

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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ANDREW J. BARBERI
STATEN ISLAND, NEW YORK

Docket No.: DCA-10-MM-017

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Interview of: MAYRA MARTINEZ

Staten Island Ferry Facility
Staten Island, New York

Tuesday,
May 11, 2010

The above-captioned matter convened, pursuant to notice.

BEFORE: MICHAEL KARR
Chairman, Preparedness and Response Group

APPEARANCES:

MICHAEL KARR, Chairman
Preparedness and Response Group
National Transportation Safety Board
490 L'Enfant Plaza East, S.W.
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LENNY KINNEAR
United States Coast Guard

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Mayra Martinez:	
By Mr. Karr	4
By Mr. Kinnear	23
By Mr. Karr	23

1 A. Uh-huh.

2 Q. -- and then, you know, we'll -- you know, walk me all
3 the way through to going to the hospital, if you did go to the
4 hospital.

5 A. Okay.

6 Q. All right? So, please begin. And we appreciate you
7 talking with us.

8 A. Okay. No problem. It was me and my godson, and we were
9 on the ferry because we were going to be weekend warriors. It's
10 basically volunteer time. We were going to go to one of the parks
11 in Staten Island and pick out weeds. It was a fight against
12 weeds. And so that's why we were on the ferry.

13 We were on the lower deck, in the front, of course, and
14 we were -- first it was just us and a couple to the side, and then
15 halfway through the ride the couple went inside because it was, it
16 was really cold. And then it kind of started drizzling. But
17 we -- me and my godson stuck it out right in the front.

18 And when we were nearing the port or the whatnot, the
19 people that open the gates, they came outside. And it was a
20 female on, on the side that we were on. And when you can see --
21 we could see the pier coming like very near us, stuff like that, I
22 felt the boat kind of like slow down, like almost to a stop, but
23 it was like gliding really smoothly. Like basically the engines
24 went off. It kind of felt like there was nothing from the engine
25 anymore.

1 And then this part happened really fast. It, it just
2 got closer and closer. She noticed right away and she yelled at
3 us to go inside. And she grabbed us and she said get inside, get
4 inside. And then she told us to quickly get down. And she
5 grabbed us. She covered my godson from the other side. Basically
6 we cradled him on the floor. And then we just crashed.

7 And, let's see, I guess we both opened our eyes and then
8 we checked our -- my godson. We both asked him if he was okay.
9 She kept asking him. I kept asking him. And then we took a seat,
10 and then there was smoke inside the vessel, the boat. There was
11 some smoke. And there were some people with like -- you could,
12 you could see that some people were like holding their legs or
13 whatnot. There were -- some people were hurt.

14 And then we just waited for a while, not long at all,
15 until we started seeing police officers coming inside, checking up
16 on everybody, seeing if everybody was okay. The -- also, the crew
17 members, they were also walking around just asking everybody if
18 they were all right. Then we saw some of the workers -- well, I
19 saw some of the workers getting like ladders, the ones that
20 basically we use to get out of the boat.

21 And at first I started like walking with my godson like
22 away from the incident, but then I started feeling pain. And then
23 I'm like, okay, this doesn't feel right, and so I went back and I
24 started talking to a police officer, an EMS, and I told him that I
25 was feeling pain, nothing severe but just pain. That's about it.

1 Q. Can you remember hearing anything else just before the
2 allision occurred?

3 A. Okay. Well, since we were the only ones outside and
4 then the doors were closed, we didn't hear anything. I can tell
5 you that maybe a second before we hit the floor the alarm went
6 off.

7 Q. Could you describe the --

8 A. It was so instantly. It happened right away.
9 Definitely the alarm wasn't sounding before. There was one door
10 open where the lady that was going to open the gates, she left
11 that door open. And, so I didn't hear anything until we were
12 already inside and we hit the floor. The alarm went off. The
13 crash happened. It was really fast, that part right there.

14 Q. What did the alarm sound like?

15 A. You know, I couldn't describe it. I can't describe it.

16 Q. I'll give you -- I'll make a suggestion and say yes or
17 no, and -- but don't -- you know, be positive.

18 A. Okay.

19 Q. Did it sound like ship's horn or whistle? You know, if
20 you do not -- if you don't remember that's fine.

21 A. No, I don't remember right now.

22 Q. Okay.

23 A. Unfortunately, I'm a fire safety director so when I hear
24 an alarm I keep thinking about -- I go back to my job and I think
25 about that alarm. So, I don't want to confuse it with something

1 else.

2 Q. Wow, this is -- where are you a fire safety director?

3 A. I work at a hotel.

4 Q. Do you mind telling me what hotel that is?

5 A. The Herald Square Hotel.

6 Q. Okay. I'm going to put you on the spot. I'm going to
7 ask you what part of your job can you tell me about that would,
8 you know, make me understand you definitely would understand about
9 fire signals?

10 A. Uh-huh.

11 Q. I mean, is there any -- are you responsible for the fire
12 drills?

13 A. Yes.

14 Q. Okay. Can I ask you how you qualified for that job?

15 A. I was sponsored by my other hotel job. I was there for
16 quite a few years and they needed a fire safety. And since I had
17 the time served, I knew the building well, they -- the owners
18 sponsored me to get my license.

19 Q. And did you -- and to get that license did you have to
20 go to any training in fire safety?

21 A. Yeah, of course.

22 Q. Okay.

23 A. Yes.

24 Q. Okay. Very good. Well, this -- what you've just told
25 me, you know, paints a picture of you as a witness that can speak

1 well to alarms and things. So, that's good information. I
2 appreciate that.

3 A. No problem.

4 Q. Did you hear any broadcasts over the public address
5 system prior to the accident?

6 A. Yeah, there was an automatic, like, announcement. There
7 was an announcement before, like maybe halfway on our ride,
8 getting closer to the pier though (indiscernible) to the port,
9 yeah.

10 Q. And what did that announcement say, in general?

11 A. Something to the effect of thank you for riding the
12 south ferry -- let me see -- you know, I don't remember the rest.
13 I don't remember.

14 Q. I'm writing down some notes. I'll be right with you.

15 A. No problem.

16 Q. When you heard that announcement, were you inside or
17 outside?

18 A. No, outside. We were -- we didn't move from the front.

19 Q. Okay.

20 A. Yeah. Even though it started drizzling we refused to,
21 because we were like -- well, I was yelling at Mother Nature. You
22 know, I wanted it to stop raining because I wanted to really, you
23 know, make this time worthwhile with my godson. So, I wanted it
24 to stop raining. So, I'm like, Mother Nature, stop raining, even
25 if for a few hours.

1 Q. I got you. I got you. Were the doors opened or closed
2 at that time?

3 A. No, they were closed.

4 Q. Okay.

5 A. They were closed. Because it was breezy out. It was
6 getting -- it was very cold, and that's when the couple went
7 inside. Because in the middle of the ride, it was just getting
8 very windy. So, it -- we ended up being the only two in the
9 bottom deck.

10 Q. You described some people had leg injuries, some people
11 were hurt. Can you give me -- you know, maybe pick out two people
12 you saw and just tell me what you actually saw that made you
13 conclude that?

14 A. Okay. There was a Puerto Rican lady of a certain age,
15 maybe like in her forties, and she -- crew members were like
16 checking on her because she's like "my leg, my leg," but it was
17 like she was complaining of pain and then she was really upset,
18 like yelling. And she's like, excuse my language, "The same
19 fucking boat, the same fucking boat from last time." And then the
20 crew members were like trying to calm her down, like, "Are you
21 okay?" She's like, "Don't check on me; check on the kid," which
22 is -- she was pointing at my godson.

23 And she was sitting next to a person -- I don't remember
24 who they looked like -- what they looked like, but she was sitting
25 with somebody else who was hurt also. They were holding their,

1 their arm and their -- and the side of their leg as well.

2 Q. And do you remember where exactly this lady was sitting
3 when she was talking, you know, using the F word?

4 A. Yeah. Okay. Me and my godson was sitting on the very
5 corner where if you look to the left the door is right there.
6 Because if we were -- we were on the floor right there. I just
7 got up. I didn't want to walk too much because I didn't know what
8 was wrong with my godson at the time. So, I just turned around,
9 got up on seats very near to the door, the exit. So we were
10 sitting there, and basically we would be looking at the -- we
11 would be looking forward to the rest of the boat, where you could
12 see all the people on the opposite side. She was sitting on the
13 middle aisle on the right -- on my right. On the right.

14 Q. All right. I'm getting -- I'm sorry, I -- my spatial --
15 I have a hard time putting verbal things with the picture I have
16 in my mind, especially on the Staten Island Ferry.

17 A. Yeah. Okay.

18 Q. So, which way were you facing?

19 A. Okay.

20 Q. Were you facing Manhattan or were you --

21 A. Faced away from the accident, basically out. Basically,
22 I was looking towards the water and not towards the accident.
23 Does that make it better?

24 Q. Well, we're grabbing a -- we're going to grab a diagram
25 so we can have it on this end. Let's see, so here is the Staten

1 Island end and she was on the main deck.

2 A. On the bottom.

3 Q. The bottom deck. All right.

4 UNIDENTIFIED SPEAKER: This deck.

5 MR. KARR: Yes.

6 MS. MARTINEZ: Okay, the bottom --

7 BY MR. KARR:

8 Q. So, which --

9 A. The bottom deck is like a semi-circle.

10 Q. Yes.

11 A. And we were -- if you're looking at the semi-circle,
12 we're on the left. But coming back into it we're on our right
13 side. Do you understand what I'm saying? We're not --

14 UNIDENTIFIED SPEAKER: She left on the left and came in
15 on the right. So, this is where she was sitting.

16 MR. KARR: Okay. I'm --

17 UNIDENTIFIED SPEAKER: In other words, she's over here.

18 MS. MARTINEZ: The, the chairs on the side, not on the
19 middle, not the aisle seats --

20 UNIDENTIFIED SPEAKER: Right there.

21 MS. MARTINEZ: -- but on the side, on the wall. You
22 could say the closest chairs next to the doors.

23 That's when the girl grabbed -- the lady, the worker,
24 she told us to get down. We fell right there near that -- near
25 those doors. So, on my right side it was some chairs and I took

1 my godson to sit there.

2 It's on the right side. I would be able to -- I was
3 closest to the water on the right side.

4 MR. KARR: Now she's talking about --

5 MR. KINNEAR: No, the right side of the boat coming in.

6 MR. KARR: -- I thought you said --

7 MR. KINNEAR: You're on the right side of the boat
8 coming into Staten Island?

9 MS. MARTINEZ: Okay, let me make sure I'm -- yeah, if
10 I'm coming into Staten Island, we were on the left side then.

11 MR. KINNEAR: Okay. She was over here.

12 MS. MARTINEZ: You guys are -- okay, I'm confusing you.
13 I'm sorry. When we're coming in, we were on the left side of the
14 boat.

15 MR. KINNEAR: Right there.

16 MS. MARTINEZ: But sitting down, I'm looking towards the
17 back of the boat.

18 MR. KINNEAR: Yes, these seats right here.

19 MR. KARR: Okay.

20 MR. KINNEAR: She was looking that way.

21 MR. KARR: Got you.

22 BY MR. KARR:

23 Q. And do you remember where that -- and where was that
24 lady sitting that had the leg injury?

25 A. Okay. She was sitting on the -- there's like some

1 seatings in the middle, like a middle aisle.

2 Q. Yes.

3 A. She was on the left to us in the middle aisle.

4 Q. Okay.

5 A. Yeah. She -- like I was in a clear view kind of like
6 diagonally, like towards an angle. I could see her in front of
7 me, you know, and she was yelling and upset and she was holding
8 her leg.

9 Q. No, this is good, because we have some security video,
10 so from what you tell us we can match up with that person. And it
11 helps piece together where all the injuries occurred.

12 So, let's see, more questions. How did you and your
13 godson get off the boat?

14 A. Okay. Just let me -- okay, I hope I don't confuse you
15 some more. Well, from where we were sitting, when the crew
16 members and -- the crew members, how do I say this, they were like
17 walking around, checking on everything, trying to see -- you know,
18 there was a little bit of smoke inside. We were all inside, so
19 there's a little bit of smoke. So they're like walking around
20 checking on everybody, just walking around and checking.

21 And they said -- oh, no, let me make sure. Then some
22 police officers came in first, and then they were like if you can
23 move and you can walk, please go to the left. Please go to the
24 left side of the boat. And I could see everybody, practically
25 everybody from what I can see, moving towards the left and like

1 making a line to exit. And I sat back down and I just, you know,
2 sat down with my godson and I just waited for the crowd to, you
3 know, just start moving because we were just standing there. And
4 the crew members -- that's when I saw more like ladders, or stair
5 looking things, and they were like bringing it towards outside.

6 And then between the upper level and us and the lower
7 level we were taking turns trying to exit out. And the -- we
8 climbed over a ladder and it was like from the boat to the pier --
9 to the port, I mean. And they were telling us to watch our heads.
10 There was like some kind of pipe above our heads. And that's how
11 we got off; we had to climb on two different ladders actually.

12 Q. Were these ladders -- did they look more like stairs or
13 like a ladder a painter might use?

14 A. More like stairs.

15 Q. Okay.

16 A. Yeah. Yeah.

17 Q. Do you remember about how wide they were? Just an
18 estimate.

19 A. About two feet, a little over two feet. It wasn't
20 narrow at all. It was comfortable, you know.

21 Q. Good.

22 A. I'm not a fan of ladders or stairs at all, especially if
23 I can see the bottom. I can't -- I get nervous about them. But I
24 felt comfortable. This was pretty sturdy.

25 Q. And what was it made of?

1 A. Metal.

2 Q. Metal? Okay.

3 A. Yeah.

4 Q. And about how far do you think you had to climb from the
5 deck you were on to the dock?

6 A. Oh, not much at all, actually.

7 Q. Was it, you know, your height, half your height?

8 A. Well, I had to duck down. I'm 5'8", so I had to duck
9 down. My godson barely had to. But I had to duck down, let's
10 see, like a foot or two, maybe -- a foot. I had, you know --

11 Q. You had to duck down -- what I'm envisioning you told me
12 is that the boat was lower than the dock and you had to climb up
13 to the dock. So, with those steps you went up, I'm wondering what
14 was the distance that you had to climb.

15 A. No, I'm sorry. I don't understand.

16 Q. Oh, well, you mentioned that there was a ladder or there
17 were steps.

18 A. Yeah, that -- the ladder.

19 Q. The ladder?

20 A. Yeah.

21 Q. So, were those ladders used to climb up or was that just
22 to connect the boat --

23 A. Not -- like climb up maybe like three steps.

24 Q. Okay.

25 A. And then we were walking across.

1 Q. Oh, then they set up -- okay, you climbed up three
2 steps --

3 A. Uh-huh.

4 Q. -- and then you walked --

5 A. We were walking across.

6 Q. And how wide was that?

7 A. About the same thing.

8 Q. Wow. Was there water underneath you?

9 A. No.

10 Q. Okay. All right.

11 A. No.

12 Q. So, it's like they made a little bridge to get you off
13 the ferry?

14 A. Yeah, they did.

15 Q. Okay.

16 A. But the boat was really stuck on the port. It wasn't
17 moving.

18 Q. Okay.

19 A. You know how you can feel the rocking? No, no, there
20 was no rocking here.

21 Q. All right. Do you travel on the Staten Island Ferry
22 often?

23 A. It's been a while. Me and my godson did the ferry two
24 -- about two weeks ago, or three weeks ago. We did the million
25 trees sponsored by Bloomberg. We planted some trees at a park.

1 And that was his first time.

2 MR. KARR: Do you -- Lenny, do you have any questions?

3 UNIDENTIFIED SPEAKER: Why don't we get (indiscernible)
4 the godson's name --

5 MR. GREEN: Okay.

6 UNIDENTIFIED SPEAKER: -- (indiscernible).

7 MR. GREEN: All right.

8 MR. KINNEAR: Because I don't know if we have him.

9 MR. KARR: Okay.

10 BY MR. KARR:

11 Q. Ms. Martinez, we do not have any information on your
12 godson. Could we get his name and any injuries that he may have
13 had?

14 A. My godson's name is Bruce, B-R-U-C-E, Mayfield. He
15 didn't suffer any injuries that -- I mean, just a few cuts. When
16 he was told to go down there, we fell -- at the same time we were
17 going down, he just like -- I checked on him and all he said is
18 that his -- like he banged up his knee. I lifted his pant leg to
19 check his right side, I think it was, and it looked like barely a
20 scrape but no bleeding or no skin, no nothing. It was just like
21 you could tell that the pants rubbed on the skin hard. That's it.
22 So, he was good, thank God.

23 Q. Would you mind giving us personal information on him
24 that we have on our list?

25 A. I would have to speak to the mom first.

1 MR. KARR: Well, let's see, what information are you
2 looking for?

3 MR. KINNEAR: Oh, the injury is --

4 MR. GREEN: So, if they went to --

5 BY MR. KARR:

6 Q. Did he go to a hospital?

7 A. Yeah, he came with me. They checked him, yes.

8 Q. Okay. All right. And which hospital was that?

9 A. The University --

10 Q. Richmond University Medical Center. Okay.

11 A. Yeah.

12 MR. KINNEAR: Well, I guess, we can always -- we always
13 know we can get -- we can always contact --

14 MR. GREEN: Yeah. Do you have a phone number for his,
15 for his mother?

16 BY MR. KARR:

17 Q. Would you like to give us the phone number to his mom?

18 A. Sure. Hold on for a second. Let me get that, okay?

19 Q. Okay. Thanks.

20 MR. GREEN: That's good, because it just kind of gives
21 us an idea of who is who. It might make sense that
22 (indiscernible) kids --

23 MR. KINNEAR: Yes. Yeah. Yeah, yeah, yeah.

24 MR. GREEN: -- minors, minors that were traveling.
25 Makes sense.

1 MR. KINNEAR: Yeah, I know there was three kids with one
2 lady.

3 MS. MARTINEZ: Hello?

4 BY MR. KARR:

5 Q. Yeah, we're back.

6 A. Okay. The number is .

7 Q. Okay.

8 A. And mom's name is Alleina Benjamin.

9 Q. Thank you.

10 A. Uh-huh.

11 Q. It's A-R-L-E-N-E?

12 A. No, A-L-L-E-I-N-A.

13 Q. All right, thank you. Alleina Benjamin?

14 A. Yeah.

15 Q. Okay.

16 A. We're -- we don't have any more questions for you,
17 except to ask you if you've got anything for us that you'd like to
18 tell us about that we didn't ask you, you know. And is there
19 anything you can recommend that might be able to prevent, you
20 know, things from happening. And, you know, I know there was a
21 mechanical failure that they're investigating but, you know,
22 sometimes stuff happens. Is there anything that the ferry could
23 do differently with regard to crowd control to prevent accidents
24 from happening or, you know, from injuries occurring?

25 A. Honestly, no. If -- everything was great. The lady

1 that opens the gate was the lady that was there for us. She acted
2 tremendously. She was great. I wish I can find her and thank her
3 because she was -- she acted really quickly. It's like she picked
4 up on it really quickly, saw that we weren't slowing down at all
5 and she just yelled at us to get in and get down. She was
6 amazing. She did great.

7 As far as safety, everything seemed great. We -- as a
8 fire safety director, all the aisles were neat and clean. Nothing
9 in the way, you know, nothing that could have caused somebody to
10 have an accident unless they, you know, tripped over like they did
11 in an accident, in the crash.

12 Q. Are you one of those persons that always keeps an eye
13 out for those things no matter where you go?

14 A. Out of habit, yeah.

15 Q. Okay, good. That's a good thing to know.

16 A. Okay. But, like I said, no, I couldn't -- right now,
17 no.

18 Q. Okay. How would you feel if they had rules that kept
19 people -- let's say, you know, maybe five minutes before they
20 landed that they kept people inside, like off the stairs, prior to
21 arrival?

22 A. Off the stairs definitely, because you can slip, you
23 know. Sometimes it's not a smooth landing, let's just say. So,
24 off the stairs, yes. I mean, if you're on solid ground, I mean,
25 stable ground, I -- that's okay. To stay inside, I would hate for

1 my godson not to experience what I experienced when I used to ride
2 the ferry, you know. He loved the ferry. Like, he loved planting
3 trees when we went two weeks ago --

4 Q. Uh-huh.

5 A. -- but he spoke a lot about the ferry. He really liked
6 it a lot. And so I wouldn't want him to miss out on standing
7 outside if, you know, the weather is right and experiencing that,
8 you know. And I'm happy he did experience it because he -- that's
9 all he talked about besides planting trees.

10 Q. Yes. Well, what about if you could stand outside until
11 about five minutes before landing and they ordered everybody off
12 the open deck and away from the steps?

13 A. It would be a little time consuming, but I -- for safety
14 precautions I wouldn't complain at all, you know.

15 Q. Okay. All right. So, your godson would miss being out
16 there right in front when they land, which I think is pretty
17 neat --

18 A. Uh-huh.

19 Q. -- but he could live without that?

20 A. It's five minutes, you know.

21 Q. Okay. All right. Well, you've been -- thanks, and I
22 really appreciate learning about your fire safety interest and
23 career because that makes you a very interesting witness for us.
24 So, we appreciate that. And I'm going to turn it over to -- oh,
25 let me give you my home -- my office number --

1 A. Okay.

2 Q. -- in case there's anything else you'd like to tell me
3 about. And it's 202- --

4 A. Okay.

5 Q. -- 314-6455.

6 A. Okay.

7 Q. And I'm going to turn it over to Max. Thanks again.

8 A. No problem.

9 BY MR. GREEN:

10 Q. All right, Ms. Martinez, thank you again for your time.
11 We really appreciate it. You have all of my contact information.
12 I had sent you an e-mail. Did you get that?

13 A. Yeah, I got that.

14 Q. Okay, great. So, you have all of my contact
15 information. And if there's anything you want to add or any
16 questions that come up please don't hesitate to contact me, okay?

17 A. Okay.

18 MR. KARR: And you know what, let's -- you know, I'll
19 try and get -- also get the okay to get her the name of that mate.

20 MR. GREEN: Okay.

21 BY MR. KARR:

22 Q. Okay. And I'm going to, I'm going to get permission to
23 send you the name of the mate that assisted you.

24 A. Oh, my God. That would be great.

25 Q. Okay. Super.

1 A. Okay. Thank you.

2 Q. You're welcome.

3 MR. GREEN: All right. Thank you. Take care.

4 MS. MARTINEZ: Have a good week, guys.

5 MR. KARR: Okay.

6 MS. MARTINEZ: Bye.

7 MR. KARR: Bye-bye.

8 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

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

DOCKET NUMBER: DCA-10-MM-017

PLACE: Staten Island, New York

DATE: May 11, 2010

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

Jane Gilliam
Transcriber