

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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M/V *TOFTEVIKEN* AND F/V *POLARIS*
COLLISION

* Accident No. DCA18FM023

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Interview of: DEVINDER SINGH
Master, *Tofteviken*Red Hook Container Terminal
Newark, New JerseyFriday,
May 25, 2018

APPEARANCES:

CARRIE BELL, Marine Accident Investigator
National Transportation Safety Board

ADAM TUCKER, Marine Accident Investigator
National Transportation Safety Board

CWO [REDACTED]
U.S. Coast Guard

SANJIB GHANDI, Marine Superintendent
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I N T E R V I E W

(10:50 a.m.)

MS. BELL: Today is May 25. It is 10:50 a.m. We are at the Red Hook container terminal in Newark, New Jersey, and we will be questioning the captain on the *Toftevik* tanker ship.

We'll go ahead and get started. We'll go around the room and introduce ourselves, starting with the Coast Guard.

CWO [REDACTED]: Chief Warrant Officer [REDACTED]

MR. UNGER: My name is Michael Unger. I'm with Freehill Hogan & Mohar, and I represent the third officer.

MR. LENNON: Patrick Lennon with Lennon Murphy & Phillips. I represent the ship owner and the ship manager.

MR. SINGH: I'm Captain Devinder. I'm master of the motor tanker *Toftevik*.

MS. BELL: Can you spell your last name, please?

MR. SINGH: The last name is Singh -- Sierra, India, November, Golf, Hotel.

MS. BELL: Thank you.

MR. GHANDI: Sanjib Ghandi, marine superintendent with Wallem Ship Management, the managers of the vessel.

MR. HUSSEIN: Captain Saeed Wahid Hussein (ph.), the marine superintendent of the vessel *Toftevik*.

MR. TUCKER: My name is Adam Tucker. I'm with the National Transportation Safety Board.

MS. BELL: And I am Carrie Bell with the National

1 Transportation Safety Board. And we'll go ahead and get started.

2 CWO [REDACTED]: Okay.

3 MR. TUCKER: And Captain, it's okay for us to record this
4 interview?

5 MR. SINGH: Yes, it's okay.

6 MR. TUCKER: Okay.

7 INTERVIEW OF DEVINDER SINGH

8 BY CWO [REDACTED]:

9 Q. Okay. Captain, so mentioned -- we're just trying to get a
10 summary, go down through -- hear the statement of events that
11 happened on the 12th of May. And we'll cover down and give us a
12 step by step of where you were, what you observed, what actions
13 you have taken and any observations post-collision.

14 A. Okay, sir.

15 Q. Okay? And we will intermittently, if something comes up,
16 questions, we will intervene, ask them. Not to try to sidetrack
17 you or interrupt. We'll try to wait till a good stopping point,
18 but we'll try to get them out as well. But otherwise, just to
19 hear a good summary of the day's events.

20 A. Okay, sir. It has all started, sir, on 12th of May. So
21 myself and like -- I went up on the bridge like between 16 to 17.
22 We did pre-arrival control checks, like the U.S. (indiscernible)
23 department, we did like (indiscernible) before we have to do it.
24 So we did all that, and then I went to my cabin, had a like shower
25 and all that.

1 So around 1840 or 1835 -- time exactly, I don't know.
2 Between 1835 and 40, myself and chief engineer, we went down for
3 our dinner, sir. So we were having dinner, and then we -- our
4 table is like on the right-hand side, and all the junior officers,
5 they sit on the table behind us, sir.

6 Q. Okay.

7 A. And then after we finished the dinner, it was around maybe
8 1905 or something like that, after 19, definitely it was 19. And
9 I mean, like when I stood up, like the second officer was also
10 behind me. So actually, we were supposed to discuss the risk
11 assessment, because the terminal where we were supposed to go,
12 they were having a 30-centimeter under keel clearance. So our
13 company policy says that it has to be a 60-centimeter. So we have
14 to take a special permission for that from captain-wise only.

15 So I already prepared a message work box, I prepared a
16 message. I was just waiting for the tide calculation so that how
17 we can have to fit in, how we have to comply with this. This is a
18 special waiver. We get it from the company, like a one-time
19 waiver. Okay, you go ahead, this is the one-time waiver, but our
20 company policy says this. So I told second officer that I need
21 all this tide calculation, so we will discuss and then will fill
22 out the risk assessment and then we'll send it to the company.

23 So when I stood up, the second officer, I said, okay, let's
24 go; we'll do it. And then he said he was -- because he was
25 supposed to give one medicine, eye drop, to fitter because he was

1 having some eye problem and all that. So he told me, sir, is it
2 possible, shall I give this medicine? So I just saw and all that,
3 I said, okay; go ahead and give and all that.

4 So myself and chief engineer, we were just going up in like
5 the alleyways. So in the alleyways only -- like normally after
6 dinner, myself and chief engineer, we just go out like for a walk
7 and all that. So I asked chief engineer, are you coming up? He
8 said -- I mean, like we're 3:00 we are reaching and all that.
9 First he (indiscernible) that time he said, okay, let's go, and
10 all that. So --

11 So we went up on the bridge, myself and chief engineer. And
12 the moment he entered, the chief engineer, he was a little --
13 because it was cold, like he was not wearing any sweaters. He
14 said, let me put my pullover and all that, and immediately I will
15 join you. So he just, I think from the door only maybe two steps
16 inside, he went back and immediately was followed by second
17 officer.

18 So then myself and second officer, we just sat on the
19 computer. And like, I think in just one minute or so, you know,
20 we sat on the computer, then we look out the tide and all that.
21 And then maybe one minute later or something, the chief engineer
22 came up on the bridge. Maybe a few seconds, he just saw us, like
23 what we are doing on the computer, then he went up on the
24 wheelhouse.

25 So the moment he went in the wheelhouse, so he started

1 shouting. I mean, like, he saw the boat very close and all that.
2 So first he saw the duty officer. He was like, Rexel, what is
3 this? What is this? Captain the, captain the -- like, in Indian
4 language, Captain, the boat is very close to port. So I yell
5 (indiscernible) second engineer stood up. Second officer also
6 stood up. We immediately went over to this -- the gyro.

7 So I took over. I said, like, put it on hand steering, hard
8 starboard. And I told them, blow the horn, blow the horn. Maybe
9 third officer or I think the second officer, they started blowing
10 the horn and all that. And then I ran on the boat wing and all
11 that. Then it was just -- keep on sliding and then it went back,
12 like that boat and all that.

13 That's what has happened, sir.

14 Q. Okay. Captain --

15 A. And then I called up that boat captain and all that. So I
16 said, how is everything? I gave a half ahead, slow ahead.
17 Finally dead slow ahead we came. But it was so close that we do
18 not have the time. Like I think it's only maybe the time was, the
19 time was not sufficient, like for that wide (indiscernible) like
20 it was too close and all that.

21 Q. Okay. Just to go back a little bit from the beginning. When
22 you were mentioning the checks that you were doing, that's your 33
23 CFR --

24 A. Yes. That was around --

25 Q. -- pre-arrival checks?

1 A. That is correct.

2 Q. Okay. Yeah. Okay. When you mentioned that the chief
3 engineer came back up to the bridge after getting his sweater and
4 -- or additional clothing and observed the fishing vessel,
5 correct?

6 A. Yes, sir.

7 Q. Okay. How far, distance-wise, from that point when you stood
8 up?

9 A. It was very close, sir. It was very close. And I could see,
10 like, it was only on three points on my (indiscernible). And
11 maybe distance, maybe not more than one cable. It was one cable
12 only, sir. So it was -- probably like by altering the course, I
13 could have saved like maybe -- it would affect us only one port.
14 It would -- because it (indiscernible) port and all that. That's
15 only like -- I probably have maybe the impact of this collision is
16 reduced. Like it was very close, sir. It was very close.

17 Q. Okay. And who was on -- besides yourself, the chief
18 engineer, the second officer, who else was on the bridge at the
19 time?

20 A. There's duty officer and the helmsman, sir.

21 Q. Okay. The helmsman was -- who was that on at the time?

22 A. Roel, sir. Roel.

23 Q. An AB?

24 A. Yeah.

25 Q. Okay, and the duty officer was the third officer?

1 A. Yeah, Rexel. Rexel.

2 Q. Third officer. Okay. Okay. At any point during -- once you
3 had entered the bridge after dinner, was there any radio -- did
4 you hear any radio communication with any other vessel to your
5 vessel?

6 A. No. No radio communications, sir. You mean when I went up
7 on the bridge after there? No. There was no radio communication.

8 Q. Okay. And how was the weather?

9 A. Weather was absolutely fine. And a little close to horizon,
10 there was a little bit -- I could not see -- able to see the sun,
11 but it was absolutely clear, sir.

12 Q. Okay. Was there a lot of traffic that you --

13 A. No, sir.

14 Q. -- observed? Okay.

15 A. No. There was this only fishing vessel and one fishing
16 vessel quite far away, sir. Yeah.

17 Q. And just to reiterate, Captain, what you have said, do you
18 recall what the -- what your bearing and speed was?

19 A. Course was around 270, sir. Speed was around 11.7 or 11.8,
20 something like that.

21 Q. Okay. After the collision, I know you said you went to the
22 bridge wing, which would be the port bridge wing?

23 A. Port bridge wing, but already that boat was already there,
24 sir. Clear on the port bow. Like I saw it, like two or three
25 times like they're hitting. They're like derrick hit my gangway

1 on the port side. And then the impact was not -- it just kept on
2 like scraping along the ship (indiscernible). Then they went
3 somewhere close to this side on the port quarter. And then we had
4 altered hard starboard, and then finally hard port, hard port or
5 (indiscernible) again. And then again we came back to 270.

6 Q. Where was the fishing vessel when you were into hard
7 starboard?

8 A. It was --

9 Q. Already off the stern?

10 A. No, no, no, no. It was over there. Like when I saw it, it
11 was less than one cable at that time when gave hard starboard,
12 sir.

13 Q. Okay. I'm just -- because of the --

14 A. No. Before collision only, I gave hard starboard, sir.
15 Before collision.

16 Q. And did they redo --

17 A. But the time was very less than. I gave hard starboard; the
18 time was very less.

19 Q. Okay. And that was the -- was that around the same time of
20 blowing the --

21 A. Yes, same time.

22 Q. -- signal? Okay.

23 A. Maybe a few seconds before we just blew the horn and all
24 that.

25 Q. Okay. And that's when you also ordered the reduction in

1 speed --

2 A. That is correct, sir.

3 Q. -- when you (indiscernible) hard starboard?

4 A. Hard starboard, yeah. And I -- we were discussing -- we were
5 already on 87 RPM, sir, so it was not like navigation full ahead.
6 Because we are not -- we did not get any -- like normally we get
7 the instruction from the gyro going full speed, navigation full
8 and all that. So we were on like normal maneuvering speed. We
9 could immediately, like I ordered -- I mean it was not like even a
10 few minutes only and immediately I gave half ahead and slow ahead
11 and dead slow ahead.

12 Q. Okay. Do you recall -- so this -- around the time of the
13 incident, which was the 1900 -- 1915 --

14 A. Yeah, I have written timing 1916, sir. These are all
15 approximate times.

16 Q. Yes.

17 A. Later on I found out like it was a bit earlier. So I only
18 wrote this when I saw it, sir.

19 Q. What time is your normal watch schedule for the navigational
20 watch?

21 A. For me, sir?

22 Q. For the crew that was up there, your AB and your third
23 officer.

24 A. Normally they keeps a 1600 -- that third officer, 22 -- at
25 midnight, and then midnight to 4:00 second officer. And then

1 forthwith, again, another third officer because we are doing lot
2 of (indiscernible) operation, so they had given additional
3 manpower. The chief officer is not on the bridge watch. He is
4 doing the day watch only.

5 Q. Okay. So the AB and the third officer that were -- was on
6 watch were due to get off --

7 A. Yeah. Yeah.

8 Q. -- around 8, around 2000?

9 A. Yes.

10 Q. Okay. Okay. Was there any -- I don't want to go into this
11 too much, but (indiscernible). Was there any -- when did you
12 depart Canada?

13 A. Depart Canada on 10th of May, sir.

14 Q. Tenth of May. Okay. Continuous voyage?

15 A. It was a continuous voyage.

16 Q. Okay. Any extra, out-of-the-ordinary circumstances that the
17 crew was working on board the vessel outside their normal watch?

18 A. No, normal, sir.

19 Q. Okay. And so Captain, then when you -- after the vessel,
20 after the fishing vessel *Polaris* was off the stern of your vessel
21 and you guys had already gone hard to starboard, reduction in your
22 gear, was there any radio communications at that point?

23 A. I made a radio communication, sir, with that *Polaris*. So
24 immediately I called them up. I told them to come to channel 06.
25 So then I asked them like how is everything; everything okay? He

1 said, Captain -- first time he said, Captain, I'm assessing; I
2 will let you know and all that. So he asked me also, how is your
3 side? I said, I am also checking and I'll let you, like what
4 is --

5 So then after a few minutes, again I call him up. So I said,
6 everything okay? (Indiscernible). He said, yes, Captain, for me,
7 everything okay; there is no damage and no injury and all that.
8 And he told me, I apologize; I went to sleep.

9 Q. Okay.

10 A. Yeah. That's what he has told me, but --

11 Q. Did he identify -- the gentleman that you spoke to you on the
12 radio, did he identify his position?

13 A. No, sir. No. He said that he is a captain. He's a -- but
14 then I asked like -- now normal, like, we have asked their details
15 of the fishing vessel: name, MMSI number, call sign, their owner
16 name and all that. But they did not ask us anything. So I asked
17 them, so I noted down everything and all that.

18 So I said, I am going to inform the Coast Guard. He said,
19 okay, go ahead from your side. So then I call the Coast Guard. I
20 call up my qualifying (indiscernible). I call up by DPA and
21 everyone in the office. So that's --

22 Q. Okay. I may have just missed this, Captain. I apologize.
23 How many radio communications did you have with the *Polaris*?

24 A. I only had two communications.

25 Q. Two. Okay.

1 A. I don't know. My crew have heard later on. I'm not sure
2 about that, because I was busy and lot of contact, phone calls and
3 all that. So crew have heard that Coast Guard have called them
4 up, and then he admitted to Coast Guard. I am not sure, sir,
5 about that. I am not sure about that.

6 CWO [REDACTED]: I'll let you --

7 BY MS. BELL:

8 Q. Okay. So I'll just continue with the accident sequence and
9 then I'll come back. I've got a few questions about training and
10 things like that, but I won't interrupt this part for that.

11 So I just wanted to clarify something. When you were talking
12 about the chief engineer, you said something about him taking eye
13 medicine or something?

14 A. No, not chief engineer, ma'am. It is like -- the fitter had
15 some problem, an eye problem, eye problem. First in the
16 afternoon, he came to me. He said, sir, I want to go because I
17 cannot see. Maybe my specs have some problem and all that. So I
18 said, okay, let me check. And then he said, my eyes have some eye
19 inflammation and all that. So second officer show me one
20 medicine. He said, sir, he has come to me; shall I go ahead and
21 give this medicine? So I just saw. I said, okay, go ahead, give.
22 So I think he found him on the -- somewhere in the alleyway only
23 and he gave him, and he just follow, followed us, myself and chief
24 engineer.

25 Q. Okay. And so who was it that was asking for the -- that was

1 having the eye problems?

2 A. Fitter. Fitter.

3 UNIDENTIFIED SPEAKER: Fitter.

4 MR. SINGH: Fitter.

5 MS. BELL: Okay, okay. Okay, I just wanted to clarify that.
6 I was a little confused.

7 BY MS. BELL:

8 Q. So do you transit in this area often?

9 A. Yes, my last vessel, I did about 6 months. We were all the
10 time on U.S. coast only, ma'am.

11 Q. And do you usually have traffic in the area? Is there much
12 traffic? Was this --

13 A. No, there was no traffic, ma'am. We were in that normal --
14 it was just -- as I told you, there were only two fishing vessels.
15 One was quite far away, and there was no other vessels apart from
16 us.

17 Q. Is that --

18 BY CWO [REDACTED]:

19 Q. Previous voyages, Captain? Like, how many times do you
20 estimate that you made an entrance through the approach into New
21 York?

22 A. New York? Not on this vessel, sir. Previous vessel. Not on
23 this vessel.

24 Q. How many times do you think?

25 A. Maybe twice or thrice. But not on this vessel. Because on

1 this vessel, we, most of the time, we will remain in U.S. Gulf,
2 sir. U.S. Gulf. New Orleans and Pascagoula, all those places.

3 Q. Have you identified much fishing traffic on those previous
4 voyages?

5 A. There was, but not much. There was others were -- there were
6 some -- plenty of the platforms, oil rigs and all that in the U.S.
7 Gulf and all that. So those are there, like --

8 Q. Okay.

9 BY MS. BELL:

10 Q. So is this the first time you've transited in this area on
11 this vessel?

12 A. On this vessel, first time.

13 Q. Okay. And the third officer, have you worked with her?

14 A. No. First time. First.

15 Q. First time you've worked with her? Do you recall when she
16 came on the vessel?

17 A. She joined in the month of, I think -- last month only.
18 April. Beginning of April.

19 Q. April?

20 A. Yeah.

21 Q. 2018?

22 A. Yeah.

23 Q. And you were speaking earlier, after the chief engineer
24 observed the *Polaris* with --

25 A. Yeah, he is the first time, ma'am, that first I ever -- he is

1 the first person whom (indiscernible) the vessel, fishing vessel.
2 Captain, saheb, fishing vessel and all that. So first he said to
3 duty officer, Rexel, what is this? So then he said, Captain,
4 please see. It's like (indiscernible). Immediately I stood up.
5 Because I was sitting on the computer. The computer is
6 (indiscernible). So the moment I stood up, immediately went out.
7 I saw it's very close, and then immediately took over, hard order
8 and all that. Speed reduction and all that we did. I did not get
9 the time to check the radar. Like it was so close, there was no
10 way like we can escape from that.

11 Q. Do you recall where the third officer was standing or
12 sitting, or what she was doing at that time when you first
13 realized?

14 A. Exactly at that time, ma'am, I don't remember. Like because
15 when I saw, it was short, but I think close to that gyro only. I
16 mean, like maybe ahead of the gyro, like that wheelhouse. I'm not
17 sure about that. I'm not sure.

18 CWO [REDACTED] Let me clarify something real quick, Carrie.
19 Captain, so when you said the distance, you're calling it
20 line? I just want -- or cable? The distance? Can you clarify
21 what one cable would be as far as in nautical mile, I guess?

22 MR. TUCKER: One-tenth of a nautical mile.

23 CWO [REDACTED]: One-tenth of a nautical -- so cable is one-tenth
24 of a mile?

25 MR. SINGH: Yes. It was almost to maybe that. Maybe less

1 than that only. I am not sure. Because there was nowhere, like,
2 I had time to check the radar or -- immediately we just start to
3 avoid that. So I just -- like I went on this, gave hard
4 starboard, slow down. Half ahead, slow ahead.

5 CWO [REDACTED]: Okay. I appreciate it. I just wanted to clarify
6 what the (indiscernible) --

7 MR. SINGH: Distance, sir, I am not sure, but it was very
8 close. It was very close.

9 CWO [REDACTED]: Okay.

10 BY MS. BELL:

11 Q. So when you said that -- when you heard that the boat was
12 close, you told them like to sound the signal.

13 A. Yes.

14 Q. Can you -- what was that signal?

15 A. It's on front panel with -- like over there. And on the
16 console panel also. Console panel. From there, there was like a
17 -- pressing that button on the console panel, big console panel.

18 Q. And what is that signal?

19 A. It's like long blast, long blast. Just to divert their
20 attention of the -- to get the attention of that fishing vessel
21 like that we are very close.

22 Q. So it's one long blast?

23 A. Many (indiscernible).

24 Q. Oh, you just keep doing it? You keep --

25 A. Just keep on doing. Just kept on pressing on all this.

1 Q. Is there a procedure that you normally use for alerting other
2 vessels in the area if they're getting close?

3 A. Yes, Miss. Otherwise, like I did not have other option. By
4 the time I call on VHF, maybe it would have been different. But
5 that's the first thing I could have done it, like, just to --
6 because there was no time to go on VHF. There was no time to
7 check on radar or ECDIS, like where that vessel is. I just said,
8 first blow the horn and hard starboard, half ahead, slow ahead.
9 That's what, whatever we could have -- I mean, like that's what I
10 have done it. Yeah.

11 Q. And so you -- just so I have this clear, who did you call
12 immediately after the accident took place?

13 A. First of all, I called *Polaris* only. Yeah.

14 Q. And did they answer the first time you called?

15 A. Yeah, they called me, and they answered me back. They said,
16 we are just assessing the damage. First time he told me,
17 Captain, how is everything on your side? I said, we are also
18 assessing the damage.

19 Q. And was that on a radio?

20 A. On the radio, ma'am. Channel 06. We called them on channel
21 16 and then we change over to 06.

22 Q. Okay. And you said that you had gone to dinner around --

23 A. 1835 or 40, ma'am, at this time.

24 Q. Okay. Were you on the bridge before that?

25 A. Between 16 and 17. Around I think 1710 or -- I don't know.

1 Like we finished this control test and went down. Approximate, I
2 think, 1710 or something like that.

3 Q. Okay. So typically how long do you spend on the bridge in a
4 normal day?

5 A. Normal day, like you see, ma'am, in the morning I spend like
6 almost -- like because there are plenty of communication with the
7 charters and all that. So 8 to 12, normally I am there on the
8 bridge. So then in the evening like -- I go on deck also in the
9 morning, also after tea time, I just go on deck and all that. And
10 again, normally I stay on the bridge.

11 And then evening it all -- I mean, like sometimes after 1500,
12 15- to 1600, sometime I go over there and -- mainly depends upon
13 on the workload. If there's plenty of communications and
14 messages, I stay longer. And then in the nighttime, I just go
15 between 22, 2000 to write down my night orders, ma'am. Yeah.

16 Q. And do you recall the night -- so I know this is thinking
17 back a week, more than a week. But do you recall the night
18 before, about how much sleep you'd had the night before?

19 A. I had sufficient sleep, ma'am.

20 Q. I'm sorry?

21 A. Sufficient sleep. I have sufficient sleep.

22 Q. So about --

23 A. Like I said, like I think I have gone to sleep around by
24 11:00 and then got up at 6:30. Was at 10:00, 10:30; 6, 6:30.

25 Normally every day, I tell the bridge to give me a call at 6:30 in

1 the morning. So I get up, just go on the bridge. One time just
2 connect communication because our online is this -- email is not
3 all the time online, so just check any messages that come and all
4 that. Then after breakfast, I start giving the reply to all those
5 messages. That's the routine procedure, ma'am.

6 Q. Okay. So you typically go to bed around 10:30, get up at
7 6:30 --

8 A. Yes. Yes.

9 Q. -- something like that?

10 A. Yes. Yes, ma'am.

11 Q. And this was no different from any other --

12 A. No. Because it's like normal, like routine voyage. But we
13 were about to reach 3:00 in the morning, so we were thinking maybe
14 like going to sleep. And I just had to write down my night order.
15 Because after 2, 3 hours, anyway, I have to go up on the bridge
16 because we're changing that bridge watch level and all that
17 because we are entering into the traffic separation scheme. So
18 then, I'm supposed to be there. Like that was coming after 2
19 hours or 2, 3 hours like. Because 3:00 we're reaching, I think,
20 around 15 or 20 miles before the traffic separation scheme starts.
21 So I'm supposed to be there on the bridge.

22 So on that -- like keeping in that mind, so I said, okay,
23 just discuss this risk assessment, send it to them, so by the time
24 nighttime I will go up, I will get approval from them. So I
25 wanted to come back to my cabin to just have maybe a few, 1 or 2

1 hours of sleep, and then again had to go up on the bridge. So
2 that was my plan at that time.

3 Q. Okay. So you were going to be going into the traffic
4 separation scheme?

5 A. That was after maybe 2 hours, 2 or 3 hours later on.

6 Q. That night?

7 A. That night. Three hours later, ma'am. Yeah.

8 Q. That was your plan. That was --

9 A. Yeah, that was my plan. Because I was -- exactly I don't
10 know, but maybe 2200 or 2300, I was supposed to be there on the
11 bridge.

12 Q. Okay. And do you -- excuse me. Do you have any kind of a
13 policy for cell phones on the bridge?

14 A. We have that cell phones are not allowed on the bridge. And
15 normally they don't carry. Like even I -- at that time I -- third
16 officer, I always check, and he was not having any cell phone.

17 MS. BELL: Okay. That's all the questions I have for now.
18 I'll come back (indiscernible).

19 MR. TUCKER: Okay.

20 Well, Captain --

21 MR. SINGH: Yes.

22 MS. BELL: Thank you.

23 MR. TUCKER: Thank you for, again, talking with us, and we
24 appreciate your time and --

25 MR. SINGH: No problem.

1 BY MR. TUCKER:

2 Q. I do have a couple follow-ups, and then maybe I'll -- I want
3 to get down into the details of what you remember visually seeing
4 of the collision.

5 A. Okay.

6 Q. But first of all, just to clarify, you mentioned 3:00
7 arrival. Is that -- was that 3 a.m. at the pilot station?

8 A. Three a.m., sir. Three a.m.

9 Q. Okay. That's when you ordered the pilot?

10 A. No, there was no pilot for us on that night, sir.

11 Q. Oh.

12 A. So we was -- they were -- told us to drop anchor at the
13 Ambrose anchorage.

14 Q. Okay.

15 A. Yeah.

16 Q. I'm glad I asked that question.

17 A. Yeah. Because the pilot was on 17th, 17th of May.

18 MS. BELL: 17th?

19 MR. SINGH: 17th of May, sir.

20 CWO [REDACTED]: 17th of May. So you were going to be at Ambrose
21 for --

22 MR. SINGH: Yeah.

23 CWO [REDACTED]: -- 5 days, roughly?

24 MR. SINGH: Five days, sir.

25 CWO [REDACTED]: Okay. Yeah.

1 MR. SINGH: But then they informed it was 16th of May. That
2 was a -- later on, like they changed it.

3 CWO [REDACTED]: Okay. Thank you.

4 BY MR. TUCKER:

5 Q. Okay. And you mentioned the computer, you and the second
6 officer were looking at the computer. Just for clarification,
7 that's a -- that computer's on the bridge, right?

8 A. That is on the bridge, sir.

9 Q. And we've been on the bridge yesterday, but we -- and I may
10 get you to identify that when we go up.

11 A. Sure.

12 Q. But that computer is aft on the starboard side?

13 A. On the starboard side aft.

14 Q. Okay. Because there's like a bunch of computers there.

15 A. That is correct, sir.

16 Q. Okay. And you were looking at the tidal software or --

17 A. No, tidal, he has already calculated tidal and the tides and
18 all that. He was already -- he wanted to show me like this much
19 is the tide and all that. So we had to like do the risk
20 assessment. So risk assessment plus the message already prepared
21 in the -- like noontime, I prepared. So what I am supposed to
22 write it to him.

23 Because then we had to do, like previous voyages also, we had
24 to see the previous voyages that -- because the ship being to this
25 port in the month of January with the same (indiscernible) and all

1 that. So we had to reassess like, okay, they have how much -- you
2 could see they had it like before and all that. So keeping in all
3 the factors and all that, I was supposed to send a message to him
4 to get the one-time waiver, sir. So that was, like, we were
5 supposed to do.

6 Q. And you said you were expecting a (indiscernible) of 30
7 centimeters.

8 A. No, this is the port regulation, sir.

9 Q. Port regulation.

10 A. Port regulation that Phillip 66 we are supposed to go, they
11 say like their regulation is 30 centimeter. But my owner policy
12 is minimum 60 centimeter. So we had -- we were like -- I was
13 supposed to take one-time waiver from my -- the managers from my
14 management company.

15 Q. Okay. Thank you for clarifying that.

16 I'm going to come back to a few questions, just -- Captain,
17 were there any -- you mentioned you did the CFR checks.

18 A. Yes.

19 Q. That was around between 16, 17. We've got the logs for that.
20 But any navigational equipment deficiencies that you were aware
21 of?

22 A. No, sir. Nothing. Everything in working order, sir.

23 Q. Engineering propulsion? Steering?

24 A. No.

25 Q. Okay. How many steering pumps were running at the time?

1 A. One, sir.

2 Q. One steering pump was running. And what was your draft?

3 A. 12-decimal-65, sir.

4 Q. 12.65 draft. And that was even keel?

5 A. Even keel, sir.

6 Q. Okay. I haven't looked to detail on the -- for the depth of

7 water in that area, but was there any issues with the water --

8 A. Well above -- more than 50 meters, sir. About 50 meters.

9 Around 50. The time we drop anchor, it was about -- around 45

10 meters. I just went out on this, and then I drop anchor.

11 Q. Okay. I know you mentioned things happened fast from the

12 time you were at the computer with the chief engineer. Do you

13 recall any alarms on the bridge --

14 A. There was no alarms, sir.

15 Q. Okay. Let's see. The cargo that you had on board?

16 A. Crude oil. Three grades of crude oil.

17 Q. Three grades?

18 A. Yes, sir.

19 Q. Okay. Were you fully loaded at the time?

20 A. No, no, sir. Partly loaded, sir.

21 Q. Partly. Okay. So just with the, with the draft and the

22 partial load of the vessel, got a bit of freeboard. Are there any

23 conditions of visibility forward? I know it's a long ship from

24 the bridge.

25 A. No, sir.

1 Q. Any issues there?

2 A. No. No issues, sir. We were even keel. I mean, like
3 normally this is the draft we sailing at, sir.

4 Q. Okay.

5 A. Yeah. It's only like when we are in U.S. we load part
6 because we are doing (indiscernible) every port like U.S. we have
7 a draft restriction, sir. So we cannot go like to the maximum
8 summer draft. As we discussed yesterday, you know, we are doing,
9 like (indiscernible) also. We always load maybe half load and all
10 that. 500,000 barrels all the time. This one we are carrying
11 like a little more than 500,000. Around 650,000, sir.

12 Q. 650.

13 A. Yeah. About, sir. About.

14 Q. Okay. Yeah, we have the stability (indiscernible) for that,
15 so thank you for that.

16 A. Thank you.

17 Q. Now we're going to get to the fishing boat. So I understand
18 you were at the computer. And just for clarification, the chief
19 engineer was the first one that --

20 A. He is the first one who shouted, sir. He is the first one.
21 Like I heard from, first, from chief engineer: Fishing vessel,
22 fishing vessel. Rexel, what are you doing there? Captain, saheb;
23 Captain, saheb, please see. Fishing vessel. He immediately then
24 I stood up. Second officer stood up. And then we rushed -- it
25 was like this, so we have to rush like this. Put it on a hard

1 starboard, maybe. That was like -- that was the time we order
2 (indiscernible) like that, yeah. But it was very close, and speed
3 I don't know, but it was moving very fast, that fishing vessel.
4 I'm not sure about the speed, sir.

5 Q. Got it. Did you notice, Captain, any signals from the
6 fishing vessel?

7 A. No.

8 Q. No? No fishing signals?

9 A. No fishing signal, sir.

10 Q. Okay. Any fishing lights or --

11 A. No.

12 Q. I know it was daylight, but --

13 A. Daylight, sir. Nothing.

14 Q. Okay. Did you notice any running lights on?

15 A. Running lights, sir?

16 Q. Any -- did he have his navigation lights on?

17 A. No, I could not able to see the navigation light, sir.

18 Navigation lights -- it was quite daytime, I remember. But my
19 navigation lights were on. We keep it on 24 hours.

20 Q. Okay. Captain, any issues with the radar? Any limitations,
21 blind sectors? I know sometimes fishing vessels are harder to
22 see. How were the sea conditions that day?

23 A. Fine, sir. Fine. Fine, sir.

24 Q. What would -- do you remember roughly what sea conditions you
25 had?

1 A. I think it was like slight sea only, sir. It was like --
2 wind was also not much, and weather was clear.

3 Q. All right. So you went up, you went forward. And you
4 mentioned the gyro compass. We'll go up and take a look on the
5 bridge, but just for clarification, that was the gyro that's
6 forward in the center of the wheelhouse; is that correct?

7 A. No, the wheelhouse -- that steering -- that is in the center,
8 sir. The hand steering and all that where we change over auto to
9 hand steering, that is in the center. And the one repeater, also,
10 is forward, sir.

11 Q. Okay. So that's roughly where you were?

12 A. No. I was just -- when I stood up, I just went along this --
13 the computer table is there. Along the computer table, I went and
14 ran towards this -- that wheel, that -- center of the wheel
15 console is there. I ran towards that, sir. Yeah.

16 Q. All right. And then from -- so you gave the helm order hard
17 to starboard.

18 A. Yes, sir.

19 Q. Do you remember what kind of rate of turn? Was it a high
20 rate of turn or --

21 A. No, I did not notice that, but it was turning, sir. It was
22 -- initially it was very slow, but afterwards it was turning very
23 fast.

24 Q. Okay, and --

25 A. But by that time we already hit that, like -- it was turning,

1 but maybe, as I told you, like it has already impact, sir.

2 Q. Okay.

3 A. Yeah.

4 Q. And I know you mentioned you didn't quite know where the
5 second officer was at that time, but do you recall -- or is it a
6 routine for your officers to be standing or maintaining watch at a
7 certain location?

8 UNIDENTIFIED SPEAKER: I'm sorry. Do you meant the third
9 officer or the second officer?

10 MR. TUCKER: I apologize. The third officer.

11 BY MR. TUCKER:

12 Q. Do they typically maintain their watch at a certain location?

13 A. No, that is not -- like anywhere they can be in that
14 wheelhouse, sir.

15 Q. Do they have any sitting position or are they always standing
16 during --

17 A. There is one chair, but normally they keep a standing watch.
18 Maybe sometimes they must be sitting else on that chair, but that
19 chair is quite high.

20 Q. Okay. Captain, any night orders? I know it was early in the
21 evening.

22 A. On that day, sir, I did not write. But previous evening,
23 like I had it, because on the 11th -- I mean, like 11th and 12th
24 night I had a night order. But 12th, I did not have it because I
25 was supposed to go -- because at that time when I went out, I was

1 supposed to write down. Give me a call 1 hour before entering
2 into TSS. It was marked on the -- like this, where they were
3 supposed to give me call. But it's just a reminder to them, okay,
4 give me the call as marked on like this, and all that. So they
5 were supposed to give me call, sir.

6 Q. Okay.

7 A. So that -- before I should come down, I should have written
8 over there, but I did not get the chance to come down.

9 Q. Okay. Understood. Back to the ship's whistle. You just
10 mentioned it was a sequence of just long blasts.

11 A. Sequence of long blasts. It's continuous, sir. Continuous
12 long blasts and all that. Maybe twice or thrice they give and
13 like just continue. But at that time, as I said, that it was
14 almost very close. I mean, like when I heard, I just ran towards
15 the port wing and all that.

16 Q. Understood. So I was wondering now, if it's -- so you
17 mentioned that you were forward and then you went to the port wing
18 and the vessel was very close. I'm wondering, do you remember
19 what aspect the vessel was, the fishing vessel was, when you first
20 saw him? In other words, were you looking mostly at his starboard
21 side, his bow, his -- what do you remember when you first saw him?

22 A. It was straight, I think. It was straight, I think, towards
23 us, sir. I can see like almost like this aspect, like maybe
24 slightly -- it was like -- it seems to be like slightly crossing
25 situation. But it was always straight coming towards us, sir.

1 It's about 3 points on our port bow.

2 Q. Three points on the port bow, and --

3 A. Approximate, sir. Exactly, I did not -- as I told you, I did
4 not take the bearing and all that.

5 Q. Okay. And when you say the aspect was straight, so you're
6 looking pretty much at the bow --

7 A. Yes.

8 Q. -- like just almost like looking at the vessel from direct
9 ahead.

10 A. Yes. Maybe slightly port side, slightly port side. But most
11 of the time like it's like straightaway coming towards us. Not
12 port side. Starboard side, sir.

13 Q. And seeing some of the starboard side?

14 A. Yeah. Yes.

15 Q. Okay. I know, I know it's by memory and it's old, but you
16 said -- you know, still like to get an understanding of that. So
17 when -- did you lose sight of him at any time? Like did you lose
18 him because he was on the ship side? Did you see him, or were you
19 able to see the fishing vessel the whole time?

20 A. No, I never lose the sight. Only I lose the sight when they
21 were close to the bridge wing. But by that time, I was already
22 out. So when I saw it, they were already over there. Like the
23 moment they cleared, then I saw it there on the port quarter, sir,
24 at that time. But they were quite clear at that time.

25 Q. Okay.

1 A. They hit once their -- this thing, derrick. They hit on my
2 -- this port side gangway. There was one loose derrick in the
3 forward part.

4 Q. Okay. I was wandering if -- and again, this is just to kind
5 of get an understanding of the collision sequence and what you
6 remember. Is it okay if we draw a picture --

7 A. Yeah, sure.

8 Q. -- and see what you remember? And it's just going to be a
9 basic picture but --

10 MR. TUCKER: Carrie, do you have a piece of paper?

11 MS. BELL: Yeah.

12 MR. SINGH: Like this?

13 MR. TUCKER: Yeah, sure. Yep, that'd be perfect.

14 BY MR. TUCKER:

15 Q. And again, Captain, this is not exact at all.

16 A. Yeah.

17 Q. But I'd like to -- relative to, yeah, relative to your ship.

18 A. This is my vessel, sir, and he was somewhere here, like
19 coming like this. It was -- I don't know, maybe somewhere here.
20 Like this. So I was here, so slightly maybe on the port side,
21 straightway coming toward -- but this distance was very less.
22 Distance was very less. Yeah.

23 Q. Okay. And then what do you remember? So after the contact
24 was here, do you remember his -- like a change in direction --

25 A. No.

1 Q. -- of the fishing vessel?

2 A. No, they were -- just kept on scraping like this, and then
3 little bit like this, then like this, and then finally they passed
4 like this. And by the time I altered, like this. And then I saw
5 them later on, like they was on my starboard quarter. And they
6 were again proceeding towards their destination. Immediately they
7 (indiscernible). Then I alter. They said, captain, my side
8 everything okay; I'm proceeding.

9 Q. Okay. So when you, when you saw -- at this point right here,
10 you were on the bridge wing or no?

11 A. No. When I saw it hitting, I was in the bridge, bridge only,
12 inside only. But then -- once I started running towards the
13 bridge wing, they hit me once here on the -- this gangway. And by
14 the time I was here. Then when they were under the bridge wing, I
15 could not able to see. Then I was just like on my port quarter.
16 Then they, they clear it from here then.

17 Q. Okay.

18 A. Yeah. It was not like I lost the sight for a very long time.
19 Maybe few seconds only, when they are under my bridge wing and all
20 that. But it was not like much. Immediately I saw it and they
21 were, like, somewhere here, like, at that time.

22 Q. Okay. I was wondering if -- so as it moved down your
23 shipside, could you draw an arrow roughly of what you remember the
24 aspect of the vessel was?

25 A. So they hit like this. And then maybe twice or thrice they

1 hit me, like, here. And then slowly they turn it, I mean, like,
2 after they hit and all that. Probably we were altering and all
3 that. And then that -- they got clear and all that. But
4 afterwards also, they were so close and all that, their derrick
5 hit my -- this thing. Gangway on the port side. And then slowly,
6 slowly, they clear like this. And by the time we altered like
7 this and they were on my starboard quarter. And then again I
8 altered, but by the time they were already moving sir. Yeah.

9 Q. And Captain, during his evolution -- I understand, so by the
10 time you got here, they were aft?

11 A. By the time I saw it from the bridge wing, they were already
12 aft.

13 Q. And their, and their bow was facing what direction? When you
14 got here, what direction was their bow? Do you remember?

15 A. My bow, sir?

16 Q. The fishing vessel's bow.

17 A. I don't remember, sir. Yeah.

18 Q. Did you order any counter rudder, any -- at that point?

19 A. No. Because when they were already here, so then I alter my
20 boat, like port side and all that.

21 Q. Okay.

22 A. So, but like here, like -- it was so close, I altered my
23 starboard. If I would have gone to port also, they would have hit
24 me. There was nowhere -- because he was very close. And then
25 maybe 3 -- because he was (indiscernible), sir. Even if I would

1 have gone to port also, I could not have saved him, sir.

2 Q. Understood.

3 A. Yeah.

4 Q. Thank you for that. That actually is a help, again, for us
5 to kind of get a visual of the aspect of what you remember of that
6 vessel.

7 A. Yes. Because if they would have hit me, like, half of my
8 (indiscernible) one, maybe that -- altering my course to port, I
9 could have saved him more. But they are like maybe hitting me on
10 my port, one port or two port. By altering my course to
11 starboard, it has changed to three port and all that. So even if
12 after I alter my course, so he could have then keep on hitting me
13 on this, that --

14 Q. Okay. And you said derrick. That was -- you said it hit the
15 gangway?

16 A. They're derricks, sir. They are one derrick, like normally
17 they pick up the fish and all that. Like there's a like a boom,
18 like small. So it hit me once and all that. It is tied up with
19 the rope and all that. But I did not -- I mean, like it didn't
20 fall, I mean, like that. It was intact with the -- but it hit me.
21 It has made a damage to my gangway on the port side gangway, sir.

22 Q. Post-accident, was -- did you find anything from the fishing
23 vessel on board your ship? Like any paint, any debris, anything?

24 A. No, sir. I don't think so. Even that piece I was thinking
25 maybe fishing vessel, I think that is also from my vessel only.

1 Q. And did you feel anything when --

2 A. No. I did not feel anything, sir.

3 Q. And around what time -- you said you ordered port rudder.

4 Were you on the bridge wing at that time, or when you ordered --

5 A. The port rudder?

6 Q. Yeah.

7 A. No, when they already entered here, like then again, I

8 entered into the wheelhouse. And then I ordered my port. And

9 then, and then I spoke to them afterwards. I went on VHF and then

10 I spoke to them.

11 Q. So when the fishing vessel was on your port quarter and

12 clear, then you went inside --

13 A. Yes.

14 Q. -- and you ordered port rudder.

15 A. Yes, yes.

16 Q. Okay.

17 A. But after this hit, like, it was very -- like, they just kept

18 on scraping and all that. There was no hit after this. No hit

19 there.

20 Q. Did you order, like, port 20, port 30, hard to port?

21 A. I think hard starboard. I have given hard to starboard.

22 Q. Okay. Where was the second -- sorry, the third officer at

23 the time when you went to the bridge wing?

24 A. She was on the wheelhouse only, sir. Because at that time, I

25 had already started running here and there. I think he was -- she

1 was pressing that air horn, maybe. It was -- second officer was
2 also doing. Third officer was also doing.

3 Q. Okay. The other question I'm going to ask is -- and we'll
4 take a walk around, but just, again, so if you're on the bridge,
5 could you, like, draw a rough layout of the bridge?

6 A. So this is the wheelhouse. This is the chartroom behind
7 this. Okay, so here -- the computers are there. Three computers.
8 Here are the chairs out there. Okay. Here is a wheel, steering
9 wheel and all that. So we were sitting here. So the moment the
10 chief engineer -- here is the door. Chief engineer came. He was
11 just standing -- just few seconds only he stood behind us, then he
12 went out here. Here is that portholes right here. He was here.
13 From here, he shouted.

14 And then we showed up. We went all the way along this. Hard
15 starboard. And then when it hit, I just went and then go out on
16 the port wing.

17 Q. Perfect. Thank you.

18 MS. BELL: Can I ask a quick question?

19 MR. TUCKER: Sure.

20 MS. BELL: Just a follow-up there. Was the chief engineer --
21 when he was standing behind you, is that when he saw the vessel?

22 MR. SINGH: No, no, no.

23 MS. BELL: He had come around the side?

24 MR. SINGH: He went -- yeah. Yeah, and he came out there.
25 When he came over there, like then at that time, from here he

1 started shouting.

2 MS. BELL: Okay.

3 BY CWO [REDACTED]:

4 Q. Okay. Let me see. Captain, do you recall any significant
5 changes in speed or direction prior to while you guys were having
6 dinner or leading up to the actual point of when you came onto the
7 bridge?

8 A. My vessel, sir?

9 Q. Yes.

10 A. No. No, we were going on our -- almost all the time 11½.

11 Q. Around 11½?

12 A. Yeah.

13 Q. Okay.

14 BY MR. TUCKER:

15 Q. Back to the fishing vessel, when you sighted him, did you
16 notice any change of course, change of speed --

17 A. I have not seen it, sir. Because I saw it directly coming
18 towards me in the wheel, like I told you. Like this is the way
19 that he was coming. I did not see any alteration of course.

20 Q. Okay.

21 A. Yeah.

22 Q. And --

23 A. But third officer have told me -- I don't know, maybe -- I
24 mean, she said it before like they have altered. I don't know,
25 like --

1 Q. Okay. And just -- we don't have to get into real detail, but
2 just after the accident, I know you mentioned that you made a
3 bunch of calls, DPA and QC -- QI.

4 A. Yes, sir. Yes, sir.

5 Q. And then you went to anchorage. Did you go to anchorage,
6 like, immediately, or did you still proceed to Ambrose?

7 A. No, we were only at slow ahead, sir. And then we suddenly
8 had like water in our main engine lube oil sump -- main engine
9 lube oil sump, the tank, lube oil sump tank we had like water.

10 First we got a clearance from the U.S. Coast Guard. I got a
11 call from my agent, Moran Shipping. They say -- because I told my
12 agent, please clarify, shall I wait here? Because the boat has
13 already gone. Like they are proceeding to the destination. So
14 because U.S. Coast Guard told me, you have to wait; please wait
15 over there.

16 So the Moran Shipping told me, okay, Captain, they have
17 called me and they said, okay, you can proceed. I know you are
18 coming to New York. When you come here then -- so I said, okay.

19 So the moment we started proceeding, I got a call from the
20 engine room that there is some problem in the engine, because we
21 had -- the main engine lube oil sump we got some water. So that
22 is what he was thinking. So then I said it is because of damage?
23 Check. So then we checked all this, all -- because it was like
24 the tank is underneath. It's not on the side shell. It's under
25 (indiscernible). So he said, no, I have checked; everything is

1 okay and all that. It's like from the heat, from the steam, some
2 water has gone into it, the steam.

3 So he said then, I think with the collision, the sump -- from
4 the steam it has gone into that lube oil sump tank. So then I
5 said it's -- okay, is it possible I can proceed? So he said,
6 okay, it's not safe, but we can try it. So then we called up our
7 company and all that. So they said no, not to move. They have
8 consulted (indiscernible). So they said, you are to take out this
9 entire -- the lube oil and then you are to put a fresh charge. So
10 then that's the reason, like, we can't get over there. And in the
11 meantime, we took like damage assessment also on the port side,
12 sir.

13 So it -- I think around 2:00 we anchor. And then next day,
14 12:30, then we started moving.

15 Q. So around 2 a.m.?

16 A. Yes.

17 Q. Okay. And the next day started -- okay. And we know that
18 the second officer -- we understand that the second officer, he
19 pushed the save button on the VDR?

20 A. Yes, sir.

21 Q. Okay. How long after the accident do you remember that
22 happening?

23 A. Exactly, I don't know, but I think almost about maybe 15, 20
24 minutes. Yeah, 15, maybe 15, 20 minutes.

25 Q. Okay. Did he report to you any problems with the VDR or

1 anything?

2 A. No, sir. He told me, like it's like a green light saving --
3 it's coming over the like --

4 Q. Okay. Captain, regarding the speed and propulsion system,
5 was there any type of load-limiting program engaged at the time?

6 A. No, sir.

7 Q. Okay. So by that, when you pulled back --

8 A. It merely came to half ahead, sir.

9 Q. Okay.

10 MR. TUCKER: That's all my questions, but I may have one or
11 two on the --

12 MR. SINGH: Okay.

13 MR. TUCKER: -- follow-up, so --

14 MS. BELL: I have a few more. Do you want --

15 CWO [REDACTED]: No, go ahead. I'm good.

16 MS. BELL: Okay.

17 BY MS. BELL:

18 Q. So Captain, you mentioned that this was the first time that
19 you've been on this vessel in this area, but you were on the
20 *Telleviken*?

21 A. No, *Telleviken* also I never have come. We were all the time
22 in the U.S. Gulf, ma'am. But *Telleviken*, all along the U.S.
23 coast, I've been going to U.S. Gulf. But before, like other
24 vessels, I had come before, like --

25 Q. Okay. In this area?

1 A. Yes, yes. We've been to New Haven also, and then Portland
2 and here also. Portland and -- yeah.

3 Q. So do you routinely have meetings on the bridge? Do you --
4 you were having this meeting up on the bridge that evening. Is
5 that something you do routinely?

6 A. The meeting -- it was not a meeting. It was like pre-arrival
7 check as per the U.S. requirements here for 33. We did it like in
8 the evening, ma'am.

9 Q. Okay.

10 A. Yeah. And then pre-arrival, we normally do it, like a pre-
11 mooring meeting and all that, we do it. And then pre-anchoring
12 also. Normally I call up chief officer on the bridge and then
13 have like a consultation with the bosun, chief officer, and then
14 -- so normally like we do it as routine practice, ma'am.

15 Q. Okay. And in that same area on the bridge?

16 A. Yeah, sometimes like we do it on the radio only, like which
17 anchor we are supposed to draw up and -- like on the bridge only
18 normally we do it, ma'am.

19 If it is like pre-(indiscernible) or some STS operation, a
20 (indiscernible) operation, then we call up everyone on the bridge.
21 And then with the mooring master, like how we are going to pass
22 the line, how many lines and how many connections. All this we
23 discuss on the bridge, ma'am. Yes.

24 Q. So at the time the chief engineer notified you of the fishing
25 vessel, would you say it was quiet on the bridge?

1 A. It was quiet on the bridge.

2 Q. It was?

3 A. There was no sound. There was no -- very quiet. No alarm,

4 nothing at all. Like quiet.

5 Q. And it -- but it wasn't loud --

6 A. No.

7 Q. There wasn't a lot of talking?

8 A. No. No, nothing, nothing.

9 Q. Okay. And I just have a few questions that are -- pertain

10 more to your experience. This is something that we always try to

11 get as background. So first of all, can you describe your

12 contract? What is your --

13 A. It's 3 to 4 months, ma'am.

14 Q. So you work 3 to 4 months at a time and then you're off?

15 A. Off, yes, about the same, like 3 months.

16 Q. Is that the same with the officers, or are you aware?

17 A. Chief engineer and myself, 3 months, and this junior officer,

18 6 months, I guess.

19 Q. Okay. And how long have you been with the company?

20 A. I joined them in 2013, ma'am.

21 Q. 2013.

22 A. Yes.

23 Q. So about 5 years?

24 A. Yes, ma'am.

25 Q. Okay. And in what position have you held --

1 A. I joined them as a captain, ma'am.

2 Q. As a captain. And can you just give us a broad description
3 of your experience? How long have you been a captain? What other
4 kind of vessels have you sailed on?

5 A. All the time I'm on the tankers only, ma'am. And 2006, I got
6 the command.

7 Q. I'm sorry.

8 A. 2006. 2006.

9 Q. 2006 was when you --

10 A. Yeah. 2006. Yeah, 2006 I got it -- I have -- yeah, 2006 or
11 '07. I don't know. I don't remember.

12 Q. That was when you obtained your --

13 A. Almost 10 years, ma'am.

14 Q. As a captain?

15 A. Yes, ma'am.

16 Q. So previous to that --

17 A. Previous to that, I was chief officer, ma'am. I was almost
18 about 3½ years, I was chief officer. That's sailing time. I go
19 also 36 months. And then I sailed as second officer, third
20 officer, and before that as a cadet 36 months.

21 Q. Okay. So about how many years, then, total you've been
22 sailing?

23 A. I joined in the year 1992, ma'am.

24 Q. Okay. And do you, do you take BRM training, bridge resource
25 management training?

1 A. Yes, ma'am.

2 Q. And do you recall the last time you had taken that?

3 A. I'll have to check, ma'am. Yeah. I will just check my
4 certificates.

5 Q. Okay. And that's something that we would like to get too.
6 Just training certificates and things like that.

7 A. Okay.

8 MS. BELL: I think that's all the questions that I have.
9 Thank you.

10 MR. SINGH: Thank you.

11 BY CWO [REDACTED]:

12 Q. I'm just going to hit on the procedures real quick. And
13 Captain, do you know -- so do you have any bridge management
14 policy procedures for --

15 A. We have, sir, the company bridge procedure manuals we have.
16 And then they order -- like everything is mentioned regarding that
17 procedures.

18 Q. Do you -- is there a policy on or any procedures for imminent
19 danger or the risk of a collision?

20 A. Yes, sir.

21 Q. What procedure?

22 A. And no policy -- it's like my standing order, also like it's
23 to on-duty officers. They have to call me like if the CPA is less
24 than 2 miles, and TCPA less than 20 minutes, they have to call me,
25 sir.

1 Q. For CPA less than 2 miles?

2 A. In open water, sir.

3 Q. In regards to an incident where -- in a situation like this
4 where a vessel comes in and is that close, the procedure is for
5 the helmsman and the officer of the watch to carry out
6 immediately?

7 A. I didn't --

8 Q. Would there be a circumstance, Captain, that they would -- or
9 is there a procedure for what they would do to avoid a collision
10 without notifying yourself?

11 A. Yes, yes, yes. Definitely, sir. Definitely. If they don't
12 get the time to call me up, they should immediately take the
13 action. Yeah.

14 Q. What action should be taken?

15 A. It means anything, just to avoid the collision. Anything to
16 avoid the collision. They should --

17 Q. Okay. So just doing exactly what you had ordered as far as
18 your --

19 A. Yes.

20 Q. -- course change, alteration --

21 A. Yes.

22 Q. -- reduction of speed. Okay.

23 CWO [REDACTED]: I think I'm good.

24 BY MR. TUCKER:

25 Q. One clarifying question, Captain. So you mentioned the CPA,

1 2 miles. Is that, is that captain's standing order -- let me go
2 back. Open water, good visibility, daylight. So the 2-mile CPA,
3 is that a company policy or is that your standing orders?

4 A. It's my standing order as per the company policy, sir.

5 Q. Okay. And the TCPA is 20 minutes.

6 A. Twenty minutes, sir.

7 Q. And how does -- does that apply to every vessel or is there
8 -- how does that apply to fishing vessels?

9 A. Like a fishing vessel also, like if it is like imminent
10 danger, then they should have called me, sir. Like if it's any
11 vessel, like if they see like any approaching like less than 2
12 miles and all that, they should have.

13 Q. Okay.

14 A. I can understand, like if there's plenty of fishing vessels
15 sometime in (indiscernible) and all that, you have to keep on
16 ordering. So if that is the situation, I have to be there on the
17 bridge. So they should -- if they see like a jumble of, like
18 plenty of fishing vessel, they should immediately call me. Like I
19 have to be there all the time. And we have to take some
20 maneuvering action.

21 Q. And just for clarification, officers -- watch officers are
22 allowed to make maneuvers to maintain CPA, correct?

23 A. Yes, yes, yes.

24 Q. Okay. They are also allowed to use propulsion to make
25 maneuvers?

1 A. Yes, they -- anytime, they can do it. In case like imminent
2 danger, they can -- anytime they can do it, sir.

3 Q. Okay. That's all the questions I have.

4 I apologize. There's one more, and this is the most
5 important for me. Is there anything that we or I have not asked
6 you that maybe you would like to tell us that might be relevant in
7 helping us get to the cause of this investigation?

8 A. I don't know, sir. I mean, like this is what I knew, like I
9 have told you. And if you want to ask me anything more, I'm ready
10 to answer, sir. Yeah.

11 MR. TUCKER: All right.

12 CWO [REDACTED]: I'm good. Thank you, Captain.

13 MR. SINGH: Thank you.

14 MS. BELL: Thank you.

15 MR. SINGH: Thank you.

16 MR. TUCKER: Any questions from you guys?

17 UNIDENTIFIED SPEAKER: No questions.

18 MS. BELL: All right. This will -- this concludes the
19 interview.

20 CWO [REDACTED]: Thank you.

21 MR. TUCKER: And the time is -- what time?

22 MS. BELL: It is 11:15.

23 (Whereupon, at 11:15 a.m., the interview was concluded.)
24
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: M/V *TOFTEVIKEN* AND F/V *POLARIS*
 COLLISION
 Interview of Devinder Singh

ACCIDENT NUMBER: DCA18FM023

PLACE: Newark, New Jersey

DATE: May 25, 2018

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.


Eileen Gonzalez
Transcriber