

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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CAPSIZE AND SINKING OF STRETCH DUCK 7 *

ON TABLE ROCK LAKE, BRANSON, MISSOURI, * Accident No.: DCA18MM028

JULY 19, 2018 *

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Interview of: BARRY KING

Friday,
July 20, 2018

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I N T E R V I E W

(1:01 p.m.)

1
2
3 MR. VOLPE: Okay, good afternoon. My name is John Volpe.
4 I'm with the NTSB, a marine investigator in the operations
5 department. I'm just going to let you know that we're going to be
6 recording this conversation. I'll be asking your name, your job
7 title. And then when we go around the room, one person will ask
8 the questions, and each individual will state their name for the
9 record, and then ask the questions. And normally, we do two
10 rounds of questioning, one round each, and then we have follow-up
11 questions.

12 So just so you know, the NTSB is an independent federal
13 agency charged with determining the probable causes of
14 transportation accidents and promoting transportation safety. It
15 is not part of the DOT or the U.S. Coast Guard, and the NTSB has
16 no regulatory or enforcement powers.

17 So as I said, I'm John Volpe, and I will begin the
18 questioning.

19 MR. KING: Okay.

20 MR. VOLPE: So the first thing, if you could state your name?

21 MR. KING: My name is Barry King.

22 MR. VOLPE: Barry King?

23 MR. KING: Um-hum.

24 MR. VOLPE: And your position?

25 MR. KING: I'm a captain for Ride the Ducks.

1 MR. VOLPE: Ride the Ducks, okay.

2 MR. KING: In Branson, Missouri.

3 MR. VOLPE: Okay, and I'm going to be going around the room.

4 SGT. [REDACTED] Sergeant [REDACTED] [REDACTED] with the Missouri
5 State Highway Patrol.

6 MR. RICHARDS: Mike Richards, NTSB, Meteorology Group Chair.

7 MR. ANGLE: Hi, I'm Kelsey Angle with the National Weather
8 Service.

9 MR. [REDACTED] [REDACTED] [REDACTED] I'm with the U.S. Coast Guard out
10 of St. Louis in the investigation office.

11 MR. [REDACTED] [REDACTED] [REDACTED] with U.S. Coast Guard Investigations,
12 National Center of Expertise.

13 MR. YOUNG: Brian Young. I'm the investigator in charge of
14 this accident with the National Transportation Safety Board.

15 MR. ALLEN: Benjamin Allen with the NTSB.

16 MR. WILKINS: Robert Wilkins, Missouri State Highway Patrol.

17 MR. YOUNG: And counsel?

18 MR. VOLPE: Counsel, please?

19 MR. SMITH: Yeah, Jason Smith, Spencer Fane law firm.

20 MR. GOOD: Terry Good, Lashly Baer, St. Louis.

21 MR. VOLPE: Okay. Thank you. Welcome, everyone.

22 Just know that this is a fact-finding mission and we're
23 looking to find probable cause and to find recommendations.
24 Really, all the questions that I'm going to ask you are going to
25 be to the best of your knowledge. And so we'll begin. The time

1 is 1301.

2 INTERVIEW OF BARRY KING

3 BY MR. VOLPE:

4 Q. Briefly, could you explain your work history with Ride the
5 Ducks?

6 A. I've been with -- this is my sixth season with Ride the
7 Ducks. The first four seasons I actually worked in the gift shop,
8 and then took the captain's training year before last and became a
9 captain last year.

10 Q. Okay. And so you've been a captain a little more than a
11 year?

12 A. This is my -- yeah, this is my second season.

13 Q. Okay. And I'm sorry, how many years were you with the --

14 A. This is my sixth season.

15 Q. Sixth season. Okay. So, what I'm going to do is ask you to
16 recollect during the whole process. So, first thing we'll start,
17 what time did you report the day of the accident for the Stretch
18 7? I know you were on a different boat, but what time did you
19 show up to work?

20 A. I have no idea.

21 Q. You have no idea. Okay.

22 A. What time it was.

23 Q. Prior to you arriving, did you have -- 2 days prior was your
24 rest, any interruption in your sleep?

25 A. I don't understand what you're asking.

1 Q. Did you have any issues while you were -- with sleep prior to
2 the day of the accident?

3 A. No.

4 Q. No? Okay. Do you take any medication?

5 A. Yeah. I take some blood pressure medicine.

6 Q. Okay.

7 A. And cholesterol medicine.

8 Q. Okay. And I see you wear glasses like I do, so --

9 A. Yeah. Yeah.

10 Q. Okay. How many -- the day of -- the day that you were aboard
11 your duck, what -- do you know what time you started work?

12 A. That's recorded. 8:45 maybe.

13 Q. Okay. And the first thing that you do when you get onsite is
14 you do what?

15 A. DOT the duck.

16 Q. DOT the duck. Okay. Do you do both the highway and --

17 A. Yes.

18 Q. -- the water?

19 A. Yes, do both.

20 Q. So you're actually a driver as well as a captain?

21 A. Yes.

22 Q. Yes. Okay. So after you DOT the duck, what do you -- what's
23 your next process?

24 A. Proceed to the front line so we can start boarding
25 passengers.

1 Q. Okay. And how many trips that day did you do?

2 A. This was my fifth trip.

3 Q. This was your fifth trip. Okay. Can you explain, from the
4 time that you report to the duck, just kind of in your own words,
5 how you -- how the boarding process goes, just kind of explain
6 what your duties are as captain and driver?

7 A. Well, I don't drive the duck other than in the water.

8 Q. Okay. But you do the DOT? You check it out?

9 A. Sure. Yeah.

10 Q. Okay.

11 A. Yeah.

12 Q. Does the driver check it with you, as well?

13 A. Checks with me, yes.

14 Q. Okay.

15 A. Yeah. So repeat your question.

16 Q. Okay. So, just in your own words, you've checked the boat
17 out first thing in the morning, it's time to get your first load
18 of passengers, explain to me the process from the time you report
19 to your duck, you've done the inspection, and now they're bringing
20 passengers down to you.

21 A. Okay. That's up to the MOD. We have a lineup chart for that
22 day and every duck is loaded in the order of the lineup. And as
23 soon as they're ready for my duck, it's pulled around front and
24 the passengers are loaded.

25 Q. Okay. Do you take part in the loading of the passengers?

1 A. Just greeting them when they enter the duck.

2 Q. Okay. Are you on the stern or on the bow?

3 A. Up at the helm.

4 Q. You're up at the helm. Okay. Do you have a -- do you give a
5 safety briefing to the guests --

6 A. Yes.

7 Q. -- when they come aboard?

8 A. Yeah. I give a safety briefing about the land part of the
9 trip there.

10 Q. Okay.

11 A. And then another one later, up here.

12 Q. Okay. Can you, in your own words, just explain the safety
13 briefing for --

14 A. I tell everybody it's a sitting duck, in other words, you've
15 got to stay seated all the time the duck is moving so you won't
16 fall down, and there's no smoking allowed on the duck, and
17 nobody's to reach over into the water when we get into the water.

18 Q. Okay.

19 A. And I emphasize that for the little children onboard, and the
20 parents.

21 Q. Okay.

22 A. Then we're off.

23 Q. Then you're off. Okay. Prior to you coming out to the duck,
24 we heard that they have a weather service in the office. Do you
25 normally -- is that in a waiting room or --

1 A. In the lounge.

2 Q. In the lounge?

3 A. Um-hum.

4 Q. Did you have access to it prior to getting on the duck that
5 day? Or I should say, were you in the waiting room prior to going
6 on the duck that day?

7 A. On my first trip, yes.

8 Q. On your first trip. Okay. Once you do your safety briefing,
9 then you're the -- am I correct to say that you're the narrator
10 while --

11 A. Correct.

12 Q. Okay. How long is the portion for the driving?

13 A. Time we leave and then go up on Baird Mountain and then come
14 back down to where we're ready to enter the water at the south
15 ramp is usually somewhere around 45 minutes.

16 Q. Forty-five minutes. Okay. And then once you arrive at the
17 south ramp, could you explain your procedure, what you do?

18 A. At that point, I have usually went over the safety
19 procedures. I tell them about the lake. Even though it's in a
20 state part, it's regulated by the federal government. The corps
21 of engineers regulate the lake. And also, the boat is inspected
22 yearly by the Coast Guard to make sure that everything is safe.

23 I tell them that we understand that and we get underneath the
24 duck every day to make sure that everything is waterproof as it
25 should be, all the hubs, all the plugs, all the seals and clamps

1 that make it waterproof are the way they're supposed to be. And I
2 explain to them about the fire extinguishers that are onboard. We
3 have one in the back, also one up in the front. In case anything
4 catches on fire, we can take care of that.

5 I tell them all about the throw rings. There's one on the
6 port side, and I've also got one up above my head, up here at the
7 helm that has a rope attached to it, and I call that -- since my
8 name's Captain Candy, that's the LifeSaver. If anyone was to fall
9 out of the boat, we could use this LifeSaver with the rope on it
10 to rescue those persons.

11 Q. Okay.

12 A. Then I go through the process of the PFDs. We have PFDs on
13 the -- on my side of the vessel over here. Those are for the
14 adults 90 pounds and over. The ones on the right-hand side of the
15 boat are for the children, 90 pounds and under. And I also have
16 four to five of the little ones in the back for the infants that
17 are -- lap babies that are 30 pounds and less.

18 And then I take a PFD myself and I tell them about the
19 placards on the back ceiling and tell them this is how -- I'm sure
20 you all read it, but in case you forgot, I'm going to show you how
21 to put this thing on again in case we have to put it on. And I go
22 through that process of taking the PFD, showing them how it works,
23 showing them where the silver D ring's at, and the hook at the end
24 of the clamp, and I proceed to put it on myself and let them
25 observe me putting that thing on, and then I ask them if there's

1 any questions about how to do that.

2 Q. Okay. And then prior to entering the water, is there any
3 other procedure that you do?

4 A. Yeah. I call into the lake. I put it on the marine channel
5 and I call in, basically, to the *Belle* to make sure they know and
6 there's not going to be obstructions to the ramp, that I'm going
7 to enter the water, tell them what duck number I'm on, I'm going
8 to enter the water.

9 Q. Okay.

10 A. And then I pull down the ramp.

11 Q. Okay. And what channel do you use, marine channel?

12 A. 13 I think it is.

13 Q. 13?

14 A. Yeah.

15 Q. Okay, 13. And then once you call in, you know that the coast
16 is clear, can you just walk me through?

17 A. I pull down to the ramp about maybe a duck length and a half
18 or two duck lengths away from the water and put on some entering
19 the water music and put the windshield up so I don't get soaking
20 wet when we splash into the water. And that's it.

21 Q. Okay.

22 A. Yeah, that's it.

23 Q. And then once you enter the water, do you -- you hit the
24 water, you splash in, and then you begin your tour?

25 A. Yeah. Um-hum.

1 Q. Okay. Do you look --

2 A. I did forget -- I also tell the people to make sure they grab
3 a hold of the seat in front of them.

4 Q. Grab the seat in front of them.

5 A. And to make sure when we enter the water that they brace
6 theirself because it'll feel like I touched the brakes, and to
7 protect anything they have that's electrical, any electronics,
8 like hearing aids, telephones, cameras, anything like that.

9 Q. Okay.

10 A. Because there will be a little splash when you go in the
11 water.

12 Q. Okay. Now, do you recall checking the black tabs for --

13 A. I do that every time I enter the water, yeah.

14 Q. And how do you do that?

15 A. Yeah, just by looking in the rearview mirrors.

16 Q. You look in the rearview mirrors?

17 A. Um-hum.

18 Q. Okay. Once you're in the water, how do you determine what
19 course, what path the bus is going to take?

20 A. It's a set course. We have a set pattern to go around the
21 island.

22 Q. Okay. Now, does that change? Does your set course change,
23 set path change depending on timewise or -- no?

24 A. Uh-uh.

25 Q. So you go around the island. So the day of the accident on

1 Duck 7, did you go around the island?

2 A. I wasn't in 7. I don't know.

3 Q. I know you weren't in 7. I'm saying --

4 A. Did I go around the island?

5 Q. Yes.

6 A. No, I didn't. I saw the storm approaching, so I cut the
7 island.

8 Q. Okay.

9 A. I went inside the island.

10 Q. Okay.

11 A. Close to the *Belle*.

12 Q. Now, when you entered the water, I know 7 wasn't in the water
13 yet. Was there another duck boat in the water at the time?

14 A. If there was, I didn't observe it.

15 Q. You didn't observe it? Okay. Do you talk to other duck
16 boats while -- besides calling in, declaring when you go over the
17 ramp, do you generally talk to the other duck boats when you're on
18 your tour, saying that I'm in this location, I'm getting ready to
19 enter the water, I'm exiting the water? Do you have any
20 communications with the other duck boats in the area?

21 A. No.

22 Q. No.

23 A. No.

24 Q. Okay. Can you -- during your last trip, could you explain to
25 me, like, what you knew about the storm that came through? You

1 said you entered the water, you started going towards the island.
2 Could you now, just in your own words, say what happened next?

3 A. See, I didn't know anything about the weather because I had
4 been out quite a while, 45 minutes longer than normal, because my
5 duck, the duck that I was using that day, it had broke down. I
6 started down the ramp and I couldn't get the propeller to engage.

7 Q. Okay.

8 A. So I had to back up the ramp. I backed up a little bit to
9 see if I could get the brake to hold, and I couldn't, and I had
10 the driver come up and sit there and I spotted him. And we got
11 back up on the *Belle* parking lot and I radioed in for a
12 replacement duck to be sent, and that took about 45 minutes for
13 that other duck. So I got all the people off my duck because it
14 was so extremely hot that day, and they kind of milled around
15 underneath the shade tree and we waited for that other duck to
16 arrive. So at that point, I kind of lost track of time.

17 Q. Okay.

18 A. And I had no other communications other than, you know, at
19 one point I had climbed back up on my duck and messed with the
20 propeller, the yoke in the sea chest, and I did get it to engage.
21 And I pulled it out and back in several times and thought, well,
22 maybe I've got it fixed. So I radioed in to the MOD and told him
23 I thought maybe he could hold that other duck, but they were only
24 about 5, 10 minutes away. So the mechanic heard the conversation
25 and he advised me just to hold up and wait. He said it would be

1 better that -- maybe it would malfunction once I got in the water,
2 so it's probably a good idea to just let him bring the replacement
3 duck. So we sat and waited for him.

4 Q. Okay.

5 A. And then switched ducks.

6 Q. And did the duck -- do you recall the numbers of the ducks,
7 the first one that broke down?

8 A. 26.

9 Q. 26. And then the replacement was?

10 A. 54.

11 Q. 54. Okay. Now, you boarded all the passengers. Did they go
12 down the stern ladder, going on and off the stern ladder?

13 A. Um-hum. Um-hum.

14 Q. Got them back aboard. When you entered the water, did you
15 notice any -- was there any type of list on the duck?

16 A. No, it was just like a little pond. I mean, glass. It was
17 just crystal clear. The water was perfect.

18 Q. Okay. And so now you've started your trip, and I'll let you
19 continue.

20 A. Yeah. I got in about, I don't know, I can't remember, three,
21 maybe four, four little, young junior captains up to steer the
22 duck. As we go around the island, we go around, the captain's
23 actually got his back to the island the way we're going into the
24 water this year. And so you have to frequently look over your
25 shoulder to make sure you don't ground the duck on the island as

1 you're going around. And after the third or the last child to
2 drive, when I turned to look at the island, I noticed the water
3 was starting to white cap, and then I turned this way and looked.

4 At that point, I saw the storm coming and knew that I
5 needed to get off the water, just a judgment call. I needed to
6 get off the water as soon as possible. So I had the little one go
7 back and sit in the seat and I told the people we needed to get
8 off the water, put the curtains down, and I hightailed it as fast
9 as I could make that duck come, trying to get us close to the
10 shore and as close to the *Branson Belle* as I possibly could,
11 hoping that the bell would shield me from some of that extreme
12 wind. I've never fought waves like that before. It was -- we
13 had, I would assume, 4- to 5-foot waves.

14 Q. Okay. Now, how fast did it kick up on you, I mean, just in
15 your opinion?

16 A. Instantly. Just like that.

17 Q. Okay.

18 A. From whatever it took. I probably wasn't in the water, I
19 don't know, 10 minutes, maybe.

20 Q. Okay.

21 A. Maybe halfway through the water tour. I hadn't made it
22 around the island yet. I was still on the south side of the
23 island.

24 Q. Okay. Now, did you recall seeing -- when was the first time
25 you recalled seeing Stretch 7 in the water?

1 A. I saw him at one point on -- at the side window of the helm.
2 That window was rolled up.

3 Q. Okay.

4 A. There's zippers on it and we roll it up for the drivers to
5 have some fresh air when he's in that thing. And it was rolled up
6 and I invited my driver, instructed him to come up and put that
7 thing down because the wind was blowing so hard the water was
8 coming in. But I couldn't see hardly. It was coming in on my
9 face and he helped me get that thing down. And that's when I saw
10 Stretch 7. It was off to my side. So I'm assuming -- I don't
11 know, I can't --

12 Q. Okay. But was she between yourself and the *Belle*?

13 A. No.

14 Q. At that point?

15 A. At the other side.

16 Q. She was, she was --

17 A. She was on my, yeah, on my port side.

18 Q. She was on your port side. Okay. Do you recall when you
19 were going into the weather, I mean, I'm assuming you were
20 pitching, were you rolling at all or just pitching?

21 A. Just pitching.

22 Q. Just pitching?

23 A. Yeah. At one --

24 Q. No, please, I don't want to interrupt you.

25 A. The duck, I think, actually died one me at one time with the

1 water hitting me so hard. And I'm telling you, I should have
2 dropped the hood, and I didn't. I was just -- at that point, I
3 was -- my main goal was to try to get the duck off the water. And
4 I hadn't dropped the hood and it died a little bit. I pumped the
5 foot feed enough to get enough gas in there that it would still
6 fire again and it was still running. But that was -- other than
7 that, I just went straight ahead, just cutting them as good as I
8 could with it.

9 Q. Okay. Now, generally, on a duck boat, do you -- when you
10 have weather rolling in like that, do you bow into the waves?
11 What's the best --

12 A. The best procedure is to hit them at a 45-degree angle, but I
13 had no choice that day.

14 Q. Okay.

15 A. If I'd have hit them at 45, I would have headed back across
16 the lake. I had to get to shore.

17 Q. Okay.

18 A. I knew -- my judgment as a captain was to get as close to
19 shore as I can in case something happens. At least we'd be close
20 enough that everybody could swim to safety if they had to.

21 Q. Okay. Okay. So now you're making your way, bee-lining it
22 towards the shore in order to get out. Continue.

23 A. That's it. When I got to the *Belle*, his paddle wheels were
24 turning like crazy. I was afraid that he was backing up and I
25 radioed to him and said don't back up, I have to get out that ramp

1 behind you. And he says, I'm not, the wind's doing that.

2 Q. Okay.

3 A. So at that point, I had the pedal to the metal. I went as
4 fast as I could to that ramp right over there.

5 Q. Okay. Were you able to make your approach or did you have to
6 adjust on your -- I know you were getting -- I'm sure you were
7 getting set on the *Belle*, correct?

8 A. Yeah.

9 Q. Due to the way the wind was. Did you have to adjust your
10 approach at all? I mean, did you have to go back out in order to
11 come in due to the wind? I'm just --

12 A. I didn't care if I didn't hit the ramp. If I just -- I was
13 just going to go up on that bank there and I was just fortunate.
14 God was driving at that time, I think, somebody. I just went
15 right to it. And the passengers were cheering, and so that's it,
16 yeah.

17 Q. Okay. When you started -- you stated that you lowered the
18 curtains when it started getting windy. Are there any other
19 procedures that you would do due to the severe weather coming in?

20 A. Oh, I suppose. I don't know. Maybe you could, you know,
21 tell them to put on the PFDs, but at that point, you know, I
22 didn't think we were in need of that as long as I was getting as
23 close as I was getting to that. If I'd have told them to put on
24 PFDs, I would have created total panic in that boat. Everybody
25 would have been standing up. Then we'd have had injuries, people

1 trying to get them on, because the seats are pretty tight in that
2 thing.

3 Q. Okay.

4 A. And I didn't want to panic -- as the captain, you have to
5 make sure that your people, your passengers, that they stay calm.
6 And that was my main objective, get them off the water and keep
7 them calm.

8 Q. Okay.

9 A. And I don't think my people actually thought they were in
10 danger. I don't think they ever did. They were worried about 7
11 because they could see it and I couldn't. Those plastic curtains,
12 you can't see through them too good when water's splashing all
13 over them.

14 Q. Now, did you happen to notice, do you recall if 7 was having
15 any problems? Like you said you thought you lost propulsion a
16 little. Do you happen to know if --

17 A. I have no idea.

18 Q. No idea? I mean, she just seemed like she was carrying on?

19 A. She was fighting it as hard as I was.

20 Q. Okay. How about your engine, your propulsion, did she, was
21 she surging, was it -- did you notice anything different with the
22 engine?

23 A. It felt like it died that one time, but it started right back
24 up, so it was good.

25 Q. Okay. And to your recollection, did you close the hood?

1 A. I did not.

2 Q. You did not. Okay. Once you made it past the *Belle* and you
3 hit the ramp, just explain to me what happens, the rest of the
4 procedure from the time you get out of the water.

5 A. At that point, we pulled up on the lot up there. The
6 curtains were all blown out because the wind was so high. I had
7 the curtains down but they had come out of the little tabs at the
8 bottom there that hold them in. And they were out, so I lifted
9 those up and we put them back down to get them in there. I had to
10 force a couple of them, places back in because it was still so
11 windy.

12 First thing I did as soon as I hit the parking lot there, I
13 radioed in to the MOD that I was off of the water but 7 was still
14 out there struggling and needed help, and that's the last I heard.
15 So as soon as we got the curtains in, I grabbed my bag of Tootsie
16 Pops because I'm Captain Candy. I give every little kid that
17 drives the duck a Tootsie Pop. And everybody on that duck that
18 night got a Tootsie Pop and we went home. That was all I had to
19 offer, you know, the rest of the way, so --

20 And then we passed, on the road we did pass the emergency
21 vehicles down around Fall Creek Steakhouse, and at that point I
22 thought uh-oh. I knew and I didn't say nothing to anybody on the
23 duck, but I'm sure at that point I knew that probably 7 had had
24 some problems out there.

25 Q. Okay. Now, when you -- after you were off the water and you

1 adjusted the curtains, you said it was windy. Do you recall how
2 long the storm actually lasted?

3 A. Before we got to Dewey Short's it had quit. It was just a
4 microburst thing. It lasted maybe -- I don't know. It seemed
5 like an eternity when you're in the middle of it, but I have no
6 idea. I would just have to guess and I don't want to do that.

7 Q. Okay. I'm not familiar with the area, so Dewey Shoal's [sic]
8 is --

9 A. Just right there by the dam.

10 Q. Right there by the dam, okay. You contacted dispatch after
11 you exited the water, you let them know. Once you got back to the
12 office, what do you do next?

13 A. We pull to the back ramp, unload the passengers.

14 Q. Okay. And did you conduct -- I heard earlier that, not by
15 yourself but other testimony that you do a checkout on the duck
16 prior to departing?

17 A. No, we just park it, I mean, after we get done. We return it
18 down in the south part of the parking lot and put it away at
19 night, take all of our stuff off of it, and then the mechanic does
20 a post check on it. There will be something -- one of the
21 drivers, if there was an incident with a duck, like something
22 wasn't working or something that needs to be fixed, we do do a
23 post trip on it. Is that what you're meaning?

24 Q. No, I was just wondering, like, if you did your pre-
25 inspection in the morning, now that you finished your five trips

1 on the duck, do you do another inspection at night?

2 A. We don't inspect it. We just write down on a form. They
3 have a form that's called a post trip form.

4 Q. Okay.

5 A. And if we noted anything that needs to be repaired by the
6 mechanics, we'll make note of that and have them check it.

7 Q. Okay.

8 A. And they do that and then they log it. And then there's a
9 logbook in the orange box on every duck and we can see what
10 procedures were done the day before if you don't have the same
11 duck the next day.

12 Q. Okay. Do you generally pilot the same duck or --

13 A. Yes, I do. Now, a lot of them don't, but I do. I prefer
14 that Duck Number 26, and that's usually reserved for me when I'm
15 working. But other folks do drive it when I'm off.

16 Q. Okay. And generally, how often, I mean how many days a week
17 do you drive?

18 A. Five.

19 Q. Five days a week?

20 A. Um-hum.

21 Q. Okay. And then the amount of trips actually varies by season
22 or is it --

23 A. This is our busy time, yeah.

24 Q. Okay.

25 A. Yeah. From Memorial Day to Labor Day, usually, we're pretty

1 busy, yeah.

2 Q. So, generally, five trips a day for you?

3 A. Four to five.

4 Q. Four to five. Okay. If you get in the water and you did see
5 a storm like that, do you have a contingency? Like, you were
6 saying you could put the anchor out. Do you have any contingency
7 ramps that you go to?

8 A. Yeah, we could use the marina.

9 Q. You could use the marina?

10 A. Um-hum.

11 Q. Okay. And is the marina -- just bear with me because I just
12 got --

13 A. It's just south of us here.

14 Q. South of us here. Okay. Did you happen to notice any other
15 vessels on the water when you were doing your water tour? Did you
16 pass -- besides seeing 7, I don't know if anybody passed you going
17 south or --

18 A. I'm sure there was, but I can't recall.

19 Q. You can't recall. Okay. As a captain, prior to going in the
20 water, you call on VHF, the *Belle*. Do you have the ability to
21 say, you know what, I know there's a storm coming and I'm not
22 going to go, or do you have to call in the office and verify that
23 you're not going to do the water portion?

24 A. We do have that option to ask the *Belle* how the -- what the
25 wind speed and stuff like that is. We can do that, yeah.

1 Q. Okay. Is there a wind limiting speed for you that you
2 wouldn't take her in the water?

3 A. About 30 miles an hour.

4 Q. 30 miles an hour. Okay. Have you ever read the operations
5 manual for the company?

6 A. I have, yeah.

7 Q. You have. I mean, is it -- how often do you -- annually,
8 every 3 months?

9 A. No, I don't know.

10 Q. You don't know. Okay.

11 A. One time.

12 Q. One time? Okay. Part of when we were being interviewed
13 earlier, there's a yearly -- at the beginning of the year you have
14 a review. Do you recall doing that review?

15 No?

16 A. I don't live here, so sometimes I don't get back when the
17 orientation meeting is held.

18 Q. Okay.

19 A. And I wasn't here this year.

20 Q. Okay. Throughout the -- for training throughout the year, do
21 you do training beside -- they do this returning orientation. Do
22 you have training throughout the year?

23 A. No, we have -- every captain that comes back has to go
24 through a check ride for captain's procedures, and I did that.

25 Q. Okay.

1 A. But as far as about terrorists and all that other stuff, no,
2 we don't go through that.

3 Q. Okay. What are some of the things that you do with your --
4 is it underway procedures that you do?

5 A. Um-hum. Um-hum.

6 Q. And what are some of the volumes that you cover when you do
7 that?

8 A. Man overboard, fire drills, how to remove the curtains in
9 case you need to get the curtains out.

10 Q. Okay.

11 A. PFDs, entering the water. Just basic captain things.

12 Q. Okay. And generally, how long does that training take?

13 A. A better part of a day.

14 Q. Better part of a day? Okay. And then do they keep records
15 of when you do that training?

16 A. I'm sure.

17 Q. You're sure? Do you ever have to sign anything that you did
18 the training?

19 A. No.

20 Q. No?

21 A. Uh-uh.

22 Q. Do you take part in any type of, like, safety meetings once a
23 month or operational meetings once a month that you review?

24 A. Um-hum.

25 Q. And what are some of the items that they might cover?

1 A. Basic safety things, fire, man overboard.

2 Q. Okay. And who would conduct that training?

3 A. One of the instructors, probably either John Davidson or
4 Corn, Captain Corn. What's Corn's name? I don't know. I forgot
5 it.

6 Q. Okay. That's all right.

7 A. Joe.

8 Q. Joe? Okay. And now, do they -- are they -- they're just
9 senior captains with the company?

10 A. Yeah.

11 Q. Okay. Getting back to -- you said that you got your license
12 after working in the shop. Could you just, in your own words,
13 what type of training you had to do in order to get your license?

14 A. A lot of classroom training. We went through several hours
15 of classroom training and then several hours of water procedures,
16 entering the water, safety features on the water, what to do in
17 case this happened or that happened, whatever, you know.

18 Q. Okay.

19 A. So it was all Coast Guard training.

20 Q. Do you remember any of the topics that you did besides the
21 water training, like the classroom things that you covered?

22 A. Yeah.

23 (Pause.)

24 Q. If you can't recall, that's --

25 A. I do not.

1 Q. Okay.

2 A. You know what they are.

3 Q. Yeah, I was just --

4 A. As well as I do, but --

5 Q. Yeah, I just -- how about the amount of hours that you had to
6 do training in order to get your captain's for this? Do you
7 recall how many hours that you had to do?

8 A. Yeah, it was 380, 390, I think, something like that.

9 Q. 380, 390. And during that training, were you always with
10 someone else, with one of the other captains?

11 A. Oh, yeah. Sure.

12 Q. Okay. And as far as the -- since you drive -- let me get
13 this straight. You weren't a driver as well, you just did the
14 water portion, correct? Or were you a driver? Do you have a CDL
15 license as well?

16 A. That's required. Every captain has to have a CDL license,
17 yeah.

18 Q. Okay. Now, was there any training, how many hours, for the
19 CDL license?

20 A. I don't recall.

21 Q. You don't recall. Okay. Once you completed your training
22 for your master's license, you took the test here, St. Louis, at
23 home?

24 A. We took it here.

25 Q. You took it here. And how long did it take from the time

1 that you took the test to receiving your license?

2 A. It seemed like forever, but it was -- let's see. I took
3 it -- I think we took the test in March and it was the 1st of
4 August before I got my bars back.

5 Q. Okay.

6 A. Yeah.

7 Q. And then at that point, then you started doing solo trips as
8 a master?

9 A. Right.

10 Q. Okay. Have you ever encountered an emergency on any of your
11 trips, not counting this weather, this severe weather, had a fire
12 onboard, had some bilge alarm, while you were on the water?

13 A. I had loss of propulsion one time that I had to have the
14 mechanic come out on 26, of all things, in that same duck that I
15 had the other day where the propeller wouldn't engage. And I had
16 to have that -- yeah.

17 Q. Okay. Did you have to anchor?

18 A. We did anchor, yeah.

19 Q. Okay.

20 A. But that day, we were coming in this ramp. This is actually
21 the in ramp, the entrance ramp, down here, but it's got some
22 pavement problems, so that's why we've been using it as an exit
23 ramp. And last year, I came in that ramp, had no propulsion,
24 couldn't get the duck back without the propeller. I tried to use
25 the tires but couldn't, so we kind of drifted. The wind was

1 blowing out of the south that day and we drifted down that way and
2 I threw the anchor. And we wound up just on the other side of
3 that point.

4 Q. Okay.

5 A. And we sat there and visited and everybody had their PFDs on
6 and we just had a party.

7 Q. Okay. So you did -- you told them to don their PFDs?

8 A. Oh, yeah.

9 Q. Okay. Very good. The weather that day, is that a typical
10 summer day here inside Missouri, in Branson?

11 A. I've been told that.

12 Q. Okay. Past experience, do you get thunderstorms daily?

13 A. Not daily.

14 Q. No? Not during the season? So let me see here.

15 Do you happen to know if there are any local procedures that
16 just Branson does that might not be inside the manual, say at a
17 safety meeting or an operations meeting that they would tell you
18 about?

19 A. Not that I'm aware of.

20 Q. Not that you're aware of? Do you only drive the ducks here
21 on this lake, or do you drive it on another?

22 A. No, Taneycomo too.

23 Q. Taneycomo?

24 A. My license only applies to those two lakes.

25 Q. Okay. How do they decide which lake you go on?

1 A. It's on a rotating basis, I've been told, yeah.

2 Q. So from where you depart, you could go to one lake or the
3 other?

4 A. Yeah. The Taneycomo starts down at the landing.

5 Q. Okay.

6 A. And they go in the water down there.

7 Q. Okay. So, would you take 26 on Taneycomo, too, as well as
8 here?

9 A. We haven't been using it because we have these what they call
10 the Philly ducks that are here now. And they don't have side
11 hatches, so we've been using the back, the rear hatch with the
12 ladders down there.

13 Q. Okay.

14 A. Uh-huh, at Taneycomo only. Unless we're super busy, and then
15 they use some of them up here, too. But they're not equipped with
16 that side hatch, so it makes it difficult to unload them up here
17 at the strip location.

18 Q. Okay. I'm going to pass you off to the next gentleman, but I
19 want to thank you. And I'll follow up with some other questions
20 after we go through.

21 A. Okay. All right.

22 BY SGT. [REDACTED]

23 Q. [REDACTED] [REDACTED] with the Highway Patrol. Sir, thank you for
24 coming in.

25 A. Thank you.

1 Q. You communicate to the passengers via a PA system, is that
2 correct?

3 A. Right.

4 Q. And can you describe that system and how it operates or how
5 it works?

6 A. All I know is I plug into it and turn it up.

7 Q. Is it a headset? Do you have a headset on?

8 A. I do have a headset, yeah.

9 Q. And is there, like, a separate box or something or is it all
10 self-contained in the headset? Do you turn on a box or something?

11 A. Plug it into the whatever that is right there, the amplifier.

12 Q. Has that system ever gotten wet while you're doing your
13 tours, your water tours?

14 A. Not to my knowledge.

15 Q. Okay. And how well does it work as far as your ability to
16 communicate with everybody in the boat?

17 A. I think it's good.

18 Q. Okay. Without the PA system, would you be able to
19 communicate effectively in that boat during a water tour under
20 normal conditions?

21 A. I think so.

22 Q. Okay. What about under conditions that day?

23 A. It was working.

24 Q. Okay. Have you ever tried to utilize the radio system to
25 call your base or another boat and it not function properly?

1 A. Not to my knowledge.

2 Q. Okay. Whose responsibility is it to determine whether the
3 curtains need to be released or not? Who makes that decision if
4 it's going to happen?

5 A. The captain of the vessel.

6 Q. Okay. Can you describe to us how the curtains would be
7 released if you decided to have it --

8 A. There's a pin up in front. You pull the pin and pull the
9 lever back and pooch on the curtain and it falls right off.

10 Q. Okay. And I looked at the one yesterday. There appears to
11 be one of those levers to your left of your -- the port side.

12 A. Right.

13 Q. But then there's another one, correct, on the right side?

14 A. Each side is independent of each other, yeah.

15 Q. Okay. So you would, if you decided to release the curtains,
16 then you would pull the pin on this and release the curtain to
17 your left?

18 A. Um-hum.

19 Q. What about the curtain to your right, how would you release
20 that?

21 A. I would have the driver probably do that.

22 Q. Okay, you would instruct the driver to that then?

23 A. Right.

24 Q. Okay. And that was my next question: What's the driver's
25 responsibilities while you're on the water?

1 A. He's my second set of eyes for boat traffic. Basically,
2 that's what he does. And then in case of any kind of a man
3 overboard, he's to assist doing that, getting the PFDs down for us
4 and helping get, you know, the throw ring ready and maybe the boat
5 hook, whatever we would need to proceed with that.

6 Q. Okay. So he -- you, as well as being the one who decides
7 whether or not the curtains would -- you know, anything on the
8 boat, is it fair to say that anything that happens on that boat
9 while you're on the water, you decide when it happens?

10 A. Yeah.

11 Q. And you would give instructions. And your driver is there as
12 your helper, is that fair?

13 A. Right, that is true.

14 Q. Okay. Thank you. And -- oh, also, do you have a copy of the
15 procedural manual? Were you provided one?

16 A. Probably. This thing here?

17 Q. Yes.

18 A. Yeah, I'm sure I've got one.

19 Q. Okay.

20 A. I'm sure I got it.

21 Q. So you have one readily available to you if you needed to --

22 A. Yeah.

23 Q. -- like in a daily event, wanted to look something up, you'd
24 have it available to you?

25 A. Right. Yeah. Yeah, I think so.

1 Q. Okay.

2 SGT. [REDACTED] That's all I have.

3 MR. VOLPE: Would you like to take a break or are you okay?

4 MR. KING: I'm good. Let's get this over with.

5 MR. VOLPE: Okay. Very good.

6 MR. RICHARDS: Mike Richards, NTSB.

7 MR. VOLPE: Mike is with our weather.

8 MR. KING: Okay.

9 BY MR. RICHARDS:

10 Q. How are you doing, sir?

11 A. How you doing? All right.

12 Q. All right. Just a few questions. I want to go back some
13 just to clarify. Prior to your last departure on Thursday, did
14 you personally review weather?

15 A. No.

16 Q. During your trip, during the portion of the trip from where
17 the passengers boarded down to the water, did you hear any radio
18 traffic --

19 A. No.

20 Q. -- regarding the weather? Did you know about the approaching
21 storm --

22 A. No.

23 Q. -- before you hit the water?

24 A. No.

25 Q. So, once you got in the water, how specifically did you

1 recognize that there was a storm approaching?

2 A. White caps.

3 Q. On the white caps? Did you recognize anything in the sky?

4 A. It was clear over here.

5 Q. Clear in this direction?

6 A. Yeah. It was dark over here, but it was clear where I was
7 looking. I sit in the boat this way. I'm looking back that way.

8 Q. Okay.

9 A. The storm was behind me. When I saw the white caps to my
10 right, that's when I turned around and saw the storm and thought I
11 got to get the heck out of here.

12 Q. Okay. And this is just also to clarify a previous question:
13 Regarding restrictions for whether you can operate, what are the
14 type of weather phenomena that would restrict you being able to
15 put your vessel into the water? Is there a -- are you able to
16 operate on the water if there's lightning in the area?

17 A. No.

18 Q. And you had mentioned there's a restriction once wind -- I
19 don't if the words went out but --

20 A. 30 mile an hour.

21 Q. 30 miles per hour. Are there any other weather restrictions
22 that you're aware of?

23 A. Uh-uh.

24 Q. Okay.

25 MR. RICHARDS: I may have some other questions in an

1 additional round, but I'm done for now, John.

2 MR. VOLPE: Okay. Thank you.

3 BY MR. ANGLE:

4 Q. Hi, I'm Kelsey Angle with the National Weather Service. You
5 talked about coming in at 8:45 that morning. Did you receive a
6 weather brief or did you self-brief, or what's a typical scenario
7 of what occurred that day in regards to receiving weather
8 information?

9 A. You know, the weather monitor there in the lounge is there
10 for you to look at. Other than that, we get no briefing from
11 anybody.

12 Q. Okay. So that was -- was that the first and the only time
13 that day that you looked at weather, saw any weather information?

14 A. I don't recall.

15 Q. Okay. Were you ever aware that a severe thunderstorm watch
16 had been issued that morning?

17 A. No.

18 Q. Were you ever aware the severe thunderstorm warning had been
19 issued --

20 A. No.

21 Q. -- for Table Rock Lake? Okay. Do you have access -- are you
22 familiar with NOAA All Hazards Weather Radio?

23 A. I've heard of it.

24 Q. Heard of it? Okay. Do you have access as a tool or resource
25 within the office to take, or is that radio broadcast accessible

1 within your (indiscernible)?

2 A. I don't.

3 MR. ANGLE: That's all the questions I've got right now.

4 Thank you.

5 BY MR. [REDACTED]

6 Q. Good afternoon, sir.

7 A. Hi.

8 Q. My name's [REDACTED] [REDACTED] I'm with the Coast Guard in St. Louis
9 here. I appreciate you coming in today, on a Sunday, and
10 discussing this with us. So a few questions. So you mentioned
11 the DOT inspection, initially, on your pre-check. You conducted
12 the DOT inspection on Stretch Duck 26 that morning?

13 A. I did.

14 Q. Are you familiar with the procedures on the checklist, on the
15 various systems that are onboard that it talks about?

16 Can you walk me through, like, how you would test, for
17 example, just say like the high water alarms that are onboard the
18 vessel?

19 A. Yeah, there's switches down there. We check those, too,
20 yeah.

21 Q. Okay. When you say there are switches, can you elaborate on
22 that, please?

23 A. Well, it's just two knobs you turn after the ignition and
24 it'll test alarm. And if it's working, it beeps at you.

25 Q. Okay. So just so I'm clear and we're speaking of the same

1 thing here, so the levers that are in the various holds below the
2 floorboards are not lifted to be checked?

3 A. Uh-uh.

4 Q. We talked about, John talked a little bit about a training
5 that you guys do for emergency procedures. Can you tell me what
6 type of emergency procedures are generally covered in terms of
7 training outside of the, I think you referred to it as the
8 orientation check ride, throughout the season? You can use last
9 year as an example. Do you know some of the topics that they
10 covered?

11 A. Man overboard, fires, curtains, loss of propulsion.

12 Q. Okay. Do you know the last time you attended one of those
13 topics? Or I guess --

14 A. When I had my check ride in April, yeah.

15 Q. Just the last time? Is there a regular schedule of training,
16 do you know of, of maybe when the company administers training?

17 A. We have a monthly meeting.

18 Q. A monthly meeting? Do you know when, approximately, that
19 occurs?

20 A. The 13th of every month.

21 Q. Okay. Do you attend those meetings?

22 A. Sure.

23 Q. Okay. Did you -- so hold on. So, did they have a meeting on
24 July 13th?

25 A. Um-hum.

1 Q. Were you present for that meeting?

2 A. Yeah.

3 Q. Okay. Do you know what the topic was for July 13th?

4 A. No, don't recall.

5 Q. Have you no idea? So I'll fast-forward a little bit to the
6 incident. So you said you predominantly operate Stretch Duck 26?

7 A. Right.

8 Q. Okay. That day, you indicated that there was a prop
9 malfunction while you were -- prior to beginning the water portion
10 of the event. Can you explain to me, like -- you did a safety
11 brief. Did you do the safety brief while you were on the Stretch
12 Duck 26?

13 A. Um-hum.

14 Q. Okay. And then when you attempted to enter the water, that's
15 when you realized you had an issue?

16 A. Right.

17 Q. Okay. Disembarked passengers, and then you awaited the
18 arrival of a new duck, Stretch Duck 54. Did you conduct another
19 safety brief?

20 A. No.

21 Q. Okay. Are you familiar with the different arrangements on
22 Stretch Duck 54? Have you driven Stretch Duck 54 before?

23 A. I'm sure I have, I just don't recall.

24 Q. Okay. While you're on the water and the seas got a little
25 bit rough, did you hear any alarms or --

1 A. No.

2 Q. Nothing onboard? Did you visually see anything go into
3 alarm?

4 A. Like --

5 Q. No, I'm talking onboard the vessel, onboard the duck. Did
6 you have any alarms going off?

7 A. No.

8 Q. No alarms went off, or you don't recall hearing any?
9 Okay. Do you know if you were taking on water?

10 A. Yeah. Now, the alarms went off when I got down here by the
11 Belle. I was the -- yeah, the bilge alarms were going off.

12 Q. Okay. So you did have alarms?

13 A. Yeah.

14 Q. Okay.

15 A. I thought you said up here. I didn't understand your
16 question.

17 Q. No, I apologize, it was -- so you did have some alarms. You
18 had bilge alarms going off. Did you happen to notice if any of
19 the bilge pumps were actually de-watering the vessel, the
20 installed pumps that I kind of referenced earlier?

21 A. I didn't have time to look.

22 Q. Didn't have time. Understand. Was there ever any
23 consideration to exit using the south ramp (indiscernible) the
24 north ramp when you noticed the weather beginning to worsen?

25 A. I felt that this ramp was closer.

1 Q. Closer by the time the storm hit?

2 A. Um-hum.

3 Q. You indicated that there's procedures in place to notify the
4 office in an emergency. How was that conducted?

5 A. Just on that radio, onboard radio.

6 Q. Onboard radio? Is that like a VHF radio or is it a -- not
7 tied to the passenger intercom system, right?

8 A. No.

9 Q. Separate system altogether?

10 A. Separate system, yeah.

11 Q. Okay. When you were in the rough seas there, did you make
12 any calls out to Ride the Ducks to let them know the current
13 situation?

14 No?

15 A. Uh-uh.

16 Q. Okay. And then you said -- it kind of goes hand in hand.
17 You said that you radioed someone regarding Stretch Duck 7 being
18 in danger or having some issues. Who was it that you radioed?

19 A. The MOD in charge that night, Charles. Manager On Duty.

20 Q. Oh, manager on duty.

21 A. Yeah.

22 Q. Okay. Sorry. I apologize.

23 A. Yeah. We got initials like you guys, see, you just don't
24 understand. It's not nautical.

25 Q. Yeah (indiscernible) we're notorious for acronyms, oh yeah.

1 That's all I have for right now. Thank you.

2 A. Okay. Um-hum.

3 BY MR. [REDACTED]

4 Q. How you doing, Captain?

5 A. All right.

6 Q. I'm [REDACTED] [REDACTED] I'm with the U.S. Coast Guard. The day
7 that -- on July 19th, specifically fast-forward that day to the
8 last trip that you were going to make, which you were in Duck 26
9 at that time, about what time would you have departed the staging
10 area?

11 A. You know, I'm sorry, I can't tell you. I don't remember. I
12 think -- I would only be guessing, so you'll have to check the
13 log.

14 Q. Okay. All right. I didn't know if -- so there's no
15 scheduled departure for, like, ticket sales, you're going to take
16 the 6 o'clock boat, 7 o'clock, something like that?

17 A. No, it's just as needed.

18 Q. As needed.

19 A. As you pull back and whatever they got available, that's what
20 you -- we stay in line.

21 Q. Do you recall when you left that day on that specific trip,
22 were there ever any instructions given to you, suggestions,
23 recommendations from the company in any way, by anyone?

24 A. No.

25 Q. Would you expect any time that the company might give

1 instructions if there were anything that they wanted to change
2 about your intended tour trip?

3 A. Yes.

4 Q. Has that happened in the past?

5 A. Yes.

6 Q. Under what circumstances? What would they have changed your
7 itinerary for?

8 A. Weather.

9 Q. Weather. And do you know how they get that information?

10 A. From the weather program they have at the office.

11 Q. And I keep saying they, but who would that actually be that
12 would get --

13 A. The MOD, the manager in charge.

14 Q. Manager in charge that day?

15 A. Um-hum.

16 Q. And who would that be? Do you remember who that was that
17 day?

18 A. Charles.

19 Q. Charles. Okay. So in a change of itinerary that you've
20 maybe experienced before, what type of changes have you
21 experienced? Have they changed your schedule, changed your route,
22 changed your timing?

23 A. Change of route.

24 Q. I'm sorry?

25 A. Change of route.

1 Q. Change of route?

2 A. Um-hum.

3 Q. Like what?

4 A. We've been told to go into the water because there's a storm
5 that'll be approaching, so go ahead in the water first and then go
6 to the mountain second, where we usually go to the mountain first
7 and the water second.

8 Q. Okay. Have you ever experienced a total cancellation of a
9 trip for any reason?

10 A. Yes.

11 Q. And what would that reason have been?

12 A. A storm.

13 Q. Storms? How about a partial cancellation of any trip?

14 A. Yes.

15 Q. What would that have been?

16 A. A storm.

17 Q. And who would have made that determination?

18 A. The MOD.

19 Q. The office again. Do you have the authority to make a
20 determination to cancel a trip or a partial trip?

21 A. I would assume I would if, you know -- yeah.

22 Q. Have you ever?

23 A. No.

24 Q. Never have. Okay. Have you ever experienced initiating
25 checking the weather through the company before you left?

1 A. I look at the board.

2 Q. Okay. All right. And on that particular day, everything
3 seemed normal, I guess. I don't want to put words in your mouth.
4 But was there any mention to you about inclement weather
5 approaching?

6 Nothing?

7 A. No.

8 Q. Okay. How are the captains paid that run ducks? Are they
9 paid hourly, compensated hourly, compensated by the day, by the
10 number of passengers, or by the number of trips?

11 A. Trips.

12 Q. By the number of trips?

13 A. Um-hum.

14 Q. Okay. And who normally would schedule you for the number of
15 trips you would take that day? Is that predetermined at the
16 beginning of the day?

17 So, if you make a trip, and correct me, please, if you make a
18 trip and when you finish that trip you get back, if there are
19 people, you can take another load and go?

20 A. We have a lineup and everybody stays in line as much as
21 possible.

22 Q. Yes, sir.

23 A. And then when you get back, you're still in the lineup. If
24 there's customers, you -- if they board on your boat, then you go.

25 Q. Okay.

1 A. You may get two trips, you may get five trips, you may get
2 four trips, you may get one trip. It just depends on how busy we
3 are.

4 Q. I got you. Okay. So, with that, if, hypothetically, let's
5 say if Duck 26, which you're captain of, you got, if Duck --
6 another duck launched ahead of you into the water and some kind of
7 way, shape or form you were able to overtake that duck, get back
8 onshore before the duck, and you were able to complete your trip
9 before that duck, would you get the next load ahead of that duck,
10 if they were available? Would you get in line ahead of that duck
11 or would that duck get -- is there any type of organized numbering
12 that keeps the ducks in line?

13 A. There's a posted lineup every day.

14 Q. Okay.

15 A. The captains are instructed to stay within their lineup. If
16 you get back before the other guy does, you have to park off to
17 the side until that guy gets back so he can get back in line, and
18 get back in your appointed spot.

19 Q. Okay. So it doesn't benefit you to get --

20 A. No.

21 Q. -- to finish your trip sooner than the next guy?

22 A. Uh-uh. No.

23 Q. Okay. What is the -- what would you say is the general rule
24 of the company involvement with the captain's discretion of the
25 trips in general, to go, to not go, to abort?

1 A. I think they'll let us make that decision if we got to a
2 point and there's something wrong.

3 Q. Okay. Considering the operations manual, in your belief, who
4 is ultimately responsible for the operation of a duck vessel?

5 A. The captain.

6 Q. Okay. And the ops manual, do you know of any regulations or
7 policy that is written regarding procedures, safety procedures for
8 severe weather, inclement weather?

9 A. The captain has the authority to make that decision. If he
10 doesn't feel safe taking the boat into the water, he can cancel
11 the water portion of the trip.

12 Q. Okay. And in the event that you're in the water, do you
13 recall, through your training or through reading the ops manual,
14 of anything you should do in the event of encountering severe
15 weather?

16 A. Just what I did.

17 Q. What was that, captain?

18 A. Got the hell off the water. Pardon my French.

19 Q. Are there any other procedures that you can think of that are
20 listed in that type of training?

21 A. Sure.

22 Q. What would that be?

23 A. Curtains, PFDs, all that. You know what they are. You
24 (indiscernible).

25 Q. And being that that's in the ops manual, I know we've spoken

1 about the training before, but how many times -- I guess my
2 question is, let's say in the last 3 months that you all have had
3 training, how many times would you say that you all have gone over
4 the training of a man overboard drill?

5 A. I don't recall.

6 Q. Firefighting drill?

7 A. I don't know. I'm not going to speculate, but we have.

8 Q. Would you say you've done both man overboard and firefighting
9 more than once in the last 3 months?

10 A. No.

11 Q. Only once in the last 3 months?

12 A. I'm not going to speculate. I don't know. Check the
13 records.

14 Q. Do you recall ever doing a severe weather training?
15 You recall doing that?

16 A. Um-hum.

17 Q. How long ago was that?

18 A. I did mine in April when I had my check ride. All that was
19 covered in the check ride.

20 Q. Okay. All right. That's all I have right now. Thank you,
21 Captain.

22 A. You bet.

23 Q. I really appreciate it.

24 BY MR. VOLPE:

25 Q. Are you okay, Captain? Do you need water or a break?

1 A. No.

2 Q. You want to keep going?

3 A. Let's get this over with.

4 Q. Okay. John Volpe with the NTSB. Just a few follow-up
5 questions.

6 MR. VOLPE: Do you have -- I'm sorry. Do you have any?

7 UNIDENTIFIED SPEAKER: No, go ahead.

8 MR. VOLPE: Okay. Please.

9 UNIDENTIFIED SPEAKER: No, I'm just trying to listen.

10 BY MR. VOLPE:

11 Q. Okay. You just mentioned the check ride?

12 A. Um-hum.

13 Q. Can you explain, like, who does it and what it entails?

14 A. One of the instructors.

15 Q. Okay, one of the senior captains?

16 A. Yeah.

17 Q. Okay. And --

18 A. And it's every segment that we would take to qualify for a
19 master's license that we have.

20 Q. Okay.

21 A. We go over all of those procedures, emergency procedures,
22 fire, man overboard, inclement weather.

23 Q. Okay. And that's actually underway?

24 A. CPR. Yeah.

25 Q. Yes. Okay.

1 A. And every captain has to do that before they're qualified to
2 go out each year.

3 Q. Okay. Do you -- this will be -- what is the actual official
4 Coast Guard license that you hold? I didn't ask you that earlier.

5 A. I have a merchant marine's license. I have a master's
6 license with the Merchant Marines.

7 Q. Do you know, like, what it -- 500 -- I mean, 50 gross ton?

8 A. 30 I think it is, 30 or 50. It's 50, I think, yeah.

9 Q. Okay. You were discussing during the storm that you thought
10 you might have lost propulsion, but then you gave it gas and you
11 got it. Had you ever lost propulsion in the waves before?

12 A. Uh-uh.

13 Q. No? Have you ever encountered large waves that --

14 A. Not that big.

15 Q. Not that big. Okay. You discussed when you were underway
16 and you had your back -- you know, when you came out of the ramp,
17 your back was to the weather. You're not going to see it until
18 you actually make your turn. Do you ever return to the same ramp
19 that you would depart from, or have you ever returned to the same
20 ramp that you departed from?

21 A. We practice that.

22 Q. You practice that? Did you ever have to do it while you were
23 actually underway?

24 A. Not with passengers.

25 Q. Not with passengers? Okay. You also mentioned during --

1 earlier that the side panels, you were able to see the 7 through
2 the side panel?

3 A. Um-hum.

4 Q. Were both side panels secured after you secured the curtains,
5 or did you have your starboard open? Because you said water
6 was -- the water started -- do you recall?

7 A. The driver had that one rolled up on that side. I didn't
8 have the one rolled up over there on my side where I sit when
9 we're on the ground portion of the tour.

10 Q. Okay. So the port was down and secured and the starboard was
11 open?

12 A. Yeah, we're not talking about the side curtains where the
13 passengers are at. I'm talking about --

14 Q. No, I'm just talking about -- yeah.

15 A. -- the little fat curtains up where the --

16 Q. Where the driver is, yes.

17 A. Right. And he had that one rolled up on the other side.

18 Q. Okay. So, did you ever close either of those?

19 A. We did, yeah.

20 Q. Okay. And you secured both prior to the storm coming in?

21 A. The one on the right was not down -- or it was not up. I
22 left it down.

23 Q. Okay.

24 A. I leave it down because the wind interference in the mic.

25 Q. Okay.

1 A. So, but, the driver had his side up when we were in the
2 water, so I -- the storm came, the water was coming through and I
3 had to get that thing down so I can see to drive the boat.

4 Q. Okay.

5 A. And that's why he came up. You'll notice in the footage of
6 that camera that's onboard in the black box, he was standing up
7 there helping me get that down while I'm trying to drive through
8 that storm and hold the vent above the windshield shut because the
9 water was coming in through that thing, too.

10 Q. Okay. Now, you said that you tested your bilge pumps. Did
11 you ever have to pump the bilges, or is it an automatic float, or
12 do you have to --

13 A. There's a switch on the dial -- or on the dashboard, and I
14 hit that switch and I didn't see any water coming out. But it was
15 raining so hard, I don't know whether it did or not. They weren't
16 pumping on their own, though, but the light was on.

17 Q. I'm sorry, could you repeat that?

18 A. Yeah, no water came out of them that I could see.

19 Q. But you flipped the switch?

20 A. I did flip the switch, yeah.

21 Q. You flipped the switch. Okay. And I'm going to confirm that
22 the curtains were up or down?

23 A. They were down.

24 Q. They were down. Okay. Did you happen -- you also mentioned
25 when you were getting close to the *Belle*, you had to call the

1 Belle on the radio because their paddles were turning?

2 A. Um-hum.

3 Q. Did you notice, were you encountering any kind of wash from
4 the propellers?

5 A. Oh, sure. It was a lot of turbulence, but you couldn't tell
6 whether it was from them or the storm because it was really
7 churning that day.

8 Q. Okay.

9 A. Yeah. Yeah.

10 Q. Do you recall if they were going forward or reverse? I
11 mean --

12 A. I don't know. The captain in the *Belle* told me he wasn't
13 moving, he was just trying to hold himself up against the dock
14 because the wind was so big.

15 Q. Okay.

16 A. So that's how high the wind was. If he can't keep this big
17 boat in place, that's how hard the wind was blowing.

18 Q. Gotcha. Gotcha. Okay. Do you ever -- do you have to keep a
19 logbook onboard?

20 No?

21 A. Uh-uh.

22 Q. For the amount of passengers that you have --

23 A. That's kept at the office.

24 Q. That's kept at the office?

25 A. Online, yeah.

1 Q. Okay. Do you have to fill out anything before you leave
2 about the passengers that you have onboard or is that --

3 A. That's done at the office. They give us a count and we
4 maintain that count.

5 Q. Okay. And do you have just a whiteboard or something that
6 you keep on the boat?

7 A. Right.

8 Q. Okay.

9 A. Yeah.

10 Q. And who keeps the count in the office?

11 A. The MOD.

12 Q. The MOD?

13 A. Yeah.

14 Q. Okay. Okay. Do you happen to know if anybody videotaped the
15 7 when you guys were passing? When all this action was going on,
16 do you happen to know if anybody did a videotape?

17 A. I don't know. I have no idea.

18 Q. You have no idea. Okay. And let's see. And I mean, at the
19 point when you were trying to make it back to the ramp, did you
20 have -- I know that you mentioned that you felt 7 was struggling.
21 Was there anything that you could have done to assist him, or did
22 anybody want to assist that was on the boat, or did they just --
23 they were having a good time, they didn't realize what was going
24 on and you were just trying to beeline?

25 A. You know, I was responsible for that Duck 54 and 31

1 passengers onboard that day and I couldn't worry about him. I
2 wish I could have helped him, but there's no way I could, nothing
3 I could have done to help him anyway, so --

4 Q. Okay.

5 A. Not in that storm.

6 Q. Okay. And that's all I had. Thank you.

7 MR. VOLPE: Sir?

8 BY SGT. [REDACTED]

9 Q. Just one more, if you would, please. Can you describe to me
10 the circumstances in which you as a captain would release those
11 curtains?

12 A. If I knew that my vessel was going to go down, I was taking
13 on water uncontrollably, the curtains would be out of the way.

14 SGT. [REDACTED] That's all I have.

15 BY MR. RICHARDS:

16 Q. Just one or two questions, sir. This is Mike Richards, NTSB.
17 When you're out on your trips, have you ever heard someone from
18 home base warn of incoming hazardous weather on the company radio?

19 A. Repeat that?

20 Q. When you're out on your trips, you have a radio that has a
21 company channel, right, that you can communicate with home base
22 back and forth, two way?

23 A. Um-hum.

24 Q. Have you ever heard someone from the office advise the fleet
25 of hazardous incoming weather?

1 A. Um-hum.

2 Q. That there's severe weather approaching?

3 A. Um-hum.

4 Q. Do you have an expectation that the MOD, or whomever
5 appropriate back in the office, is monitoring weather for the
6 fleet?

7 A. I don't know. I would hope so.

8 Q. Okay. I mean, I guess what I'm asking, is there a --
9 personally, do you have an expectation based on, you know, the
10 time you spent with the company and you're familiar with the
11 operations, that if there was severe weather approaching, that the
12 MOD would, or whomever at the office would let the fleet know?

13 A. I would certainly hope so.

14 Q. Okay. Last question: Are you familiar with the alerts, the
15 local severe weather alerts that the system that's in your company
16 lounge puts out?

17 A. No.

18 Q. Okay. That is -- that's all the questions I have
19 (indiscernible).

20 MR. VOLPE: Okay.

21 MR. RICHARDS: Thank you.

22 BY MR. ANGLE:

23 Q. Kelsey Angle, National Weather Service. I've just got a few
24 follow-up questions. You talked about severe weather training.
25 Can you tell me a little bit more about what that training is and

1 who conducts that training?

2 A. Just part of a Coast Guard training.

3 Q. Okay. It is my understanding that the typical route for the
4 duck is land, then water, and then back to home base. Under this
5 particular trip that you took, that was reversed, is that correct?

6 A. No.

7 Q. No? It was land first, and then water?

8 A. Um-hum.

9 Q. Okay. So it was essentially a normal trip in regards to --

10 A. Other than the breakdown.

11 Q. Other than the breakdown. Okay. I just want to talk to you
12 a little bit more in regards to your experience with the wind and
13 the rain. So, when you entered the ramp down here, correct?

14 A. Um-hum.

15 Q. Can you tell me about the sky condition --

16 A. Clear.

17 Q. -- with regards to where you were? And the wind was?

18 A. Calm.

19 Q. Okay. And then at some point you turned to the north,
20 correct?

21 A. Um-hum.

22 Q. When you're making that turn, can you tell me what the sky
23 condition and the wind was like?

24 A. Actually, I saw the white caps.

25 Q. The white caps?

1 A. Yeah.

2 Q. Okay. So the wind had already picked up. So --

3 A. I think I made a comment, and you'll see that on that black
4 box. I made the comment of the cool breeze. I could feel the
5 breeze coming in. I made that comment about wow, because it was
6 extremely hot that day.

7 Q. Right.

8 A. And then when we turned and that forced me to look back over
9 my other shoulder and see the storm approaching, that's when I
10 made the move to get off the water.

11 Q. Yeah. From your experience, was it a gradual increase in
12 wind speed or was it pretty rapid?

13 A. Rapid.

14 Q. Rapid. Okay. And so, once that rapid increase in wind speed
15 occurred, was it sustained?

16 A. Yeah.

17 Q. Okay. Did it get any stronger or was it -- once it ramped
18 up, it seemed to stay that speed for a while? Is that a correct
19 description?

20 A. (Indiscernible).

21 Q. Okay. Then once you reached the ramp over here, was the wind
22 still strong or had it weakened some?

23 A. It was still pretty strong.

24 Q. Okay. At what point did the wind decrease, and what was your
25 location? Do you remember?

1 A. Up on the parking lot.

2 Q. Up on the parking lot next --

3 A. The parking lot.

4 Q. -- close to the highway?

5 A. Um-hum.

6 Q. Okay. Rainfall encountered in any part of that journey?

7 A. I guess. I don't know. The waves were so big, I didn't know
8 whether it was water from the lake or water from the sky.

9 Q. So tough to tell where the water was coming from?

10 A. Yeah.

11 Q. Okay. Can you tell me, from a -- well, first, do you ever
12 access any weather information on, like, a cell phone or anything
13 like that throughout your working day?

14 A. Not often.

15 Q. Okay.

16 A. Too busy.

17 Q. Yeah. So you've never looked at radar on a mobile phone?

18 A. I have.

19 Q. Okay, you have.

20 A. Yeah, I have. I didn't.

21 Q. You didn't on that day, but you have previously. Okay. Can
22 you walk me through determination of when you know that, okay, I'm
23 going to go, I'm going on my trip, what from a weather standpoint,
24 what considerations you use in making that decision, things that
25 you're looking at?

1 A. I don't understand what you're saying. I guess, I don't
2 know, I can't answer you because I don't understand what you're
3 asking me.

4 Q. Okay. So, when you decide to make a trip, if you see a
5 change in the sky condition, are you continuing to go on that trip
6 or have you ever modified the trip or sought additional
7 information because you saw, you know, the sky looked black or
8 wind was increasing?

9 A. You know, I wouldn't go out and the MOD wouldn't send me out
10 if the weather was bad.

11 Q. Okay.

12 A. If that's what you're trying to get to.

13 Q. No, I'm just trying to understand information that's looked
14 at to make a decision.

15 A. Yeah. Yeah.

16 Q. So that's all I'm looking at.

17 A. Yeah. No, I wouldn't, you know, if it looks bad. You know,
18 the safety of the passengers is my number one concern, and I would
19 not do anything to harm anybody on that vessel.

20 Q. Sure. Okay. All right. Thank you, sir.

21 BY MR. [REDACTED]

22 Q. Again, [REDACTED] [REDACTED] with the Coast Guard in St. Louis here. A
23 couple of follow-on. Mr. [REDACTED] had earlier asked you what your
24 understanding was of procedures that you were to follow during
25 severe weather incidents and you indicated that we know them. How

1 do you understand what those procedures are? Could you just tell
2 me, in your mind, what are the procedures?

3 A. What type of an incident are you talking about?

4 Q. Severe weather, sir.

5 A. What type of severe weather, wind, rain?

6 Q. Well, like you encountered on July 19th -- or July -- yes,
7 July 19th.

8 A. I don't know what you're looking for there. I'm sorry. I'd
9 just do what I did, get the hell off the water as fast as you can.

10 Q. I understand, sir.

11 A. That's basically what I'm telling you, put the curtains down
12 and get off the water. If I need -- if panic sets in with the
13 crew, then I'm in trouble. I try to keep the passengers as calm
14 as possible. If I see that we're not going to make it, I would
15 advise the crew, the passengers to get the PFDs down and get those
16 things on. Otherwise, just get off the water as fast as you can,
17 the closest possible exit.

18 Q. Okay. There was a point when you guys -- when I say you, the
19 Stretch Duck 54 and Stretch Duck 07 were in close proximity here
20 off of the paddlewheels, both attempting to make approach to the
21 ramp. How was the decision made which duck would exit the lake
22 before the other?

23 A. I didn't see Duck 7 other than that one time out between us
24 and the island, so I couldn't tell you. I had no communication
25 with Duck 7 at all. I have no idea. I just saw the ramp and I

1 thought it was my turn and I'm getting out. I don't know.

2 Q. Okay. So you weren't aware that they were --

3 A. I had no communication with Duck 7, none.

4 Q. Oh, I understand. Visually, you didn't (indiscernible) --

5 A. I lost him. I couldn't find him. I saw him that one time
6 out there and he was over on my left side, and that was the end of
7 when I saw him. Because like I told you, the water was coming
8 through the curtains and that Plexiglas when it gets -- the way
9 the waves were, I couldn't see anything on that side.

10 Q. I understand.

11 A. Yeah.

12 Q. Your CDL driver that day was who?

13 A. Daniel.

14 Q. Have you worked with Daniel on -- that was the first time
15 you've worked together?

16 A. Um-hum.

17 Q. Did you feel like you guys had good communication among both
18 of you that day?

19 A. Yeah, I think so. He did a good job.

20 Q. If I throw out the word Higgins pump, do you know what that
21 means?

22 A. Um-hum.

23 Q. Okay. Can you briefly describe to me what a Higgins pump is?

24 A. A pump that works off the drive shaft, chain-driven pump,
25 pumps out about 350 gallons a minute.

1 Q. Okay. Do you know if Stretch Duck 54 had a Higgins pump or
2 not?

3 A. I don't know. I don't think so.

4 Q. You don't think so?

5 A. No.

6 Q. But you don't know for sure?

7 A. No.

8 Q. Okay. That's all I have. Thank you.

9 BY MR. [REDACTED]

10 Q. Just a couple of follow-up questions with you, Captain.

11 A. Okay.

12 Q. [REDACTED] [REDACTED] with the U.S. Coast Guard. How long did you say
13 you've been licensed as a captain now?

14 A. Since the 1st of August last year.

15 Q. So almost a year, is that --

16 A. Um-hum.

17 Q. Okay. Do you know Captain Scott McKee?

18 A. Um-hum.

19 Q. How long have you known Captain McKee?

20 A. Oh, probably 5 years. I've been with the Ducks a long time
21 and he has, too.

22 Q. Related in any kind of way? Are you related in any way?

23 A. No.

24 Q. Do you have any idea how long he's been licensed?

25 A. No, I don't know. Probably 20 years, I would say. He used

1 to do a boat down in the -- down Taneycomo, like a dinner boat or
2 something. He was a captain down there for a while.

3 Q. Have you ever encountered the type of situation that you were
4 in on July 19th before in operation of a vessel, a duck vessel out
5 here?

6 A. Not that severe, uh-uh.

7 Q. Not to that degree?

8 A. Uh-uh.

9 Q. The reason I ask you those questions is because I want to
10 commend you. You know, after -- when we look at the situation
11 that you were in, which was an unusual situation, to have the
12 limited experience that you seem to have, you did something right
13 to get yourself and your crew and your passengers and your vessel
14 back to safety. So that's a great thing.

15 One of the things that I wanted to ask you, though, was the
16 day that you entered the water, the water was -- everything was
17 fine, blue skies, sunshine, if I'm painting the right picture,
18 smooth sailing, right?

19 A. Um-hum.

20 Q. Smooth seas?

21 A. Yeah.

22 Q. What is your normal route when you hit the water, a routine
23 route for you? What's your routine course?

24 A. This ramp south of us, and then we just make a circle right
25 around the island over here.

1 Q. So you go behind the island?

2 A. Go behind the island.

3 Q. And then come back into this ramp here?

4 A. Yeah. Approximately 20 minutes on the water.

5 Q. Okay. On that particular day, you didn't go behind the
6 island?

7 A. No, I didn't, sir.

8 Q. You cut the island? You cut between the island and the
9 *Belle*?

10 A. Um-hum.

11 Q. What made you decide to do that? What was the driving factor
12 behind that?

13 A. I knew I had to get off of the water as fast as I could
14 possibly get off the water. I looked to the right, I looked to
15 the left, I figured I was almost in the middle of both ramps. I
16 chose to come this way for shelter from the *Belle*, if I could
17 possibly get any kind of a windbreak off the *Belle*, and I was
18 afraid to go back south, down that way, afraid of the backwash I'd
19 get over the back of the boat because there's nothing holding the
20 water out. So I knew my best avenue was this way.

21 Q. So when you come off of that ramp -- today, I went down there
22 and looked at the ramp and took a couple of pictures of it. And
23 when I took pictures, I took pictures of the island, as well. And
24 when I'm standing at that ramp, I'm almost looking straight out at
25 that island, almost, not quite. It's a little bit off to my right

1 when I look at it. And oh, I don't know, it's maybe a quarter of
2 a mile, would you say, away, something like that?

3 So if I'm looking at that and I see smooth seas, I'm thinking
4 how much distance and speed am I going to make before I get to
5 that island or make a decision to turn and cut between that island
6 because of the weather. It came up that quickly. So, before you
7 ever reached even the *Belle*, you must have encountered seas?

8 A. Oh, yeah.

9 Q. Before you ever got to the bow of the *Belle*?

10 A. Before I ever got on the south side of the island, I was in
11 rough seas.

12 Q. Wow. That did come up quick, huh?

13 A. There were a couple times I thought my boat was going to be a
14 submarine the way we were jumping waves. Yeah, it was --

15 Q. Okay. And obviously, or evidently, that wasn't the
16 atmosphere you could see from the ramp, the weather?

17 A. No, everything -- yeah.

18 Q. Weather in the distance moving this way. Okay. All right.
19 Thank you very much. I appreciate it. Good job out there.

20 A. Thank you.

21 MR. VOLPE: Okay, Mr. King, is there anything that you might
22 want to add that can help us with this accident, to understand the
23 events that took place?

24 MR. KING: No. It was unfortunate. I just -- no. God was
25 with me. I'm sure he was with them people, too, but --

1 MR. VOLPE: May we contact you if we have any more questions?

2 MR. KING: Sure.

3 MR. VOLPE: Through your attorney, of course.

4 MR. KING: Yeah.

5 MR. VOLPE: I wanted to thank you for your time, coming in.

6 MR. KING: Thank you, guys.

7 MR. VOLPE: And I'm going to close the record at 1423. Thank
8 you very much.

9 MR. KING: Thank you.

10 (Whereupon, at 2:23 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: CAPSIZE AND SINKING OF STRETCH DUCK 7
 ON TABLE ROCK LAKE, BRANSON, MISSOURI,
 JULY 19, 2018
 Interview of Barry King

ACCIDENT NO.: DCA18MM028

PLACE:

DATE: July 20, 2018

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


Lisa Fuerstenberg
Transcriber