



United States Coast Guard
MARINE SAFETY OPERATIONS DIVISION
Marine Investigations
&
Environmental Response Branch
212 Coast Guard Drive, Staten Island, NY 10305
Phone: 718-354-_____
Fax: 718-354-4224

DATE: 10 Nov 04

FAX COVER SHEET

TO: Robert Ford FAX #: 202 314-6454
FROM: LCDR Hawkins
RE: _____

you have any questions or need anything further, please do not hesitate to contact
e at the above number. Thank you for your assistance.

Respectfully,

Number of pages including cover sheet: 7



16732
5 Nov 2004

MEMORANDUM

✓ From: 
B.J. HAWKINS, LCDR
Senior Investigating Officer

Reply to: SIO
Attn of: LCDR Hawkins
(718) 354-4222

To: Robert B. Ford
Lead Marine Accident Investigator
National Transportation Safety Board

Subj: REVIEW OF DRAFT FACTUAL FINDINGS OF THE STATEN ISLAND FERRY
ANDREW J. BARBERI ALLISION INVESTIGATION

Ref: (a) Ltr from Capt. Rob Jones, NTSB Marine Accident Investigator, dtd 20 Sep 2004
(b) Ltr from Brian Curtis, NTSB Marine Accident Investigator, dtd 20 Sep 2004
(c) Ltr from Morgan Turrell, NTSB Marine Accident Investigator, dtd 20 Sep 2004
(d) Draft Factual Reported created by Barry Strauch, NTSB, undated.
(e) Your ltr dated 12 Oct 2004

1. Enclosed is the feedback from the cognizant members of my staff regarding the draft factual findings supplied by your Group Chairmen with references (a) through (d). Please note, that we do not have any feedback at this time regarding the Engineering Group's findings. Any questions regarding our feedback can be sent directly to my staff as appropriate.
2. Per your invitation in reference (e), we intend to provide our proposed findings, conclusions, probable cause and recommendations for your final report. We are working on that input at this time and will forward it as soon as possible.
3. Thank you for all your cooperation in this investigation. We greatly appreciate all that you and your staff have done to ensure a strong, collaborative effort between our respective agencies.

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Enclosure: (1) Comments regarding the Human Performance Group's draft factual findings.
(2) Comments regarding the Survival Groups draft factual findings.
(3) Comments regarding the Operations Group's draft factual findings.

Copy: Capt. Rob Jones, NTSB
Brian Curtis, NTSB
Morgan Turrell, NTSB
Barry Strauch, NTSB

		REGISTERED TONS (DOMESTIC) UPON INLAND WATERS license. His Coast Guard license was also endorsed for FIRST CLASS PILOT OF VESSELS OF ANY GROSS TONS UPON: NEW YORK HARBOR UPPER BAY, FROM THE NARROWS TO THE BATTERY; HUDSON RIVER FROM THE BATTERY TO THE GEORGE WASHINGTON BRIDGE; THE EAST RIVER FROM THE BATTERY TO HART ISLAND; KILL VAN KULL FROM ROBBINS REEF TO ELIZABETH PORT. IAW 46 CFR 15.815, Richard Smith was also required to maintain a Radar Observer's endorsement which was current on October 15, 2003."
Page 6	Insert following the above paragraph.	"On October 15, 2003 Michael Gansas held a MASTER OF STEAM OR MOTOR VESSELS UPON INLAND WATERS OF ANY GROSS TONS license. Gansas' Coast Guard license was endorsed for FIRST CLASS PILOT OF VESSELS OF ANY GROSS TONS UPON: NEW YORK HARBOR UPPER BAY, FROM THE NARROWS TO THE BATTERY; THE EAST RIVER FROM THE BATTERY TO THE EXECUTION ROCKS; KILL VAN KULL, FROM ROBBINS REEF TO ELIZABETHPORT. THE HUDSON RIVER FROM THE BATTERY TO THE GEORGE WASHINGTON BRIDGE. IAW 46 CFR 15.815, Michael Gansas was also required to maintain a Radar Observer's endorsement, which was current on October 15, 2003."
Page 7	Insert into Para. 1.	"Although it was an annual NYC DOT requirement, Mr. Gansas had not received a performance evaluation since 2000."
Page 8	Para. 1	Replace the 1 st sentence with "The Captain's most recent physical examination was completed on December 10, 2001. In accordance with 46 CFR 12.02 he was required to complete annual physicals thereafter to maintain the validity of his First Class Pilot's endorsement. Insert as the 2 nd sentence: "His examination on December 10 th , 2001, indicated he was physically qualified and was not taking medications at the time."
Page 9	Para. 2, line 8.	Replace all after "examined annually." with "The Coast Guard does not require mariners to submit a copy of their medical examinations outside of the 5-year license renewals or license upgrades. However, as required by 46 CFR 709(e), mariners subject to the annual physical requirements of 46 CFR 10.709(b) are required to provide proof of compliance should Coast Guard boarding personnel request it. It was not normal, recorded practice for personnel from Coast Guard Activities New York (the Coast Guard office with regulatory oversight of the ferries) to request proof of compliance with 46 CFR 12.02 during boardings of the Staten Island ferries."

Page 9	Para. 3, line 6.	Delete the sentence “There are no instructions to the health care practitioner as to the disposition of the form.”
Page 9	Para. 3, line 8.	Replace “who then may submit them” with “who, to complete an application for a credential upgrade or renewal, may be required to submit them”
Page 10	Para. 4, line 2.	Replace after “the applicant is:” with “1) physically qualified in which case the application would be processed accordingly, 2) not qualified in which case further processing of the application would not be continued, or 3) not qualified but possibly eligible for a medical waiver. In this instance the applicant may be granted a waiver if it could be demonstrated that he or she could...”
Page 10	Para. 4, line 11.	Replace after “will forward the application” with “for review to one of two Public Health Service physicians on active duty with the Coast Guard, available for this purpose.”
Page 10	Para. 4, line 14.	Insert after “applications” “for merchant mariner credentials including new applications, renewals, upgrades, replacements, that NMC personnel”
Page 11	Para. 2.	Delete the final sentence & replace with “Should an applicant be diagnosed with a potentially disqualifying physical condition, there are no regulatory requirements for the attending health care professional to notify the Coast Guard.”
Page 11	Para 3.	Recommend rewriting or deleting this paragraph altogether. As written it indicates the Coast Guard condones the practice of “shopping for a qualifying” physical when, in fact, it does not. Further, we recognize the direction this comment is going, but the report should indicate that Richard Smith did not “shop” for passing physical.
Page 11	Para. 5, line 1.	Replace the first sentence with: “The Coast Guard has two Public Health Service physicians available at the NMC’s Ballston, Virginia office to provide the final determination regarding potential waivers for a mariner’s disqualifying physical condition.”
Page 12	Para. 1.	Reword the paragraph to read: “In the event that he had questions regarding a waiver for a mariner, the PHS physician would contact the mariner’s health care provider to obtain amplifying information on the condition being evaluated. If the health care provider considered the condition to be non-debilitating, and one in which the mariner was able to perform his or her job, then the PHS physician would grant the waiver, sometimes with conditions.

LT Mark A. Bottiglieri

NTSB STATEN ISLAND FERRY ACCIDENT REPORT

Group: Human Performance Group

Comments: The following is provided as an index of notes I made in the NTSB text and general subject matter commented on.

Location	Note Number	Suggested Action/Word Change
Page 1	Para. 1, line 5.	Replace "estimated 1500 passengers" with "estimated 750 passengers"
Page 2	Insert into Para. 2.	"The Andrew J. Barberi was Mr. Smith's regularly assigned vessel."
Page 3	Insert into Para. 3	"Although it was an annual NYC DOT requirement, Mr. Smith did not receive a performance evaluation since 2001."
Page 4	Para. 1, line 1.	Replace the first line with: "The NYC DOT SI Ferry Division's policy was to classify sick leave as official provided the employee produced a note from a health care professional explaining the absence. Since January 2002, the assistant captain obtained official sick leave on the following days:"
Page 5	Para. 1, line 5.	Edit to read: "...Assistant Captain was not taking any medications."
Page 5	Para. 2, Line 1	Edit to read: "To comply with Coast Guard physical requirements the Assistant Captain provided physicals dated March 31, 1986; October 4, 1989 and September 14, 1995."
Page 5	Insert following para. 2.	"A review of Mr. Smith's pharmacy records indicate that over the six months preceding the accident, six different health care providers prescribed ten different prescription medications including: Tramadol Ambien Lipitor Lisinopril Naproxen Triamterene Periostat Percocet Avelox Previcid
Page 6	Insert into Para. 5.	"Mr. Gansas received an unspecified amount of training from Mr. Smith during his ascension to the rank of Captain."
Page 6	Insert into Para. 5.	"The Andrew J. Barberi was not Mr. Gansas' regularly assigned vessel. He was filling in for the regular captain who was on sick leave."
Page 6	Insert following para. 5.	"On October 15, 2003 Richard Smith held a MASTER OF STEAM OR MOTOR VESSELS OF ANY GROSS

LT Richard Gonzalez

NTSB STATEN ISLAND FERRY ACCIDENT REPORT

Group: Survival Factors

Comments:

Location	Comment														
Page 23, Line #4-12	<p>Needs revision to note appropriate positions/roles.</p> <p>Recommended revising entry as follows:</p> <table border="1" data-bbox="532 655 1409 1228"> <thead> <tr> <th data-bbox="540 655 732 695">Line</th> <th data-bbox="732 655 1409 695">Revised to read:</th> </tr> </thead> <tbody> <tr> <td data-bbox="540 695 732 804">#4</td> <td data-bbox="732 695 1409 804">At about 1525, the USCG Division Chief in charge of Marine Safety Operations (MSO) received a call from ...</td> </tr> <tr> <td data-bbox="540 804 732 913">#5</td> <td data-bbox="732 804 1409 913">He went to inform the USCG Activities New York Commander (i.e. Commanding Officer) of this situation ...</td> </tr> <tr> <td data-bbox="540 913 732 982">#7</td> <td data-bbox="732 913 1409 982">While arriving at the Terminal the Division Chief MSO receives another phone ...</td> </tr> <tr> <td data-bbox="540 982 732 1052">#10</td> <td data-bbox="732 982 1409 1052">The Division Chief MSO assesses the scene once he boards ...</td> </tr> <tr> <td data-bbox="540 1052 732 1121">#12</td> <td data-bbox="732 1052 1409 1121">The Division Chief MSO then send his personnel to insure ...</td> </tr> <tr> <td data-bbox="540 1121 732 1228">#14</td> <td data-bbox="732 1121 1409 1228">At 1535 a 250 yard security zone ... at 1559 the USCG Activities Commander directs the Staten Island Ferry ...</td> </tr> </tbody> </table>	Line	Revised to read:	#4	At about 1525, the USCG Division Chief in charge of Marine Safety Operations (MSO) received a call from ...	#5	He went to inform the USCG Activities New York Commander (i.e. Commanding Officer) of this situation ...	#7	While arriving at the Terminal the Division Chief MSO receives another phone ...	#10	The Division Chief MSO assesses the scene once he boards ...	#12	The Division Chief MSO then send his personnel to insure ...	#14	At 1535 a 250 yard security zone ... at 1559 the USCG Activities Commander directs the Staten Island Ferry ...
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#14	At 1535 a 250 yard security zone ... at 1559 the USCG Activities Commander directs the Staten Island Ferry ...														
Page 23, Line #18	<p>Recommend adding actual number of CG personnel who responded to this incident.</p> <p>Recommend entry as follows read:</p> <table border="1" data-bbox="532 1472 1398 1623"> <thead> <tr> <th data-bbox="540 1472 706 1512">Line</th> <th data-bbox="706 1472 1398 1512">Add entry:</th> </tr> </thead> <tbody> <tr> <td data-bbox="540 1512 706 1623">#18</td> <td data-bbox="706 1512 1398 1623">A breakdown of Coast Guard personnel responding to this incident is as follows: ___ Officers, ___ Enlisted, and ___ Civilians.</td> </tr> </tbody> </table>	Line	Add entry:	#18	A breakdown of Coast Guard personnel responding to this incident is as follows: ___ Officers, ___ Enlisted, and ___ Civilians.										
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CWO Charles Cobb

NTSB STATEN ISLAND FERRY ACCIDENT REPORT

Group: Operations

Comments:

Location	Comment/ Revised to read
Page 4, Second Paragraph, Line #1	Strike the word "only" this minimizes the vessel.
Page 5, First Paragraph, Line #4 to #5	Reword as follows: As part of their duties, the deckhands rotate as bridge lookout during transits.
Page 5, Paragraph 2, Line #8	Strike the word "second" and replace with the word "different".
Page 5, Paragraph 3, Line #1	Strike the word "the" and replace with the word "one".
Page 5, Paragraph 3, Line #3	Insert: "On the second departure from St George," the Senior Mate gave a piece of line
Page 7, Paragraph 2,	Reword to convey that the lookout left earlier than usual in order to untie the doors. I recall that this deckhand stated he "left earlier than usual, a little before the KV buoy, in order to untie the doors and get ready"
Page 12, Paragraph 3, Line #3	Insert: The Staten Island Ferry "Andrew J. Barberi" was due...