

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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M/V *CONTI PERIDOT* COLLISION WITH
 THE M/T *CARLA MAERSK* IN THE
 HOUSTON SHIP CHANNEL
 MARCH 9, 2015

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Docket No.: DCA-15-MM-017

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Interview of: LUIS BANOOGON CORNELIO

Houston, Texas

Saturday,
 March 12, 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

BARRY STRAUCH, Ph.D., Supervisory Investigator
National Transportation Safety Board

CARRIE BELL, Marine Accident Investigator
National Transportation Safety Board



U.S. Coast Guard Investigations

MIKE USHER
Board of Pilot Commissioners for
Harris County Ports

MIKE MORRIS
Houston Pilots Association

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

DAVID ANDERSON
(On behalf of Maersk Tankers)

JOHN UNGER, Esq.
Royston Razor
(Representative for Captain Cornelio)

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1 I N T E R V I E W

2 MR. JONES: Hi. Good afternoon, Captain. My name is
3 Rob Jones. I'm with the National Transportation Safety Board, and
4 we're here investigating the collision between the *Carla Maersk*
5 and the *Conti* -- how do you say your vessel's last --

6 MR. CORNELIO: *Conti Peridot*.

7 MR. JONES: *Peridot*?

8 MR. CORNELIO: Yeah.

9 MR. JONES: Okay. That happened the other day.
10 With me is --

11 [REDACTED] from Coast Guard
12 Investigations, Houston.

13 DR. STRAUCH: I'm Barry Strauch with the NTSB.

14 MR. MORRIS: Mike Morris with the Houston Pilots.

15 MR. PULMER: Henning Pulmer, BBG.

16 MR. UNGER: John Unger, Royston Razor.

17 MR. CORNELIO: Yes. I'm Captain Cornelio of -- Master
18 of *Conti Peridot*.

19 MR. USHER: Mike Usher on behalf of the Board of Pilot
20 Commissioners for Harris County Ports.

21 MR. BETTS: David Betts, flag state Liberia.

22 MR. ANDERSON: David Anderson, owner's representative
23 for Maersk Tankers.

24 [REDACTED] Coast Guard
25 Investigations Sector Houston.

1 [REDACTED], Coast Guard
2 Investigations Sector Houston.

3 MS. BELL: Carrie Bell, NTSB.

4 MR. CORNELIO: Yes. Good afternoon.

5 MR. JONES: Okay. Thanks, Captain. I'd just like to --
6 you to confirm that you know you're being recorded this morning --

7 MR. CORNELIO: Yes, sir.

8 MR. JONES: -- or this afternoon? And that you do have
9 representation, Mr. Unger, there? Okay.

10 INTERVIEW OF CAPTAIN CORNELIO

11 BY MR. JONES:

12 Q. All right, Captain, we'll get started. And I'd just
13 like to start off with a little bit about your maritime
14 background, your history, where you either went to school or
15 served, you know, got your training?

16 A. Yes. I graduated my nautical school at Philippine
17 Merchant Marine Academy in 1983. And as a Master I started as a
18 Master around 2004 until now as my capacity as Master.

19 Q. Okay. And from 2004 until now, approximately 10 years,
20 you've been sailing as Master?

21 A. Yes, sir.

22 Q. On this ship or --

23 A. On the different type of ships. I've been on reefer
24 ships and been on a general cargo. I've been in off-shores
25 vessels and bulk ships.

1 Q. Okay. And so a good variety?

2 A. Yes, sir.

3 Q. And now is this with different companies?

4 A. Yes, at different companies.

5 Q. Now, is it the same like hiring agency you work for or
6 is it different?

7 A. Yeah, it's like different agencies we work with.

8 Q. Okay. And how long have you been with this ship?

9 A. Yeah. I joined in my (indiscernible) year, February 16,
10 just a few weeks ago. And I've been only -- I've been on this
11 vessel only few months after I had my vacation then I went back,
12 also the same, the same capacity.

13 Q. So you had been on it before?

14 A. Yes, sir.

15 Q. For how long, 3 months?

16 A. For nearly 6 months, sir.

17 Q. Six months. And then you went on vacation for?

18 A. For 3½ months, sir.

19 Q. Okay. And now -- and then back just about a month ago?

20 A. Yeah.

21 Q. Okay.

22 A. On February 16 to be exact.

23 Q. Where did you get on board?

24 A. In Manzanillo, Mexico.

25 Q. Was that the last port before you came here?

1 A. Yeah.

2 Q. How long a trip is that from Manzanillo to --

3 A. To about 3 -- well, we left on the 18th and we arrive in
4 Panama on the 24th and we transited on the 26th and then we
5 arrived in Houston on the 4th of March.

6 Q. Okay.

7 A. And then we anchored.

8 Q. So you went through the canal. Manzanillo, I guess --

9 A. Yeah.

10 Q. -- is on the West Coast because I was trying to picture
11 where it was.

12 A. Yeah.

13 Q. But I didn't know. The 3 months that you were on board
14 the ship before this last trip, were you in and out of a lot of
15 channels, river ports?

16 A. Yes, sir. I've been mostly on the Singaporean Straits
17 and all through this coast, the coast of Indonesia's most of the
18 time.

19 Q. I was looking more for, like, a channel, like the
20 Houston Ship Channel or the Mississippi River or even the Panama
21 Canal. In your experience, how does this ship handle?

22 A. Yeah. The ship is handling well. I have no problems
23 even from before which I have been on board.

24 Q. Okay.

25 A. I have not met any problems at all.

1 Q. How would you compare this ship's handling to other --
2 the other ships that you have been captain of?

3 A. No. The other ships it depends on the DB (ph.)
4 capacity. I mean, the vessel which I had is different ships. It
5 runs like 20, 21 knots so DB when you are bringing up the
6 (indiscernible) it's very different from the -- this is quite slow
7 ship so it will react quite slower.

8 Q. Okay. Well, let's go back to when you arrived here.
9 You anchored for a few days?

10 A. Yeah. We anchored for a few days because of the closure
11 of the port due to some visibility problems.

12 Q. Visibility? And where was the berth you were intending
13 to go to?

14 A. The first one we are about to berth on the Grains
15 Terminal but later on it was changed to (indiscernible). That was
16 supposed to be we are going to.

17 Q. And that was changed while you were still at anchor?

18 A. Yeah. Yeah. It was when while at anchor.

19 Q. Well, just tell me about that morning while you were at
20 anchor awaiting the pilot. You get pilot orders of when they're
21 going to take you and go upriver, and just tell me when that was
22 when you got the call, when the pilot boarded and just give me the
23 story of the pilot coming on board and you coming upriver.

24 A. Yeah. Before the -- on the 8th of March we have
25 instructions to receive pilots around 7:30. And then beforehand I

1 instructed the Chief Officer to call back to Houston Traffic to
2 confirm the pilot boarding, which was rescheduled to 9:30. So at
3 that time I was expecting to be called around 5:30, but nobody
4 called me, but instead they called him up and the pilot boarding
5 has changed to 9:30.

6 So at 6:00 I've been on the bridge and then I ordered to have
7 bridge like the pre-departure at 7:00 to test all the gears of
8 steering and engine movements, the main -- the stern, the head
9 proportion, the main adjustment testing.

10 Then around 7:35 I heave up anchor and at 8:05, almost about
11 30 minutes after anchors aweigh and then on the way to the pilot
12 station. And pick up pilot at 9:32 to (indiscernible).

13 So okay. While underway to the channel and then the
14 visibility was good. Only I heard around 11:30 that the Houston
15 Channel was closed due to fog. That is a few hours before. So
16 prior to that then only at around -- entering the channel at
17 around 12:00 and fog -- we encountered fog. So and then the first
18 vessel which we -- I noticed that we met is the car carrier around
19 12:25. We passed it on port side and things were okay.

20 But then after 10 minutes I heard in discussion with pilot
21 that the vessel ahead of us is the *Carla Maersk* and should pass on
22 one vessel port-to-port.

23 So but then at that time the visibility was I think it's not
24 so good and then only when I see the vessel is when power start --
25 on the eastern part of the channel. And that one that -- during

1 that maneuver then we couldn't avoid the situation and we collided
2 around 12:35.

3 Q. Okay, Captain. All right. Thanks for -- that was good
4 information and I was trying to catch up writing down. When you
5 said the visibility was good entering the channel?

6 A. Yes, sir.

7 Q. So when -- after the pilot got on --

8 A. Yeah, and so (indiscernible) --

9 Q. -- and through the breakwater, through the anchorages --

10 A. Yeah.

11 Q. -- and when you said the visibility started to -- you
12 encountered fog entering the channel. Do you mean after the
13 Intracoastal Waterway? Can you describe about when you saw the
14 fog or rather encountered the fog?

15 A. Encountered fog around, say, 12:00 to be exact. At
16 12:00 we encountered the fog and I heard some Houston Channel in
17 the traffic that the -- that the channels had been closed due to
18 fog. And the ships behind us has been tried to -- been told to
19 re-anchor because they had been approaching and they'd been told
20 to go back to the anchorage area. They have to re-anchor.

21 Q. Okay. So you did mention the time when you heard the
22 Channel close, and that was you said 11:30?

23 A. Yeah, 11:00 -- between, but I --

24 Q. Okay.

25 A. -- cannot really.

1 Q. And so how good was the visibility from going through
2 the anchorages up until about 12:00?

3 A. Yeah. The visibility was good. I could see the vessel
4 I would say around 3 miles then.

5 Q. Three miles?

6 A. Yeah. I could see that.

7 Q. And did it -- did the visibility shut down real fast?
8 Did it close in --

9 A. Yeah.

10 Q. -- right away at 12:00 or was it gradual?

11 A. It's a little bit gradual. Not -- gradual visibility
12 was closing down.

13 Q. Okay. Did you see any other vessels? We've heard from
14 -- we've talked to your crew so we've heard about the car carrier.

15 A. Yes, sir. Yes.

16 Q. Was that -- was the visibility much better before that
17 or?

18 A. The visibility at that time was quite bad already.

19 Q. Right.

20 A. We are meeting that Kyle Leader (ph.) -- I don't
21 remember the vessel's name, the car carrier.

22 Q. Okay. And do you remember passing or meeting any other
23 vessels before that car carrier?

24 A. Yeah. There were vessels meeting, some small tankers,
25 but when meeting was okay then.

1 Q. Okay.

2 A. There was no problem with meeting them.

3 Q. The car carrier that you saw?

4 A. Yes.

5 Q. Did the pilot talk to the car carrier and arrange a
6 passing arrangement?

7 A. Yes. There would be -- there was arrangement for that.
8 They passed on one vessel on port-to-port.

9 Q. Okay.

10 A. But then too everything went.

11 Q. Does the pilot tell you that he's talking with that car
12 carrier and --

13 A. The pilot, yes, he's asking me some, like, Captain, we
14 have this. Why don't you (indiscernible)? And then he would be
15 recommending me some that we will be passing at that time.

16 Q. Okay. And while we're talking about your interaction
17 with the pilot, I wouldn't mind going back before we get into
18 closer to the collision, but when the pilot comes aboard you do a
19 master-pilot exchange?

20 A. Yes, sir. We exchange.

21 Q. Can you describe that?

22 A. We exchange these with the pilot card. We identified
23 each other.

24 Q. Okay. Could you just describe that to me and what takes
25 place?

1 A. Yeah. It was the pilot comes on board then we have to -
2 - we have to exchange the information and that also the pilot give
3 the information regarding the weather conditions, the
4 possibilities that we will be meeting.

5 Q. I'm sorry, the possibility?

6 A. The possibility that the weather we'll met on the
7 channel. And he was telling -- the pilot was telling me that as
8 far as the information he gathered that I will be experiencing
9 rain shortly.

10 Q. Okay.

11 A. And we have not mentioned any fog from the -- from the
12 DS 11 table that showing that only what equals rain we will be
13 experiencing throughout the turning area.

14 Q. All right. Did you talk about how the visibility might
15 be going up the Channel?

16 A. Yes, sir. I mention.

17 Q. And what was that like other than the rain?

18 A. Yeah. I had mentioned to the pilot that what if the
19 visibility closed down. Is there any chance that we could anchor
20 somewhere?

21 Q. And what did he say?

22 A. And he said but at the time the ships were going up and
23 down so anchoring at the middle of the channel will be closing
24 because the CV (ph.) channel is around 500 feet long and the sides
25 of the vessel is, let's say, it's 190 meters, nearly almost we'll

1 be occupying it and you cannot steer backward the ship. So you
2 either have to go as long as the weather also permits it.

3 Q. Okay. Were you -- when you concluded your master-pilot
4 exchange were you comfortable --

5 A. Yes, sir.

6 Q. -- going up the channel?

7 A. Yes, sir.

8 Q. Were you comfortable with the pilot?

9 A. Yes, sir.

10 Q. After you got to see, and this is what a Master does,
11 right, you observe the pilot.

12 A. Yes.

13 Q. After you were on board with him for a little while were
14 you assessing the pilot and his ability?

15 A. Yeah. I could sense that he's a very responsible pilot.

16 Q. Okay. And all the orders that he was giving were
17 responded to by your crew?

18 A. Yes, sir. That's when they responding to the
19 (indiscernible) Duty Officer and the helmsman. They responded
20 properly.

21 Q. Okay. Did you notice any problems with any of your
22 equipment or the steering or the response to the engines while you
23 were up there?

24 A. Negative, sir. Everything was operating fine.

25 Q. All right. What speed were you going at or what engine

1 orders were you using going up the channel, half ahead, full
2 ahead?

3 A. Yeah, there are variable speeds we have to -- because
4 sometimes we go full ahead, sometimes we go slow, but it depends.
5 It depends on the situation and the situation means the -- we give
6 orders on like the traffic. So the speed is variable. It's
7 various. It's not one time you go full on, but it's --

8 Q. Okay. Is your engine set up -- is it full ahead
9 maneuvering?

10 A. Yes, sir.

11 Q. Okay.

12 A. It's on full maneuver.

13 Q. And what's the RPMs?

14 A. The RPM at that time is only I'm limiting to 100 RPM.

15 Q. Okay. So you're limited while you're on maneuvering?

16 A. Yeah. I only set to 100 because of the depth, the under
17 keel clearance is too run then you have so much vibrations. So
18 I'm just be giving -- became (indiscernible) pilot so to avoid
19 heavy vibrations.

20 Q. Okay. So the pilot never asked for more than the
21 maneuvering speed?

22 A. He was asking for maneuvering speed on 100 --

23 Q. Okay. All the time?

24 A. All the time.

25 Q. All right. And let's go back now to when you see the

1 car carrier.

2 A. Yeah.

3 Q. Can you estimate the visibility at that time?

4 A. Yeah. The visibility at that time was I could see the
5 carrier in my port side say around 80 to 100 meters.

6 Q. A hundred meters?

7 A. Yes.

8 Q. Is that when you first saw it from ahead, looking ahead?

9 A. No, this is on the side --

10 Q. On the side?

11 A. -- passing distance.

12 Q. And how close would you estimate the car carrier passed
13 next to you?

14 A. Next so I could see around 60 meters. So I estimate
15 there was around 60 meters.

16 Q. So your hull and their hull 60 meters apart?

17 A. Around that.

18 Q. Okay. And describe to me now the rest of the voyage
19 after the car carrier passed and what happened next between that
20 and when you next either thought something was going awry or when
21 you see the *Carla* or when you hear the pilot talking to the *Carla*.

22 A. Yeah. After passing the Kyle Leader (ph.), the car
23 carrier, I have some -- we have some intentions that the vessels
24 have to pass with *Carla* port-to-port or one vessel does. That was
25 the first information as per as pilot's advice that we'll be

1 passing port-to-port with the other vessel. But then I had not
2 heard any of the response but from the other vessel, only from our
3 pilot that we would to port-to-port.

4 But in few minutes, let's say after 10 minutes because the
5 visibility was low, I seen *Carla* on my starboard bow. And the
6 indication, the aspect of the *Carla* was nearly she is, like,
7 perpendicular to the channel. I mean, not exactly like 90
8 degrees, but perpendicular and we are on the starboard side of the
9 channel. And then the message I received from our pilot that said
10 *Carla*, I was -- he was talking to the pilot that why are you in
11 that position? And say we are supposed to meet port-to-port but
12 he is on our starboard side.

13 But then during that time when our bow and her bow also is
14 nearly on this, let's say, around 100 meters, we altered course to
15 port to avoid the collision, but the *Carla* was still going on. He
16 did not -- she did not do any actions. But for that even though
17 we also altered course to starboard in order to pass more clear.
18 And from half ahead we gave order to full ahead in order to give
19 more speed to give much more speed and that we did not avoid and
20 the collision took place.

21 Q. You said you altered course to starboard --

22 A. Yes, sir.

23 Q. -- and gave it full ahead.

24 A. Yes, sir.

25 Q. Well, how come your ship went to port then?

1 A. No, the ship -- no, the first time when we met?

2 Q. Right.

3 A. We went to port hard in order to pass across the vessel.

4 Q. Right.

5 A. But see she was not giving any actions to whether the
6 first intention was to pass port-to-port with the vessel. But the
7 port-to-port was not doing and then what I heard from the pilot
8 that was talking to the pilot that, "Go to your left. Go to your
9 left." And the other ship pilot, "No, I can't." So that's it.
10 After he say, "No, I can't" then we altered course to starboard
11 and we gave order for few seconds for full ahead in order to give
12 more speed in order to avoid the collision. But it took place
13 then.

14 Q. Okay. I'd just kind of like to get the idea of the
15 layout of the bridge while this was going on. Where were you
16 standing?

17 A. I was first standing at the telegraph during that.
18 After that I see the situation I went to the starboard side of the
19 bridge because I've seen things will happen like the collision
20 will happen. I was holding and I was holding on the railings to
21 avoid some impact or something. So where it happens the collision
22 took place.

23 Q. Okay. Let me go back a little further. So before the
24 collision where were you at the bridge? Where were you standing?

25 A. I was standing near the engine telegraph.

1 Q. Okay. And there was a mate at the telegraph?

2 A. There was, say, a Second Officer --

3 Q. Okay.

4 A. -- something.

5 Q. And the helmsman --

6 A. Yes.

7 Q. -- at the helm?

8 A. Yeah.

9 Q. And where was the pilot?

10 A. Yes. Pilot was at the center, like, when the repeater

11 of this vessel, the middle, the feature part --

12 Q. And who --

13 A. -- forward part.

14 Q. Forward looking out the window?

15 A. Yes, sir.

16 Q. And did -- was he using anything to help him?

17 A. Yeah. He's using his own navigational aid. He has

18 this, like, laptop or something.

19 Q. Laptop computer?

20 A. Yes.

21 Q. And was that plugged in?

22 A. Yes, sir. It was on the AIS plug.

23 Q. AIS, the pilot plug?

24 A. Yes, sir.

25 Q. Okay. Was he using one of the radars?

1 A. Yes, sir, one radar on the port side was in north up and
2 3 miles range and on the starboard side I use it for myself also
3 in the north up and the 1.5 miles setting.

4 Q. All right. Did the pilot set up the port side radar to
5 his liking, north up and 3-mile range or did he ask you or the
6 mate to do that?

7 A. Yeah. He requested us to put the port radar on 3-mile
8 range and north up.

9 Q. Okay. And you have -- you're an ECDIS-run ship.

10 A. Yes, sir.

11 Q. No paper charts?

12 A. Yes, sir.

13 Q. All the AIS, was that coming up --

14 A. Yes.

15 Q. -- for the *Carla Maersk* --

16 A. Yes.

17 Q. -- and the ship before? Did you go over and look at the
18 pilot's laptop? Was the AIS on that? Did you see the pilot's
19 laptop at all?

20 A. Yeah, I've seen the pilot's laptop.

21 Q. Just -- I mean, just out of curiosity looking at it?
22 Was it giving you the same targets, the AIS for the *Carla Maersk*
23 if you saw it or the ship before it, the car carrier?

24 A. Actually looking too much in the screen I cannot say you
25 have to scrutinize all, but --

1 Q. Yeah.

2 A. -- as long as like the movement the same with our --
3 then it's almost the same with the -- same as ours with the ECDIS
4 presentation.

5 Q. Okay. This is kind of an opinion question, just for you
6 because with the fog as bad as it was -- would you say it was bad?
7 Could you navigate looking out the windows or did you have to just
8 look in the -- at the ECDIS and the radar?

9 A. Yes. Basically for if the visibility was too low
10 already, let's say, even you cannot see forward or even 20 meters
11 visibility so we had to rely on our AIS.

12 Q. Because you couldn't see the next set of buoys could
13 you? Or could you?

14 A. You cannot see nothing.

15 Q. All right. So when the pilot before -- when the pilot
16 passed, when you passed the car carrier --

17 A. Yeah.

18 Q. -- was the pilot still in front of the radars or was he
19 looking at his laptop or was he looking just out the window?

20 A. Yeah. He was most of the time on his laptop and in the
21 window side, near this -- was mostly looking at the repeater, the
22 (indiscernible) part forward of the bridge.

23 Q. The compass.

24 A. Yeah, the compass --

25 Q. Okay.

1 A. -- the repeater compass.

2 Q. Okay. That's all I have right now, Captain.

3 A. Yes.

4 Q. I'd like to turn it over to --

5 [REDACTED]:

6 Q. Yeah. [REDACTED]

7 [REDACTED] So let me draw your attention back to the time
8 you passed the car carrier. Prior to passing it were you aware of
9 the passing arrangements that were made?

10 A. Yes, sir.

11 Q. And how were you made aware of that?

12 A. Please repeat that?

13 Q. Yeah. How were -- did you make the passing
14 arrangements? Did the pilot tell you we're going to pass a car
15 carrier and our closest point is going to be approximately this?
16 How was that information relayed on to you?

17 A. No. The information that's being relayed to me
18 regarding the passing was that he was not relaying the distance
19 which in this instance we could do, but passing distance --
20 passing port-to-port was the only information, but the distance
21 from side-to-side they are not giving me any information.

22 Q. Well, when you saw that did you look out the bridge
23 window, the bridge wing --

24 A. Yes, sir.

25 Q. -- and you saw how close it was --

1 A. Yeah.

2 Q. -- were you comfortable with that passing?

3 A. Yeah, because the, you know, the channel, you know, the
4 wide of the channel you see when passing a vessel you will not be
5 comfortable obvious with the channel's length and the vessel's
6 length. Two ships when meeting is out there it will be too close
7 all the time.

8 Q. Okay. After you passed the car carrier did you have any
9 problems with the steering right after that?

10 A. No, sir. I have no problems with my steering.

11 Q. Right after you passed the car carrier what was the
12 distance to the *Carla Maersk*?

13 A. So for that one, sir, I can't tell you, exactly pinpoint
14 what is the distance.

15 Q. Well, for right now, but did you when you were on the
16 bridge of the ship did you have that target acquired?

17 A. Yes, sir.

18 Q. So you knew the distance from you to the *Carla Maersk*,
19 correct?

20 A. Yeah, we have this distance from the -- acquired from
21 the -- yes.

22 Q. Did you communicate with the *Carla Maersk* concerning the
23 expected passing?

24 A. Yes, sir.

25 Q. And what was that conversation?

1 A. The conversation was that went from the pilot from the
2 other ship was we have to pass one vessel or port-to-port with our
3 vessel.

4 Q. And where was that passing going to take place? Well,
5 we know you're in the channel, but where in the channel do you
6 expect that you were -- the *Carla Maersk* was coming around the
7 bend, correct?

8 A. No. The -- yes, she is coming from the bend and we are
9 supposed to approach on the buoys line, between 87 or 89 before
10 approaching Morgan's Point, yes.

11 Q. And you were comfortable with that agreement?

12 A. Yes, sir.

13 Q. Okay. You said that the pilot was always asking for max
14 maneuvering speed. Was that correct? Did I hear that correct?

15 A. Yeah, he was asking for maneuvering speed -- maneuvering
16 speed.

17 Q. What is your vessel's slow ahead speed? What would that
18 translate into knots?

19 A. The slow speed it was 40 -- half ahead is 8 knots, so
20 for slow speed I would say around 5 to 6 knots.

21 Q. And how does the ship handle at that speed?

22 A. If the vessel is like -- for the vessel with lighter
23 conditions like we are half loaded the vessel will be on 5 knots
24 and below and the steering will not be good. But --

25 Q. Well, how was it when you were in the condition that you

1 were in coming up the Houston Ship Channel? How was it handling
2 then at slow speed? How would it handle at slow speed under those
3 loaded conditions?

4 A. No. Slow speed, like I said, the slow speed was around
5 5 -- between 5 to 6 knots.

6 Q. Yeah. And how would the vessel handle at that speed?

7 A. The vessel will handle like if -- you have to turn your
8 right rudder harder, port and hard to starboard in order to
9 maintain the course and speed.

10 Q. Well, who determined the speed of the vessel on the
11 upward leg of the journey? Did you determine it? Did the pilot
12 determine it? Did you get together and agree on it? How was that
13 speed determined?

14 A. It's determined from the -- what is on the ECDIS or the
15 radars that -- on the GPS speed we are determining the speed of
16 the vessel.

17 Q. No, that's correct, but what I'm asking is who
18 determined what speed the ship would go? Was it you as the
19 captain that determined that? Was it the pilot? Or did you get
20 together and say, listen, we're going to go half ahead, slow ahead
21 here?

22 A. We discussed together with the pilot.

23 Q. And you agreed with the speeds that the pilot was going?

24 A. Yeah, I was in agreement.

25 Q. The anchoring issue, you said you discussed that

1 anchoring issue, with the potential to anchor or the possibility
2 to anchor if you got bad weather. Is that correct?

3 A. Yes, sir.

4 Q. Well, can you tell me exactly what you discussed with
5 the pilot?

6 A. Yeah. I was only asking the pilot that if in case you
7 encounter bad weather is there any chance to anchor somewhere
8 within the channel.

9 Q. And what was his response?

10 A. So the pilot's response was say, you know, we have to be
11 -- he was not -- I was not hearing that we cannot anchor but that
12 he was telling that we have to proceed to the channel once the
13 channel has been blocked by fog then we will continue. Yes.

14 Q. Did you have a voyage plan going up the Houston Ship
15 Channel?

16 A. Yes, sir.

17 Q. And when that voyage plan was made was there any
18 contingency plan made to anchor in certain areas if you did
19 encounter fog?

20 A. No, sir, negative.

21 Q. Did you check the chart yourself prior to your voyage?
22 You said that there was a report of -- well, when you were
23 anchored you said there was fog. Did you check a chart yourself
24 to see if there were any areas that you could have anchored if you
25 encountered some bad weather and climate or visibility issues?

1 A. No. We are on the digital system. We don't use charts
2 at this time.

3 Q. Well, you could have used the ECDIS, the electronic
4 chart --

5 A. Yeah.

6 Q. -- to look for someplace to anchor. Did you do that?

7 A. No, sir.

8 Q. That's all I have for right now.

9 MR. JONES: Captain Morris?

10 BY MR. MORRIS:

11 Q. I'm Mike Morris from the Houston Pilots. Let's talk
12 about anchoring here for just a little bit. You said it was clear
13 when you boarded. What was the visibility at that point?

14 A. It was 5, 5 to 6 miles.

15 Q. Okay. And it -- somewhere about 30 minutes before the
16 collision about 12:00 I think you said?

17 A. So I passed at 11:30 to 12:00 as to I could remember.
18 The Houston Bar was closed.

19 Q. Yeah, they closed the bar --

20 A. Behind that, sir.

21 Q. -- at 11:30 but the fog would be -- was it behind you,
22 right --

23 A. Yes, sir.

24 Q. -- on the Gulf (ph.) --

25 A. Yes, sir.

1 Q. -- where you hit the fog?

2 A. Yeah. We encountered the fog when it was --

3 Q. It was about 12:00?

4 A. Yeah, around that time, sir.

5 Q. About 12:00. And you met the car ship and then you met
6 the *Carla Maersk*. Were there any other ships you met in the fog?

7 A. Yeah. Before that we had met the -- some stall ship but
8 I cannot remember the name.

9 Q. Okay.

10 A. We -- I --

11 Q. So you met three ships in the fog?

12 A. Yeah.

13 Q. Did you -- did you meet any tows?

14 A. Not many (indiscernible) around us.

15 Q. No tows were running that day?

16 A. Yes, sir.

17 Q. Okay. So the question with anchoring how long would it
18 have taken you to get the vessel stopped to anchor the vessel?
19 How would you have anchored the vessel?

20 A. In what particular place you will be anchoring, sir?

21 Q. When you wanted to make the anchor in fog, when the fog
22 hit, right?

23 A. Yeah.

24 Q. So how would you -- if you were -- if the pilot hadn't
25 been there would you have just tried to stop engines and coast for

1 a while? Would you have come full astern? Would you -- what
2 would you -- what would you have done?

3 A. Well, it depends on the location of the vessel.

4 Q. No, in the Houston Ship Channel.

5 A. In the Houston Ship Channel there's a space well then I
6 do not really know where there's space to anchor.

7 Q. Yeah. I mean, if you're meeting three ships is all I
8 guess I'm trying to point out --

9 A. Yes.

10 Q. -- one every 10 minutes, unless you come full astern
11 there's probably not going to be time to stop and then your ship's
12 going to go completely out of control probably --

13 A. Yeah.

14 Q. -- at that speed. So I think it would have been hard to
15 anchor with the other traffic. But a question about your RPMs,
16 you said you wanted to limit it to 100 RPMs. Was that --

17 A. It's my -- it's my option to limit to 100 RPM when --

18 Q. Right. Was that -- what is your posted full ahead RPMs?
19 Is it 100?

20 A. At sea it's 100.

21 Q. No, no, no, your full ahead maneuvering speed?

22 A. 100.

23 Q. 100. So you just didn't want to go beyond full.

24 A. No, I didn't want to, yes, sir.

25 Q. That's it? Okay. But the pilot wasn't running full

1 ahead was he when you got in the fog?

2 A. We were running half ahead.

3 Q. Half ahead. So and that was around 8 knots?

4 A. Yes, around 8 knots.

5 Q. And again, I just want to ask the same question [REDACTED]
6 [REDACTED] asked, but after you met the car ship you didn't notice
7 anything unusual about the maneuverability --

8 A. Negative, sir.

9 Q. -- the control of the ship?

10 A. Negative, sir.

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

12 MR. JONES: Captain Pulmer?

13 MR. PULMER: I have no questions. No.

14 BY MR. USHER:

15 Q. Okay. Mike Usher, Houston Pilot Commission. Do you
16 recall what buoy you met the car ship at?

17 A. Just before buoy number 87, yes, sir.

18 Q. 87?

19 A. Just before. Just before.

20 Q. Okay. And you said that you continued inbound after
21 you've made your port-to-port passing with the car carrier.

22 A. Yes, sir.

23 Q. Had you -- once you cleared the stern of that car
24 carrier did you see the *Carla Maersk* ship ahead?

25 A. No, sir, not that -- not when around 150 to 200 meters

1 I've seen her on my starboard side --

2 Q. So --

3 A. -- after. Yes.

4 Q. -- the first time you saw her she was about 100 or 150
5 meters off your starboard bow?

6 A. Only after passing this car carrier.

7 Q. Okay.

8 A. After around 10 minutes, yes.

9 Q. About 10 minutes after you passed?

10 A. Around that. Around that, sir.

11 Q. Okay. Do you recall what buoy you were at when you
12 first saw the *Carla Maersk*?

13 A. We are between 86 and 87.

14 Q. So it was -- let me back up. You said you were maybe in
15 the vicinity of buoy 87 when you passed the car carrier.

16 A. Yeah, but before that I have to check off -- you want me
17 to check this (indiscernible) where the buoys is before the
18 Morgan's Point between 86, 87 and 89 or something.

19 Q. 88, 89?

20 A. Yeah.

21 Q. 89, 90?

22 A. Yes, sir.

23 Q. Okay. When you first saw the *Carla Maersk* and she was
24 on your starboard bow --

25 A. Yes.

1 Q. -- do you recall what running lights you saw on the
2 *Carla Maersk*? Did you identify what navigation lights that you
3 saw?

4 A. Yeah. I saw a red light.

5 Q. That was all you saw was red?

6 A. Yes, sir, and the red light was -- and if it was
7 daylight they could see the structure of the vessel. It's
8 daylight so could see partly because it's the visibility is like
9 150. You can see the structure, the aspect of the vessel will be
10 *Carla* (indiscernible).

11 Q. Okay. But all you saw was the red light, red navigation
12 light?

13 A. No. I mean -- I mean for the port I'm supposed to see
14 during dark time is a red light, but it's daytime. I can see the
15 full structure of the vessel.

16 Q. Okay. Were her navigation lights on? Or do you recall?

17 A. I suppose they should be on.

18 Q. But you don't -- do you recall? Do you remember if they
19 were on and you saw them?

20 A. I mean, what I could see only is the structure.

21 Q. Okay.

22 A. In daylight you cannot see, like, the lights burning in
23 the daylight. Only at nighttime you could see that.

24 Q. Okay. Thank you. That's all I have, Captain. Thank
25 you.

1 BY MR. BETTS:

2 Q. David Betts, Liberia.

3 A. Hi.

4 Q. Hi, Captain. You said earlier on that the pilot advised
5 you approximately 10 minutes before you met the *Carla Maersk* that
6 you were going to pass port-to-port.

7 A. Yes, sir.

8 Q. Was there any other communication between that time and
9 the collision between the two pilots?

10 A. Yes, sir. There was other communication between the
11 pilots and that when we spotted the *Carla Maersk* on our starboard
12 bow the pilot, our pilot spoke to that pilot that why are you in
13 that position? So he says, "Go to your left. Go to your left."
14 At least it's being told like in a normal -- not nautical terms,
15 but he told the other pilot "Go to your left." The other pilot
16 says, "No, I can't."

17 Q. So there was no communication up until you actually saw
18 the *Carla Maersk* ahead of you? There was no other communication
19 when --

20 A. Except those, sir.

21 Q. Just -- so there was a 10 minutes of no communication
22 between the pilots?

23 A. Yeah. No, before the communication was supposed to have
24 met port-to-port.

25 Q. Yes.

1 A. Yeah.

2 Q. And you said that was about 10 minutes prior to the
3 collision.

4 A. Yeah.

5 Q. So in the next 10 minute there was no further
6 communication until you sighted the vessel?

7 A. Yeah, only after we sighted the vessel.

8 Q. Okay.

9 A. Then there was heavy communication between two pilots
10 that you must go to your left.

11 Q. Okay.

12 A. Left. So that's --

13 Q. When you were offshore what kind of boats were you
14 driving?

15 A. Just like offshore?

16 Q. You said you were working offshore?

17 A. Yes. It's like these -- the vessel was an American
18 vessel. It's (indiscernible). It's like a tug boat.

19 Q. And it handled like a tug?

20 A. Like a --

21 Q. So you've had a lot of experience ship handling then?

22 A. Yeah. I've been --

23 Q. Okay.

24 A. -- in that vessel, multiple vessels.

25 Q. Thank you. Finished.

1 BY MR. ANDERSON:

2 Q. David Anderson, owner's representative for Maersk.

3 Captain, when you saw the *Carla Maersk* on your starboard was it
4 still at -- was at her full port side or was it her bow or port
5 bow or?

6 A. Starboard bow.

7 Q. The --

8 A. No, well, let's say --

9 Q. Well, when you saw the *Carla Maersk* on -- off your
10 starboard bow --

11 A. Yeah.

12 Q. -- was -- did you see her -- what was her silhouette?
13 Was it her entire port side or was it her --

14 A. Yeah. She is almost --

15 Q. -- starboard or port bow?

16 A. -- like -- let's say this is the channel.

17 Q. Yeah.

18 A. And the aspect of the vessel was almost like -- not 90
19 degrees perpendicular to the channel, but slightly going up.

20 Q. That's all I have.

21 MR. JONES: Barry?

22 BY DR. STRAUCH:

23 Q. Yeah. Captain, how many times have you been in this
24 ship channel before?

25 A. Yeah, this is my first time as Master in this channel.

1 Q. How about as other officer, other rank then? Have you
2 been --

3 A. No. I've been in this channel 20 years ago.

4 Q. Oh, okay.

5 A. So as a Third Officer.

6 Q. Did you expect, knowing that you encountered, in terms
7 of visibility, did you expect the channel to remain open?

8 A. Yes, sir, because the ships are passing more -- plenty
9 of ships are passing up and down so I expect the ships or the
10 channel would be open all the time.

11 Q. Did you feel comfortable operating with the visibility
12 as it later became?

13 A. I am not comfortable with this.

14 Q. I'm sorry?

15 A. I'm not comfortable with the fog at the time.

16 Q. You were not comfortable? Mm-hmm. Did -- could you and
17 the pilot at any point decided to stop the vessel because of the
18 visibility?

19 A. I have discuss that one earlier, but there was no, let's
20 say if you stop the vessel inside the channel there are ships
21 behind us. There are ships ahead of us so if you stop the vessel
22 then -- well then the entire ship's channel will be blocked if you
23 stop the vessel in the middle of the channel.

24 Q. So once you entered it you were committed to go all the
25 way?

1 A. Yes, sir.

2 Q. Okay. You said the -- you described the pilot and I
3 quote, as "a very responsible pilot."

4 A. Yes, sir.

5 Q. In your mind what was it about what he did or the way he
6 did it that made him a very responsible pilot?

7 A. Yeah. Firstly the first impression we have that the
8 pilot he like clearly speak to the command he is telling to
9 wheelsman and again to my officer to what to do with the engines.
10 So he's clearly doing that. I could hear. I could understand so
11 there's no question about what he's telling us.

12 Q. Mm-hmm. And you and he discussed things and you agreed
13 on things and how -- the speed and so on and so forth?

14 A. Yes, sir, we discuss often regarding the speed.

15 Q. Did you think the speed that you and he had selected was
16 appropriate for the visibility?

17 A. Of 8 knots, yes, sir.

18 Q. Okay. Knowing that you couldn't stop could you -- could
19 you have been at a different speed that would have made you more
20 comfortable?

21 A. No, that speed that I'm comfortable would be around the
22 half speed because I have -- if I have to give more speed like
23 slow speed. The speed which the vessel is not comfortable because
24 of the maneuverability of the vessel. You cannot -- you cannot
25 maintain a certain course with a slow speed.

1 Q. Now, I know you were asked this, but I -- forgive me for
2 asking again. I just want to make sure I understand. You said
3 the *Carla Maersk* appeared out of the fog and when you saw it it
4 was somewhat perpendicular in the channel

5 A. Yes. Somewhat -- not perpendicular but somewhat, let's
6 say, 30 from -- let's say around 35 degrees or something crossing
7 the channel.

8 Q. Okay. About how -- what was the time between the time
9 you saw that and the collision?

10 A. 400. That's a few minutes, a little less, so 400 or 200
11 meters it will take only, let's say, 3 or 4 minutes for stopping
12 the vessel.

13 Q. Okay. When you saw the vessel break out of the fog and
14 it was 30, 40 degrees to the channel --

15 A. Yeah, yeah.

16 Q. -- you were 400 to 500 meters away from it?

17 A. Not at this great. The distance is quite less around
18 it.

19 Q. It was less than that?

20 A. About 150, 200 meters, around there.

21 Q. 500 -- I'm sorry.

22 A. Around 150 to --

23 Q. 150 to 200 meters.

24 A. -- 200, between that, yeah.

25 Q. I see. Okay. Now, when the pilot said -- your pilot

1 said to the other pilot he needed to turn to the left --

2 A. Yeah.

3 Q. -- that was before the vessel broke out of the fog?

4 A. We could see the vessel already at that time.

5 Q. Okay.

6 A. You can see -- you could see the aspect of the vessel.

7 Q. And what would you estimate was the distance between
8 your two vessels at that point when he said that?

9 A. I would say -- I was saying it was between 200 to 150.

10 Q. Oh, so it was about that time?

11 A. Yeah, and it was.

12 Q. I see. What was the reaction to the -- of your pilot
13 when the other pilot said, "No, I can't?"

14 A. So we waited -- we made an avoiding course to avoid the
15 collision. First we make port, but the other -- the *Carla* just
16 went on steady because she say that, "No, I can't. No, I can't."
17 So for that because if we -- if we continue on our port and going
18 to the port side which either we have -- we will be hitting -- I
19 will be hit on my starboard bow --

20 Q. Mm-hmm.

21 A. -- because I could see that the vessel is further. Then
22 after that incident that we recommended all the pilots together
23 with me to put the rudder to hard starboard and make the engines
24 full --

25 Q. Okay.

1 A. -- in order to pass more quickly. So but it was so
2 quick and we cannot avoid.

3 Q. Well, you said your pilot and the other pilot on the
4 *Carla Maersk* had agreed to a port-to-port passing --

5 A. Yeah, yeah.

6 Q. -- arrangement?

7 A. Yeah.

8 Q. Did you at any point before the vessel broke out of the
9 fog recognize that you were not going to be doing a port-to-port
10 power arrangement -- passing arrangement?

11 A. So that was supposed to be the arrangement done by the
12 pilot, but I was just surprised that the vessel was -- the *Carla*
13 was on the -- on our starboard side just like almost perpendicular
14 to the channel.

15 Q. Okay. So it wasn't until it broke out of the fog and
16 you could see it --

17 A. Yeah, yeah.

18 Q. -- almost perpendicular to the channel that you realized
19 that you weren't going to do that kind of arrangement that you had
20 agreed upon? Okay. And looking back on everything, and as I'm
21 sure you have more than once, looking back on all the data that
22 you had, not only visually but also electronic --

23 A. Yes.

24 Q. -- is there anything you or the pilot could have done
25 differently that would have avoided the collision?

1 A. Well, if that was the case like to avoid the, let's say
2 the collision, then there should be, like, from the Houston or
3 from the weather -- I mean, from the Houston traffic that they
4 have to tell that every ship has to like stop or something in
5 order to avoid any collisions in the channel.

6 Q. And that's not practical?

7 A. Yeah. I guess it's not practical.

8 Q. Okay. Well, that raises another issue about Vessel
9 Traffic Service. Are you satisfied with the communications
10 between your vessel and VTS?

11 A. Yeah. When I communicated, yes, I had clear
12 instructions from VTS regarding my -- our intentions to go inside
13 the channel.

14 Q. But how is the Houston VTS compared to VTSeS around
15 other parts of the world? Do they give you the same information,
16 more information? Do they play a bigger role, a lesser role?

17 A. No. the VTS which I have observed in the channel,
18 because normally if you ask information when the vessel would go
19 alongside and let's say we'll pick up pilot they will just tell --
20 it will be informed me 2 hours' time and just wait for the
21 information. Just hold it and just wait for the call. And one
22 things that ships are -- have different characteristics.

23 Let's say one ship could prepare the engines in 2 hours'
24 time. One ship could prepare in 30 minutes' time. So the
25 difference -- it's different with each vessel. So but for the 2

1 hours' time where the Houston traffic is giving to each vessel is
2 quite tight also because I myself even I have to make the vessel
3 ready in one hour time before I heave up the anchor.

4 So if -- let's say it depends on the distance also from the
5 point you will pick up the anchor to the anchor -- to the pilot
6 station. If the distance will be short then okay, 2 hours will be
7 okay, but if you're anchored somewhere around, let's say, 7, 8
8 miles from the pilot station then you will have no time at all to
9 --

10 Q. Okay.

11 A. You will be in a hurry all the time.

12 Q. So in your experience, VTS Houston is as good as the
13 VTSes around the world that you've encountered?

14 A. Yeah. I could sense that they are almost all the same
15 as some around the world.

16 Q. Okay. Earlier we interviewed the Chief Mate and we
17 couldn't help but notice that he was from the Ukraine.

18 A. Yes, sir.

19 Q. And you're from the Philippines.

20 A. Yes, sir.

21 Q. How was it communicating with somebody from the Ukraine?

22 A. No, it's like communicating with Chief Officer then I
23 have to explain, let's say, in, like, even in words then I will
24 have to do it in writing also that I have to do it so they can
25 understand what I'm telling them.

1 Q. Well, you know, if you think about it, at the time of
2 the collision you had three nationalities represented on the
3 bridge.

4 A. Yeah.

5 Q. From people whose native language were three different
6 languages.

7 A. Yes, sir.

8 Q. What was that like communicating given the difficult
9 circumstances that you encountered with all three of you from
10 different countries and different languages, different cultures?

11 A. No. They only -- you don't need to communicate much on
12 the bridge if that incident arises because they have their own
13 responsibility. Like I say, the Chief Officer was on time of the
14 watch, but he's -- I told him that he was supposed to be -- or I
15 mean, I designated him as a lookout, see?

16 Q. Mm-hmm.

17 A. So he -- whatever he is supposed to do on the bridge
18 then he had to do his job.

19 Q. Okay. Now, I'm not going to ask you now what your --
20 what time you went to bed and what time you got up. I'm going to
21 ask your representative if he could get that information from you
22 and the Chief Mate afterwards and just if you could get that in
23 writing --

24 MR. UNGER: Okay.

25 DR. STRAUCH: -- for us and give it to us. But other

1 than that I have no other questions, Captain, at this time.

2 MR. CORNELIO: All right.

3 MR. UNGER: And for how many days would you like that?

4 DR. STRAUCH: Four.

5 MR. UNGER: Four days?

6 DR. STRAUCH: Yes.

7 MR. UNGER: Okay.

8 MR. JONES: Rob Jones again.

9 MR. CORNELIO: Hi, sir.

10 DR. STRAUCH: Actually might as well do it for the watch

11 standards that we were talking about.

12 MR. UNGER: Yeah. I'll get all.

13 DR. STRAUCH: Okay.

14 MALE VOICE: Oh, bridge too?

15 MR. JONES: Yeah, the bridge, too.

16 MR. UNGER: Okay, just the six people we saw, all six?

17 MR. JONES: That would be fine.

18 MR. UNGER: Okay.

19 BY MR. JONES:

20 Q. Captain, Rob Jones again. I think I just heard you say

21 did -- the Chief Mate was not on watch?

22 A. Yeah, yeah. He was on the port (indiscernible) watch.

23 Q. No. He was not on watch at the time of the --

24 A. Yes, sir.

25 Q. -- accident?

1 A. Yes.

2 Q. The Chief Mate?

3 A. Yes.

4 Q. Did you designate -- did I hear you say you designated
5 him as a lookout?

6 A. Yeah. Because he was on the bridge because I have
7 second always on the bridge. I have the wheelsman on the bridge.
8 I am on the bridge. And just like for extra, like, for I
9 designated at the time I say as a lookout.

10 Q. Because he told us he just had come up to take a look
11 around.

12 A. Yeah. And --

13 Q. And --

14 A. He's not supposed to come but then when he came on board
15 I told him, "Chief, okay, we are in a bad situation." The fog was
16 there so when he came on the bridge then I told him
17 (indiscernible) up, too.

18 Q. So he was there then?

19 A. Yeah.

20 Q. At the time of the -- he was now performing the duties
21 of a lookout?

22 A. Yes, sir.

23 Q. Now, is that in your Safety Management System, SMS? Do
24 you have a manning procedure for underway in fog and how many
25 should be on the bridge?

1 A. Yes, sir. Yeah.

2 Q. Okay. Did you meet that manning at the time?

3 A. Yes, sir.

4 Q. Did the Chief Mate being up there exceed the manning or
5 were you already at the correct manning?

6 A. Yeah, he was -- we were at the correct manning at the
7 time.

8 Q. Before the Chief Mate?

9 A. Yes, I believe.

10 Q. Okay. I mean, I don't want to -- I don't want to
11 confuse you, but what would be the normal -- if there was no fog
12 what would be the normal manning requirement going up the channel
13 with a pilot aboard upriver?

14 A. Yeah. We have the normal one. We have watch on the
15 forward to handle the anchor.

16 Q. So one man.

17 A. One and I had two at the time though.

18 Q. And you had two at the time this time why?

19 A. No, the -- just for the extra manpower support.

20 Q. Okay. Not because of the fog?

21 A. It could be one of the reason. Because of the fog there
22 have to be some extra person support.

23 Q. Okay. All right. Well, I don't want to belabor this
24 because, you know, we'll -- I'd like to see the -- when we see the
25 SMS we'll see the manning requirement, but before the Chief Mate

1 came up, so the bridge was adequately manned --

2 A. Yes.

3 Q. -- for the fog?

4 A. Yes, sir.

5 Q. Okay. And the bow was adequately manned --

6 A. Yes, sir.

7 Q. -- for the fog?

8 A. Yes, sir.

9 Q. I want to go back to what we were talking about, the fog
10 in other ports and VTS. So that came -- a question came up. Now,
11 have you operated in other ports in fog in harbors or channels in
12 your trips around the world?

13 A. Yes, sir.

14 Q. So would you say that's a common occurrence or not
15 uncommon? It happens?

16 A. No, because let's say comparatively, you know, I've been
17 on like the channel of Europe like in going to Bremerhaven area.
18 The only thing is different was the channel was quite wide
19 compared to Houston Channel.

20 Q. Okay. And again, I'm going to jump around here because
21 I've got some questions after everybody was asking good questions.
22 When you -- when you saw the *Carla Maersk's* aspect coming across
23 the channel --

24 A. Yeah, yeah.

25 Q. -- that was not what you expected. Is that correct?

1 From hearing a port -- a one whistle past?

2 A. Yeah.

3 Q. The pilot's orders from that point on did you agree with
4 what he did?

5 A. Yes, sir.

6 Q. Okay. So all the orders that he did --

7 A. I --

8 Q. -- to change or extricate them --

9 A. Yeah.

10 Q. -- from that situation you agree with?

11 A. Yes, sir.

12 Q. All right. Once the vessel -- once the two vessels
13 struck, all right --

14 A. Yeah.

15 Q. -- do you remember what the orders were at the time the
16 vessels struck?

17 A. To be around 12:30.

18 Q. No, no, what the orders to the helm and the engine
19 orders were at the time the ship --

20 A. Yeah. At the time when we struck I put the engines to
21 stop and full backward.

22 Q. Okay. Did you do those orders without the pilot's
23 order?

24 A. Both of us. Both of us were very, like, on that
25 situation.

1 Q. It was agreed to?

2 A. Yeah.

3 Q. Did you say it verbally or did you just look at each
4 other and do it?

5 A. No. We'd been like -- like we'd been yelling at each
6 other, which was --

7 Q. Okay. Was there any consideration given when the vessel
8 had struck to stay there instead of going in reverse once you
9 collided with the other, with the *Carla Maersk* --

10 A. Mm-hmm.

11 Q. -- to just keep the vessels together? Did you and the
12 pilot discuss that or was the choice to go reverse?

13 A. No. We have the choice to make the reverse proportion
14 in order to -- not to hit much on the impact with the vessel.

15 Q. Okay. When -- I'd like to now just talk about after the
16 collision, you're the captain of a vessel that's just been --

17 A. Yeah.

18 Q. -- involved in a major accident --

19 A. Yes, sir.

20 Q. You've got crew on the bow.

21 A. Yeah.

22 Q. Tell me what you did next? How did you account for your
23 crew? What actions did you take now that you've gone from
24 navigating in the channel to post-collision?

25 A. Yeah. Just before hitting the bow of the *Carla Maersk*

1 there were two guys standing forward so I told them by radio to
2 vacate immediately. So two guys were running, had been at that
3 time around the hatch number two that they were running.

4 Q. Okay.

5 A. So by that time I was on the starboard side of the
6 bridge. I was holding various kind of -- we expected a collision,
7 so we protected all the stops on the bridge was holding the
8 railings. And we say, okay, hold onto (indiscernible) so to avoid
9 any accident.

10 Q. Okay. What next?

11 A. And next was when we have -- when we hit each other so
12 before that I told boatswain to back out and then after like
13 disengaging with her then to drop the anchor, starboard anchor to
14 hold it. And before that after dropping the anchor then seeing
15 what was the damage for the vessel we also ordered them to check
16 the surroundings for any other spillage or something. One thing I
17 was worried that maybe spill would be there, but --

18 Q. A spill from your ship or a spill from the --

19 A. From our ship.

20 Q. Okay.

21 A. From our ship because I'm positive that there will be no
22 spills on our ship because our fuel tank is on the -- on the
23 topside. There's no fuel down at the bottom.

24 Q. But they're forward?

25 A. Forward? No, nothing is -- all ballast tanks.

1 Q. Okay. So no fuel tanks forward?

2 A. Nothing, no.

3 Q. All right.

4 A. So from there on we drop anchor and then I go on my
5 walkie-talkie like we went to account for is anybody hurt. And
6 after when we check the safety of the vessel we have to check
7 something and we check these -- if the bubbles bow has been
8 damaged, but then we -- the boatswain was (indiscernible) forward
9 water was like escaping from the forward tank.

10 So we are sure that the bow is damaged or something, ruptured
11 or something. So tell them to take something in our tanks to get
12 it also where the engine is (indiscernible), sounding all tanks.
13 But then fortunately this was -- everything was intact and we have
14 no spillage on it.

15 Q. Okay. Did you do any ballasting there while you were
16 still in the river?

17 A. No, sir, only the -- only the port (indiscernible) we
18 just lost this, the ballast. I mean by nature it is --

19 Q. It just came out.

20 A. -- it went -- it came out.

21 Q. Do your draft once you got to the dock now is going to
22 be different than what your arrival draft was?

23 A. Yes, it was. Yes, sir.

24 Q. Okay. The two men on the bow how long did they stay up
25 there?

1 A. Well from the point after the collision then after
2 dropping the anchor then they have to assess the damage and then
3 everybody was, like, almost on the deck to see what's going on and
4 then checking all the sounding. Everything has to be reported.

5 Q. Okay. Was there any worry on your part about the fact
6 that you just hit a tanker and there's spillage?

7 A. Yes, sir.

8 Q. All right. And how did you -- how do you take care of
9 the -- your crew with regards to you don't know what kind of
10 hazardous material or not hazardous --

11 A. Yeah, yeah.

12 Q. -- material. So how did you assess that and take care
13 of the crew?

14 A. Yeah. For that one first what I did was I help -- I
15 went to my SMS. This is the emergency response plans and made
16 some -- I laid out all this -- all counterpoints which have to
17 communicate all the first -- the obvious. At the same time
18 together with the pilot because the course we had everything what
19 happened. So I went to my checklist with the emergency response
20 plan regarding the collision that took -- that happened.

21 Q. Okay. Were the crew that were up on the bow, did they
22 have any type of protective gear that they donned or wore while
23 they stayed up there?

24 A. Yeah. They -- we think that they are wearing the PP,
25 the personal protective gear.

1 Q. PPE?

2 A. Yeah.

3 Q. All right. Were you in any kind of contact with the
4 *Carla Maersk*, either you to their captain or the pilot to the
5 captain -- the two pilots to let -- did anybody from that ship at
6 all let you know what type of product was being released into the
7 river?

8 A. Negative, sir. When we hit the tanker there was no --
9 it was like a silence period. Nobody was, like, quiet on their
10 side. We were quiet on our side also. We just were waiting for
11 any information from the outside.

12 Q. Did any of your crew recognize any type of odor or smell
13 or --

14 A. Yes, sir. That after the incident that spilled I let
15 the crew come inside the accommodation because I could smell this
16 heavy fume coming up.

17 Q. And how long after the collision was that?

18 A. The -- after we anchored, after I would say 10 minutes
19 or something. You could smell all these fumes from the other
20 ship.

21 Q. Okay. The boatswain said he was up on the bow until
22 almost 5:00. Is that what you remember?

23 A. From?

24 Q. From the time of the collision to almost 5:00 p.m.

25 A. Yeah, 5:00 until -- because we at the moment we had been

1 monitoring and then at the time of the incident boatswain has to
2 be most frequently but not totally will stay all the time because
3 of those fumes has been released from (indiscernible) and we have
4 to check also the anchors. And we will check anchors.

5 Q. Okay. So you're on board with the pilot. You're on
6 your ship in a foreign port --

7 A. Yes, sir.

8 Q. -- now, Houston. Does anybody from any other source
9 call you and tell you that -- about the materials or the product
10 that's being released from that tanker, whether you're supposed to
11 shelter in place? When is the first time you hear from an outside
12 source unless the pilot is communicating this with you?

13 A. Yeah. As far as I could remember the only communication
14 I heard was with the second pilot who came on the bridge already
15 because they relieved the pilot at 21 -- the pilot who was with me
16 during the incident was relieved around 2130 at night.

17 Q. So not until 9:30?

18 A. Yeah, but I'm not really -- I cannot recall really what
19 time, but there was information that we have to do inside, go
20 inside.

21 Q. There was information.

22 A. There was information.

23 Q. And --

24 A. I cannot exactly tell you what time it was. There was
25 information.

1 Q. Did you log that?

2 A. I have not logged it.

3 Q. Okay. And who told you to go inside? Was that from the
4 pilot or was that just over the radio?

5 A. It was all from the pilot. From the pilot.

6 Q. Okay. And the pilot remained inside with you --

7 A. Yes, sir.

8 Q. -- until the other pilot came?

9 A. Yes, sir.

10 Q. I think that's all I have right now.

11 A. Okay.

12 MR. JONES: We'll go around one more time?

13 [REDACTED]:

14 Q. Yeah. [REDACTED] The first
15 time you encountered the fog do you recall what your position was,
16 approximately?

17 A. The location, the coordinates you are talking about?

18 Q. Approximately. We don't have to get lat and longitude
19 down, just --

20 A. Just let me say I could not exactly point out which
21 location, but it's south of Morgan again, which is the point
22 before entering Morgan's Point Pass.

23 Q. Okay. What additional precautions did you take
24 navigating after you encountered the fog?

25 A. Yeah, by adding one extra man forward. Had two men in

1 that.

2 Q. All right. Specifically did you put your running lights
3 on?

4 A. Yes, sir.

5 Q. Did you energize your fog signal?

6 A. At that time from 12:00, sir, I have not with me.

7 Q. How about your speed? Did you adjust your speed when
8 you hit this area of reduced visibility?

9 A. Yeah. Now the 8 knots would be appropriate for that
10 time.

11 Q. On your ship do you have your maneuvering
12 characteristics posted up on the bridge?

13 A. Yes, sir.

14 Q. What's the stopping distance for your ship?

15 A. I cannot remember that at this time.

16 Q. When the pilot came on board did you make him aware of
17 that?

18 A. Yeah, it's on the -- on the --

19 Q. The pilot card?

20 A. -- the pilot cards.

21 Q. Okay. No more questions.

22 BY MR. MORRIS:

23 Q. Clarification just to make sure I understood.

24 Visibility you said was -- you could see the Maersk ship about 150
25 yards, but that's --

1 A. 150 meters. Meters.

2 Q. -- you're estimating that from your bow, right --

3 A. Yes, sir.

4 Q. -- which was 150 yards or maybe 300 yard?

5 A. No, no, 150 meters.

6 Q. 150 meters.

7 A. Between 150 to 200 I see, yes.

8 Q. But it's not 150 meters to your bow and another 150

9 meters beyond, so about 300 meters of visibility?

10 A. No, that is the point where I could see the *Maersk* asset

11 -- or aspect.

12 Q. But it isn't from your bridge to your bow is about 150

13 meters, right?

14 A. Yeah, but -- no, from my bridge to my bow is 160 meters.

15 Q. 160 meters.

16 A. Yes.

17 Q. And then you said you saw him at 150. All -- you're

18 saying --

19 A. Yeah, from the --

20 Q. -- he was 150 bow-to-bow --

21 A. -- bow to -- yeah, right.

22 Q. -- right? Okay. I just wanted -- so about 300 meters?

23 A. Yeah, yeah, sir.

24 Q. And then how far did you say -- I didn't understand if

25 it was 60 or 16 when you met the car ship? How many meters was --

1 A. 160 meters.

2 Q. 60 meters?

3 A. Yes, 6-0, 6-0.

4 Q. Yeah. Thank you. That's all I have.

5 MR. PULMER: Nope.

6 BY MR. USHER:

7 Q. Yes, Mike Usher, Houston Pilot Commission. When you saw
8 the *Carla Maersk* to your starboard bow do you recall what your
9 under keel clearance was?

10 A. Around 5 -- between 6 to 7 meters.

11 Q. Between 6 to 7 meters? Okay. Thank you. That's all I
12 have.

13 BY MR. BETTS:

14 Q. Just one more question, David Betts, Liberia, do you
15 have any gas detection equipment on board --

16 A. Yes.

17 Q. -- your ship?

18 A. Yes, sir.

19 Q. What have you got, oxygen?

20 A. Yeah, oxygen tubes.

21 Q. Dräger-Tubes?

22 A. No, no, it's like -- it's not Dräger-Tubes.

23 Q. Is it multi-gas?

24 A. Yeah, multi-gas.

25 Q. Okay. Finished. Thank you.

1 MR. ANDERSON: No more questions.

2 BY DR. STRAUCH:

3 Q. Yeah, I just have a couple questions. This is Barry
4 Strauch from the NTSB. I see you wear glasses.

5 A. Yes, sir.

6 Q. What do you wear them for?

7 A. For reading a little.

8 Q. Okay. Did you need them at all before the accident?

9 A. No. I could see even from distance. I don't wear
10 anything.

11 Q. Okay. Did the pilot wear glasses?

12 A. I cannot -- I cannot -- I can't remember.

13 Q. Okay. I have no further questions. Thank you.

14 MR. JONES: That's all I have. We're good.

15 MS. BELL: All right.

16 DR. STRAUCH: Thank you.

17 MR. JONES: All right. Thank you, Captain.

18 MR. CORNELIO: Thank you.

19 MR. JONES: That concludes the interview.

20 MR. CORNELIO: Thank you very much.

21 (Whereupon, the interview was concluded.)
22
23
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
 THE M/T *CARLA MAERSK* IN THE
 HOUSTON SHIP CHANNEL
 MARCH 9, 2015
 Interview of Luis Banogon Cornelio

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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.

Heidi Gardner
Transcriber