

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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M/V *CONTI PERIDOT* COLLISION WITH

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THE M/T *CARLA MAERSK* IN THE

*

HOUSTON SHIP CHANNEL

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MARCH 9, 2015

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Docket No.: DCA-15-MM-017

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Interview of: ARNEL EBENGUA BITARE

Houston, Texas

Wednesday,

March 18, 2015

The above-captioned matter convened, pursuant to notice.

BEFORE: ROB JONES

Senior Marine Accident Investigator

APPEARANCES:

ROB JONES, Senior Marine Investigator
Deck Operations Group Chairman
National Transportation Safety Board

CARRIE BELL, Marine Accident Investigator
National Transportation Safety Board

[REDACTED]
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MIKE USHER
Board of Pilot Commissioners for
Harris County Ports

MIKE MORRIS
Houston Pilots Association

NICK KOTSOVOLOS, Senior Marine Superintendent
Maersk Tankers

MADS NIELSON, Maritime Accident Investigator, DMAIB
THOMAS DAVIDSEN, Maritime Accident Investigator, DMAIB
(On behalf of the Maersk-Denmark Flag State)

DAVID BETTS
(On behalf of *Conti Peridot*-Liberia Flag)

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Eastham, Watson, Dale & Forney, LLP
(On behalf of *Carla Maersk*)

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MR. JONES: This is Rob Jones with the National Transportation Safety Board, group chairman for the investigation regarding the collision between the *Carla Maersk* and the *Conti Peridot*. It is Wednesday, March 18, and we're interviewing article number 15 AB Arnel --

1 Commissioners for Harris County Ports.

2 MR. BETTS: David Betts, Liberian Ship Registry.

3 [REDACTED]

4 [REDACTED]
5 MR. JONES: Okay. This is Rob Jones again, and, Arnel,
6 I just wanted to -- you acknowledge that you know you're being
7 recorded?

8 MR. BITARE: Yes.

9 MR. JONES: Okay. And you have representation with you?

10 MR. BITARE: Yes, sir.

11 MR. JONES: Okay. Thank you very much.

12 INTERVIEW OF ARNEL EBENGUA BITARE

13 BY MR. JONES:

14 Q. Arnel, if you could just tell me a bit -- little bit
15 about your maritime history, when you started sailing, when you
16 started going to sea.

17 A. I started in the Philippines, sir.

18 Q. In the Philippines?

19 A. Yeah.

20 Q. How long ago or what year?

21 A. 1998.

22 Q. '98?

23 A. Yeah.

24 Q. And what was your rating?

25 A. Rating?

1 Q. A cadet, ordinary seaman --

2 A. Before I started to (indiscernible), and then after I
3 got my tow contract, I become OS. And then after four times OS,
4 become AB.

5 Q. Okay. So how long have you been an AB?

6 A. For -- now is for (indiscernible) for me, because I
7 started to work ordinary seaman is total (indiscernible).

8 Q. Okay. And can you speak up a little louder so that I
9 can hear?

10 A. Oh, okay, sir.

11 Q. All right? Just --

12 A. Right.

13 Q. -- take your time, but make believe you're on the bow
14 and you're calling the bridge. Just talk a little louder.

15 A. Oh.

16 Q. Okay? So, and how many years have you been an AB?

17 A. Two years as -- 2 years.

18 Q. Two years.

19 A. Yeah.

20 Q. Okay. And what are your duties as an AB?

21 A. Helmsman, (indiscernible) lookout, and if we have import
22 cargo operation, then we watch and in checking all around the
23 ship, mooring lines.

24 Q. And how long have you been on this ship?

25 A. More than 3 months, sir.

1 Q. And you've steered this ship?
2 A. Yeah.
3 Q. Okay.
4 A. Yeah.
5 Q. How does this ship steer? How does this ship steer?
6 Good?
7 A. Yeah, it's good. It's nice. It's very good to -- it's
8 steady.
9 Q. Steady?
10 A. Yeah. It's --
11 Q. Okay.
12 A. It's okay.
13 Q. All right. And what watch were you on? On the day of
14 the accident, which watch were you standing?
15 A. Twelve to six hour duty. If we are double watch, 12:00
16 to 6:00. My duty is 4:00 to 8:00. If we are double watch, 12:00
17 to 6:00, my duty.
18 Q. Okay. And on the day of the accident, March 9 --
19 A. Oh.
20 Q. -- what watch were you on?
21 A. Twelve.
22 Q. Twelve to 6:00 or 12:00 to 4:00?
23 A. Yeah, 12:00 to 6:00.
24 Q. Twelve to 6:00?
25 A. Twelve to 6:00, yeah.

1 Q. And let's go to the -- the day of the accident, when did
2 you get called that morning to turn to?

3 A. Before -- when I go to -- for our 12:00, second officer
4 called me to make a proper lookout because the disability is
5 coming foggy.

6 Q. Okay.

7 A. And then said you can wear the ear defender because we
8 will use the fog signal.

9 Q. Okay. Let's go back a little bit. Did -- were you
10 sleeping before you went out to the watch?

11 A. Yeah.

12 Q. Okay.

13 A. I really think I was --

14 Q. Yeah, and what time did you get called, woken up?

15 A. I woke up about 11:00.

16 Q. 11:00.

17 A. Yeah.

18 Q. And have lunch?

19 A. Yeah.

20 Q. Okay.

21 A. Because I take a shower and then lunch.

22 Q. Okay. And what time did you go out on the bow?

23 A. 12:00 exactly.

24 Q. 12:00 exactly?

25 A. Then after that, I be my colleagues also --

1 Q. Okay.

2 A. -- taking (indiscernible).

3 Q. And who is your -- who is your colleague out there on
4 the bow?

5 A. Patrick, AB Patrick.

6 Q. And he's a AB or an ordinary?

7 A. AB Patrick. After we relieve -- after I relieve to
8 Patrick, me, I'm lookout, two pair of eyes.

9 Q. Oh, okay. So you relieve Patrick?

10 A. Yeah.

11 Q. Okay. So now Patrick comes back?

12 A. Yeah, Patrick come back, yeah.

13 Q. All right. So you're out on the bow --

14 A. Yeah. Me.

15 Q. -- with anybody, or by yourself?

16 A. When -- after the ship is very close to us, just like
17 this, then one guy is going forward to assist me because if, in
18 case of emergency, we need to drop the anchor, he need to assist
19 also.

20 Q. Okay.

21 A. And always is coming to forward --

22 Q. All right.

23 A. -- to assist me. But the ship is almost just like this.

24 Q. All right.

25 A. Very close.

1 Q. Well, we'll get there, but I just want to stay back.
2 When you took over the lookout at 12:00 --
3 A. Yeah, yeah.
4 Q. -- and Patrick came back --
5 A. Yeah.
6 Q. -- aft, were you by yourself now?
7 A. Yeah.
8 Q. Okay. Just you?
9 A. Yeah.
10 Q. All right. And you're up there, is it foggy?
11 A. Yeah.
12 Q. Is it clear?
13 A. Foggy, sir. Foggy, sir.
14 Q. Was it foggy --
15 A. It was foggy.
16 Q. -- at -- when you relieved Patrick?
17 A. Yeah, it's starting to foggy --
18 Q. All right.
19 A. -- that time, 12:00, it's starting to foggy.
20 Q. All right. So when --
21 A. When we are coming to go outside, the fog is increasing.
22 Q. All right. Do you know how -- what was it like at
23 12:00? Do you know how far you could see? One mile, 500 meters,
24 1,000 meters?
25 A. I cannot determine, sir, because it's only my sight.

1 But I can determine if how much -- how many (indiscernible) --

2 Q. All right. If you're -- if you're up on the bow and you
3 turned around to look at the bridge, could you see the bridge?

4 A. Oh, yeah.

5 Q. Okay.

6 A. I can see the --

7 Q. All right. And if you look forward, how far do you
8 think you could see?

9 A. Maybe more than 1 mile that time. Yeah.

10 Q. Maybe?

11 A. Yeah.

12 Q. Okay.

13 A. But I'm not sure, but I'll say --

14 Q. All right. That's fine.

15 A. Yeah.

16 Q. And then how fast did it -- it get foggy? How fast did
17 the fog come in after 12 -- at 12:00? Five minutes, 10 minutes?

18 A. Yeah, just like that. Maybe, yeah, 5 minutes, it's
19 increasing.

20 Q. All right. And you said something about the hearing
21 protection. Was the whistle blowing?

22 A. Yeah. The whistle blowing.

23 Q. Do you --

24 A. In my helmet, I put the ear defenders so that if anytime
25 I need -- I need, I can put in my ear.

1 Q. Okay. Air [sic] defenders.

2 A. Ear defenders.

3 Q. Okay. How soon after you got up and relieved Patrick
4 did the whistle start? Do you remember? The horn. Right away,
5 or later?

6 A. Probably when the fog is starting, already start the fog
7 signal.

8 Q. Okay.

9 A. Because the other officer told me to start the fog
10 signal.

11 Q. All right. And it was blowing right above you?

12 A. Yeah, yeah.

13 Q. It was a mast? Okay.

14 A. Very loud.

15 Q. Oh, very loud, yeah.

16 A. Yeah.

17 Q. And when you're up on the bow, how do you communicate
18 with the bridge?

19 A. I call -- first I saw --

20 Q. Well, how? Telephone, walkie-talkie?

21 A. Yeah, a radio. I make a radio check, and --

22 Q. Radio check?

23 A. Yeah.

24 Q. Okay. Okay, now just tell me what you saw next. You're
25 on the bridge. You're on -- I'm sorry, you're on the bow.

1 A. Yeah.

2 Q. The whistle's blowing. Your air defenders are on. You
3 have the walkie-talkie, a radio. What do you see ahead of you,
4 the lookout? What next?

5 A. I see a small boat first on starboard side opposite
6 direction, then I contact --

7 Q. What color small boat? Do you remember?

8 A. Small boat, very small boat, like a service from here
9 and --

10 Q. Coast Guard?

11 A. Yeah.

12 Q. Yeah?

13 A. No. That is not Coast Guard.

14 Q. No? Okay.

15 A. I think that is ordinary boat.

16 Q. All right.

17 A. Like a small (Indiscernible). And they contact
18 (indiscernible) officer, usually by small boat from starboard
19 side, opposite direction.

20 Q. Okay.

21 A. And then next I saw -- because it's so foggy, I saw -- I
22 report again there's a ship from port bow. But when closer to us,
23 there is barge. And then second officer calls me, "Is that a ship
24 or barge?" I said to him I thought that it's barge, because of
25 the fog I cannot determine when it's far from me. And then when

1 the barge is passing, that ship, *Conti Peridot*, is coming. And
2 then I report again to second officer, "Sec, there's a big ship
3 from port bow again." And then he said, "Is that a ship or
4 barge?" I said, "Ship, Sec." "Sure?" "Yes, sure, ship from our
5 port bow."

6 Q. Okay.

7 A. And then that ship is -- it's moving like this. We are
8 like this, our position, and then this shifts slowly and then we
9 are coming here like this. And then after like this, the ship is
10 continue, slowly, slowly. And then, oh, my God, it's like to hit
11 at us. And then I only observe if -- oh, what is like the ship,
12 because he is not turning with his starboard side. Continue
13 (indiscernible) only like this, and then (indiscernible), ship is
14 very close to us, but it's only -- I report to him.

15 Q. Okay.

16 A. And then when it's like this, we are going here. It's
17 still not like this, but this direction continue, continue moving
18 like this, and then she was hit with our midship port side.

19 Q. Okay.

20 A. And then I cannot -- in that situation OS will coming
21 and provide to assist me, because second officer tell me be ready
22 and provide -- I said, yes, I am already (indiscernible).

23 Q. Okay. Did the -- when you first saw the *Conti* ship --

24 A. Yeah.

25 Q. -- and you reported to the bridge, do you know how far

1 it was when you saw it? Could you tell?

2 A. I go in starboard side, because she is coming to port
3 side.

4 Q. Okay.

5 A. But this ship, if going to starboard side, there's
6 (indiscernible) starboard side, even the one (indiscernible).
7 Because there's (indiscernible) from our port side, but he cannot
8 turning, going to starboard side.

9 Q. Okay. Well, when --

10 A. Continuously, slowly, slowly.

11 Q. Okay. But when you first saw the ship, could you tell
12 how far away it was, through the fog? One ship length? Could you
13 see the whole ship, or just the bow?

14 A. I can -- when I report to the (indiscernible) officer,
15 it's far from us --

16 Q. Okay.

17 A. -- the ship. And then when closer to us so that I
18 making sure that that is ship (indiscernible) position, ship.
19 It's -- I saw already whole -- the whole (indiscernible).

20 Q. Okay.

21 A. (Indiscernible).

22 Q. Did you hear anything from the -- that ship, the *Conti*?

23 A. I did not hear any --

24 Q. No whistles?

25 A. No. I cannot hear.

1 Q. No? Okay.

2 A. Because we are very close, if there is a (indiscernible)
3 fog signal from him --

4 Q. Your ship.

5 A. Yeah. I can hear (indiscernible) --

6 Q. Was there a fog signal from the *Conti* ship?

7 A. (Indiscernible) I can hear because we are close, but I
8 do not hear the fog signal from other ship.

9 Q. You could not hear the fog --

10 A. Yeah. I could not hear.

11 Q. Okay. The -- so as the ship comes to you and you were
12 showing us with your hands, it -- what did you do next? You're up
13 on the bow. You went, you said starboard side?

14 A. I only observed. I standing just like this, and I
15 was -- I only observed what happened next, because maybe if we are
16 we are (indiscernible) --

17 Q. Okay.

18 A. You know what I say? Because we are a full load.

19 Q. You're a full load.

20 A. Yeah.

21 Q. All right. So did you -- did you hold on when the --
22 before the ship --

23 A. When our ship is -- when this ship hit with the -- our
24 midship, our ship is like this, I hold to the railings because we
25 are not in balance position.

1 Q. Okay. You're showing, and I just want to say for here
2 that, so your ship rolled a little bit?

3 A. Yeah.

4 Q. (Indiscernible)?

5 A. Yeah, our ship is rolled a little.

6 Q. Away from the strike? So when you got hit, you went
7 this way?

8 A. When this -- when this is -- *Conti Peridot* collides,
9 it's very fast going astern.

10 Q. Oh, okay.

11 A. Yeah. Then our ship is just like this.

12 Q. Okay. So you're showing by your hands that your ship
13 started listing over to port, this side that got hit. Is that
14 correct? Yeah. Okay. And how long did you stay -- after the
15 collision, how long did you stay out on the bow?

16 A. Because we are going to make a sounding, but the
17 first -- I -- so if there's no any fire or (indiscernible), I can
18 go into muster station first.

19 Q. So you went to muster station after the --

20 A. Yeah. I going -- I go muster station, and then after we
21 said (indiscernible) okay, make something around the ship. So I
22 help to roll down to sounding around the ship.

23 Q. Okay. Is there anything else you can think of right now
24 that you could tell us that we should know, or --

25 A. (Indiscernible) accident that is anything.

1 Q. First accident?

2 A. Yeah. Oh, yeah. Yeah, first accident.

3 Q. Okay. We're going to go around the room right now
4 and -- Arnel, and I'm going to ask the U.S. Coast Guard --

5 [REDACTED] You know, I have no questions.

6 MR. JONES: Okay. We'll just keep going this way.

7 UNIDENTIFIED SPEAKER: No questions.

8 UNIDENTIFIED SPEAKER: No questions.

9 UNIDENTIFIED SPEAKER: No questions.

10 UNIDENTIFIED SPEAKER: No questions.

11 UNIDENTIFIED SPEAKER: No questions.

12 UNIDENTIFIED SPEAKER: I have no questions.

13 MR. JONES: You all right?

14 MS. BELL: I have a quick question (indiscernible).

15 BY MS. BELL:

16 Q. You said that you didn't hear a fog signal, but if
17 you -- if you were wearing the hearing protection, would you be
18 able to hear a fog signal?

19 A. Yes, ma'am, because even I have radio, if there's
20 (indiscernible) ear protection, it's clear to hear the noise
21 coming from outside.

22 Q. Okay. And you said that you got up at 11 a.m. that
23 morning. When did you go to bed that night? Do you know how long
24 you slept?

25 A. We -- six -- our duty's 12:00 to 6:00. Six o'clock, I

1 stopped to work, and then I take a rest. Six, seven --

2 Q. Six a.m.?

3 A. Yeah, 6:00 a.m., ma'am.

4 Q. To 11:00 a.m.?

5 A. Yeah, until 11:00 a.m.

6 Q. So is that -- is that typical, five hours of sleep?

7 A. We are already -- I just -- that is our duty, ma'am.

8 Q. Okay.

9 A. Five hours of sleep is okay for me.

10 Q. Okay. And you said that you went to the muster station
11 after the collision?

12 A. Yes.

13 Q. Did everyone go to the muster station?

14 A. Yeah, everyone go to the muster station.

15 Q. And --

16 A. So that anything happen, we can go to lifeboats.

17 Q. Okay. That's all I have.

18 MR. JONES: Okay. I have nothing more. Just give
19 everybody one last chance to -- okay. All right, thank you,
20 Arnel. That concludes the interview. We'll stop the interview
21 here. So thank you very much.

22 MR. BITARE: Oh --

23 (Whereupon, the interview was concluded.)

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: M/V *CONTI PERIDOT* COLLISION WITH
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PLACE: Houston, Texas

DATE: March 18, 2015

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.

Trevy Thomas
Transcriber