UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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KRISTIN ALEXIS/BARGE *MR. ERVIN* *

ALLISION WITH THE SUNSHINE BRIDGE * Accident No.: DCA19FM003

DONALDSONVILLE, LOUISIANA *

OCTOBER 12, 2018 *

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Interview of: WENDELL LANDRY
Director of Stevedores
Cooper Consolidated

Lamar Dixon Expo Center
Gonzales, Louisiana

Wednesday,
May 8, 2019

APPEARANCES:

CDR MATTHEW MESKUN, Lead Investigating Officer
United States Coast Guard

CWO [redacted] Investigating Officer
United States Coast Guard

MICHAEL KUCHARSKI, Investigator in Charge
National Transportation Safety Board

SCOTT JENKINS, Esq.
Jones Walker, LLP
(On behalf of Cooper Consolidated)

DAVID REISMAN, Esq.
Liskow & Lewis
(On behalf of Marquette Transportation Gulf Inland)

I N D E X

P R O C E E D I N G S

(8:00 a.m.)

CDR MESKUN: Good morning. This hearing will come to order.

Today is Wednesday, May 8th, 2019, and the time is 8 o'clock a.m. We are continuing at the Lamar Dixon Expo Center in Gonzales, Louisiana.

Convening and Purpose of Investigation.

I am Commander Matthew Meskun of the United States Coast Guard, Chief of Inspections and Investigations at LANT-541 at the Coast Guard Atlantic Area in Portsmouth, Virginia. I'm the lead investigating officer of this formal investigation and the presiding officer over these proceedings.

Commander, Sector New Orleans has convened this investigation under the authority of Title 46 United States Code, Section 6301, and Title 46 Code of Federal Regulations, Part 4, to investigate the circumstances surrounding the allision of the Sunshine Bridge by the *Mr. Ervin* crane barge being pushed by the towing vessel *Kristin Alexis* on October 12th, 2018, while transiting on the Mississippi River. I am conducting this investigation under the rules in 46 C.F.R. Part 4.

This investigation will determine as closely as possible the factors that contributed to the incident so that proper recommendations for the prevention of similar casualties may be made; whether there is evidence that any act of misconduct, inattention to duty, negligence, or willful violation of law on

any part of any licensed or certificated person contributed to the casualty; and whether there is evidence that any Coast Guard personnel or representative or employee of any other government agency, or any other person, caused or contributed to the casualty.

Parties in Interest. I have previously determined that the following organizations or individuals are parties in interest to this investigation: Marquette Transportation, represented by Mr. David Reisman; and Cooper Consolidated, represented by Mr. Scott Jenkins. These parties have a direct interest in the investigation and have demonstrated the potential for contributing significantly to the completeness of the investigation or otherwise enhancing the safety of life and property at sea through participation as a party in interest. All parties in interest have a statutory right to employ counsel to represent them, to cross-examine witnesses, and to have witnesses called on their behalf.

Witnesses. I will examine all witnesses at this formal hearing under oath or affirmation and witnesses will be subject to federal laws and penalties governing false official statements. These witnesses who are not parties in interest may be advised by their counsel concerning their rights; however, those such witnesses may not examine or cross-examine other witnesses or otherwise participate.

General Information. These proceedings are open to the

public and to the media. I ask for the cooperation of all persons present to minimize any disruptive influence on the proceedings in general, and on the witnesses in particular. Please turn your cell phones or other electronic devices off or to silent or vibrate mode. Please do not enter or depart the hearing room except during periods of recess. Flash photography will be permitted during this opening statement and during recess periods.

The members of the press are of course welcome and an area has been set aside for your use during the proceedings. The news media may question witnesses concerning the testimony that they have given after I have released them from these proceedings. I ask that such interviews be conducted outside of this room.

Since the date of the casualty, the NTSB and Coast Guard have conducted substantial evidence collection activities and some of that previously collected evidence will be considered during these hearings. Should any person have or believe he or she has information not brought forward but which might be of direct significance, that person is urged to bring that information to my attention by emailing it to accidentinfo@uscg.mil.

Opening Statements from Government Entities. The Coast Guard relies on strong partnerships to execute its missions, and this formal investigation is no exception. The National Transportation Safety Board provided a representative for this hearing. Mr. Mike Kucharski, also seated to my left, is the investigator in charge for the NTSB investigation.

Mr. Kucharski, would you like to make a brief statement?

MR. KUCHARSKI: Yes, please. Good morning, Commander Meskun, and to all in attendance. I am Mike Kucharski, the National Transportation Safety Board investigator in charge for this investigation.

The National Transportation Safety Board is an independent federal agency which, under the Independent Safety Board Act of 1974, is required to determine the probable cause of this accident and to issue a report of the facts, conditions and circumstances relating to the accident. The NTSB has joined this hearing to avoid duplication in the development of facts. Nevertheless, the NTSB may develop additional information separately from this proceeding if that becomes necessary.

At the conclusion of this hearing, the NTSB will analyze the facts of this accident and determine the probable cause independently from the U.S. Coast Guard. We will issue a separate report of findings and, if appropriate, issue recommendations to correct safety issues discovered during this investigation.

Thank you, Commander.

CDR MESKUN: Thank you.

We will now call our first witness of the day, Mr. Wendell Landry.

Please stand at the table and Lieutenant [redacted] will administer your oath and ask you some preliminary questions.

LT [redacted] Please stand and raise your right hand.

(Whereupon,

WENDALL LANDRY

was called as a witness and, having been first duly sworn, was examined and testified on his oath, as follows:)

LT [redacted] Please be seated. Please state your full name and spell your last into the microphone.

THE WITNESS: Wendell Troy Landry. Last name is L-a-n-d-r-y.

LT [redacted] Please identify, counsel, and confirm representation.

MR. JENKINS: Scott Jenkins on behalf of Cooper Consolidated.

EXAMINATION

BY CDR MESKUN:

Q. Thank you. Good morning.

A. Good morning.

Q. Can you please describe to us your background, experience, you know, how much time you've worked in the river industry, how long you've worked with the company, and what those job particulars are?

A. Yes, sir. I have 28 years with Cooper T. Smith, which is the parent company, or one of the parent companies of Cooper Consolidated. I started off in safety, in New Orleans, loss control director. I spent time there, California, Houston. Transitioned into operations and I've been on the river now, August will be 16 years. In my current position as vice president, now managing director, of stevedoring and maintenance.

Q. We have a series of questions that we're going to ask you, but before we do, I would like for you to provide a recount of the situation that occurred on October 11th - October 12th, 2018, with the accident on the Sunshine Bridge and how you may or may not have been involved, and what your positions were for that.

A. We were operating down at CMT, Convent Marine Terminals, with the *Mr. Ervin*, discharging coal into a hopper. And the job was complete, or was going to be complete that evening, so we made arrangements to move the crane back up to Darrow for maintenance items and get ready for its next job. And then about, if I recall, somewhere around 2, 2:05, somewhere like that, I got a phone call saying that we had struck the bridge with the crane.

I was mystified because I didn't understand how that can happen. I'm in charge of moving, directing the cranes up and down the river, where they need to be, what ships they need to be on, what operations they need to be. So after several phone calls with not only our loss control director for the fleeting side but with my general superintendent, Jody Prejean, we determined that we had struck the bridge on the west side of the -- west span of the bridge, which confirmed that that's how we did it and it shouldn't have been there.

So I got up after sitting on the bed for about 20 minutes trying to absorb the whole thing and jumped in my truck and ran to my office, because I wanted to make sure my calculations were accurate on moving the crane up river and how she should pass

underneath the bridge. So I did that, and then I proceeded to -- probably about 4:30 I went over to the crane and helped finish the de-ballast -- or ballasting, I'm sorry, ballasting the crane down so we can remove her from underneath the bridge and get her safely underway. And that's pretty much how it all went down.

Q. Thank you very much.

CDR MESKUN: I'm going to turn the floor over to Mr. [redacted] to ask some questions.

BY MR. [redacted]

Q. Good morning, Mr. Landry. So, can you describe your normal workday, what it consists of, start and finish?

A. That's, you know, a lot.

Q. With your job, I know there's nothing normal.

A. Yeah. Yeah, my job is to oversee the stevedoring operations as well as the maintenance of all our equipment on the river in relations to Cooper Consolidated and our stevedoring operations. I deal with customers. I deal with fleets. I deal with my maintenance guys, my operations guys. Mostly, though, I spend a lot of time on vessels arriving, ETAs, where they're going to work, and what cranes will be assigned to those vessels.

Q. Okay. So yesterday, the dispatcher told us he gets an email with the orders to dispatch out to the fleet. Would you be the one that gives the dispatchers the orders to move vessels?

A. In that particular instance, I don't know if I did or not. But sometimes it's myself, they'll do it directly, or one of the

general superintendents will do so.
Q. So it's one of the superintendents?
A. The general superintendents.
Q. General superintendents.
A. There's a level there. There's a general superintendent and then there's a superintendent. Our general superintendents are really my eyes and ears on the river. Those are the guys that are overseeing the operation day to day. And then superintendents are the guys that are on the vessels, actually working the ship.
Q. So you mentioned that you calculated the clearance for the Mr. Ervin for that trip on the 11th. Would your general superintendents ever calculate that, as well?
A. Yes. Yes, they have the same information that I have. But since I'm the one that's telling them to move the cranes, I normally do it myself.
Q. Do you log -- when you calculate the clearances, is there any logs you keep?
A. No, sir. It's just a spreadsheet I have and I just use that as a reference.
Q. Do you calculate in the river gauge level?
A. Yes, sir.
Q. The term air gap, can you describe to us what that means to you?
A. It would be -- the air gap, as I understand it, is the difference between the height of the crane, or whatever object

that may be going under the bridge, and then the lowest part of the bridge.

Q. Have you ever heard the phrase air draft?

A. Yes, sir.

Q. Can you describe what that means to you?

A. Air draft would be the total height of the object transiting underneath the bridge at its tallest point.

Q. Okay. When you say total height, can you tell us what you would add to get that total height?

A. In relation to our cranes?

Q. Yes.

A. Yes. That would be the barge freeboard of the barge itself, and then as well as the height of the crane on top of the barge.

Q. You mentioned that they took the west span. Had you calculated what the clearance would be on the west span?

A. Only after the accident.

Q. Only after?

A. Yes, sir.

Q. So, do you ever calculate the west span?

A. No, sir.

Q. Or the alternate span?

A. No, sir.

Q. Can you recall what your calculations were?

A. 128 feet. Of the west span now?

Q. Yes.

A. Okay. All right. I just wanted to make sure.
Q. Can you recall the main span, the main span, as well?
A. It was 150 -- I think 151 or 152 feet. Off my mind, it was, yeah, about there.
Q. How did you learn to calculate air draft and air gap?
A. I don't know, I spent a lot of time on the river, and also I grew up on the water. My dad shrimp-boated, so I understand a little bit about it. Plus, in talking with the pilots, the NOBRAs, as well as the Crescents. These guys are excellent references.
Q. What charts do you use when you calculate?
A. Actually, I have a book that was presented by LAMA, Louisiana Maritime Association. They do a printout and it has all the bridge diagrams, air drafts, et cetera, of calculations. You can find that information on every bridge all the way from Baton Rouge Sound. Plus, you can get on -- of course, the websites have all that information, as well.
Q. And to get the river gauge level, what resource do you use for that?
A. I actually use a couple of them, and it's mostly apps. And forgive me, I don't recall which one. There's two of them I use particularly and I can't recall the names. But I also get it from -- the LAMA puts out a daily report, and on that daily report it has all the river stages at the time the report comes out. And then, also, the New Orleans Board of Trade puts out a report, as

well.
Q. Okay. Now, overall, can you describe the configuration and arrangement of the Mr. Ervin?
A. Yes. It depends on how in depth you want me to go. She's a Model 37 CLYDE, CLYDE crane. CLYDE stands for Cranes Loggers Yardarms Derricks and Equipment. She was built in 2003, in Pascagoula. And she was originally built for Drummond Coal and she was shipped to Colombia. She's on a 37-foot circle path tub-mounted crane, which is a big cylinder she sits up on. She's got a DC electric. She's all electric, boom, A-frame. Capable of about 133,000 pounds capacity. And she's a duty-cycle crane, meaning she's meant to cycle back and forth continuously of either loading or discharging cargo.
Q. What about within the barge? Are you familiar with inside the shell of the barge?
A. Yes, sir. Yes, sir.
Q. Can you tell us everything that's inside the shell of the barge?
A. Everything? But I can -- I don't know about everything but I can probably get you a good view. Below deck, of course she's steel construction, 14½ foot. She's 75 foot wide, 200 foot long. Actually, she's probably close to 192. She's got an anchor davit on the front that extends out, so that gives it a 200-foot length. She's got two 60,000-gallon fuel tanks. She has two ballast tanks. And forgive me, I don't know the size of those, but it's

considerable. She's complete with oil tanks. She did have a sewer system on there when she was operating down in Drummond Coal in Colombia.

She has two 35-16s as a power package. She has a standby generator, which is 34-16 -- I'm sorry, 34-08. She's capable of producing over 4,000 kilowatts of power to power the crane. Upstairs is the -- she's massive in relation to what we see here on the river normally. But she's got a full DC electric package to run her. She's got a holding line, closing line, as well as the boom hoist drives.

To build her today, it would probably cost you about $15 million. Back then, she was probably built for about 8, or that neighborhood. Does that cover enough for you? Does that cover enough for you?

Q. That was pretty detailed. Thank you.

A. Okay.

Q. You mentioned fuel.

A. Yes, sir.

Q. How much fuel, do you recall how much fuel was onboard on the 11th of October?

A. No, sir, but historically, we try to keep around, right at about 30- to 60,000 gallons within her.

Q. Can you recall if the ballast tanks were ballasted?

A. Yes, sir. The forward ballast tanks were ballasted.

Q. Are they always ballasted?

A. Yes, sir.
Q. Do you ever cycle the ballast out?
A. No, sir.
Q. Do you get new draft readings every time you calculate the draft?
A. No, sir. In regards just to the draft of the barge itself? No, sir. That stays constant with the exception of, you know, adding and removing fuel and oil. But it doesn't change that much because all of that -- the stern is the highest point of the crane, where the crane A-frame is. That stays constant. The forward part of the crane, which is where the fuel tanks are and the oil is located, you'll see that fluctuate, but that doesn't really have an affect on her air draft.
Q. When you calculate the draft, do you know where or what point on the bridge that calculation is for? Is it in the middle or the side --
A. I always use the --
Q. -- of the span.
A. I always use the center span, sir. I always use the center span.
Q. Okay. But when you calculate the draft, are you aware of at what point in that span -- so if you're looking at the span, what point is the draft taken off of?
A. I always use the highest point because I'm -- my history of -- we've always gone through the center span. I've never known

our cranes to go anyplace else.

Q. Okay.

MR. [redacted] Do you have any questions?

BY CDR MESKUN:

Q. How many of the voids are capable of being used as ballast tanks?

A. Ooh, I can't recall, sir. I don't know right offhand. I know there's two that we use, and I don't recall if we use more.

Q. Okay.

A. And you can indeed fill up every tank if you wish, we just don't do that.

Q. Right. I'm just trying to get a clearer picture for my mind. You said you generally do keep ballast in the dedicated ballast tanks?

A. Yes, sir.

Q. And are they generally full?

A. We try to keep them full because what'll happen, in the movement of the crane from side to side, discharging cargo, and of course when you've got, you know, 133,000 pounds of cargo -- well, not exactly cargo, cargo with the bucket, you know, the crane will heel to one side. And when it does, if you have any kind of void spaces, of course that water will slosh about. Just like an unsafe tanker truck on the road with a half-full tank, if he takes too sharp a curve, he'll flip. We won't flip, but it does make the crane rather unstable for the operator. So we try to keep it

as stable as possible.
Q. Sure. So you're referring to your free surface effect? Have you heard that term?
A. Yes, sir. Yes, sir.
Q. Okay. After the crane got stuck under the bridge, you had to add more ballast to help safely remove the crane; is that what I understand?
A. Yes, sir. And I'm the one that gave those instructions on what to do.
Q. Okay.
A. Which was to pump down the stern, de-ballast the bow, and sink her on the stern so we can remove her. And I was at the top of the crane whenever we came free.
Q. Okay. And just to clarify, you said the forward draft of the barge does change a little bit?
A. Yes.
Q. And that's due to fuel consumption?
A. Yes, sir.
Q. Are there any other supplies or weights or whatever that would be stationed on the barge that would make that shift?
A. It would be a nominal shift. You know, we do move equipment around. We'll have tractors, they weight about 30-something-thousand pounds apiece. We have a couple tractors, maybe a couple of excavators. The buckets, the buckets can get rather heavy, and we will put those on the bow. That's where we keep them when

they're not in use. But as far as for, like, a differentiating of like a foot, that usually doesn't happen. The crane is -- the barge is so massive, you don't see a huge shift.

Q. But the stern draft remains constant, you said?

A. Yes, sir.

Q. Do they ever verify that it has the same draft reading on the stern?

A. Yes, sir.

Q. Okay. How often is the barge refueled?

A. Depends on its use. As I said, we try to -- once we get around 15,000 gallons, we're adding fuel. Meaning 15 in each tank. We start adding fuel. That may be twice a month, I think, at most.

Q. Where are the fuel tanks located on the barge?

A. If you look on the diagram, they're forward of the engine. Yeah, there you go. Right there.

Q. So we have IO Exhibit Number 115 up, and that's page 1, and it's a diagram showing the internal structure of the barge. And we're looking -- basically, centerline of the vessel there's two fuel tanks. Is that what you're describing?

A. Yes, sir.

Q. And then is that -- that's forward of the crane pedestal, the tub?

A. Yes, sir. Yes, sir. Where you see the circle there on the stern, that's where the crane is located.

Q. Okay. And then immediately forward of that is a machinery space, which is open space, basically?
A. Below deck it is, yes, sir.
Q. Okay. And then forward of the fuel tanks, is that where the ballast tanks are located that you're referring to?
A. Yes, sir.
Q. Do you know what tanks you actually -- or what voids you added water into for the emergency operations for freeing the barge from the bridge?
A. We removed water from the two ballast tanks on the forward end, and then we added water on the two internal tanks on the stern. That one and the one to the -- yes, sir.
Q. Okay, that might be referred to as the stern rake, if you will, or the box end?
A. Yeah, the box end.
Q. Is that a box end?
A. Yes, sir.
Q. Okay.
CDR MESKUN: That's all the questions I have for now.
MR. KUCHARSKI: Good morning, Mr. Landry.
And good morning, Mr. Jenkins.
BY MR. KUCHARSKI:
Q. I'm going to go back a little bit towards the beginning and ask you a few questions, general questions, and then we'll get into specifics, maybe, of the barge and the operation. So the

direct-reports, the people that report to you directly, are they the general superintendents?
A. Yes, sir.
Q. Do the dispatchers also fall under you in some way, shape or form?
A. No, sir.
Q. And who do you report to?
A. Currently, I report to Mr. Eric Cooper.
Q. Do you have an idea of the percentage of the barges at either Convent or Darrow that are Cooper owned as opposed to owned by somebody else?
A. We don't have any cranes that are normally stationed at Convent. We operate out of three locations, Darrow, LaPlace or Belle Chasse.
Q. But are those -- the barges that are there, not the cranes, does Cooper have other assets besides crane barges?
A. I'm sure we do, but I don't keep track of that.
Q. The only barges that are kept at the Cooper fleets, the ones you mentioned, are they just crane barges or there are other barges there?
A. Are you talking about there at Convent?
Q. Yeah, at Convent. That's --
A. I can't really speak for Convent because that's out of my jurisdiction. I've run, like I said, the Darrow operation, the Belle Chasse and LaPlace. That's where my stevedoring operations

are located.
Q. I see. Okay. So then back to your -- you're the vice president of stevedoring, is that correct?
A. Currently, I'm the managing director of stevedoring and maintenance.
Q. Okay. Okay. And is that for all the fleets or just for -- I mean, in other words, at the different operations at Convent, Darrow, LaPlace and --
A. Yeah, I'm in charge of the cranes. Whenever you see a crane operation, that's my operation, the stevedoring side.
Q. Okay.
A. At Convent that you're referencing, we only go there whenever the customer needs us to go there and he has work to do. And in Convent, we normally work either at Convent Marine Terminals or Zeno Green. Those are the only two. And we only go there to do that operation. Once we complete that operation, normally, we go back to our home, which could be Darrow or it could be LaPlace.
Q. I see. Okay. So the operation there at Convent was just a temporary -- I hate to say temporary. Normally the barge -- okay.
A. It's a good -- I think it was 40 barges, 36 or 40 barges we did during that stay.
Q. Okay. I'll ask the questions, maybe, of Mr. Cooper just to get a feel for things. Are you familiar at all with the information that's given to any of the tow companies or to the tug captains or any of the personnel, the information about the

drafts, the air drafts on the barge, or anything like that?
A. I would hope it would be information that they would get from us.
Q. Okay. But are you familiar with the actual process of giving that information or how that works?
A. Yes, sir. I'm fairly familiar.
Q. Okay. Could you -- and how is that information provided to the companies or to the actual operators of the tow boats?
A. Well, I'll have to speak from experience because I used to run the fleets up in Darrow. I was over the fleets there, too. Currently, I'm not. So, normally, what will happen is a boat -- well, I'll use a specific example.

So I can recall that, you know, we have a boat that's going to move one of our cranes, tow it down to LaPlace. They call and say, hey, how tall is the crane, how high is the crane? So then, usually, the dispatcher, when they used to sit right next to me, had that information. And if not, they just went ahead and opened my door and said, hey, Wendell, what's the height of this crane. We provide that information to them, they relay that back to the boat, and then the boat decides which route he's going to take. Meaning whether he's going to take the crane or not. But again, that's how, usually, it's done.

Q. Great. Has that process changed any since the accident?
A. I think we've done a better job now of providing the crane information to the dispatcher so that they have it readily

available, at their hand, so that they can go ahead and provide that to the boats when they do ask.

Q. Thank you. Do you know when the actual decision was made to move the Mr. Ervin from the fleet there at Convent to Darrow?

A. That probably was made during that -- let's see, that accident happened on the 12th. So I think it probably would have been the 11th we probably would have made that decision. In other words, somebody's calling me, hey, Wendell, what do you want to do with this crane once we're done?

Q. Did somebody actually speak to you when that happened?

A. I'm sure that somebody did. Because once again, I'm usually telling them where to go with the cranes and what to do.

Q. Okay. So that took place some time around 11 o'clock at night?

A. No, no, that was done probably on the day of the 11th, during business hours.

Q. Oh, I see.

A. You know, hey, when we finish tonight, what are we going to do?

Q. Okay. Okay. And so the order actually that's given out to the tugboat, when does that happen? When are they actually notified of that?

A. That would come from the fleet. The fleet would designate a boat as to who's moving the rig back up.

Q. Okay. So you're not involved with that decision?

A. No, sir.
Q. Okay. By my calculations -- you mentioned that you did calculations of that. When did they actually take place?
A. When I actually -- calculations in regards to?
Q. The air draft, you know, the -- and you looked at the gauges for the information for the bridge, for the channel span, the one towards the center.
A. Right. Usually, every morning when I'm driving in I get my information on what the river's doing. Because it affects everything we do and how we do it. So, usually, I'm up to date on that. But once we decide that we're going to move a crane, I usually, you know, pull up my spreadsheet, take a look at it and say, all right, fine, this is what kind of clearance I have. Especially now with the river being so high, it's more important now that we pay closer attention. But back then, I mean, we had plenty of air draft going through the center span. But still, you've got to double-check yourself every now and then.
Q. The name Jody Prejean, does Jody work for you?
A. Yes, sir.
Q. Okay. And Jody is then a general superintendent?
A. Yes, sir.
Q. So the calculation of 128 feet, you mentioned 128 feet, do you have any idea where that measurement actually is for?
A. I'm sorry, what was the question?
Q. Do you know, have any idea, of the 128 feet, where that

actually -- you know, where on that span is it; do you know?
A. That was my calculation in my office that morning, 3 o'clock, whatever time that was, when I was trying to determine how he hit the bridge and where he was. And that's what I figured, it was 128 feet.
Q. Okay. I apologize. I wasn't clear enough. On the bridge itself, okay, that span, in that span, do you know where that is actually for, the 128 feet? Physically on the bridge I mean.
A. Yeah, where it's located?
Q. Yeah, where is that 128 feet. Do you know?
A. Judging by where he was, where I could see on AIS, that was my calculation, was that he was near the west piling on that bridge, near there, and that's the calculation I came up -- he was at approximately 128 feet.
Q. Okay. So, where the actual strike was, is that what you're --
A. Yes, sir.
Q. Okay.
A. And now once again, that's Wendell. Now, that's no one that's sitting here coaching me with an engineering degree.
Q. Oh, clear, clear. I didn't know if you actually -- you know, the actual strike point or some other place on the bridge, maybe, with similar --
A. Best I can tell, that's what it was.
Q. Okay. You also mentioned -- while you were sort of rattling

off figures there, I tried to pay attention. The dimensions of the barge, you said 14½?

A. Yes, sir.

Q. What does that refer to? Do you know?

A. That's the total height of the barge itself from the bottom of the barge to the top of the barge, the deck of the barge, 14½ feet.

Q. Okay. Yeah, do me a favor then, please, let's look at Exhibit -- well, it's going to be the survey, okay? And it's 53, and it's page 4. And it's the post casualty survey from Smith Marine?

A. Yes, sir.

Q. So the 14½, where does that apply to any of these decks on here that are shown, first deck 8 foot, second deck?

A. No, that's the *Kristin Alexis*.

Q. Oh, I'm sorry.

A. That's the tugboat.

Q. Okay. Well, that explains it then. Let's look at -- well, let's shift gears then. Let's look at Exhibit 115. And I'm on page 3. I don't know if you can read it, but --

A. I don't think we have it.

MR. JENKINS: We don't have that one here. We can pull it up on the screen --

MR. KUCHARSKI: Oh, you don't?

MR. JENKINS: -- and look at it on the screen if they can

pull it up. We could see it.

BY MR. KUCHARSKI:

Q. Okay. And maybe, you know, maybe we can look at it afterwards even. I'm just trying to look at this and -- you know, I'm not trying to be tricky here. I'm just trying to look at these numbers. Because I see a figure of 11-6, and that's why I was wondering where that -- you know, on that page. And that's why I was wondering where the 14½ came from. So I just want to be clear on the actual heights and these drawings that I'm looking at are the proper ones. Are you aware of any changes that were made to the barge after it was built?

A. No, sir.

Q. Okay. And --

A. Now I'm looking at it here. The causal report says 14-foot tall. Now, according to my records, I'm showing 14½.

Q. 14½.

A. Right.

Q. Yeah, and you know, and I've heard these numbers thrown around.

A. Yeah.

Q. We're talking about a mere few feet where it hit, I believe, you know. So I'm trying to get my hands around the numbers here, get my arms around it. Did you say it was built in Venezuela, too?

A. No, sir. The crane operated in Colombia.

Q. In Colombia.
A. In Cienaga and Santa Marta.
Q. And if maybe I can suggest, we can take this off, you know, separately so we don't slow down the interview here. But I'd just like to get, again, my arms around these distances, so to speak. You know, it's a few feet here or there of movement, you know, and that's why I asked you specifically where, you know, it was, was it the center you did the calculation for the strike. And I know the bridge people are going to give us another calculation. You know, we're so close, that's what I'm trying to look at here.
A. You mean I was lucky?
Q. I'm sorry?
A. I was lucky in my calculations, is that what you're saying?
Q. We're all very close but, you know, it's a game of a few feet here or there to decide. At least that's what we see so far.
A. There's no doubt. If we'd been a few feet the other way, might have made it.
Q. You mentioned, I think, sort of the stability of the barge.
A. Yes, sir.
Q. Like, you know, the ballast, keeping the ballast down so the bucket, the crane worked both sides, is that correct, of the barge?
A. Usually, you're either loading the barge or discharging the barge at the ship. That crane currently only works at portside of a vessel, on the vessel side. Now, on the dock side it could

change around, but usually our starboard side to the vessel, and then the barge is on the port side.
Q. So the bucket's -- the crane is actually swiveling from side to side to work the ship, or take from the barge and put on the ship then?
A. Or vice-versa, yes, sir.
Q. Or vice-versa, yeah. You seem to know a lot about this operation. Do you have any stability training?
A. No, sir.
Q. No. Okay.
A. I read a lot.
Q. The Coast Guard has asked you questions, Commander Meskun I think, about the fuel. Do you know what the tons per inch on the barge are? I don't want to get too technical. In other words, how much -- maybe the easy way to say this, it's called TPI, tons per inch, emersion, you know, but maybe it's easier to say when the -- from empty fuel to full fuel, do you know how much the barge changes in draft?
A. No, sir. I've never calculated it. I hope I never have no fuel in my barge.
Q. But you don't know if it's inches or feet?
A. No, sir.
Q. Okay. So does Cooper have daily, weekly or quarterly type meetings, safety meetings or meetings of the staff?
A. Yes, sir.

Q. Okay. And do you have -- let me ask this: Do you have meetings with just your staff on some kind of a basis, and then -- you know, where you lead them, and then do you also participate in other meetings that the company has, higher-level type?
A. Yes, sir.
Q. And do those happen on a daily, weekly or quarterly basis? How do they --
A. We have -- there's a couple different terms that we use, but we have safety meetings at the beginning of every shift, or any time they may be needed within a shift. But as far as for safety, I don't think there's a day that doesn't go by we don't discuss safety in some form or fashion. But yeah, we do have documented safety meetings in the mornings and the evenings. We work 24 hours a day, of course with two shifts.

We do have -- in fact, we have a safety summit coming up with our superintendents. We're doing a big -- the first time we ever got all of them together was last June, I believe, was our first -- the first time we ever got all our superintendents in one room for all locations and had a big safety meeting discussing safety and operations and, you know, the effect is has not only on our bottom line but on our people.
Q. That's nice to know. So then do you also attend meetings not for your people but where a higher level, like with the vice presidents or --
A. Yes, sir.

Q. You do?
A. Yes, sir.
Q. Okay.
A. Yes, sir. We have quarterly director meetings where we discuss safety. We have biannual meetings, you know, as a company where that's discussed quite extensively at times.
Q. Was this strike, this incident with the Mr. Ervin discussed at one of those quarterly meetings?
A. Oh, I'm sure it was probably briefed somewhere. But, you know, when an accident like this is under investigation, you're sort of careful about what you talk about. In other words, you don't want to -- you keep talking about something and sometimes you can change your story a little bit. So the best thing to do is keep your peace.
Q. Understood. Understood. Thank you for your candor.
A. Yes, sir.
Q. Talk to us about the Colombia. The name of the barge, right, is the *Colombia*?
A. The original name of the barge was the *Colombia 5*.
Q. Okay. And now I think it's called *Colombia*, or is it --
A. No, sir. It's the *Mr. Ervin*.
Q. It is, the barge and the crane is. Okay.
A. Yes. We changed the name.
Q. Do the buckets -- let's talk about the buckets a little bit. I believe you know -- or maybe if you don't know, there's been

discussion about this big bucket on the port side there.
A. Yes, sir.
Q. On the bow. And there's -- we'll see it in another. I think it's an exhibit further down where it shows the bucket. There we go. So, when that -- when did this barge, when did the *Mr. Ervin* first come into service?
A. Around May, mid May somewhere -- late May, May 20th, somewhere in that neighborhood.
Q. And that's May of?
A. In the U.S. I'm sorry. Here in the U.S.
Q. Yeah.
A. Last year, 2018.
Q. May of 2018. Okay. So the accident happened in October. Okay. Got it.
A. Yes, sir.
Q. I'm trying to get a handle on this. Okay. So the buckets themselves, when this first went into service, did we have the big bucket and the -- if you could pan out a little bit on that photo -- the other bucket on the starboard side there, were both of those buckets on that barge?
A. When?
Q. When it first came into service?
A. No, sir.
Q. No. Okay. And which one was not part of that?
A. The one to the starboard side.

Q. On the starboard side. So as we're looking at it, the smaller one to the left?
A. Yes, sir.
Q. Because there was some talk, I forget who it was, yesterday, about obtaining a newer bucket, a little bit smaller bucket. Okay.
A. The bucket on the left side of the screen, that was one that was purchased after her arrival. We refer to that as the ore bucket, ore tray. It's a 13-cubic-yard bucket that we use for handling big iron, primarily.
Q. Okay. And so, when it first came around, there were -- how many buckets did you have on that barge?
A. There were two.
Q. Two. Okay. And were either of those pictured there part of that, too?
A. Yes, sir. The one on the right side was one that -- yes, sir.
Q. The bigger bucket?
A. Yes.
Q. Okay. Okay. And then somewhere in the operation, somewhere after May, another bucket was purchased?
A. Yes, sir.
Q. And is that the one on the left side?
A. The one on the left side was indeed purchased. Oh shoot, I don't remember when it arrived. But that was purchased after she

arrived, but then we also purchased another bucket, too.
Q. So a total of three buckets then?
A. Two buckets. We bought two buckets after her arrival here in the U.S.
Q. Got it. Okay. And would all three buckets normally travel with the barge?
A. Back then, yes.
Q. And when was that change where you didn't have all three buckets? And here's where I'm going with this line of questioning: Let's not hide the ball here, but the captain, Captain Smith had said, you know, that bucket, the big bucket wasn't there when he hauled this before, something to that effect, okay? It wasn't there in that position. And I'm just wondering, you know, what has changed. I know sometimes you string these buckets up?
A. Yes, sir.
Q. Okay. And I'll ask you why that's done instead of putting that on deck. I'm sure there's a logical answer. But I'm just trying to get a feel for, you know, is it possible that really, when he took it one time, that bucket wasn't in that position, okay?
A. It's a possibility.
Q. Okay.
A. Because the explanation is, is that -- I think you can barely see the newer bucket behind all that mast and all. That's the 55-

cubic-yard. That's the one that's strung up. Actually, that's the -- is that on the Hoff or the Ervin? That's a 55-cubic-yard bucket. So that was the one that was strung up. But before it arrived, we were using that bucket to the left of the screen, as you call it, the big bucket.

Q. Okay.

A. That's a 40-cubic-yard bucket. We would use that one or the smaller bucket.

Q. Okay. So that sort of clears it up then. I believe it does. That bigger bucket could have been strung up sometime in a movement and maybe it wasn't sitting in that position on the port bow?

A. Depending on when he moved the crane before, it may not have been there.

Q. Right. Okay. Okay. Do you know if there's an inclinometer on that barge, something to measure the list?

A. No, sir. She's designed for a 5-degree self-righting list.

Q. So it can carry 5 degrees of list?

A. Yes, sir. We never get there, but she can.

Q. But you try to keep it even-keeled normally, is that correct?

A. Yeah, you want some sway. Some operators prefer more than others, but we try to limit them with what they can and can't do.

Q. Okay. Do you know if there's a stability letter that comes with this, that came with this barge?

A. I can't recall, but I believe we had the stability

calculation redone -- or done upon her arrival, prior to her arrival. We do that on all our crane barges. You have to.
Q. So you say a stability calculation?
A. Yes, sir.
Q. Is it a letter or is it in a booklet form, is it a -- have you ever seen it before?
A. Yeah, we actually hire an engineer to do it, and they provide a report to us.
Q. Okay. So some kind of naval architectural firm?
A. Yes, sir. I'll leave it up to our engineer to handle that.
Q. So, who was in charge of keeping the stability for a day-to-day basis on that barge?
A. Well, again, we don't keep records of that. But, you know, we, again, we fill up our ballast. She doesn't change.
Q. Do you know if the freeboard -- could you explain to us what the freeboard is?
A. That's from the deck of the barge down to the water line.
Q. And are there markings on the side of that barge anywhere that tells you what the freeboard is?
A. Yes.
Q. And where are they?
A. It should be on the stern and on the bow, on the port and starboard side. You can't see them in that photo there. At least I don't believe you can.
Q. Now, I'm not talking about draft, I'm talking about

freeboard.
A. Well, it's your draft, but if you know you've got a 14½ foot hull, you can pretty much figure out your freeboard, as well.
Q. Okay. So there's -- so it's the draft markings that we're talking about? They're not freeboard markings but draft markings?
A. Draft markings, yes, sir.
Q. Okay. Okay. Do you know if there is a mooring diagram for the barge which shows where the cavels are?
A. I believe there's one. Forgive me, I don't remember seeing it here lately, but I believe there is one.
Q. And here's why I'm asking that, which will follow into the next question; is we asked the captain why he couldn't move the barge on the starboard side -- I'm sorry, move the tug over to the starboard side. And we're trying to look at the, you know, the cavels. We call them cleats deep sea but cavels, I know, on the rivers. Okay. And where they're located, and then, you know, the question came up about the gangway.
MR. KUCHARSKI: If we could look at the -- [redacted] Lieutenant?
BY MR. KUCHARSKI:
Q. Yeah, there's a gangway there. Do you see it on the after end of the barge?
A. Yes, sir. But that's -- that doesn't affect whether he could push on the port side or the starboard side. Both sides are available to him.
Q. Okay. Well, the million dollar question is, actually, the

handrails on there, do those come out of the deck?
A. Yeah, they come out the deck, but I don't think that affects how he can line up. Because again, that barge has been pushed from the starboard side.
Q. Well, that's what we'll look at. We'll analyze that. But the critical thing to my mind is, you know, I've seen other operations where those handrails, you know, there's like a shoe they fit inside, you pop them out of the deck. I'm just wondering, can they come out of the deck or do they have to be cut off, or are they permanently bolted to the deck?
A. I don't recall that. I think they're permanently welded to the deck, from my recollection.
Q. Okay.
A. But again, I think he -- again, it's up to the captain, but I believe he can go ahead and tie up on the starboard side without affecting the handrails.
Q. Have you -- well, now, you say that. I know you're not a mariner, correct?
A. No, sir. Don't pretend to be.
Q. Okay. The question is, you know, where the cavels are. And could you tell us if in your recollection now, since May when you got the -- when that went into service over here, can you tell us if you've ever seen a tow boat make up on that starboard side of the transit?
A. Yes, sir.

Q. And do you know if it was a tug like the *Kristin Alexis*?
A. I can't say one way or another. I mean, it's one of our fleet boats that did it.
Q. One of your fleet boats. Okay.
A. Yes, sir.
Q. But when you -- one of the fleet boats could be one of the boats from one of the other operators? When you say fleet boats, it could be different companies?
A. Primarily, it's --
Q. I mean, does Cooper have its own --
A. Primarily, it's Plimsoll Marine and Marquette that handle our barges. I mean, we occasionally have other folks that do, but primarily it's those two.
Q. So the air draft of the barge, okay, that was taken per the survey after the accident, okay. Was the ballast condition -- you mentioned that you had to, I believe you gave the orders to go ahead and move ballast, okay, so, I guess, you could get it out from underneath the bridge. Is that correct?
A. Yes, sir.
Q. Yeah. And so is the ballast condition, to your recollection, the exact same that it was taken at the dock there?
A. That I don't know. That I don't know. I can tell you what -- after the accident happened, but at the time of the accident -- no, I do know; I'm sorry. It was 7 foot. That's what our draft was at the time of the accident. I believe it was 7 foot. No, I

can't remember. I'm confusing the two. I don't remember if it was air draft -- I mean, freeboard or actual draft.
Q. And I don't mean to confuse you. I just need to understand clearly that the barge left the dock there at Convent, yes?
A. Mm-hmm.
Q. It had a certain draft.
A. Yes, sir.
Q. First, let me ask you, was that recorded somewhere?
A. No, sir. Not to my recollection.
Q. Okay. So we don't know what the actual -- we believe it was, but we don't know what the actual draft was when it left the dock at Convent. It's not recorded anywhere?
A. No, sir, it's not recorded.
Q. And then it struck the bridge, okay, and ballast was changed, added to it to bring it down further, yes?
A. Yes, sir.
Q. Where was that ballast put in, in what tanks?
A. It was put in the two stern tanks, as I mentioned earlier.
Q. Okay.
A. Two center stern tanks.
Q. Okay. And then it was brought to the facility, where the pictures were taken and the survey was made?
A. In Darrow, yes, sir.
Q. In Darrow. Okay. And do we know the ballast situation when it went to Darrow? Was it the same as when it left the dock at

Convent? That's my question.
A. No, because we added ballast to get out from underneath the bridge. Now, we pumped ballast out when we got to Darrow and brought her -- we're at a 7-foot draft with a 7-foot-6 freeboard, if I recall correctly.
Q. So the 7-foot draft is what it was leaving? I know you said it wasn't recorded anywhere, but it was about a 7-foot draft when it left Convent, and it was about a 7-foot draft when the survey was taken?
A. Yes. I asked that question yesterday because I couldn't recall. But I was told, I believe, it was a 7-foot draft when we went to Convent.
Q. Okay. Yeah, I just want to make sure we're, you know, comparing apples to apples here, because we know it was ballasted in between.
A. Yes, sir. And I couldn't tell you what we ballasted her down to. I don't know.
Q. Before the accident, had anyone asked you about the air draft of the crane?
A. Yes.
Q. And who might that have been?
A. If I recall correctly, it was Deb Deister (ph.), who's one of our fleet dispatchers for Darrow, Darrow fleet.
Q. And how about -- you said that you deal with the customers, also?

A. Yes, sir.
Q. Okay. Do you also deal with the tow boat companies?
A. No, not really.
Q. Okay. And do you know, when you gave this air draft information, was it air draft or was it the distance from the deck to the top of the crane?
A. I gave her both. I gave her the draft of the barge -- and this was sometime ago now. This was way prior to the accident. I gave her both.
Q. Do you know -- did you say you physically went up to the top of that crane?
A. At night, yes, sir. I've been there before. It's not an easy climb, but I've been there before, as well.
Q. I can see it's up there. Do you know what was the highest part of that -- where it was actually -- what is the physical structure?
A. What do you mean? I don't quite understand your question.
Q. Yeah, at the very tippy-top there where that's measurement's taken, that thing sticking up, what is it?
A. That's the -- well, it's a walkway up there. And then of course, the gantry's higher than the walkway. It's sort of misleading the way the photo's taken. You can see the walkway up at the very top, but it's still, oh, it's -- to get to the top of the gantry, I could barely reach it and I'm 6-foot-4.
Q. But it looks like it's some kind of a pole or --

A. Oh, you're talking about the light stanchion?
Q. Yeah, let's go back to that picture and then go back to the measurement where it shows the -- where it's taken on that exhibit, the previous exhibit.
A. Sir, that's the light stanchion you're seeing.
Q. That's a light stanchion?
A. Yes, sir.
Q. Is that what the highest point is then?
A. Yes, sir.
Q. Okay. Okay. So it's not the actual -- yeah, that picture there. You see it looks like some kind of a pole is taken from there.
A. Yeah. No, that's our red light at the very top.
Q. Okay. Okay. So that structure is the highest point?
A. Yes, sir.
Q. Is that hinged or anything? Can it come down?
A. No, not this one. It got bent pretty good, but --
Q. Okay.
A. But it's a lightweight pole, it's meant to.
Q. Okay. This sheet you talked about, which is in your office, for the calculations?
A. On my computer, yes, sir.
Q. Yeah. And dispatch has access to that?
A. I provided a copy to them after, for reference only.
Q. And is -- dispatch talked about some sort of a spreadsheet

that's now kept where it has all the air drafts of the barges and -- is that the same thing that you gave to them?
A. Yes. My spreadsheet is two pages. One is where I do my calculation, where I just merely -- I can punch in a river level for each corresponding bridges, or the river draft or the river stage, and it'll give me what the air draft is on that bridge, or air gap. And then the other sheet has just the crane heights.
Q. Oh, okay. Okay.
A. The cranes and the crane heights.
Q. So two sheets, one has the crane heights, the air draft of the cranes?
A. Yes, sir. Just that. The name of the crane and air drafts.
Q. And then the other, you have to plug in the gauges to it and it applies it to whatever the bridge information is and gives you a vertical clearance or air gap?
A. Yes, sir.
Q. Yeah. Okay. And is that done on a daily basis?
A. I can if I've got cranes moving. If I don't have cranes moving, I usually don't play with it. I've got other things I could be doing.
Q. So if you saw a situation that maybe it wasn't -- it was going to be a problem, do you just not move it? You know, what is that used for? Is it just in the decision to move it? Why did you keep the spreadsheet?
MR. JENKINS: Mr. Kucharski, when you say there was going to

be a problem, are you talking about just with respect to clearance?

MR. KUCHARSKI: Yeah, just air draft. Yes. Thank you.

THE WITNESS: Well, that actually came up just recently because the river -- well, I guess on the Donaldsonville gauge, she was a little bit over 32 foot and we were considering moving Mr. Ervin down and we had right at about 4-foot of clearance under the Sunshine Bridge. The director over fleeting, he and I discussed it and whether 4 foot was adequate and they felt comfortable moving the crane. We could ballast down more if they wished and get a 5-foot clearance to make sure that -- you know, give some folks some peace of mind.

And his take was, you know, I'd prefer not to. And I could get by without moving the crane, so I said okay, I can understand your position. We won't move it, but if push comes to shove, we may indeed have to make that decision. The good thing is we didn't have to, in his mind. In my mind, it didn't bother me one bit. A 5-foot clearance was good for me.

BY MR. KUCHARSKI:

Q. And who was that discussion with? I'm sorry.

A. He's a director. He's the managing director of southern and the northern fleets. That's Chris Blanchard.

Q. Okay. And is that -- I'm sorry, I'm not familiar with who that company is. Is that a tow boat company?

A. Oh, no, sir. No, sir. It's Cooper Consolidated. He's just

one of the other directors.
Q. I see. Okay. So it was internal. The tow boat operator is not in --
A. No, we didn't even get to the tow boat operators.
Q. Do you ever have those discussions with the tow boat operators?
A. They normally don't discuss things like that with me. They usually discuss it with the fleet, the dispatchers, or even with Eric or Chris Blanchard, and then it'll eventually come to me. And we actually had a discussion where -- and, you know, these cranes are moved down in the pedestal. The 520As, they're smaller versions. They're moved what we call in the travel position. The boom -- we don't put it in the pedestal because the boom extends past the barge. So if they hit anything, it becomes a spear. So we actually boom them up to about a 40-degree angle. And she's below the gantry.

And the crew boat operator was having an issue with pushing it into a travel position. And once we explained to them why we do it and what we do it for, they moved the rig.
Q. Not having it as a spear.
A. Well, we don't like spears, no.
Q. Okay. So tow boat operators, Cooper works with a number of tow boat operators that run the fleets for --
A. Yes, sir, we do.
Q. Yeah. Okay. Well, I don't want to lead you along on this,

but there was a discussion and testimony of moving this bucket before it struck the bridge, okay. Were you part and parcel to any of those discussions?

A. No, sir. Heard about them after the fact.

Q. So, do you know -- well, you didn't -- weren't part and parcel to it, but do you know who made the final decision not to move the bucket?

A. I believe that was Jody Prejean.

Q. Okay. Were you aware of any operational issues which would have prevented the *Kristin Alexis* from facing up towards the starboard side?

A. No, sir.

Q. All right, I think that's it for now. Thank you. You've been very helpful. Thank you.

A. Yes, sir.

CDR MESKUN: We do have a few more additional questions to ask. Would we like to take a recess?

(Off microphone comments.)

CDR MESKUN: Okay, we'll keep going. Mr. [redacted] did you have some questions?

MR. [redacted] I just have (indiscernible).

BY MR. [redacted]

Q. You said you usually do the calculations. And in the circumstance of it, if you're on vacation or something, it would be your general supervisors that would do the calculations in your

absence?
A. No, usually I do them on my vacation, too. But yes, now I have an operations manager under my wing, so he now, he's learned how to do the same thing. My general superintendents, they can do it. I prefer they don't. I prefer that they know the relevant information and let that decision be made by someone above them.
Q. Okay. But you did teach them how to do that?
A. Yes, sir.
Q. Okay.
MR. [redacted] That was all.
CDR MESKUN: Go ahead, Mike.
MR. KUCHARSKI: Thanks.
BY MR. KUCHARSKI:
Q. I know what it was. I was going to ask you about the bucket being strung up, okay, because there was a discussion, and we have it in written statements, that they didn't know which bucket they were talking about. They thought it was the bucket that was strung up, okay, to move it?
A. Yes.
Q. Okay. So, why is the bucket, why is it left strung up?
A. Well, usually, you're going to -- for that particular case, that bucket was going to be used again in the next operation. That's one reason. The second thing is, if you don't disconnect your cables, because they're left laying -- right regular-lay cables, it will unspool, meaning they will untwist. So you leave

your bucket hooked up, keep the cables safe, and then, plus, it keeps the bucket secure in the middle of the crane.

Q. Yeah. Okay. So, when you say unravel, so you keep them under tension, is that what you're --

A. You keep them under tension, yes.

Q. Yeah. Okay. And since the accident, or after the accident occurred, have there been changes made to Cooper's operation to assist in preventing this from occurring?

A. Well, that bucket that's on the port side has since been scrapped because we learned a lot about that bucket and how it's really not worth it. It doesn't handle cargo very well and it weighs more than the cargo it's actually picking up. And usually, you want just the opposite. You want to pick up more cargo than the weight of the bucket. So it was scrapped along with the other -- there was three others of that size that we just got rid of.

Q. Okay, but I guess --

A. I guess I didn't answer your question.

Q. No, not quite. I mean, that was a business decision, correct?

A. That's a business decision in regards to moving that. But really, no. I mean, we operate the same. I mean, nothing has changed. We do now request that all our cranes go through the center span. Which we never thought we'd have to request that, but we do it.

Q. Okay, you request that of the tow boat operators?
A. We request that of our fleet. You know, and of course our fleet is -- now there are fleet instructions and in their safety book and manual it specifies that.
Q. Okay. So that has changed.
A. Yes.
Q. The book has changed to say to use the center span?
A. Yes, sir, it specifically says that.
Q. Okay. Will we be able to get a copy of that where it actually says that?
A. I'll leave that up to my attorneys.
Q. Yeah, okay.
MR. JENKINS: We produced that this morning.
MR. KUCHARSKI: Oh, these are the new rules and regulations that I've just been handed? Oh, okay. Great. Great.
CDR MESKUN: Those are post accident, correct?
THE WITNESS: They were revised after, yes, sir.
CDR MESKUN: That's dated November 5th, 2018?
THE WITNESS: Yes, sir.
CDR MESKUN: We do have that as an exhibit. I'm not sure what number it is.
MR. KUCHARSKI: Okay. Thank you.
LT [redacted] Commander Meskun, you have the ones prior to that revision.
CDR MESKUN: Okay. Thank you.

MR. JENKINS: We didn't have these until this morning.

MR. KUCHARSKI: Thank you. That's what I thought. I thought I saw older ones. This is November 5th. Great. Thank you.

BY CDR MESKUN:

Q. Good morning again.

A. Good morning.

Q. Hopefully I don't have to recap anything, but there may be a few things that I need to clarify in my mind. Maybe I might have missed some of the points you were making. You indicated that you did the bridge calculations and then you relayed that information to Deb Deister, who requested the bridge -- or the air draft that you calculated?

A. Yes, sir. I can't recall exactly when that was, but it was prior to that incident. We were shifting the barge previously down to LaPlace and she called and asked.

Q. Roughly, do you remember what time of day it was that you did the calculations on the 11th?

A. No, sir. It could have been anytime that morning. And it could have been that afternoon, as well. I don't recall.

Q. Okay. And which shift does Deb Deister work on? What time does she get off?

A. Deb works -- she's on the 7 to 7 scheduled. So currently, she's off. She works days only, on the fleet side.

Q. Do you think -- do you recall that being the same during the day of the accident?

A. No, sir. That wasn't it. Like I said, that happened sometime in the summertime that we had that discussion.
Q. Okay. I'm just curious. We heard testimony yesterday from the dispatcher Mr. Nelson that he started work at 1800 that night. So I was just wondering if he relieved her? I don't know if that information is available.
A. No, sir. No, sir. Chad works on the Convent side, the 164, Fleet 164, and Deb works on Darrow fleet side.
Q. Oh, okay. So she would have received the barge *Mr. Ervin* then, because she was in Darrow. So it was coming from Convent up to Darrow?
A. I don't recall if she was working at the time, so I wouldn't know.
Q. You just previously mentioned something about the summertime, there was a --
A. Yeah, I think she called -- that was a discussion I had with her back in the summer. You know, one of the first times we --
Q. Oh, so you provided that information to her not on the day of the accident then?
A. No, sir. No, sir.
CDR MESKUN: Mr. Jenkins?
MR. JENKINS: Well, I just wanted to say the witness was asked about a prior occasion when he may have passed that information along and he was just giving an example.
CDR MESKUN: Oh, so that was not specifically pertaining to

this?

MR. JENKINS: It was on a previous day.

CDR MESKUN: Okay. Thank you.

BY CDR MESKUN:

Q. You mentioned that you used some diagrams that may be provided by LAMA, and some gauge information provided by LAMA for how you did your calculations before. Do you know what the source documents were for your bridge calculations? Do you know what numbers you used to do your bridge calculations?

A. For the bridge calculations, LAMA also produces that every morning. They send out a report every morning, a river report. And actually, I did save the one from the 12th. But they produce that report, which has all that information available. It's all in a handy 14-page document. Meaning bridge clearances, air gaps, river stages, et cetera. But I also have the LAMA book that has the printout from the Army Corps of Engineers on the river. So there's various websites you can find that information, as well. I have it all in my hands because, again, this is all stuff that affects how I make my decisions and what we do.

Q. Okay. And did you use either the NOAA river chart or the Army Corps river chart to get the air -- the bridge vertical clearance?

A. I want to say NOAA was the river gauge and the river stages and the projections for the next 30 days, and then the Army Corps was the -- that there. That's exactly what I'm looking at.

That's exactly what I have in my office.
Q. Okay, that's Exhibit, IO Exhibit 8, which is from the Army Corps chart flipbook.
A. Yes, sir.
Q. And can you just recap? I may have missed information that you shared earlier. When you did the air draft calculations for the Mr. Ervin on the 11th, what was your final calculations? How high was the crane?
A. Well, it's -- I don't redo those. Those are just what we establish. But I have 135.4-foot and 135.5-foot total.
Q. Okay. Is the --
A. We round it up. 136 is what we us.
Q. Okay. Is there any reason why any Cooper employee may be under the assumption that the crane is of a different height?
A. Certainly. There's certain folks that we share this information with because there's other folks, we don't want them putting that information out because the chance of inaccuracy is real. We keep it to a close-knit group, myself, my operations management and general superintendents.
Q. Okay. So is it possible that some Cooper employees were speculating how high the crane was and had inaccurate information?
A. Oh, definitely, they can speculate. You'd be surprised what you hear on the river.
Q. And you said you calculated the main channel clearance and you knew that the Mr. Ervin was going to be clear to pass through

the main channel, correct?
A. Yes, sir.
Q. Do you know how much remaining air gap was on top of the Mr. Ervin for your calculations for that day?
A. I used to be a bit better at math. Let's see. I figured it was 152. Yeah, I can do it right here. Hold on. Sorry. I need my glasses.
(Pause.)
So you would add 152 foot, roughly, and she's 136. So that will give you 16, 16 foot.
Q. Okay. Thank you. And then a few moments ago you were speaking with Mr. Kucharski and you described a situation where, more recently, I believe, there was a time when there was high water and there was only going to be about a 4-foot gap in the transit and there was some uncomfortable conversations that took place about whether or not that was acceptable. Is there any formal policies now that talk about what is, like, a go/no-go position? Like, is it acceptable to have a 2-foot gap? Or if it's less than 10 feet, we're not going to move it? Is there anything formal like that?
A. My comfort zone is 4 foot. But I also understand that the folks that have to move that barge, may be more than that. In other words, they need more air gap. So I'm at 4 foot, but at the time that that discussion happened, the other director didn't feel comfortable putting out that order. So I think about what I can

and can't do operationally and how it affects us and I relented and said we'll stay put.

Q. Okay. And does that -- if you hit that buffer zone where it's like a safety factor, would that trigger a conversation with a tow boat or the towing company, as well?

A. It should. It should.

Q. Okay.

A. Again, these guys have to move them, I don't. So they have to feel comfortable pushing behind it.

Q. Okay. How frequently is the Mr. Ervin moved?

A. I counted it up yesterday. Rough calculations, since May of last year, she's moved approximately 12 times from Darrow to LaPlace or Darrow to Convent, you know, under the Sunshine Bridge.

Q. And what was the start point of that, May of --

A. Yeah, she came into operation May of 2018.

Q. Okay.

A. So from June 2018 till now, she's moved approximately 12 times.

Q. And just for my clarification, does 12 times mean a roundtrip or is that just in one direction?

A. I had a total of 12 different operations. I would probably say that's -- no, that would have been 12 roundtrips.

Q. And I saw in some of the pictures that we have there's another crane that looks similar to this, the Mr. Hulk -- or the Hulk. Excuse me.

A. the Hulk. That's an MSB-16, yes, sir.
Q. And is that of similar dimensions?
A. She's actually shorter by about almost 10 feet. We don't publicize that. We keep her at 136. So that way, no one gets confused.
Q. Okay.
A. I thought I was pushing the Hulk. I thought I was pushing the Ervin. No, it's 136 feet.
Q. Good. Is that vessel moved about the similar amount of times, or similar frequency?
A. Yes, sir. She came into operation much later. I say much later. I think it was September when she came on, or August. So she's moved less.
Q. Okay. How many times has the Mr. Ervin been shifted locally, without actually passing through the Sunshine Bridge?
A. Oh, that happens every -- well, I don't want to say every day, but it happens often. Because we move -- you know, the crane comes into berth and then we move the crane to the berth. And when the ship's finished, we move the crane back to the fleet. So in a week, you may move three roundtrips, four roundtrips, depending on how many ships we can hit.
Q. So then it's possible that a tow boat could move that crane barge constantly but never go through the Sunshine Bridge?
A. Yes, sir, that's true.
Q. Okay. Are you familiar with any of the mooring lines that

are used for the Mr. Ervin to secure it to the -- or how they would secure it to the pier?
A. To the pier, we use like -- I would assume you're meaning Convent Marine Terminal?
Q. Yes.
A. Yeah, we use our cables from our winches because they're stronger and tighter and more manageable than soft lines. You know, but if you use soft lines, you know, for whatever reason, for a safety line, we use the Dan blue rope, which is, I think 2 3/4, but we just went to 3 inches.
Q. You just mentioned Dan blue rope. That's like a specific manufacturer of this line?
A. Yes, sir. It doesn't spring when it pops, it shreds. So that's a safety factor. You don't have anything coming back at you.
Q. Do you know, does that line have, like, a rated breaking strain?
A. I'm sure it does but, to be honest with you, I don't recall what that would be.
Q. Okay. And what was the size of that line again?
A. We were using 2 3/4, I believe, and now I think we're up to 3 inch.
Q. And do you know what the condition of that line was that night?
A. No, sir.

Q. Okay. All right. And you may not know this information, but do you know who the company was that built the crane barge, that operated it in Colombia?
A. Yeah, Drummond Coal operated the crane in Colombia. I'm trying to remember the name of the group in Pascagoula, Mississippi that built her. I can't recall, sorry. It may even be in one of your drawings here, but I can't recall exactly.
Q. Sure. And so that Drummond Coal Company is the one that basically contracted it to be built and owned and operated it down there?
A. Yes, sir.
Q. Okay.
CDR MESKUN: Do you have any further questions?
MR. KUCHARSKI: Just a couple follow on.
BY MR. KUCHARSKI:
Q. You said 3-inch line. Is that diameter?
A. Yes, sir.
Q. And do you know what it's actually made of? Is it polypro, is it nylon, is it Dacron? Do you have any idea?
A. No, sir.
Q. But we could get that information if need be, yeah. You said the Mr. Ervin moved 12 times underneath the Sunshine?
A. Yes, sir, 12 roundtrips.
Q. Twelve roundtrips?
A. Yes, sir.

Q. Okay.

MR. KUCHARSKI: And, Lieutenant [redacted] would you bring up the Army Corps bridge diagram, please?

BY MR. KUCHARSKI:

Q. Okay, I don't want to get tricky on this, I just want to -- that calculation, okay, where you just did 171 minus 18, roughly, or whatever it was, you know, you got to 152, okay?

A. Yes, sir.

Q. Do you have any idea as you sit here, is that from trestle to -- pier to pier on that bridge? Is it one particular spot? Do you have any idea?

A. I'm just going by the channel span or vertical clearance 171 foot Donaldsonville gauge.

Q. Okay. So you don't know as you're sitting here if that's at the green light, if it's to one side or the other side?

A. Well, I know it's not the west bank because we proved that wrong.

Q. Correct. Yeah, correct. The west channel, right. But the channel span, I think it's called on there.

A. Yes, sir.

Q. I can't sort of read it, but I think I know it by heart now.

A. That's the center span and that's what I use.

Q. Right.

A. On every bridge calculation.

Q. So you don't know if that 152, what you calculated, if -- you

see there's like a green light there?
A. Yes, sir.
Q. If it's for there or if it's the low steel at the -- the bridge has a downward slope to it, a little bit of a slope there. You know, so you don't know where that is?
A. No, sir.
Q. Okay. Thank you.
A. Yes, sir.
Q. Sorry, this one will be really quick. Can you find out for us on those handrails, be sure on that, the one on the barge, if those can come out or if they're permanently affixed to the deck?
A. Yes, sir.
UNIDENTIFIED SPEAKER: They're welded.
MR. KUCHARSKI: They're welded? We know that?
Okay. Never mind. We know they're welded. Thank you.
CDR MESKUN: Marquette, Mr. Reisman?
BY MR. REISMAN:
Q. Hello, Mr. Landry.
A. Hello.
Q. The air drafts listed on your internal spreadsheet, do they include a draft reference?
A. No, sir.
Q. Do you know what barge draft corresponds to the air drafts listed on your spreadsheet?
A. Okay, you're asking about the barge draft itself?

Q. Yes, sir.
A. Yeah. No, what I do is I get that information -- in other words, it doesn't change, the stern draft. So I calculate that and that's where it stays. Unless somebody changes it, and that doesn't happen.
Q. Okay. And so what static barge, stern barge draft is reflected on the air drafts that are on your internal spreadsheet?
A. What the current reading is?
Q. No. You have air drafts on your internal spreadsheet, correct?
A. Mm-hmm.
Q. And the air drafts that are listed on your internal spreadsheet, what stern barge draft corresponds with that air draft? Is it based on a 7-foot draft?
A. I don't ask that question. I want to know the total height from water line up. In other words, so I don't ask, well, what's your barge draft. I want them to give me one number.
Q. Yes, sir, I understand that. I want to just go a little slower. The air draft that's on your internal spreadsheet, what -- where is the water line on that barge for that air draft? Is it a 7-foot draft, a 6-foot draft?
A. It doesn't reference that on my sheet. It's the total height of the crane from water line up.
Q. Okay. And so, looking at your internal spreadsheet, it has an air draft number but you can't tell me what the stern barge

draft is for that air draft?

MR. JENKINS: Can we just clarify? I know what you're asking.

What number did you use for freeboard to add to the height of the crane to get to the air draft number you used in your chart?

THE WITNESS: I didn't. In other words, they gave me the total height. They provided that to me, my guys did. My general superintendent Jody Prejean was the one that actually went and measured, okay? What is the total height of the crane? 135.4. That's the number I use. Now, he did tell me what the draft is, but it's not included in my spreadsheet.

BY MR. REISMAN:

Q. And when did Jody Prejean provide you with that information?

A. We redid our spreadsheet right after that accident.

Q. Okay. And did the air draft that's listed on your internal spreadsheet change after the accident?

A. No, sir.

Q. You testified that you know Cooper employees may speculate as to the air draft but, yet, you made the decision not to disseminate accurate information and require it to be known by Cooper employees before the accident; that's correct?

A. Well, I don't know if I'd state it that way.

Q. But it's correct?

A. Meaning that those guys that do that job, meaning my supervisor, I don't want them knowing the air draft. That's not

their job.
Q. But you could require them to know the accurate air draft, correct?
A. I could, but I don't.
Q. And you do know that if they don't know the accurate air draft, it's possible that they could speculate as to the air draft?
A. Just as well as you could.
Q. How was the crane air draft information that you possessed prior to the accident communicated to the dispatcher?
A. Well, as I mentioned earlier, we did it by -- normally, people would call me. Every time we're moving a crane -- not every time, lots of times when we move a crane, we'll get a phone call, can you give me the air draft of that crane? Now, be it the Mr. Ervin, the Hulk, the Bill Hines, the Marilyn G, you can rattle them all off, they'll call and we'll do it by voice, on the phone.
Q. They who?
A. Meaning the dispatcher will call me, this boat wants to know what the air draft of your crane is.
Q. Is there a -- prior to the accident, was there a policy at Cooper for the Cooper dispatchers to call you before they gave an order to move a crane?
A. No, there was no such policy.
Q. How was the crane air draft information that you possessed prior to the accident communicated to the Cooper supervisors, if

at all?
A. We don't communicate that to the Cooper supervisors.
Q. Either before or after the accident?
A. Either before or after.
Q. How was the crane air draft information that you possessed prior to the accident communicated to Marquette, if at all, prior to the accident?
A. Again, I don't deal with Marquette.
Q. Okay, you don't know whether it was ever communicated?
A. Again, I don't deal with Marquette.
Q. How was the crane air draft information that you possessed prior to the accident communicated to the tow boat crews, if at all?
A. Again, I don't communicated with Marquette, the tow boat crews.
Q. But yet, you're the person who keeps the accurate air draft information, correct?
A. That's correct. But I'm not the person that hires the boat.
Q. You performed your clearance calculation during the workday on October 11th, 2018, correct?
A. I'm sorry, what's that again?
Q. You performed your clearance calculation for the Mr. Ervin move under the Sunshine Bridge during the workday on October 11th, 2018?
A. Yes, sir.

Q. So you knew on October 11th, during the workday, that there was insufficient clearance to go through the western span of the Sunshine Bridge with the Mr. Ervin?
A. No, sir. I never calculated that one.
Q. So your internal air draft -- or your internal clearance calculations do not take into account the alternate span of the Sunshine Bridge?
A. Our cranes should never be pushed through an alternate span.
Q. Did you know that prior to the accident?
A. What?
Q. Did you know that your cranes should never be pushed through the alternate span prior to the accident?
A. I've never known our cranes to go anyplace else.
Q. Okay.
MR. JENKINS: Than the center span.
THE WITNESS: Than the center span, yes.
BY MR. REISMAN:
Q. So just to make sure I understand, you didn't -- on October 11th, or anytime before October 11th, 2018, you did -- it was not your custom to calculate clearance on the alternate span?
A. No, sir. Never have.
Q. Because your assumption was that the cranes would always go through the center channel span of the Sunshine Bridge?
A. It's not an assumption. I was over our fleet. We never pushed our cranes through anything but the center span.

Q. Was that a Cooper rule, then, that the cranes could not be pushed through the channel span of the Sunshine Bridge?
A. I don't know why anybody would want to push anyplace else.
Q. Okay. Well, sir, it's either an assumption or it's a rule. Which one is it?
A. Well, I'm assuming, right, but it's a rule. It's never changed.
Q. Sure. Okay. Was that Cooper assumption or Cooper rule ever communicated, to your knowledge, to Marquette?
A. Again, I don't deal with Marquette.
Q. Okay. Was that Cooper assumption or Cooper rule ever communicated to the Marquette boat crews?
A. Again, I don't deal with Marquette.
Q. Was that assumption or rule ever communicated to the Cooper dispatchers?
A. Yes.
Q. Yes. So the Cooper dispatchers, prior to this incident, were instructed that the cranes should only transit through the channel span of the Sunshine Bridge?
A. Let me clarify. When I was over the fleet in Darrow, it was a little bit different setup, okay? Now it's a little bit different setup again. I'm not over the fleets. I don't know what rules or put out there.
Q. What was your position when you were in charge of Darrow?
A. Back then?

Q. Yes, sir.
A. I was vice president.
Q. You were vice president?
A. Of Cooper T. Smith.
Q. Of Cooper T. Smith?
A. Yes, sir.
Q. And you were in charge of Darrow fleeting?
A. Darrow fleet.
Q. And what period of time did that include?
A. The changes came about 2014. So from 2004 to 2014, somewhere in that, they put -- things changed.
Q. Between 2004 and 2014, while you were in charge of the Darrow fleet, is it my understanding that you imposed a rule that the cranes could only transit through the channel span of the Sunshine Bridge?
A. It wasn't my rule. I only took over after someone else.
Q. Okay. So the rule was in place. There was a rule in place, correct?
A. Yes.
Q. And the rule was in place prior to you taking over as vice president at Cooper T. Smith?
A. Yes, sir.
Q. And you continued to enforce that rule?
A. Didn't have to. But it was --
Q. But you know that --

A. -- it was a rule.
Q. Yes, you know that it was a rule. At any point prior to the Sunshine Bridge allision did that rule change?
A. No, sir, not that I'm aware of.
Q. Is it your understanding that all of the Cooper dispatchers should have known that the rule was that the crane should not transit through the alternate span of the Sunshine Bridge?
A. Well, again, there were some changes made. Our dispatchers for Darrow fleet, they sit now in Convent. So, you know, again, I'm not party to any of that. I can't testify for what's going on down there in Convent.
Q. So is it your testimony that you do not know whether there was a rule in place where the dispatchers were supposed to know that the cranes could not go through the alternate span of the Sunshine Bridge at the time of the Sunshine Bridge allision?
A. Again, I don't know. I'm not over the fleet.
Q. Who would know?
A. Well, I'd go to Eric Cooper or Chris Blanchard.
Q. Did you know that the *Kristin Alexis* captain informed the Cooper dispatcher that he was going to run up the west bank of the Mississippi River because his visibility was restricted?
A. No, sir.
Q. If you had heard that a tow boat pushing the *Mr. Ervin* was going up the west bank of the Mississippi River to transit through the Sunshine Bridge, what would you have told the captain?

MR. JENKINS: I object. When you say -- I just want to clarify. When you say travel up the west side of the river going through the bridge, at that point is the assumption that he intends to take the western span and that's conveyed, as well?

BY MR. REISMAN:

Q. Well, if you knew that the -- if the captain had conveyed to you that he was taking *Mr. Ervin* up the west bank of the river, would you have told that captain all right, Captain, but you better be on the east side of the river when you go through the bridge because you can only go through that channel span?

UNIDENTIFIED SPEAKER: I think we're going to sustain the objection. It's speculative here. The Coast Guard -- this is the Coast Guard's investigation. I think for the most part we have what we need on the topics that you've covered. If you want to ask some, you know, cover some additional topics, you can go there now.

MR. REISMAN: Sure.

BY MR. REISMAN:

Q. Mr. Landry, you said after the accident you gave the tow boat companies the air draft of the cranes for reference only. Why did you put that qualifier on your testimony?

A. No, sir, I didn't give it to the tow boat companies.

Q. Well, who did you provide the air draft of the crane to after the accident?

A. Dispatch.

Q. Just dispatch. And why did you put the qualifier for reference only on your testimony?
A. Because it's the tow boat operator's responsibility to determine the air draft as well as the bridge clearance before he moves any object underneath there.
Q. Well, how is a tow boat captain supposed to determine the air draft of the tow?
A. Well, he's supposed to inquire. He's not supposed to assume anything. He's supposed to inquire about it.
Q. And who is he supposed to ask?
A. He's supposed to ask whoever he's discussing moving the equipment with.
Q. The Cooper super?
A. He'd be discussing it with the dispatcher. He wouldn't be talking about it with our superintendent.
Q. So you expect the tow boat captains to talk to the Cooper dispatcher and ask them what the air draft of the crane is?
A. Yes, sir.
Q. And you expect the Cooper dispatcher to use the -- after the accident, you expect the Cooper dispatcher to use the information that you've provided the dispatcher on air draft?
A. Once again, as for reference only. I'd prefer that they call either my general superintendent, my maintenance manager or myself.
Q. And are --

A. Which they've done before.
Q. Okay. And are all three of those gentlemen on duty at night?
A. If the phone rings, you answer it.
MR. REISMAN: That's it.
MR. JENKINS: Can we take a short break? We've been going about an hour and 40 minutes.
CDR MESKUN: Absolutely.
The time is now 9:37. We'll take a 15-minute recess. We're now off the record.
(Off the record at 9:37 a.m.)
(On the record at 9:55 a.m.)
CDR MESKUN: The time is now 9:55. We are back on the record.
I'll turn the floor over to Mr. Jenkins.
MR. JENKINS: Thank you, Commander.
BY MR. JENKINS:
Q. Mr. Landry, I'm going to ask you just some follow-up questions here, and I think we'll be fairly brief. I want to go all the way back to your opening remarks and I just want to have you clarify. You said a few times, you said when we hit the bridge. You made that reference. Can you just clarify here who we was to be and why you used we in that comment?
A. We meaning Cooper Consolidated and our crane.
Q. Okay. But who was in charge in taking the crane at the time of the incident?

A. *Kristin Alexis*, Marquette Towing.
Q. Okay. So your reference to we was simply it was your crane?
A. Yes, sir.
Q. And I will quickly touch on this: The accident date, you said you'd made a calculation. Just so that -- I want the record to be clear. The center span clearance you calculated at 152, the west clearance, or at the spot of contact, you had calculated at 128?
A. Yes, sir.
Q. Okay. I will ask that you please look at the chart that is on the screen now. This is the, I guess, Corps of Engineers chart that we've looked at today and you referenced earlier as something that you have in your office. And you were asked, I believe by Mr. Kucharski, to calculate the clearance of that center span based on the numbers provided. I want to ask you to calculate -- you see in the bottom left corner it says, "West span vertical clearance?"
A. Yes, sir.
Q. The number there is 147. Would you calculate the clearance of that span using 147, taking into account flood stage of 18.3?
(Pause.)
A. It would be 128.7.
Q. Okay. So let me ask you this question: And we'll get into this a little bit more in a minute, but there's been a lot of talk about the number 130 and speculation and what 130 was meant to be

and who said it and so forth. Let's make an assumption here that if 130 was in fact the air draft and that number was dead-on accurate, if he takes the west span that day with a 130 air draft, is he going to hit the bridge?

A. Yes, sir.

Q. Unavoidable?

A. Unavoidable.

Q. The bucket that has been identified as being on the port bow of the crane barge, am I correct that that was the bucket that was used, and then when the new bucket arrived, the new bucket was put on the crane and the one that was on it then became the spare, and that's the one we see in the photograph there on the screen?

A. Yes, sir.

Q. Okay. Why keep a spare?

A. Just in case. We always do, always try to.

Q. And why keep the spare there, at that location?

A. It's out of the way. It doesn't interfere with anything that happens on the deck, moving equipment, buckets around, et cetera.

Q. If you were asked to move that spare, how would you do it?

A. You'd end up having to use the crane. You'd have to use the crane. The bucket that's attached, we have some cables that we put on there, we hook up to the, we would hook up to the spare bucket and move it.

Q. And let's just say that the Mr. Ervin is faced up, connected to a barge -- I mean, a tug, and the tug were to ask you to move

it, but let's assume, too, that the tow is underway northbound on the river, and there's ongoing discussions about moving that bucket. How, under those circumstances, would you move the bucket?
A. We wouldn't, not underway.
Q. Okay. So, what would have to happen, then, as that tow's proceeding northbound, what would have to happen for you to somehow be in a position where you could move the bucket?
A. She'd have to go to -- they'd have to move the crane to a secure location, be it in a fleet, alongside the dock. Also, in clear water because she has water intakes that cool her engines. She has to be in clear water. Well, not clear, sorry, but open water.
Q. And you're referring to -- the water intake, that's related to the generators that would be used to operate the crane?
A. Yes, sir.
Q. And in order for those to operate with that type of water system, it has to, the barge has to be completely stationary and secure?
A. Yes, sir.
Q. About how long would the total process take? Once the barge was safely secured somewhere, how long would it take to move the buckets?
A. Probably a couple hours, give or take.
Q. If the barge and the tug were pulling away or drifting away

from the dock and there was some communication with, at that time, the individual in control of the *Kristin Alexis* that he wanted the bucket moved, if he would have said, guys, I'm coming back to the dock, I'm tying up, I'm not going anywhere till you move the bucket, what would have happened?

A. We would have moved the bucket.

Q. And if in fact there was some rumblings, perhaps, at the lower levels down on the dock and some question about it, eventually, if that request runs up to you, you were the one that makes that decision?

A. Yes, sir.

Q. Would you ever require a tow to make a trip that it felt was unsafe for some reason?

A. No, sir.

Q. By the way, that reminds me of something else. You mentioned earlier that you all have internally made the comfort level for clearance that you all like. You said that you personally are comfortable with 4 feet of clearance as your comfort level, but others maybe would require a little more. I want to ask you, also, is it also important what the comfort level of the vessel making the tow is?

A. Certainly.

Q. And if they have a comfort level that's, say, we're not doing it unless it's 7, well, then that's what you go by?

A. Yes.

Q. They're in control?
A. Yes, sir.
Q. I want to talk a little bit about the structure of Cooper Consolidated because I think there's some confusion over the last couple of days with the word superintendent, supervisor, barge superintendent, stevedore superintendent. I want to sort of get the hierarchy of people that are right under you. So you said that you report to, I believe, Eric Cooper?
A. Yes, sir.
Q. Who is the managing director?
A. I believe he might be executive director.
Q. Executive director. Eric, then there's you, and then who falls directly under you?
A. I have three facility managers, one in Darrow, LaPlace, Belle Chasse, and then I have general superintendents under that, and maintenance falls under me completely.
Q. Okay. So let's look at -- just so -- since these are some names that people here know and have heard about the last couple of days, let's focus on them so that we sort of can apply the facts as we know it to these positions. So Jody Prejean, he falls right under you?
A. Yes, sir.
Q. And what is his position?
A. General superintendent.
Q. Okay. Judson Adams, what is he?

A. He's the vessel superintendent.
Q. Who does he fall under?
A. Jody and (indiscernible).
Q. Okay. So, when you talk about the group of people that have access to or know, you know, for lack of a better term, the firsthand knowledge of the air draft calculations for all the rigs, who are those that possess that information?
A. That would be myself, our facility managers, General Superintendent Jody Prejean, and my maintenance manager.
Q. Okay. And you testified earlier about information you don't want certain positions to have. So I assume, just so that everybody here understands, at the time this work is going on, you've got a big operation going on down there by the river?
A. Yes, sir.
Q. You've got the crane barge, you've got barges being unloaded, at times you can have ships around there. There's a lot of people walking around doing work?
A. Yes, sir.
Q. And there's a lot of people walking around down there that probably have shirts that have Cooper Consolidated on their chest?
A. Yes, sir, about 200 of them.
Q. Okay. So I assume you don't want a situation where you have a tow that comes, a tug that comes in and they just find the closest person they see with Cooper Consolidated and say, hey, can you tell me what the air draft is?

A. No, sir, I don't want that.
Q. Okay. You want some system whereby they call and talk to the right people?
A. That's correct.
Q. Okay. So if someone were to ask, because he was here and we heard from him, Judson Adams, they said, Judson, can you tell us the air draft, what's Judson to do?
A. What he did or what he's supposed to?
Q. Well, what does he do?
A. Well, he just blurted out a number is what he did.
Q. Well, you don't know that he told them that in this situation?
A. No, only after the fact.
Q. No, in this particular instance, do you know that he's the person they asked and told them that?
A. Oh, no, I don't know.
Q. That's what I'm trying to clarify. Your understanding is that, in the past, people, Judson or whomever, according to the vessel testimony, they have in fact been told 130?
A. Yes.
Q. Okay. So, what is Judson -- in terms of the exchange of information here, what is somebody like Judson to do? He's asked what the air draft is, what does he do?
A. He's supposed to call his next up, which would be Jody.
Q. And does Jody have that information?

A. Yes.
Q. And that's the information that's come from you?
A. Yes.
Q. Likewise, if you get a dispatcher that gets a call, I know now they have the list that we've looked at but, again, the dispatcher is not somebody that you necessarily want to freely throw out that information?
A. No, sir.
Q. And so, if the process is the dispatcher, as we heard from yesterday, from Chad Nelson, the dispatcher's got a list of individuals that are there onsite, certain supervisors that they can call, and in this instance they were to call -- let's say Chad were to call -- on the roster, the duty person was Judson Adams, is that right?
A. Yes, sir.
Q. Okay. So they call Judson, so why is it that the person that they call on the list is someone with a position such as Judson?
A. I don't know.
Q. Well, let me ask you, the dispatcher's job, is that to primarily coordinate the logistics of the movement of vessels?
A. That's correct.
Q. And would Justin be someone that would be able to update them on the status of an offloading procedure, unloading procedure and to let them know sort of when they're going to need the boats to come?

A. Yes, sir, because he's running the operation.
Q. Okay. So that communication is primarily for logistical purposes?
A. Yes, sir.
Q. Okay. So again, if Chad Nelson gets a call from a vessel that says we need to know the air draft of the *Mr. Ervin*, if Chad Nelson were to call the duty person, he would call Judson, and then am I correct that the process would take place as you just described it, Judson should contact his immediate supervisor?
A. Either he'll contact them or he'll tell the dispatcher you need to call Jody. Because at the bottom of our night order it shows who's on duty.
Q. So at the risk of having, you know, everybody with Cooper Consolidated on their shirt running around down there throwing out numbers on air drafts, you've got a process whereby, with one to two calls, perhaps, you can find out the information from the people that have the real knowledge?
A. Yes, sir.
Q. And that may take 5 minutes?
A. It could, yes, sir.
Q. And in the process of coming in to get a boat and untie and retie and secure and prepare for a voyage, 5 to 10 minutes even is a very short period of time?
A. Yes.
Q. When the number -- do you know the height of the crane from

the deck to the highest point?
A. Yes.
Q. What is that?
A. The engineering drawings show 128-foot-6-inches.
Q. Okay. So if witnesses here were to testify that they understood that the height was about 130 from deck to top, if that number 130's been thrown around, that would actually be consistent with the height of the crane from the deck?
A. Yes, sir.
Q. And somebody like Judson, in his job, is he more likely to know the height of the crane in that situation than he is to know some calculation based on air draft?
A. That's correct.
Q. And do you see air draft as being more of a navigational issue?
A. Yes, sir.
Q. And Judson has nothing to do with navigation?
A. No, sir.
Q. He has nothing to do with -- does he have anything to do with maintenance?
A. No, sir.
Q. So the technical engineering side of the barges, that is completely outside of his scope of responsibility?
A. Yes.
Q. You were asked earlier about whether there was a written

policy or rule in place as to the center span. And let me ask you, of these various trips that you talked about, you said 12 roundtrips where the Mr. Ervin has had to pass through the Sunshine Bridge, to your knowledge have they ever used the western span?

A. To my knowledge, no, sir.

Q. Did you assume that you didn't need a written rule, that, you know, that it was sort of well known and established procedure that you simply took the center span when you were towing something that large?

A. Yes, sir.

Q. When you calculated the air draft that are in the new list that you have, you obviously had to include a number for freeboard. What number did you use?

A. Well, 7 foot. For the crane?

Q. Right. Okay. So you used 7 foot?

A. Yes, sir.

Q. All right. And so that is -- so that would be the 7 added to the 128.3, is how you come up with the 135.3?

A. Yes, sir.

Q. And you round up for your chart to 136?

A. Yes, sir, we do.

Q. And that draft, because the ballast is usually at the bow, and the crane at the stern pretty much remains steady as to the draft at that part of the barge, that air draft number is not

really going to change very much at all?
A. No, sir.
Q. Kyle Smith's survey that we looked at earlier, when was that prepared?
A. I think that was the Saturday after the incident, if I recall correctly.
Q. Okay. So that was post accident?
A. Yes, sir.
Q. And that was prepared for the purpose of determining the damage to the crane barge?
A. Yes, sir.
Q. Is there any reason why somebody like Judson Adams would ever have access to that or a reason to see it?
A. No, sir.
MR. JENKINS: I don't have any further questions. Thank you.
CDR MESKUN: Thank you.
Mr. Kucharski?
BY MR. KUCHARSKI:
Q. Now I'm a little bit confused by some of these questions here, and the answers, but maybe not. So the 130 feet is from the deck to the top, yeah?
A. Rounded up, yes, sir.
Q. Rounded up. Okay. But you need freeboard, you need to know freeboard to get air draft, right?
A. Yes, sir.

Q. Okay. So if the captain is given 130 foot and if this is supposed to be from the deck to the top, he would have to know the freeboard to calculate air draft, correct?
A. Yes, sir.
Q. Where would he get the air draft -- where would he get the freeboard from if it's not on the side of the barge? Would he get that from dispatch? Who would he get that from?
A. It's on the side of the barge.
Q. Well, we can pull up the picture again that shows the draft marks.
A. Well, it shows you the draft of the barge, but you're right, you've got to know the depth of the barge, as well.
Q. Right. Okay. Well, you know, you have to eyeball it, I guess, you know, and it sort of continues past that. I see 13 is the number there, and then there's something past that. So we'd have to --
A. At the top of 13 is 13'6. Another 6 inches -- actually, another 12 inches gives you --
Q. Okay. So they'd have to -- if they're facing up at night, they'd have to go by and look at the draft, look at the freeboard there, and then apply that to 130 foot, if he's given the distance from the deck to the top?
A. That's correct.
Q. Okay. Is there a flowchart of the Cooper personnel, you know, all these people reporting?

A. Like an organizational chart?
Q. Yeah, an organizational flowchart.
A. Yeah, there's one. I couldn't tell you how to print it out, but there is one somewhere.
Q. Okay. That may help in further questions down the line, just to see a flowchart, so we don't have to ask repetitive questions, just so we see where all these -- your explanation is very helpful but, you know, now trying to see it all now pictorially would be helpful. Appreciate it. Thank you.
CDR MESKUN: Earlier today, some of the attorneys passed around the Cooper fleeting rules and regulations dated November 5th, 2018. I believe we referred to it or at least mentioned it, so I actually wanted to open it up --
Does Marquette have a copy of this, as well? Okay.
BY CDR MESKUN:
Q. On page 5, paragraph number 5, "Mooring of Derricks in Fleets," was any or all of this policy in effect for the time of the accident?
A. I don't know what was altered, what was revised in this, so I would suggest you ask the fleet person.
Q. Okay. That's fine. That's a good answer. Do you know how the barge was moored at the fleet prior to the *Kristin Alexis* picking up the barge?
A. You mean at CMT's dock?
A. At CMT's dock.

A. We use our winch wires there to secure the vessel. The reason why we do so is because it keeps the crane steadier as opposed to using soft line. So you're not following this rule here. This is whenever the crane has been placed in the fleet for maintenance purposes, just to standby, waiting for the next operation to come about, the next job to come about.

CDR MESKUN: Mr. Jenkins, did you have --

MR. JENKINS: Nothing else.

BY CDR MESKUN:

Q. Okay. Yeah. And I did not intend, you know, for that to be a repetitive question. I guess, specifically what I wanted to ask, and you may not know the answer to this question, but was there a single part on that mooring, the soft line that was there, or was it a multiple-part line?

A. I couldn't tell you.

Q. Okay. Thank you.

CDR MESKUN: Mr. Kucharski?

MR. KUCHARSKI: Lieutenant [redacted] could you bring up that -- we've called it a chart, but I believe it's a map book, and it's a diagram of the bridge. Okay.

BY MR. KUCHARSKI:

Q. I think I asked you before about where that -- you have the calculations that you performed, okay? And I think you said it was about 128 feet for the western channel?

A. Yes, sir, that -- yes.

Q. But when you said that it could not have made it under, the crane could not have made it under the bridge, that was based on the calculation there, correct, that you performed, 128?
A. Yes, sir.
Q. But you don't know where that actual 128 foot sits on that bridge, if it's at the green light, if it's towards the east? You don't know where that actually is?
A. No, sir.
Q. Thank you.
CDR MESKUN: I would like to enter this Cooper fleeting rules and regulations as IO Exhibit 119. Are there any objections?
MR. JENKINS: No objection.
(IO Exhibit 119 received in evidence.)
CDR MESKUN: Thank you.
The time is now 10:18. We'll take a short 10-minute recess. We're now off the record.
(Whereupon, at 10:18 a.m., the testimony was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:	*KRISTIN ALEXIS*/BARGE *MR. ERVIN* ALLISION WITH THE SUNSHINE BRIDGE DONALDSONVILLE, LOUISIANA OCTOBER 12, 2018 Interview of Wendell Landry
ACCIDENT NO.:	DCA19FM003
PLACE:	Gonzales, Louisiana
DATE:	May 8, 2019

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.

[redacted]
Lisa Fuerstenberg
Transcriber