

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

*

KRISTIN ALEXIS/BARGE MR. ERVIN *

ALLISION WITH THE SUNSHINE BRIDGE * Accident No.: DCA19FM003

DONALDSONVILLE, LOUISIANA *

OCTOBER 12, 2018 *

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Interview of: BRANDON PAYNE
Senior Deckhand, *Kristin Alexis*

Lamar Dixon Expo Center
Gonzales, Louisiana

Monday,
May 6, 2019

APPEARANCES:

CDR MATTHEW MESKUN, Lead Investigating Officer
United States Coast Guard

CWO4 [REDACTED] [REDACTED] Investigating Officer
United States Coast Guard

LT [REDACTED] [REDACTED] Hearing Recorder
United States Coast Guard

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P R O C E E D I N G S

(2:07 p.m.)

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2
3 CDR MESKUN: The time is now 2:07 p.m. And we'll call our
4 next witness, Mr. Brandon Payne.

5 LT [REDACTED] Please stand and raise your right hand.
6 (Whereupon,

7 BRANDON PAYNE

8 was called as a witness and, after having been duly sworn, was
9 examined and testified as follows:)

10 LT [REDACTED] Please be seated. For the record, please state
11 your full name and spell your last into the microphone.

12 THE WITNESS: Brandon Aaron Payne, P-a-y-n-e.

13 LT [REDACTED] Please identify counsel and confirm
14 representation.

15 THE WITNESS: Raymond Waid and David Reisman of Liskow &
16 Lewis for Marquette Transportation Company Gulf Inland.

17 INTERVIEW OF BRANDON PAYNE

18 BY CDR MESKUN:

19 Q. Good afternoon, Mr. Payne. Please describe for us your
20 maritime career, how long you've been working on the boats, what
21 kind of experience and background you have.

22 A. I've been working on the boat right now about 8 months,
23 almost 9. I'm a senior deckhand. This is my first job on the
24 water with Marquette.

25 Q. Thank you. Can you please describe to us the situation on

1 October 11th, October 12th, right before and up to and leading to
2 the accident with the Sunshine Bridge?

3 A. Yes. I was asleep whenever it hit the bridge, and I got woke
4 up by the general alarm and the stopping of the boat.

5 CDR MESKUN: Okay. Thank you. We will now proceed with some
6 additional specific questions. If you feel like you don't know
7 the question, please feel free to say so. Or if you don't
8 understand us, please ask us and we will reword the question. And
9 I'll turn it over to Mr. [REDACTED] to ask those questions.

10 BY MR. [REDACTED]

11 Q. Good afternoon. So you were asleep when the accident
12 happened, but you were actually on watch when the *Kristin Alexis*
13 picked up the crane, *Mr. Ervin*?

14 A. Yes.

15 Q. Could you talk through from everything you can remember as
16 you're approaching to pick up the crane through the time that you
17 actually picked up the crane? Describe all the events that
18 happened?

19 A. Well, we was on watch: me, Jeremy Cooper, and Captain
20 Desmond. And he had called on the radio and told me and Cooper
21 that we was going to be picking up the crane. And when we got to
22 the crane, we was on the side of it because he noticed that the
23 bucket was there and stuff. And me and my partner Jeremy, we was
24 on the crane at the time, and we was talking to the Cooper guys
25 and telling them that the bucket was in the way and all that.

1 And then that's whenever -- they was already cutting the
2 lines loose on the stern, the Cooper guys were. And that's when
3 the captain was coming to the stern to face-up at that time,
4 because the barge was already starting to move from them cutting
5 the lines loose. Because we usually don't cut the lines loose
6 until after we're all faced up and the captain has full control
7 over the barge. So we was trying to hurry up and face-up, and
8 then that's whenever the -- he noticed that the bucket was really
9 in the way and he couldn't really see. And we told the Cooper
10 guys, we asked them if they could move it, me and Jeremy. And
11 they said that they're not moving the bucket.

12 And then Desmond -- I told Captain Desmond what they said,
13 and he asked, just ask them again. So we asked them again, and
14 the crane operator, I'm guessing it was because he come down from
15 the crane, he said he don't care if we hit something, that he's
16 not moving the bucket. So I told that -- I repeated what he said
17 to the captain, Desmond, and he said that he was going to get in
18 touch with dispatch and see if they can move it. And then he come
19 over the radio and said that Memphis was going to call us on the
20 radio and tell his guys to move the bucket.

21 And we was standing right next to their guys when Memphis
22 called, and he said for them to move the bucket. And they said
23 that they wasn't, so I had told Memphis that they wasn't moving
24 the bucket. And he said that he was going to call their cell
25 phone personally. And we was standing right there, and he called

1 one of their guys. And we seen Memphis' name pop up on his phone,
2 and he ignored the call. And they had got off, and they cut the
3 last line loose on the barge. And we floated by the dock for
4 maybe 20 minutes after. And then Captain Desmond said that we was
5 going to proceed because they was going to have a crew boat come
6 with the Cooper guys and move the bucket a little bit down.

7 Q. Okay. When you said you were on the barge, so -- or let me
8 back up. You were -- you said he first pulled up next to the
9 barge. So when you say next to, you mean, like, on the port side
10 of the barge?

11 A. Yes, sir. On the port side.

12 Q. Okay. So like, side to side.

13 A. Yes, sir.

14 Q. At what point did you and Mr. Cooper get onto the barge?

15 A. When he was on the side, we had already stepped off.

16 Q. On the side?

17 A. Yes, sir.

18 Q. Okay. So he -- so when did he move to the stern?

19 A. Right after we had stepped off onto the barge and we was
20 talking to the crane guys and stuff about the barge and
21 everything, making sure everything was good to go on it, and that
22 they was completely done with it.

23 Q. Did somebody hook wires from the *Kristin Alexis* up to the
24 *Mr. Ervin*?

25 A. Yes, after he went to the stern.

1 Q. That was -- who was that?

2 A. That was me.

3 Q. Okay. And at that time, were lines coming off of the barge?

4 A. The lines were already off on the stern of the barge.

5 Q. You mean -- when you say the stern, the stern going to the
6 dock, correct?

7 A. To the dock. Yes, sir.

8 Q. And then who did you ask to move the bucket?

9 A. The crane operator.

10 Q. The crane operator. Do you know his name or --

11 A. I'm not sure what his name was.

12 Q. -- what company he worked for specifically?

13 A. I'm guessing it was Cooper, because he come from the crane.
14 I seen him come down the stairs on the crane, so I'm guessing it
15 was Cooper.

16 Q. But he was the one that was in communications with Memphis?

17 A. Yes.

18 MR. [REDACTED] Do you guys have any questions about the
19 evolution before I go through the other questions?

20 BY CDR MESKUN:

21 Q. You just indicated that it might have been a Cooper employee
22 that came down some stairs. Was that, like, on the crane itself,
23 like the pedestal of the crane?

24 A. Yes, sir.

25 Q. And then what did that person do after they left the stairs?

1 A. They was getting all their stuff ready, like their ice chest
2 and stuff out of -- from underneath the little crane part. I
3 guess it'd be there little break area. They was getting their ice
4 chest and stuff, getting ready to get off.

5 Q. Okay. Can you describe for me maybe, like, the duration of
6 time? How long did this take from when you got alongside and got
7 on the barge to, you know, getting those first wires put on and --
8 can you describe that?

9 A. Probably about 10, 15 minutes from the side of the barge to
10 getting underneath it to put the face bars on. Because we was in
11 a hurry.

12 Q. Is that time frame similar to a normal operation of doing
13 that?

14 A. Well, usually we -- if we're moving just a regular barge,
15 we're already underneath it and we put our face bars on before we
16 cut anything loose. So we're not really in a hurry to do nothing.
17 We usually take our time.

18 Q. Okay. And then at what point -- somebody indicated that the
19 lines may have been dropped off the stern of the *Mr. Ervin* crane
20 barge. Were those lines dropped before you guys got on or after?

21 A. Yes, sir. They was dropped when we was on the side. That's
22 what made us hurry up and have to get underneath it and face-up.

23 Q. Okay.

24 CDR MESKUN: Mr. Kucharski, any questions?

25 MR. KUCHARSKI: No, I don't have anything.

1 BY MR. [REDACTED]

2 Q. Okay. What kind of condition was the -- or how many types of
3 boats have you worked on?

4 A. Whenever I first came to Marquette, I worked on one other
5 boat.

6 Q. One other boat. So what kind of condition would you consider
7 *Kristin Alexis* to be in?

8 A. Good condition.

9 Q. Good condition? Any problems with the vessel that you knew
10 of?

11 A. No, sir.

12 Q. You ever hear the pilot or the captain talk about problems?

13 A. No.

14 Q. Or anybody else talk about problems?

15 A. No.

16 Q. Can you describe your relationship with the other crew
17 members?

18 A. I'd say we all have good relationships on there. We're like
19 family.

20 Q. And how much have you worked with Captain Smith?

21 A. He was my first captain whenever I came over to Marquette.

22 Q. So you said that was 8 months?

23 A. Well, at the time of the accident, I had only been on the
24 boat for 2 months to 3 months. So about a month and a half, I've
25 worked with Captain Desmond.

1 Q. And how was he the day of the accident? Was there anything
2 out of the ordinary with him?

3 A. No, sir. He was fine.

4 Q. Compared to any other day, did he seem fatigued or anything?

5 A. No. He seemed fine.

6 Q. Did you -- with any of the other crew, was there anything
7 different that day than any other day?

8 A. No, everybody seemed fine on the boat.

9 Q. Okay. How well did you get to know Captain Picquet?

10 A. I know him pretty good.

11 Q. You know him pretty good?

12 A. Yes, sir.

13 Q. Was there anything different with him that day?

14 A. No, sir. It was like any other day.

15 Q. Before this trip, have you worked with Captain Picquet?

16 A. Yes, sir.

17 Q. You have?

18 A. Yes, sir.

19 Q. How much, how -- just a grouping -- cumulative?

20 A. I've worked with him about 2 weeks.

21 Q. Two weeks?

22 A. Yes, sir.

23 Q. Before this trip?

24 A. Yeah, before.

25 Q. So about a month in total?

1 A. Yeah, I guess you could say about a month.

2 Q. What kind of training as a deckhand do you get on identifying
3 safety hazards or safety in general? What kind of training does
4 Marquette provide you?

5 A. We have a 2-day orientation at the office of Marquette. And
6 1 day is in the classroom learning -- going over safety points,
7 like man overboard, rigging, slips or falls, all of our safety
8 stuff. And then the next day, we have where we go out -- they got
9 the mock of, like, a barge. And you go out there and lay wires
10 and learn all your rigging and how to do everything. And then you
11 go to a boat after that, and they show you a rundown on the boat.
12 And everybody on there works slower with you and teaches you
13 everything.

14 Q. Did they ever talk about -- or did they train their deckhands
15 about stop work, stop work authority?

16 A. Yes, sir. That's the first thing they talk about.

17 Q. Okay. So they gave you a card as well?

18 A. Yes, sir.

19 Q. Did you see anything dangerous or unsafe with the evolution?

20 A. No, sir. Not that I know of.

21 Q. In the 8 months that you've been working for them, have you
22 pushed the big crane barges like the *Mr. Ervin* or the *Mr. Hulk*
23 before?

24 A. Yes, sir.

25 Q. How many times?

1 A. Maybe five.

2 Q. Okay. The way that the captain attached to the barge that
3 night, is that how it was typically hooked up to be pushed?

4 A. Yes, sir. That's usually how we do it.

5 Q. Okay. Could you describe how the barge was -- or the tug was
6 attached to the barge?

7 A. It was on the port side for both the face bars, because I've
8 asked the head captain before, Jared LaFrance, why he gets on the
9 port side instead of the starboard side. And he said because of
10 the face bars, the way the cavels are set up on the barge, it
11 holds better like that. You can't have them spread out too much.

12 Q. What was the name of the -- what name did you just reference?

13 A. Jared LaFrance.

14 Q. And he is?

15 A. The head captain on the *Kristin Alexis*.

16 Q. Throughout your watch, what's your normal routine and duties
17 that you perform?

18 A. When we first come on watch at noon, we do our JSBs. We do
19 watch change protocol, which is our reliefs tell us what's going
20 on and what needs to be done and stuff. And then we'll ask the
21 captain, and we'll talk about everything that we're about to do.
22 And then we go and do our normal work.

23 Q. Do you as a deckhand participate in the -- what they -- a
24 thing called GAR model?

25 A. Yes. Yes, sir.

1 Q. Okay. And the scoring system, how much training do you get
2 on that?

3 A. In our orientation on the first day, they show us, like,
4 pictures of it and they explain a little bit. But when we go to
5 the boat is when we really get good on how to do a GAR and stuff.
6 Whoever's higher up on the boat on that watch will show you how to
7 do it.

8 Q. So what, so what would the typical positions be that are
9 training you as a deckhand or showing you how to do the GAR?

10 A. It's whoever is higher up. Like on my boat --

11 Q. By their position.

12 A. My boat was the mate.

13 Q. Mate?

14 A. Yes, sir.

15 Q. Was there anything else you noticed out of the ordinary about
16 the evolution of you guys picking up the *Mr. Ervin*?

17 A. No, sir.

18 Q. Was it the Cooper, employees of Cooper, that released the
19 lines?

20 A. Yes, sir. I'm guessing it was Cooper employees. They were
21 the ones that was on the crane working.

22 Q. So it was the people on the crane that released the lines to
23 the pier?

24 A. Yes, sir.

25 Q. Did you ask for or overhear anybody talking about the

1 dimensions of the crane?

2 A. No, sir.

3 Q. Particularly to, like, height?

4 A. No, sir.

5 Q. Nobody talked -- in the past, had you ever heard anybody --

6 A. Yes, sir.

7 Q. -- talk about the height of the crane?

8 A. Not on this particular day, but whenever we do push cranes,
9 yes. The head captain, he usually does ask what the dimensions
10 are and stuff.

11 Q. Had you ever pushed the crane with Captain Smith before?

12 A. No, sir.

13 Q. Have you -- had you ever overheard anybody say the height of
14 the crane?

15 A. No, sir.

16 Q. You mentioned the bucket, or we discussed the bucket before.
17 Since you have pushed the crane before, was the -- was that bucket
18 -- do you recall if that bucket was there before or not there
19 before?

20 A. No, sir. There's usually never no bucket blocking the way of
21 where they see at and stuff.

22 Q. Did you notice anything else different with the configuration
23 of the barge that day compared to any other day?

24 A. No, sir.

25 Q. How was the lighting at the pier during the evolution?

1 A. Normal. It was --

2 Q. Okay. So you had good visibility of the crane?

3 A. Yes, sir.

4 Q. Were there any weather conditions that day? Could you
5 describe the weather?

6 A. No, sir. The weather was good outside.

7 Q. When the vessel -- when you -- when the vessel was getting
8 underway, can you -- so after it's tied off and getting underway,
9 can you describe the next 15 to 20 minutes, what you did, what you
10 heard?

11 A. After the -- after everything was cut loose and the vessel
12 was underway, we sat there for about 15 to 20 minutes figuring out
13 what they was going to do about the bucket. And that's when my
14 release relieved me. So I don't know what happened underway
15 because I was relieved already.

16 Q. And relieved -- where were you at when you got relieved?

17 A. I was on the boat coming back to get batteries for our amber
18 light, which is the yellow light in the middle.

19 Q. Okay. When you say on the boat, do you mean the barge or the
20 boat itself?

21 A. No, the boat itself.

22 Q. The boat?

23 A. Yes, sir.

24 Q. Was anybody on the barge?

25 A. Yes, sir. My partner, Jeremy Cooper, was.

1 Q. And what was his duties?

2 A. He was looking out, making sure that he didn't have nothing
3 coming and everything was all right.

4 Q. Okay. So before you were coming back to get the batteries,
5 were you out on the barge looking out as well?

6 A. Yes, sir.

7 Q. To be a lookout, what kind of stuff are you looking out for?
8 You just said anything coming?

9 A. Basically any tows or boats, or if the captain doesn't see
10 anything and it's coming up quick, we tell him just to kind of
11 keep it open in front of him in case he can't see nothing, like
12 that night.

13 Q. Had you received any training before standing the lookout
14 watch?

15 A. No, sir. No.

16 Q. So as far as your training on safety, did you -- on that
17 evening, did you feel anything was unsafe?

18 A. No, sir.

19 Q. Do you feel that the company, Marquette, had an adequate
20 training program that you were safe to work out there?

21 A. Yes, sir.

22 Q. And that they have a good safety program?

23 A. Yes, sir.

24 MR. [REDACTED] I think that's all I got.

25 CDR MESKUN: Mr. Kucharski?

1 MR. KUCHARSKI: Thank you, Mr. Payne. Thank you for coming
2 this afternoon. Just a few questions.

3 BY MR. KUCHARSKI:

4 Q. Were you ever asked to read the drafts on either the barge or
5 the tugboat?

6 A. Yes, sir.

7 Q. And did you give them to somebody on the bridge?

8 A. No, sir.

9 Q. The wheelhouse?

10 A. No, sir. They didn't ask us on this barge, but I've been
11 asked on different barges.

12 Q. Okay. So you have on other barges and -- how about the
13 tugboat? Did you ever read the drafts on the tugboat?

14 A. No, sir. They've never asked for that.

15 Q. Okay. So just another barge you've been asked to read the
16 drafts.

17 A. Yes, sir.

18 Q. But not on this particular occasion.

19 A. No, sir.

20 Q. Have you been -- were you on a Marquette vessel -- you said
21 two vessels you were on for Marquette?

22 A. One other one besides the *Kristin Alexis*.

23 Q. Right. Did any of the captains refuse -- or captains or
24 pilots refuse to take on a tow or stop work? Either one?

25 A. Not at that time, no. But I have had captains recently

1 not -- refuse a tow because of the water current, where they had
2 said he didn't want to work a tow there, so he refused it.

3 Q. This is after the accident.

4 A. Yes, sir.

5 Q. Okay. But not before the accident.

6 A. No, sir.

7 Q. I'd like, again, to look at Exhibit 51, Page 21. Here we go.
8 You assisted with tying up the *Kristin Alexis* to the *Columbia*?

9 A. Yes.

10 Q. The *Mr. Ervin*? Yeah, the barge I think is the *Columbia*. Did
11 you actually put the wires up on the cavels?

12 A. Yes, sir.

13 Q. You did? Okay. Did Captain Smith ask you anything about
14 making up on the starboard side?

15 A. No, sir.

16 Q. Didn't ask at all. Didn't ask you if it was possible or
17 anything like that?

18 A. No, sir.

19 Q. Did he actually comment to you about why he could not make up
20 on the starboard side?

21 A. Not that I can recall.

22 MR. KUCHARSKI: Okay. No further questions. Thank you.

23 CDR MESKUN: Mr. [REDACTED]

24 MR. [REDACTED] On either the *Hulk* or the *Mr. Ervin*, have you
25 ever seen somebody push those made up on the starboard side?

1 THE WITNESS: No, sir.

2 MR. KUCHARSKI: Sorry, one more follow-on.

3 BY MR. KUCHARSKI:

4 Q. You were on the *Kristin Alexis* for -- let's see -- let's
5 concentrate with the *Kristin Alexis*. Were you on board when the
6 *Mr. Ervin* was towed another time or pushed ahead?

7 A. Yes, sir.

8 Q. And it was on the port side that the, that the towboat made
9 up?

10 A. Yes, sir. We always do the port side.

11 Q. Tell us about the bucket. Was there a big bucket there at
12 that other time?

13 A. No, sir. Not that I can remember. It's usually always in
14 the middle.

15 Q. I'm sorry?

16 A. It's usually always in the middle.

17 Q. The bucket's in the middle?

18 A. Yes, sir. Every time I've been on one, it's always been in
19 the middle of the crane barge.

20 Q. So where's -- okay, you have the pedestal to the crane.
21 Maybe we could look and -- take a look at that picture. Refresh
22 your memory. It looks like the pedestal is pretty close to the
23 middle, so --

24 A. Yes, sir.

25 Q. -- where would they put the bucket? Forward of it, or where

1 would they put the --

2 A. Yes, sir. In front of it.

3 Q. Okay. So your recollection is that the time -- the last time
4 or other time. Was it just once?

5 A. Yes, sir.

6 Q. That there was no big bucket in front or on the deck -- let
7 me put it that way. On the deck of that barge.

8 A. No, sir.

9 Q. Okay. Thank you.

10 CDR MESKUN: I don't know if it might help to clarify that
11 last question, but [REDACTED] do you have the picture where we can see
12 the bow, the forward end of the barge? Same exhibit, Number 51,
13 page number 23. The one that comes straight on, dead ahead.

14 LT [REDACTED] 24.

15 CDR MESKUN: Page 24. Thank you.

16 BY CDR MESKUN:

17 Q. Does that picture help you to describe where the bucket's
18 located better?

19 A. Yes, sir. It's usually right there in the middle.

20 Q. Right in the middle of the barge.

21 A. Yes, sir. There's never one on the side, usually.

22 Q. I just have one question for you. Sometimes guys on the boat
23 will talk, right?

24 A. Yes, sir.

25 Q. What is the general feeling of Marquette's safety policies?

1 Are they embraced? Are they implemented?

2 A. Yes, sir.

3 Q. Okay. Thank you.

4 CDR MESKUN: That's all I have. I'll turn it over to Cooper,
5 Mr. Wogan.

6 MR. WOGAN: Thank you.

7 BY MR. WOGAN:

8 Q. Mr. Payne, my name is Ford Wogan. I represent Cooper
9 Consolidated. How many buckets do you remember being aboard the
10 *Mr. Ervin*?

11 A. I'm not for sure.

12 MR. WOGAN: Okay. Lieutenant [REDACTED] could we pull up
13 Exhibit 47, page 4, please?

14 BY MR. WOGAN:

15 Q. So this is a daily boat log from October 3, 2018. So about a
16 week before the incident. And we've got about a third of the way
17 down the entries, at 1200, it says, remarks, L. LaFrance, Edward
18 R., and B. Payne on. You see that?

19 A. Yes, sir.

20 Q. Okay. And that indicates that's you coming on watch for the
21 day, correct?

22 A. Correct.

23 Q. Okay. And then two down from that, you see the entry that
24 says, re-spot LMO and spot *Mr. Ervin*?

25 A. Yes, sir.

1 Q. Okay. Could you briefly describe what you all were doing for
2 that activity?

3 A. I don't recall, but if I'm -- yeah, I don't recall.

4 Q. Okay. But it's my understanding of your testimony that that
5 big crane bucket that's out on the port side, the port bow of
6 *Mr. Ervin*, that wasn't there on that day either?

7 A. I don't recall that.

8 Q. You just don't know one way or another?

9 A. No.

10 Q. Okay. Do me a favor and flip two pages to Page 6. This is a
11 daily boat log for October 5, 2018. Again, same thing. About a
12 third of the way down, it shows you, Mr. LaFrance and Edward R.
13 coming on. You see that?

14 A. Yes, sir.

15 Q. And then two spots down from that, it says, shift *Mr. Ervin*
16 to Zen-Noh. You see that?

17 A. Yes, sir.

18 Q. What does that entry describe?

19 A. Zen-Noh would be -- I don't really know how to explain it.
20 Like one of the docks, kind of, down there at 164 that we put on
21 there. And then we bring barges through it.

22 Q. Right. When you, when you did this operation, this shifting
23 in this -- at 1200, you're on hitch, right?

24 A. Yes, sir.

25 Q. You're on watch. This shift happens at 1255 until 1520 in

1 the afternoon, correct?

2 A. Yes, sir.

3 Q. Okay. When you do this shift, how is the *Kristin Alexis* tied
4 up to the *Mr. Ervin*?

5 A. It's on the port side.

6 Q. It's on the port side.

7 A. Yes, sir.

8 Q. Does it say where you pulled the *Mr. Ervin* off of? Looks
9 like it's CMT.

10 A. I'm not sure where the CMT dock is.

11 Q. Okay. That's fine. When you, when you did the shift down to
12 the *Zen-Noh*, it's your testimony that that port bucket that we saw
13 in the picture earlier, that wasn't in that location?

14 A. Not that I recall of.

15 Q. Okay. And then look about five entries down. There's an
16 entry at 2145 that says, spot *Mr. Ervin* again. Same question.
17 You don't recall whether or not the port bucket was in that
18 location.

19 A. No, sir.

20 Q. Okay. And you don't know -- you can't tell me how many
21 buckets were regularly maintained aboard the *Mr. Ervin*.

22 A. No, sir. I usually don't count the buckets on them.

23 Q. That's fair. How many times prior to -- we just went over
24 three different entries. How many other times prior to the
25 October 11 incident had you shifted or worked with *Mr. Ervin*?

1 A. A couple times. We bring barges to it -- to the *Mr. Ervin* a
2 lot. And we had moved it a few times before.

3 Q. And you never once noticed that big crane bucket on the port
4 bow?

5 A. No.

6 Q. Okay. But you said earlier that the bucket was not where it
7 was supposed to be. Did someone ever tell you that the bucket was
8 not supposed to be stored on the port bow?

9 A. I don't recall saying that it's not supposed to be there. I
10 just recall it usually not being there.

11 Q. Okay. It should have been, in your opinion or from what you
12 understood, more in the center of the barge?

13 A. Yes, sir.

14 Q. Okay. Let's talk about -- let's go back, and I just want to
15 make sure that I've got it visually correct in my head. But when
16 you show up on October 11, right, we've got -- and I'm going to
17 use my hands, and let me know if I'm confusing you or if I'm not
18 doing it right. But you have the *Mr. Ervin* that's alongside the
19 CMT dock, right?

20 A. Yes.

21 Q. Okay. Does the *Kristin Alexis* come from upriver or
22 downriver?

23 A. If I recall, it come from upriver.

24 Q. Okay. So you come upriver, and then you actually come
25 alongside the *Mr. Ervin*. And are you perpendicular or are you

1 parallel to it?

2 A. Parallel to it.

3 Q. You're parallel to it.

4 A. Yes, sir.

5 Q. Okay. Are you -- is it your port or starboard side of the
6 *Kristin Alexis* to the port side of the *Mr. Ervin*?

7 A. Starboard side.

8 Q. Starboard side. Okay. So you all actually kind of circle
9 around and come --

10 A. Yes, sir.

11 Q. -- alongside. Okay. Now when you do that, when you come
12 alongside, do you notice how many winches or lines are out to the
13 CMT dock?

14 A. I'm not sure. All I know is it was lines. They didn't have
15 no winches.

16 Q. Okay, so it was just mooring lines?

17 A. Yes, sir.

18 Q. All right. But you don't know how many.

19 A. No, sir.

20 Q. Okay. Had you ever done this procedure before, where you'd
21 come alongside and taken the *Mr. Ervin* off of the CMT dock to
22 previously notice whether -- how many mooring lines may have been
23 out there?

24 A. No, sir. I'm not, I'm not for sure.

25 Q. Okay. Prior to getting alongside the *Mr. Ervin*, did you have

1 any meetings or conversations with Captain Desmond and the other
2 deckhand about what you all were about to do?

3 A. Yes, sir.

4 Q. Where did you all have that conversation?

5 A. Over the radio for Desmond. He told us, like, that we was
6 going to be taking the crane barge, to check with the employees on
7 there and make sure everything was good to go.

8 Q. Okay. Did you have -- it was referred to earlier as a GAR
9 meeting or a GAR. Did you have a GAR for this procedure?

10 A. No, sir.

11 Q. Okay. The only communication you had regarding what you all
12 were about to do was over the radio before you arrived alongside
13 the *Mr. Ervin*?

14 A. Yes, sir.

15 Q. Okay. And then did you ask any questions about what you were
16 supposed to do once you got alongside the *Mr. Ervin*?

17 A. No, sir.

18 Q. Did Captain Smith explain to you, hey, here's what's going to
19 happen; you're going to hop aboard, we're going to do the lines,
20 or you're going to run the lights up? What did he say to you
21 about that?

22 A. Yes, sir. When we get -- when we got beside it, he had told
23 my partner, Jeremy Cooper, which was higher up than I was. And he
24 had told him that we was going to make sure everything was good to
25 take, and to drop the running lights out right here. That way

1 they'd be already on the head. And if everything was good, that
2 we would get our -- up underneath and face up.

3 Q. Okay. So what conversations did you have with Captain Smith
4 about how you were going to untie the *Mr. Ervin* from the CMT dock?

5 A. We didn't have no conversations because we always do it one
6 way.

7 Q. Which is what?

8 A. We face up first, make sure the captain's ready, make sure he
9 has all his paperwork done, then he tells us to go ahead and cut
10 them loose.

11 Q. Okay. That process, how you're always supposed to do it,
12 it's your testimony that didn't happen in this instance?

13 A. No, sir, it didn't.

14 Q. Okay. And that's because the -- some guys -- you don't know
15 who they work for. You're assuming Cooper. But some guys let the
16 line, let the stern line loose before you all were ready.

17 A. Yes, sir.

18 Q. Okay. It still had a bowline, right?

19 A. Yes, sir. One bowline on the head.

20 Q. Okay. Where are you when all this is going on?

21 A. Talking to the Cooper guys about moving the bucket.

22 Q. You're on the barge, right?

23 A. Yes, sir.

24 Q. Okay. So what guys are letting the lines go?

25 A. I'm guessing it was Cooper guys, because they was -- they

1 work on that barge.

2 Q. How many guys were -- how many Cooper guys were on the barge?

3 A. Three at that time. They had, I think, three or four that
4 was up on the dock, and they was wearing, like, dressed-up clothes
5 like they might have been higher up.

6 Q. Okay, so you're having a conversation at the same time some
7 other Cooper guys are letting the lines go?

8 A. That's correct.

9 Q. How many other Cooper guys are letting the lines go?

10 A. The ones on the dock, which might have been one or two that
11 was up there that was actually workers.

12 Q. Is there anyone that's standing on the barge, one of the
13 Cooper guys standing on the barge, letting the lines go?

14 A. Yes, I think they had one other guy that was on the barge at
15 the head.

16 Q. And how many guys are you talking to?

17 A. Three.

18 Q. So there are three other guys -- so there are four Cooper
19 guys on the barge now?

20 A. Yes. There was four guys on the barge, three that I was
21 talking to.

22 Q. Okay. And where is Jeremy Cooper during all this?

23 A. Standing right beside me.

24 Q. Okay. This whole, this whole evolution, this whole process,
25 where the stern line is being let go, you're having a conversation

1 with the Cooper guys regarding the bucket, how long does this
2 take?

3 A. I'm not for sure how long it took.

4 Q. Okay. What is -- where is Captain Desmond and the *Kristin*
5 *Alexis* at this point?

6 A. He's up there trying to make phone calls and stuff, and
7 trying to find out, like, how we can move the bucket. He is on
8 the stern.

9 Q. All right, maybe I'm confused. Because I thought you
10 testified earlier that you get alongside, you see the stern line
11 comes undone, so then you all hurry around and you face up, right?

12 A. Yeah, that's correct.

13 Q. Okay, so you all got face wires that are actually on the
14 barge at this point, correct?

15 A. Yes, he is trying to tighten them while the barge is shifting
16 upwards.

17 Q. Okay. You got a bowline that's still on the *Mr. Ervin*,
18 correct?

19 A. Correct.

20 Q. So basically, you only have a single stern line that's not
21 attached right now. Right?

22 A. They had one line that was attached, and it was a single part
23 on the head.

24 Q. Okay. But it's just -- you just have one mooring line that's
25 unattached at that point.

1 A. I don't know how many lines was on the barge to begin with,
2 so I'm not sure.

3 Q. Okay. Was the vessel -- I mean, was the *Mr. Ervin* moving up
4 and down at that point?

5 A. Yes, sir.

6 Q. It was moving up and down the dock?

7 A. Yes, sir.

8 Q. Okay. And you all are having a conversation about moving the
9 bucket?

10 A. Yes. And about the barge moving also. He --

11 Q. So you're having two different conversations?

12 A. Well, at the time, the bucket was the main conversation
13 because the captain was already on the barge and pulling it down
14 from it hitting something on the dock, he said, because it kept
15 going in. And the dock guys kept saying that it was going to hit.

16 Q. I thought that you all didn't realize that the bucket was an
17 issue until you got off the dock.

18 A. No.

19 Q. No, you knew the bucket was an issue when you were alongside
20 the dock?

21 A. No, whenever we -- well, yeah. When we was alongside the
22 dock, yes, we did. Because once you got underneath, you could see
23 that the bucket was obviously an issue.

24 Q. Captain Smith ever tell you, hey, we got an issue with the
25 bucket; tie back up?

1 A. No.

2 Q. Could that have been done?

3 A. I'm sure it could.

4 Q. Okay. All right, so we have multiple conversations going on
5 about the bucket and the lines and all that. And it's your
6 testimony that the *Mr. Ervin* is moving back and forth at this
7 point, that it's not under control, right?

8 A. Yes, sir.

9 Q. Okay. Why wasn't the focus on getting the vessel secured to
10 the *Kristin Alexis*?

11 A. I'm not sure.

12 Q. Okay. Did you call to Captain Smith and say, hey, we should
13 be more concerned about the fact that this crane barge is moving
14 back and forth rather than the bucket; we can figure out the
15 bucket later?

16 A. No, sir.

17 Q. Okay. Who's Memphis?

18 A. I'm not sure. From what I heard -- from what I understand
19 from my captain and the guys on the barge was it was their higher-
20 up guy.

21 Q. Okay. Did you know who Memphis was before this incident
22 happened?

23 A. No, sir.

24 Q. Okay, you only heard the name Memphis after the fact, right?

25 A. Yes, sir.

1 Q. Okay. So let me, let me do you a favor and refer you to
2 Exhibit 77. This is a statement that you gave previously. You
3 don't have that one. Go ahead and just read through that,
4 Mr. Payne, and let me know when you're ready, all right?

5 You ready?

6 A. Yeah.

7 Q. Is that your handwriting?

8 A. Yes, sir.

9 Q. Okay. And then I'll -- I noticed on Page 3 that it's dated
10 10/12/2018, correct?

11 A. Yes, sir.

12 Q. Okay, so what time did you write this statement? Do you
13 remember?

14 A. I don't remember.

15 Q. Okay. Was it a few minutes after the accident? Was it a few
16 hours? Was it later in the day? Just ballpark, if you can. I
17 mean, I don't need an exact --

18 A. I think it was the next morning.

19 Q. Next morning.

20 A. Yes, sir.

21 Q. All right. So you reference a number of times in the
22 statement Memphis.

23 A. Yes, sir.

24 Q. Okay. Why, if you didn't know who Memphis was, did you put
25 Memphis in here?

1 A. Because that's who they told me he was, was Memphis.

2 Q. Who's they?

3 A. The captain. And he said that dispatch had told him that it
4 was Memphis, and the guys on the barge said Memphis too.

5 Q. Okay. So part of this -- and I understand there's a
6 substance of what your, what your statement is. But part of it is
7 also a combination of things that you learned after the fact that
8 you're putting into your statement?

9 A. Well --

10 UNIDENTIFIED SPEAKER: Objection. Mischaracterizes what the
11 witness said.

12 MR. WOGAN: I can rephrase it --

13 CDR MESKUN: Okay.

14 MR. WOGAN: -- if you'd rather. Yeah. Make things a little
15 easier.

16 You referenced Memphis a number of times, but prior to this
17 accident, you told me you didn't know who Memphis was.

18 UNIDENTIFIED SPEAKER: Same objection.

19 MR. WOGAN: Right? I don't think that's a
20 mischaracterization. I think that's what he said. He didn't know
21 who Memphis was. Is that true?

22 CDR MESKUN: I'll allow the questioning.

23 THE WITNESS: Before the incident happened, no, I didn't know
24 who Memphis was till it happened.

25 BY MR. WOGAN:

1 Q. And so part -- and correct me if I'm wrong, but in the
2 statement you referenced Memphis a number of times. How did you
3 come to learn who Memphis was?

4 A. I didn't know who he was before until the captain said his
5 name. I don't know who he is.

6 Q. Okay. So did you hear the captain actually say his name that
7 night?

8 A. Yes.

9 Q. How'd you hear that?

10 A. On the radio. He called down and told me to tell his guys
11 that Memphis was about to call.

12 Q. Okay. Did Captain Smith say who Memphis was to you?

13 A. No.

14 Q. Okay, so did you -- you didn't have any kind of understanding
15 prior to the accident who Memphis was.

16 A. No.

17 Q. Okay. Did you actually talk to who you believed to be
18 Memphis?

19 A. On the radio, yes.

20 Q. Okay. Did he identify himself as Memphis?

21 A. He said his name was Memphis.

22 Q. He said his name was Memphis?

23 A. Yes, he said, this is Memphis.

24 Q. Okay. Had you ever talked to that person before in your
25 life?

1 A. No, sir. Not that I know of.

2 Q. Okay. Where did you understand that person was talking to
3 you from? Where was he located?

4 A. They didn't say.

5 Q. How do you all normally communicate while working aboard?

6 A. Our radios.

7 Q. Which is on what channel?

8 A. Different channels. We usually work 10 or 14.

9 Q. Okay, so -- and correct me if I'm wrong. I'm just trying to
10 make sure I understand. Someone came along over the radio to
11 whatever channel you were on and said, this is Memphis?

12 A. Yeah, that's correct.

13 Q. Okay. And what did you and Memphis talk about?

14 A. He just said that to tell his guys to move the bucket that
15 was in the way. And he said that -- I told him that his guys said
16 no. And he said, all right, well, I'm going to call them. And
17 when he said that, the crane operator's phone lit up, and it said
18 Memphis on it. And he declined it.

19 Q. Okay. And the crane -- you know it was the crane operator
20 because that's who you saw come down the steps.

21 A. Well, it was another, it was -- I guess the crane operator,
22 but it wasn't the one that came down the steps. It was a
23 different one.

24 Q. Well, who got the call?

25 A. I don't know his name. It was a short black guy.

1 Q. Okay, so was that the same person that you saw coming down
2 the steps?

3 A. No, that was a different one.

4 Q. Okay, so you don't know one way or another if that was the
5 crane operator or not.

6 A. No.

7 Q. Okay. When you talked to Memphis, did you tell him what
8 bucket you were talking about?

9 A. No.

10 Q. You didn't say, hey, there's a bucket on the port bow that's
11 blocking the view, did you?

12 A. No. I'm sure the captain did, though.

13 Q. You're sure the captain did?

14 A. Yes, sir.

15 Q. Okay. You didn't think that -- did you have an understanding
16 of what Memphis thought you were referring to when you said, the
17 bucket?

18 A. Yes, sir. Because it was the only one in the way.

19 Q. Okay. And that's the one on the port bow.

20 A. Yes, sir.

21 Q. Not the one strung up to the boom.

22 A. No.

23 Q. Not the one on the starboard bow.

24 A. No.

25 Q. How many buckets were on the starboard bow?

1 A. I'm not sure. Like I said, I didn't count none of the
2 buckets.

3 Q. Okay. So what happens after you have this conversation with
4 Memphis? You see -- you said you saw the guy ignore his phone
5 call, and then what?

6 A. He put his phone in his pocket, and they got on the crew boat
7 that was there and they left.

8 Q. Give me a time period. How long after this?

9 A. Maybe 5 minutes.

10 Q. Where are you when all this is going on?

11 A. Standing right there.

12 Q. Standing right where?

13 A. Right by him.

14 Q. Okay, but, like, can you give me a physical location in
15 the -- I'm not trying to be a smart aleck. I'm just trying to
16 figure out where --

17 A. It was --

18 Q. -- you all are, where you're having this conversation.

19 A. It was right in front of -- it was right by the bucket in
20 front of the big circle in the middle.

21 Q. Okay. So kind of standing in the middle towards the front of
22 the, of the --

23 A. Yes, yes.

24 Q. Okay. And right by the bucket, the bucket being the one that
25 you wanted moved?

1 A. Yes.

2 Q. Okay. Where is the *Mr. Ervin* physically? Is it still
3 alongside the dock at this point?

4 A. Yes, the captain's holding it right alongside the dock.

5 Q. Okay. Do you still have a line out?

6 A. No.

7 Q. You don't have a line out.

8 A. No.

9 Q. Do you know why they released the forward line?

10 A. No, I do not.

11 Q. Did you assist in that?

12 A. No.

13 Q. Did Jeremy Cooper assist in that?

14 A. No, we usually don't touch the lines.

15 Q. The Marquette deckhands do not touch any of the lines when
16 it's being untied from a dock?

17 A. No, we usually don't. We just tell them when to do it, and
18 we stand there watching them.

19 Q. Okay. Do you use soft lines?

20 A. Yes, they did have soft lines on it.

21 Q. Oh, they did have soft lines on it?

22 A. Yes.

23 Q. So they're still holding on with soft lines.

24 A. At this point, no.

25 Q. They're not. They've released the soft lines?

1 A. Yes.

2 Q. Did you hear Captain Smith say, go ahead and release the soft
3 lines?

4 A. No, he didn't.

5 Q. He did not say that, or you didn't hear it?

6 A. No, he didn't, because if he said it, then me and Jeremy's
7 the only one with radio. So we would have had to tell them to
8 release it.

9 Q. I thought Captain Smith was talking to someone else on the
10 radio to --

11 A. Yeah, Memphis. He wasn't on the barge. The barge guys don't
12 have radios, so they wouldn't have known to release it.

13 Q. Well, I -- it was the guys on the barge that were holding the
14 soft lines and not the guys along --

15 A. Yes. The guys that was on top, they don't have radio, and
16 the guys that work on the barge don't have radio.

17 Q. How's that work when they generally release soft lines? Do
18 they go from the barge to the dock, or from the dock to the barge?

19 A. Well, this one was -- this dock was higher up and the barge
20 was lower. So they had let some guys on top, and they was helping
21 each other. But usually it's just right there and the guys on the
22 barge do it when we tell them.

23 Q. Meaning they release the lines back up to the dock.

24 A. Yes.

25 Q. Okay. Is that what happened in this situation?

1 A. No. Well, yeah. They took the lines off.

2 Q. Who's they?

3 A. I'm guessing it's the Cooper guys. It's the ones that work
4 on the barge.

5 Q. Okay. So you're having a conversation -- I just want to make
6 sure I get the chronology correct. You're having a conversation.
7 You're standing towards the front of the barge by the bucket.
8 You're talking to how many Cooper guys?

9 A. It was three that I was talking to.

10 Q. Okay. You told me earlier that there was another Cooper guy
11 that was assisting with untying the lines from the dock, the
12 actual mooring lines, correct?

13 A. Yeah, that's correct.

14 Q. Where is that guy during this conversation?

15 A. He's up by the head line ready for it to cut it loose, and
16 that's whenever they cut it loose, I guess.

17 Q. Okay. And then -- but they have soft lines out.

18 A. They had that one on the head.

19 Q. They just had one soft line out?

20 A. Yes.

21 Q. No soft line in the stern.

22 A. No, they'd done cut them loose.

23 Q. Okay. And so at some point -- it's your, it's your testimony
24 that at some point they just cut the soft line out, but you never
25 heard an instruction or an order from Captain Smith saying, go

1 ahead and cut that soft line loose?

2 A. Yes, that's correct.

3 Q. Okay. How would you have heard that?

4 A. By the radio. Because he would have called on our channel
5 and told us.

6 Q. Were you listening to every -- you're having a conversation
7 with the Cooper guys. Are you listening to everything that's
8 being said on the radio too at the same time?

9 A. Yes, because Desmond wasn't saying nothing at the time. He
10 was waiting for us to tell him what the crane guys was saying.

11 Q. He was -- say that again?

12 A. He was waiting on us to tell him what the crane guys was
13 saying.

14 Q. Okay. So you're talking to the crane guys in person.

15 A. Yes.

16 Q. And then you're communicating over radio to Captain Smith.

17 A. Yes. I asked the crane guys to move the bucket. They said
18 no. I told Captain Smith no. And then he tells me something else
19 to tell them, and then I tell them.

20 Q. And then you also said in your statement, though, that you
21 heard the captain come over the radio and talk to Memphis.

22 A. Yes. Memphis got on our channel and said something, but that
23 was after we had the whole conversation with the crane guys.

24 Q. Okay, but that's not what you said in your statement. You
25 said, we heard the captain call Memphis, one of the foremen or

1 supervisors on the crane. The captain was asking Memphis to move
2 the bucket because the captain can't see with it at the time. And
3 then you said Memphis said, tell one of your deckhands to tell my
4 guys to move the bucket. I said roger. And then Jeremy and I
5 went up to the three Cooper employees and asked them to move the
6 bucket.

7 A. Yes.

8 Q. Okay, so that was actually -- so the captain comes on the
9 radio and calls out to Memphis before you even have this
10 conversation --

11 A. No.

12 Q. No?

13 A. No.

14 Q. So is --

15 A. It was after. Because the crane guys that was on there had
16 walked away from us to go get their coolers.

17 Q. But what -- sorry.

18 A. And that's when we had to walk up to them and tell them that
19 Memphis said.

20 Q. I'm sorry. I didn't mean to cut you off. So what am I
21 missing from your statement where -- when I asked you if the
22 captain had already come on, come on the radio and called out to
23 Memphis asking him to move the bucket?

24 A. Can you repeat that one more time?

25 Q. Sure. What am -- I asked you earlier if the captain had come

1 on to the radio and called out to Memphis to ask him to move the
2 bucket. And you said no, that happened after I had the
3 conversation with the Cooper folks.

4 A. Yes.

5 Q. Okay. Is that accurate or is it -- because in your
6 statement, you say, we heard the captain call Memphis and asking
7 Memphis to move the bucket. And then you said, well, then I went
8 up and had a conversation along with Jeremy Cooper with the Cooper
9 folks.

10 A. No, it would have been after.

11 Q. Okay. So the -- so this part of the statement is incorrect.

12 A. Yeah, I guess I was going a little bit too fast or something.

13 Q. Did Memphis ever tell you, hey, I'm sending my guys out;
14 they'll be there in 30 minutes to move the bucket?

15 A. No, he never told me that.

16 Q. What did he tell you?

17 A. Well, whenever we had the whole conversation, they was, they
18 was still on the crane. And he was just telling them to move the
19 bucket, basically. And then he said that he was going to call
20 them, and that was the last we heard of Memphis.

21 Q. Okay. And then what happens with you all? Did the Cooper
22 guys get off the *Mr. Ervin*? The crew boat comes and picks them
23 up, right? And you all are just in the river?

24 A. Yeah, we was sitting there floating by the dock for a minute,
25 trying to figure out what Desmond was going to do. And then we

1 asked him, and that's when he said that they was going to have a
2 crew boat come and bring the guys to move the bucket.

3 Q. Okay. And I'm not, I'm not -- I just want to -- you're using
4 a lot of pronouns, so I just want to make sure I understand who
5 you're referring to when you say "them," "they," whoever. So you
6 said, we asked "them."

7 A. The Cooper guys. Or I'm guessing it was Cooper. It's the
8 ones that work on the barge.

9 Q. Okay. Just tell me again what they said? You asked them
10 what? When they were coming to move the bucket?

11 A. No, we didn't ask them that. I asked Desmond what we was
12 going to do, what was the plan, because they had already cut us
13 loose. He said that the Cooper guys was going to come out in a
14 crew boat a little bit up the river and they was going to move the
15 bucket before we went to the bridge.

16 Q. Okay. So again, timeframe. Give me an idea of how long
17 between you all getting cut off -- heading off of the dock and
18 then that comment from Captain Smith to you saying, these guys are
19 coming back out; they're going to move, they're going to move the
20 bucket.

21 A. I'm not sure I understand what you're asking right now.

22 Q. I'm just asking if you can give me an idea of how long a
23 period of time between when you all drifted out from the dock, the
24 Cooper guys leave -- get off the crew boat, and then Captain
25 Desmond tells you over the radio, like you just told me, that,

1 hey, they're coming back out and they're going to move the bucket.

2 A. It was about 10 minutes.

3 Q. 10 minutes?

4 A. Yes.

5 Q. What were you all doing during this 10 minutes?

6 A. We was just sitting there drifting in the water. He was
7 holding it steady.

8 Q. Got it. So within 10 minutes, Captain Smith calls you and
9 says these guys are coming back to the boat.

10 A. He didn't say they were. He just said that they -- that
11 Cooper was going to have somebody come out in a crew boat and move
12 the bucket. He never said who.

13 Q. Okay. But it was your understanding it was going to be some
14 Cooper employees.

15 A. Yes. He did say Cooper.

16 Q. Okay. Did he say when that was going to happen?

17 A. He just said it would be a little bit up the ways before we
18 got to the bridge.

19 Q. Okay. And then where are you physically standing when you're
20 having this conversation over the radio with Captain Smith?

21 A. We're on the bow of the barge.

22 Q. Bow of the barge doing what?

23 A. Being a lookout.

24 Q. Okay. So you all are still drifting, but you're still at the
25 bow. You're at the front of the barge being a lookout.

1 A. Yes.

2 Q. Okay. How long do you stand out there as a lookout?

3 A. Well, not that long, because our watch change was coming up.

4 Q. Okay. How long -- let me ask it in a different way. How
5 long after that call from Captain Smith that you just told me
6 about, where you said the Cooper guys are coming back out, how
7 much longer did you stay out on the barge?

8 A. Maybe 5 or 6 minutes.

9 Q. Okay, and then what happens?

10 A. I was coming back to the boat to get the batteries for our
11 amber light, which is the one in the middle. And that's whenever
12 I met -- my relief was on the boat right there getting the
13 batteries. And I told him everything that was going on.

14 Q. When all this is going on, does Captain Smith ever mention to
15 you the height of the crane?

16 A. No.

17 Q. Did you all have any conversations about the height of the
18 crane?

19 A. No.

20 Q. You all -- what was your understanding of your orders that
21 night?

22 A. Just basically that we was picking up the crane barge, and
23 that we was going to be pushing it to 175.

24 Q. Okay. And that push would require to pass under a bridge,
25 correct?

1 A. Yes.

2 Q. If you know.

3 A. Yes.

4 Q. Okay. What were -- what was the reason that you were out
5 there as a, as a watch at the front end of the barge that night?

6 A. We usually stay out on the front of the barge until the
7 captain feels comfortable all the way going. So we was just
8 sitting there till he told us that it was all right to come back.

9 Q. Do you have a changeover meeting with the guys that came and
10 took your place?

11 A. Yes.

12 Q. What are you all talking about?

13 A. Anything that's going on. We let them know, like, what
14 happened and what they're planning on doing, and the plan.

15 Q. What'd you all talk about that night?

16 A. We talked about the -- that they was going to be having
17 another crew boat come back and move the bucket, and that they was
18 going to 175 with the crane barge. And that we was changing the
19 batteries in the light.

20 Q. You all talk about the crane height at that point?

21 A. No, we usually don't.

22 Q. Had anyone at Cooper ever told you what the crane height was
23 prior to the accident?

24 A. No.

25 Q. Had anyone that you have worked with with Marquette ever told

1 you what the height of that crane was prior to the accident?

2 A. No.

3 Q. Did you learn after the fact what it was?

4 A. I think they said it was like 130.

5 Q. Okay. Who's they?

6 A. Well, from what I understand was the Cooper guys had told our
7 guys after everything happened. They had found out somehow.

8 Q. Who told you that?

9 A. The captain.

10 Q. Captain who?

11 A. Captain Eugene.

12 Q. Mr. Picquet?

13 A. Yeah.

14 Q. So he -- when did he tell you that?

15 A. I think it was 4 or 5 days after.

16 Q. So 4 or 5 days after, Captain Picquet tells you that some
17 Cooper guys told some other Marquette employees that the crane was
18 130 feet?

19 A. Yes.

20 Q. Okay. What else did -- what else came out during that
21 conversation?

22 A. That was it.

23 Q. That was it?

24 A. Yeah, he was just trying to figure out how tall everything
25 was.

1 Q. You meant -- just one final, kind of, line of questions. So
2 prior to this incident, how many times had you pushed a crane
3 while working for Marquette?

4 A. Maybe five times.

5 Q. Okay. Do you remember any of the names of the other cranes?

6 A. No.

7 Q. Okay. You said, when pushing cranes -- I wrote this down --
8 generally -- and correct me if I'm wrong. But generally, the head
9 captain asks for dimensions. Do you remember your testimony
10 regarding --

11 A. Yeah.

12 Q. Okay. Could you just say again what your understanding of
13 how that worked was?

14 A. He usually asks whoever's higher up on our watch, like, what
15 the dimensions are, whatever, to find out. That way in case
16 bridges or anything like that. Because it's protocol.

17 Q. Okay, so it was your understanding of policy that that's what
18 was supposed to have been done?

19 A. Yes.

20 Q. Okay. Did you ever have any first-hand interaction with the
21 captain while he was making that request? In other words, did you
22 ever hear over the radio one captain asking another? Were you in
23 the wheelhouse when a captain called the port captain or anything
24 like that?

25 A. No, sir.

1 Q. Okay. So despite that lack of, kind of, a first-hand
2 interaction, it was still your understanding, though, that you
3 should have asked for the dimensions of the crane prior to pushing
4 it.

5 A. Yes, sir.

6 Q. Okay. I promise this is truly the last -- when you -- had
7 you pushed the crane underneath the Sunshine Bridge before?

8 A. I don't recall if we went underneath the bridge or not.

9 Q. Okay. Did you have any understanding with respect to what
10 channel that you were supposed to take when pushing cranes or
11 pushing anything under a bridge?

12 A. No, sir.

13 Q. Okay. That's sort of outside your purview as a deckhand?

14 A. Yes, sir. We usually just have one channel to communicate
15 with the captain.

16 Q. I'm sorry. Sorry. When I say channel, not radio channel,
17 but actual navigation channel.

18 A. Oh, no, sir.

19 Q. So let me rephrase it, just so that it's clear. Did you have
20 an understanding as to what the policy or procedure that might
21 have been in place with respect to how you were supposed to push a
22 barge or a crane barge through or under a bridge? What channel,
23 navigational channel, you were supposed to use?

24 A. No. I don't really know. I've heard the head captain say
25 the center, you always stay in the center. But I'm not sure.

1 Q. Who's the head captain?

2 A. Jared LaFrance.

3 Q. Okay. So you -- had you heard him say that prior to the
4 accident? Or is that something that came out after?

5 A. I've heard him say it before the accident.

6 Q. Before the accident. Okay. Did Captain Smith -- well, I'll
7 ask it, but I realize you may not know. Captain Smith, did he
8 ever mention to you, hey, we're going to push this thing up the
9 west bank side?

10 A. No, sir. I don't recall.

11 Q. Did you -- did Captain Picquet? Probably not, since you were
12 off watch.

13 A. No, sir. I don't know.

14 MR. WOGAN: Okay. Thank you very much for your time. I
15 appreciate it.

16 CDR MESKUN: Would you like a quick recess or anything?

17 THE WITNESS: Yes, sir.

18 CDR MESKUN: You okay? Okay, let's take -- it is now 3:06.
19 Let's take a 10-minute recess. We are now off the record.

20 (Off the record at 3:06 p.m.)

21 (On the record at 3:19 p.m.)

22 CDR MESKUN: It is 3:19 p.m. and we are back on the record.
23 I'll turn it over to Marquette. Mr. Reisman?

24 MR. WAID: Mr. Payne, hi. I'm Ray Waid. I've just got a few
25 questions for you, okay?

1 BY MR. WAID:

2 Q. You remember when Mr. Wogan for Cooper was asking you about
3 the statement, which is Exhibit 77?

4 A. Yes.

5 Q. Okay. And he referred to the statement, and he asked you
6 whether it was your handwriting and you said yes. What were you
7 referring to was your handwriting?

8 A. My signature and the date on it.

9 Q. Okay. And the meat of the statement, is that your
10 handwriting?

11 A. No, that'd be yours.

12 Q. Okay. Then I want to turn to another question that Mr. Wogan
13 asked you about being a lookout. Do you remember, you know, the
14 process of becoming a lookout?

15 A. Yes.

16 Q. Before you stood watch as a lookout at Marquette, did
17 somebody explain to you what lookouts were required to do?

18 A. Yes.

19 Q. Okay, and who was that?

20 A. The mate on the boat at the time, which was Blaise.

21 Q. Okay. And before you assumed the watch as a lookout, do you
22 talk to the captain and make sure that you understand what the
23 captain wants you to do?

24 A. Yes.

25 Q. Now Mr. Payne, you talked a little bit about your 2-day

1 orientation when you started the job and the vessel
2 familiarization, and then the initial on-the-job training period
3 when you first go onto a vessel. But is there a daily training
4 that you do on the vessel?

5 A. Yes.

6 Q. And what's that called?

7 A. That would be our JSB or our Gulf Docs, anything like that.

8 Q. Okay. Do you refer to something called a 15-minute huddle?

9 A. Yes, our 15-minute huddle, which would be our safety
10 meetings.

11 Q. Okay. And when do you do the 15-minute huddle?

12 A. At noon. Whenever our watch change is.

13 Q. Okay. And who does the 15-minute huddle?

14 A. Everybody. The captain holds it, though.

15 Q. Okay. And do you go over Marquette policies at that time?

16 A. Yes.

17 Q. Okay. And how do you -- is there a policy designated for
18 each daily 15-minute huddle?

19 A. Yes.

20 Q. And how do you, how do you find the policy? Once you guys
21 gather in the wheelhouse to do the 15-minute huddle, how do you
22 get to the policy that you're supposed to cover?

23 A. We go on Gulf Docs and we type in which VOP we're looking
24 for, and it'll pull up whatever we're looking for.

25 Q. Okay. Is that something that you did as a, as a deckhand on

1 the boat?

2 A. Yes. Everybody learns it.

3 Q. Okay. And is there a time during the week that you have a
4 kind of a more in-depth focus on training?

5 A. Yes. On Sundays we have other trainings that we do.

6 Q. Okay, and explain what happens on Sunday.

7 A. We go over -- we have our VOPs and our safety meetings, which
8 is the 15-minute huddle. And on top of that, we go over, like,
9 fire safety and man overboard and all that.

10 Q. And so every day of the week, the crew members meet in the
11 wheelhouse, go over one specific Marquette policy, and go over
12 general safety items that are --

13 A. Yes.

14 Q. -- you're supposed to cover that day?

15 A. Yes.

16 Q. And what hitch schedule do you stand? How many days on, how
17 many days off?

18 A. I do 28 on and 14 off.

19 Q. Okay. And so, in one hitch, you would cover 28 different
20 Marquette policies?

21 A. Yes.

22 Q. Okay. Do you know what stop work responsibility is?

23 A. Yes.

24 Q. Okay. What is it?

25 A. If you don't feel comfortable doing something or if you feel

1 that it is unsafe, then you can stop the work and figure out a
2 better way to do it.

3 Q. Okay, and was stop work responsibility covered in your 2-day
4 orientation?

5 A. Yes.

6 Q. Your vessel familiarization?

7 A. Yes.

8 Q. Your initial on-the-job training period?

9 A. Yes.

10 Q. What about during those 15-minute huddles? Do you cover it
11 then?

12 A. Yes.

13 Q. Okay. Is there -- do you have a card that explains stop work
14 responsibility?

15 A. Yes, I have it in my wallet.

16 Q. Okay. Go ahead and pull it out. Okay. And when did you get
17 this stop work responsibility card?

18 A. On first day of orientation.

19 Q. Okay. And is there, is there a stop work responsibility card
20 in the galley of the *Kristin Alexis*?

21 A. Yes, we keep one pinned up.

22 Q. What about at crew change when you're, when you're coming out
23 onto the vessel for your hitch? Where do you meet?

24 A. If we're on a barge, then they'll meet us on the barge. Or
25 if we just got done and we're on the boat, they'll meet us on the

1 boat.

2 Q. Okay. What about crew changes at Marquette? At the office?

3 A. Yes, it will be at the office whenever we do a crew change.

4 Q. Okay. And do you have a port captain that's assigned to you
5 as a, as a deckhand onboard the *Kristin Alexis*?

6 A. I'm not sure what you're asking.

7 Q. The port captain?

8 A. Port captain? Yes, Harvey.

9 Q. Harvey Mabile?

10 A. Yes.

11 Q. And do you know his phone number?

12 A. Yes, I got it in my phone.

13 Q. Okay. And how did it come to -- you have -- how did you come
14 to have Harvey's number in your phone?

15 A. First day of orientation, every -- all of them gave us a card
16 that had their number on it. And I saved it in my phone, because
17 he said if we ever need anything or have any questions, that he
18 would be there.

19 Q. Okay. And you put that number in your phone so that you
20 know, if you got a problem, you can call Harvey.

21 A. Yes.

22 MR. WAID: That's it.

23 CDR MESKUN: I just have one question for you. Earlier on,
24 you mentioned that the barge was tied up by a soft line. What is
25 a soft line?

1 THE WITNESS: They use dock lines. They'd be like -- I
2 really don't know how to explain it. It's just a line instead of
3 a wire.

4 CDR MESKUN: Okay. And how thick would it be?

5 THE WITNESS: It's pretty thick. About 4 or 5 inches thick.

6 CDR MESKUN: Okay. Thank you. Mr. Kucharski?

7 MR. KUCHARSKI: One quick question, I promise. While you
8 were on these different barges, has the captain or the pilot ever
9 told you to stand lookout on there?

10 THE WITNESS: Yes, sir.

11 MR. KUCHARSKI: Why?

12 THE WITNESS: In case anything's coming or he can't see
13 clearly, then --

14 MR. KUCHARSKI: No further questions. Thank you.

15 CDR MESKUN: We have no further questions, so you are now
16 released as a witness from this formal marine casualty
17 investigation. Thank you for your testimony and cooperation. If
18 I later determine that this joint investigation team needs
19 additional information from you, I will contact you through your
20 counsel. If you have any questions about this investigation, you
21 may contact the recorder, Lieutenant [REDACTED]

22 Do we need a recess or -- we'll take a -- the time is now
23 3:24. We'll take a 5-minute recess to get the next witness.

24 (Whereupon, at 3:24 p.m., the interview was concluded.)

25

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 Brandon Payne

ACCIDENT NO.: DCA19FM003

PLACE: Gonzales, Louisiana

DATE: May 6, 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.



Eileen Gonzalez
Transcriber