

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: MARC HERMAN

Staten Island Ferry Facility
Staten Island, New York

Monday,
May 10, 2010

The above-captioned matter convened, pursuant to notice,

BEFORE: MICHAEL KARR
Chairman, Preparedness and Response Group

APPEARANCES:

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MR. KARR: And then I'll just introduce myself. I'm Michael Karr of the National Transportation Safety Board. Also present is Lenny Kinnear, of the Coast Guard here in New York, and Mr. Max Green. And we're going to talk to Mr. Marc Herman, of the Staten Island Ferry. Mr. Herman, I have to ask you this: Have you been in touch with anyone from the ferry about talking to the NTSB?

MR. HERMAN: Well, yes, because I just wanted to talk to Mr. Green and I wanted to confirm that he was who he was. So, I did talk to Brian Walsh to find out -- you know, to make sure that I wasn't talking to anybody I wasn't supposed to be talking to.

MR. KARR: Okay. All right. Now, what I'm going to highlight for you is, this morning I was present at the Staten Island Ferries, and an attorney was brought in by the ferry people to sit in on the interviews. And I'm going to make that offer to you that -- since you're with the Staten Island Ferries, would you like someone to be present with you?

MR. HERMAN: Who is this?

MR. KARR: It's a private counselor. I don't have his name. But he was introduced to us by Mr. DeSimone.

MR. HERMAN: I don't think I need anybody.

MR. KARR: Okay. All right.

MR. HERMAN: I wasn't on the boat.

MR. KARR: I -- you weren't on the boat, but I thought I

1 would mention that because you are a Staten Island Ferry employee,
2 right?

3 MR. HERMAN: Yes, I am.

4 MR. KARR: Yes. So, that's why I thought I would
5 mention it. But I'm more than happy to ask you questions and
6 accomplish this today.

7 MR. HERMAN: If at any point I do need -- think I need a
8 lawyer, I can just tell you?

9 MR. KARR: Yes. Well, it's not even a lawyer. I -- we
10 allow you to have someone with you, you know, whether it's for
11 support, you know. I mean, I'm just going to ask you to tell your
12 story today. But yes, if -- yes, at any time you want a lawyer
13 you can tell me you want a lawyer.

14 MR. HERMAN: Okay.

15 MR. KARR: But the purpose of our accident investigation
16 is solely for safety.

17 MR. HERMAN: I don't see it happening. Shoot.

18 MR. KARR: Okay.

19 MR. HERMAN: I don't see anything, anything --

20 MR. KARR: All right.

21 INTERVIEW OF MARC HERMAN

22 BY MR. KARR:

23 Q. Well, what I'd like to do is for you to tell me the
24 story, you know, from your point of view, what you were doing, and
25 then as you tell me what you were doing, if can tell me where the

1 ship was at certain times. You know, we can put -- we can gather
2 these facts and make them an important part of our investigation.
3 So, I'll let you go ahead and tell your story.

4 A. I was the gate man on the bridge.

5 Q. And what is the bridge?

6 A. The bridge is what the ferry hit, the lower level.

7 Understand?

8 Q. Yes.

9 A. Okay. I wasn't sure.

10 I was talking -- we heard the -- we heard the call that
11 the boat was coming and we went out. He was the bridge man, but I
12 was talking to him as I went out there. And as it was coming
13 around I started to go back towards the -- well, I was standing
14 there for a while and I saw the boat coming in and it was coming
15 in fast. And I'm -- you know, like I'm -- I fell down and hit my
16 head, you know, so I'm a little bit foggy on things, you know.
17 Everything happened quick.

18 I'm thinking they're coming very fast. I hear the
19 horns. I started to run towards the, you know, end of the bridge,
20 but then I said, you know, it's not a good idea. I held on to the
21 railing and braced for impact. And when it hit, I flew up in the
22 air and landed on my back and my head. And that's it.

23 Q. I'm taking notes.

24 A. Okay.

25 Q. And then --

1 (Phone rings.)

2 BY MR. KARR:

3 Q. Bear with me a second. My -- I'm going to let this
4 phone ring through. Excuse me for that.

5 The rail that you held on to, what was that a part of?

6 A. The bridge.

7 Q. The bridge? Now, I don't remember exactly what the
8 bridge looks like, but are there different rails on that?

9 A. Yeah, it's the vehicle bridge. The vehicle goes down
10 the middle. There's railings on both sides of the middle, and
11 there's railings on the end so people don't fall in. They're like
12 passageways.

13 Q. So, which rail were you holding on to?

14 A. I guess the outer rail.

15 Q. And if the outer rail -- if you're facing towards the
16 boat?

17 A. No. I was actually -- you know what, I couldn't even
18 tell you at this point. I was terrified. I don't know where -- I
19 don't know if I was looking at the boat or not at that point. I
20 might have turned my head away, you know.

21 Q. Well, what -- I was using that to help get a spatial
22 idea of how --

23 A. Oh, okay, the railing -- I might have been facing the,
24 the staircases, you know, the staircase on that side, holding on,
25 you know.

1 Q. Okay. Well, I guess --

2 A. It's very foggy to me. I really don't -- you know, like
3 I said, everything was like seconds, you know, very fast.

4 Q. Well, what I'm trying to figure out is which side of the
5 bridge you were on.

6 A. Oh, okay. The -- we call -- it would be called the New
7 Jersey side of it, I guess.

8 Q. Okay. All right. Good. And that rail you were holding
9 on to, was that the outermost one?

10 A. It was the outside, yeah, with -- in other words, water
11 was on the other side of it.

12 Q. At the time of the allision, were you on -- were you
13 actually on the bridge?

14 A. Yes, I was.

15 Q. Oh.

16 A. I rode it.

17 Q. Yes.

18 A. My partner, he made sure that -- he was the bridge man,
19 and he made sure that it was leveled out, you know, even with the
20 boat.

21 UNIDENTIFIED SPEAKER: Here's the bridge. So you
22 have --

23 MR. KINNEAR: Walkway, rail, this is (indiscernible).

24 MR. KARR: Okay. Then he would have been somewhere over
25 here?

1 MR. KINNEAR: Over here somewhere, holding on.

2 MR. KARR: Yeah. All right.

3 BY MR. KARR:

4 Q. So, what -- where was the bridge man at this time?

5 A. He was manning the controls.

6 MR. KARR: Lenny, do you know where the controls are for
7 that?

8 BY MR. KINNEAR:

9 Q. He's on the lower -- he's on the bridge himself, right?

10 A. Same side of the boat, but at the edge, you know, where
11 the boat meets the bridge.

12 BY MR. KARR:

13 Q. Wow. Did he get hurt?

14 A. You know what? I don't know.

15 Q. Okay.

16 A. I went to the hospital. I mean, I seen him walking, so
17 -- he's alive.

18 Q. Well, tell me, after you -- you know, tell me about what
19 you remember after you landed on your back and hit your head. You
20 know, I'm interested in how you were taken care of, how you were
21 rescued.

22 A. Well, somebody came out and helped me off. A couple of
23 guys came and helped me off the bridge.

24 Q. Did they put you on a stretcher?

25 A. No, not right away. I didn't get on a stretcher for

1 quite a while.

2 Q. And those people that helped you were they Staten Island
3 Ferry folks?

4 A. Yes, I think so. Somebody put an icepack on my head.
5 My head was bleeding.

6 Q. Did they -- anybody caution you that maybe you shouldn't
7 get up because your -- you know, you might have broken bones?

8 A. I -- you know what, my adrenaline was kicking in, so I
9 don't even know. I have no idea. I -- like I said, things --
10 it's a blur to me.

11 Q. Okay. Do you remember anything between the times -- you
12 know, do you remember going to a triage point before being put
13 into an ambulance?

14 A. Yeah. They put me on a backboard, you know. It was
15 kind of disorganized. There were worse cases before me, I guess.

16 Q. So, you're saying they took the worse cases before you?

17 A. I assume. Like I said, you're talking to somebody who
18 was completely -- you know, I was completely foggy at the time
19 because I, you know, I hit my head.

20 Q. Yes.

21 A. I'm still dizzy.

22 Q. You're still dizzy right now? Are you still dizzy now,
23 sir?

24 A. Yeah, when I stand up.

25 Q. Yes, when you stand up. Okay.

1 BY MR. KINNEAR:

2 Q. Marc, this is Lenny Kinnear from the Coast Guard.

3 A. *Sempre paratus.*

4 Q. There you go. When you -- you said you heard the signal
5 from the boat.

6 A. Right.

7 Q. What was it; just a horn blasting? Was it -- is that a
8 signal for you guys to know there's a problem?

9 A. Yes, just the horn blasting. We all know that signal.

10 Q. So, it was like a continuous blast or that -- is it a --
11 like a five short or anything like that?

12 A. I couldn't tell you.

13 Q. Okay.

14 A. I don't know. I just know it was -- it was probably
15 more than one. I really just don't know.

16 Q. Okay.

17 A. I, you know, I recognized it was coming in too fast.
18 So, my -- I'm at a ready.

19 Q. All right. That's all you heard, though, right? I
20 mean, you didn't hear any deckhands screaming or anything like
21 that? I guess she was too far out for you for that part, right?

22 A. I guess.

23 Q. Yeah.

24 A. Yeah, I didn't hear nothing.

25 Q. Okay.

1 MR. KINNEAR: That's all I got.

2 MR. KARR: Okay.

3 MR. HERMAN: We were out too, you know.

4 BY MR. KARR:

5 Q. Marc, I'm thinking about a question. Now, I just can't
6 remember it.

7 A. Sorry.

8 Q. Yeah.

9 A. I've got that problem myself.

10 Q. Yes.

11 A. I know where you're coming from.

12 Q. In your position have you ever received any training
13 that would address this scenario of a high-speed ferry ramming at
14 the bridge?

15 A. Training? I mean, I guess I -- it was always thought
16 that -- I mean, I don't know if it was actual training, but you
17 were told to hold your ground and, you know, make sure it lined up
18 so that, you know, the -- you know, fewer casualties or whatever,
19 you know. You know, you don't want it to go up over the top and
20 kind of take people out, you know. So, you try to line it up so
21 that it would hit it straight on.

22 Q. So, tell me more about that. I missed that, if you
23 explained it first. So, when you saw the ferry coming in fast did
24 you tell yourself you had to do something to reduce the number of
25 casualties?

1 A. Well, no, I wasn't the bridge man.

2 Q. That would be the bridge man's job?

3 A. That's his job, yeah. My job was -- I can't do nothing
4 there. I'm actually -- I was like halfway down the bridge already
5 when, you know, when I kind of noticed it, you know.

6 Q. And with this training, if you -- if there was any, what
7 did they tell you to do?

8 A. Well, to make sure -- you know, I'm not even sure it was
9 training. I just -- you know, just I heard somewhere, you know,
10 people had always said that you should make sure that when a boat
11 comes in that it's got -- you know, catch it on the bridge, on the
12 (indiscernible) of the bridge. So, you know, it stands to reason
13 that if it was high that it would -- you know, it could come above
14 and kill people.

15 Q. Yes.

16 A. And if it's low, it can ride up on top of it. I don't
17 know. I just don't -- you know, that's all I -- I just heard it,
18 you know.

19 Q. Okay.

20 A. I don't know if it was actually training.

21 Q. All right. But that, I mean, that seems to be
22 commonsense no matter what happens.

23 A. Maybe that was it. Maybe it was just a commonsense
24 thing for me.

25 Q. Yeah. No, I was wondering -- I asked that question

1 because it sounded like the bridge man took special action to help
2 reduce the --

3 A. I think he did.

4 Q. Okay. All right. We'll have to --

5 A. I'm sure he did.

6 Q. Okay. We'll have to talk to him.

7 A. You haven't even talked to him yet?

8 Q. No. We're trying to -- we just got here Saturday and
9 we've talked to some of the deckhands, but we haven't talked to
10 him yet. We'll be here all week.

11 A. Well, I know, you know, I'm just glad I held on because
12 I don't know what would have happened if I would have ran up to
13 the end. I don't think I would be talking to you.

14 Q. Because you think you would have been crushed?

15 A. Oh, sure.

16 Q. Yeah.

17 A. No doubt about it.

18 Q. All right. Yeah, because I --

19 A. Did you see it? Did you see the bridge?

20 Q. I saw the skid marks, because they had already pulled
21 the bridge back.

22 A. Okay. All right. Got you. Those skid marks go all the
23 way to the gate, didn't they?

24 Q. They sure did.

25 A. Okay. Well, that's the gate that I would have been in

1 between.

2 Q. Yeah.

3 A. Well, even if I got through it, who knows.

4 Q. Okay.

5 A. Something might have followed me out.

6 Q. Yeah.

7 MR. KARR: Do you have any other questions?

8 BY MR. KINNEAR:

9 Q. Yes, it's *Sempre paratus* again.

10 A. Yeah, thanks.

11 Q. Just to make that everybody understands, you got the
12 lower ramp guy on the ramp and on above you got the guy that does
13 the ramps himself, right? So, you actually have two guys running
14 it, right?

15 A. Wait a minute. I'm not clear on what you're saying.

16 Q. When the boat comes in --

17 A. Yes.

18 Q. -- and you -- the boat is heading for the ramp, the
19 lower ramp --

20 A. Right.

21 Q. -- so one guy is running that, and then on top you have
22 the passenger ramp, right?

23 A. Yes. They call it the apron.

24 Q. The aprons? So, you actually -- there's two guys
25 running this whole scenario? One is worried about the top and one

1 is worried about the bottom.

2 A. Right.

3 Q. I just wanted to clarify, so they -- we knew where you
4 were.

5 MR. KINNEAR: That's all I got.

6 MR. KARR: Well, he was on the -- yeah.

7 MR. KINNEAR: He was on the bottom.

8 MR. KARR: Yeah.

9 MR. KINNEAR: But there's also a guy that stands up on
10 top that worries about the two ramps that are coming down.

11 MR. KARR: Okay.

12 MR. HERMAN: Right.

13 BY MR. KARR:

14 Q. But, but what was the name of your job? There's a
15 bridge man and there's a --

16 A. I'm a gate man.

17 Q. Gate man? And you're a gate man?

18 A. Right.

19 Q. Okay. All right. The last question I'll ask you,
20 Mr. Herman, is do you have any recommendations as to what might be
21 done to prevent, you know, the accident, to prevent people from
22 getting injured, to prevent the bridge from getting pushed back?

23 A. Well, I suppose that the bridge has to go back because
24 if it didn't go back -- well, if it didn't go back I think I would
25 be dead. If it had crumpled, you know, it would have shot me into

1 the air. I don't know what would happened to me.

2 Q. No, I agree that that's a good safety feature, but like
3 you said there's -- a good thing nobody was between the fence and
4 the bridge.

5 A. Yes. I don't really have any, no. No, my only -- I
6 just recommend that I live.

7 Q. Yeah.

8 A. I'm very thankful that I'm alive.

9 Q. I agree with you being blessed. I have -- I don't think
10 we have any more questions. So, this, this is Mike Karr. Let me
11 leave you my telephone number in case you'd like to call me with
12 any other information. Do you have a pencil and paper handy?

13 A. Go ahead.

14 Q. It's Karr, K-A-R-R --

15 A. Right.

16 Q. -- 202-314-6455.

17 A. 55.

18 Q. And Max Green is going to come on.

19 BY MR. GREEN:

20 Q. Mr. Herman, thank you very much for your time.

21 A. You're welcome.

22 Q. Okay. And I also -- I remain available if you have any
23 questions, any concerns over, you know, over the course of the
24 investigation. Don't hesitate to call me, okay?

25 A. Okay.

1 Q. All right. And I wish you a speedy recovery.

2 A. Thank you very much.

3 Q. All right. Thank you.

4 A. All right. Take care.

5 MR. HERMAN: Bye guys.

6 MR. KARR: All right.

7 MR. KINNEAR: Bye-bye.

8 MR. KARR: Bye-bye, Mr. Herman.

9 MR. KINNEAR: Take care, sir.

10 MR. HERMAN: All right, thanks. Bye.

11 (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 Marc Herman

DOCKET NUMBER: DCA-10-MM-017

PLACE: Staten Island, New York

DATE: May 10, 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