

NATIONAL TRANSPORTATION SAFETY BOARD

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 IN RE: :
 :
 THE EL FARO INCIDENT OFF : NTSB Accident No.
 THE COAST OF THE BAHAMAS ON : DCA16MM001
 OCTOBER 1, 2015 :
 :
 ----- :

Interview of: Jim Wagstaff

Friday,
December 4, 2015

Residence Inn
Jacksonville, Florida

BEFORE:

CARRIE BELL, NTSB

This transcript was produced from audio provided by the National Transportation Safety Board.

APPEARANCES:

On Behalf of the U.S. Coast Guard:

KEITH FAWCETT
U.S. Coast Guard

On Behalf of TOTE Services:

LEE PETERSON
Director, Marine Safety & Services
TOTE Services
10550 Deerwood Park Blvd, Suite 602
Jacksonville, FL 32256
904-248-4700

PRESENT ON BEHALF OF THE INTERVIEWEE:

GIL FELTEL, ESQ., Tanner Bishop

ALSO PRESENT:

MELISSA SERRIDGE, TOTE Services
MIKE RICHARDS, NTSB

P-R-O-C-E-E-D-I-N-G-S

(No time given)

1
2
3 MS. BELL: Good morning. I'm Carrie Bell.
4 I'm the NTSB investigator for this interview. I'll be,
5 I'm sorry. I'm going to start over. I'm Carrie Bell.
6 I'm the Human Performance Investigator with NTSB. And
7 I am the group chairman of the Human Performance Group.

8 Today is December 4th. We are in
9 Jacksonville, Florida, at the Marriott Residence Inn.
10 And we will be, today's interview is in regard to the
11 El Faro accident. We'll be interviewing Mr. Jim
12 Wagstaff. Mr. Wagstaff, could you just spell your last
13 name for us, for the record?

14 MR. WAGSTAFF: W-A-G-S-T-A-F-F.

15 MS. BELL: Thank you. Also present, we'll
16 go around the room to my left.

17 MR. RICHARDS: Mike Richards, NTSB.

18 MR. PETERSON: Lee Peterson, TOTE party
19 coordinator.

20 MS. SERRIDGE: Melissa Serridge, HR manager
21 with TOTE Services, and a member of the Human
22 Performance Group.

23 MR. FAWCETT: My name's Keith Fawcett. I'm
24 a civilian Coast Guard Marine Casualty Investigator.
25 I'm part of the Human Performance Group. I also kind

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1 of like filling in for the Nautical Operations Group.
2 And in addition to that I'm a licensed Merchant Marine
3 officer.

4 MR. FELTEL: Gilbert Feltel, Tanner Bishop
5 Law Firm, here as Mr. Wagstaff's personal
6 representative.

7 MS. BELL: Thank you. Go ahead.

8 MR. WAGSTAFF: Oh. Jim Wagstaff, Vice
9 President of Operations, TOTE Maritime.

10 MS. BELL: Thank you. NTSB is an
11 independent federal agency charged with determining the
12 probable cause of transportation accidents, and
13 promoting transportation safety. We're not part of the
14 Department of Transportation or the Coast Guard. We
15 have no regulatory or enforcement powers.

16 The purpose of the investigation is to
17 increase safety, not to assign fault, blame or
18 liability. We can't offer any guarantee of
19 confidentiality or immunity from legal or licensed
20 actions. We would like to record the interview to
21 ensure an accurate record. Do you have any objection
22 to that?

23 MR. WAGSTAFF: No objection.

24 MS. BELL: Thank you. An transcript of the
25 interview will be sent to you for you to review. And

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1 then, after you've reviewed it, it will go into a
2 public docket. You can have a representative of your
3 choice, which you have. He can't testify for you, but
4 if you've got questions, if you want to go off the
5 record and have a conversation, you're allowed to do
6 that.

7 MR. WAGSTAFF: Okay.

8 MS. BELL: If you can answer all the
9 questions to the best of your knowledge or
10 recollection, we appreciate that. And if you don't
11 understand a question you can ask us to repeat it. If
12 you misstate something you can modify on the record
13 today while you're here.

14 MR. WAGSTAFF: Okay.

15 MS. BELL: So, we'll go ahead and get
16 started, unless you have any questions.

17 MR. WAGSTAFF: No questions.

18 MS. BELL: Okay. So, can you just tell us,
19 you are the operations, Vice President of Operations of
20 --

21 MR. WAGSTAFF: TOTE Maritime.

22 MS. BELL: TOTE Maritime, Puerto Rico?

23 MR. WAGSTAFF: Puerto Rico. That's right.

24 MS. BELL: Okay.

25 MR. WAGSTAFF: Yes.

1 MS. BELL: Thank you. Can you just start
2 off by telling us about the tug and barge services that
3 you move, that you use to move cargo to and from Puerto
4 Rico?

5 MR. WAGSTAFF: In what context do you want
6 about it?

7 MS. BELL: Just general, say I know nothing
8 about it. So, can you just explain how that works, how
9 those services work for you?

10 MR. WAGSTAFF: The tug and barge, we
11 literally put cargo on and take it to Puerto Rico. I
12 mean, I don't know what the context of the question is.
13 I mean, it's moving cargo. It's a conveyance to move
14 cargo from Jacksonville to San Juan.

15 MS. BELL: Is it any, is it different from
16 moving it from, using say the vessels El Faro or El
17 Yunque?

18 MR. WAGSTAFF: In a sense of, excuse me, the
19 cargo getting from one location to the next, it's not a
20 lot different. They'll, it's unmanned versus the ships
21 being manned. They'll load --

22 MS. BELL: What do you mean, unmanned?

23 MR. WAGSTAFF: So, there's no one on the
24 barge.

25 MS. BELL: No one at all? Well --

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1 MR. WAGSTAFF: The tugboat has folks on it.

2 MS. BELL: Right, yes.

3 MR. WAGSTAFF: But there's no one on with
4 the cargo.

5 MS. BELL: Okay. So how is that managed?
6 It's a contract, I'm assume -- You have two separate
7 contracts? One, or is there only one?

8 MR. WAGSTAFF: There's, it could be arranged
9 both ways, contract with the tug operator, and contract
10 with the barge operator. We have it both ways. We
11 have it where the contractor of the tug supplies the
12 barge as one unit. And then we have it where the
13 supplier has the barge, and then there's a separate
14 contract with the tug operators.

15 MS. BELL: Okay. So, I guess I'm just
16 trying to understand how it works, how you manage that.
17 For example, if there is a problem, if there is a
18 weather delay, who communicates with who? How do you
19 deal with that?

20 MR. WAGSTAFF: We communicate directly
21 through TSI, with TOTE Services. I don't communicate
22 directly with the tug operators. We employ TSI to
23 communicate with those tug operators. In fact that --

24 MS. BELL: Okay.

25 MR. WAGSTAFF: I've never had a conversation

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1 with the tug operator, the captain of the tug.

2 MS. BELL: Okay. So you, just so I can,
3 just to clarify. You employ TOTE Services to actually
4 --

5 MR. WAGSTAFF: To manage those functions.

6 MS. BELL: Okay. So, if there is something
7 going on what's the information flow? So, if there's a
8 weather delay the contractor goes --

9 MR. WAGSTAFF: Talks to TSI.

10 MS. BELL: And then --

11 MR. WAGSTAFF: Now, that contractor, that
12 captain may talk to our Don Matthews, a guy that works
13 for me. So that he will sometimes take some of that
14 information from a daily report when he's coming in,
15 and will disseminate that through the organization
16 also.

17 MS. BELL: Okay. So you mentioned Don
18 Matthews. And he works for --

19 MR. WAGSTAFF: He works for Ronald
20 Rodriguez.

21 MS. BELL: And that's part of TOTE --

22 MR. WAGSTAFF: Puerto Rico.

23 MS. BELL: Okay.

24 MR. WAGSTAFF: TOTE Puerto Rico, yes.

25 MS. BELL: We're still, I'm still trying to

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1 get the whole --

2 MR. WAGSTAFF: I'm still trying to get my
3 arms around the name change too. So I apologize.

4 MS. BELL: Okay. No, no problem.

5 MR. WAGSTAFF: I've been SeaStar for 16
6 years.

7 MS. BELL: Okay. So, they do, the operators
8 of the tug, or whoever's operating that vessel would
9 contact Don Matthews, who is part of your group. So
10 I'm trying to figure out --

11 MR. WAGSTAFF: They could.

12 MS. BELL: -- where TSI, where TOTE Services
13 fits, if they're the ones doing the middle man part.
14 I'm just trying to --

15 MR. WAGSTAFF: Sure.

16 MS. BELL: -- understand that.

17 MR. WAGSTAFF: Sure. So, from arrival and
18 departure perspective, a lot of times that's Don
19 Matthews. So that the information's coming in, so he
20 can set up any tugs, any docking pilots that need to be
21 put in. If there's any issues related directly to the
22 tug and barge needing supplies, any issues, that would
23 typically go straight through TSI.

24 MS. BELL: And when would you find out about
25 it? Or would you?

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1 MR. WAGSTAFF: I would typically find out
2 about it. But it would be after the fact.

3 MS. BELL: Okay.

4 MR. WAGSTAFF: Yes. This is, Jim, here's
5 what's going on. And that's the information I would
6 get.

7 MS. BELL: So you provide mostly the
8 oversight? You don't really directly --

9 MR. WAGSTAFF: That's right.

10 MS. BELL: -- involve yourself? Okay. So,
11 if there is something, let's say, let's talk about
12 Hurricane Joaquin. In October, September, what, how
13 did you deal with the weather? Okay.

14 So the weather is coming in. And you know
15 there's weather. Is there a conversation between you
16 and Don Matthews, or you and someone about if they're
17 going to go, or if there's going to be a delay? Where
18 does that conversation happen?

19 MR. WAGSTAFF: Which one is Hurricane
20 Joaquin?

21 MS. BELL: That was in October. That was
22 the October --

23 (Off the record comment)

24 MR. WAGSTAFF: That was El Faro?

25 MS. BELL: Yes.

1 MR. WAGSTAFF: Related to the vessel, or a
2 tug?

3 MS. BELL: The tug.

4 MR. WAGSTAFF: The tug. We've got, there
5 was an event where TOTE, TSI came back to us and said
6 the captain wouldn't leave. And so, I went back to
7 them and said, why? Did you guys talk to the captain?
8 And they said, well, the captain said. I said, did you
9 guys talk to the captain? Well, no.

10 I said, you, Jim Fisker-Andersen, and I
11 think it was Tim Neeson, if my memory serves me
12 correct. Please go talk to the captain. They went
13 down and talked to the captain. Captain explained why
14 he didn't want to leave. And that was the end of it.

15 MS. BELL: And why didn't he want to leave?

16 MR. WAGSTAFF: Because he said that the
17 weather was going this way. But the storm, even though
18 the storm was going off to the west, the waves that he
19 would be in would be excessive.

20 MS. BELL: So, what happened? Did they go?

21 MR. WAGSTAFF: No. They didn't go.

22 MS. BELL: And what --

23 MR. WAGSTAFF: They stayed right there until
24 the captain was ready to leave.

25 MS. BELL: And when did they finally go? Do

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1 you know?

2 (Off the record comments)

3 MR. WAGSTAFF: That's a good question. But
4 (inaudible).

5 PARTICIPANT: You may want to clarify that.

6 MR. WAGSTAFF: Yes. Was this, this event
7 that I'm talking about, was this Joaquin? Because I
8 thought it was a storm before that.

9 MS. BELL: Apologies. There was the storm,
10 there was, it started out as a tropical storm. Or,
11 well, I'm not a meteorologist. So I'm not --

12 (Off the record comment)

13 MS. BELL: -- going to say, you know,
14 specifically when it became a hurricane. But that's
15 the storm that I'm referring to. It started as a
16 tropical storm. I don't know what day the conversation
17 took place regarding whether they were going to go or
18 not go. Do you recall that day?

19 MR. WAGSTAFF: No, I don't, I don't recall
20 the day. But I do recall the conversation.

21 MS. BELL: And do you recall how long of a
22 delay before he actually left?

23 MR. WAGSTAFF: It was at least 24 hours.

24 MS. BELL: And do you recall what day he,
25 what day that was that he left, departed?

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1 MR. WAGSTAFF: No. I'm sure we can go back
2 and look at records if we needed to.

3 MS. BELL: Okay.

4 MR. PETERSON: This is Lee Peterson. Do you
5 mind if I --

6 MS. BELL: No. Go ahead.

7 MR. PETERSON: Do you remember if it was
8 before or after the El Faro incident?

9 MR. WAGSTAFF: It was before.

10 MR. PETERSON: It was before the El Faro
11 incident?

12 MR. WAGSTAFF: Yes.

13 MS. BELL: They still --

14 MR. PETERSON: And which tug was that?

15 MR. WAGSTAFF: Louisiana.

16 MR. PETERSON: Louisiana.

17 MS. BELL: So they did depart before the
18 storm, or before El, I'm trying to think, October 1st
19 was --

20 MR. PETERSON: What was the date?

21 MR. WAGSTAFF: I don't know the dates.

22 MS. BELL: You don't know? Okay.

23 MR. WAGSTAFF: Yes.

24 MR. PETERSON: It was before that?

25 MR. WAGSTAFF: Yes.

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1 MS. BELL: Okay.

2 MR. WAGSTAFF: Yes. It was before that.

3 MS. BELL: Okay.

4 (Off the record comments)

5 MR. WAGSTAFF: I don't think it is the same
6 storm. I think it was the storm before that.

7 MS. BELL: Okay.

8 MR. WAGSTAFF: Yes.

9 MS. BELL: You think it was not even that
10 same --

11 MR. WAGSTAFF: No. I don't --

12 MS. BELL: -- week?

13 MR. WAGSTAFF: No. I don't think it was the
14 same week. I think it was --

15 MS. BELL: Okay.

16 MR. WAGSTAFF: -- prior to that.

17 MS. BELL: Okay. So you had other
18 conversations of that sort, that a captain didn't want
19 to --

20 MR. WAGSTAFF: That was the only --

21 MS. BELL: -- take a --

22 MR. WAGSTAFF: That was the only one.

23 MS. BELL: In the entire time you've had
24 this contract with this company?

25 MR. WAGSTAFF: Yes.

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1 MS. BELL: Okay. And so, let me see. How
2 many tugs do you have under this contract?

3 MR. WAGSTAFF: There's only one under that
4 Louisiana contract.

5 MS. BELL: How many contracts do you have?

6 MR. WAGSTAFF: So, there's, there are,
7 there's the Smith Towing, there's Louisiana, there was
8 the Coral Coast, which was the Charleston, and then
9 there was McAllister.

10 MR. PETERSON: This is Lee Peterson. The
11 Coral Coast, that's the name of the --

12 MR. WAGSTAFF: That's the tug.

13 MR. PETERSON: -- towing company?

14 MR. WAGSTAFF: That's the tug.

15 MR. PETERSON: That's the tug?

16 MR. WAGSTAFF: Yes. The towing company is,
17 the company that we had the contract with is Dome.

18 MR. PETERSON: Sorry, just to get it
19 straight though. So, Smith Towing had the tug and the
20 barge? The tug Louisiana?

21 MR. WAGSTAFF: No. Smith Towing was towing
22 the Elizabeth, which was a Columbia --

23 MR. PETERSON: The tug's name?

24 MR. WAGSTAFF: That is the Latham, Captain
25 Latham.

1 MR. PETERSON: That's the Charleston, you
2 said?

3 MR. WAGSTAFF: No. The Latham is with the
4 Elizabeth.

5 MR. PETERSON: Elizabeth.

6 MR. WAGSTAFF: Louisiana is with the
7 Baltimore. McAllister was with the Chesapeake. That's
8 their, that's one unit, that's theirs. And then Dome
9 was the Coral Coast and the Charleston.

10 MS. BELL: And have you had all these
11 contracts for, how long have you had these contracts?

12 MR. WAGSTAFF: I don't remember. It's not
13 been too long. It's been, I'd have to look at the
14 dates, but it's been about a year.

15 MR. PETERSON: This is Lee Peterson. That
16 was shortly after Horizon went out of --

17 MR. WAGSTAFF: That's correct.

18 MR. PETERSON: -- the business though.

19 MR. WAGSTAFF: Correct.

20 MS. BELL: Okay. And you said this is the
21 only time that you've ever had conversations regarding
22 weather, departures regarding weather?

23 MR. WAGSTAFF: That's the only time I asked
24 some very pointed questions.

25 MS. BELL: Okay.

1 MR. WAGSTAFF: We would have conversations
2 about delays, about departures. But they weren't in
3 the context of why.

4 MS. BELL: Okay. And when you have
5 departures, are there any kind of ramifications for
6 those delays?

7 MR. WAGSTAFF: No.

8 MS. BELL: On your end, or even in Puerto
9 Rico?

10 MR. WAGSTAFF: Well, the cargo shows up
11 late. But that's the only ramification.

12 MS. BELL: Okay.

13 MR. PETERSON: This is Lee Peterson again.
14 What kind of schedule are those on, Jim? I mean, it
15 seems to me that pretty much you load them when you
16 can, and they get there when they can? Or are we set
17 for trying to get there at a certain date?

18 MR. WAGSTAFF: We set a goal to hit a date,
19 or day, a particular day. We never had a set time.
20 But, depending on weather, depending on loading delays,
21 whatever it was, they didn't tend to run on time very
22 much.

23 MR. PETERSON: And that was just the
24 accepted way that it is?

25 MR. WAGSTAFF: It was, that's just the way

1 it was.

2 MS. BELL: You said that in past tense? Is
3 that still the way it is?

4 MR. WAGSTAFF: Well, we're in the process of
5 off hiring the tugs right now, now that we have two
6 vessels running.

7 MS. BELL: Okay. So are you planning on
8 completely getting rid of all the contracts?

9 MR. WAGSTAFF: Yes.

10 MS. BELL: In what time frame? Do you know?

11 MR. WAGSTAFF: Hopefully by the end of this
12 year.

13 MS. BELL: So, when they're in transit --
14 Well, let me ask first. How long is the transit from
15 Jacksonville to Puerto Rico?

16 MR. WAGSTAFF: On the tug and barge?

17 MS. BELL: Mm hmm.

18 MR. WAGSTAFF: Southbound it typically took
19 about six and a half, seven days, depending on weather.
20 They're a lot more susceptible to wind. And it was a
21 little quicker coming back, because of the weights that
22 are on the barge. And there's not, I guess there's the
23 bell string (phonetic) northbound. So they're back
24 along that pretty good.

25 MS. BELL: Okay. So you have, do you have

1 four that -- I was just looking at the ones you listed.
2 Does that mean you have four that go out regularly
3 right now?

4 MR. WAGSTAFF: We're in the process of our,
5 we've off hired the McAllister. We've off hired the
6 Charleston as we're speaking. That's happening. We
7 have notified Louisiana yesterday that we're going to
8 give him a 30 day notice.

9 And the plan was that we would, within the
10 week we'll give the Smith Towing and the Columbia the
11 rest of the notifications for 30 days, 30 day notices
12 that we'll be off hiring.

13 MS. BELL: Okay. So, in general, if they're
14 transiting, are you in contact, or is anyone in contact
15 with them, communicating with them?

16 MR. WAGSTAFF: I'm not. I don't know who
17 would be contacting them. I know they send out daily
18 reports of their --

19 MS. BELL: Do you get those?

20 MR. WAGSTAFF: Actually I do get those on
21 some of them. I get them for Smith Towing. I get them
22 for Louisiana Towing. I think I got them for
23 McAllister. But I don't think I ever got them for
24 Dome.

25 MS. BELL: So, do you look at those when,

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1 are they just a daily report that comes out at a
2 certain time?

3 MR. WAGSTAFF: Yes. Typically they come out
4 in the morning, and noon. And then there's an 1800
5 report, I think it what it is. You see it, and you
6 just flip it open, look at them, how they're doing, and
7 you close it.

8 MS. BELL: Are there ever any concerns when
9 you look at their reports? And does anyone --

10 MR. WAGSTAFF: Other than, you know, no. No
11 concerns. It's just, you know, are they making time?
12 How are they doing?

13 MS. BELL: So, if there is bad weather does
14 someone stay in, or contact them, or watching their
15 track, or anything like that?

16 MR. WAGSTAFF: I couldn't tell you. I don't
17 know. I'm not.

18 MS. BELL: And you don't know if anyone in
19 your group would be?

20 MR. WAGSTAFF: I don't know if there would,
21 anyone in my group would be. Only from a perspective
22 of when it's going to arrive.

23 MS. BELL: Okay.

24 MR. PETERSON: This is Lee Peterson again.

25 Maybe you could give us an idea of how these contracts

1 work. These are just, we're contracting with that
2 company to carry the cargo? So, we're not in, how much
3 are we actually involved with these? We don't supply
4 the groceries, we don't supply them spare parts?

5 MR. WAGSTAFF: Right. It's --

6 MR. PETERSON: Because then crewing, it's
7 strictly carrying our cargo, correct?

8 MR. WAGSTAFF: That's correct. That's
9 correct. So we, they show up. We load it up. They
10 depart. They're crews are directed to their
11 management. And they're just giving us updates of how
12 they're progressing. If they need anything when
13 they're coming in, if we can support them if any way
14 when they get there.

15 MR. PETERSON: But it's not our
16 responsibility --

17 MR. WAGSTAFF: No.

18 MR. PETERSON: -- to provide that. Except
19 for fuel, correct?

20 MR. WAGSTAFF: That's correct.

21 MR. PETERSON: We provide fuel.

22 MR. WAGSTAFF: And that TSI takes care of
23 all the fueling arrangements with them.

24 MS. BELL: Okay.

25 MR. PETERSON: So if they did have any bad

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1 weather, I think they're route would be to go through
2 their own management.

3 MR. WAGSTAFF: Correct.

4 MS. BELL: Okay. Do you work at all with
5 their management?

6 MR. WAGSTAFF: No.

7 MS. BELL: Okay. Any other questions around
8 the room about this (inaudible)?

9 MR. FAWCETT: Keith Fawcett, Coast Guard.
10 Jim, so who would I go to and speak to at TOTE
11 Services, related to how those tugs are used to convey
12 your cargo?

13 MR. WAGSTAFF: I'm not sure I understand
14 that question.

15 MR. FAWCETT: Okay. So TOTE Services
16 manages the tugs to move your cargo for TOTE Maritime.

17 MR. WAGSTAFF: No.

18 MR. FAWCETT: No, I'm not saying they
19 directly manage the tug. I'm talking about in a sense
20 of, they're the middle person between TOTE Maritime and
21 the individual towing companies that move your
22 equipment. So who is the person at TOTE Services I
23 would speak to, to get more information about this?

24 MR. WAGSTAFF: From an oversight perspective
25 would be Jim Fisker-Andersen.

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1 MR. FAWCETT: And what's your understanding
2 of his role with that job, regarding the tug boats?

3 MR. WAGSTAFF: Fueling. Communication with
4 them on issues or things that they may need, support
5 that they may need.

6 MR. FAWCETT: What's the approximate value,
7 in like, what of, which is the biggest cargo carrier of
8 those four tugs? Which has the most cargo volume?

9 MR. WAGSTAFF: The Elizabeth, and Smith
10 Towing.

11 MR. FAWCETT: And she carried units, boxes?
12 Is that how that works?

13 MR. WAGSTAFF: Boxes, right.

14 MR. FAWCETT: How many does she carry?
15 Approximately. You don't have to get right on the
16 nose.

17 MR. WAGSTAFF: Approximately 380.

18 MR. FAWCETT: Okay. So the Elizabeth is
19 carrying 380 container units for you, down to Puerto
20 Rico?

21 MR. WAGSTAFF: Correct.

22 MR. FAWCETT: And you are aware of arrivals,
23 from your perspective, aware of arrivals and
24 departures, correct?

25 MR. WAGSTAFF: Correct.

1 MR. FAWCETT: I'm trying to understand how
2 you can ensure that those vessels out at sea are
3 protecting the interests of your cargo. Can you help
4 me understand that?

5 MR. WAGSTAFF: I don't know that I can
6 explain that. We have the responsibility to load it,
7 and load it correctly. They then have the contractual
8 responsibility to deliver it into Puerto Rico in a
9 customary manner to this industry.

10 MR. FAWCETT: Okay. I understand that. And
11 I believe this whole conversation you might have had
12 for clarification related to the one tug not getting
13 underway.

14 MR. WAGSTAFF: Correct.

15 MR. FAWCETT: Was related to Tropical Storm
16 Danny and Erica. Because there's an email that Captain
17 Latham was involved with that says, in short, it
18 appears that the El Faro may have a delayed arrival
19 into San Juan. That's abbreviated. As well as the
20 Captain Latham/Columbia/ Elizabeth. So that would most
21 likely be Erica, and not the El Faro accident voyage?

22 MR. WAGSTAFF: It, I know that the
23 conversations that I had, that I described earlier,
24 were not, they were before.

25 MR. FAWCETT: Right. And this was before.

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1 MR. WAGSTAFF: Yes.

2 MR. FAWCETT: This was in August.

3 MR. WAGSTAFF: But I also know that that was
4 directly related to the Louisiana.

5 MR. FAWCETT: Okay. So there was another
6 conversation, other than this one I just referenced?

7 MR. WAGSTAFF: I don't know what that
8 conversation was about.

9 MR. FAWCETT: Okay. Now, Mike Nicholson, I
10 think he works within TOTE Maritime, Puerto Rico?

11 MR. WAGSTAFF: Yes.

12 MR. FAWCETT: Is that correct? He mentioned
13 that one of his functions in strategic planning and
14 yield, in the conversation we had the other day, he
15 mentioned issues with equipment bridles, and deck
16 supports. Do you know anything about what he might be
17 talking about?

18 MR. WAGSTAFF: I do with, yes.

19 MR. FAWCETT: Could you explain that?

20 MR. WAGSTAFF: Yes. So the deck supports on
21 the Elizabeth barge had inadequate, we found after the
22 fact had some inadequate supports underneath. Had to
23 be taken out of service. There was deck sockets
24 replaced, and supports put underneath.

25 MR. FAWCETT: And did this cause a problem

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1 with like departures or schedules, or --

2 MR. WAGSTAFF: Sure. Yes. Yes, sir.

3 MR. FAWCETT: And how about, do you know
4 anything about the issue with the bridles?

5 MR. WAGSTAFF: There were, the bridles that
6 the captains of the tug boats wanted were chain
7 bridles. And the tug, or the barges were equipped with
8 a wire bridle. And so we ordered in this chain and
9 replaced them for them.

10 MR. FAWCETT: From my perspective that's
11 like dealing sort of with safety related minutiae of
12 operations, wire versus chain bridles, which both come
13 off the bow of the tug, and connect the tug to the
14 barge. And that's not your equipment, is it?

15 MR. WAGSTAFF: No, it's not our equipment.

16 MR. FAWCETT: Okay. So you're, as a company
17 you're responding to provide specific towing equipment
18 for a barge? Is that correct?

19 MR. WAGSTAFF: That's correct.

20 MR. FAWCETT: Okay. So --

21 MR. WAGSTAFF: As specified by the captains
22 of the tugs.

23 MR. FAWCETT: Right. I understand. But
24 that's not in the contract.

25 MR. WAGSTAFF: No, it isn't.

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1 MR. FAWCETT: So, earlier you had stated
2 just generally that, you know, what the tugs do, that's
3 kind of a company thing for the people that operate the
4 tug boats, correct?

5 MR. WAGSTAFF: Mm hmm.

6 MR. FAWCETT: So, are there any other, any
7 instances related to weather that you're aware of,
8 where TOTE Services, or TOTE Maritime has communicated
9 to the tugs anything related to risk assessment, or
10 alternate routes, speeds, courses, or anything of that
11 nature?

12 MR. WAGSTAFF: I know that I asked Jim
13 Fisker-Andersen about whether we run the Old Bahama
14 Channel or they run open seas, early on, earlier on.
15 And why would we run either or, from an educational
16 understanding for me.

17 MR. FAWCETT: And do you recall his
18 response?

19 MR. WAGSTAFF: If I'm not mistaken he asked,
20 he reached out to the Latham and asked him. The Latham
21 Group would typically take that route, more open seas,
22 where the others would take the Old Bahama Channel.

23 MR. FAWCETT: And that just related to this
24 particular area, okay. So I'm, whatever company
25 provides the tug, one of those four, and I'm the tug

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1 master of one of the tugs that moves your equipment
2 down to San Juan, back and forth.

3 How do I know what TOTE's expectations of me
4 are? Specifically, to some entity within TOTE. In
5 other words, is there, do you hand me something and
6 say, here is what TOTE wants from you. Or do you just,
7 well, I'll let you answer that.

8 MR. WAGSTAFF: We tell them what our
9 scheduled arrivals were, and departures.

10 MR. FAWCETT: Do you give them any
11 documentation for TOTE at all?

12 MR. WAGSTAFF: I'm not aware of any.

13 MR. FAWCETT: Do they comply with TOTE's
14 ethics policy?

15 MR. WAGSTAFF: I'm not sure I understand the
16 --

17 MR. FAWCETT: Well, TOTE --

18 MR. WAGSTAFF: -- context of that.

19 MR. WAGSTAFF: Well, TOTE has an ethics
20 policy, correct?

21 MR. WAGSTAFF: Mm hmm.

22 MR. FAWCETT: As a contractor are they
23 required to comply with that?

24 MR. WAGSTAFF: We would expect them too,
25 yes.

1 MR. FAWCETT: Okay. When they sign a
2 contract with you, do you give them a package of
3 guidance from TOTE?

4 MR. WAGSTAFF: Not that I'm aware of, no.

5 MR. FAWCETT: Thank you. That's all I have
6 for now.

7 MS. BELL: I had a follow-up. This is
8 Carrie Bell, NTSB. A question about the two different
9 routes. You were talking about the Old Bahamas Channel
10 and the open seas. Did you, after you had conversation
11 with Jim Fisker-Andersen about that, did you go back,
12 do you have a preference for them to take one versus
13 the other route?

14 MR. WAGSTAFF: My questioning was, to him
15 was, why?

16 MS. BELL: Yes.

17 MR. WAGSTAFF: It was more trying to
18 understand why would one take one route, and one take
19 the other. What's the difference in the two?

20 MS. BELL: So is one of them longer than the
21 other?

22 MR. WAGSTAFF: One of them's a little longer
23 than the other.

24 MS. BELL: So did you go back and, do you
25 expect them to take the shorter route? I mean --

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1 MR. WAGSTAFF: I would, yes, I would expect
2 them to take the shorter route, if that's the route
3 that's the safest.

4 MS. BELL: So, did you go back and ask them
5 to take the other route, to change their route?

6 MR. WAGSTAFF: I didn't ask the operators to
7 change their route, no.

8 MS. BELL: Do you know if anyone suggested
9 to them to, that if they changed their route it would
10 be a faster route, and would be preferable?

11 MR. WAGSTAFF: I couldn't, I don't, I could
12 not answer that if somebody did that.

13 MS. BELL: Okay.

14 MR. WAGSTAFF: Yes. I don't know if it, I
15 never saw an email that I can remember, that somebody
16 requested that.

17 MS. BELL: Okay. Thank you. I realize I
18 didn't start with my usual asking about your
19 background. So I kind of want to go back to that real
20 quick. And could you just give me a bit of your
21 background in maritime industry or business?

22 MR. WAGSTAFF: I've been the VP of
23 Operations for SeaStar for the last three years.
24 Before that I worked on the terminal level, and the
25 maintenance and repair level on the land side. And

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1 before that, about 15, 16 years ago I worked for a
2 local trans, carrier transco (phonetic) refrigeration
3 dealership, maintenance areas.

4 MS. BELL: So how long have you, you said
5 SeaStar, but how long have you been with the company
6 SeaStar/TOTE, total?

7 MR. WAGSTAFF: Since '98. So that's about I
8 think 16 years.

9 MS. BELL: Okay. And can you describe a
10 little bit about who you report to? And then who
11 reports to you?

12 MR. WAGSTAFF: So, I report directly to Tim
13 Nolan.

14 (Off the record comment)

15 MR. WAGSTAFF: Ronnie Lunden (phonetic)
16 reports to me from an inland transportation. Lyle
17 Norman (phonetic) for equipment. Ronald Rodriguez for
18 the terminal in Jacksonville. And Becky Roberts
19 (phonetic) from a risk perspective, risk.

20 MS. BELL: And for, when you say risk, what
21 does entail? What kind of risks are you talking about?

22 MR. WAGSTAFF: Claims, safety.

23 MS. BELL: Safety?

24 MR. WAGSTAFF: So, ISO.

25 MS. BELL: So, you deal with them on a

1 regular, everyday basis? Or, who do you work with on a
2 daily basis?

3 MR. WAGSTAFF: That's the majority of the
4 folks that work on daily basis.

5 MS. BELL: Okay.

6 MR. WAGSTAFF: They're my direct reports.

7 MS. BELL: Okay. Let me go around the room
8 again.

9 MR. PETERSON: This is Lee Peterson. I want
10 to go back to that bridle a little bit. Was, and this
11 is a real question. But was that barge and that tug,
12 were they the same contract? Is that why we had to
13 deal with helping them out with that bridle? Or was
14 that --

15 MR. WAGSTAFF: That was two --

16 MR. PETERSON: -- a different contract?

17 MR. WAGSTAFF: -- separate contracts.

18 MR. PETERSON: That's why there was the
19 disconnect between the two?

20 MR. WAGSTAFF: Correct.

21 MR. PETERSON: Okay. Go ahead.

22 MR. WAGSTAFF: Yes.

23 MR. FAWCETT: I'm good. Keith Fawcett,
24 Coast Guard. Just one clarification. So, have you had
25 any specific maritime training that's been provided by

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1 TOTE?

2 MR. WAGSTAFF: I'm not a mariner.

3 MR. FAWCETT: Okay.

4 MR. WAGSTAFF: My functions are typically
5 land side.

6 MR. FAWCETT: Thank you.

7 MS. BELL: Any questions on another --

8 MR. FAWCETT: Yes.

9 MS. BELL: Yes. Okay. I'll let you go
10 ahead.

11 MR. FAWCETT: Okay. Keith Fawcett with the
12 Coast Guard again. I want to talk to you about late
13 August of this year. Tropical Storm Erica is out in
14 the Caribbean somewhere, Hurricane Danny.

15 And so, specifically about El Faro. She
16 took a course that took her down the coast of Florida,
17 and then through the Old Bahama Channel. Are you
18 familiar with that voyage?

19 MR. WAGSTAFF: I'm not.

20 MR. FAWCETT: Okay. There's an email, 12:10
21 p.m. on August 25th, to which you are copied.

22 MR. WAGSTAFF: Okay.

23 MR. FAWCETT: And it says, good afternoon.

24 And the subject is Re: Tropical Storm Erica update for
25 San Juan this week. And I'm paraphrasing. I'll skip

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1 the abbreviations. But, good afternoon. As per our
2 most recent BBS weather file, and related marine
3 weather radio broadcasts, the El Faro will transit the
4 Old Bahama Channel en route to San Juan Puerto Rico.

5 And then they say, although this route does
6 additional 116 nautical miles, I'm confident that it
7 offers a safer passage compared to our normal off shore
8 route. It also allows the options of hove to or jog
9 west of Puerto Rico as Erica tracks either north or
10 south of the island.

11 Tomorrow morning we will commence securing
12 our cargo with additional storm lashing as needed. All
13 departments have been instructed to secure their areas.
14 And I will keep you duly informed, duly notified
15 throughout the voyage. Should you have any questions
16 or concerns, kindly contact this vessel. You aren't
17 aware of that?

18 MR. WAGSTAFF: I don't remember it.

19 MR. FAWCETT: Were there any discussions
20 that took place within TOTE Maritime Puerto Rico about
21 that voyage?

22 MR. WAGSTAFF: Is that the, which voyage is
23 that? Is that the voyage the ship --

24 MR. FAWCETT: This is the late August --

25 MR. WAGSTAFF: The last one?

1 MR. FAWCETT: No. This is the late August,
2 Tropical Storm Erica, Hurricane Danny, where the El
3 Faro proceeded down the coast of Florida. The Port of
4 San Juan was closed.

5 MR. WAGSTAFF: Okay.

6 MR. FAWCETT: And as a result the ship's
7 arrival was delayed. Were there any discussions that
8 took place, that you are aware of, after that voyage
9 took place?

10 MR. WAGSTAFF: What, I don't understand the
11 context of the conversations. Can you help me?

12 MR. FAWCETT: Sure. If I took a plot of all
13 the voyages in recent memory that the El Faro made back
14 and forth to Puerto Rico, they would be basically
15 turning out of San Juan, heading down straight. I
16 mean, turning out of Jacksonville, heading straight to
17 San Juan. This particular voyage took a completely
18 different route.

19 MR. WAGSTAFF: Right.

20 MR. FAWCETT: Which, as the captain
21 mentions, added distance to the route. And the Port of
22 San Juan was closed. That voyage is singularly unique
23 from any other voyage up to that date that I can
24 recall.

25 MR. WAGSTAFF: Okay.

1 MR. FAWCETT: So, were there any discussions
2 that took place at TOTE Maritime following that voyage,
3 as to the delays encountered, the decision by Captain
4 Davidson to take that route, the ramifications of
5 taking that route, the delay encumbered by taking that
6 route?

7 MR. WAGSTAFF: Not that I can remember.

8 MR. FAWCETT: Do you assess from an
9 operational level the reasons for delays of cargo
10 reaching the berth?

11 MR. WAGSTAFF: Do we assess it? What do you
12 mean by assessing it? Do we review what took place?

13 MR. FAWCETT: Is it important for a cargo to
14 reach its destination on time?

15 MR. WAGSTAFF: Yes, it is important.

16 MR. FAWCETT: When it doesn't, at some level
17 within the operations group do they sit down and
18 discuss why it didn't reach the destination in time?

19 MR. WAGSTAFF: No. Our process is, if this
20 is what it took, this is what it took. How do we react
21 to that from a land side? How do we tell our customers
22 that their freight's going to be late? What do we need
23 to do to make sure that the terminal's back open? How
24 do we set up to prepare to receive the vessel?

25 MR. FAWCETT: How do you, do you communicate

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1 with Phil Morell (phonetic)?

2 MR. WAGSTAFF: Somewhat, some.

3 MR. FAWCETT: Is Phil Morell in the weekly
4 TOTE Maritime meetings on Wednesdays?

5 MR. WAGSTAFF: Which ones? Our staff
6 meetings?

7 MR. FAWCETT: Any meetings with TOTE
8 Maritime, regular scheduled weekly meetings.

9 MR. WAGSTAFF: Early on in the year Phil
10 was. But I haven't heard Phil on our staff meetings,
11 the leadership meetings, in a very, very long time.

12 (Off the record comments)

13 MR. WAGSTAFF: Can I ask a clarifying
14 question? Is this TOTE Maritime, or TOTE Services?

15 MR. FAWCETT: Okay. So let's say, within
16 the TOTE Maritime Puerto Rico weekly meetings. Has
17 there been a presence from TOTE Services in those
18 meetings?

19 MR. WAGSTAFF: In the TOTE Maritime Puerto
20 Rico senior leadership meetings, not recently.

21 MR. FAWCETT: And just, could you just
22 clarify recently?

23 MR. WAGSTAFF: I would say that not that I
24 can remember for probably six months. But I've not,
25 I've been in, I've been doing a project with PREEN

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1 (phonetic). So I've been in and out of the office from
2 March until the end of June, July. Was in Savannah,
3 and then in Puerto Rico. So I would have missed some
4 of those meetings. So if he showed up to a meeting, or
5 called in, I may not know that.

6 MR. FAWCETT: I understand. So, who would
7 be the contact with, between TOTE Maritime Puerto Rico
8 and Jim Fisker-Andersen?

9 MR. WAGSTAFF: That would typically be
10 Ronald or myself, Ronald Rodriguez or myself. He works
11 directly for Phil Morell.

12 MR. PETERSON: This is Lee Peterson, TOTE
13 Services. Do you mind if I ask a question?

14 MR. FAWCETT: Go ahead.

15 MR. PETERSON: Just to kind of clarify back
16 on that, as far as the meetings go. You do have weekly
17 departmental meetings though, don't you?

18 MR. WAGSTAFF: Yes. They do it by terminal.
19 Yes.

20 MR. PETERSON: And who's involved with
21 those?

22 MR. WAGSTAFF: Ronald is, Don is, JFA, Jim
23 Fisker-Andersen, Becky Wild (phonetic). Are you
24 talking about --

25 MR. PETERSON: Your normal --

1 MR. WAGSTAFF: -- my staff meetings?

2 MR. PETERSON: Yes.

3 MR. WAGSTAFF: I completely forgot about
4 those.

5 MR. PETERSON: So that would be the
6 involvement with TSI and --

7 MR. WAGSTAFF: That's correct.

8 MR. PETERSON: -- (inaudible) with your
9 operation?

10 MR. WAGSTAFF: That's correct.

11 MR. FAWCETT: Okay. Within those staff
12 meetings was there any discussion about the El Faro's
13 route that they took in August?

14 MR. WAGSTAFF: I'm sure there was as an
15 update. But I can't remember the update. JFA is
16 pretty good about just letting us know what's going on.
17 But that's where it ends.

18 MR. FAWCETT: And just for clarification and
19 the transcriptionist, JFA is --

20 MR. WAGSTAFF: Jim Fisker-Andersen.

21 MR. FAWCETT: Okay. There's an email that
22 John Lawrence sent to Captain Davidson, where he says,
23 you know, just to make sure we're all on the same page.
24 And he alludes to the fact that Captain Davidson is
25 communicating something about routing to Jim Fisker-

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1 Andersen.

2 And he says, SSL, which I imagine is the old
3 term, SeaStar Lines. Do you know if a ship
4 communicates directly with TOTE Maritime Puerto Rico,
5 or SeaStar Lines, as far as intentions, plans?

6 MR. WAGSTAFF: I think it's more of an
7 update. And it's to Don Matthews and Ronald Rodriguez.

8 MR. FAWCETT: Do they ever communicate via
9 satellite phone, or some means other than email?

10 MR. WAGSTAFF: I've heard of Don
11 communicating with them via the satellite phone.

12 MR. FAWCETT: Yes, because just so you know,
13 I can't find linkage to the conversation where Jim
14 Fisker-Andersen and SeaStar Lines were told about the
15 deviation for the route. I can see it in the emails.

16 MR. WAGSTAFF: Sure.

17 MR. FAWCETT: Later, where Captain Moran
18 (phonetic) says, hey, let's stay in the loop here. I
19 don't know what's going on.

20 MR. WAGSTAFF: Yes.

21 MR. FAWCETT: And he copies Ms. Finsterbush
22 and other people. So that's the purpose for my
23 question.

24 MR. WAGSTAFF: Okay.

25 MR. FAWCETT: So, there is a possibility

1 that communications could take place between satellite
2 phone with Ron Rodriguez, Don Matthew also?

3 MR. WAGSTAFF: Don Matthews would be the
4 primary, that I would think would have communication
5 with this vessel.

6 MR. FAWCETT: And just, what's his title
7 again?

8 MR. WAGSTAFF: I think it's Port Captain in
9 Jacksonville.

10 MR. PETERSON: This is Lee Peterson. It's
11 actually, and that's what we always call him. But he's
12 the manager of marine operations.

13 MR. WAGSTAFF: Is it? Okay.

14 MR. PETERSON: (Inaudible).

15 MS. BELL: Manager of?

16 MR. PETERSON: Marine operations.

17 MR. FAWCETT: And the, within TOTE Maritime
18 Puerto Rico, who would be considered, just from your
19 perspective, as operations, like VP of operations, as
20 the engineering expertise?

21 I'm talking about, when I talk about
22 engineering, I'm not talking about design and
23 construction, or cranes, and so forth. I'm talking
24 about engineering related to shipboard operations, or
25 say tug operations. If you needed advice who would be

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1 the engineering expert?

2 MR. WAGSTAFF: Inside of TOTE --

3 MR. FAWCETT: TOTE Maritime.

4 MR. WAGSTAFF: -- Maritime Puerto Rico?

5 MR. FAWCETT: Yes.

6 MR. WAGSTAFF: We don't, that's not our role
7 from a maritime perspective. That's why we have TSI.

8 MR. FAWCETT: So TSI provides engineering
9 expertise?

10 MR. WAGSTAFF: Correct.

11 MR. FAWCETT: Who provides sort of deck
12 related nautical expertise?

13 MR. WAGSTAFF: TSI.

14 MR. FAWCETT: And who would be that expert
15 at TSI?

16 MR. WAGSTAFF: I don't know who to tell you
17 that is the deck expert.

18 MR. FAWCETT: And who's the --

19 MR. WAGSTAFF: I just, we would reach out to
20 TSI. And they would determine who that expert was.

21 MR. FAWCETT: And who would be, a similar
22 question, who would be the engineering expert, marine
23 engineering expert at TSI?

24 MR. WAGSTAFF: The same answer. I mean, I
25 don't know each one of them's background, or their

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1 level of education in each zone. So we would reach out
2 to them, and have them pick that right person.

3 MR. FAWCETT: Would you, like this deviation
4 voyage in August, Tim Nolan responded in the chain of
5 email, that he understood about the deviation. Would
6 that seem to be correct to you?

7 MR. WAGSTAFF: Yes. That's normal.

8 MR. FAWCETT: Okay. And this wasn't
9 discussed, like at some kind of meeting with the top
10 vice presidents, and so forth? Like a blast was sent
11 out?

12 MR. WAGSTAFF: The context that would be
13 discussed with us is how do we communicate it, and what
14 do we need to do. If it's showing up late, how do we
15 get the information out, and what do we need to be
16 prepared for when it gets there. Not in a context
17 other than that.

18 MR. FAWCETT: And then, just looking at
19 Hurricane Joaquin in that sort of time frame. Do you
20 recall any of the tugs carrying your cargo, or
21 transporting your cargo down to San Juan, taking any
22 storm avoidance procedures?

23 MR. WAGSTAFF: I remember the Latham, which
24 is Smith Towing, talking about going down and could
25 hide behind islands, move behind islands if they needed

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1 to. But that's pretty much the extent of it, for
2 shelter.

3 MR. FAWCETT: In the same storm do you
4 remember what the plans were for the El Yunque?

5 MR. WAGSTAFF: (No verbal response)

6 MR. FAWCETT: Do you remember what the plans
7 were? We're talking about Joaquin.

8 MR. WAGSTAFF: No. It's not. Okay. So,
9 for the planning of the routes?

10 MR. FAWCETT: No, no. Not you involved with
11 the planning of the routes.

12 MR. WAGSTAFF: Okay.

13 MR. FAWCETT: Did you know what the storm
14 plan was for the voyage that the El Yunque was on, that
15 was affected by Joaquin?

16 MR. WAGSTAFF: No.

17 MR. FAWCETT: Did you know what the plans
18 were for the El Faro for the same storm, on the
19 southbound run to San Juan?

20 MR. WAGSTAFF: No.

21 MR. FAWCETT: Did you get copied on a
22 message that talked about, for example, I'm going to
23 pass within a certain distance of the eye?

24 MR. WAGSTAFF: Not that I remember that I
25 got, did I get that.

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1 MR. FAWCETT: And on the return, on that
2 same downbound voyage, the accident voyage, Captain
3 Davidson requested permission to use the Old Bahama
4 Channel on the return voyage to Jacksonville. Were you
5 aware of that?

6 MR. WAGSTAFF: No.

7 MR. FAWCETT: Thank you, Jim.

8 MS. BELL: This is Carrie Bell, NTSB. I
9 just have one follow-up question relating to that. Do
10 you recall any discussions about El Yunque departing
11 from Jacksonville while El Faro was still missing? Any
12 discussions about whether they were going to go, or if
13 there was going to be a delay?

14 MR. WAGSTAFF: If they happened here I was
15 in Puerto Rico. I was given, I got on a plane the
16 morning that it happened. So I was in Puerto Rico. I
17 wasn't in Jacksonville. So I wouldn't be privy to
18 conversations that were taking place up here.

19 MS. BELL: So, they wouldn't contact you to
20 have conversations? No one from TOTE Services or TOTE
21 Maritime Puerto Rico would involve you in discussions
22 about if they decided we should just talk about this?
23 They wouldn't call you into the conversation?

24 MR. WAGSTAFF: Typically they would not. I
25 mean, TOTE Services makes that decision. And we depend

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1 on them to make that decision. If they told us they
2 weren't going, we're not going. That's the end of that
3 story.

4 MS. BELL: So, you don't know if there were
5 any discussions related to that?

6 MR. WAGSTAFF: I'm not, no, I don't know if
7 there were any related to that.

8 MS. BELL: Okay.

9 MR. WAGSTAFF: And I don't remember having
10 any emails or conversations with anybody about it in
11 Puerto Rico while I was down there.

12 MS. BELL: Okay. Would you, did you have
13 any reservations about them departing when El Faro was
14 still missing?

15 MR. WAGSTAFF: If my memory serves me
16 correct, I don't think we knew that she was, we knew we
17 didn't have contact with her. But I don't think we
18 knew she had sank at that time.

19 MS. BELL: Right.

20 MR. WAGSTAFF: And I think everybody felt
21 like we were going to find her. It's just a matter of
22 time. So I didn't have any reservations for her
23 sailing, personally. And that's all I can speak to.

24 MS. BELL: That's all I was asking.

25 MR. WAGSTAFF: Yes.

1 MS. BELL: Thank you. I appreciate that.
2 That's all the questions I have.

3 MR. FAWCETT: Keith Fawcett, the Coast
4 Guard, follow-up. You know, Ms. Bell asked you about
5 the El Yunque. And you stated, if they're not going,
6 they're not going. Why would you send Jim Fisker-
7 Andersen down to the tugs to talk to the Captain?

8 Like, we're talking about the tug that
9 wasn't leaving. Why would you take that step, and you
10 wouldn't do that with your own vessels when that same
11 subject came up?

12 MR. WAGSTAFF: I think that's very simple.
13 It was, I was trying to get an education of why they
14 wouldn't leave. We were looking at a, we were looking
15 at information that we thought, why would you not?
16 Weather's fine, with the storms headed off to the west.
17 And when the captain of the tug told us why he wouldn't
18 leave, okay, now I understand.

19 MR. FAWCETT: Who looks at the weather? You
20 said, we look at the weather. Who's we?

21 MR. WAGSTAFF: All of the operations folks,
22 my guys, me.

23 MR. FAWCETT: How do you monitor the
24 weather?

25 MR. WAGSTAFF: We don't, I don't have a

1 monitoring service. It's, you're looking at Weather
2 Underground, and at the local forecasts. Me, not being
3 a mariner, I asked the question, did you guys talk to
4 the captain? And once they talked, they actually
5 talked to him I was okay with that. Because I knew
6 then why.

7 MR. FAWCETT: Okay. So I'm trying to
8 understand the trigger for the conversation with the
9 captain. At some way, at some level word got to you
10 that they weren't going.

11 MR. WAGSTAFF: Right.

12 MR. FAWCETT: As a result of that did people
13 look at the weather, or had you been looking at the
14 weather?

15 MR. WAGSTAFF: We had all been looking at
16 the weather.

17 MR. FAWCETT: Then you --

18 MR. WAGSTAFF: Been watching the storm.

19 MR. FAWCETT: You watch storms usually? In
20 other words, if I asked you that question in 2014, do
21 you keep track of the weather to make sure that your
22 interests are protected?

23 (Off the record comments)

24 MR. WAGSTAFF: We watch the weather to know
25 how to react. What do we need to do? What do we need

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1 to communicate. I think it's prudent to be able to
2 communicate. And we ask the questions if we don't
3 understand.

4 And once that information comes back to us,
5 I think it demonstrates that I ask a question, I did,
6 that's not my, I'm not a mariner. When the mariner
7 answered my question, I understood that, and took that
8 for what it was worth.

9 MR. FAWCETT: Okay. So your viewing of the
10 weather through these different sources like Weather
11 Underground, and so forth, is there, is reactive or
12 proactive?

13 MR. WAGSTAFF: Help me understand what
14 you're asking me. I'm sorry. I don't --

15 MR. FAWCETT: Okay. Can you recall the last
16 time the Port of Jacksonville was closed due to
17 weather?

18 MR. WAGSTAFF: I don't know the exact dates,
19 but it was this year. There was a storm that was
20 expected to come up the coast. And it was, I think we
21 went to whiskey, which is the 72 hours out, then 48
22 hours out. Yes, okay. I can't think of the date, the
23 time. But it was this year, when the Port of
24 Jacksonville was closed.

25 MR. FAWCETT: For this August time frame,

1 where the Port of San Juan was closed, did you
2 anticipate its closure based on the weather out in the
3 Caribbean, from a corporate standpoint? Like, we're
4 watching the weather. And we, most likely San Juan
5 will close.

6 MR. WAGSTAFF: I personally wasn't doing it.

7 MR. FAWCETT: But was someone doing it?

8 MR. WAGSTAFF: I couldn't answer that.

9 MR. FAWCETT: Were you surprised personally
10 that the port closed?

11 MR. WAGSTAFF: I think there's, there are
12 time frames set up that the Coast Guard manages. And
13 they make that call. And so, that, it's related to the
14 port captains, or the captain of the port's call if he
15 closes it or not.

16 So, sometimes you, it happens and you're
17 okay, I didn't see that one coming. And then sometimes
18 it stays open when you didn't expect that it would.
19 And it's really, to my knowledge it's the captain of
20 the port's call.

21 MR. FAWCETT: But were you surprised by the
22 closure of the Port of San Juan, in August?

23 MR. WAGSTAFF: No.

24 MR. FAWCETT: Okay. If they close a port
25 which is your destination, what kicks in? Or does

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1 anything kick in at TOTE Maritime Puerto Rico for an
2 enhanced sort of operational stance for the impact of
3 that? Like, and I'm not talking about like notifying
4 customers.

5 And maybe I misunderstand the role of
6 operations. But is there anything where something is
7 heightened within TOTE Maritime Puerto Rico related to
8 that closure? Safety issues, for example?

9 MR. WAGSTAFF: Well, it's securing the
10 terminal.

11 MR. FAWCETT: Okay. So you secure the
12 terminal. Anything for your vessels at sea? Do you
13 send a message to the vessels to inform them?

14 MR. WAGSTAFF: I don't.

15 MR. FAWCETT: Does anybody that you're aware
16 of begin like tracking the vessels in relation to the
17 storm?

18 MR. WAGSTAFF: That communication would come
19 from Ivan Burkos (phonetic) out of Puerto Rico, that
20 the port is closed. And it's communicated when it's
21 opened.

22 MR. FAWCETT: Have you used
23 marinetraffic.com, or any other type of web based
24 software to track the positions of your ships, like
25 graphically?

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1 MR. WAGSTAFF: Not until recently.

2 MR. FAWCETT: And what's recently?

3 MR. WAGSTAFF: Three weeks.

4 MR. FAWCETT: In the last three weeks you
5 have?

6 MR. WAGSTAFF: Personally I have.

7 MR. FAWCETT: Anybody in your staff use that
8 kind of software to track the positions of ships?

9 MR. WAGSTAFF: That I can't tell you. I
10 don't know.

11 MR. FAWCETT: Thank you, Jim.

12 MS. BELL: Just one additional question.

13 This is Carrie Bell, NTSB. In terms of, you know,
14 we're talking about the weather, and who informs the
15 vessels of port closures, and things of that nature.

16 If there are ever, if there is severe
17 weather that you see, does anyone actually contact the
18 vessel? I know that there are the noon reports that
19 they send out. It seems like a one way, it goes out,
20 you guys read it, someone reads it.

21 But do you ever communicate with them to
22 say, hey, you know, the weather's bad. We're just
23 checking on you guys. Anything like that, that you're
24 just checking to make sure everyone, everything is
25 okay?

1 MR. WAGSTAFF: Not personally. And from the
2 staff perspective, I don't think so. I don't know of
3 it.

4 MS. BELL: Okay.

5 MR. WAGSTAFF: Yes.

6 MS. BELL: Thank you. That's all I have.
7 Do you have anything?

8 MR. FAWCETT: No.

9 MS. BELL: Okay. I think that's it then.
10 Thank you very much for your time.

11 MR. WAGSTAFF: Okay. Thank you.

12 (Whereupon, the above-entitled matter went
13 off the record)

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C E R T I F I C A T E

MATTER: El Faro Incident
October 1, 2015
NTSB Accident No. DCA16MM001
Interview of Jim Wagstaff

DATE: 12-04-15

I hereby certify that the attached transcription of page 1 to 54 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.



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TABLE OF CORRECTIONS TO TRANSCRIPT OF INTERVIEW FOR
JIM WAGSTAFF
 TAKEN ON
DECEMBER 4, 2015

PAGE NUMBER	LINE NUMBER	CURRENT WORDING	CORRECTED WORDING
15	22	--	barge
18	23	bell string	Gulf Stream
19	4	our	off
19	18	--	positions
28	16	--	question
31	2	Transco	Transicold
31	15	Lundon	London
31	16	Lyle	Wyle
32	15	--	different contracts
32	17	--	two
34	2	BBS	BVS
36	5	encumbered	encountered
37	25	PREEN	cranes
38	23	Wild	Roberts
40	17	Captain Moran (phonetic)	[unclear what was intended]
51	19	Burkos	Burgos

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

NO CORRECTIONS NEEDED. _____

Initials

JIM WAGSTAFF

Printed Name of Person providing the above information



Signature of Person providing the above information

12-28-15

Date