

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

ANDREW J. BARBERI
STATEN ISLAND, NEW YORK

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* Docket No.: DCA-10-MM-017
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Interview of: JOHN GARVEY

Staten Island Ferry Facility
Staten Island, New York

Wednesday,
June 30, 2010

The above-captioned matter convened, pursuant to notice,
at 11:30 a.m.

BEFORE: BARRY STRAUCH
Accident Investigator

APPEARANCES:

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I N T E R V I E W

(11:30 a.m.)

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3 MR. STRAUCH: Okay, good morning. It's 11:30 on June
4 30th. We're interviewing John Garvey, Director of Operations.
5 I'd like everybody to introduce themselves. I'm Barry Strauch
6 with the National Transportation Safety Board.

7 MR. STOLZENBERG: Eric Stolzenberg, National
8 Transportation Safety Board.

9 MR. KINNEAR: Lenny Kinnear, U.S. Coast Guard.

10 MR. CURTIS: Brian Curtis, NTSB.

11 MR. FITZGERALD: Dan Fitzgerald with the law firm of
12 Freehill, Hogan and Mahar.

13 MR. STRAUCH: And, John, you understand you're being
14 recorded?

15 MR. GARVEY: I am.

16 MR. STRAUCH: Okay.

17 MR. GARVEY: John Garvey, Staten Island Ferry.

18 MR. STRAUCH: Thank you.

INTERVIEW OF JOHN GARVEY

19
20 BY MR. STRAUCH:

21 Q. Could you tell us a little bit about your background,
22 experience and education?

23 A. I am a 1975 graduate at United States Merchant Marine
24 Academy. When I graduated from Kings Point I went to work for
25 American Exports sailing deep sea for a few years, I want to say

1 three. I then started doing some work out at the Port Jeff Ferry
2 just to try and get my foot in the door, and it's a 333, which was
3 really difficult if you were out of the schools back then. I got
4 into 333 and managed to get work with Moran Towing at the time.
5 Stayed in the tugboat industry, then went over to Poling
6 Transportation and I worked on their small inland tankers for a
7 number of years.

8 There was a strike in '88 and I went to work for
9 Turecamo as a captain on their tug. Moran got -- Moran bought out
10 Turecamo and I swore I'd never go back to Moran and ended up back
11 with Moran as a result of a merger or a buyout or whatever. Those
12 things happen. I was with Moran until about four and a half years
13 ago when I decided to come to the Staten Island Ferry. I've been
14 here four and a half years and I'm the director of ferry
15 operations.

16 Q. And did you come in at that position?

17 A. I did.

18 Q. And what are your responsibilities as the director of
19 operations?

20 A. I take care of the operations of the ferry, of the
21 operation here of moving passengers back and forth from Staten
22 Island to Manhattan, Manhattan back to Staten Island. The way I
23 delineate it, which is not necessarily the official version, but I
24 go from loading door to loading door. So from the time that we
25 open up the doors and we start getting people on board until the

1 time that we get them off the boat and out the discharge doors on
2 the other side, anything that happens between those two
3 demarcation points I try to grab it and I take over.

4 Q. Do you deal with safety at all -- I'm sorry --
5 maintenance at all?

6 A. Everyone who's here deals with maintenance in some
7 regard. I have an 8:00 meeting every morning and we go over what
8 maintenance is being done on the boats during those meetings. I
9 have those meetings down in the port office. We include the port
10 engineers, the port captains, the ferry terminal supervisor, the
11 director of engineering, senior port engineer, senior port
12 captain, and we determine what's going to happen that day, and
13 that would include when we're tying boats up in order to get
14 maintenance done.

15 Q. Okay.

16 A. Do I dictate what maintenance gets done, the answer's
17 no.

18 Q. And that would be engineering?

19 A. That would be engineering. But am I involved, yes.

20 Q. Okay. So your area of responsibility is primarily the
21 wheelhouse and below?

22 A. No. My area of responsibility is anybody that works on
23 the boats and to some degree anybody that's working on the dock as
24 a deckhand. There's some co-joining jurisdiction there with
25 Margaret.

1 Q. Okay.

2 A. But, I mean, she's primarily responsible for them but I
3 have to work with everybody that's on the dock because that's part
4 of the operation.

5 Q. Okay. And who is your immediate supervisor?

6 A. Captain Jim DeSimone.

7 Q. Okay. And when did you come on board? What was your
8 start date?

9 A. February 22nd, 2006.

10 Q. Okay. Did you come into a --

11 UNIDENTIFIED SPEAKER: Oh, 2006?

12 MR. GARVEY: Yeah.

13 BY MR. STRAUCH:

14 Q. Did you come into a new position or did you replace
15 somebody?

16 A. There was no one in my position at the time that I came
17 here.

18 Q. It was newly created?

19 A. No.

20 Q. It was a vacant position?

21 A. It was a vacant position.

22 Q. I see. Do you know how long it had been vacant?

23 A. I don't.

24 Q. Okay. And what were some of the challenges you faced
25 when you first came on board?

1 A. Well, there had been no one in that position for a
2 while, so I was faced with that task. And there had been a change
3 in management here as a result of the previous incident with the
4 Barberi, and as a result, NTSB and GMATS report had suggested some
5 changes, and trying to assist in implementing them, that was a
6 major change. You know, we -- trying to make sure that the SMS
7 was being complied with, the safety management system, trying to
8 make sure that Coast Guard regs were being complied with, that
9 the, you know, the MOU that we have with the Coast Guard was
10 being, you know, adhered to. All in all, making sure that the
11 CFRs and everything was being done correctly.

12 Q. Okay. Were you involved in the SMS implementation?

13 A. No.

14 Q. Okay, that was --

15 A. That was just prior to my arrival. That was Margaret
16 and Jim --

17 Q. Okay.

18 A. -- were here and they brought it in.

19 Q. How did you -- could you describe how someone is hired
20 to become -- to work in -- on deck and then just take us through
21 the process of hiring to training to oversight?

22 A. Okay. And just to go back, if I can, just to clarify, I
23 am responsible for the engineers and the engineering people on
24 board as well.

25 Q. Okay.

1 A. Okay?

2 Q. Okay.

3 A. Obviously, it's a city agency, so we're limited by how
4 many people we can hire. We hire according to openings that come
5 about. If -- you know, we know based on an annual bid board that
6 we have how many people that we need in order to operate this
7 place. As we get vacancies we will then advertise for positions
8 and bring them in to interview them.

9 In addition to that, we had -- and this year we didn't
10 do it only because things are tightening up so much as far as the
11 economy, but I had been sending people out to Kings Point and to
12 SUNY Maritime to recruit deckhands -- I mean recruit graduates
13 from both of those schools, both above and below deck, coming into
14 entry-level positions, meaning they'd come here as either oilers
15 or as deckhands and then work their way up as we saw fit.

16 We had to change the specs because originally they would
17 not accept that the sea time was equivalent to two years of
18 experience if you needed for decking to get in here as a deckhand,
19 but that's been changed. The same is -- also holds true with the
20 marine engineers and the oilers.

21 Q. Uh-huh.

22 A. So we'll bring in -- Arthur will set -- most of the
23 resumes go to Arthur. As we hear of different resumes that come
24 in we'll forward them over also. There'll be recommendations from
25 people that work here. Arthur will filter -- Arthur Aaronson will

1 filter through -- he's the director as administration. He will
2 filter through these resumes and then based on all the ones that
3 I've picked up or other people have sent to me and I've sent to
4 him, we'll call X number of people in for interviews.

5 We'll go through them and we'll ask them a series of
6 questions. I have a list of 10 questions that I generally ask and
7 we keep a -- we try to keep a record of it. I try to sit in on
8 every interview for every deckhand and every marine oiler. And I
9 know that that sounds strange that I would be sitting in on
10 entry-level positions, but we promote from within. So when I'm
11 sitting in on an interview, I'm hiring my future captains. I'm
12 hiring my future chiefs. So I really want to try and see what's
13 there. Have I sat in on every interview? The answer is no, but I
14 do try and make as many as I can. I try and make it 100 percent,
15 but it doesn't always work.

16 I'll go through the 10 questions with them. We'll ask
17 them their background. We ask them how they got interested in the
18 maritime industry. We ask them if they know anyone that works
19 here. We ask them if they know the emergency signals for abandon
20 ship, for fire-on-boat. We'll ask them if they have any
21 involvement with safety management system. We will ask them if
22 they have experience in passenger vessels. Ask them if they don't
23 have experience in passenger vessels, well what other experience
24 that might be relevant. Oh, you were a waitress or you were a
25 waiter or you were a busboy, you know, you worked in the public

1 sector, just trying to get a feel if they can handle this, because
2 it's different.

3 And so you know we'll go through that, go through their
4 different drills that they've been with and if they were at
5 McAllister, what kind of drills you do, you know, when you're deep
6 sea. Okay, what'd you do when -- you know, we -- we just try and
7 find out how much relevancy there will be and experience there is
8 that would seem to be applicable, you know, applicable to this
9 job.

10 Q. Uh-huh.

11 A. And then we rank them as we're going through them,
12 because sometimes we'll bring 20 people in and, okay, he's a good
13 one; he's the top. And then the next one comes in and, well,
14 how's he? Well, he's below. And next one, well, how -- well, in
15 the middle. And we just keep stacking them through the whole day
16 so that at the end of the day it's not, okay, go back and try to
17 figure out which of the 20 it was. It was like, okay, we're
18 hiring five, take the top five because we've already ranked them
19 and that's who we're hiring.

20 So, you know, there is some kind of a system to it but,
21 you know, is it the best? I don't know, but it works.

22 Q. And about what percentage of people that apply get
23 hired?

24 A. I don't know.

25 Q. Okay. Can you tell me how people are --

1 A. I can tell you that it's a very small percentage of
2 people that apply. Arthur will probably get 300 resumes and we'll
3 probably pull 20 out of them, you know, that we'll interview.

4 So --

5 Q. Okay. But you can't say about how many of those you
6 would --

7 A. It really depends -- we had a set of interviews last
8 month or maybe even earlier this month. We had seven candidates
9 come in for deckhands positions but they all had licenses; they
10 all graduated from one of the academies, and so for the most part
11 you would think that they'd all be good candidates. Well, we took
12 five. There was still two that we didn't find acceptable. So,
13 but that was all licensed people coming in for an entry-level job.
14 So it's hard to say how every -- you know, how you're going to
15 look at it, you know.

16 And we try to do that when we -- like the last time we
17 had 20 in, we knew going into it, okay, we're going to have three
18 licensed that we're going to take out of that and we're going to
19 take three unlicensed and then one more either/or. You know,
20 knowing ahead we're going to hire seven, but, you know, we know
21 that we've got these many people training to move up already, so
22 we know that we have mates' positions so we're only going to hire,
23 you know, X number, trying to, you know, put a little bit into the
24 depth chart.

25 Q. And how do people then get selected for promotion?

1 A. It's two different ways. The mates are selected based
2 on seniority so that as long as there's nothing against them their
3 seniority and grade will be -- they'll be the first one to get
4 trained, okay? If I have a mate who just came in from the school
5 and he's working as a deckhand and I have a deckhand that's been
6 here for five years or eight years and he goes and gets his
7 license, I'm going to train him before I train the new kid that I
8 just brought in, even though he had the license first, because
9 he's been here longer. He's part of the system and, you know,
10 that's the way I -- it's fair.

11 However, now we move to the pilots, to the operating
12 officers. Okay, in that particular case, they have to do a lot
13 more in order to get that pilotage, so the first one who gets it
14 is the guy who's going to get put in line for training, but
15 there's also a different level of training for that. So -- and I
16 go by the date of issue on that. We have -- right now we have two
17 gentlemen that are both waiting to be trained. They are both here
18 approximately the same amount of time. One has got -- been here
19 maybe a couple of months more than the other one. And the Coast
20 Guard now issues letters saying you've passed your exam. Well,
21 the one guy got his letter first; the other guy got his letter
22 second, but when it came time for the date of issuance, he got his
23 first and he got his second. Well, that's the -- it's the way
24 I've been doing it, so that's the way I'm going with it. You got
25 your letter for pilotage first, so you're going to be the next guy

1 I'm going to train. Okay? And it's a different type of training,
2 so --

3 Q. Can you describe the training?

4 A. For the pilots?

5 Q. For the mates.

6 A. I'll do both.

7 Q. For the pilots.

8 A. Pilots? You know about the mates training?

9 Q. You want to go through the mates training?

10 A. Very briefly, we have a Form 17 that basically
11 delineates all of the different duties that they have. We have
12 them go through and they check the box to make sure that they've
13 been instructed on all of these different duties. That's it.

14 Q. Okay.

15 A. Okay? The assistant captain and the captain completely
16 different. They have the Form 17. They have all the check boxes
17 to know that they know all the procedures for transferring the
18 power and, you know, whether it's to the other pilothouse or down
19 below. They've gone through the different drills, same thing, all
20 those check boxes that they do as a mate, but then we take it to
21 the next level. There's one more box in there that says that
22 they've completed all their docking sheets.

23 I have -- all of the assistant captains have to have
24 five dockings on every class of vessel in every slip at
25 St. George. So in slip 1 you can't put the new boats in there,

1 but anything that can fit -- the overnight boat, the little boat,
2 the Barberi and the Kennedy -- they have to get five dockings on
3 each one of them into slip 1. In slip 3, they can all fit in
4 there, so there's 20 dockings. Slip 4, 20 dockings. Slip 5, 20
5 dockings. Slip 6, 20 dockings.

6 And each one of them faces a little bit different
7 challenge as far as the wind, the current, you know, how they set
8 up, you know, the buoy that's out there by slip 1. So also -- and
9 then they -- 69th Street, I don't necessarily hold them hard and
10 fast to it. It's a little more difficult, so a lot of the
11 captains like to do it themselves. And I know that the captains
12 are right there with them, so I don't really hold them to having
13 to get that done on all the classes. I prefer it, but if they
14 don't get it, I'm not going to hold them up. But on here, it is.
15 But at a minimum, if they did all of that, it's 115 dockings.

16 Now, in addition to that, they have to get with all
17 captains. They have to be with every captain. And that came
18 about as a result of a little miscue that we found about two and a
19 half years ago. We trained an assistant captain who had been
20 working a morning shift. He filled in with the night guys. He
21 went on the nights with the one captain, but he never made it on
22 night with the other captain, and all of a sudden his first
23 assignment was to go be the assistant captain with a guy that he
24 never worked with. The morning captain says, so who the hell are
25 you? And we're like, yeah, that ain't exactly --

1 Q. Yeah.

2 A. So we make them go with every single captain. And it
3 was a, you know, it was a hole that we found and we plugged it.

4 And so now I make sure that I get signed docking sheets
5 from all 20 captains. And the senior port captain and one of the
6 port captains keep track of which ones you've been into. You
7 know, they hand in these sheets, and the sheets go through the
8 captains -- it was another hole we found -- because we asked for
9 comments, you know. And not necessarily negative but, you know,
10 critique them, you know. And I want to know if the guy can do it
11 in the ways -- I want to know if the guy's not picking up that,
12 you know, boats are coming out of the Kills when he's focused on
13 going into the slip. I want him to, you know, to have that
14 peripheral vision and to be aware of -- you know, that awareness
15 that they need.

16 So then we found out that not all the slips were making
17 their way up to my office. So then we said, okay, well, now the
18 captain gets the slip and the captain turns the slip in, instead
19 of the captain filling the slip out and giving it back to the
20 candidate. So, you know, you refine things as you go along, and
21 that's what we've been doing. And, I mean, that's any system.
22 You know, you just -- you try and plug the gaps as you go.

23 There was no training program before I came here. It
24 didn't exist. There was no official training program. I mean,
25 there was some method, but what it was I couldn't tell you. But

1 it was something that the former senior port captain -- I said to
2 him, I said we have to develop something in-house so that we have
3 a tracking of the fact that they know how to go into slip 1, they
4 know how to go into slip 3, that they've, you know, been on the
5 Kennedy, that they've been on the Barberi. I said we don't have
6 that right now; we need to track that. So that -- this is all
7 finally coming to fruition.

8 So they go with all 20 captains, approximately, and they
9 go on all of these slips and by the time they get finished they've
10 got 125 to 150, some guys 200 dockings, you know, before we cut
11 them loose. There are some guys that come back to me and say I
12 don't feel comfortable with the Kennedy, you know, can I work
13 another trip, you know, another week on the Kennedy, another
14 couple weeks on the Kennedy? I say sure.

15 The other thing that I always advise them at the
16 beginning, and this is kind of an interesting thing, I tell them,
17 don't be in a hurry to get through the training program. And the
18 reason is there's no benefit to you and there's no benefit to me
19 if you're not ready. I pay them the assistant captain's pay; I
20 pay them the assistant captain's overtime the day they start
21 training. So they're already getting the money. It's not like
22 they got to rush through it because I'm not -- they're looking for
23 a pay raise. They've already got the pay raise, and they pretty
24 much set their own schedule. So, if anything, they'd want to stay
25 in this thing as long as they can because, hey, I can be off this

1 weekend. You know, I'll just tell them I'm working Monday to
2 Thursday this week, you know, so -- and we're very liberal with
3 it. I mean, I don't care. As long as they're getting around and
4 I'm getting document sheets and they're getting with different
5 captains and I'm getting good progress reports, then I'm fine with
6 them continuing. And when they come back to me and they say I
7 want to stay two more weeks on the Kennedy, I say okay.

8 Q. About how long does it take on average?

9 A. It varies.

10 Q. Start to finish?

11 A. It could go from a month and a half, two months to four
12 months. I've had them as long as four months.

13 Q. Has anyone washed out?

14 A. Yes. I had one gentleman -- two -- actually two. One
15 for a different reason that was really -- it was another incident
16 that came by and it had to do with his interaction with a third
17 terminal supervisor. And as far as I was concerned it was part
18 and parcel of him being able to handle himself in that position.
19 It was while he was training and I bounced him back down. And
20 will he get the shot? Yeah, he'll get the shot again, you know,
21 but he needed to be taught that he needed to -- the responsibility
22 is there with the position as well.

23 And there was one other guy who I just didn't feel
24 comfortable with how he was doing the dockings, and I said no.
25 And back he went.

1 Q. Out of how many since you've taken over?

2 A. Twelve, 15. I mean, I don't know.

3 UNIDENTIFIED SPEAKER: We're talking just pilots now?

4 MR. GARVEY: Yes. Just assistant captains, yes.

5 BY MR. STRAUCH:

6 Q. Do you go out yourself and observe them while they're in
7 training?

8 A. I do. I try and do it periodically during the point and
9 then one of the things that we also changed was on the form -- the
10 Form 17, the check-offs never came to myself or to Jim. And so I
11 put in a Form 16 as a recommendation opportunity for improvement.
12 We added two signatures on there, and it's his and mine for
13 operating officers, so that I'll end up basically sitting down
14 with them myself, and then Jim and I will sit down with them
15 together before we actually put them out into the field, you know
16 at the finish, you know, to go out on their own.

17 Q. Now, do you use the simulator? I understand you
18 acquired a simulator in Whitehall.

19 A. We have a simulator. We don't require that for this
20 training.

21 Q. Okay. How is the simulator used?

22 A. We just got it up and running to some degree in
23 February. Right now we're using it for familiarization for -- we
24 are in the process of installing new radars and ECDIS, which
25 they've never had before. We're utilizing this to go over those -

1 -

2 Q. Okay.

3 A. -- you know, various pieces of equipment.

4 Q. And is their intent to use it for those purposes, for
5 training specific navigation coordinates specifically or do you
6 intend to use it for other purposes as well?

7 A. We have actually -- I have actually already got -- SUNY
8 has submitted to the Coast Guard and has gotten approval to use
9 that facility as one of their training classrooms, and they can
10 use it for radar, radar renewal, ECDIS, ARPA, but the Coast Guard
11 would not sign off on it for bridge resource management because
12 it's not a full bridge simulator.

13 Q. Uh-huh.

14 A. So -- but we are going to teach BRM there because I
15 don't require an approved course. I just started -- am I
16 volunteering too much? I just --

17 MR. FITZGERALD: Always.

18 BY MR. STRAUCH:

19 Q. Not to us.

20 A. I just started last year -- we had been having -- I'm
21 probably going to say this the wrong way -- not the wrong way, but
22 like any governmental agency, you know, we're looking for ways to
23 watch our budget. One of the components of that was we've been
24 getting hit with reductions from -- as a city governmental agency,
25 we've been tasked with coming up with different reductions that we

1 can come up with. We didn't want to eliminate training, so we had
2 to come up with a way to make it work within the system. One of
3 the things that I figured out was -- I don't know if you gentlemen
4 have seen the bid board yet?

5 Q. We've heard about it.

6 UNIDENTIFIED SPEAKER: We've heard about it.

7 MR. GARVEY: Every year annually somebody goes up there
8 and they bid their position, you know, and based on seniority they
9 take this job, this vacation, you know, go through that whole
10 thing. Well, I figured out that we really had more vacation spots
11 than we needed. So, we went and we looked at which areas of the
12 year where we could possibly -- I looked at two weeks and then the
13 guys up in assignments said well we can give you four weeks. So
14 we carved out four weeks at the end of February and the beginning
15 of March when we don't let anybody take vacation. This now frees
16 up two vacation captains, two vacation assistant captains, four
17 vacation mates, 17 vacation deckhands. So during those four weeks
18 now -- this year was the first year I did it -- we try and take
19 those crew as a whole crew and send them down to M.E.B.A.

20 This year I tried to send them to M.E.B.A for bridge
21 resource management. I sent two other teams down on two other
22 weeks for basic safety training, which is to allow them to keep
23 their STCW endorsement. Even though we do all the drills and
24 everything else that they would be doing on a deep sea ship, by
25 virtue of the fact that we are not seagoing -- I mean, IMO

1 requires seagoing; we can't get credit for that. So in order for
2 them to maintain their STCW endorsements, they have to take a
3 basic safety training course every five years.

4 So I've been in touch with M.E.B.A. and I told them that
5 I would like to rotate through on a five-year basis everybody here
6 above deck for a basic safety training course that needs it. If
7 you don't have the STCW, I'm not going to waste their time and
8 send them down there, but if you have it, then I'm going to send
9 them down there. And then in addition to that, I'd like to rotate
10 everyone through the BRM as a refresher once every five years,
11 which I don't think is unreasonable. It's supposedly a once in a
12 lifetime thing that you take it, but I can't see the harm in doing
13 it again once every five years.

14 BY MR. STRAUCH:

15 Q. Are either of these required under your --

16 A. No. They're not. This is all above and beyond what we
17 are required. The other thing that we do also is that as soon as
18 we have enough for a class, anytime we have enough mates that come
19 in, or captains or assistant captains or whatever the case may be,
20 although we don't really hire in at those levels, we will send
21 them to a BRM -- it's a modified BRM for our purposes. They'll go
22 through our SMS. They'll go through a lot of, you know, our
23 bridge team management stuff out at GMATS. Now they're going to
24 do it down here at Whitehall, so we don't need to travel on that
25 anymore. But we do that as -- almost as soon as we have enough

1 for an 8-man class or a 10-man class, we'll have them put together
2 -- whether they've had the BRM or not, we have them go through it
3 again, go through our SMS and doing -- focusing on that stuff.

4 Q. And we were told earlier that you also practice drills
5 and you incorporate incidents or scenarios that the ferry
6 encounters. Could you describe those and who goes through them,
7 how often the drills are conducted, how often the drills are
8 modified and developed and so on?

9 A. We do the weekly fire-on-boat drills. We do other
10 drills on a monthly basis, some on a quarterly basis, some on a
11 six-month basis. And we have a Form 01, which is for tracking
12 purposes, telling them which drills are going to be done which
13 particular month, whether it's QI notification drills, whether
14 it's a elevator extrication drills, crowd control, crisis
15 management, those components.

16 We have -- I want to say we have 13 different evolutions
17 in our emergency procedures manual, and over the course of the
18 year we try and make sure that we cover all of those procedures
19 within our drills. We plan for the abandon-ship drill as the
20 first boat drill of the month, and the reason we do that is that
21 that's the only drill that's really required on that portion of
22 it. The other weekly boat drills are not required. Okay. That's
23 something above and beyond.

24 So, you know, the other -- it's -- I don't know. We do
25 weekly fire drills. If for some reason they can't get to that

1 boat drill that first week, then they have another week to try and
2 catch up on it. If we allow them to do that at the fourth week
3 and they miss it, well, then they've missed that month and now
4 we're in violation. So, we try and make sure that we're getting
5 things done in a sequence that we don't miss anything and, you
6 know, that we comply with the law.

7 As far as the scenarios, my port captains and my senior
8 port captains get together with the safety manager, Brian Walsh,
9 and they go through different events that have taken place and
10 they try and build stuff in. As things would happen -- I believe
11 that one of the drills that was taking place right before this
12 happened was this kind of a loss, for an emergency steering and
13 propulsion loss, and this was one of the scenarios in this. You
14 know, so it is -- you know, we do train for this type of stuff
15 and --

16 Q. And everybody had gone through that drill?

17 A. I -- honestly, I don't -- I can't say that. I don't
18 track the drills. My -- one of my port captains -- Frank
19 Peterson, will be in here next. He does all the tracking for
20 that. If there's anything that's missing, I would imagine that he
21 would tell me about it. I can't remember the last time he's ever
22 told me that somebody didn't get their drills.

23 Q. Do you -- have you incorporated any changes in the way
24 business is done as a result of the May 8th accident?

25 A. This accident?

1 Q. Yes.

2 A. Yes. I went around and I went out meeting with captains
3 and spoke with them. I also had captains in and chief engineers
4 in and we sat down with all but two -- well, four. One captain is
5 out long term sick. One chief is out long term sick. One
6 engineer is on military leave and I haven't been able -- he's a
7 port -- actually, he's not a port engineer; he's -- he works for
8 Bobby Scammel over in the FMF and I haven't been able to schedule
9 him in yet. And then there's one other engineer who was away in
10 Italy at the time that I was going through all of this and I said
11 I would get him and Benning (ph.) in the same meeting when I can
12 get, you know, when I can get them both.

13 We went through and we asked them for their best
14 practices and were compiling everything, and I've done a little
15 bit of a rough draft on that and I've given it back out to them
16 and I'm asking them to go back through it for me and see if
17 there's anything else that they want to tweak one way or the other
18 to try and come up with things that, you know, we need to change
19 up.

20 Q. Um-hum.

21 A. As far as things that we've already changed, they've all
22 been told that there was some concern on the part of the NTSB as
23 far as texting and cell phones, and so we changed the cell phone
24 policy and we've made it where it's more realistic. Previously,
25 we had said no cell phones. You went to work and you have a

1 personal cell and you're here for 12 hours, at some point during
2 the day you're going to use the cell phone. We had a zero
3 tolerance and it's just not a workable policy.

4 So we turned around and we, you know, we went back and
5 we said, okay, you can't use it in the pilothouse at all, okay?
6 And if you're in the pilothouse and you need to use it, if it's
7 during the five minutes of docking or undocking, it's going to
8 have to go to voicemail, and at other times you're going to step
9 out of the pilothouse and go use your cell phone, but we don't
10 want it being used in the pilothouse.

11 If you're on deck and you're a deckhand and you're
12 making your rounds or you're a mate making your rounds, try to get
13 out of the public eye and just, you know, don't stay on it
14 forever, but if you need to take a call, step into a -- you know,
15 the break room or go somewhere out of the public eye and just try
16 and utilize the phone and then get back to business. You know, we
17 tried to make it a realistic policy and, you know, and that's the
18 way it has gone.

19 Q. What other changes have you made as a result of other
20 incidents?

21 A. Other incidents?

22 Q. Yes.

23 A. We had an incident where we had an assistant captain who
24 backed out while the hooks were still connected. We had
25 previously always counted on either a visual wave-off or an

1 audible wave-off and now we require both. And part of it was that
2 someone thought that we were off the hooks and communication got
3 garbled. So now the person goes to the center of the main deck,
4 looks up, "off the hooks", and gives them visual. So it's a
5 combination of both.

6 So now it's, you know, it's no longer that I didn't
7 understand that. I thought he said off the hooks, but he didn't
8 give me the wave-off, you know, or he gave -- he said, ah, you
9 know, screw you, and -- you know, I mean, not trying to be funny,
10 but, you know, it's too easy if you don't have the both together.
11 So now -- that was one example where we, you know, tidied things
12 up. I'm sure there's a lot of others, but just --

13 Q. Sure. And do you see -- like, do you have future things
14 you'd like to do in the near and long term where you'd like to
15 take the operations?

16 A. I think that we're already moving in a positive
17 direction with a lot of things and the use of a simulator is one
18 perfect example. We were -- again, you have the monetary
19 constraints, so you have to watch where you're spending your
20 training overtime. So, part of the problem was we were sending
21 people out to Kings Point and we were paying for the travel to and
22 from. So it was four hours a day for every guy on travel. Well,
23 I don't have to pay for that anymore because now I have it here.
24 So all of that money is now either -- whatever I had to give up
25 was travel money, it wasn't training money.

1 So, you know, it's those kind of -- you know, having to
2 think about things like that. You know, looking at the schedules
3 and trying to figure out how we can better enhance the schedules
4 without telling them I need you to hurry up and keep on time.
5 I've only sat down with two captains since I've been here in four
6 and a half years to ask them why they were consistently late. And
7 it was only because I was able to go to them and say here's the
8 weekend schedule and you're late 18 times and these guys are late
9 two times, and what is it that you're doing or what problems are
10 you encountering that they are not encountering? I'm not trying
11 to bust your chops, but I just need to know what else we can do to
12 help you out. You know, so without actually saying speed up, you
13 know, because I don't want them to speed up, but I want to figure
14 out if there's -- if their crew is not clearing the boat fast
15 enough, is -- you know, we've sat down with crews.

16 I've brought crews in from the weekend. I've sat down
17 with them and asked them. I've had a -- and I didn't sit,
18 actually. I had one of my port captains facilitate the meeting
19 because I didn't really want to steer it. I wanted them to come
20 in and tell me anything other than cattle prods, what can we do to
21 try to get the boats cleared faster, you know, and get the people
22 on and off in a better fashion, because I can't really do anything
23 about harbor traffic. I can't do anything about, you know, a guy
24 that wants to, you know -- sailboat that's cutting in front of
25 you. I mean, that exists. So what can we do as far as just

1 loading them faster and unloading them faster, and there's things
2 like that.

3 So I try and get as much information as I can.
4 Captains' reviews by SMS are supposed to be done annually. I
5 don't do them annually. It doesn't work for this environment.
6 They were originally doing a -- an annual captain's review, fill
7 this out, check these boxes, get it back to us. I wasn't getting
8 enough information. I went to quarterly. I wasn't getting enough
9 time to meet with all of the captains quarterly. I now meet with
10 them monthly. Do I have the time in my calendar to meet with them
11 monthly? The answer is absolutely not. But do I make it work?
12 The answer is absolutely yes.

13 So as a result, I end up meeting with every captain at
14 least twice a year where we sit down and captain's review. What
15 bring into that is lessons learned. You know, this happened, that
16 happened, you know, that went on. You know, what are you having a
17 problem with. And we go through a lot of stuff and -- you know,
18 it's a constant improvement here. It's not -- I can't tell you
19 any one thing that I'm looking to do next week. You know, it's
20 just, you know, we're constantly looking to move ahead.

21 I went to Jim and, you know, Jim, I want to send the
22 guys down to Maryland, you know, and he's like okay. Well, out-
23 of-state travel's a real pain in the ass to go through the city
24 agencies and we did it, you know. I mean, we just did it. You
25 know, so it's that kind of stuff. I mean, and it's all the way --

1 that's why I said from him, it's all the way, right through. You
2 know, we'll do whatever we can if we think it's a positive thing
3 that we can help our guys get a benefit out of. Never before did
4 they send people away on travel on our dime.

5 When they wanted to go to the M.E.B.A. school, they had
6 to take personal time, personal leave to be able to attend a
7 course down there. I sent three classes down there this year and
8 they were all on the payroll. That's never been done before, you
9 know. So we -- training is big here. We really push it and, you
10 know, the drills are big. And sometimes it gets to the point
11 where they tell us we're drilling too much, we can't fit it in,
12 you know. And then you know that's a good thing, you know? You
13 know, you're at the point where you just say okay, fine, you
14 know --

15 Q. All right. I don't got any more questions, so --

16 MR. STRAUCH: Eric?

17 MR. STOLZENBERG: Yes. Eric Stolzenberg, NTSB.

18 BY MR. STOLZENBERG:

19 Q. Earlier you mentioned the training matrix, 115 days,
20 things of that nature.

21 A. Not 115 days, 115 dockings.

22 Q. Thank you. My -- understood. When you do the dockings,
23 do you --

24 A. And that's a minimum.

25 Q. Okay.

1 A. In other words, 15 in slip 1, 20 in slips 3 through 6,
2 and then another 20 into 69th Street. You know, I mean, at the
3 very least they're observing them if they're not necessarily doing
4 them.

5 Q. Okay. Now, is that on each vessel, each class of
6 vessel, or is that on a single vessel?

7 A. It's five dockings in every slip on each class of
8 vessel.

9 Q. Each class?

10 A. We have four different classes.

11 Q. Is there a difference between the classes in the matrix?
12 In other words, is more time given to the Voith vessels than
13 the --

14 A. No.

15 Q. -- Molinari class, electric, diesel electric vessels?

16 A. No. As I indicated, if they tell me that they need more
17 time, or if I hear from a captain that he's not quite getting the
18 Voith, you know, or he's not understanding the -- you know, that
19 he needs more time on the Kennedy, then I'll do that. I've kept
20 captains or assistant captains longer in training. Assistant
21 captains have come back to me and said, you know, I want more
22 time. So it does work, you know, we're not rushing people through
23 it. And as I said, we're already paying them the money, so it's
24 not like I have any reason to hold them back because I'm, you
25 know, I'm trying to save money or -- you know, it's an extra guy

1 we're already paying to train for anywhere from a month and a half
2 to four months, the full salary plus overtime.

3 Q. Okay.

4 A. So --

5 Q. Is there any data that one of the classes is more
6 difficult than the other classes in those matrices?

7 A. No. But we keep track of all of the -- would you like
8 me to just bring in some of the sheets that you can see from the
9 files? I mean, it's right in the other room.

10 Q. We can get a copy later. That'd be fine.

11 A. A copy?

12 Q. Or not a copy, but what I'm asking you is is there data
13 that shows that the Austin class takes longer to train and you
14 have more --

15 A. No.

16 Q. -- requests for extended time versus the Molinari class?

17 A. No. I don't have that. I do -- I can tell you in my
18 head that I've had more requests to train on the Kennedy, which is
19 the oldest one and the least maneuverable, but I don't think I
20 have -- I'm sure that there -- on those two particular people that
21 I can think of that I would be able to show you more trips on the
22 Kennedy. But that's just a factor of where he was that day as
23 well. I mean, you know, somebody could have put a lot of trips in
24 on the Molinari class and be riding, but -- they've already got
25 their trips in but the other boats weren't available to them.

1 You know, if I have two guys training at the same time,
2 both of them can't be on the Kennedy. So if I've got three new
3 boats and the Kennedy out and one guy's trying to get the Kennedy
4 and the other guy's already finished his requirements for the new
5 boat, he's just making extra trips, you know, and that's just the
6 way it is. Too bad, you know. You know, he's not getting any
7 additional credit. It's not that he can count those towards
8 another, you know, half credit towards the Kennedy or anything
9 else. It's just -- that's the way it is.

10 Q. In your -- after training, is there a preference or a
11 hierarchy as far as the classes go? Do more senior captains go to
12 the Barberi class, more junior captains go to the Kennedy class?

13 A. No. The captains bid on the runs and the runs are
14 really more about hours, overtime, days off, morning shift, night
15 shift, overnight shift, whether they have to take care of their
16 kids, whether they, you know, have to take care of somebody on the
17 weekends. You know, I mean, you know, that -- that's really what
18 they bid on.

19 I determine where the boats go after they bid. So I
20 usually keep the Barberi, the Newhouse on the 1 run. The 1 run is
21 the heaviest run in the morning for the 7:00, the 8:00 trips
22 coming out of St. George. They are the easiest to load and the
23 easiest to unload, so it makes that trip out on time and back on
24 time.

25 Q. So you don't have an indication that the Barberi class

1 or the Austin class or the Voith system versus the diesel electric
2 systems are easier or harder to drive or more preferred by
3 captains?

4 A. You can ask any one of my captains. They'll tell you
5 the Voith's easier to drive than anything else that's out there.

6 Q. Okay. So it's a preferred vessel to drive?

7 A. Yeah. Oh, some guys like the new boats. Some guys, you
8 know, they enjoy the new boats, but I don't think that they would
9 tell you that the Voith isn't easier to operate than the new boat.
10 I think that, you know, some of these guys just enjoy the new
11 boat, and I don't know that it necessarily means that they
12 wouldn't admit that the Voith is easier.

13 Q. Unrelated, are there any plans for VDRs on the vessels,
14 voice/data recorders?

15 A. The ECDIS by itself becomes an S-VDR. It's not tied
16 into the engine room controls, okay, but it will record all of
17 your speeds. It will record, you know, changes in direction, not
18 necessarily that you applied 15 degrees right or left, but -- so
19 it is a simplified DVR, but -- VDR.

20 I have discussed it with Jim. It's a big-ticket item.
21 We don't think we'll be able to get funding for it. The Coast
22 Guard did an investigation on them and didn't warrant them or
23 mandate them, so at this point without that kind of even a strong
24 recommendation from the Coast Guard, it'd be difficult for us to
25 go and seek funding for it. Would we be averse to it? The answer

1 is no, you know. I think I'd like to see it.

2 But it would require a lot of retrofitting as far as the
3 Voith unit's are concerned, as far as the Kennedy is concerned,
4 because there's no electrical signal -- you know, you'd have to
5 convert all of those different -- I don't even know how they go
6 about that, but, you know -- I mean that would be somebody else's
7 nightmare, but, you know, we'd have to convert that in order to
8 get all of that captured.

9 Q. Thank you.

10 A. Okay.

11 MR. CURTIS: Brian Curtis. Just a few questions --

12 BY MR. CURTIS:

13 Q. Does one class of vessel make more trips than the other
14 or are they pretty much split evenly between classes? Do you
15 track that, or is that quantifiable?

16 A. I don't -- we do track it. It's not something I really
17 pay attention to. We give a weekly -- not a weekly, a monthly
18 report as a result of my tracking, we give that information over
19 to Collins who then gives it in to Al Calcagno [sic], Calcagno?

20 Q. Okay.

21 A. And Al does something with the emissions, with the EPA
22 and stuff, so --

23 Q. It's not readily identifiable that Barberi or Molinari
24 class makes the preponderance of the trips?

25 A. No, not really. No. It's -- the number of trips is

1 really predicated on who we're going to fuel today and who's going
2 to be available for repairs and who's got more outstanding PMs and
3 CMs that has to be done, you know, and what we can fit into the
4 schedule.

5 Q. Now, you mentioned the Form 01, it tracks the scenarios.
6 Is that --

7 A. Well, it doesn't track the scenarios. It tracks the
8 drills.

9 Q. It tracks the drills?

10 A. Right.

11 Q. Is that something that's kept that you can look back on
12 and see when the drills are conducted? Is that something we could
13 get a copy of to see --

14 A. Yeah. Frank Peters actually keeps a big --

15 Q. Okay.

16 A. -- dry erase board down in the port office that assists
17 with the captains. When they come in they can say, I didn't get
18 that done yet. Okay. You know, so -- and then he tracks it
19 electronically and finishes them out each month. You know, as he
20 takes everything off the dry erase board, he tracks it into his
21 own Excel spreadsheets.

22 Q. We can ask Captain Peters about that more --

23 A. Yes.

24 Q. -- appropriately. Just one last question. Forgive me.
25 I'm an engineer by trade.

1 A. That's okay.

2 Q. You have -- the Molinari has, I guess, the conventional
3 rudder, propeller propulsion unit, generically, just say or --
4 anyway, it's different from --

5 A. Particulated ends.

6 Q. Okay.

7 A. Okay? And the reason that that's important is because
8 when they get down to a certain speed, generally below five knots
9 or so, or even a little above that, they're able to put a wash
10 against the forward propeller and direct it and almost use it as a
11 bow thruster of sorts when they're coming into the slips.

12 Q. Okay. But is it --

13 A. Which makes it different than the Kennedy, and that's
14 why -- Kennedy doesn't have that. So that's why guys always want
15 that additional training on the Kennedy. It really -- your
16 boat-handling skills on the Kennedy really have to come to the
17 forefront.

18 Q. But they're far different from the (indiscernible) --

19 A. Oh, absolutely.

20 Q. I'm just wondering, approach speeds as you come in, once
21 you get past -- on this end once you get past the KV buoy, the --
22 is it a policy or is there a practical sense to the approach
23 speed? Because if you -- if your SiC load (ph.) of propulsion is
24 that much more efficient, do you tend to approach at a higher rate
25 of speed?

1 A. Okay. I'm sorry.

2 Arthur, I'll have to call you back in about 10 minutes,
3 all right?

4 Okay, thanks.

5 Q. I'm just wondering if there's a sense that because you
6 have a more efficient propulsion plant with -- and more
7 comfortable with the Barberi class, do you tend to approach at a
8 higher speed necessarily because it can stop in a zone distance?

9 A. I think guys know that, and there could be something to
10 that, but I haven't really heard anybody say that to me. I
11 haven't really seen any difference -- noticeable difference in the
12 speeds of guys making an approach with a Molinari class or a
13 Barberi class.

14 Q. Okay.

15 A. So, you know, it's not -- if it's a difference in speed,
16 it's not something that I've noticed.

17 Q. Okay.

18 A. Okay? And I try and get out on the boats several times
19 a week when I can, you know, make trips back and forth so that
20 I'm -- they see me.

21 Q. Just to clarify, I asked that from an engineering
22 perspective, so certainly not a --

23 A. Yeah, no, it --

24 Q. -- navigation officer.

25 A. Yeah. And, again, I don't know that they're, you

1 know -- I know that there are some guys now that are, you know,
2 that as I'm talking to them and I'm listening to them, they're
3 telling me that, you know, they're trying to be down to using the
4 propulsion at one end -- like on the new boats, they want that
5 forward engine going astern by the time they're at the deep water
6 ranges. And I never had a delineation on that before. You know,
7 I just -- I knew that most guys on the Molinari class had to go in
8 astern, but then one guy actually put it into a specific point.
9 He says, by the time we get to the Cava (ph.) range, by the time
10 we get to the East River deep water range, he said, I've got that
11 forward engine going astern. And I was like, wow, I finally have
12 a mark.

13 You know, because it's difficult to say to somebody, you
14 know, four boat lengths out or five boat lengths out or a quarter
15 of a mile or -- you know, those are really hard to -- here's the
16 range; that's it, I already got that one working astern. I mean
17 that's, you know, that's a -- that was a pretty easy mark to see.
18 And then I started talking to other captains about it and they
19 were like, hey, you know what, that's a pretty good spot. You
20 know, so it's that kind of stuff that we're, you know, thinking
21 up, but --

22 As far as the Voith, having that one going astern before
23 you -- no, it's -- I mean, it just doesn't make any sense. It's a
24 Voith. It's different, you know, it's not the same.

25 Q. That's all I have. Thank you.

1 MR. STRAUCH: All right. Captain, thank you very much.

2 MR. GARVEY: Thank you.

3 MR. STRAUCH: Appreciate it.

4 MR. GARVEY: Hope I didn't --

5 (Whereupon, at 12:22 p.m., the interview was concluded)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: ANDREW J. BARBERI
 STATEN ISLAND, NEW YORK
 Interview of John Garvey

DOCKET NUMBER: DCA-10-MM-017

PLACE: Staten Island, New York

DATE: June 30, 2010

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.

Patricia Noell
Transcriber