understanding.

12          Q.    What's he doing right here?

13          A.    He was on the radio -- on his UHF doing something. See,  
14 I think -- I believe I'm glancing, you know, I'm glancing over  
15 looking into the radar and, you know, it's got a digital readout  
16 of our speeds and I think I'm just -- you know, I look out the  
17 window, saw where I was and told him, you know, "Hey, Maq slow it  
18 down a little," you know.

19          Q.    Do you have -- at this point on the video, it's at the  
20 14 seconds where --

21          A.    Yeah, I mean, if you look he's not -- his pitch is back  
22 already. I mean, he's already back.

23          Q.    Okay.

24          A.    I mean, he's not full ahead. He's probably -- you know,  
25 he's looking like, you know --

1 Q. Does the AC --

2 MR. FURUKAWA: Hold on. Let him finish, please.

3 BY CWO GILLETTE:

4 Q. I'm sorry.

5 A. I mean, it's probably like 40 percent ahead or 30  
6 percent ahead. I mean, he's way back.

7 Typically, with these boats, if I'm coming a 100 ahead  
8 and I just pull the pitch back to zero and not even -- I don't  
9 even have to work astern, these boats die in the water. I mean,  
10 they just squat like crazy. It's amazing. You'll go from, you  
11 know, 15 knots to, you know, under 10 like, I mean, like that.  
12 It's incredible.

13 I mean, if you get out on the Newhouse and just try it,  
14 man, you're going, you know, 100 percent pitch ahead and you zero  
15 it up, you're going to see, I mean, I'm not even working astern  
16 and that boat just -- it squats and dies. Whereas, with the  
17 Molinari class or the Kennedy class, those boats tend to, you  
18 know, keep going. The momentum travels, but these boats, no.

19 The fact, I mean, he's pulled back. I don't know.

20 MR. FURUKAWA: And what was the seconds on the tape just  
21 for my --

22 CWO GILLETTE: That's at the 14-second mark.

23 BY CWO GILLETTE:

24 Q. Captain Russell, at this point or at any time does the  
25 AC tell you that he has a problem with the propulsion?

1           A.    No.  No.  I mean, I don't know at what point there was a  
2 failure either.  I mean, I don't know.  I don't know when it  
3 happened.  He didn't -- he did not indicate to me that there was,  
4 you know, a problem at that point.

5           Q.    Okay.  Did he ever indicate that they had a problem  
6 vocally?  Did he say I had a problem at any time to you?

7           A.    No.

8           Q.    Okay.

9           A.    He did not.

10          Q.    When you said to back it down -- is that what you said,  
11 you said to slow down or to back it down or the speed was too  
12 fast?

13          A.    I mean, at this point, yeah, I just told him to back it  
14 down, yeah.  You know, just slow your -- slow down.  Yeah.

15          Q.    Did he give you a verbal response?

16          A.    Yeah, I believe he said, you know, "I got it."

17          Q.    I got it.  Okay.

18          A.    That's at, you know, the 14-second mark.

19          Q.    Okay.

20          A.    I mean, I'm not even, you know, I'm not even worried  
21 about it.  I'm looking out the window.  I'm seeing what's going  
22 on.  I mean, I'm handing off.  (Indiscernible), looking out the  
23 window.  I don't know.  I'm trying to look and see where his hands  
24 are.  Aldean's head is in the way.

25                   And now at this point, you know, 29 seconds into the

1 video he's -- he's definitely astern, you know, 50 percent astern.  
2 I mean, he's definitely pulling back on both, you know, on both  
3 pitch controls. Coming in, and however far off the rack that is,  
4 at 32 seconds in the video, he's 100, you know, he's at 100  
5 percent astern. He, you know -- and at this point, you know, I --  
6 you know, my sensors were up, you know, 100 percent because he  
7 was, you know, still at 50. I said, "Maq, 100 percent, back it  
8 now hard; back it hard."

9           So he's 100 percent before entering the slips. You  
10 know, right as entering the slip or right before entering the  
11 slip, I'm 100 percent, you know, ahead with the RPMs to get -- to  
12 try to get maximum backing power, and the thing just keeps coming.

13           Sound the danger signal, just trying to get people back.

14           MR. FURUKAWA: What time is it now?

15           CWO GILLETTE: Right now it's at the 53-second mark.

16           BY CWO GILLETTE:

17           Q. Okay, Captain, at anytime -- going back like we said  
18 with the verbal communications, was at any time between yourself  
19 and the AC mentioned that there was a loss of propulsion or  
20 anything to that nature?

21           A. Did he mention there was a loss? Well, there was never  
22 a loss of propulsion. I mean, all four engines were up and  
23 running. I do -- I mean, all four engines were up, I do believe.  
24 I don't if they -- I think they lost, you know, two engines upon  
25 impact, but I mean everything, you know -- the engines were up and

1 running. There's no loss of propulsion. I just -- I think it  
2 was, you know, stuck in ahead motion. I don't think it was, you  
3 know. I wouldn't call it loss of propulsion, it was some kind  
4 of --

5 Q. Okay. Is there any indicators on there also? I see the  
6 pitch handles, the handles?

7 A. Yeah, there is.

8 Q. Is there also indicators that say what the pitch reads,  
9 that match --

10 A. Yeah.

11 Q. Were those looked at? Did you look at those?

12 A. No.

13 Q. Okay. Did you look at them after the incident?

14 A. Yes.

15 Q. What were they at?

16 A. Well, once we came in, you know, Maq -- you could see  
17 Maq -- you know, and we hit; he's zeros -- you know, he's zeroed  
18 the -- he zeroed everything up here. He's pulling, you know, he's  
19 pulling the throttles all the way back. He's like, you know, just  
20 zeroing everything up.

21 Once -- after the incident, they gave us the plant back.  
22 You know, they gave us the power back and our, you know, our pitch  
23 controls were at zero. What we were asking for, the applied pitch  
24 was zero in the engine room, but what they were getting down below  
25 was, you know -- I don't know what it was -- 50 percent ahead or

1 60 percent ahead. And that's what, that's what they were reading  
2 down below.

3 Q. Does your indicators on the bridge, do they match the  
4 ones down below?

5 A. Well, it's two different ones. I mean, you have -- you  
6 know, here's what your -- you know, this is your physical input,  
7 which are, you know, the two throttles that I'm pulling.

8 Q. Okay.

9 A. And it's got like a corrugated, you know, percentage  
10 gauges. Now, down below it are these two things -- two more  
11 gauges like this. And it says, you know, this is what you're  
12 asking for. Then over here it should match up with what the  
13 engine room is getting.

14 And once everything was zeroed up and, you know, they  
15 gave -- they sent the power back up to us, got the plant back up,  
16 you know, it was reading -- you know, these are at zero. Our  
17 gauge is reading zero here, but what the engine room had was, I  
18 believe, substantially --

19 Q. Okay. So the indicators that are separated -- let me  
20 see here. I'm pointing out the video at the 53-second mark.

21 A. Yeah, you can't see it.

22 Q. Right about here there's other indicators, correct?

23 A. Yeah. I think those might be the buttons to, you know,  
24 to buzz the Staten Island end. I think they're actually down  
25 lower. You can't tell on the video, but they're there. They're

1 in this vicinity.

2 Q. There are indicators off to the left?

3 A. Yes.

4 Q. That match what you're --

5 A. Yes.

6 Q. -- what you're asking for?

7 A. Yeah, and that's, you know -- you know, you test that  
8 and your steering every morning, you know, every morning.

9 Q. Okay. After the incident did you witness that those  
10 were matching these handles?

11 A. Much, much later, you know, probably, you know -- it was  
12 -- it's, you know, kind of, you know, timeline-wise after that,  
13 it's all fuzzy. But I would say --

14 Q. Okay.

15 A. -- you know, 25 minutes later, half hour later, you  
16 know, they got the engines back up. And that's when, you know, I  
17 looked down and I was like, oh, shit, you know, we're at zero on  
18 the -- the pitch is reading -- you know, what we have inputted  
19 here is zero; what we're actually getting is more. And we were  
20 working ahead. I mean, everything was zeroed up and the boat was  
21 still working ahead afterwards, you know.

22 Q. What do you mean by that, Captain, working ahead?

23 A. When they got the plant back up, you know, we were  
24 getting white wash out the back of the boat and the boat, you  
25 know, was still working ahead, you know.

1 Q. Being pushed forward?

2 A. Yeah, while we were, you know, at zero.

3 Q. Okay. Just on training and drills, have you done loss  
4 of steering drills on the Barberi?

5 A. Yes.

6 Q. Loss of propulsion drills?

7 A. Yes.

8 Q. On the Barberi? Have you done them as a captain?

9 A. Yes. Well, as -- you know, I shouldn't say as captain  
10 because I've technically only been -- you know, I've only been  
11 captain, you know, officially, you know, on my own for a couple  
12 days. But as far as the training and everything, yes, I ran  
13 through it. I was, you know, given control to do steering, anchor  
14 drills on the boats, yes.

15 Q. You've done it as assistant captain?

16 A. Oh, and during captain's training. Multiple times as  
17 assistant captain I've done it, you know.

18 Q. Okay. Do you have a guesstimate on how many times you  
19 think you've done a steering drill on the Barberi or loss of  
20 propulsion on the Barberi?

21 A. A lot. I mean, we used to do the drills once a week and  
22 we do them now once a month.

23 Q. Are they all documented?

24 A. Yeah, it's all documented. The boat is documented. I  
25 don't know -- you know, you'd have to go back and like search a



1 lot of books and see, you know, when I was on board for, you know,  
2 steering anchor drills, but definitely multiple.

3 Q. Okay. You also said that you've seen others come in  
4 fast, going back to --

5 A. I don't -- you know, I don't like -- you know, it's all  
6 relative. I mean, you know, like I said, I mean, you're talking  
7 -- you know, in ship standards, I mean, how long does it take to  
8 bring a ship alongside a pier? I mean, it's -- it takes, you  
9 know, hours depending on the size of the vessel.

10 This, I mean, we're going from Manhattan to Staten  
11 Island, discharging passengers and reloading and back, you know,  
12 out in a half hour. So, I mean, everything is, you know -- in,  
13 you know, nautical, you know, standards everything is fast. I  
14 mean, it's a very quick, you know -- it's different than, you  
15 know, any other, you know, I guess, you know -- you know, any  
16 other, you know, shipping within the industry, I guess you could  
17 say. It's just -- it's all -- it's very quick.

18 CWO GILLETTE: Okay. Thank you, Captain. I appreciate  
19 it.

20 MR. BOWLING: Captain, we're going to wrap this up. We  
21 may not go two rounds. We've had some -- we've got some good  
22 information exchanged. What we'll do is, we'll go until we --  
23 everybody is comfortable that we need to -- that we've got what we  
24 need so we don't have to call you back.

25 Jon, you had your finger up or something. Or do you

1 want me to go ahead?

2 MR. FURUKAWA: You can go. I'll ask the rest later.

3 BY MR. BOWLING:

4 Q. What I want to get -- basically, you know, when we  
5 kicked off, I don't know, I think Jon had told you that we try and  
6 get a profile, just so we know what you were doing 72 hours  
7 preceding the incident. So, if you don't mind, kind of step me  
8 back in your, you know, life outside the office. What were you  
9 doing, say, Wednesday morning? Walk me through your Wednesday up  
10 to the time of the event in your personal life. What I'm looking  
11 at is sleep cycles; are you bicycling after work or, you know --  
12 I'm looking at your rest patterns and your well-being and that  
13 kind of stuff.

14 MR. FURUKAWA: Larry, the Coast Guard wants 96 hours.

15 MR. BOWLING: Ninety-six?

16 CWO GILLETTE: Ninety-six, please.

17 BY MR. BOWLING:

18 Q. Start with Tuesday if you recall.

19 A. Yeah. If I could --

20 Q. Yeah.

21 A. -- I'd rather just work from the incident back. It's  
22 easier for me.

23 Q. That's fine. That's fine.

24 A. You know, I -- my watch started that day at 5:00 a.m.

25 Crew was in, I believe -- it was a fire-on-boat drill that morning

1 at 5:00. Prior to that, the day before, I went to bed pretty  
2 early. I was in bed, you know, 8:00, 8:30. The day before I had  
3 watch. It was like the same time, 4- -- I think I in at 4:30 or  
4 5:00. I, you know, I was running the boats until -- I don't know  
5 when it was. I would say 10:00. And I went over and had training  
6 on our new -- the simulator over in Whitehall.

7 Q. Okay.

8 A. Yeah, we had simulator training that day over in  
9 Whitehall. The day before I was off.

10 Q. That's Thursday.

11 A. And I was up in the New Paltz area. My fiancée is up  
12 there finishing her MFA. So, just kind of hanging out. Did some  
13 rock climbing in the afternoon, lunch. You know, breakfast,  
14 lunch, dinner, regular, pretty regular stuff.

15 And the day before I was on watch on the Kennedy. That  
16 was a p.m. shift. That was a 1:00 to -- 1:30 to 9:30 was my shift  
17 that day.

18 Q. Okay.

19 A. I believe we had -- we did a drill, I think. I'm trying  
20 to think of what drill it was. One day was a fire-on-boat. I  
21 think the other was a -- I don't know. You know, I can't even  
22 recall what drills we did, but --

23 Q. Okay. That's fine, yeah. Through that time period, how  
24 was your sleep? Were you getting sleep, did you not get sleep?

25 A. I'm blessed with, like, the ability to fall asleep

1 pretty much at will. I can pretty much lay down and fall asleep  
2 when I want and I don't need an alarm clock either. I wake up  
3 when I want.

4 Q. That is a gift. I hate you.

5 (Laughter.)

6 UNIDENTIFIED SPEAKER: Yeah, exactly.

7 BY MR. BOWLING:

8 Q. Okay. What about medications. Are you on any  
9 prescribed medications, any non-prescribed stuff?

10 A. Absolutely nothing.

11 Q. Okay. What about work-out supplements, anything like  
12 that?

13 A. Nothing.

14 Q. Okay. And your exercise regimen, you said you did some  
15 mountain biking in the days preceding?

16 A. Rock climbing.

17 Q. Rock climbing.

18 A. I do a lot of running, biking, exercising. I do a lot  
19 of triathlon stuff, marathon stuff.

20 Q. Okay. Are there any -- if I -- and we're actually  
21 getting your Coast Guard licensing file. Are there going to be  
22 any medical issues in there that --

23 A. Absolutely none.

24 Q. Okay. So you're pretty much in full health?

25 A. Health is great.

1 Q. Okay. All right. I want to explore some areas that Jon  
2 and Jim had talked to you about.

3 A. Can I get somebody to get me like some water? I'm  
4 just --

5 Q. Sure.

6 A. I'm not trying to be a pain.

7 UNIDENTIFIED SPEAKER: Right on out here.

8 MR. RUSSELL: I'm sorry.

9 MR. BOWLING: That's fine. It's a little warm in here,  
10 so --

11 UNIDENTIFIED SPEAKER: Yeah. Come on, right over here.

12 MR. BOWLING: Yeah, if you crack one of those windows a  
13 crack and maybe bring them up and get some air circulating through  
14 here.

15 But, Jim, I don't -- if you folks are comfortable with  
16 that door open, that's fine with me. I don't -- let some air  
17 circulate.

18 The tape is running so just -- I'm not going to pause it  
19 because he's coming right back.

20 MR. RUSSELL: Thank you.

21 UNIDENTIFIED SPEAKER: Good?

22 MR. BOWLING: Yeah. Just leave the door open. We're  
23 fine.

24 UNIDENTIFIED SPEAKER: Okay, okay.

25 MR. BOWLING: We'll let some air circulating through

1 here. If it gets noisy we'll shut it back.

2 BY MR. BOWLING:

3 Q. But, I want to talk about working relationships. You're  
4 obviously familiar with bridge resource management, bridge team  
5 concepts, those kind of things. How comfortable were you on the  
6 day of the incident that your team was functioning the way you  
7 wanted them to function?

8 A. Pretty good. I mean, the first -- you know, we had two,  
9 you know, two traffic situations both times coming out of  
10 Whitehall, where, you know, the assistant captain, you know,  
11 before coming out, you know, made the calls. I've worked with  
12 Aldean before. And, you know, I mean, it was a beautiful day. It  
13 was just like it is today. I mean, I was pretty comfortable.  
14 There wasn't -- the wind picked up but it was later on in the day.  
15 At that point in the day it was, you know, morning. It was pretty  
16 nice. It started getting uglier as the day went on, but --

17 Q. Okay. Now, you mentioned -- and again, I don't remember  
18 which person was talking to you, but you had mentioned that it was  
19 the first time you had worked with the assistant captain?

20 A. Yeah.

21 Q. At least to your recollection. Did you do anything  
22 differently that morning with him because it was the first time  
23 you two interacted?

24 A. No, not really. I mean, you know, I -- no. I mean, we  
25 were on -- you know, I had him transfer the power over to me to

1 the offshore end just to make sure everything was, you know, going  
2 -- because, typically, you know, you're not in a running slip and,  
3 you know, you'll shift around. But we weren't doing that that  
4 morning, so I had him, you know, transfer the power over to me to  
5 make sure I had steering and propulsion first thing in the  
6 morning, make sure everything was, you know, running up to snuff,  
7 and it was. Everything was good.

8 Q. Okay. And when you accepted -- when did you feel you  
9 accepted the command responsibility for the vessel, was it the  
10 minute you walk on with your assistant captain and everybody gives  
11 you the -- the check-off list had been done, or when do you, in  
12 your mind, when do you accept control for the vessel?

13 A. I mean, in my mind, yeah, it's from the start of the  
14 day, you know, when I do the start up and the, you know, the VHF  
15 radios come on, and you know, your radars are booted up and the  
16 AIS is transmitting. Yeah, I mean, that's --

17 Q. Okay. The deckhand, Danny, had indicated that the  
18 vessel, and I think you mentioned it in your earlier testimony,  
19 you had indicated that you held a fire and abandon ship drill, I  
20 believe? Was that required? Well, I know it's required but why  
21 did you hold it that day, that morning?

22 A. I mean, like I said, it's not my boat. Those guys have  
23 a schedule. The regular captain, you know, I guess, usually does  
24 his fire-on-boats on Saturdays.

25 Q. Okay.

1 A. I'm assuming. So that's why, you know.

2 Q. Okay. Now, when did you learn you were going to be  
3 taking out the A.J. Barberi on Saturday? Did you know about that  
4 Friday night? Did you know you were going to be running the  
5 vessel Friday night?

6 A. I knew I was going to be running a vessel, yeah.

7 Q. Okay.

8 A. I didn't know what vessel.

9 Q. Do you have normal vessel assignments or do you --

10 A. Yes, most people. I mean, almost everybody does, you  
11 know. Me, I'm kind of like -- as an AC I was, you know, swinging  
12 around to different vessels. Usually they're, you know, in a slot  
13 for two weeks, you know, filling in, you know, for someone's  
14 vacation or, you know, something of that nature. But for the most  
15 part everyone, you know, bids a job. I bid, you know, one to  
16 nine, and usually most people have their own set boat.

17 Q. Okay.

18 A. You know, like I'm going to be on the -- but that's not  
19 -- you know, it's not standard, you know. Boats go out for  
20 maintenance or, you know, Coast Guard inspections.

21 Q. Right.

22 A. Or, you know, go down to dry dock and -- boats come out;  
23 boats come in. It's not, you know --

24 Q. Passenger accountability after the incident, how did you  
25 manage that?



1           A.    What do you mean?

2           Q.    Well, with regard to the number of, let's say, the  
3 number of injured versus the number of non-injured. Did anybody  
4 go under the water? Walk me through what you did to ensure that  
5 your crew and the passengers were accounted for after the  
6 allision.

7           A.    I mean, the first thing we, you know, did was, you  
8 know -- well, the first thing we did, we called down to the engine  
9 room to make sure everyone was all right. There was a verbal  
10 thing with the UHF to make sure the crew was okay. I believe my  
11 first thing was to call, you know, St. George terminal to let them  
12 know what happened, which I'm sure they knew before -- you know,  
13 upon impact what was going on. But, you know, I called them. I  
14 called John Garvey, called Whitehall.

15                   And to be honest with you, it was so quick how fast, you  
16 know, emergency personnel was on. I mean, it was like a snap of  
17 the fingers. I mean, it just seemed so quick. It was like  
18 surreal.

19                   The first thing was getting the gangway out. You know,  
20 we made -- you know, we just made some announcements over the PA  
21 to try to stay calm and that, you know, we were going to get  
22 some -- you know, EMTs and that, you know, the fire department was  
23 going to be here, you know, as quickly as possible. I got the  
24 gangway out, announcements were made saying that, you know, they  
25 were doing -- you know, passengers that weren't injured, I wanted

1 to get off. There was going to be lower level disembarkation.

2 But, I mean, as far as, you know, like triage and stuff,  
3 there was no, you know -- as far as I understood, you know, from  
4 what was coming over the UHF, there was no one with any like, you  
5 know, lacerations or, you know, gashing, bleeding, you know,  
6 wounds. And like I said, it was just -- I mean, emergency  
7 personnel was there like that and they had the gangway out within  
8 -- you know, I don't want to speculate a time because it's on  
9 video, but --

10 Q. Right.

11 A. -- very quickly.

12 Q. Damage assessment to the vessel. Did you perform a  
13 damage assessment and, if so, when did you do that?

14 A. The only, you know, damage -- you know, we asked down  
15 below if there was any flooding or anything like that. And  
16 visually, I mean, you know, looking down and seeing -- you know,  
17 obviously, the bridge had been, you know, tossed forward. But,  
18 you know, I mean, as far as -- you know, we still had, you know,  
19 you know, number 3 and 4 engines. And, you know, down below  
20 everyone told me they were all right and that they -- you know,  
21 we're not taking on water anywhere. That was really the only, you  
22 know, damage assessments.

23 Q. So basically, it came from the engineering crew the  
24 water-tight integrity?

25 A. Yeah.

1 Q. Okay. Communications between yourself and the assistant  
2 captain. You looked at the video and there's no sound to it so we  
3 can't know what's going on on the bridge. But you had indicated  
4 through testimony that you had asked or directed the AC to back  
5 down, I believe, to basically reduce the speed. Do you know if he  
6 heard you or understood that direction?

7 A. Oh, he heard me.

8 Q. How do you know that?

9 A. Because I was -- definitely I was pretty forceful, to  
10 say the least. It started out, you know, as a regular command,  
11 "Maq, you know, you're coming in too fast; slow it down." And my  
12 voice, as we became closer and as it became more imperative that  
13 he slow it down, my -- you know, I was screaming, you know, for  
14 him to stop.

15 Q. Okay.

16 A. You know, "Back it down." You know, I mean, it was  
17 forceful. It was clear, calm, but very, very, very loud.

18 Q. Were you getting any return responses from him, either  
19 verbally or nonverbally that led you to conclude that he was  
20 receiving your direction?

21 A. He said, he got it. He's got it, he's got it.

22 Q. Okay. So he was responding to your direction then.  
23 Okay. With regard to your training, you've walked us through your  
24 training outside New York City DOT. What I'm looking at -- this  
25 question is related to specific training provided here, whether

1 it's Safety Management System training or otherwise, with  
2 regard -- to give you the tools, outside your academy graduate --  
3 outside the academy program, to handle a situation like this.  
4 What training have you been provided here at New York City DOT  
5 that would help you manage a situation like this?

6 A. I mean, you know, we do, you know -- you know, the first  
7 thing that came to my mind was, you know, as far as getting the  
8 gangway out, you know, the ferry-to-ferry transfer. Although they  
9 didn't use, you know, our specific gangway that we have, those  
10 guys just kind of had the closest gangway and, you know, muscled  
11 it over. Obviously, you know, steer and anchor. But where at,  
12 you know -- it's logical here and, you know, it obviously played a  
13 part but -- you know, and training, you know, I felt it was  
14 sufficient. It was just, you know -- it's just such a quick,  
15 quick thing, man. It really is.

16 Q. Right. You made the comment, I think, when Jon was  
17 interviewing you or his first line of questions that -- and I put  
18 it in quotes. I don't know if it's exact. But you said something  
19 about trusting him, referring to the AC. We were talking about  
20 your relationship with the AC at the helm, when do you know when  
21 to say, hey, do this or do that, if you're uncomfortable with  
22 something he's doing. How do you develop that with your  
23 subordinate captains?

24 A. Well, it's nice to know, you know, who you're working  
25 with, you know. But, I mean, the fact is, you know, he's been

1 here, you know, really as long as I have been or longer. You  
2 know, he's got just as much experience as I do. At a certain  
3 point, you know -- I mean, you've been doing this, you know, for  
4 however long, you know. Let's say, you know, on average, you  
5 know, the boat's doing -- you know, your average run down here,  
6 you're doing, you know -- you know, the boat's doing 14 landings a  
7 day, you know.

8 Q. Right.

9 A. A ship you're doing 14 landings a day. Times that by,  
10 you know, your four days a week, that's, you know, almost 60  
11 landings a week. That's 240 a month. That's, you know, over  
12 2,000 landings, you know, a year. I mean, at a certain point you  
13 have to -- you know, this guy's been doing it as long as I have  
14 and, you know, other guys have worked with him; other guys trust  
15 him; you haven't really, you know, heard anything to the contrary,  
16 and you have to hope that, you know, his training has been  
17 sufficient. I mean, you know -- and, you know, you put faith in  
18 the system. And you have to at some point because if you were to  
19 second guess everything everybody does, I mean, how are you ever  
20 going to get through, you know, a day.

21 Q. I follow you. But when you were making that comment to  
22 -- during the interview, that's what you were referring to, is  
23 that basically that trust was based upon the peers you just  
24 mentioned and that you know that he's got experience?

25 A. Yeah, I mean, I know that he's been trained and he's

1 gone through the same things that I have and, you know, he's had,  
2 you know, similar experience.

3 Q. Okay. Directions to crew. Immediately post crash, post  
4 collision, what were your directions outbound to the bridge team  
5 and then those on the passenger decks, do you recall?

6 A. I mean, I know I hopped on -- you know, I kind of just,  
7 you know, hopped on the PA trying to tell them to stay calm and,  
8 you know, that, you know, we were trying to remedy the situation,  
9 that we weren't able to get up to the bridge and offload  
10 passengers, but we were going to give them, you know, a point of  
11 egress on the main deck.

12 Q. Okay.

13 A. And, you know, that was really -- you know, I, you know,  
14 asked the mates on deck, you know, what was going on, how bad --  
15 you know, anyone like really badly hurt. I think that was really,  
16 you know, really it. I mean it was -- (snapping sound).  
17 Emergency personnel was there so fast. It was within, you know --  
18 I don't know what the timeline was, but it just seemed incredibly  
19 quick.

20 Q. The video. As I was listening to you describe some --  
21 what was going on on the bridge for Jim and Jon and the rest of  
22 the team, you said that you made a point where, somewhere prior to  
23 the allision, that based on what you were seeing on the video,  
24 that the assistant captain had the pitch 100 percent back, or the  
25 throttle 100 percent back?

1 A. The pitch 100 percent back.

2 Q. The pitch 100 percent back. And that was prior to the  
3 allision?

4 A That was -- yeah, that was prior to entering the slips.

5 Q Prior to entering the slip.

6 A Because the point where he backed it 100 percent was the  
7 point where, you know, I was standing behind the radars, you know,  
8 telling him to slow down. You know, I had said it a couple times.  
9 You know, he had said, you know, "Okay," you know, "I got it. I  
10 got it."

11 And prior to entering the slip was the point where I got  
12 -- stood up behind. You know, that's when I moved forward right  
13 behind him and told him back it 100 percent right now. You know,  
14 "Back it. Back it." And, you know, that's when he came back to  
15 100 percent like prior to entering, you know --

16 Q. Well, at that point in time, what would you have  
17 expected the vessel response to be if, I mean, given the --

18 A. Under normal circumstances, the point when he backed it  
19 100 percent and, you know, we put those throttles up, that boat  
20 should have stopped. It should have stopped. And under normal  
21 circumstances, the point where he was 100 percent back at that  
22 point, it would have stopped. I mean, that's -- it's a fact. And  
23 when I did not feel it, you know, and I wasn't getting what I  
24 wanted at that point, that's when I knew, you know. That's what  
25 I'm saying, it's a major conundrum because, you know, if

1 everything is operating properly, you know, this wouldn't even --  
2 you know, we wouldn't even be, you know, we wouldn't be sitting  
3 here. We wouldn't be.

4 Q. Okay. (indiscernible) and you may have passed this and  
5 I may not have made the notes, but how -- the number of trips  
6 you've made on this particular vessel as an AC, did you say  
7 hundreds?

8 A. I would -- definitely, definitely hundreds.

9 Q. Okay. So, just -- I'm trying to clarify this in my  
10 mind. You've been fleeted up as the primary or lead master for  
11 two days?

12 A. Yes.

13 Q. And this was your first trip on the A.J. Barberi as --

14 A. No, this is my -- this is the fourth. I mean, this is  
15 my fourth round trip for that day. We were actually --

16 Q. Fourth round trip for the day.

17 A. Yeah.

18 Q. But your first day as master on the A.J. Barberi?

19 A. I'm trying to remember what boat I was on the day  
20 before. I think I was on the Newhouse, the sister ship the day  
21 before.

22 Q. Okay. But serving as primary or lead master two days?

23 A. Yeah, yeah.

24 Q. Okay. All right.

25 A. But, I mean, I'd just like to say, you know what I mean.



1 I don't mean to interrupt.

2 Q. No, no.

3 A. But, I mean, as far as operationally and what we're  
4 dealing with right here, right now, as far as operationally, the  
5 assistant captain and the captain are really interchangeable. I  
6 mean, you know, I have ultimate command and ultimate say, but from  
7 an actual operational standpoint the captain and AC are one in the  
8 same. I mean, he holds, you know, he holds pilotage endorsements.  
9 He has a license. He's been, you know, he's been doing these  
10 landings and he's ultimately responsible for that docking  
11 evolution coming in.

12 Q. You're reading my mind.

13 A. The fact that I've been doing -- you know, the fact that  
14 I've been acting as AC for that long, it's like saying -- I mean,  
15 it's the same operational -- operationally, the same thing as a  
16 captain at that point. I mean, it really is.

17 Q. That was my last question for my round here. I wanted  
18 to ask you about the -- what I refer to -- I'm an old time  
19 sailor -- I refer to as the deck and the con, or deck and  
20 control. How -- with that relationship there, is it a given that  
21 you are the senior captain, that you have the deck and the control  
22 of the ship, and are you ultimately the person that's making the  
23 final decision, or is it something that has to be established  
24 every day or is it automatically assumed because you folks  
25 interact with each other so much? How is that clear to the crew,

1 in your opinion?

2 A. Well, I mean the captain, you know -- you know, when I  
3 working as AC, you know, if I was coming in and the captain said,  
4 you know, cut it back, you know, maybe I don't think I'm going too  
5 fast, I'm cutting it back, you know. I mean, he has, you know,  
6 the ultimate, you know, the ultimate say and you're going to  
7 listen to what he says.

8 But I'm saying operationally and the actual landing of  
9 the boat, it's -- and, you know, in a, you know, regular everyday  
10 environment he's acting the exact -- doing the same exact job as  
11 the captain. I mean, if everything is going smooth, I don't have  
12 to say anything to him and he's, you know, bringing that ferry in  
13 and it's, you know, smooth, smooth as silk.

14 Q. Okay. Thank you, captain.

15 MR. BOWLING: Jon, I'm good.

16 MR. FURUKAWA: Well, we're still on the first -- we're  
17 still on the first round.

18 MR. BOWLING: Well, yeah, well --

19 BY MR. ORAVETS:

20 Q. I just have one question. Typically the -- Dave  
21 Oravets, Staten Island Ferry. Typically the AC does what part of  
22 the docking evolution?

23 A. You know, he takes the boat from Whitehall into  
24 St. George.

25 Q. Okay. And that's where you were doing all your docking

1 stuff for AC?

2 A. Yeah. I mean, I actually had -- you know, for what went  
3 wrong here, it didn't go wrong -- you know, I had more, way more  
4 experience bringing the boat into, you know, St. George as to  
5 Whitehall.

6 MR. ORAVETS: That's all I have.

7 BY MR. WALSH:

8 Q. Brian Walsh, Staten Island Ferry.

9 A. Don't hammer me, Brian, please.

10 Q. No, I won't, trust me. I'm sorry.

11 When you called down to the engine room after impact,  
12 there was a discussion is everybody okay. Was there any added  
13 discussion about the -- anything else?

14 A. Just the, you know, integrity. Just, you know, you  
15 know, is there any flooding down below. And, you know, not that  
16 they knew of. They were checking it out. And we had  
17 communications later on saying that, yeah, there was no issues  
18 that they knew of.

19 Q. At the time when you directed the assistant captain to  
20 slow it down, slow it down, and he responded, I believe, was "I  
21 got it", was there any indications or any observations by yourself  
22 that he actually did reduce RPMs or did reduce pitch?

23 A. I mean, on the -- you know, I can't recall. But I --  
24 watching that video, yeah, I mean you watch him, I mean  
25 he's -- you know, when he's coming in, from whatever point that

1 video was --

2 Q. Let's take a look.

3 A. No. I mean, I saw it, you know. You see him going from  
4 100 to, you know, 50 ahead to pretty much zeroed up to, you know,  
5 25 to 50 and then, you know, full astern was the point where --  
6 you know, before entering the racks or, you know, 200 feet outside  
7 the slip.

8 Q. I have one last question about the video. I'm going to  
9 play on just before the point of impact.

10 When the vessel comes into the rack, just before hitting  
11 the bridge, we see it go in and actually strike the rack. Was  
12 that an intentional movement or was that just caused by the  
13 forward motion of the vessel?

14 A. To be honest with you, I do not know whether he did  
15 that, you know, whether it was done intentionally or not.

16 MR. WALSH: Okay. That's all.

17 BY MR. FURUKAWA:

18 Q. Okay. Round two. And, forgive me, I'm going to be  
19 jumping around. It's Jon Furukawa, NTSB again. When you said  
20 that you called Whitehall, St. George, John Garvey, were you  
21 calling on VHF, cell phone, or company communication system?

22 A. You know, via cell phone.

23 Q. Okay. Is that a company cell phone or your own?

24 A. I think I called on my cell phone, I do believe. It  
25 might have been the company cell phone. I cannot remember.

1 Q. Okay. Did you guys call, did you call the Coast Guard,  
2 did the company call the Coast Guard?

3 A. The company called the Coast Guard. I mean, that was  
4 all done.

5 Q. Okay. Does the company have any policy about using  
6 personal cell phones?

7 A. Not that -- I mean, you know, we're allowed to have  
8 them.

9 Q. Okay. In the pilothouse, not for company business but  
10 for, you know, personal, personal business, is there a company  
11 policy against using cell phones or text messaging while on duty?

12 A. I do not even know, to be honest with you. I know on  
13 deck, you know, in front of passengers, it's -- you know, it's  
14 definitely frowned upon because, you know, you're in the public's  
15 eye and, you know, they see you down there and they think you're,  
16 you know -- you should be pushing, you know, a broom or, you know,  
17 slopping a mop.

18 Q. Okay.

19 A. And that's been addressed before that, you know,  
20 deckhands are not supposed to be on their cell phones while on  
21 deck, and that's been addressed. And, you know, no sitting in the  
22 passenger areas. But sitting in the pilothouse and having a cell  
23 phone on you in the pilothouse, not really.

24 Q. Okay. Has anybody -- in your, let's see, what, five  
25 years with the company, right?

1 A. Yeah.

2 Q. 2005. Does anybody use cell phones on the bridge, you  
3 know, (indiscernible)?

4 A. Yeah, of course. I mean, not -- obviously when you're  
5 in -- when you have the con, no. I mean, I wouldn't --

6 Q. Okay.

7 A. -- dream of touching -- you know, be on the phone if I  
8 have the con. If I'm not, you know, steering and, you know,  
9 doing, you know, communications with another vessel, you know, if  
10 I get a call from, you know, my mother or my fiancée, yeah, I'll  
11 answer it, you know.

12 Q. Okay. Thank you.

13 Let's see. Okay, weather conditions. You said it was a  
14 beautiful day?

15 A. Yeah. It was pretty sunny, no wind, not really too much  
16 wind. Trip before, the ebb was ripping. That trip I believe it  
17 was coming into like the last part of the ebb, so it wasn't -- you  
18 know, the tide wasn't, you know. It was actually probably low  
19 water, close to.

20 Q. Close to low water?

21 A. I would say so.

22 Q. Okay. What kind of visibility?

23 A. Eight miles, 10 miles, definitely from Manhattan to  
24 St. George.

25 Q. Okay. It was --

1 A. Just like today.

2 Q. Like today. Okay. So a few clouds but not overcast or  
3 anything like that. Okay. Let's see, as a first-class pilot do  
4 you do an annual physical?

5 A. Yeah.

6 Q. Coast Guard. Okay. You said -- yeah. Excuse me again  
7 for jumping around.

8 A. That's all right.

9 Q. When you guys were going into the slip and you pegged  
10 the engine for full RPMs to get it to bite, to go astern, did the  
11 engines respond when you were going forward or astern?

12 A. I'll be honest with you, the -- it didn't seem to me at  
13 the time, and this -- I mean, you know, it didn't seem like the  
14 RPMs went any -- you know, did not seem to rise up. But, you  
15 know, they, you know, they weren't at zero either. It's not like  
16 -- we had engine. We had the engines on line, I believe.

17 Q. Okay. So it wasn't noticeable?

18 A. I didn't know -- yeah, when I -- you know, I didn't hear  
19 the RPMs rise up. But, I mean, at that point I was, you know,  
20 pretty scared so, you know.

21 Q. Okay. You mentioned that when you looked at the radar  
22 you were looking for a digital indicator of the ship's speed. Did  
23 you notice what it was?

24 A. I mean, I -- it was quicker than I liked. I know that.  
25 But it was within a realm of, you know, being, you know, not --

1 you know, nothing, you know, crazy.

2 Q. Five, six, seven? Do you remember a number?

3 A. I really don't.

4 Q. Okay. When you're coming in for your drills, loss of  
5 propulsion or loss of bridge control of propulsion, I guess I  
6 should say, do you ever call up the engine room to have them take  
7 control or --

8 A. Yeah. Oh, yeah.

9 Q. Okay. And what's the procedure for SMS or, you know,  
10 the emergency operating procedure for --

11 A. On the Barberi it's, you know, it's pull the cow bell  
12 and, you know, you go to EOT.

13 Q. The cow bell, you mean EOT?

14 A. Yeah.

15 Q. Right. And we'll say EOT is engine order telegraph.

16 A. The cow bell is -- you know, it's a brass handle you  
17 pull up. You pull that once and then you go to your engine order  
18 telegraph.

19 Q. Yeah. Okay. My ships (indiscernible) an EOT.

20 UNIDENTIFIED SPEAKER: That was the brass handle on the  
21 front of the -- I don't know if you recall that, when we were  
22 doing the video. It's down near the floor right by the console.

23 MR. RUSSELL: It's the big thing that rings a bell down  
24 in the engine room and that kind of gives them like the, you know,  
25 we're going to go to, you know, you guys are going to take --



1 UNIDENTIFIED SPEAKER: Yeah. Not called the ship phone.  
2 The ship phone was another --

3 BY MR. FURUKAWA:

4 Q. Okay. Because EOT, right, the bells would go off when  
5 you're shifting a (indiscernible) --

6 A. That's for the -- you know, for the pitch though,  
7 there's, you know, two handles here.

8 Q. Okay.

9 A. And the actual steering is, you know, two clockwise,  
10 counter-clockwise, twisting.

11 Q. Okay. Is that pretty common, that cow bell on all the,  
12 all the ferries?

13 A. Yes.

14 Q. Okay.

15 A. Except for on the Molinari, Marchi has a push button,  
16 you know, to standby. They answer the standby and then you go to  
17 EOT. Kennedy has a cow bell as well.

18 Q. Okay. I guess all my ships have had push buttons or  
19 just jiggling it. But did you pull the cow bell?

20 A. No.

21 Q. Yeah, I guess hindsight is 20/20. Okay.

22 If hindsight being 20/20 and everything went  
23 perfectly -- or would you have tried to transfer control to the  
24 engine room, and would the engine room have had enough time to  
25 take control and respond and prevent this?

1           A.    I mean, I can't answer that because I'm not, you know,  
2    an engineer. I don't know how long it would take them to, you  
3    know, get it. But, I mean, if it was possible from the time, from  
4    when I went full astern if they could have had it at that point,  
5    you know, sure. But, you know, to say that, you know -- I can't  
6    really answer that question because I -- you know, if I pull the  
7    cow bell, how long is it going to take the chief to get over there  
8    to, you know, take it and manually, you know --

9           Q.    Okay. So when you went to full astern, outside the  
10   racks, if they had control it would have stopped. But for drills,  
11   don't you transfer control to the engine room and about how much  
12   time they can take control?

13          A.    Yeah, but we never do it in the slips. I mean, it's  
14   just, you know, it's way too risky. You don't, you know -- it's  
15   not something you would, you know, do during docking evolutions.  
16   It's more I'm in the harbor --

17          Q.    Right.

18          A.    -- and I notice, oh, you know, shit, my, you know, my  
19   propulsion is, you know, stuck at ahead or I'm not getting  
20   anything, let me give it to the engine room.

21          Q.    Okay.

22          A.    It's not, you know, really in place for, you know, I'm  
23   coming in at, you know, five knots, and, you know, oh, let me give  
24   it to the engine room.

25                I mean, you know, in hindsight, you know, I wish I, you

1 know, obviously had pulled it. But it was so quick that my first  
2 reaction was get the boat stopped, which was the 100 percent back.  
3 And then I was concerned about the passengers. That's, you know,  
4 why I sounded that danger signal just because, you know -- you  
5 know, I just wanted, you know, everyone on deck knows that five  
6 short is danger. You know, gets everybody on their toes and get  
7 everybody back. That was my first and only concern was, you know,  
8 people being hurt at that point.

9 Q. Right. Right. But your drills, when you do it out in  
10 the middle of the harbor, about how long does it take for you  
11 to --

12 A. Well, I mean, you know, we discussed it with them  
13 beforehand, so, I mean, it's pretty quick, you know. But we've,  
14 you know, hey, guys, we're going out for, you know, a steering  
15 drill.

16 Q. Okay. So they're all ready for it?

17 A. Yeah.

18 Q. It's not -- you don't surprise them. Okay. So a  
19 minute, less than a minute with the drill?

20 A. It's less than a minute.

21 Q. Less than a minute. Okay. Okay, because -- okay.  
22 What's the turn around time from when you get into the slip to  
23 discharge and load up passengers and get underway again?

24 A. You mean one round?

25 Q. One round.

1           A.    For me -- you know, from us leaving Staten Island to  
2 pulling into Whitehall or vice versa, it depends on the tide but,  
3 you know, anywhere from, you know, 20, 22 -- you know, 20 minutes,  
4 if you've got a good, you know, a good tide with you, to 25  
5 minutes.

6           Q.    Okay.  So that's 22 to 25 minutes for the transit, but  
7 then once you get to (indiscernible) --

8           A.    No, I'm saying that's to landing.  You know, that's  
9 to -- that's me coming off the hooks here and being on the hooks,  
10 you know.

11          Q.    Okay.

12          A.    Being against the bridge on the other end.

13          Q.    Okay.  So when you get to the bridge on the other end,  
14 how long does it take you to discharge passengers, load on the new  
15 passengers and get underway?

16          A.    The full evolution is, you know, under 30 minutes.  I'm  
17 saying --

18          Q.    Thirty minutes on that side or 30 minutes for the  
19 transit?

20          A.    No, no, I'm saying 30 minutes to go across the harbor,  
21 hook up, discharge passengers --

22          Q.    Okay.  Right.

23          A.    -- reload and start the evolution again.

24          Q.    Okay.

25          A.    I do -- you know, we do 9:30 out of here, 10.

1 Q. So you're more concerned about the schedule for the  
2 trip, rather than --

3 A. No, no, I mean it's -- I don't want to say it's -- it's  
4 on a schedule. It's not even -- you know, if you're running late,  
5 you know, if I have -- you know, if I have a traffic concern or,  
6 you know, I have -- you know, I got something coming inbound from,  
7 you know, the Kills or outbound or something, you know, you just  
8 log it in the book and that's, you know --

9 Q. Okay. Do you have concern when you're running behind  
10 schedule? Is there --

11 A. I mean, I don't. You know, sorry to say this, but, I  
12 mean, I -- you know, it's really just an exercise in creative  
13 writing if -- you know, if I'm running late it's, you know, large  
14 crowds. Oh, (indiscernible) asked for a slow bell today, you  
15 know, and you can get creative with, you know, my excuses for  
16 running late if need be.

17 Q. Okay. So no pressure from the company or --

18 A. No. I mean --

19 Q. -- or personal pressure?

20 A. I've never had any pressure at all from anyone.

21 Q. Okay. I'd like to get those numbers from you again.  
22 You said in a shift there's 14 landings per day?

23 A. Well, it depends. I mean, some shifts you're doing, you  
24 know, you're doing 6, you know, round trips; there's 12 landings.  
25 Some runs you're doing, you know, 16. You know, 8 trips, you

1 know, 16 landings. It depends on the shift.

2 Q. Okay. But generically, it was 14 landings per day?

3 A. I would say somewhere between, you know, 6 round trips  
4 and 8 round trips. Because you're -- you know, 12 landings,  
5 between 12 and 16 landings a day is pretty much your standard.

6 Q. Okay. Okay. And how many per week?

7 A. You take --

8 Q. Trips -- or week, month and year?

9 A. I'd say 40 -- you know, you're doing 48 landings a week.

10 Q. Okay.

11 A. Say 50 landings a week, you know. You know, that's  
12 200 -- I mean --

13 Q. 200 a month then?

14 A. -- whatever that work out to be. It's over 2,000 a year  
15 I would --

16 Q. Okay.

17 A. Yeah, you would witness, you know, (indiscernible) down  
18 here.

19 Q. Okay. Do you have -- still jumping around. Do you have  
20 STCW?

21 A. Yeah.

22 Q. Okay. And that was from school. Do you have any more  
23 STCW training?

24 A. I did it from school. I actually went on my own to  
25 renew my STCW through MEBA school. That's one of the few perks

1 that we get for being a member of MEBA. They offer the school up  
2 and I went down and did my STCW training down there.

3 Q. Okay. So the mates -- this isn't captains and captains;  
4 they're all MEBA, MEBA District 1 or what used to be District 1  
5 over in Easton?

6 A. The school is down in Maryland.

7 Q. Yeah, Easton. Okay.

8 A. Is that where it is?

9 Q. Yeah. The unlicensed or, you know, deckhands, do you  
10 know what union they belong to?

11 A. 333.

12 Q. Okay. And how about the engineers, are they MEBA also?

13 A. I believe the oilers are, what, 333; and the chiefs are  
14 MEBA, right? I don't even -- I think it's 323. It's the same as  
15 us, you know.

16 Q. Okay.

17 A. Deckhands 323. We're MEBA --

18 MR. BOWLING: Jon, that -- to save the witness time,  
19 that line of questioning would be better to get one of the CEOs or  
20 somebody else to answer that.

21 BY MR. FURUKAWA:

22 Q. Okay. Have you had any training in crowd control or  
23 crisis management?

24 A. Yeah. They gave us a course just kind of on, you know,  
25 basic patterns, you know, how people react, and, you know, if you

1 don't know what the hell you're doing, kind of speak in an  
2 authoritative voice and -- you know, it's really about keeping,  
3 you know, chaos to a minimal and --

4 Q. Okay.

5 A. And information, you know, rapidly get it out, what you  
6 know get it out. Yeah, they gave us a course.

7 Q. Okay. Have you had BST while you're here with the  
8 company?

9 A. Yeah, I did a 40-hour BST. That was down in MEBA. The  
10 company actually -- I didn't realize DOT was going to do it. I  
11 went out and did it on my own, but then DOT offered it for  
12 everyone this December, I believe.

13 Q. So you did BST on your own?

14 A. Yeah.

15 Q. But that was free with the union? Okay.

16 A. Yeah. And then the company offered it six months later.

17 Q. Okay. Have you done BRM?

18 A. Yeah.

19 Q. Okay. You said the captain and assistant captain are  
20 interchangeable. But the captain does the landing on the New York  
21 side and assistant captain does the landing on the Staten Island  
22 side. How much harder -- you know, you've done both. How much  
23 harder is it on the New York side?

24 A. It depends on the tide, man. Ebb tide is -- makes you  
25 look like a hero, man. You come in and you have a beautiful



1 landing every time. And the flood tide's tough because you're --  
2 you know, you're not going in with it. You're getting, you know,  
3 you're getting set into those racks. So it's tough and you've got  
4 to -- you know, it depends on the class of boat. And I'd  
5 typically say the Barberi and Newhouse class are, you know, under  
6 normal operating conditions, the best boats to have, I mean, I  
7 think.

8 Q. Okay. We had heard previously from another interviewee  
9 that -- about the Barberi, I guess, avoiding the knuckle at the  
10 end of the rack. Is that true, or was the knuckle a concern for  
11 you when the Barberi was making the approach to the racks?

12 A. What do you mean avoiding the knuckle? You mean like  
13 the --

14 Q. Was there any -- let's see, the mate said that the  
15 assistant captain did a good job avoiding the knuckle going into  
16 the rack.

17 A. Yeah, I mean, you know, as far as the actual trajectory  
18 of the vessel coming in was a picture perfect landing really. I  
19 mean, it was, you know, on the money right down the shoot. I  
20 wouldn't have any complaints with that. It was really just, you  
21 know --

22 Q. Okay. And, let's see --

23 A. I mean, I don't know, you know, what -- I mean, you'll  
24 interview him so I'm not even going to --

25 Q. Okay. For these bridge controls, for the pitch, to me

1 that's astern -- you know, full ahead and astern, right?

2 A. Yeah.

3 Q. That's how you use it?

4 A. Yeah.

5 Q. Just like you would on a traditional ship. But you can  
6 use both of them?

7 A. Yeah, they operate independently.

8 Q. At the same time?

9 A. I don't really do that. I pretty much operate them one  
10 and the same.

11 Q. Okay.

12 A. People do it just because, you know, once again, I got  
13 one, you know, zeroed up and, you know, I can kind of, you know,  
14 feather it in. I tend to -- you know, I have my RPMs back and I'm  
15 coming in at, you know, a speed that's not -- you know, I don't  
16 really need to do that.

17 Q. Okay. So people normally operate it with both, with  
18 both the --

19 MR. BOWLING: Jon, I think the question would be, what  
20 is the normal operation of the controls rather than people -- I  
21 don't mean to interject. Ask the question directly.

22 BY MR. FURUKAWA:

23 Q. Okay. Do you use both of them at the same time, like --

24 A. Yeah.

25 Q. -- 100 ahead at one and 25 percent on the other

1 or --

2 A. No. I mean, everyone's different. There's -- you know,  
3 you work with a bunch -- if you work with different people,  
4 everyone's kind of got a different technique. And, you know,  
5 while you're training, you see what everyone does. You see what  
6 works for you. And, you know --

7 Q. Okay.

8 A. -- you go with what works for you.

9 Q. Okay. So if you're in the Staten Island pilothouse  
10 and the --

11 MR. RUSSELL: Do you mind if I use the head real quick?

12 MR. BOWLING: Yeah. Go ahead.

13 MR. RUSSELL: I'm sorry. I've just got to take --

14 UNIDENTIFIED SPEAKER: Do you know where it is, Don?

15 MR. RUSSELL: Yeah. Go around and --

16 UNIDENTIFIED SPEAKER: Hang a left.

17 MR. RUSSELL: Over here?

18 UNIDENTIFIED SPEAKER: Yeah, you can go right on back.

19 MR. RUSSELL: All right. This way?

20 UNIDENTIFIED SPEAKER: Yeah, nobody in back --

21 (Off record.)

22 (On record.)

23 BY MR. FURUKAWA:

24 Q. Okay. And that's in --

25 A. I stay -- my days I'm working, I'm on Oakland Avenue,

1 right up by the YMCA.

2 Q. Okay. So that's not from Bolton Landing?

3 A. No, that's --

4 Q. It's Staten Island?

5 A. A four plus hour drive. That's not where I'm commuting  
6 from.

7 Q. Okay. Well, then, you know, get me that --

8 A. Yeah. No, I'll get it to you.

9 Q. -- that 96 hour --

10 A. I can actually fill it out -- I don't have it on me. I  
11 have it at home.

12 Q. Okay.

13 A. But I can fill out another one before I leave here --

14 Q. Okay.

15 A. -- today.

16 Q. Okay.

17 A. Do you have another one of those sheets? I filled one  
18 out but I left it at home.

19 CWO GILLETTE: I do have one. I'll give you one.

20 MR. FURUKAWA: Okay. That's all I have.

21 CWO GILLETTE: Yeah, I have no other questions.

22 MR. FURUKAWA: Larry?

23 MR. BOWLING: No, I'm good.

24 BY MR. ORAVETS:

25 Q. Just one question. On the running late and stuff. We

1 talked about -- or you talked about traffic and delays and stuff  
2 like that and logging those things. Does it ever come to a point  
3 in time where the vessel is running too late where they will like  
4 cancel a trip?

5 A. Yeah, I mean it definitely happens.

6 Q. Right. And there's no, you know, repercussions?

7 A. No. I mean, there's no recourse. No, typically, they  
8 want a reason for, you know, why you're running late.

9 Q. Okay.

10 A. But, yeah, no one is going to, you know, hassle you  
11 about it.

12 Q. Okay.

13 A. I mean, I can't really comment on it either because I  
14 usually -- you know, I mean, I haven't really, you know, run late  
15 too often, so --

16 MR. WALSH: Brian Walsh again from the ferry.

17 BY MR. WALSH:

18 Q. You spoke about the drills and the training earlier on  
19 and then throughout the later part of the afternoon here. With  
20 the propulsion steering drills in particular, you said you don't  
21 perform the drills in the slip, you perform them out in the open  
22 bay in the harbor. Do you use the same scenario all the time or  
23 scenarios change throughout the drills?

24 A. I mean, you know, you'll tend to hone in on different  
25 components. I mean, you know, there's the, you know, the digital,

1 you know, next to the RPMs or, you know, the engines. You know,  
2 sometimes we'll test that. You know, we'll test the, you know,  
3 test EOT. Sometimes you'll come -- I mean, I've done it before;  
4 I don't know, you know, how great of an idea it is -- you know,  
5 dock -- you know, brought the boat into 5 slip using, you know,  
6 the alternate, you know, steering controls from the engine room.

7 Yeah, I mean, we -- you know, they vary it up. We do it  
8 in various places.

9 Q. Okay. That's all. Thanks.

10 BY MR. FURUKAWA:

11 Q. Okay. So you could -- if the engineers had engine room  
12 control, you could do your orders where you can maneuver the ship  
13 into the slip?

14 A. Yeah. I mean, it's -- I wouldn't say it's really the,  
15 you know, the safest -- I mean, you wouldn't want to do it under  
16 -- you know, on a regular, you know --

17 Q. The old fashioned way or --

18 A. Yeah, you wouldn't -- it's not really the best thing to  
19 be doing but, you know, it can be done.

20 Q. Okay. And just to wrap it up, is there anything that we  
21 should have asked you, any questions? You know, at the end of the  
22 interview we like to ask for your input. So now we're not talking  
23 about facts anymore, I guess. Is there something that we should  
24 have asked you, something that we missed, something you want to  
25 tell us?

1           A.    No, I mean, I thought everything was all right. I just,  
2 you know, I was a little uncomfortable with the Coast Guard's  
3 questions off the bat and just I really didn't -- you know, I  
4 don't know where these recorded things are going to end up. But,  
5 you know, I didn't really like the -- you know, like my leg was up  
6 like I was kind of like lounging scenario, which it's not. I  
7 mean, there's two seats there. We had two look-outs and I was on  
8 the settee, which is pretty standard. And, you know, I rose, you  
9 know, when the docking evolution was coming in. I just didn't --  
10 I didn't really like the way it's going to sound on the tape and  
11 I just wanted to mention that. That's really all I got.

12                 MR. BOWLING:  Again this is Larry Bowling. Let me come  
13 in.

14                 BY MR. BOWLING:

15           Q.    What we'll do is, we will take -- it's the NTSB's lead  
16 on the investigation. We'll get you the copies of the transcript  
17 and, you know, you have a right to clean and clarify what's being  
18 in there as said and so forth, and something like that, by all  
19 means --

20           A.    Well, I just got like nervous and I started stuttering  
21 and it kind of doesn't make me sound that great.

22           Q.    Yeah.

23           A.    And, you know, and I just didn't really like, you know,  
24 kind of what was implied. That's all.

25           Q.    Fully understood. And we'll make sure we coordinate and

1 we'll get you a copy of the transcripts as soon as we get them put  
2 together.

3 A. Okay. Sounds good.

4 MR. FURUKAWA: Okay, and --

5 MR. RUSSELL: I'll fill out that 96-hour thing right now  
6 for you and I'll give it to you.

7 BY MR. FURUKAWA:

8 Q. Okay. And is there anything you suggest that -- how we  
9 can prevent this accident from ever happening again?

10 A. I mean, I don't know. I -- you know, it depends on -- I  
11 mean, I don't know when that mechanical failure happened. I don't  
12 know at what point that happened, you know. I mean, what point  
13 did we lose, you know, control, you know, engine room -- you know,  
14 control in that pilothouse, you know. I don't know. If I knew  
15 that definitively, there probably are things you could have done.  
16 Well, okay, I could have, you know -- you know, approaching the  
17 slips, I could have, you know, brought one, you know, back to, you  
18 know, 50 percent, or brought them both back to 50 percent, and  
19 made sure that they're both backing. But, you know, he did pull  
20 it back at some point. When did the failure actually occur, I  
21 have no idea and it's -- you know, it would just be all, you know,  
22 guessing on my part. I really don't want to speculate or give any  
23 -- you know, anything like that, I mean.

24 Q. Was there any -- did any alarms go off for -- propulsion  
25 alarms?



1           A.    No, there was no alarms.

2                   MR. FURUKAWA:   Okay.   This is Jon Furukawa.   It's 2:30  
3 on Monday, May 10th and --

4                   (Whereupon, at 2:30 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:                   ANDREW J. BARBERI  
  STATEN ISLAND, NEW YORK  
  Interview of Donald E. Russell

DOCKET NUMBER:                   DCA-10-MM-017

PLACE:                               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.

\_\_\_\_\_  
Cheryl Farner Donovan  
Transcriber