

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: JOHN DAVIDSON

Wednesday,
July 25, 2018

APPEARANCES:

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I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of John Davidson:	
By Mr. Volpe	4
By Mr. [REDACTED]	25
By Mr. [REDACTED]	52
By Mr. Volpe	67
By Mr. [REDACTED]	68
By Mr. [REDACTED]	79
By Mr. Volpe	80

I N T E R V I E W

(9:10 a.m.)

MR. VOLPE: Okay. It's 9:10 a.m., 25 July, 2018. My name is John Volpe. I'm with the NTSB, and we're conducting an interview with Mr. Davidson.

INTERVIEW OF JOHN DAVIDSON

BY MR. VOLPE:

Q. Mr. Davidson, can you please state your name and spell it?

A. John Edward Davidson, D-a-v-i-d-s-o-n, and John is spelled J-o-h-n.

Q. Okay. And could you tell me the position you have with Ride the Ducks?

A. I'm a captain with Ride the Ducks.

Q. Okay. And can you tell me your time with the company, how long you've been with the company?

A. This is my 18th season. I think I started in the fall of 2000.

Q. Okay. And what type of license do you hold?

A. I hold a 25-ton master license for --

Q. Okay.

A. -- the White River Basin, but it's constricted to Table Rock and Taneycomo Lakes.

Q. Could you explain how you received your Coast Guard license?

A. We did classroom training back in 2000, and we did on-hands training with the vessel, the ducks, and we ended up going to St.

1 Louis to take three tests, written tests. You had rules of the
2 road and you had general deck, and we have CFRs, which are the
3 regulations.

4 Q. Um-hum.

5 A. And then, at that time, we didn't have to have a TWIC, but I
6 had to have a physical, and the testing, and then I assume so many
7 hours of training. I don't know back then what we did, but we had
8 a lot of hours learning how to drive a fleet duck, which was a
9 stick-shift with 5-speed non-synchronized transmission.

10 Q. Now, were you a driver prior to a captain or were you -- did
11 you just come out as captain?

12 A. Well, at that time, we just -- we were captain, did the
13 driving and talking.

14 Q. Okay.

15 A. Yeah.

16 Q. And did you have any position with the ducks before you
17 started as a captain, before you started training --

18 A. No.

19 Q. -- as a captain?

20 A. No.

21 Q. Okay. And have you -- are you a full-time duck captain or
22 just a seasonal?

23 A. No, I'm a seasonal, and I only work 2 days a week at this
24 time.

25 Q. Okay. But in the past, were you full-time?

1 A. Never been full-time.

2 Q. Never been full-time? Okay. When you did your license
3 training, did -- was it in-house training for --

4 A. It was, yeah, it was -- well, it was contracted by a ex-
5 captain. The name was Slim. He did the classroom portion of it.
6 And we met in the evening at the duck barn, okay. As far as the
7 driving part and so forth, yeah, that was done here, yeah.

8 Q. At the time, were you required to have a CDL license when you
9 were actually driving and --

10 A. Yes, we also had to have a CDL driver's -- which I did not
11 have, and they helped us get that.

12 Q. Okay.

13 A. Yeah.

14 Q. Do you still hold the CDL license?

15 A. Yes, I do.

16 Q. Yes, you do? Okay. Are you considered a senior captain with
17 the company?

18 A. Well, I would guess so. I'm getting kind of close to the
19 top.

20 Q. Okay.

21 A. Age-wise, too, probably.

22 (Laughter).

23 BY MR. VOLPE.

24 Q. In your experience, this is more -- we haven't really touched
25 on this, but with your experience, how did the ducks handle?

1 A. How did the duck handle?

2 Q. Um-hum.

3 A. Very well.

4 Q. Very well?

5 A. I think they're very controllable, yeah, very predictable,
6 yeah.

7 Q. Now, were you -- you were on -- the ducks were stretched --
8 I'm not exactly sure of the date or the year that they were
9 stretched. Did you drive ducks before they were stretched and --

10 A. I drove both, yeah.

11 Q. You drove both? Did you notice any difference in --

12 A. Yeah, there was quite a difference, yeah.

13 Q. Okay.

14 A. Yeah, we had three fleet ducks when I first started, and the
15 rookies drove the fleet ducks, okay?

16 Q. Um-hum.

17 A. And then if a stretched duck became available, we moved up,
18 okay, and drove a stretched duck.

19 Q. Okay.

20 A. And yeah, I mean, it's quite a bit of difference performance-
21 wise and everything else, I think, yeah.

22 Q. Okay. As far as handling -- we'll go back to handling -- one
23 of our question is how does she handle in weather -- what do you
24 find the best way to handle the boat in weather, into the weather,
25 at a 45 to the weather? I'm sure, I mean, you're not going to go

1 astern to the weather, but --

2 A. Probably depending, but probably 45 to the weather.

3 Q. Forty-five to the weather?

4 A. And you know --

5 Q. And as far as you know, that's the way she handles the best?

6 A. Yeah, depending on your weather.

7 Q. Okay.

8 A. Yeah.

9 Q. Um-hum. Any -- is this just -- I guess the other thing is --

10 A. And also your route, I mean, where you want to go.

11 Q. Okay.

12 A. Yeah.

13 Q. How would you handle the vessel because there's so much
14 traffic, you know, for the boats coming by with the large wakes or
15 the jet skis? Do you have to steer into the wake or do you just
16 kind of steer -- go straight --

17 A. Forty-five.

18 Q. Oh, you do go for a 45?

19 A. Yeah.

20 Q. Okay.

21 A. Depends on the size of the wake, but -- and that's what you
22 do have to watch for.

23 Q. Okay.

24 A. There's some big boats out there.

25 Q. And what type of -- what are some of the training that you've

1 had with Ride the Ducks as captain, the type of training that
2 you've participated in?

3 A. Well, we do, actually, scenarios. We also do actual hands-on
4 of whatever the system might be. We take it by the system. Okay.
5 We do -- such as fire drills, fume detectors, loss of steering,
6 loss of propulsion, any problem that we can think of that we might
7 have. Yeah.

8 Q. Okay. And how often do you conduct the training like that?

9 A. Well, for the existing captains, we do that once a year
10 before they come back to go back on to work, okay? As far as the
11 new training people go, they're required to have about 280 hours
12 of training, which consists of the book work, which consists of
13 hands-on, getting TWIC cards, physicals, and things of that
14 nature, cumulative hours, and so forth.

15 Q. So it's come up that you've been a trainer as well as --

16 A. Correct.

17 Q. -- a captain?

18 A. Correct.

19 Q. Did you also receive the annual -- the return training?

20 A. Yes.

21 Q. Yes? Who was your trainer?

22 A. Gary Culver (ph), I believe.

23 Q. Gary Culver? Okay.

24 A. Which is Captain Stump (ph).

25 Q. Captain Stump, okay.

1 MR. VOLPE: Captain Stump is his nickname.

2 UNIDENTIFIED SPEAKER: Okay. And his name is Gary Culver?

3 MR. VOLPE: Gary Culver.

4 UNIDENTIFIED SPEAKER: Gary Culver. Okay.

5 MR. DAVIDSON: There was three others that I met this year,
6 and we did each other. Okay.

7 BY MR. VOLPE:

8 Q. Yeah.

9 A. And this yeah (indiscernible) think doing the same thing.

10 Q. Okay. So the policy, there were only three trainers this
11 year, yourself --

12 A. No, no, four.

13 Q. Four trainers?

14 A. Joe Perma (ph).

15 Q. Joe Perma, yourself?

16 A. Right.

17 Q. Mr. Stump, Captain Stump?

18 A. Yeah. Gary Culver --

19 Q. And --

20 A. And Ron.

21 Q. Ron Hoot (ph)?

22 A. Ronnie Hoot, yeah.

23 Q. Okay. Very good. So after you guys did your training, then
24 you -- then, as the captains came back, then you conducted --

25 A. Right.

1 Q. -- the annual training with them?

2 A. Yeah.

3 Q. Yes?

4 A. And we refer to those as a check ride.

5 Q. I'm sorry?

6 A. We refer to those as a check ride.

7 Q. Oh, a check ride? Okay. And how did they determine who the
8 trainers were?

9 A. I guess by our skills and knowledge.

10 Q. Okay. Did you ever receive any, I guess, trainer training?
11 They call it train-the-trainer training. That's a lot of training
12 in there.

13 A. Well, I guess, indirectly, I did probably, yeah, I mean, to
14 start with.

15 Q. But did they have a course for the four of you, saying that,
16 okay, you're going to be the trainers this year, and these are the
17 topics that we want you to cover, anything like -- any formal
18 training that you had, or were they -- did you just get a call and
19 say you four will be the trainers?

20 A. No, we go through system, so I guess, yes, I was trained by a
21 trainer, who was Joe Perma at that time.

22 Q. Okay.

23 A. Okay. We also had another guy, Rob Taylor, but he's not with
24 the company now. He was one of our trainers, but he left last
25 year. That's why we had two others come in, because I was kind of

1 restricted to just working weekends, yeah.

2 Q. Okay. And how many years have you been a trainer for the
3 returning captains?

4 A. Probably about 6 years probably.

5 Q. Okay. Now, do you also do the training for the deckhand --
6 or I guess the drivers, teaching the drivers how to --

7 A. I haven't been, I haven't been involved with that very much.

8 Q. Okay.

9 A. Once in a while, I might, as far as the road training goes,
10 but not on the lake.

11 Q. Okay. And who typically trains the -- because the drivers
12 told us that they also learn all the -- how to handle and maneuver
13 the boat in case there is a problem with the captain. Who
14 normally trains the drivers?

15 A. Well, we've had -- well, Scott does probably the water part.
16 We've had Larry Whitehouse, yeah, he did some driving; Charles
17 Bazill [sic] -- I can't remember what his last name is -- MOD.

18 UNIDENTIFIED SPEAKER: Bizelle (ph).

19 MR. DAVIDSON: Yeah, Bizelle, okay. Let me think. Who else
20 has been involved in that? Well, I think Stump and Hoot have been
21 in some of the CDL (indiscernible) yeah, yeah.

22 BY MR. VOLPE:

23 Q. Okay. And how --

24 A. And I probably have maybe 2 years ago when I first started,
25 but not that much.

1 Q. Okay. So the training sessions are -- how are they
2 scheduled? Is it just scheduled because you worked -- the 2 days
3 that you work you'll do the -- just explain.

4 A. Yeah. If I -- if there's some people -- well, with -- I'm
5 looking at new captains now, okay? The weekend, I can work
6 Saturday and Sunday, okay? A lot of times, I had people that were
7 available for Saturday and Sunday that could work. I would be
8 with them, yeah.

9 Q. Okay.

10 A. And then, during the week, then you had Hoot and Stump, and I
11 don't think that Joe Perma got involved too much with the new
12 ones. A little bit, yeah. And then on the new captains, I did
13 the final check ride, which is a little bit more, and I don't know
14 if you've seen our forms that we use for the check ride --

15 Q. I'm not sure if the -- this is, just for the record, it says,
16 "Captains, deckhands, water training log." Is that the --

17 A. Yeah, yeah, that's it. Yeah, it's a check ride that he had
18 with Rob Taylor (ph), yeah.

19 Q. Okay.

20 A. And then we have a long form on the new captains that goes in
21 with the paperwork for their licenses, and it's a little bit more
22 comprehensive in the fact that we go down to the shop, which we do
23 during our training with the floorboards out -- you know what I'm
24 talking about, and we have the different pumps and systems, and so
25 forth, where you can actually see how they work and operate.

1 Q. Okay. Now, who is in charge of training here in Branson?
2 Who would you say is the training supervisor?

3 A. The training supervisor --

4 Q. Or training director? Who in management is the training --

5 A. I'd have to be Curtis or Matt or Corn (ph). I don't, you
6 know --

7 Q. Okay.

8 A. Yeah, I guess that's who you're looking at.

9 Q. If you have a safety issue, do you go to one specifically or
10 any one of those three?

11 A. Probably would have to go to Matt, which would be my
12 immediate supervisor.

13 Q. Okay.

14 A. Yeah.

15 Q. We were told that there was -- correct me if I'm wrong --
16 that there are safety meetings for the drivers and the captains
17 once a month?

18 A. We have a captains meeting, correct.

19 Q. Yes. Do you go to those meetings?

20 A. Oh, yes.

21 Q. Okay. And we were also told that there were safety items
22 discussed at those meetings?

23 A. Correct.

24 Q. Who decides what item is going to be --

25 A. Well, Matt might or I might.

1 Q. Okay.

2 A. Yeah.

3 Q. And who actually does that training?

4 A. Well, Joe Corn has been doing some of it, and now he turned
5 it over to me a couple weeks -- a couple months ago, I guess.

6 Q. Okay.

7 A. So I've been doing that the last couple of times.

8 Q. Okay. So when we're coming -- okay. We just had July's on
9 the 13th. How did you decide what topic to use for the July
10 meeting? Is it something that you get to choose or somebody say,
11 hey, we're going to cover this --

12 A. [Indiscernible] choose it. We try to rotate those throughout
13 the year. Last time, I did intentional and unintentional
14 grounding.

15 Q. Okay. Is there any type of training matrix that you follow
16 that says -- so that -- I'm from deep sea. I was a captain on
17 Blue Water, and you know, you're required to have certain drills,
18 you know, every time you do a crew change, and then you have to
19 have quarterly drills. And we had to keep a matrix so that, by
20 law, that we knew which drills are -- were conducted and that they
21 were conducted. Do you have any type of training sheet or matrix
22 that tells you --

23 A. I do not have --

24 Q. You do not have? Okay. Do you know if there is one?

25 A. There should be one in the office of what's been covered over

1 the last year, operation office up in Matt's place.

2 Q. Okay. Now, when you conduct the training, like you said, the
3 last 2 months, or now you're the monthly training trainer, do you
4 -- how do you track it? Do you have a sheet?

5 A. Okay. There was a book.

6 Q. Okay.

7 A. Or there is a book that we signed off on, and I haven't seen
8 that out for the last couple of times, or three.

9 Q. Okay.

10 A. That's not my responsibility. That's management, I guess.

11 Q. But is there any type of sign-in sheet that says, you know,
12 John was there --

13 A. There's a sign-in, yeah, there is. We sign a sheet that we
14 were there.

15 Q. Okay.

16 A. They pay us 2 hours, yeah.

17 Q. Okay. And who do you give that sheet to when you're
18 completed with the training?

19 A. I assume Matt or Curtis gets that. Well, Curtis does
20 payroll, so I guess that's where it goes eventually.

21 Q. Okay. And do they take --

22 A. That's just the sign-up sheet, yeah, that we were there.

23 Q. They're also at the training as well?

24 A. Right.

25 Q. Okay. When you have this training once a month, when is it

1 conducted? Is it conducted prior to the ducks going out, after
2 the all the ducks come back?

3 A. Like, if we had let's say, for example, our last meeting was
4 at 7:30 a.m., okay, till around 8:30 a.m., and that's before we
5 have the ducks go out.

6 Q. Okay.

7 A. Yeah.

8 Q. So all the captains would show up that day? Or --

9 A. Right. Well --

10 Q. Is it just the captains that are scheduled that day or is it
11 all the captains?

12 A. No, it's supposed to be a mandatory meeting.

13 Q. Okay.

14 A. Now, that doesn't mean everybody is going to be there, but
15 the majority of the time, they are, yeah.

16 Q. Okay.

17 A. And drivers.

18 Q. Now, if a driver or captain isn't there, do you -- is there a
19 policy that you have to --

20 A. No, there's not.

21 Q. Okay. You don't have to conduct the training again. But to
22 your knowledge, everyone for the check-out, the annual check-out,
23 the driver, or the captains, they all have to complete that
24 training?

25 A. Yeah.

1 Q. Okay. In your time with the company, have you ever
2 participated in any training with the Coast Guard?

3 A. Oh, yes. Well, not the last couple years, but normally I
4 always did, yeah, yearly. They'd --

5 Q. Okay. Could you explain what are some of the things that you
6 did with the Coast Guard?

7 A. Loss of steering, man overboard, maybe loss of propulsion,
8 simulated fire drills, whatever they wanted.

9 Q. Okay.

10 A. Yeah.

11 Q. Well, I know you're familiar with the captain deckhand
12 training log, because you've mentioned it already. Have you ever
13 had weather training?

14 A. Well --

15 Q. Like, heavy weather training?

16 A. Yes, I mean, we talk about it, and yes, I've been in rough
17 weather. I mean, I hope to have rough weather somewhat when we're
18 training, but we don't always get it, yeah --

19 Q. Um-hum. In your own words, can you tell me what the heavy
20 weather training consists of, what are some of the topics that you
21 cover in heavy weather?

22 A. Well, we look at loss of propulsion in heavy weather, loss of
23 steerage, man overboard, how do you handle that situation, what do
24 you do in severe weather, I mean, like, get off the lake, go
25 through your procedures, yeah.

1 Q. And what are some of the procedures that you're supposed to
2 follow in heavy weather? Like, if you were a captain and you
3 encountered heavy weather, can you just explain in your own words?
4 You don't have to give me -- just what you remember.

5 A. Well, just have your passengers remain calm, don the PFDs,
6 and get off the lake. Now, that could be -- depends on how rough
7 the water is. Normally, we try to get to a ramp and get off, but
8 there could be occasions you might be at the island, and you might
9 need to get close to the island and even beach it.

10 Q. Okay. In your time with the company, have you ever had to
11 beach one of the ducks?

12 A. No, I haven't.

13 Q. No? Have you ever had to leave the lake due to weather?

14 A. Yes, I have.

15 Q. Yes, you have?

16 A. Um-hum.

17 Q. Okay. Did you have everyone don their life jackets when you
18 did that?

19 A. I was so close to the ramp I didn't have to. I was off
20 before they could have even got them on, luckily, but I would
21 have.

22 Q. Okay. I guess in your own words, can you explain the
23 difference -- we're still trying to figure out the hierarchy, the
24 company hierarchy -- the difference between operations and fleet
25 operations? Because we talked to people in operations, and then

1 we also have fleet operations. So I'm just trying to get --

2 A. Yeah, operations, I guess, is what you might think of mainly
3 daily operations of the ducks going in and out and so forth.

4 Fleet operations, I think, is like -- Brian Decker (ph), if you've
5 met him, okay, think his title is fleet operations, which is more
6 maintenance facilities and things of that nature, I guess.

7 Q. Okay. And do they have an actual maintenance manager or --

8 A. Um-hum. Decker is in charge of maintenance.

9 Q. He's in charge of maintenance?

10 A. Yeah.

11 Q. So he's in charge of all the mechanics, as well?

12 A. I assume so.

13 Q. You assume so? Okay. But he doesn't -- what's his
14 correlation to the captain or what does he, what does he work
15 with, with you? Anything? Do you have a daily contact with Mr.
16 Decker --

17 A. No, no.

18 Q. No?

19 A. No.

20 Q. Okay. Or anyone in fleet operations? Because I believe --

21 A. Well, if have an issue, a maintenance issue, I'm down -- I
22 mean, I know all the guys, but I don't have any really set thing.
23 If the duck is in service and in good standing and ready to go
24 out, it's brought up, put up on the line headed to the east. Any
25 duck that's on that line, it should be ready to go out.

1 Q. Okay. Are you familiar with the duck hotline? Do you
2 know -- have you ever heard of the duck hotline?

3 A. Not really.

4 Q. Okay.

5 A. Unless it's -- no, unless you're talking about open-door
6 policy, or something, no.

7 Q. Okay.

8 A. I'm saying no. Yeah.

9 Q. Okay. Could you tell me if -- since you're a trainer, I'm
10 sure you're familiar with the operations manual?

11 A. I would hope so.

12 Q. Okay. I would hope so, too, yeah. Since you go through the
13 manual, have you ever come across something in the manual that you
14 can't comply with, that, okay, there's something written in
15 here --

16 A. No, I don't think so.

17 Q. Okay. Because my follow-up question to that would have been
18 if you found something in here, what would you -- how would you go
19 about letting somebody know that you couldn't do it?

20 A. Well, if that was the case, which I don't believe it is,
21 you'd go back through Frank, I guess.

22 Q. Frank, okay, Frank --

23 A. Well, I mean, you might have to go to -- well, that's
24 probably where it came from, to be frank. I don't know if you go
25 through -- I might run it by Matt, you know?

1 Q. Okay. And Frank, do you know Frank's last name? I'm sorry
2 for the fly --

3 A. Ingel (ph).

4 Q. I'm sorry?

5 A. Frank Ingel.

6 Q. Frank Ingel? Okay.

7 A. Ingel, yeah.

8 Q. Have you ever heard of a thing called the duck general
9 internal website?

10 A. Duck general?

11 Q. Yeah, internal website.

12 A. Internal --

13 Q. Yeah, there's a website that you --

14 A. No.

15 Q. No? Okay.

16 A. Is it --

17 MR. VOLPE: I'm sorry?

18 UNIDENTIFIED SPEAKER: Duck central.

19 BY MR. VOLPE:

20 Q. Duck central.

21 A. Oh, duck central, yeah.

22 Q. Duck central, yeah. I'm sorry.

23 A. Yeah, duck central, I have heard of it.

24 Q. Oh, you have heard of it? Okay.

25 A. I don't (indiscernible) have access to it.

1 Q. Okay. I didn't know if -- what did I call it -- duck --
2 UNIDENTIFIED SPEAKER: You called it duck internal. It's
3 duck central --

4 BY MR. VOLPE:

5 Q. Oh, duck central --

6 A. Well, that's what it is. It's internal, I guess.

7 Q. Yeah, duck central.

8 A. I don't know --

9 Q. It's referred to as duck central internal website. Yeah.
10 Got it. Okay. Could I also ask you -- I'll ask you a few
11 questions on weather.

12 A. Okay.

13 Q. Okay. Are you familiar with the weather monitoring system
14 inside the office?

15 A. Yeah, a TV screen, yeah.

16 Q. Could you explain to me just in your own words what it
17 entails or what it's about?

18 A. That shows radar for the vicinity and where it can expand
19 out, so it's cloud cover. It also has wind arrow -- wind
20 directions, and so forth. It's not (indiscernible) to a weather
21 map, I guess.

22 Q. How do you --

23 A. I don't think it gives winds aloft, but you know, I think
24 it's -- it's on the surface.

25 Q. And how do you monitor weather when you're at work during the

1 day?

2 A. I look around.

3 Q. Look around. Okay.

4 (Laughter.)

5 BY MR. VOLPE:

6 Q. And if there -- I'm sorry --

7 A. Go ahead.

8 Q. No, I was going to say if there was weather in the area, how
9 would you be notified that there's weather in the area besides
10 looking around?

11 A. Well, I mean, I can look at that radar. I've got KY3 on my
12 cell phone.

13 Q. KY3?

14 A. Yeah.

15 Q. Is that the --

16 A. That's just a weather app. I mean, it's not a weather -- I
17 guess it is a weather app, yeah --

18 Q. Okay.

19 A. -- on my cell phone, and I can look at it.

20 Q. And just one more question with the training. Do you --
21 since you're training 2 days a week or when they're doing the
22 checkout, any idea of how many captains you've trained, just a
23 rough estimate, for their annual training?

24 A. Well, it's pretty much a full day. As far as check-rides,
25 personally, I've probably only done about three or four, except

1 for the new captains, I did all their check rides, so that was
2 four, six, probably maybe seven or eight this year is all.

3 Q. Okay. Very good.

4 MR. VOLPE: [REDACTED]

5 BY MR. [REDACTED]

6 Q. Good morning, captain, [REDACTED] [REDACTED] with U.S. Coast Guard --

7 A. Yeah.

8 Q. Just a few questions for you, I guess. First of all, are you
9 okay? Do you need restroom or anything like that, water --

10 A. I'm fine.

11 Q. You good?

12 A. I'm okay.

13 Q. Let's see. Prior to receiving your Coast Guard license in
14 2000, is that right?

15 A. Um-hum. Well, I didn't -- I think I didn't get my license
16 till 2001.

17 Q. Okay. 2001. Prior to that, did you ever hold any other type
18 of Coast Guard credential or license?

19 A. No.

20 Q. Okay. Were you ever in a branch of the military?

21 A. Yes.

22 Q. Which branch?

23 A. Air Force.

24 Q. Air Force?

25 A. Um-hum.

1 Q. You received your license in 2001, and do you know what the
2 renewal timeframe is, how often you're required to renew your
3 license?

4 A. Every 5 years.

5 Q. Every 5? And have you -- since your original license, has
6 that license changed? Did you add any endorsements --

7 A. No.

8 Q. -- or upgrades or anything? Nothing of that nature?

9 A. No.

10 Q. And to renew your license, what's required for you to present
11 to the Coast Guard in proof of renewal?

12 A. I'm not sure, but I think, okay, we do this through the
13 company. The company financially takes care of our licensing and
14 the renewal process. I think they have to write a letter, and we
15 need a current physical, and I guess that we have to have time
16 spent on the water during that 5-year period of time, and I don't
17 know how much time.

18 Q. Yes, sir.

19 A. And that might be covered in the letter.

20 Q. Okay.

21 A. And that has to be submitted to -- I guess that goes to St.
22 Louis and then it goes on to Langley, I guess.

23 Q. So that would be recency you're talking about, sea time,
24 recency sea time?

25 A. I assume, but I don't know that.

1 Q. Okay. What about any type of radar endorsements? Do you
2 carry anything like that?

3 A. No, I do not.

4 Q. All right. As far as any other credentials that are carried
5 for the -- for a vessel, are you familiar with the COI, with that?

6 A. Oh, yeah.

7 Q. You are? You're familiar with it?

8 A. Yeah.

9 Q. Okay. And is that a document that's issued by the Coast
10 Guard, right?

11 A. Correct.

12 Q. Is that posted on the vessels that you all --

13 A. It's in the logbook, yeah.

14 Q. Okay.

15 A. It's also up in the --

16 Q. I got you.

17 A. -- (indiscernible).

18 Q. All right. And as far as you know, everything is kept
19 current always with the COIs and the Coast Guard?

20 A. Yeah.

21 Q. Do you know how often inspections are done on the vessels?

22 A. 250 hours.

23 Q. Okay.

24 A. And then that's -- 250 hours and then I think there's a
25 longer one that's an annual what they call -- get into more

1 detailed stuff --

2 Q. Right. Okay.

3 A. And I guess the preventative are the periodic -- you got your
4 oil changes and so forth, and I'm not sure what the requirement
5 hours on that is.

6 Q. Right. Okay.

7 A. They're serviced daily.

8 Q. Okay. I'm going to switch you over to a list here. This is
9 a Branson jock trip sheet (ph). And there's a bunch of names on
10 here.

11 A. Okay.

12 Q. And the names on here, as you can see, I'm looking at a
13 document here that's dated 7/19/18, Thursday, page 1, and under
14 the column, Captain, I see a name that says So Unique?

15 A. That's correct.

16 Q. And I see Science?

17 A. Correct.

18 Q. Do you recognize them? Do you know who these people are?

19 A. Yeah, yeah.

20 Q. You do? What is the purpose of the character names, I guess
21 we'd call it?

22 A. Well, we needed a captain's name. Originally, people were
23 kind of using their own names, and then they decided to come up
24 with a different name rather than, like, Captain John or Frank or
25 whatever --

1 Q. Right.

2 A. I don't know where that came from. It's been way back, I
3 guess, so --

4 Q. Okay.

5 A. Anyway, science, he was a science teacher --

6 Q. Okay.

7 A. Okay. So that connects. And he probably uses that in his
8 tour.

9 Q. I got you.

10 A. Unique, I'm not so sure about her, but it's a name she came
11 up with, so anyway, they said it was okay. So --

12 Q. Got you. So what would your name be on here?

13 A. Jed, J-e-d, which is my initials, John Edward Davidson.

14 Q. Okay. Were you operating, were you working the day of the
15 19th?

16 A. No.

17 Q. You were off that day?

18 A. Right.

19 Q. All right. And that's why you're not on this list?

20 A. Right.

21 Q. Because you weren't working that day? Gotcha. Okay. And
22 according to this list, how do you guys get into the line-up?

23 From when you get there in the morning, how does the line-up start
24 with the ducks, and who's going to take the first duck out?

25 A. Okay. Maybe -- well, I could show it to you if you want --

1 no, I can't. It's probably down. They have a board --

2 Q. Okay.

3 A. You been up in the office?

4 Q. I haven't --

5 A. In the lounge? Okay. We have a board.

6 Q. Okay.

7 A. Let's just say we start with seniority, do, do, do, do, do,

8 do, do, okay? This is, let's say, Monday, okay?

9 Q. Okay.

10 A. So the first person out is -- we'll say it's me. Okay.

11 Then, whoever is behind me is listed behind me, okay?

12 Q. Now, how would you get at the first person's position?

13 A. Okay. As time evolves -- okay, Monday, I'm at the top.

14 Q. Okay.

15 A. Okay. Tuesday, my name goes to the bottom. The person that

16 was behind me goes up one.

17 Q. Okay. Gotcha.

18 A. Okay. And then, Wednesday, the person that was on top goes

19 down to the bottom behind me, and then that next person will --

20 Q. So it's a rotation, where everybody keeps moving up --

21 A. So that's right, a rotation, yeah.

22 Q. -- as you go?

23 A. Yeah.

24 Q. So --

25 A. Even with your days off, it still continues to rotate.

1 Q. Okay. So with you saying that you would be the first person
2 on the list on Monday morning --

3 A. Okay.

4 Q. -- how would you be -- how would the company or whoever --
5 who lists those names on that board? Is that done by a company
6 official or --

7 A. Yeah, operation --

8 Q. -- sign in when you get there?

9 A. Operations manager --

10 Q. Okay. Is that determined by who got there first?

11 A. No, no. It's just a name rotation that continues to go out
12 throughout the year whether you're off, gone or whatever, that
13 rotation continues in that direction.

14 Q. Okay.

15 A. Yeah.

16 Q. So this week you might be first on the list --

17 A. Okay.

18 Q. But then, when you come back for the following week, you're
19 not necessarily first on the list?

20 A. Right, because --

21 Q. You could be in any of the other positions --

22 A. -- there would have been seven people below me that have
23 moved up, okay?

24 Q. Yes. Okay.

25 A. Which moves me down to the bottom. Then I start back up

1 again.

2 Q. Okay.

3 A. Now, the drivers, I think, I don't pay too much attention to
4 the drivers, but they're opposite rotation. They go down where we
5 go up.

6 Q. Gotcha.

7 A. If that makes sense.

8 Q. Okay. Sure.

9 A. Yeah.

10 Q. So with that, needless to say, you don't work with the same
11 driver all the time?

12 A. No. But normally if we start with a driver on a certain day,
13 we have that driver for the full day.

14 Q. For the full day?

15 A. Yeah.

16 Q. Right. You don't switch out during the day; you'd switch
17 out --

18 A. Not unless something out of the ordinary came up.

19 Q. Right.

20 A. Yeah.

21 Q. Okay. All right. Okay. So you've got your position, and
22 you're going to turn out that day, begin your trips, right, your
23 trip. Approximately how many trips do you do in a day?

24 A. This time a year, probably four to five.

25 Q. Four to five per day?

1 A. Um-hum.

2 Q. Okay. All right. And when you prepare to take your trip,
3 when you're ready to leave, right, I'm assuming that all your
4 passengers load right there as well --

5 A. Um-hum.

6 Q. -- at that staging area? And is that up on the main road at
7 the duck facility?

8 A. Um-hum.

9 Q. Okay. When you get ready to go, what -- at that point, does
10 someone direct you or give you instructions as to the route you're
11 going to take, you're going to go this way through a route or --

12 A. No. I kind of determine the route as far as the road goes by
13 the traffic.

14 Q. Okay.

15 A. Okay. Normally, we like to go out and go down to what we
16 call Green Mountain, which is down behind the -- in the lower
17 route, the yellow route --

18 Q. Okay.

19 A. Up to the mountain, back to the lake, and come back to the
20 strip. But there's times that we might go out the strip if the
21 traffic is so bad, especially Sunday morning and everybody is
22 headed east, so you come back in on the strip, you won't get back
23 for an extra 10 minutes, you know?

24 Q. Now, who --

25 A. The drivers -- the driver drives around.

1 Q. Yup.

2 A. The captain talks the tour.

3 Q. Yup.

4 A. And actually kind of suggests which way the driver goes.

5 Q. Okay. So you pretty much suggest to the driver we want to go
6 this way --

7 A. Yeah.

8 Q. So that -- and what you're saying, there is no dedicated
9 route of land tour that you all would take or --

10 A. Well, pretty much. There's only basically a couple of
11 variations of it.

12 Q. Okay.

13 A. Either you go out the strip or go out to Green Mountain.

14 Q. Okay.

15 A. And then you -- every time -- whenever I gets on Highway
16 165 --

17 Q. Right.

18 A. -- then, from there, it's all the same.

19 Q. Okay.

20 A. There's no variation there.

21 Q. I got you. Does one take longer than the other?

22 A. Depends on traffic. That's what you're trying to do is not
23 have a traffic snarl.

24 Q. Gotcha, okay. All right. And with that, is there a
25 sequence, like an itinerary, we're going to do the road trip and

1 then we're going to hit the water, and then back on the road trip,
2 back to duck staging?

3 A. Correct, yeah.

4 Q. Is that how it works?

5 A. That's the way it works normally.

6 Q. And if that itinerary changed in any sequence, who would make
7 that decision or determination that it's going to change?

8 A. The MOD, which we call manager on duty, okay? Any time we
9 have a variation to our trip, if I stop for a convenience stop,
10 rest room, anything, I call dispatch, which is MOD, okay, and say,
11 well, I've got a comfort stop. They know that, okay, I'm -- I
12 know I'm on route, I stopped over here to take a pee, okay, and
13 then we're back on. I did (indiscernible) probably, yeah.

14 Q. Gotcha. So when you leave the duck staging, home base, we'll
15 call it --

16 A. Yeah.

17 Q. When you leave that staging area, is it fairly common that a
18 company official or manager would talk to you or talk to the
19 driver and say, you know, everything is good, go on your normal
20 route, or no, we want you to switch, you know, do one thing before
21 the other?

22 A. The only time they would tell me is -- they wouldn't tell me
23 everything's fine, go that route.

24 Q. Okay.

25 A. I would normally assume I went that route unless they

1 redirected me.

2 Q. All right. And have you ever been redirected to change your
3 itinerary, road to water, water to road first?

4 A. Yes.

5 Q. You have?

6 A. Um-hum.

7 Q. And who gave you that instruction?

8 A. The MOD.

9 Q. Okay. And for what purposes were those instructions given to
10 you?

11 A. Weather.

12 Q. What is it?

13 A. Weather.

14 Q. Weather?

15 A. Um-hum.

16 Q. Okay. So -- and what was -- just if you recall an instance
17 or whenever, but what were the instructions like? What do they
18 tell you, or how did it come to you? How was it posed to you to
19 change your itinerary?

20 A. Well, go to the lake first --

21 Q. Okay.

22 A. And that tells me the weather is moving in.

23 Q. Gotcha.

24 A. Or they might say we've got some weather moving in, go to the
25 lake first.

1 Q. Okay. So it's just a verbal thing?

2 A. Right.

3 Q. Nothing is done over radio, cell phone, in that case, from
4 the duck staging area?

5 A. No, but it could be.

6 Q. Okay.

7 A. They could call you on the radio.

8 Q. Have you ever experienced that?

9 A. Yes, I probably have.

10 Q. You have?

11 A. Um-hum.

12 Q. Okay. All right. So just assuming that you were directed by
13 the company in one way or the other to go to the water first, how
14 long of a trip is it from the staging area to your water point
15 where you would enter? And I'm talking how long as far as
16 distance and/or time?

17 A. Time, you're probably talking 20 minutes.

18 Q. Okay.

19 A. Distance, 7 to 8 miles.

20 Q. Okay. All right. So --

21 A. Plus or minus a couple.

22 Q. I'm sorry. So when you reach that entrance area and -- do
23 you have another check-in that you would do at that point to find
24 out by radio or by phone, or would the company check in with you
25 to --

1 A. No. I have -- we do make a call on channel 13 in case the
2 Belle hasn't -- bridge-to-bridge that we use. I have occasionally
3 in the past asked the Belle about wind.

4 Q. Um-hum.

5 A. If they're operating, someone's got the radio on, on the
6 bridge -- I mean, there's times that they're not there -- then
7 they will assist us as far as windage or maybe weather conditions,
8 but other than that, no, I'm normally just making a courtesy call,
9 basically, to let other traffic know that I'm coming in the water.
10 And we're talking on channel 13. We're not talking about talking
11 back to dispatchers or the MOD.

12 Q. Okay. So it's through the Belle that you would make a call
13 and --

14 A. Well, I'm not going to say through the Belle. I would say
15 it'll be on channel 13, which is an open channel --

16 Q. Right.

17 A. -- if anyone wanted to --

18 Q. Navigation channel for the area?

19 A. Right. Um-hum.

20 Q. Okay. And the purpose of that call, is it so much for a
21 weather check or is it to give your position of entering the
22 water?

23 A. Position of entering water.

24 Q. Okay. Because, correct me if I'm wrong, but at one point
25 sometime back, you guys used to enter -- it was common to enter

1 the water from the stern side of the *Belle*, correct?

2 A. Correct.

3 Q. Okay. And now you all have changed that, where you enter
4 from the bow side of the *Belle* --

5 A. Right.

6 Q. But you really can't see the *Belle* because of a false point
7 (ph), or something, that sticks --

8 A. Correct.

9 Q. -- out in that area, right?

10 A. Right.

11 Q. So that's the purpose for the radio call then. Did --

12 A. Well, even on the stern we called.

13 Q. You did call on the stern as well? Okay. Good. Okay. And
14 when you would check with the *Belle*, would it be a common thing
15 that you would check with weather knowing -- for any reason? I
16 mean, was that a consideration? Would you check with the *Belle*
17 and say what's the weather like or do you have any reports since
18 you've already been diverted?

19 A. If there was something there, yes. There again, are they on
20 the bridge, do they have a radio.

21 Q. Right.

22 A. They may not be there.

23 Q. Okay.

24 A. A lot of times, they might reply to us if --

25 Q. Yes.

1 A. -- they know some weather. I don't even know if they were
2 there then. I don't know.

3 Q. Okay. Would it be common or routine for you to check with
4 the company knowing that you had been diverted for bad weather
5 before entering the water?

6 A. Probably not. However, I have in the past gone and you see
7 lightning, and I might say, dispatch, I see some lightning in the
8 north, what you got going.

9 Q. Gotcha.

10 A. And they would reply it's headed out or something, wait 5
11 minutes or something of that nature.

12 Q. Okay.

13 A. Yeah.

14 Q. So they would in fact give you some type of maybe a delay
15 consideration?

16 A. Yeah, that could happen, that could happen.

17 Q. Has it ever happened in your experience that you've had a
18 cancellation of a trip?

19 A. Well, I cancelled one. I mean, are you talking about total
20 trip?

21 Q. Yes. Has the company ever --

22 A. Oh, yeah, yeah.

23 Q. -- cancelled a trip that you were intending to take for any
24 reason?

25 A. Yeah, we've shut down in the middle of the day because of the

1 weather.

2 Q. Because of weather?

3 A. Yeah.

4 Q. Okay. And the company cancelled those?

5 A. Yeah.

6 Q. They gave you instructions, that's it, we're shutting down --

7 A. We're shutting down.

8 Q. Okay. And would that have been done when you were already on
9 a trip ever that you were called or notified?

10 A. I don't think so, but it has been done when someone has been
11 on a trip, and they came back, and well, we're closed after that.

12 Q. [Indiscernible]?

13 A. Yeah.

14 Q. I got you. Okay. And you made mention that you had actually
15 cancelled a trip --

16 A. Well --

17 Q. -- or a portion of a trip?

18 A. Water portion.

19 Q. Portion, okay. So partial cancellation is what it would be,
20 I guess (indiscernible) entire tour. And what was the process
21 that you recall as far as cancelling that trip? Why did you
22 cancel it? How did you cancel it?

23 A. It was a pick-up. I picked up people at Palace View. We
24 went to a motel or timeshare resort and picked up people, okay?
25 So it was a nice day. And we went out, did the mountain, went

1 back to the lake. I went down the ramp, it's white fog, and I'm
2 thinking nope. So I said, folks, I'm sorry, but I'm not going in.
3 So I backed up the ramp and took them back to the timeshare. In
4 the meantime, I called dispatch, and I said, well, I didn't go on
5 the water portion, so they might refund. I'm sure there were some
6 people probably that aren't happy about it, but they would have
7 been less happy if I'd been out there in the fog and got lost.

8 Q. Right.

9 A. Yeah. So -- and that's only one I've done in, what, 17
10 years. I guess that's a couple years ago. Yeah.

11 Q. Yes, sir. As far as any type of navigation assistance aids
12 that you have on board, what type of equipment do you have?

13 A. My eyes.

14 Q. Radars?

15 A. No radars.

16 Q. Nothing like --

17 A. Well --

18 Q. GPS?

19 A. -- no radars, no GPS, nope. As far as navigational
20 equipment, no.

21 Q. Okay. What about any assistance? Do you rely on any
22 assistance to navigate? Others on board?

23 A. Well, our driver, when we're being the captain, our driver is
24 basically a lookout also.

25 Q. So he's pretty much designated as lookout for the vessel --

1 A. Oh, yeah, yeah, that's part of his job, yeah.

2 Q. Okay. All right. You had mentioned that -- let me
3 (indiscernible) this. Part of your requirements to obtain a Coast
4 Guard license, you had to -- did you do any testing to get that
5 license?

6 A. Yeah, you had the rules of the road test.

7 Q. Right.

8 A. You had the general deck.

9 Q. The what?

10 A. General deck test.

11 Q. Okay, general deck test.

12 A. And then, back then, we had to do the CFRs.

13 Q. CFRs.

14 A. And then --

15 Q. Were there any weather training requirements?

16 A. Well, there's a chapter or two on the weather, I think, on
17 the -- it was either general deck or the rules of the road. I
18 guess it was probably rules of the road. I don't remember. Or
19 both. There's probably weather in both of them, yeah.

20 Q. From the time 18 years ago that you got your license to now,
21 today, what weather training is required of you by anyone?

22 A. None that I know of.

23 Q. Okay. Specifically, on the weather training that the company
24 maybe presents, do they -- is that training presented to you all
25 on a routine basis?

1 A. No.

2 Q. If we looked at the last 90 days, okay, 3-month span, have
3 you been -- have you gone through man overboard training?

4 A. June, May -- no, because I probably completed -- prior to
5 that, I've probably done several as a trainer, but not in the last
6 90 days, no, except in my mind. I mean, I'm always thinking about
7 "what if".

8 Q. Sure. How about firefighting?

9 A. No. Same thing.

10 Q. Evacuation?

11 A. No.

12 Q. Weather?

13 A. No.

14 Q. In the last 90 days?

15 A. No.

16 Q. You have received none of that training in those last 90
17 days, none of those that we just mentioned?

18 A. We're talking about May, June, July. No.

19 Q. Okay. So if we went back to this month's meeting, captains
20 meeting, which was the 13th of the month?

21 A. Um-hum.

22 Q. What was presented at that captains meeting? Is that a time
23 of training or is that a time of --

24 A. It's -- training is incorporated in that, and that particular
25 one was intentional grounding and unintentional grounding.

1 Q. Okay.

2 A. And then that's mainly a captains meeting from management.
3 Management gave this information to captains and drivers.

4 Q. All right.

5 A. And well, operations manager speaks, general manager probably
6 speaks, I speak, and that's about it.

7 Q. And the month before that, do you recall what the training
8 was?

9 A. Month before that, there wasn't any training --

10 Q. There was no training the month before that, in June?

11 A. They didn't ask -- in June.

12 Q. Okay. How about May?

13 A. May, I think it was loss of propulsion.

14 Q. Loss of propulsion. Okay. How common in this area,
15 especially on the lake that you all are operating on, how common
16 is it for weather -- storms to pop up?

17 A. I'm not going to say fairly common, but you're looking at 10
18 percent maybe. I mean, it can happen.

19 Q. Right.

20 A. And it does, as we saw, yeah.

21 Q. In the last -- well, let me phrase it this way. In your 18
22 years, how many times -- or has there ever been someone who has
23 gone overboard off of a duck vessel?

24 A. No.

25 Q. No? No one has?

1 A. Not that I know of.

2 Q. In that same 18 years, your tenure, your time, how many times
3 do you ever recall a duck catching on fire?

4 A. Not with our company. There was a duck operation here. It
5 was called Blue Tops or the -- Blue Tops, that wasn't it --
6 Singing Ducks -- I don't remember exactly -- they had a fire.

7 Q. Gotcha.

8 A. But we have not.

9 Q. But none within your company's operation?

10 A. No.

11 Q. Okay. You okay? You need to take a little break or
12 anything?

13 A. I'm fine.

14 Q. You all right? Okay. I'd like to ask you about -- well, you
15 were off on Thursday, July 19th. You weren't working that day?

16 A. Right.

17 Q. Do you mind sharing with us where were you that day?

18 A. I was at home.

19 Q. And do you live in the area here?

20 A. Yes, I do. I live --

21 Q. How close do you live in proximity to the duck operation, the
22 home base?

23 A. Twelve miles.

24 Q. And do you recall storms coming through that day?

25 A. Oh, yes.

1 Q. And how would you describe that storm?

2 A. Hopefully not to see it again. I was cooking on the deck,
3 heard a storm moving in, wind picked up. I was barbecuing, okay?

4 Q. Um-hum.

5 A. I took the meat off the grill, and I went and got my garden
6 hose, and I haven't cleaned the mess up yet, and I put the
7 charcoal out. But the wind is very fierce, yeah. I live in a
8 mobile home, so it is a little scary, yeah.

9 Q. Right.

10 A. It was straight-line winds, I guess, yeah.

11 Q. And since you were outside, did you have any idea of -- well,
12 what was the weather like before the storm?

13 A. It was nice, yeah, it was --

14 Q. Good day, pretty day?

15 A. Yeah.

16 Q. Normal, no concerns?

17 A. Yeah, it was a nice day.

18 Q. How soon would you say that it went from that good day to
19 that bad situation?

20 A. Very quickly.

21 Q. Minutes?

22 A. Yeah, I would say you had maybe a minute or two of some wind
23 coming in, and all of the sudden, you had an increased speed of
24 wind, yeah, um-hum, couple minutes, couple -- 3 minutes. It was
25 quick, yeah. I --

1 Q. In your -- I'm sorry. Go ahead.

2 A. That's all right. I was out there. I didn't see it coming.

3 Q. Right. In your mind, do you have any thoughts on
4 approximately what you think the wind speed might have been that
5 day?

6 A. Probably running, in my yard, it was probably running 50, 60
7 miles. I've got -- I've been there before at my place when it was
8 60 miles, and I know what the trees did, and they were also doing
9 that. And I had a couple greenhouses I was very concerned about,
10 but luckily, they're still there.

11 Q. Gotcha.

12 A. But it was a lot of wind, yeah.

13 Q. Pretty rough pretty rapid, huh?

14 A. Oh, yeah, yeah.

15 Q. Do you recall seeing any type of storm like that in the
16 recent past with that severity?

17 A. No, it's been several years.

18 Q. Several years?

19 A. Oh, yeah.

20 Q. In severe weather training that you get from the company, can
21 you kind of share with us what type of information you get from
22 that? What did they share with you?

23 A. Well, we're looking back here -- what we do in severe
24 weather, you know, would be assess the situation and follow your
25 procedures.

1 Q. Okay. And you're referring to looking back here. You're
2 saying the operations manual, dated 2012?

3 A. Right.

4 Q. Is there another operations manual that you know of or --

5 A. No.

6 Q. -- is this the latest one that's --

7 A. That's the latest one I know of.

8 Q. When was this issued to you, or when did you first see this
9 manual?

10 A. Probably 2011.

11 Q. Okay. And is it something that you all review periodically?

12 A. Not a formal review, no.

13 Q. As far as weather, severe weather conditions in the
14 operations manual, can you tell me some of the things that pertain
15 to the safety or the consideration that a captain would take in
16 severe weather --

17 A. Well, you'd try to keep your passengers calm, don the PFDs,
18 that's for sure, get off the lake, radio in if you can -- I mean,
19 radio in.

20 Q. Right.

21 A. Yeah.

22 Q. Purpose of the PFD, how do you -- how would you perceive that
23 would go with keeping passengers calm?

24 A. Might give them a little bit of sense of security.

25 Q. Okay.

1 UNIDENTIFIED SPEAKER: I'm sorry. Could you repeat that? I
2 didn't hear. I was coughing. What was your --

3 MR. DAVIDSON: Pardon me?

4 UNIDENTIFIED SPEAKER: What was your answer? I couldn't hear
5 you.

6 MR. DAVIDSON: To give them a little bit of a sense of
7 security.

8 BY MR. [REDACTED]

9 Q. Okay. Captain Scott McKee, you know him?

10 A. Um-hum.

11 Q. What is his name on here, on this? Do you know what his
12 character --

13 A. He has Captain Scott.

14 Q. Captain Scott, okay. I gotcha. How long have you know
15 Captain McKee?

16 A. Well, I guess 18 years, yeah.

17 Q. Was he here prior to your coming on board?

18 A. Yeah, he worked, I think, maintenance for a year or two, and
19 then he left and then came back the same year that I came back.

20 Q. Okay. Are you guys related in any way?

21 A. Oh, no.

22 Q. Okay. Just in general, as a captain, what would you tell me
23 about his professionalism, his experience, his expertise?

24 A. I think he's very professional. I think he's very safety
25 conscious as far as his -- he's been on the water for years. He

1 was at the pirate cruise we used to have on Lake Taneycomo, which
2 was probably the first and maybe the oldest entertainment type
3 thing that we had here as far as boating goes. He was a captain
4 on the *Polynesian Princess*, which was a boat very similar to the
5 one that's down here. He was a good captain.

6 Q. One final question, and it's in reference to you being at
7 home that day when this weather came up, and I failed to ask this
8 question. But do you recall any type of weather alerts that were
9 issued for -- that were broadcast in any way?

10 A. Well, my television was on, and I think that they were
11 predicting storms, yeah.

12 Q. And --

13 A. And I don't recall timeframe or whatever, but --

14 Q. Right.

15 A. -- there was --

16 Q. Do you recall what channel that was?

17 A. Probably Channel 3, I imagine.

18 Q. Three?

19 A. It was either 3 or 10, whatever was on.

20 Q. Okay, 3 or 10. Is that a local channel or is that one that's
21 in another place like Springfield?

22 A. Well, I'd be Springfield. There's -- we don't have a
23 local --

24 Q. Springfield?

25 A. Well, I guess we've got vacation channels. I don't know.

1 Q. So Channel 3 or 10, and they --

2 A. Yeah.

3 Q. They're out of Springfield?

4 A. Springfield.

5 Q. I'm not familiar with the area.

6 A. Okay. Well, I don't know that much about New Orleans.

7 Q. Gotcha. Okay. All right, captain, thank you very much.

8 That's all I have right now.

9 A. Okay.

10 Q. I'm going to pass.

11 UNIDENTIFIED SPEAKER: Do you mind if we take a break? I got
12 to use the restroom.

13 UNIDENTIFIED SPEAKER: I got to blow my nose.

14 UNIDENTIFIED SPEAKER: You reading minds here --

15 MR. DAVIDSON: Well, I'll do it, too, then, okay.

16 MR. VOLPE: Yeah, going off the record, 10:13.

17 (Off the record at 10:13 a.m.)

18 (On the record at 10:19 a.m.)

19 MR. VOLPE: Okay. It's 10:19. We're back on the record.

20 BY MR. [REDACTED]

21 Q. So, again, thank you, sir, for coming in. Again, [REDACTED] [REDACTED]
22 with the U.S. Coast Guard. And I apologize if some of this is
23 going to be a little bit repetitive. I wasn't able to capture --
24 try to do my best to keep it --

25 A. Hopefully, I got the same answer.

1 Q. I hope.

2 MR. VOLPE: That's the idea.

3 BY MR. [REDACTED]

4 Q. That's the idea, right? So you mentioned that you guys, the
5 Ride the Ducks, does training, and do you guys conduct drills?

6 A. Yes, on our check-ride.

7 Q. Okay.

8 A. We do all the drills.

9 Q. Okay.

10 A. Yeah. Some may be somewhat simulated, such as a fire drill.
11 We shut off engine, shut off fuel. We don't shut off engine, but
12 we go through it, where our fuel is located.

13 Q. Yes, sir. And so I'm just trying to picture in my mind where
14 we delineate where there's training and then there's drills.

15 A. Okay.

16 Q. So some of the questions kind of map over --

17 A. Okay.

18 Q. I know we kind of blur the lines on what training and drills
19 are. I just wanted to see what your interpretation is. So the
20 check-rides you would classify as drills?

21 A. Check-ride will include some training. Also, it will include
22 the drills. And when I say training is, I'm going to ask a
23 question like what is this, okay, and they're going to tell me,
24 okay? If they can't tell me, then we can look it up in the manual
25 or we can go over it, and so forth.

1 Q. Yes, sir. Understand. So -- and it's fine. I mean, you
2 probably do them hand-in-hand, right, training and drills --

3 A. One-on-one.

4 Q. -- especially in orientation. So --

5 A. Pretty much one-on-one, yeah.

6 Q. Okay. So I'll try to delineate my questions along those
7 lines of training and drills as we go forward. So what manual or
8 policy or binder, or what -- that is in Ride the Ducks facility
9 that governs how you conduct training and/or drills?

10 A. There's probably not any written directive that this is what
11 I have to do.

12 Q. So where -- if you wanted to find guidance on how to do
13 training and drills, where would you go?

14 A. I would go to our existing check sheets and look at items
15 that needed to be covered.

16 Q. Let me see if -- so this is one of those check sheets that we
17 showed earlier. This is the captains/deckhands water training
18 log?

19 A. Right.

20 Q. I think it's similar to one that you have. This one is from
21 Mr. Barry King. And so it gives you -- I'll let you take a look
22 at that, sir. So it gives you the topics on there.

23 A. Right.

24 Q. It doesn't really give you a description of what is expected
25 of the trainee in this sense, so how would you know what that is?

1 How would you know what criteria they need to meet in order for it
2 to be completed?

3 A. Okay. Let me give you an example.

4 Q. Yes, sir. Just pick one. Whatever --

5 A. Hull breach.

6 Q. Hull breach, yes, sir.

7 A. Okay. We're on the lake. We're underway, making way, and
8 what I do without them knowing, I reach down, and I basically set
9 off an alarm that shows that we've taken on water, okay? So what
10 do you do? Well, you increase speed, don PFDs, head to shore, or
11 head to the nearest land. It could be the island, it could be the
12 ramp, or whatever -- wherever you're closest to (indiscernible) in
13 the meantime.

14 Q. Yes, sir.

15 A. And we actually -- we don't beach it, but we do increase our
16 RPMs and head that way, or whatever, you know?

17 Q. And this is all coming from, I'm assuming, memory as you're
18 on the lake doing these things?

19 A. Yeah, it should be.

20 Q. Okay.

21 A. Okay.

22 Q. No, I mean, as a trainer?

23 A. Let's say, let's say -- okay. As a student, and they mess it
24 up, okay, then we might go back and pull the book out and say,
25 okay, here's what we need to do, and so forth.

1 Q. Okay.

2 A. So, then, I will do something else. I mean, I'll come back
3 to that one again and repeat that to be sure they get it. If they
4 don't get it, they don't let them sign off.

5 Q. Okay.

6 A. Okay. And we do that on all the items here. We do,
7 actually, the -- for captain, we do the driver training and the
8 captain training logs, these check sheets here.

9 Q. You do the driver and the --

10 A. Of course, we still have to carry a CDL license, so
11 (indiscernible) subject to being a driver.

12 Q. Thank you.

13 A. And also, on the daily check-list (indiscernible) --

14 Q. Yes, sir.

15 A. -- (indiscernible) sheet -- year, right there, we go through
16 that, each item, maybe sitting in the duck talking about it. And
17 that's not given to management to put in their folder. This here
18 is for my benefit and our trainer benefits. We do this along with
19 that, okay? That document goes to management, and they put those
20 in the -- in their folder.

21 Q. Yes, sir. So let me just make sure I understand what you're
22 saying. So, in addition to this, you --

23 A. Right, right.

24 Q. -- go through with the captain and CDL driver and have them
25 demonstrate that to you?

1 A. Yeah. There may be other items on here that aren't on there
2 -- well, they are -- such as axel boots, things of that nature,
3 fuel shutoffs, fuel pumps, things of that nature --

4 Q. Yes, sir.

5 A. -- braking systems, seat secure, PFDs, fuel shutoffs, prop
6 shaft seals, safety equipment, (indiscernible) closures.

7 Q. Yeah.

8 A. So there's more here than just that, but --

9 Q. Yes, sir.

10 A. Yeah.

11 Q. Understood.

12 A. This is part of the check-ride also.

13 MR. VOLPE: So for the record, he's looking at and referring
14 to the RTDI Captains/Drivers Pre-Trip Inspection Sheet.

15 BY MR. [REDACTED]

16 Q. Referring back to this water training log, this
17 deckhand/captains water training log, can you -- what category
18 would severe weather be captured under on that check-sheet?

19 A. Well, you could associate it a little bit with a haul breach,
20 abandon ship would be possibly something you would consider.

21 Q. That's --

22 A. That would probably be the two --

23 Q. Yes, sir.

24 A. -- I think that I'd be looking at.

25 Q. So have you, in the past, with these safety orientation

1 sheets, have you ever had a situation in which you didn't
2 recommend a captain to go out on the water and operate --

3 A. Myself?

4 Q. Yes, sir, yes.

5 A. I haven't.

6 Q. So --

7 A. You mean --

8 Q. I don't want to use the term fail, like someone failed the --

9 A. You mean in a training situation? I mean --

10 Q. In these orientations, in the orientations that you do in the
11 spring?

12 A. Oh, like if --

13 Q. When (indiscernible) --

14 A. -- we're talking about training? Are we --

15 Q. We're talking with regards to these orientation sheets that
16 you do --

17 A. Okay.

18 Q. -- you say for existing captains you do these orientations
19 when the seasons --

20 A. Right.

21 Q. -- comes back in, and you conduct these. Has there ever been
22 a situation where you didn't recommend a captain, an existing
23 captain when they came back, didn't recommend them to go out
24 because they were unable to provide sufficient knowledge?

25 A. Oh, yeah --

1 Q. Or something along this lines?

2 A. Yeah, okay. I see what you're talking about. I personally
3 haven't said, no, don't go out. I've said, yeah, you're the one
4 says to go out or not.

5 Q. I'm sorry?

6 A. You are the one that says whether you go out or not.

7 Q. I'm not understanding. I'm sorry. You --

8 A. I have personally not told anyone not to go out, okay? But I
9 as a captain, I decide whether I go in the water or not in the
10 water.

11 Q. Okay.

12 A. Such as my fog situation. That was my choice. It wasn't
13 anybody else's, okay?

14 UNIDENTIFIED SPEAKER: I think you need to --

15 MR. DAVIDSON: If the water is not safe, you don't go.

16 BY MR. [REDACTED]

17 Q. In your capacity as a trainer or as an instructor with these
18 orientations, when you complete these orientations, who do you
19 report these to once you're complete? Who do you give these to?

20 A. Those are given back to management, operations manager.

21 Q. Which is who?

22 A. Matt in this case.

23 Q. Okay. So at the conclusion of doing an orientation with an
24 existing captain for the start of the season, and you are
25 returning these to the operations manager --

1 A. Right.

2 Q. -- have you ever had to make a recommendation to the
3 operations manager, Matt in this case, that you don't recommend
4 that this captain go out on the water or operate a duck until they
5 receive further training, or whatever that might be -- might look
6 like?

7 A. Well, I have had people that have not performed to my
8 expectations, and I have said, well, I'll see you again tomorrow,
9 and we'll do some more on this, okay?

10 Q. And has that -- was that --

11 A. I might have just mentioned to Matt that I'm going to bring
12 him back in tomorrow, you know?

13 Q. Okay. And you said that was reported to -- you probably
14 would have reported that to Matt?

15 A. Informally.

16 Q. Informal. Not --

17 A. Yeah, I might say, well, I'm going to bring him in tomorrow
18 or something like that.

19 Q. Okay.

20 A. Whether he got it or not, I don't know, but --

21 Q. Yes, sir.

22 A. I mean, we're talking about performance here. If they can't
23 perform, I'm not signing off.

24 Q. Yes, sir. Understand.

25 A. Yeah.

1 Q. And that's what I was getting at.

2 A. Right.

3 Q. I don't want to use the term failure, but obviously --

4 A. Well, that's what it is.

5 Q. Understand. I know, but --

6 MR. VOLPE: He's not proficient.

7 MR. [REDACTED] Not proficient. That's --

8 MR. DAVIDSON: There we go --

9 MR. [REDACTED] So thank you.

10 MR. DAVIDSON: And I assume all the other trainers are doing
11 the same, and I think they are.

12 BY MR. [REDACTED]

13 Q. So besides the orientation training that you do in the start-
14 up, is there any other training or drills that are similar to this
15 orientation training that are conducted throughout the season?

16 A. No, just when you guys come in, when the Coast Guard comes,
17 yeah. We do some demonstrations, I guess, for you, or
18 proficiencies, yeah.

19 Q. Understanding that captains come in at various times
20 throughout the year, some earlier than others, some later, those
21 individuals obviously may not be seen or are able to demonstrate
22 that with the Coast Guard when they come up to do those
23 inspections.

24 A. True.

25 Q. So the only training that they would have -- or drills that

1 they would have been demonstrating would be just on this
2 orientation?

3 A. Correct.

4 Q. Okay. So how are trainers assigned to trainees? So
5 example --

6 A. Availability, I guess.

7 Q. Availability?

8 A. Um-hum.

9 Q. And then besides the in-office training that you do, I think
10 you mentioned, like, once a month or if there's a topic that's
11 covered in a meeting, is there ever any on-water training that's
12 conducted with the captains aside from that office training?

13 A. During the season, no.

14 Q. During the season, no? On a couple of sheets, I think we've
15 seen Captain Scott McKee's name listed as a trainer in some
16 capacity. I unfortunately don't have it in front of me, but is
17 Captain Scott also a trainer?

18 A. He trained the CDL drivers on their water training, which is
19 somewhat abbreviated from a captain's, but there is some training
20 that they receive, the CDL drivers. And he --

21 Q. Okay. So Captain Scott trains the CDL drivers on the water?

22 A. Yeah, he's been doing that.

23 Q. Have you ever heard of a program with Ride the Ducks called
24 the Authorized Operators Program?

25 A. Well, I don't know that by name, but I'm thinking that what

1 you're talking about is our operation parameters that specified
2 our routes on the lake, both lakes, I guess.

3 Q. That's what you think that means?

4 A. That's what I'm thinking that is, but I don't know.

5 Q. But outside of that, you haven't heard that before?

6 A. No.

7 Q. Okay.

8 A. Is there an operations manual --

9 Q. Well --

10 A. I don't mean that one. An operations plan? I don't know.

11 Q. Yeah, I mean, I --

12 A. I think I know what you're talking about, but I don't know.

13 Q. That's all right.

14 A. I just -- I mean, I'm not familiar with it. It's --

15 Q. I apologize.

16 A. -- above my pay grade, I think.

17 Q. Well, yeah, so I'm going to switch gears a little bit here
18 and talk about --

19 MR. [REDACTED] I'm sorry?

20 UNIDENTIFIED SPEAKER: No, go ahead, keep going.

21 BY MR. [REDACTED]

22 Q. I was going to switch gears and talk about your experience as
23 a captain. So do you currently operate as a captain or just as a
24 trainer?

25 A. No, I'm a captain.

1 Q. Okay. So you operate as a captain. And what duck do you
2 primarily operate?

3 A. I operate number 9.

4 Q. Stretched duck 9. And --

5 MR. VOLPE: Here we go.

6 MR. [REDACTED] Thanks.

7 BY MR. [REDACTED]

8 Q. Are you familiar with the different marine systems, the
9 variations from duck to duck --

10 A. Right.

11 Q. -- within the fleet?

12 A. Right. Yes.

13 Q. You are familiar? Can you briefly tell me about bilge
14 pumping arrangements from duck to duck?

15 A. Okay. Most of the bilge pumps are somewhat similar. Some of
16 the newer ducks have what we call a sea chest -- not necessarily
17 new ducks, okay. A sea chest is a containment where most of the
18 large penetrations, such as your drive shafts, and so forth, go
19 into. So if there was a leak in a drive tube, or something of
20 that nature, that water would be contained in what they call the
21 sea chest.

22 Q. Okay.

23 A. On the ducks that do not have a sea chest, the penetrations
24 ran through the hulls themselves, so if you had a leakage in your
25 drive tubes, and so forth, it would go into the hull itself. The

1 pumping -- is that what you're on, pumping?

2 Q. Yes, sir.

3 A. Okay. Pumping capacities with the ducks without a sea chest,
4 with a Higgins pump -- a Higgins pump will pump 240 gallons of
5 water, maybe 250 gallons of water a minute -- is chain-driven and
6 runs off the drive shaft, so as long as your engine is running,
7 your drive shaft is engaged, and so forth, your Higgins pump will
8 be operating.

9 On the ducks with the sea chest -- now, there are a couple
10 that have a Higgins pump and a sea chest, which is your best
11 world, okay? But those that do not have the Higgins pump will
12 have an electric pump that pumps about 150 gallons an hour, as far
13 as the main pump goes. And the two -- and all of our ducks will
14 have two bilge pumps in the rear on port and starboard, individual
15 pumps that pump 120 gallons an hour, I believe. And that's about
16 all the de-watering equipment you have. Yeah.

17 Q. And so as a trainer, how would you be able to readily
18 identify which duck had which arrangement?

19 A. Well, a couple ways. As you walk around the duck, if you've
20 got a large discharge in the side, you've got a Higgins pump. If
21 you don't have a Higgins pump, you're going to have it on the
22 smaller discharge with your flapper on it. Also, we used to have
23 an H on the side inside the duck itself on the starboard side up
24 there by the helm station. H meant it had a Higgins pump. That's
25 the two identifications. Then, of course, if you pull the

1 floorboard up, you can see it. Yeah. In fact, on the checklist,
2 it's check the key way on the Higgins pump.

3 Q. Okay. When you conduct training with these trainees, do you
4 indicate what type of duck, you know, particularly in this case,
5 the difference between Higgins and sea chest, with the trainee, do
6 you indicate which duck that you do that orientation on?

7 A. No. They tell me. I mean --

8 Q. On your sheet, do you indicate on the sheet which --

9 A. Oh, on the sheet? No, I do not.

10 Q. Okay.

11 A. Uh-uh. And if we're on one, let's say, that has the Higgins
12 pump, then we're going to talk about the sea chest also, and we're
13 going to talk about both configurations. You've got different
14 configurations on your heat detectors. You got different
15 configurations on your tiller operation. There's some helms
16 stations, and there's a tiller in the back. So we try to cover
17 both scenarios with the trainee.

18 Q. Okay. In your capacity as a trainer, do you make a
19 recommendation to Matt that they should be assigned to maybe a
20 duck that has a Higgins versus a sea chest or --

21 A. No.

22 Q. You just --

23 A. No.

24 Q. Okay. Thanks. I have no further questions right now.

25 A. Okay.

1 BY MR. VOLPE:

2 Q. You okay right now?

3 A. Yeah, I'm all right.

4 Q. Okay. Okay. I just have a few follow-up questions. You
5 mentioned it was in one of your answers about you would make the
6 decision whether or not to go out on the lake or not go out on the
7 lake, a go, no-go --

8 A. When I'm there, yeah.

9 Q. When you're there, yes.

10 A. Um-hum.

11 Q. Is there any type of criteria that you use to make that
12 decision?

13 A. Well, it's probably conditions of the lake, I guess, is
14 bottom line, or conditions of passengers. I've had people that
15 have not been very comfortable going on the lake, and I've let
16 people stay on the shore and came back and picked them up.

17 Q. Now, would you exit the ramp and then drive back around to
18 pick them up or would come back to the --

19 A. Come back to where I was.

20 Q. Come back to where you were. Okay. And to your knowledge,
21 is there any criteria for you not to go on the water?

22 A. Well, COI tells me what I can do and what I can't: 35-mile-
23 an-hour winds --

24 Q. Okay.

25 A. -- chance of down-flooding, 2-foot waves, reference markers.

1 Now, the COI tells me -- the only thing COI doesn't cover is
2 lightning, and that's company policy that we don't go out in any
3 lightning.

4 Q. Okay. And you did mention in the interview that the company
5 takes care of your Coast Guard license for you?

6 A. Um-hum. Well, yeah.

7 Q. Do you know who tracks that in the company? Like, would
8 somebody tell you that we have to renew this, here's the
9 paperwork, or how is that process --

10 A. They used to. They don't lately. That's our responsibility.
11 In fact, actually, I have a form when we're starting our check-
12 rides, it has the date of your Coast Guard license, expiration,
13 medical, so forth. Same with the CDL license and expiration and
14 the medical.

15 Q. Okay.

16 A. But I guess we're kind of responsible for that ourselves now,
17 but they did use to help us a little bit as far as reminding when
18 we needed them.

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

20 BY MR. [REDACTED]

21 Q. [REDACTED] [REDACTED] with the U.S. Coast Guard. You mentioned earlier
22 that you don't have any type of equipment on board the duck that
23 helps you or would give you information about weather.

24 A. Well --

25 Q. Like radar --

1 A. No radar.

2 Q. Okay.

3 A. Two-way radio, I mean, they could call me, but --

4 Q. Are you familiar with the tool known as an anemometer?

5 A. Yeah, get the wind speed, yeah.

6 Q. Yes, sir. Do you have an anemometer on board?

7 A. No, we do not.

8 Q. Okay. So according to the COIs, you said there are some
9 restrictions as far as you safely entering the water that restrict
10 you from entering the water?

11 A. Correct.

12 Q. And you did say, and even the policy, the operations policy,
13 manual, says anything in excess -- any wind speed in excess of 34
14 miles an hour, right?

15 A. Correct.

16 Q. You agree with that? How do you determine the wind speed?

17 A. Well, the way we would determine, if possible, would be
18 contact the *Belle*.

19 Q. Okay. All right. And she would give you --

20 A. If they're on the location, if they were there.

21 Q. Right. If she wasn't there, if you couldn't get a response
22 from the *Belle*, how do you determine the wind speed?

23 A. Experience and eyeball. You can't, you can't --

24 Q. Okay. So is it fair for me to say that based on experience
25 and recognition of what you think, that it's an estimate of what

1 you think the wind speed is to safely go out in at that time?

2 A. Yeah, I guess. That's the only thing we got. Yes, sir.

3 Q. That's what you got. Yup.

4 A. If you got white caps, you better think about it twice.

5 Q. That's right. That's right. Okay.

6 A. If there's a white cap now, there won't be anybody going out.

7 Q. Okay. So it's fair to say you don't have anything that you
8 use for predicted wind speed in a short term?

9 A. No.

10 Q. Prior to sailing?

11 A. Right.

12 Q. Okay. You had mentioned, too, that one time you had
13 cancelled once in your 17, 18 years?

14 A. Um-hum.

15 Q. You had cancelled once due to fog, right?

16 A. Um-hum.

17 Q. Did you make that determination once you had gotten into the
18 water or --

19 A. Um-hum.

20 Q. You were already in the water?

21 A. No, I wasn't in the water. No, I didn't go in the water.

22 Q. Okay. Prior to entering the water?

23 A. You betcha.

24 Q. Right. Okay. All right. On a routine, normal course of a
25 duck waterborne, in the water, she leaves the dock, she leaves the

1 launch area, south end, is that correct? Now, she leaves the
2 south end?

3 A. Yeah.

4 Q. And her route takes her behind the island and behind the
5 Belle and up the north ramp now, correct?

6 A. Right.

7 Q. Approximately how long does that voyage take?

8 A. Around 20 minutes.

9 Q. A 20-minute voyage.

10 A. We're going to do 30 minutes on the water, but we're usually
11 hitting about 20.

12 Q. Gotcha. Is there any restriction to how much time you're on
13 the water?

14 A. Thirty minutes.

15 Q. Pardon me?

16 A. Thirty-minutes.

17 Q. Thirty-minute restriction time, right?

18 A. Right.

19 Q. Okay. And where is that restriction set at? Who restricts
20 you to that?

21 A. COI, I believe.

22 Q. Okay. All right. And this is different than a cancel, but
23 have you ever made a determination that you should shorten your
24 route on the water once in the water already, already in the --

25 A. Yes, yes.

1 Q. You have?

2 A. Yes.

3 Q. And by what means did you shorten your route?

4 A. Well, when we're going -- well, wouldn't make a difference
5 whether it's north or south, but rather than going around the
6 island --

7 Q. Yes, sir.

8 A. -- I would go from one entry to the exit, okay, and I
9 would -- if I'm going to make any deviation in my route, whether
10 rest room or even on the lake, I call into the dispatch and say
11 I've cut the island, which means to them, okay, it's getting a
12 little bit rough out there.

13 Q. Okay. Would you need their approval or authority to do that?

14 A. No, I -- no.

15 Q. Okay. And the purpose of the phone -- the notification to
16 the company, why would you -- why do you call it in?

17 A. Because of weather.

18 Q. Just to be in touch?

19 A. Well, yeah, weather is getting a little bit worse than what I
20 want, or whatever. I'm not going to call it severe weather at
21 that time, but --

22 Q. Right. Okay. So from the time you would launch to the time
23 that -- and evidently, this is from experience of a time that you
24 recall, right, that you've shortened the route, and it was due to
25 weather, right --

1 A. Right.

2 Q. So you've launched a vessel, you're waterborne, and it's a
3 20-minute route to go all the way around, but you've made a
4 determination that the weather has gotten bad enough you need to
5 shorten your track. How much time do you think would lapse
6 between your launching and your actual route deviation? Would
7 that be -- how long does it take to get to the island?

8 A. Probably 5 minutes.

9 Q. So within a 5-minute timeframe, you would determine that the
10 weather would be too bad to -- or unsafe, let's say, to go around
11 the island, but to shorten the route, right?

12 A. Yeah.

13 Q. And that would take you --

14 A. I wouldn't call it unsafe.

15 Q. Okay.

16 A. I'd call it concerning.

17 Q. Concerning, okay.

18 A. Okay.

19 Q. Fair. And that deviation would take you not around the
20 island but deviate to pass between the island and where the
21 landing is for the *Branson Belle* --

22 A. Right.

23 Q. Okay.

24 A. You got less wind in that area than you do on the back side.
25 Well, it depends on which way the wind is coming from, but --

1 Q. Right. Okay.

2 A. Open water is not quite as nice. Yeah.

3 Q. Okay. All right. So you're using that as a means of
4 protection as well as time/distance --

5 A. Right.

6 Q. -- on the water?

7 A. Right.

8 Q. Right. Lessen. Okay.

9 UNIDENTIFIED SPEAKER: You want a sip of water?

10 MR. DAVIDSON: I'm okay.

11 BY MR. [REDACTED]

12 Q. Okay. You suggested that there have been times that the
13 company was giving you instructions to -- instruction or suggested
14 that you change your itinerary to go water first opposed to road
15 tour first?

16 A. Correct.

17 Q. Which is the routine. Have you ever received instructions or
18 suggestions from the company that you do indeed shorten your
19 cruise voyage, your waterborne time?

20 A. Not that I recall.

21 Q. Never? Is it a common occurrence for one duck to talk to
22 another duck via radio?

23 A. Common, no. Possibility, yes, but --

24 Q. Do you recall it ever happening?

25 A. Oh, yeah, I mean, we have, but I -- it's not -- I can't

1 recall why or what --

2 Q. In cases of severe or inclement weather approaching?

3 A. If I was out there, and I knew it, I would call another duck
4 and tell them, yes.

5 Q. Have you ever?

6 A. No.

7 Q. No.

8 A. I don't plan to be out there in bad weather.

9 Q. But have you ever received a call from anyone --

10 A. From another duck?

11 Q. -- notifying you, yes, sir.

12 A. No.

13 Q. Never have? Okay. So at the time when you shortened your
14 route --

15 A. I called dispatch.

16 Q. You called dispatch?

17 A. Yeah.

18 Q. Okay. And --

19 A. And if a duck was behind me, they shorted the route, too.
20 They followed me.

21 Q. I see.

22 A. Or if I was in front of a duck, got behind a duck, and they'd
23 shorten their route, I'd have done the same thing. Okay.

24 Q. Okay. So I'm wondering about that. You know, I'm a duck
25 behind a duck, and I see a duck in front of me who cuts his route,

1 right --

2 A. Um-hum.

3 Q. And I would follow him without knowing why he's cutting his
4 route? I mean, what -- and I guess I'm asking you that, captain,
5 because if I look at weather and perception, right, you may
6 perceive weather to be worse than what I perceive it to be, right?
7 So how is that determined? Is it just a routine thing between
8 duck operators that --

9 A. Okay. You're a passenger.

10 Q. Yes, sir.

11 A. And I'm on this duck, and this duck cuts the island, and this
12 passenger over here, they don't cut the island, so when they get
13 back, they think, well, why did that duck do that versus that
14 duck.

15 Q. Okay.

16 A. So, then, you've got people wondering why won't we do the
17 same thing. See what I'm saying?

18 Q. Okay. So in mind, in mind, you say that you do that for the
19 benefit of the passengers?

20 A. Yeah, and I don't know --

21 Q. Not to feel shorted on the trip.

22 A. Yeah, I don't know why this guy cut the island, let's say.

23 Q. Okay.

24 A. He cut the island, let's say he just cut the island because
25 he didn't want to go around the island --

1 Q. Right.

2 A. -- which is probably not right, but I'm going to follow him.

3 Q. Okay.

4 A. Because what happens? He cut the island, I went around the
5 island, passenger says, well, how come they went around the island
6 and we didn't go around the island. I mean, it's just --

7 Q. So --

8 A. -- what I call common sense, but --

9 Q. Yeah. So in your experience, have you ever had a duck ahead
10 or behind you that cut the route but you went around the island?

11 A. Not that I know of.

12 Q. Nobody behind you even, you went around the island, they cut
13 the island, that you can think of? I know that's a difficult --

14 A. I can't think of it.

15 Q. Okay. Sure.

16 A. Yeah.

17 Q. That's fair enough.

18 A. If it happened, it's been many years ago.

19 Q. Okay. And captains on the duck boats, how are they
20 compensated? And I don't mean specifically, but are they
21 compensated by the hour, by the day, by the number of passengers
22 or trips?

23 A. We're paid by the trip.

24 Q. By the trip?

25 A. By the trip.

1 Q. Okay. So the more trips you make in a day, the more you
2 earn?

3 A. Most I've ever made?

4 Q. No, no, no, sir. I said the more trips you make in a day,
5 the more you earn that day?

6 A. Correct.

7 Q. The more you make. Okay. One final question for you, and
8 actually, it's not even a question, but Captain Barry King, how
9 long have you known Captain King?

10 A. I guess maybe 2 years. Well, maybe longer. He worked in the
11 gift shop before that.

12 Q. Okay.

13 A. But as far as captain, I guess 2 years maybe.

14 Q. Okay. But you've known him before he was a captain?

15 A. As an acquaintance, I guess, as an employee at the ducks,
16 yeah.

17 Q. Okay. And since the time he's become captain, you've gotten
18 to know him a little bit better?

19 A. Yeah.

20 Q. And that's about a 2-year span, you said. What is your
21 professional opinion of Captain King as a captain?

22 A. I think he's a good captain, conscientious, want to do the
23 right thing, fairly entertaining.

24 Q. Do you know how long he's held the license?

25 A. Couple years maybe.

1 Q. Okay.

2 A. Maybe three. I don't know for sure. Somewhere in there, 2
3 to 3 years.

4 Q. Okay. Thank you very much. That's all I have.

5 BY MR. [REDACTED]

6 Q. I just have one more question for you, captain. [REDACTED] [REDACTED]
7 with the U.S. Coast Guard in St. Louis. I know you mentioned --
8 [REDACTED] asked about the captains are compensated, and you say by trip.
9 Is trip defined by when you leave the Ride the Ducks facility or
10 is it -- for a captain, does the vessel have to enter the water
11 for a trip?

12 A. No. When you leave. You could -- well, the trip that I
13 didn't go in the water, okay, I got paid for the trip. Yeah.

14 Q. Okay. So that's what I --

15 A. But public standpoint, they're looking at it if you don't go
16 in the water, then you haven't completed a trip for them. I mean,
17 some people, well, I want a refund. Some will go, oh, that's a
18 good call, you know? So as far as I'm concerned, it's for myself,
19 personally, I can be paid whether I go in the water or not.

20 Q. Okay. And that's how Ride the Ducks facility is --

21 A. Right.

22 Q. You pull (indiscernible), you leave the facility, that's the
23 trip?

24 A. Yeah.

25 Q. Whether you come back in 5 minutes or in an hour and a half?

1 A. Well, I've never come back in 5 minutes, but --

2 Q. Doesn't matter, right?

3 A. I don't know. They may not pay me for that one.

4 Q. Oh, okay. I have no further questions. Thank you, again,
5 for coming in today.

6 A. Okay.

7 BY MR. VOLPE:

8 Q. We really want to thank you for coming in. Before we end
9 this interview, is there anything that you'd like to add that you
10 feel that might be beneficial to our investigation?

11 A. Well, might not be beneficial to your investigation, but I
12 feel like that the ducks are safe under normal conditions. I
13 think we have the equipment that we need safety-wise and
14 mechanical-wise, and so forth, to perform a safe operation. And
15 this was not a ordinary circumstance. I mean, they're talking,
16 like, hurricane winds. You might be familiar with that, but we're
17 not, okay? And it's a good vehicle, and it is taking some pretty
18 good heat from the press. And I would hate to see the ducks go
19 away. I think it's a good service.

20 I mean, well, we went down to New Orleans and helped on that.
21 And they didn't realize how much help they were until they were
22 there. We couldn't get (indiscernible) on, I heard, but then when
23 they found out what we could actually do, it was quite an asset
24 down Canal Street, and so forth, going up and down and getting
25 people out of the areas, and so forth. So the concept of the duck

1 is really nice. Yeah. And hopefully, we can save the industry.
2 This is just a deal that happened, and it happened, and it's bad,
3 but -- changed a lot of lives.

4 Q. Yeah. Captain Jed, if I need to ask or our board needs to
5 ask any more questions, is it okay to contact you through your
6 attorney?

7 A. I guess so. I'm not real crazy about this stuff, but I guess
8 you could do that.

9 Q. Okay. Thank you.

10 MR. VOLPE: And just for the record, we're just going to go
11 across the table for the transcript.

12 John Volpe from the NTSB.

13 MR. [REDACTED] [REDACTED] [REDACTED] U.S. Coast Guard Investigations,
14 National Center of Expertise.

15 MR. [REDACTED] [REDACTED] [REDACTED] U.S. Coast Guard, St. Louis Office,
16 Investigations.

17 MR. VOLPE: Okay. We want to thank you for your time, and we
18 will be going off record at 11:01. Thank you.

19 (Whereupon, at 11:01 a.m., the interview was concluded.)
20
21
22
23
24
25

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 John Davidson

ACCIDENT NO.: DCA18MM028

PLACE:

DATE: July 25, 2018

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



Danielle VanRiper
Transcriber