

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

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: DESMOND SMITH  
Relief Captain, *Kristin Alexis*

Lamar Dixon Expo Center  
Gonzales, Louisiana

Monday,  
May 6, 2019

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United States Coast Guard

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United States Coast Guard

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P R O C E E D I N G S

(8:33 a.m.)

1  
2  
3 CDR MESKUN: The time is now 8:33. We are now back on the  
4 record. The investigation now calls Mr. Desmond Smith to testify.

5 LT [REDACTED] We will now hear testimony from Captain Desmond  
6 Smith. Please come forward so we can administer the oath. Please  
7 stand and raise your right hand.

8 (Whereupon,

9 DESMOND SMITH

10 was called as a witness and, after being first duly sworn, was  
11 examined and testified as follows:)

12 LT [REDACTED] Please be seated.

13 EXAMINATION

14 BY CDR MESKUN:

15 Q. Good morning.

16 A. Good morning.

17 Q. Could you please describe to us your maritime career, your  
18 background, different jobs you've held, different positions,  
19 different companies, how long you've been on the river?

20 A. I started working on the river in 2003. I worked with  
21 Marquette, I worked with Enterprise, I worked with Carline  
22 Management, I worked with a guy named Burt Barrios. I got my  
23 license to be a captain in 2007. I started running boats on my  
24 own in 2011, up until the present date.

25 Q. Can you pull that microphone a little bit closer? Perfect.

1 Thank you.

2 We have a series of detailed questions that we're going to  
3 ask, but before we get into that, could you just please give us a  
4 recount of the day before the accident, when you were on watch,  
5 leading up to the accident? Please be descriptive as you can be.

6 A. The day before?

7 Q. Well, so October 11th, when you picked up the crane barge  
8 *Mr. Ervin.*

9 A. Okay. We picked up the crane. We was southbound. We got to  
10 the crane. They were moving the crane with winches, and I was on  
11 side of the barge. They start turning the barge loose, and I told  
12 them, I said, you can't turn it loose until I get faced up on it.  
13 So I was going to face up, they were still turning the lines  
14 loose. When I finally got faced up on the barge so I can try to  
15 control from going up, they had -- the boom was sticking out. The  
16 arm of the crane was sticking out. And when they was turning the  
17 lines loose, I was trying to stop it, and so I was trying to tell  
18 my guys to hurry up and put the face wires on so I can stop it, so  
19 it wouldn't hit -- they had a bucket that came over from the coal  
20 plant. And so when I finally got faced up, I noticed we had very  
21 little visibility. They had a big old bucket on the port side of  
22 the crane where we faced up normally at.

23 And I called the guys on the radio, I told them, hey, see if  
24 they can move that bucket. And in the process of them trying to  
25 get someone to contact someone to find out, you know, about moving

1 the bucket, they was in the midst of turning us loose. So when I  
2 finally contact the rig manager and asked him, the other guys on  
3 the crane said they wasn't going to move the bucket.

4 So at that time, they turned us loose. So we're floating  
5 like right there by the dock. And I asked them, you know, I said  
6 well, we got to get somebody to move this bucket because I can't  
7 see. And so the manager called me, the foreman from the rig  
8 called me, and he told me, he said he'll get those guys and move  
9 the bucket.

10 So somehow he contacted the guys on the rig. They told me  
11 like he wasn't -- they wasn't going to move the bucket. From  
12 then, I called dispatch. Dispatch told me -- I mean, I didn't  
13 call dispatch. I called my guys. I said, the manager's trying to  
14 get in touch with them to tell them to move the bucket. They say  
15 they don't care who, they're not moving the bucket. So they got  
16 on their little crew boat.

17 After they left, I called dispatch. I told dispatch, you  
18 know, I can't see, I need somebody to move this bucket. And he  
19 told me he would get the guys to come back out there and move the  
20 bucket.

21 Well, from where we were at, at the mile 161 to where the  
22 crew catch the crew -- they use Weber Marine. They have a little  
23 boat service that brings them out to us. And so they was -- they  
24 told us to keep on continuing northbound and he was going to get  
25 them to meet us. So when I took over, I told -- well, when Eugene

1 came up, I told Eugene, I would take it to get past these tows.  
2 They had three tows, they had three line tows, and where we were  
3 at on this side of the river, we would be in the way of the  
4 traffic.

5 I said, they got a boat coming, he has 33 barges. I said,  
6 I'll take it past him so he can get past us. So I crossed over to  
7 the east bank. I proceeded northbound, to let, you know, these  
8 three tows, whereas the fleet, the fleet we were working for was  
9 on this port side. So I told Eugene, I said, I'll get us to where  
10 you'll be clear if you needed to stop, you know, if anything -- I  
11 said, I'll get us clear of this and let you take over.

12 So I'm on the phone with Chad. Chad says, continue  
13 northbound. So I passed those fleets. We got up to Whitehall,  
14 and I asked Eugene, you know, are you comfortable with taking over  
15 the tow? Or, you know, if we needed to stop, if anything -- I  
16 said, because you can barely see because of this bucket. And he  
17 was like, I got it; I've pushed this crane before. I said well,  
18 they're supposed to be bringing somebody out to get the crane  
19 bucket moved. I said, you know, they're coming from Weber.

20 So when Eugene took over, I went downstairs and took my  
21 shower. And after that, maybe a hour later, they had the  
22 allision.

23 CDR MESKUN: Thank you. We will now proceed with our  
24 additional questions. If you feel like you do not understand what  
25 we are asking, please ask us to reword the question or rephrase

1 it. Or if you don't know the answer, please just state that you  
2 don't know the answer.

3 I will now turn the floor over to Chief Warrant Officer

4

5 BY MR. [REDACTED]

6 Q. Good morning. The -- so you mentioned you got your license  
7 in 2007. Can you tell us what license you have and any  
8 endorsements you have?

9 A. What license I have now?

10 Q. Yes.

11 A. Inland Waters, Western Rivers, TWIC card.

12 Q. Okay. What kind of -- did you have to go through any  
13 specialized training to get --

14 A. Yes.

15 Q. -- your license? Can you describe the trainings that you've  
16 had to get it?

17 A. Now, well, we have to go through training. We train on --  
18 Inland Waters would be the Intracoastal Canal, Mississippi Rivers.  
19 We have to take radar classes. We have to get those renewed every  
20 year.

21 Q. Any -- to be a master of a towing vessel, so a radar class.  
22 Is there any other formal classes you take, besides on --

23 A. Oh, yeah. Yes, yes.

24 Q. -- training on the vessels?

25 A. We have -- we go -- we take -- we have simulator classes we



1 have to take. We go through -- well, other companies -- I haven't  
2 went through any at Marquette, but other companies I had to take,  
3 every year we had to take those seminars, business management  
4 classes, we had to take the simulator classes, safety management  
5 classes.

6 Q. Did you ever take a class to learn how to drive a towing  
7 vessel and --

8 A. Yes.

9 Q. -- navigate?

10 A. Yes.

11 Q. Where did you take that class?

12 A. Lafourche Marine.

13 Q. Lafourche? When was that?

14 A. In 2007.

15 Q. And on the *Kristin Alexis*, on the 11th, what was your  
16 position on the vessel?

17 A. Relief captain.

18 Q. Relief captain? So were you in charge of the vessel overall  
19 as the relief captain?

20 A. Yes.

21 Q. And then, I'm going to refer to Exhibit 2, the Coast Guard  
22 2692. Are you familiar with this form? It's the Coast Guard  
23 report of a marine casualty.

24 A. Yes.

25 Q. It's -- did you -- have you seen this form before the

1 accident that --

2 A. Yes.

3 Q. -- happened on the 11th?

4 A. Yes.

5 Q. Okay. Can you --

6 MR. [REDACTED] Mr. [REDACTED] can you pause on the description  
7 of the incident? Right there.

8 BY MR. [REDACTED]

9 Q. Can you read that, Captain Smith?

10 A. No, I can't.

11 Q. In your binder in front of you, it's tab 2. I'd just like  
12 you to review that section and tell me if that's an accurate  
13 description of what happened.

14 A. Yes, sir.

15 Q. It is? And now we're going to go to Exhibit 5. And I'll  
16 give you a second to review that.

17 A. I don't have it in here.

18 Q. You don't have Exhibit 5?

19 A. Oh, thank you.

20 Q. See that document?

21 A. Okay. Thank you. It's two green tabs. Yes, I got it.

22 Q. Okay. So I believe page -- the last page of Exhibit 5 -- 6  
23 is the one for you?

24 A. Correct.

25 Q. Okay. That's an accurate description of your work/rest cycle

1 while you were on board the *Kristin Alexis*?

2 A. Yes, sir.

3 Q. So what time did you come on watch that morning?

4 A. I come on at 12.

5 Q. Twelve? And then you stood watch till?

6 A. Twelve a.m.

7 Q. So 12 noon until --

8 A. To 12 a.m.

9 Q. -- midnight. You -- that's the watch you stood every day for  
10 how many days?

11 A. Fourteen.

12 Q. Fourteen? Did you feel like you were well-rested?

13 A. Yes.

14 Q. Throughout your entire watch?

15 A. Yes, sir.

16 Q. What did you typically do if you weren't on watch?

17 A. Usually shower, eat, and talk to my family, then go to sleep.

18 Q. About how many hours of sleep do you think you would get?

19 A. Roughly probably about 8 to 6.

20 Q. Six to 8? Okay. You mentioned several companies you've  
21 worked for on the water?

22 A. Yes, sir.

23 Q. Are you still working for Marquette?

24 A. No, sir.

25 Q. Can you describe why you're not working there anymore?

- 1 A. I mean, because of this allision.
- 2 Q. This allision?
- 3 A. Yes, sir.
- 4 Q. The -- did you leave the company or --
- 5 A. No, sir.
- 6 Q. Not by choice?
- 7 A. No, not by choice.
- 8 Q. Did you -- did they give you a reason?
- 9 A. Yes, sir.
- 10 Q. Would you share that with us?
- 11 A. They said I had the right to stop work authority, and I
- 12 should have stopped and never took the tow.
- 13 Q. How do you feel about that?
- 14 A. You know what, I feel like I made the best decision.
- 15 Q. I'm going to talk about the vessel itself a little more. So
- 16 can you overall describe the vessel, what it's capable of doing,
- 17 like the dimensions, propulsion system, steering system, not in
- 18 great detail, just --
- 19 A. It's a --
- 20 Q. -- a description of the vessel?
- 21 A. It's a 1200 and twin-screw, 65 by 35. It handles pretty
- 22 well, especially for what we were doing, working the fleets.
- 23 Q. And was everything working on the vessel?
- 24 A. Yes, sir. At that time, it was.
- 25 Q. And you felt that it had plenty of horsepower to move that

1 barge?

2 A. The crane? We previously had moved that crane with the barge  
3 before, with that boat.

4 Q. How many times do you think you've moved that barge?

5 A. I can't give you an exact number, but if I -- over a couple  
6 of dozen times.

7 Q. With the *Kristin Alexis*?

8 A. Yes, sir.

9 Q. And you never had any problems?

10 A. No, sir.

11 Q. Do you know how -- not that date, but say, in years, how many  
12 years have you been working on the *Kristin Alexis*?

13 A. Oh, that particular boat, that -- November would have made a  
14 year on that boat.

15 Q. You've been on that boat a year, so you knew the boat really  
16 well?

17 A. Yes.

18 Q. Do you know, was it inspected by the Coast Guard?

19 A. I'm sorry?

20 Q. Do you know if the Coast Guard had inspected it, or examined  
21 it?

22 A. No, sir.

23 Q. Okay. Was it -- there any inspections or exams by a third-  
24 party company?

25 A. I'm not even sure.

1 Q. So can you describe the crew and your relationship with the  
2 crew?

3 A. We had a pretty good crew, a couple young guys. Everybody  
4 that was on the boat, except for one or two, I've been working  
5 with for more than 6 months. The captain's, besides myself, he's  
6 -- was a good guy. He kept the boat up pretty decent. The guy,  
7 Eugene, I worked with him when I first started at Marquette, and  
8 he left and went to another company, so I only worked with him not  
9 too long. I haven't worked with him that much.

10 Q. What would not that much --

11 A. I might have worked with him like one hitch, so 14 days, or  
12 maybe 28 days. And then he came back and started working with us  
13 again, and that was my first week back with him.

14 Q. On the day of the incident was there anything you noticed  
15 about any of the crew that was different from any other day?

16 A. No, sir. We didn't have any problems, anything. I don't  
17 remember anybody being ill or anything like that.

18 Q. So outside of just not working with Captain Picquet very  
19 long, did you know him very well? Did you know anything, like  
20 about his family or --

21 A. Yeah, I knew he had kids. He was married. Yeah, we spoke,  
22 you know, numerous times. I've seen him at -- outside of work  
23 before.

24 Q. What kind of person was he?

25 A. He was a decent person. He was good, full of life. He was

1 very outgoing.

2 Q. And as far as competency of driving a boat, what was your  
3 opinion of --

4 A. I worked with him for a week, and it's hard for me to monitor  
5 him, you know, and his capabilities, because when I get off I'm  
6 usually asleep. But we didn't have any problems. As far as him  
7 -- I wasn't getting knocked out of the bed by him handling and  
8 maneuvering the vessel. So, from what I've seen, he was a pretty  
9 all right captain.

10 Q. We're going to review a couple of exhibits about Marquette's  
11 programs and policies, Exhibits 26, 45, 47, 48. We're not going  
12 to do them all at once, but they pertain to job safety. The first  
13 one's -- oh. Yeah, the first one we're going to look at is 45.  
14 Yeah. Okay. Have you had a chance to review that?

15 A. Yes.

16 Q. Okay. Can you describe what that is?

17 A. This is a job safety briefing. Every time we come on watch  
18 and we do a job, we do a risk assessment management. And then  
19 they tell you, basically, whatever we're doing, the experience of  
20 the crew that's doing the job, you rate it at a number. And you,  
21 once you get your number it's like, okay, we have green, meaning  
22 it's low risk; caution is amber. And so when you get new guys  
23 that haven't did a particular job so many times, you number code  
24 it by that.

25 Q. Okay. So on this day before moving the crane, you scored it

1 as amber? Can you explain to us the numbering, what numbers you  
2 scored to get it to amber?

3 A. Well, this wasn't my crew.

4 Q. Ten, 12 --

5 A. It's at 12:05. That wasn't my crew.

6 Q. Do you remember what yours was on the night when you moved  
7 the crane?

8 A. No, sir. We usually do these at the beginning, and this is a  
9 -- this -- it was his crew that was on, that did this. And why it  
10 calls it amber is because of the bucket, being that it was, you  
11 know -- that was a risk there. And then the guys that were on  
12 watch, that was doing the task, wasn't -- this one guy, Nick  
13 Ratcliff, he wasn't familiar. He hadn't did that job many times,  
14 so that's why it's more of a caution, him not having that much  
15 experience in what we were doing.

16 Q. So, but your score was amber as well? Since you said that  
17 one's not yours, yours was amber?

18 A. Yes.

19 Q. Okay. I'm going to move on to Exhibit 47, page 13. When  
20 you've had a second to review it, let me know.

21 A. Okay. Okay.

22 Q. Can you tell us what this document is and how you use it on  
23 the vessel?

24 A. These are your logs, your -- we use it to track basically  
25 what we're doing, just for our customers, what we're doing, you



1 know, at certain times. Logging the time we pick up the crane,  
2 drop off the crane, stuff like that. If they give us different  
3 jobs, you know, we log, you know, what time we start that job,  
4 what time we end that job.

5 Q. Okay. From looking at this log, how do -- how would you know  
6 you -- when you hit the bridge?

7 A. It's not even logged in here. All I see is Facility,  
8 Sunshine Bridge. It's showing that we're -- we were there, but  
9 it's not logged in there. I don't know why.

10 Q. Yeah, but -- so the 0150 is -- so what's COL stand for --

11 A. Oh, collision.

12 Q. -- on the second line?

13 A. Collision.

14 Q. Collision?

15 A. Yes.

16 Q. Okay. So then, where it says Facility, Sunshine Bridge is  
17 describing who you collided with?

18 A. Yes.

19 Q. At the top of the page, to the right, it talks about -- or it  
20 says, "Safety Meeting." Can you describe what that is, and by  
21 "yes," what you did to make -- to get yes?

22 A. Safety meeting, every time we come on watch at 12 o'clock we  
23 have a safety meeting. We go through a policy, or like if any --  
24 if like we had a problem, we'll go through, you know, what the  
25 problem was, and we have a safety meeting on -- they have

1 designated safety meetings that we're supposed to do each day. We  
2 have a calendar, and there's a safety meeting we have each day,  
3 and we sign it, and we go over it.

4 Q. Okay. So when you put yes, and was safety meeting held here,  
5 it was -- you had a safety meeting at the --

6 A. Uh-huh.

7 Q. -- between each watch, or something?

8 A. Uh-huh.

9 Q. You and Picquet changed watch, you would have a safety  
10 meeting?

11 A. No, we would do -- I would do -- we would do them with our  
12 crew. Each crew would -- we would come up at -- so what, like  
13 he's getting off at 12, I'm coming on at 12. And we would all do  
14 it at 12, together, as a crew.

15 Q. The entire crew at once?

16 A. Yes.

17 Q. Just below that, it says, "Safety huddle." What's the  
18 difference between a safety meeting and a safety huddle?

19 A. That pertains to the job you're doing.

20 Q. You describe a job you're doing and what you were --

21 A. No, no, no, no. No. The safety meeting, that is a safety  
22 huddle. That's the -- okay. When it says safety meeting, our  
23 safety huddle is the meeting. That -- where you see that HD001?  
24 That's the meeting we held in our -- we have, like, all those 001,  
25 002 HD is certain policies or safety things they have, and we go

1 and we review that. That's what that was. So what you're seeing  
2 right there, where it says "Safety huddle" and it says HD0001,  
3 that was our safety meeting for that day.

4 Q. So just below the safety huddle, where it says, "Job safety  
5 briefing GAR," is that the same as --

6 A. That's what you showed before. That --

7 Q. So that form's where you fill that out, and then you put that  
8 number --

9 A. No, no, no, no.

10 Q. -- onto your log?

11 A. No, no. This job safety briefing is the GAR. The first  
12 slide you showed on 25?

13 Q. Yes.

14 A. When you asked what the score was, and it's caution, that's  
15 the job safety briefing.

16 Q. So how often do you do your GAR and job safety?

17 A. Every time we do a job.

18 Q. For every job?

19 A. Yes, sir.

20 Q. Then the number you put on the daily boat log, so you have 10  
21 -- or job safety briefing, what's SM010?

22 A. That's -- I don't know what that is on that. I don't know  
23 what that number is for, but our job safety briefing is our GAR.

24 Q. Okay. So you said that one that we showed you wasn't for you  
25 moving the crane?

1 A. No, sir.

2 Q. And would this job safety briefing GAR here on this log be  
3 for you moving the crane?

4 A. No. Eugene filled out his GAR for his crew, but I had -- I  
5 was the one who moved the crane.

6 Q. Okay. So was a GAR done for moving the crane?

7 A. Yes, that -- he filled it out. That -- he put his name, but  
8 I'm the one who moved the crane. He signed it for his crew. Like  
9 every morning, we sign it for our crew. Our job safety briefings  
10 pertain to our crew. When we come on watch, we do a job safety  
11 briefing. So it's -- so when he came on, he filled out his for  
12 his crew. So he was taking over the watch with the crane.

13 Q. So --

14 A. My -- I don't know where mine's at, but my crew should have  
15 filled out one too.

16 Q. Should have, but did you?

17 A. Yes.

18 Q. You did? Okay. We're going to move on to Exhibit 48, page  
19 33, your --

20 A. What page, 33?

21 Q. It'll actually be page 32 and 33. Can you describe this form  
22 and how you use it on board the vessel?

23 A. When we come on watch every day, we come on watch, we check  
24 all our instruments, you know, make sure we -- pretty much, it  
25 means you come on watch, you know, you have your TWIC card. We

1 just go back and we check everything. It's a checklist, you know,  
2 every time we come on watch.

3 Q. Okay. For each item, can you describe what you would check  
4 for that item?

5 A. You know, credentials mean make sure we have our TWIC card.  
6 Fleet operations, radios, make sure we got, you know, our radios.  
7 You know, each man has a radio when they're out there on watch.  
8 Weather conditions, river stages, charts, make sure we have our  
9 charts. Issues with the vessels, make sure, you know, our engines  
10 are running. We check them out every 12 hours. Check what our  
11 orders are. Crew status, just means basically who we have on  
12 watch. Supply order forms sent, we don't do those but every 2  
13 weeks. Stop work responsibility, that's one of our things, and  
14 job safety huddles, and the MARSEC level. We check, you know,  
15 what our MARSEC level is. They give us a checklist, you know, if  
16 we're on 1, 2, 3, and you -- the job safety huddle, that's what we  
17 was talking about just a minute ago with the safety, what we have  
18 every 12 hours -- oh, every 24 hours.

19 Q. So one of them here says you discuss weather. If you were to  
20 look back, besides this checklist, how would somebody know what  
21 the weather like was at this time?

22 A. We can go back and -- we have a computer. We can pull up the  
23 weather on a computer.

24 Q. So you log it someplace else?

25 A. The weather?

1 Q. Yes.

2 A. No.

3 Q. Okay. So it says, "River charts, Rose Point position being  
4 used." What -- in more detail, can you describe what you're  
5 checking with the charts and the Rose Point?

6 A. We check and make sure our Rose Point's working. We have --  
7 make sure, wherever we're traveling, we have the designated charts  
8 for that area.

9 Q. So can you describe the time frame, where it's got the times,  
10 at the top of these four blocks?

11 A. Those are the times that we're on: from 001 to 0600, every 6  
12 hours. That's -- I mean, every 12 hours.

13 Q. Every 12 hours or every 6 hours?

14 A. We work --

15 Q. I think you said it right the first time. It's every 6  
16 hours.

17 A. It's every 6 hours, but we were work in 12-hour shifts.

18 Q. So ---

19 A. So we --

20 Q. -- every 6 hours, even if you don't do a crew change, you  
21 would do these checks and log all the information?

22 A. No. We would do them just for 12 hours. These forms are set  
23 up usually for guys who work 6-hour shifts.

24 Q. Yes. So when you come on watch, you would just fill the  
25 whole thing out for the whole 12 hours?

1 A. Yes.

2 Q. Is that what you're saying? Okay. So when you got relieved  
3 on the night, on the evening of the 11th, because the names are  
4 out on here, was this relief done and all these checks made?

5 A. I'm not sure if he did his. I can't answer for him, but I  
6 did all my checks when I came on at 12.

7 Q. Okay. Did you have any kind of watch relief with Picquet,  
8 other than this discussion with the crane that you had previously  
9 mentioned?

10 A. Yeah, I told him -- we do a watch change. I just brief him  
11 on what we have going on, what's our next job, you know, who to  
12 contact.

13 Q. And does the -- did Marquette have some kind of protocol you  
14 had to follow --

15 A. Watch change --

16 Q. -- for him to take over the watch?

17 A. Watch change protocol, yes sir.

18 Q. And did that require any type of form or checklist?

19 A. We have handover notes. Yes, sir. But that's usually for a  
20 crew change, when we -- when a new pilot's coming on, and I'm  
21 getting off; we have that. But we have a watch change protocol  
22 and we usually -- this is our watch change protocol, so --

23 Q. So but, so when you come on -- if you came on watch, you  
24 would just check all this stuff, you wouldn't have a discussion  
25 with him. And then when he would come on watch, he would check

1 all this stuff, but would not discuss it with you?

2 A. Yeah, we'll discuss what we know what we found, like if there  
3 was any issues, if we had any issues, you know, like something was  
4 wrong with the steering, you know, we went down, checked the  
5 steering before we came up, lights, anything, complication we're  
6 having with the boat. We -- crew changes, we come up 5 minutes  
7 maybe before crew change, and we talk about what's going on, what  
8 the next job is, what we have, you know.

9 Q. We're going to refer to Exhibit 26, pages 18 and 22 now. I  
10 believe I just said 18 and 22, but it's 18 through 22. Are you  
11 familiar with this Marquette policy?

12 A. Yes, sir.

13 Q. Apologies. Give me a second. I'm reading this paragraph.  
14 So in section 4.6 -- it's on page 20. Do you feel that this  
15 evolution would have been a watch of a high hazard evolution?

16 A. What's the question again?

17 Q. So the evolution you were doing that evening, pushing the  
18 crane barge *Mr. Ervin*, would this Marquette policy apply to that  
19 evolution?

20 A. Yes, sir. It could. It could have.

21 Q. Did you follow this policy?

22 A. Yes sir, up until the transit of bridges. I --

23 Q. Okay. Can you go back to page 19, 441? Can you read the  
24 sentence right -- the 441?

25 A. "Wheelhouse personnel watch must exchange with relief person



1 oncoming duty information including but not limited not the  
2 following: present chart position, agreements of vessel meeting,  
3 crossing, traffic 3 miles radius, radio operations, radar, weather  
4 conditions, river stages, river charts, currents and page  
5 position, locks, dams, conditions, et cetera."

6 Q. So did you discuss with the, Mr. Picquet, when you were  
7 coming on watch, or relieving watch from him, each one of these  
8 things?

9 A. We did not discuss the bridge, because I wasn't -- I didn't  
10 think he was going to be making a bridge at that time because the  
11 people were supposed to be coming to get the crane barge.

12 Q. Were -- you were familiar with this policy?

13 A. I've seen it. I'm --

14 Q. You've seen it?

15 A. -- familiar with it. Word for word, no I haven't, but I have  
16 seen it. Yes, sir.

17 Q. Can you recall any information you did discuss with  
18 Mr. Picquet?

19 A. We discussed the crane, the issue with the crane. I asked  
20 him if he ever pushed a crane like this before. We discussed  
21 where we were going. I can't remember everything that I told him,  
22 but I -- you know, you all did the investigation, and we gave a  
23 report 7 months ago, so I can't remember word for word everything  
24 I said, so --

25 Q. I understand. And so remember, if you don't understand the

1 question or you can't remember, don't try to guess.

2 A. Yeah, that's --

3 Q. Just tell me to reword the question --

4 A. I'm not trying to guess. That's --

5 Q. -- or say you can't remember or I don't know.

6 So about how long, or about what time did you leave the  
7 wheelhouse after you were relieved?

8 A. Well, I stayed up -- like I said, I stayed up to get him past  
9 all those tows, so if he needed to stop, he'll be clear and free  
10 to stop and hold up. Because they had three big tows, like I  
11 said, and I wasn't going to give it to him while those three big  
12 tows were coming. So I might have stayed up an extra 30 minutes  
13 past my watch, 30 minutes to 40 minutes past my watch.

14 Q. We're going to move to Exhibit 26. Can you briefly look over  
15 pages 1 through 8? And once you're done skimming -- I don't  
16 expect you to read them word for word, but once you're done  
17 skimming over pages 1 through 8, can you tell me if these policies  
18 were the same policies that you were to working under, and --

19 A. I'm sorry. What was the question?

20 Q. The -- were you familiar with this policy?

21 A. I wasn't familiar with it, but we have looked over it.

22 Q. So but you knew this policy existed?

23 A. Yes, sir.

24 Q. Okay. Does this cover your stop work authority?

25 A. Yes, sir.

1 Q. So if you weren't familiar with this policy, how did you know  
2 about the company's stop work authority?

3 A. Well, that's something we talk about. I mean, like I'm not  
4 familiar with every word for word, like I --

5 Q. Yeah.

6 A. -- read it and went over it, but I don't remember everything  
7 verbatim. You know, I can't repeat it back to you, but I'm  
8 familiar. We go over -- that was one of the big things they  
9 preach. When I got there, the company gave us a little card said  
10 stop work authority. Basically every company you work for on the  
11 river had -- you have that stop work authority.

12 Q. So did Captain Picquet have the same authority?

13 A. We all have the same authority.

14 Q. Did you or Piquet ever discuss using the stop work authority?

15 A. Yes.

16 Q. That evening?

17 A. Yes.

18 Q. At what point?

19 A. Well, when I first got the -- when I first took over the  
20 crane and I called Chad, because they were saying they wasn't  
21 going to move it. But then Chad told me they was going to come  
22 back and move it, so I said if, you know, they don't come get it,  
23 we're just going to hold up.

24 Q. So you discussed it but you didn't do it?

25 A. Well, when I took over, I was trying to get us out of the way

1 of traffic, you know, ongoing traffic. So when he took over, what  
2 we discussed, you know, was, you know, if he needed to stop -- if  
3 they didn't come, you know, if at -- he didn't feel comfortable,  
4 he could stop, you know, call whoever he needed to call. It was  
5 -- it was a thing, like we didn't say okay --

6 Q. When you say Chad, who was he?

7 A. Chad, that was the dispatch.

8 Q. Okay.

9 A. That was working that night.

10 Q. And what exactly did he tell you?

11 A. Well, when I called him, and I told him we needed the crane  
12 moved, and what was going on, and the guys had got off the crane,  
13 he told me, continue northbound, and he would get the guys to come  
14 back and move the bucket, which that made sense to me since we  
15 were going northbound and that's where Cooper -- I mean Weber had  
16 their crew -- their little dock that they were coming from. You  
17 know, we can meet up, instead of them -- so we was going to meet  
18 them. That was my thought.

19 Q. And you were going to move the bucket where?

20 A. Well, they were going to move the bucket.

21 Q. So you said you were going to hold up, and because the  
22 dispatcher, Chad --

23 A. No, no. We discussed -- we discussed, you know, if they  
24 didn't move the bucket, we was going to stop.

25 Q. Did -- and you discussed that with Chad?

1 A. No, no. I discussed that with Eugene.

2 Q. Okay. Did you -- and you never told Chad that if they didn't  
3 move the bucket, you were going to hold up?

4 A. No, I didn't.

5 Q. Did you discuss it with any other of your crew members or the  
6 crew from the Cooper that was on board when you were asking them  
7 to move the bucket and they said no?

8 A. I don't even remember.

9 Q. All right. You mentioned Weber. Who was Weber and where  
10 were they coming from? Because you said they were --

11 A. Oh, Weber, it's a --

12 Q. -- that it made sense --

13 A. It's a launch service. And their -- where we were going,  
14 northbound, their facility that they were using to crew change  
15 them was on that same route.

16 Q. Okay. About what mile marker?

17 A. Maybe 165, 166.

18 Q. Okay. Can you remember who told you they wouldn't move the  
19 bucket, or how you got that information that they wouldn't move  
20 it?

21 A. I can't remember the guys' names, none of the guys' names. I  
22 can't even remember the guy, the foreman's name, but I was  
23 communicating with my group, my guys on the radio. And he -- you  
24 know, he keyed the mic up and I could hear the guy say they wasn't  
25 moving the effing bucket and they didn't care if we ran aground or

1 whatever.

2 Q. Okay. I'm going to move on to page 11.

3 A. You said page 11?

4 Q. Yes.

5 A. I don't have a page 11.

6 Q. Can you read the screen? Can you see the screen?

7 A. A little bit. I can see.

8 Q. Okay. Actually I read the wrong -- so with the part 6 here,  
9 the navigation equipment, it says, "Maintain good working order of  
10 the vessel's navigation equipment." Was any of your navigation  
11 equipment influenced by the crane?

12 A. Yes, sir.

13 Q. Can you describe how that was influenced?

14 A. The radar, it sends a -- because of the crane, it sent -- the  
15 radar wasn't working properly. You could only see on one side,  
16 the side that was free. You couldn't see -- the echo was bouncing  
17 back off the crane.

18 Q. About how much of your vision was lost because of the crane?

19 A. I couldn't see anything on my starboard side, up to, you  
20 know, just straight abreast of me, straight abeam of me.

21 Q. Okay. So you have the crane, and the bucket. Can you  
22 describe how much field of view that bucket and the crane was  
23 taking away from you?

24 A. Maybe 190 degrees.

25 Q. 190 degrees, so --

1 A. May -- well, not 190 degrees. It might be less. Maybe 90  
2 degrees. I would say about 90 degrees.

3 Q. Ninety degrees? And then, so that much space was not visible  
4 on the radar, as well?

5 A. You could see certain things, but like I said, it wasn't that  
6 great. So pretty much, yes.

7 Q. So this section, navigation equipment, if you had that much  
8 field of vision taken off of your radar, would you consider the  
9 radar to be in complete working order?

10 A. No, sir.

11 Q. That you could navigate off of it?

12 A. No, sir.

13 MR. [REDACTED] I believe we're going to take a short recess;  
14 is that right?

15 CDR MESKUN: Yes. It is now 9:27 in the morning. We will  
16 take a short 10-minute recess.

17 (Off the record at 9:27.)

18 (On the record at 9:41.)

19 MR. [REDACTED] All right, on the same Exhibit 26 that we left  
20 off on, can we go to page 10?

21 BY MR. [REDACTED]

22 Q. What does 5.5 describe, as far as bridges?

23 A. Basically it says contact dispatch to assist with any  
24 navigational problems you're having.

25 Q. Okay. And we have the bucket in the way, which you

1 communicated with. Did the dispatcher know about your other  
2 visual restrictions that we just discussed right before we went on  
3 break?

4 A. Yes.

5 Q. So he knew that you basically couldn't see from the 12  
6 o'clock to the, somewhere between the 3 and 4 o'clock position,  
7 visually or electronically?

8 A. Yes. We've pushed those cranes many times. I believe every  
9 boat that worked that fleet has pushed those cranes.

10 Q. Okay.

11 A. So I believe he knew. I'm not sure if he's ever been out  
12 there to see.

13 Q. Okay. So had you ever pushed that crane?

14 A. Yes.

15 Q. Under a bridge --

16 A. Yes.

17 Q. -- that same situation, no -- the radar restriction and --  
18 how many times do you think you've pushed that bridge -- or the  
19 crane through the bridge?

20 A. I'm not sure. Not that particular crane, but other ones, but  
21 I've pushed that one once.

22 Q. On 5.5, the 5.55, the very last one, when it says, "Tripping  
23 locks or bridges," it just says bridges. Did you have any  
24 guidance on what kind of conditions you would contact the  
25 dispatcher for?



1 A. No, sir.

2 Q. But because you moved that crane before, you felt comfortable  
3 with it -- how many times was it you think you moved that crane?

4 A. I can't give you a number. That's our job, working the  
5 fleet. We usually put those cranes on side of ships, move them up  
6 and down the number. So I can't give a number. I don't know,  
7 maybe 10, 12 times. I'm not sure. Maybe more than that.

8 Q. So were you aware of how -- what Mr. Picquet's experience was  
9 with moving the crane? Had he pushed it through the bridge?

10 A. I asked, before he took it over, if he ever moved a crane  
11 like this before. He told me yes. I can't say how many times  
12 that -- you know, I didn't ask him how many times. I just asked  
13 if he had any experience moving a crane like this before, and he  
14 told me yes.

15 Q. Did you discuss with him his comfort level with it?

16 A. Yes, sir.

17 Q. And he felt comfortable with it as well?

18 A. If he didn't, I would have never let him take over.

19 Q. Can you look at, skim over 5.6 and tell me what that means to  
20 you?

21 A. Depending -- it's just basically saying, like anything that I  
22 have any problem with, whether it be tow, or dispatch, I can call  
23 my port captain.

24 Q. Did you feel that you should have called the port captain  
25 that night, when you needed the bucket moved?

1 A. Yes, we should have. But at the time when -- it was  
2 discussed, but at the time, I was -- before he took over, I was  
3 under the impression they was going to move the bucket. So I  
4 didn't feel like it was needed to be called because I thought the  
5 problem was going to be handled before, you know, or -- so.

6 Q. Did you and Mr. Picquet discuss what to do if they didn't  
7 come to move the bucket?

8 A. Well, I told him if they didn't come move the bucket, we -- I  
9 told him to make the proper phone calls, because I didn't know  
10 what, you know, who to call after I called Chad, you know. I  
11 didn't know who to call, their side. I knew who to call on my  
12 side. And I don't know what happened after that.

13 Q. So you didn't just -- you and Mr. Picquet didn't discuss what  
14 to do if they didn't come to move the bucket?

15 A. No, sir.

16 Q. You just -- when you went down to eat and go to bed, you  
17 thought the bucket was going to come, be moved?

18 A. Yes, sir.

19 Q. Do you think the port captain should have been called when  
20 the bucket didn't get moved?

21 A. Yes, sir.

22 MR. [REDACTED] You guys got anything else, this 26? Or 26,  
23 about this section --

24 BY MR. [REDACTED]

25 Q. These policies we just reviewed, did you -- had you ever

1 reviewed them, or had training from Marquette on these policies?  
2 You know, the navigation equipment, stop work authority, when to  
3 contact the dispatcher, port captain.

4 A. All our policies and procedures that we have, that's  
5 basically what we go over every day -- like, what you're saying is  
6 what we go over in our safety huddle. Every day, we pick one of  
7 these policies and go over it.

8 Q. So you had been over all of these policies before?

9 A. Not all over all of them. No, we haven't.

10 Q. How long were -- had you been working with Marquette at --

11 A. A year and a half.

12 Q. When you first started working for them, they didn't require  
13 you to go through these before allowing you to be a master of one  
14 of their vessels?

15 A. They give us -- you know, we -- all of our policies and  
16 procedures is on the boats, on the computer. So we -- between,  
17 you know, working, you don't have that much time to go over, you  
18 know, every policy. You know, we go over them every day, because,  
19 you know, when I'm on the boat, we go over one policy. Like, we  
20 skim over, you know -- I'm not -- I haven't read every policy.

21 Q. But were you -- before today, had you ever seen the one about  
22 when to contact --

23 A. Yes.

24 Q. -- the dispatcher, and when to contact --

25 A. Yes.

1 Q. -- your port captain? Maintaining operational navigation  
2 equipment?

3 A. Yes, sir.

4 Q. So we're going to move on to pages 14 and 15. And can you  
5 look at Section 5.0 on page 15?

6 A. I don't have page 15 in this book.

7 Q. So 5.1, you felt that you met all this, as far as health,  
8 fatigue?

9 A. Yes, sir.

10 Q. Yeah, so you were good to go there. And 5.2 is kind of the  
11 same as what we previously discussed, for this, talking to -- so,  
12 and then 5.3, looking at all this, did you assess all these, these  
13 items before taking the crane?

14 A. Yes, sir.

15 Q. So you said after you took the crane, and then you got it  
16 away from the dock, but you kept it because there was lots of  
17 traffic in the area, so Eugene didn't -- or Mr. Picquet didn't  
18 have to take it?

19 A. Well, if he needed to stop, I figured where we were at was at  
20 a bad spot, because of the bend. And they had a 35 -- like I  
21 said, a barge, a tow coming down with 35 barges, and we were in a  
22 bad spot. So I crossed over the river, to get on that east side.  
23 So if he would lay down, you know, we'd be out the way. Because  
24 they had a bad upstream eddy right there, and it caused us to go  
25 towards that dock. And like I said, the overhang from that boom

1 from the, the arm from that crane, I didn't want it to hit that  
2 winch, so I crossed over on the other side. And when I took the  
3 tow, I wanted to get him past, so if he needed to hold up or stop,  
4 he would be in a safe place to stop or do so, out of the way of  
5 traffic.

6 Q. All right. Go to page 16. Section 5.8, did you assess all  
7 of those items before or after you hooked up to the crane,  
8 *Mr. Ervin?*

9 A. Yes, sir.

10 Q. You calculated the air draft?

11 A. Yes, sir.

12 Q. Of -- what did you calculate the air draft of?

13 A. The crane. I was told the crane was 130 foot tall.

14 Q. Who told you that?

15 A. The -- one of the guys that worked on the crane.

16 Q. You don't know which one? Was it -- you maybe know position?

17 A. I didn't -- I don't know his position.

18 Q. Were you aware of any Marquette vessels having issues with  
19 cranes in the near past, at that time?

20 A. No, not at that time.

21 Q. So the -- we don't know who, but they told you the crane was  
22 130 feet?

23 A. Yes, sir.

24 Q. Did you check to see if the bridge you were going in under  
25 had 130 feet of space?

1 A. Yes, it did.

2 Q. What we call -- determine, typically called air gap, you did  
3 check it?

4 A. Yes.

5 Q. Did you discuss that with Mr. Picquet?

6 A. No, sir. I did not.

7 Q. Did you log it anywhere?

8 A. No, sir. I did not.

9 Q. How did you check it?

10 A. Well, previously we took it just a week before.

11 Q. Took it a week before?

12 A. Yeah. We took the same crane -- well maybe the hitch before.  
13 Same river stage, just took the center span.

14 Q. So on the evening of the 11th, did you --

15 A. No, I did not.

16 Q. -- check the air draft of the bridge and compare it to the  
17 crane?

18 A. Oh no, sir. I did not.

19 Q. So but -- so what you're saying is, the week before, you did?

20 And so --

21 A. No. The time before. It might not have even been a week. I  
22 can't really remember. But the last time I took the crane and --  
23 I don't know that night. I didn't.

24 Q. Does environmental factors change?

25 A. Yes.

1 Q. That --

2 A. The river stage changes.

3 Q. Okay. So is the chances that the river stage was different  
4 that night than the last --

5 A. Yes, it was.

6 Q. -- time you moved the crane?

7 A. Yes.

8 Q. But you didn't check the river stage?

9 A. No. I didn't talk to Mr. Picquet about the crane. Like I  
10 said, I didn't log it down. I didn't discuss it with him about  
11 how tall the crane was, none of that.

12 Q. Now, I mentioned a second ago, you weren't aware of any  
13 vessels having problems with cranes going through bridges?

14 A. No, sir.

15 Q. You didn't hear about the Gramercy Bridge?

16 A. No, sir. I did not, until that night of the incident.

17 Q. Did you -- did Marquette have any policies about when you're  
18 transiting? Is there anything outside the regular log that you're  
19 supposed to fill out?

20 A. We have -- they had a voyage plan.

21 Q. Okay. Did you fill out a voyage plan?

22 A. Yes, sir. I did.

23 Q. For that night?

24 MR. [REDACTED] Can we open up Exhibit 46?

25 BY MR. [REDACTED]

1 Q. Is this the voyage plan that --

2 A. Yes, sir.

3 Q. -- you filled out for that night?

4 A. Yes, sir.

5 Q. And block 4, can you tell me what that number is?

6 A. That's the air draft of the boat.

7 Q. Of the boat?

8 A. Yes, sir.

9 Q. With the -- is that the -- do you always put the air draft of  
10 the boat?

11 A. Yes, sir.

12 Q. Do you think anything else should be put there?

13 A. Yes, sir. The air draft -- well, usually when we do a long  
14 form, we'll do the tow. And in the short form, we usually  
15 don't -- we usually don't have a tow, so it's usually just one of  
16 three barges, so that was just strictly for the vessel. That  
17 wasn't for the tow. But it should have the crane on there.

18 Q. So because you don't sign this, but you're saying that you  
19 did -- oh, you did?

20 A. Yes. I did sign it.

21 Q. Okay. Oversight. I'm sorry. When you fill out your short  
22 voyage plan, do you put any kind of input in your navigational  
23 systems?

24 A. AIS, we put where we're tripping to, where we're going.

25 Q. You put where you're going to?



1 A. Uh-huh.

2 Q. Do you, like, you have like a chart plotter, like Rose Point?

3 A. Uh-huh.

4 Q. Is Rose Point capable of you putting your size and dimensions  
5 in there?

6 A. Yes, sir.

7 Q. Did you -- on that night, did you enter anything into Rose  
8 Point for the tow? Length --

9 A. I don't even recall.

10 Q. -- width, height?

11 A. I don't recall.

12 Q. So you mentioned, on the short voyage plan, you always put  
13 the height of the tug, not the tow. What's the difference between  
14 the other voyage plan?

15 A. Usually when you're going more than 30 miles, you put -- you  
16 do a long form. It was required that you do a long form. We were  
17 just going 10 miles.

18 Q. And that form specifically says to put --

19 A. It asks all of that information.

20 Q. With the type of operations you're doing, how often do you  
21 fill out -- or what do you use the most, the short voyage plan or  
22 regular voyage plan?

23 A. The short. Usually, we're not -- usually we're just isolated  
24 to the fleet, so we don't move very far. So at that point in  
25 time, you know, we're leaving outside the fleet, so we use the

1 short form.

2 Q. So how often do you think you actually use a regular voyage  
3 plan?

4 A. Maybe once, once a month.

5 Q. So we're going to move on to Exhibit 97, which is the actual  
6 voyage plan. So on page 2, 5.6.

7 MR. [REDACTED] Can you go to section 5.6 on page 2? Yeah?  
8 That's on that -- yes. It should be the voyage plan. I didn't  
9 have it in my binder though because it was a huge document.

10 BY MR. [REDACTED]

11 Q. Okay. See, we have this kind of guidance for your regular  
12 voyage plan. Was there any kind of guidance on the short voyage  
13 plan, on how to fill it out?

14 A. No, sir.

15 MR. [REDACTED] Do you guys have anything else on the voyage  
16 plan?

17 I'm going to let Mr. Kucharski ask a couple of questions  
18 about the voyage plan.

19 BY MR. KUCHARSKI: Good morning again, Captain. I just want  
20 to be clear that this, what we're calling the short voyage plan,  
21 that is the pre-arrival and vessage [sic] voyage plan. Is that  
22 the same item we're talking about?

23 If you pull up item 46 again, please.

24 THE WITNESS: Yes.

25 BY MR. KUCHARSKI:

1 Q. At the top there, it says, "Pre-arrival and Vessel Voyage  
2 Plan." Do you see where it says that?

3 A. Yes, sir.

4 Q. Okay. But this is also the short voyage plan, that they --  
5 that's talked about in the flip book?

6 A. Well, yes. That's what we use in our fleet. That's the one  
7 we use in the fleet.

8 Q. Okay. And you completed this form; that's correct?

9 A. Yes, sir.

10 Q. Did you complete it before you got underway?

11 A. Yes, sir.

12 Q. Have the personnel on any of the vessels that you served on  
13 filled this form out more than once for towing a vessel under 30  
14 miles, taking a tow under 30 miles? So in other words, let's  
15 say -- I'll give you a hypothetical. If you're towing that vessel  
16 25 miles, and it goes over two watches, okay, so some -- you start  
17 it, somebody else takes over, is that form filled out a second  
18 time?

19 A. No sir, it's not.

20 Q. And if you look at this form, it says, "Air." What does that  
21 mean to you?

22 A. What the vessel needs for clearance.

23 Q. I'm sorry?

24 A. The air draft of the vessel.

25 Q. Air draft, and how do you actually figure out what the air

1 draft is?

2 A. Of the vessel? We have a plaque that says every dimension we  
3 need, how much we need clearance, how -- our telephone number, our  
4 official number for the boat.

5 Q. So that's -- when you say air, you're talking -- and the  
6 particular boat, you're talking about the tugboat?

7 A. Yes, sir.

8 Q. So how would you do it on the -- I just want to maybe get a  
9 little background information. The crane is *Mr. Ervin*, but it was  
10 on a barge called *The Columbia*; is that correct? If you don't  
11 know, that's okay.

12 A. I don't know.

13 Q. Okay. Okay, so how would you determine the air draft of that  
14 particular, *Mr. Ervin*?

15 A. I don't know.

16 Q. Do you know if you need to know the draft, how much water  
17 it's drawing, to be able to calculate the air draft?

18 A. I don't know that.

19 Q. And what does UKC mean to you? On that form, it says, "UKC."

20 A. Under-keel clearance.

21 Q. Okay. And is the number 10 up there?

22 A. Yes, sir.

23 Q. How did you calculate that?

24 A. That's because the boat draws a 9-foot draft.

25 Q. Okay. The boat draw, so you need to know the draft of the

1 vessel?

2 A. Yes, sir.

3 Q. Yes. Okay. And did you take the draft of either the barge  
4 or the --

5 A. No, sir.

6 Q. -- tug? Okay. Is there any place on this form where it asks  
7 you what the draft of the tug or the tow is?

8 A. No, sir.

9 Q. Do you see anything? Is there anywhere on this form where  
10 the name of the tow is?

11 A. No, sir.

12 Q. Now I think you may have answered this, but I just want to be  
13 clear. You did not -- you did or you did not discuss the contents  
14 of this form with Mr. Picquet, with the pilot, Picquet?

15 A. No, sir.

16 Q. And that's not in your watch, the change, change of watch,  
17 where you would discuss the voyage plan?

18 A. We -- well, that was part of -- we discussed our orders,  
19 where we're going, what was our job.

20 Q. But not this particular, the voyage plan?

21 A. No, sir.

22 Q. Okay.

23 MR. KUCHARSKI: That's all I have on the voyage plan for now.

24 Thank you.

25 MR. [REDACTED] I'm going to move on to Exhibit 69. That's the

1 safety alert, 0914.

2 BY MR. [REDACTED]

3 Q. Captain Smith, have you seen this safety alert, or heard  
4 about it before?

5 A. No, sir.

6 Q. Does Marquette, do they -- if there is a safety alert --  
7 that's an older one, but --

8 A. Yeah.

9 Q. If there's safety alerts issued, do they --

10 A. Yes, sir.

11 Q. -- send those out to the fleet? How do they get those to  
12 you?

13 A. Email.

14 Q. How's that?

15 A. Email.

16 Q. Email? Are you required to -- what do you do with it after  
17 you get it as a captain?

18 A. We log on the computer. We have a folder. We log them in  
19 the computer.

20 Q. Log them in the computer?

21 A. After we review them, we log them in the computer.

22 Q. Yeah. Who were you working for in 2014?

23 A. Enterprise.

24 Q. Enterprise? What was your position there?

25 A. Pilot.

1 Q. You were a pilot? And, but you never heard about this air  
2 drafts safety alert when you were at Enterprise either? Did  
3 they -- did Enterprise have a system, like --

4 A. Yeah, they --

5 Q. -- did they email them out?

6 A. Yeah. Most, all companies have them. I don't remember.

7 Q. Was Marquette a good company to work for, in terms of --

8 A. Yes.

9 Q. -- or I say, good. They -- do you feel that they had safety,  
10 good safety --

11 A. Yes.

12 Q. -- systems in place? Do you feel the safety systems that  
13 were in place could have prevented this accident?

14 A. Yes.

15 Q. How do you feel Marquette treats their captains and pilots?

16 A. Good.

17 Q. In comparison to other companies, better than average,  
18 average?

19 A. Average.

20 Q. Was there any reason to believe that if you used the stop  
21 work authority, that you would be reprimanded for that?

22 A. No.

23 Q. So you never felt that if you made a risky or dangerous  
24 decision, opposed to using the stop work authority, that one would  
25 be better than the other in the company's eyes?

1 A. Oh, no, no. If you use stop work authority, that would  
2 definitely be looking better in the company's eyes, instead of  
3 making a risky decision.

4 Q. So besides the Cooper employees, which you don't know their  
5 names, telling you they wouldn't move the boat, nobody else  
6 pressured you to get underway? You didn't feel any pressure on  
7 you?

8 A. The conversation I had with the dispatch was, continue to go  
9 northbound. That was the conversation we had. It wasn't like he  
10 was pressuring me, hey, go, go, go, but he just told me, you know,  
11 continue northbound, we're going to get those guys come meet you.

12 Q. When you said "they" was that --

13 A. It was a couple of guys on the crane, that was --

14 Q. On the crane?

15 A. That -- it was a crew from that -- it was, we need a crew to  
16 move that crane, that bucket.

17 Q. Those are the ones we don't know the names or positions of?

18 A. Yes, sir.

19 Q. Was there a time that the crane was expected to be delivered?

20 A. No, sir. I don't think so.

21 Q. While you were working at Marquette, did you ever exercise  
22 the stop work authority? Or try to, and --

23 A. Yes, yes.

24 Q. And --

25 A. We were working the fleet. It was cold, ice on the barges.



1 The guys couldn't go out there, couldn't perform their job.

2 Q. So you used the stop work authority? Did you get reprimanded  
3 in any way?

4 A. No, sir. I didn't.

5 Q. Okay. So would -- did you ever show concerns to the company,  
6 port captain, dispatchers or anybody, and them put pressure on you  
7 about the concerns you were raising?

8 A. No, sir.

9 MR. [REDACTED] So before I move on from this safety alert and  
10 stop work authority and everything, do you have any questions on  
11 the safety alert?

12 MR. KUCHARSKI: No.

13 MR. [REDACTED] You don't have any questions?

14 MR. KUCHARSKI: I don't.

15 BY CDR MESKUN:

16 Q. I just have one question on the safety alert. If -- you  
17 previously mentioned that if you were on watch, or on the boat,  
18 you would archive that in the email saved folders; is that  
19 correct?

20 A. Uh-huh.

21 Q. What would happen if you were on vacation or off the boat?  
22 Would you ever learn about previously issued safety alerts?

23 A. You can go back and check.

24 Q. Were you in the practice of checking archived emails?

25 A. No, sir.

1 Q. Is that standard for other pilots or captains to go back in  
2 and look?

3 A. I'm pretty sure.

4 Q. Okay.

5 CDR MESKUN: That's the only question I have.

6 MR. [REDACTED] Okay. We're going to look at Exhibit 21 now,  
7 the Cooper Consolidated Fleeting Rules, so specifically page 7 and  
8 8.

9 BY MR. [REDACTED]

10 Q. These Cooper's Fleeting Rules and Regulations, were you aware  
11 of their fleeting rules and regulations?

12 A. Yes, sir. Not this particular one, but they send out some  
13 fleeting rules and regulations.

14 Q. As for -- because you worked on a Marquette boat, but you  
15 were moving a Cooper crane, I think I missed that, can you  
16 describe the operations that you did? Because you worked for  
17 Marquette, the boat's owned for Marquette, correct?

18 A. Uh-huh.

19 Q. Okay. So what was your boat's relationship with Cooper?

20 A. We were contracted to work the fleet.

21 Q. Contracted?

22 A. Yes.

23 Q. So and I should have caught this earlier, the -- so when you  
24 were talking to a dispatcher, was that a Marquette dispatcher or a  
25 Cooper?

1 A. Cooper's dispatcher.

2 Q. Okay. So Cooper dispatcher is the one that you took your  
3 orders from?

4 A. Yes.

5 Q. Okay. And that was -- that was normal?

6 A. Yes.

7 Q. Yeah, okay. So while working -- since you were contracted to  
8 Cooper -- once again, I would -- were these fleeting rules and  
9 regulations showed to you?

10 A. Yes.

11 MR. [REDACTED] Is there any questions you guys have on this?

12 CDR MESKUN: I just have one question, just to be clear.

13 Based upon that information, is it safe to say that you were  
14 operating under Marquette's safety management system but you also  
15 followed Cooper's rules and regulations?

16 THE WITNESS: Yes, sir.

17 CDR MESKUN: Okay, thank you.

18 MR. [REDACTED] So we're going to discuss the weather a little  
19 bit. Can we go to Exhibit 43?

20 BY MR. [REDACTED]

21 Q. Would you say that the weather report there was correct, for  
22 the evening of the 11th, when you got the crane?

23 A. Yes, sir.

24 Q. And what was the weather? Could you briefly describe the  
25 weather that evening?

1 A. It was night time.

2 Q. What you can remember.

3 A. It was clear.

4 Q. It was clear?

5 A. Uh-huh.

6 Q. Hot, cold, windy?

7 A. Maybe windy.

8 Q. But was weather a factor --

9 A. No, sir.

10 Q. -- a factor in anything? Okay. The -- we previously  
11 established that you didn't log anything on the voyage plans as  
12 far as dimensions of the *Mr. Ervin*. Were any of those -- was the  
13 information of the *Mr. Ervin* anywhere on the boat?

14 A. No, sir.

15 Q. Okay. And I hate to be redundant, but so you didn't ask the  
16 dimensions of the cranes because you had previously got the  
17 information, but you don't remember how or where you got the  
18 information?

19 A. Yes, sir.

20 Q. You mentioned before that it was a bad spot, so you couldn't  
21 stop and you had to keep going. Between where you got underway  
22 and to where the bridge was, is there any place you could have  
23 stopped, or Mr. Picquet could have stopped?

24 A. Once I got above Whitehall, when I turned it over, he could  
25 have stopped anywhere, from that point to the dock, all that east

1 bank, all the way up to those docks. Right below the Sunshine  
2 Bridge is where we usually hold up if we have any traffic or  
3 anything. Yes.

4 Q. So the way you were moored up to it, was that the same way  
5 you always moored up to it?

6 A. Yes, sir.

7 Q. Okay. Can you describe how you were moored up to it?

8 A. We was faced up, using face wires on the port -- it was faced  
9 up on our port side. There's buttons in the middle, you know, on  
10 the port side that match up perfectly for the boat, that --  
11 because the boat's not that big, it's not that wide, to face up on  
12 that port side.

13 Q. So on the port side, and that's normal for you to --

14 A. Yes.

15 Q. -- face up on the port side of a barge that's that wide?

16 A. That's where we had the most visibility at.

17 Q. Okay. Thinking back on what we previously discussed about  
18 visibility, is there any other way you could have configured the  
19 tow?

20 A. We could have tried to face upon the starboard side, but they  
21 had two buckets on the starboard side. It was just as worse, if  
22 not worse.

23 Q. Did you -- would a second vessel, having two towboats, you  
24 think that would have been more ideal to --

25 A. Yes. That --

1 Q. -- improve visibility, so you have eyes all the way around  
2 the tow?

3 A. Yes.

4 MR. [REDACTED] I think that's about all the questions I got.  
5 Do you guys have any?

6 CDR MESKUN: I do have one question, or maybe a couple,  
7 depending on how -- go back through my notes here.

8 BY CDR MESKUN:

9 Q. Speaking of the different two configurations, have you ever  
10 towed on the hip before, on the Western Rivers?

11 A. No, sir. I haven't.

12 Q. Is that something that would have been a possible option for  
13 this tow configuration?

14 A. Not with that crane.

15 Q. Okay.

16 CDR MESKUN: That's all for now.

17 BY MR. KUCHARSKI:

18 Q. Captain Smith, I apologize in advance, but I have to take you  
19 back from the beginning, and ask you some follow-on questions. So  
20 but first off, you mentioned -- we've thrown around this word,  
21 Rose Point. Could you tell us what that is, what Rose Point is?

22 A. Rose Point is a aid of navigation we use --

23 Q. Could you come closer to your mic, please?

24 A. Rose Point is a aid of navigation we use. It basically is a  
25 chart, a map, and we use it to navigate.

1 Q. Is it electronic?

2 A. Yes, yes. It's electronic.

3 Q. It is. Okay, so you have some kind of a computer screen on  
4 the boat, which has this Rose Point. Is it a program that's  
5 uploaded onto the computer?

6 A. Yes, sir.

7 Q. I apologize in advance. I have it on my computer, so -- but  
8 I have to ask these questions, okay, so --

9 A. Okay.

10 Q. -- so everyone understands what Rose Point is. Have you had  
11 any -- did you have any training on Rose Point?

12 A. Yes, sir.

13 Q. And what did that training -- who trained you?

14 A. When I went to the -- Delgado has a class. When I took those  
15 classes at Delgado, they gave us training there.

16 Q. Delgado, that's a shoreside school, is it?

17 A. Yes, sir.

18 Q. Okay.

19 MR. KUCHARSKI: Could you please pull up Exhibit 39?

20 BY MR. KUCHARSKI:

21 Q. I'm going to ask you a little background question, if you  
22 don't mind. Okay, so it's going to be on page 2 of the PDF. It's  
23 a, it says 1 of 8. The caption at the top is, "Towing Officer's  
24 Assessment Record, Western Rivers." Do you see that?

25 A. Yes, sir.

1 Q. But you've seen this form before, yes?

2 A. Yes, sir. Yeah.

3 Q. And this was your assessment?

4 A. Yes, sir.

5 Q. Okay. And at the time, what position did you hold, and was  
6 it on a particular vessel or was it numerous vessels there?

7 A. It was a couple of vessels, but mainly on -- I believe I was  
8 on the *CSS Virginia*.

9 Q. I'm sorry. I can't --

10 A. I said, it was numerous vessels, but I said mainly on the *CSS*  
11 *Virginia*.

12 Q. And was that a particular company?

13 A. Oh no, it was a boat.

14 Q. Okay. And who operated that boat?

15 A. Are you talking about the company or --

16 Q. Yeah. Uh-huh.

17 A. Okay. It was Carline Management.

18 Q. Okay. And Michael London (ph.) --

19 A. That was --

20 Q. -- what was his --

21 A. He was the master. He was training me.

22 Q. He was training you? Okay. And you were -- what was the  
23 position you held on that, on the particular boats?

24 A. I was a pilot trainee.

25 Q. Pilot trainee. Okay, so if you go down to section B.2, it's



1 on that same page, and it says, "Allow for draft and clearances in  
2 navigation of vessel." Do you see that?

3 A. Yes, sir.

4 Q. What exactly did you go over, or did Mr. London go over, or  
5 did he explain things to you, or did you explain things to -- how  
6 did that work?

7 A. He explained to me what we needed for clearance of our  
8 vessel.

9 Q. Okay. Did you have to show him how you would calculate  
10 clearances of the vessel?

11 A. Yes, sir.

12 Q. You did. And how would you do that?

13 A. The clearance of the vessel for --

14 Q. Yeah. I mean, the -- we're talking about, it says, allow for  
15 draft and clearances in navigation of vessel, so what kind of  
16 clearances are we talking about?

17 A. The air draft we needed for the boat, or tow, or the  
18 clearance -- you know, what waterways we can travel on, what, you  
19 know, what was the maximum draft we could be in.

20 Q. So it was for air draft, was it?

21 A. Air draft and for --

22 Q. Okay. So Western Rivers, do you know if the *Kristin Alexis*,  
23 while towing the *Mr. Ervin*, and the barge *Columbia*, do you know if  
24 that was considered on the Western Rivers?

25 A. Yes.

1 Q. It is? Okay. And as part of that, your calculation, when  
2 you were evaluated by Michael London, did a discussion come up  
3 with gauges?

4 A. Yes.

5 Q. Could tell us what gauges are?

6 A. River gauges, the stage of the river.

7 Q. And what significance does a river gauge have?

8 A. To let us know how high the river is.

9 Q. I'm sorry?

10 A. To let us know how high the river is.

11 Q. Tells how high the river is?

12 A. Yes, sir.

13 Q. Are they used in calculating the air draft?

14 A. For what? For clearances --

15 Q. For the air -- yeah, the air draft. I'm sorry, the vertical  
16 clearance for a bridge.

17 A. Yes, sir.

18 Q. Yeah. And did you look, ever look at the gauge associated  
19 the Sunshine Bridge?

20 A. Yes.

21 Q. Okay. Was that ever used in a calculation? Did you ever use  
22 that in a calculation to determine what the air draft would be?

23 A. No, I did not.

24 Q. Okay. You mentioned earlier that you were a master since,  
25 was it 2011? Is that correct, about?

1 A. No. I wasn't a master in 2011. I got my masters in, I want  
2 to say '15, 2015, I got my masters.

3 Q. About 2015?

4 A. Yes.

5 Q. Is that correct?

6 A. Yes, sir.

7 Q. Okay. And was that also, did you have the endorsement for  
8 Western Rivers at that time?

9 A. Yes, sir.

10 Q. You did. Okay. And could you tell me your towing  
11 experience, is it mostly fleeting? Could you give us a breakdown  
12 of fleeting? You've heard the -- have you ever heard of line  
13 boats, and --

14 A. Yes.

15 Q. -- canals?

16 A. Yes, sir. My experience is on the Western Rivers, which is,  
17 I've worked between Baton Rouge and New Orleans, on the Western  
18 Rivers, on the Mississippi River, and canals. The fleets, I've  
19 worked Louland (ph.) fleet, I've worked CGB 164, 175 fleet. I  
20 worked Plaquemine fleet.

21 Q. So of that -- so from 2015, when you first started serving as  
22 master, through 2018, the accident, how much of that time was on  
23 the river?

24 A. Well, that last year, the whole last year I was on the river,  
25 so about a year.

1 Q. The whole last year?

2 A. Yeah. That whole last year. I can't tell you how many. But  
3 since then, November of 2017 till the accident, I was --

4 Q. And you said you'd made a number of trips under the Sunshine  
5 Bridge, is that correct?

6 A. Yes, sir.

7 Q. And was that -- you also mentioned, I think, you towed the  
8 *Mr. Ervin*?

9 A. Yes, sir.

10 Q. Under there?

11 A. Yes, sir.

12 Q. And over a couple dozen times, I think you said. Is that  
13 correct?

14 A. Well, not that particular, rig, no. I've -- other rigs. But  
15 that rig, particular is one time.

16 Q. Other rigs, so the couple dozen were other rigs that you took  
17 underneath --

18 A. Yes, sir.

19 Q. -- the Sunshine? And were they -- when you say rigs, were  
20 they crane, derrick, or these high-profile type tows?

21 A. Yes, sir. They were.

22 MR. KUCHARSKI: Could we look at Exhibit 40, please?

23 BY MR. KUCHARSKI:

24 Q. And I believe this is -- you're going to see a check ride  
25 worksheet.

1 A. Yes, sir.

2 Q. And take your time. Let me know when you're ready to go.

3 A. Oh yes, sir. I'm ready.

4 Q. Yes?

5 A. Yes, sir.

6 Q. Okay. So you've seen this form before?

7 A. Yes, sir.

8 Q. Where was this towboat operating?

9 A. We were going from New Orleans to Orange, Texas.

10 Q. Was -- so, was that considered canal work?

11 A. Yes. Canal between -- yeah. Well, yes.

12 Q. And what was your position on the towboat?

13 A. Pilot.

14 Q. You were a pilot. Did you tow any crane barges while you  
15 were being evaluated on the --

16 A. No, sir.

17 Q. Can you tell us if the canal levels, the water levels change  
18 quite a bit, like the river does?

19 A. Yes, but not -- it doesn't get that high.

20 Q. Okay. I won't take you back through the -- through your, all  
21 of your employment at Marquette, and your day-to-day duties. I  
22 think we have enough -- we have enough in writing, and see what  
23 your basic day-to-day duties. But outside of the day-to-day  
24 duties, what other -- the daily duties, what other duties did you  
25 perform?

1 A. I'm sorry.

2 Q. I'm sorry?

3 A. What are you -- I'm not understanding what the question is.

4 Q. You stood a 12-hour watch; is that correct?

5 A. Yes, sir.

6 Q. Besides the 12-hour watch, what other duties did you perform  
7 on board the vessel?

8 A. I'm not sure what you're asking. I'm not sure what you're  
9 looking for.

10 Q. Did you go through the safety management system? Did you  
11 review that? Did you --

12 A. Oh, oh, oh. Yes. No, I didn't, not on my watch. Not on my  
13 off time, I didn't.

14 Q. And your rotation, or contract period for the accident, that  
15 time frame, you came on board when, and you got off when?

16 A. I got on -- you mean, when the crew change, or --

17 Q. Yeah.

18 A. I think I was on the boat for a week.

19 Q. About a week.

20 A. Yes, sir.

21 Q. And how long did you stay on the boat during a contract, or  
22 rotation period, or?

23 A. The whole time. I never got off the boat.

24 Q. Was it 2 weeks? Was it 10 days? Was it --

25 A. Ten days.

1 Q. Ten days? And then how much time did you take off?

2 A. Well, my schedule was a 14 --

3 Q. Yeah.

4 A. -- and 7.

5 Q. 14/7?

6 A. Yes.

7 Q. Fourteen days on, 7 off?

8 A. Yes, sir.

9 Q. Okay. Were you required to follow the company safety  
10 management system?

11 A. We all are.

12 Q. Who did you report to, directly, at Marquette?

13 A. Our port captain.

14 Q. Port captain. And does the port captain have a name?

15 A. Harvey Mabile.

16 Q. Harvey Mabile?

17 A. Yeah.

18 Q. Okay. Anyone else that you reported to on a regular basis?

19 A. No, sir, besides Harvey and dispatch, who we're working for.

20 Q. The dispatcher that you were working for?

21 A. Yes.

22 Q. You reported to the dispatcher? What did you report to the  
23 dispatcher?

24 A. Well, we didn't report but, you know, we just got our orders  
25 from --

1 Q. Got you orders from? Thank you. So the basic operation of  
2 the *Kristin Alexis* was to operate where?

3 A. In the fleet, we were working at Darrow 164.

4 Q. Darrow and 164?

5 A. Yes, sir.

6 Q. Isn't 164 also called Convent fleet?

7 A. Yes, sir.

8 Q. And what kind of work did you do in the fleets?

9 A. Everything from working line boats, moving barges, servicing  
10 docks.

11 Q. Did you move -- I'm not familiar with the Convent, per se,  
12 but did they have different blocks, they called them blocks of the  
13 Convent?

14 A. Oh yes. Yes.

15 Q. They did. Did you move barges from blocks to blocks?

16 A. Yes, sir.

17 Q. And you also transported between the two fleets, between  
18 Convent and Darrow?

19 A. Yes, sir.

20 Q. Did you go outside those areas?

21 A. Yes, sir.

22 Q. So who actually gave you your towing orders?

23 A. Darrow's dispatch.

24 Q. Darrow dispatch? So you got your orders for the *Mr. Ervin*  
25 from Darrow dispatch?



1 A. Yes, sir.

2 Q. Do you ever discuss your towing orders with anyone at  
3 Marquette? Did you ever?

4 A. No, sir.

5 Q. Who lets go and ties up your tow, if it is made fast, or  
6 going to be made fast to something ashore?

7 A. My deck hands.

8 Q. Your deck hands? Okay. Do your deck hands, or did your deck  
9 hands tie up barges to anything other than to the towboat? So  
10 they tied them up to shore, yes?

11 A. Yes, sir. And --

12 Q. Do they also tie them up to other barges?

13 A. Yes, sir.

14 Q. Pilings?

15 A. Yes, sir.

16 Q. Cleats, ballards, different towing -- okay. Different. Have  
17 you ever had the need to ask a question about a particular barge  
18 or tow?

19 A. Yes, sir.

20 Q. Who did you ask that question of?

21 A. We had a problem with a barge having water in it. We called  
22 dispatch.

23 Q. You would discuss that with the dispatcher?

24 A. Yes, sir.

25 Q. Have you ever, in your time, refused to move a barge?

1 A. No, sir.

2 Q. When you make up to a barge to push ahead, okay, you -- like  
3 the *Mr. Ervin*, is there a particular end of the barge you look to  
4 make up to?

5 A. Usually you make up on a box end.

6 Q. On the box end?

7 A. Yes, sir.

8 Q. Is that usually the stern?

9 A. Yes, the stern. Yes, sir.

10 Q. And how about a particular side? Do you -- is there any side  
11 that you choose to make up to? So you're on the stern. You can  
12 go towards the starboard side, you can go, or in the middle,  
13 midship, or you can go to the port side?

14 A. Yes, sir.

15 Q. Is there any particular side you look towards?

16 A. Well, pushing a regular barge, we'd usually face up in the  
17 middle.

18 Q. In the middle?

19 A. Yes.

20 Q. Okay, so --

21 A. On the --

22 Q. -- on a crane barge, what would you do?

23 A. On that particular crane barge, I face up on the port side,  
24 where I have visibility.

25 Q. Does it make any difference when you're making up, if you're

1 on the inshore side or the offshore? Does that make sense to you?

2 So the *Mr. Ervin*, was that alongside the dock?

3 A. Yes.

4 Q. Which way was it facing?

5 A. It was facing right northbound, so --

6 Q. Northbound, so up river?

7 A. Yes, sir.

8 Q. Was it port side to the dock, or -- so it was port side

9 to --

10 A. Starboard side. Starboard side was in the dock.

11 Q. Starboard side to?

12 A. Starboard side was on the dock, so I faced up on the port  
13 side. They had a cable coming from the top of the dock, so it  
14 wouldn't -- I couldn't go, I couldn't get on the starboard side  
15 anyway.

16 Q. Okay. So the reason you could not go to the starboard side  
17 and tie up was because there was a cable coming from the dock?

18 A. Yeah. I wasn't going to be able -- yeah. Before I could  
19 even face up, they had to move the cable anyway. So once they  
20 moved the cable, I could have got on the starboard side, but being  
21 on that starboard side, they still had those other buckets on that  
22 starboard side too.

23 Q. I think it may be useful to look at a picture of those other  
24 buckets, and see what you were seeing, or at least what we had to  
25 do. So give me a second -- or what you had to tie up. Give me a

1 second here. And -- sorry.

2 MR. KUCHARSKI: Actually, it's in that slide there, [REDACTED]  
3 It's -- I think it may be the next one. Is that the -- with all  
4 the pictures, or no? No? I can -- no. I can find it. It's a  
5 little bit further.

6 Actually, let me move on. It's in my line of questions here,  
7 but it's a little bit further down. It's at -- I found it,  
8 Exhibit 51, page 21.

9 BY MR. KUCHARSKI:

10 Q. So is this -- does this look pretty similar to the way the  
11 crane was set up, and the way you made up on that?

12 A. Yes, sir.

13 Q. Were you on board when this picture was taken?

14 A. I believe so.

15 Q. It was taken like a day or two after the accident.

16 A. Yes, sir.

17 Q. Yeah. Okay. So the crane on the right-hand side of the  
18 picture is actually on another barge, correct?

19 A. Yes, sir.

20 Q. Okay. So you see the bucket there, on the starboard side,  
21 you see the height of the wheelhouse. Any reason you couldn't  
22 make up on that starboard side?

23 A. The ladder's in the way right there, where those guys get off  
24 at, it would have been in the way. And the way those cavels are  
25 set up, you would never be able to put your cavel there. How the

1 cavel's are set up, it's perfect on the port side, compared to the  
2 starboard side. You would have one wire way over there, coming  
3 across that, where that gangway is. You would crush that walkway  
4 where those lines at -- I mean, those pipes, which are face wire,  
5 going to that cavel. So we always face up on the port side.

6 Q. Is that gangway movable?

7 A. No. It's in the barge.

8 Q. I'm sorry?

9 A. It's in the barge.

10 Q. Yeah. Is the gangway on the barge, they can't take that off  
11 of there?

12 A. Those -- not with those handrails and everything that,  
13 sitting right there --

14 Q. I'm sorry. I can't hear you.

15 A. It's built in the barge.

16 Q. So what you're saying is you could not put it on the  
17 starboard side, then?

18 A. Yeah. We could have made it work, but it would have crushed  
19 those handrails.

20 Q. And those handrails won't come out of the deck?

21 A. I don't -- I'm not sure.

22 Q. Not sure? Okay. So Captain, I think we've looked closely at  
23 the setup, or where you could tie up. Is there any reason you  
24 would not tie up to the inshore side of a barge? That's what I  
25 need to know. So in other words, the *Kristin Alexis* -- I'm sorry,

1 the *Mr. Ervin* was tied up starboard side to -- you said?

2 A. It was -- the starboard side was tied to the dock. Yes, sir.

3 Q. Tied to the dock, so is there any reason you could not go to  
4 the starboard side of the dock?

5 A. That cable --

6 Q. Towards that -- besides, you know, the rails and things like  
7 that.

8 A. The cable.

9 Q. Cables?

10 A. Yeah.

11 Q. What cables?

12 A. The cable they had, they had to turn loose so we can take  
13 off. There's a cable that goes from one of those winches all the  
14 way up to the dock.

15 Q. Okay. Have you ever tied up, you know, on the inshore side,  
16 towards the dock?

17 A. No, sir.

18 Q. You never have?

19 A. No, I haven't, personally, no.

20 Q. On any barge that you've taken?

21 A. Yes, I have.

22 Q. You have? Okay. So Captain, now getting underway, who gave  
23 the order to let go?

24 A. They was turning loose before I told them that we was ready  
25 to turn loose.

1 Q. And you said you could not go back to the dock with that  
2 barge if you had to?

3 A. The way that the dock was set up, and there's big arms that  
4 come off, and I was worried about hitting one of those arms with  
5 the arm of the crane. And to go back in, I would have to angle in  
6 and try to get it over there and hold it in there. That water was  
7 keeping me off of there. I had a eddy that was sending me towards  
8 the river.

9 Q. Okay. Can you just turn around and stem the current, face it  
10 into the current, and just hold it there?

11 A. Well, I was already faced northbound, into the current.

12 Q. Okay, so bring it into the middle of the river. You can't  
13 just face it up, into the current and just wait --

14 A. And just float?

15 Q. Huh? Yeah. Have you ever done that before, waited with a  
16 barge until things opened up?

17 A. Yes, sir. They had three tows coming southbound.

18 Q. So you knew about the three tows coming southbound?

19 A. Yes, sir.

20 Q. You knew about the *Nedra K*?

21 A. Yes, sir. And I seen all those tows coming --

22 Q. Yeah.

23 A. -- on Rose Point.

24 Q. Okay. So did you discuss any of that traffic with Mr.  
25 Picquet?

1 A. Yes, sir.

2 Q. You did? Okay.

3 MR. KUCHARSKI: [REDACTED] do you have the, a picture of the,  
4 their actual bridge, the one we had back from the Army Corps of  
5 Engineers book? Can you pull that up? And maybe if you'd be so  
6 kind to tell us, so what exhibit number that is? Eight? It's 8.  
7 I don't need to pull this up, I've looked at this thing so many  
8 times. I think I know it in my sleep.

9 LT [REDACTED] Is it a certain page on 8?

10 MR. KUCHARSKI: Is it Exhibit 8? Oh, is -- 8 of that  
11 exhibit, or Exhibit 8?

12 BY MR. KUCHARSKI:

13 Q. You see that picture right back there on the wall? I'm about  
14 ready to go down there and just snatch it off the wall and put it  
15 up here. Well, while they're -- we're looking for that, how many  
16 crew members did you have on board the *Kristin Alexis*, and who  
17 were they?

18 A. Four. I had Brandon, Blaise, Nick, and -- I forgot the guy's  
19 name. We call him Coop.

20 Q. Were there four deckhands on board?

21 A. Yes, sir.

22 Q. Okay. And a pilot and yourself?

23 A. Yes, sir.

24 Q. Is that correct? And I'd like to be clear about this. Did  
25 you ask Pilot Picquet if he had towed the crane barge underneath



1 that, the Sunshine Skyway [sic] before?

2 A. No.

3 Q. Sunshine Bridge, rather.

4 A. No, I didn't ask him.

5 Q. I'm sorry?

6 A. I know I didn't ask him that particular bridge.

7 Q. You didn't ask him on that one? And did you discuss at all  
8 with him what channel to use?

9 A. No, sir. I did not.

10 Q. Okay. So here's a picture. This comes out of the Army Corps  
11 of Engineers, I think it's called, Flight Control and Map Book. I  
12 think it's mile marker 863 to 22, below the Head of Pass, okay.  
13 Have you seen this picture before?

14 A. Yes, sir. Yeah.

15 Q. Okay. Were you aware that there were two channels, if you  
16 will? It's called West Channel, and then -- the Channel Span and  
17 West Span, rather. Were you aware that there were two ways you  
18 could go under that bridge?

19 A. Yes, sir.

20 Q. Have you ever taken a tow through the West Channel?

21 A. Yes.

22 Q. You have? Okay.

23 A. Not a crane barge.

24 Q. Right. Okay, but so your voyage plan, you didn't discuss the  
25 voyage plan with Picquet. You knew there was traffic coming. You

1 said you were aware that there were three other tows, and you  
2 couldn't keep your barge out there. It would be difficult, with  
3 the three coming down, yet you didn't discuss either channel to  
4 take, or which one?

5 A. No, sir.

6 Q. Okay. Did you consider remaining up on the wheelhouse until  
7 the traffic cleared, and he went under the bridge?

8 A. I held watch until all the traffic was clear.

9 Q. I'm sorry?

10 A. I held watch until after the traffic was clear.

11 Q. Do you know what time the *Nedra K* went by?

12 A. I'm not sure which boat that was. Was that the one he --

13 Q. Yes.

14 A. Okay. That was a hour after he took over.

15 Q. So you weren't up there after the --

16 A. No, sir. No.

17 Q. Okay. So the *Nedra K* was not one of the three you were  
18 talking about?

19 A. No, sir.

20 Q. Okay. How would -- you said you sailed with Pilot Picquet  
21 for about 14 days?

22 A. No, sir.

23 Q. No?

24 A. No, sir.

25 Q. How long did you work with him, or sail with him?

1 A. I was on the boat probably a week.

2 Q. A week, about 7 days?

3 A. Yes, sir.

4 Q. Okay. And you evaluated him, you said? Or no?

5 A. No, sir. I wasn't the one who gave him his evaluation.

6 Q. So how did -- so, I guess, how do you know that he's going to  
7 be able to go ahead and handle the particular tow?

8 A. Well, I wasn't -- well usually the company gives you an  
9 evaluation like they gave me, like that paper you pulled up.  
10 Someone would check ride him.

11 Q. Okay, the check ride. Did you see his check ride?

12 A. No, sir.

13 Q. So you're just assuming that, because the company sent him,  
14 he's competent, or?

15 A. Well, he was on the boat a week before I got on the boat. He  
16 was already there working.

17 Q. Okay. So do you have any discussions with him, because I  
18 think you said you're sleeping most of the time he would be up  
19 there --

20 A. Yes.

21 Q. -- handling the boat.

22 A. We discussed -- yeah. I asked him about his work history.  
23 We have those type of discussions, you know. Because he did work  
24 with Marquette. I was on that *Steve Richoux* with him at the time  
25 when he was training. And I worked maybe a week with him, and

1 then he went to another company and started working. And then he  
2 came back. You know, I asked him about, you know, what has he  
3 been doing, and where he's been running at.

4 Q. But you had no physical way to evaluate him on that  
5 particular stretch where you were working; is that correct?

6 A. Well, you know, me evaluating -- I just, I would be up there  
7 sometimes, you know, talking to him and asking him questions, if  
8 he knew where certain things were, where the docks were. And he  
9 seemed pretty knowledgeable of the area.

10 Q. So the check ride, that -- there's a check ride for a pilot  
11 too, not just for the master; is that correct?

12 A. Anyone that gets hired on at the company have to go through a  
13 check ride.

14 Q. I'm sorry?

15 A. Anyone that's hired on with the company has to go through a  
16 check ride.

17 Q. Okay. And are these check rides just for that particular  
18 area that you're on?

19 A. I'm assuming, where you're going to be working at. Yes.

20 Q. So your check ride was on the canal, but it wasn't -- you  
21 didn't have a check ride on the river?

22 A. My check ride was where we were going to be working. The job  
23 we were doing, we were going to be in the river and we were going  
24 to be in the canal.

25 Q. Prior to getting underway, what sort of charts and

1 publications did you have on the wheelhouse there?

2 A. We have paper charts, and we have Rose Point.

3 Q. The paper charts, NOAA charts, is that the one?

4 A. Yes, sir. Yeah.

5 Q. Similar to the one, the 11-370 that's on the --

6 A. Yes, sir.

7 Q. You had Notice to Mariners also?

8 A. Yes, sir.

9 Q. Light List?

10 A. Yes, sir.

11 Q. Did you have a Coast Pilot on board?

12 A. Yes, sir.

13 Q. How about the Army Corps of Engineers Map Book which this  
14 came out of? Did you have that on there?

15 A. I'm not sure.

16 Q. So you said you were able to -- when you were being  
17 evaluated, that you were able to apply the gauges, the river  
18 gauges, okay, to get the vertical clearance on a bridge, yes?

19 A. When I were check-riding, I'm sorry?

20 Q. Either in your towing officer evaluation, which I showed you,  
21 we showed you earlier --

22 A. Yes, sir.

23 Q. Okay. Mike -- Michael London --

24 A. Yes.

25 Q. -- I think it was, yeah. Tell me, have you ever -- after

1 that towing evaluation, have you ever had to go in and get a  
2 gauge, what the gauge level was, and apply some calculation to  
3 figure out what the vertical clearance was for a bridge?

4 A. No, I haven't had to.

5 Q. Okay. And I think you said you were told that the height of  
6 the *Mr. Ervin* was 130 feet, correct?

7 A. Yes, sir.

8 Q. But you didn't know who that was?

9 A. No, sir.

10 Q. Have you ever asked the dispatcher for the height of a  
11 particular crane?

12 A. No, sir.

13 Q. Crane. No. Did Marquette have any site or method to give  
14 you information on heights of tows, or tow -- you know, the barges  
15 or anything that you were going to tow?

16 A. No, sir.

17 Q. So I'm a little bit confused maybe, but so how do you  
18 actually determine that you can get a tow under a bridge if you  
19 don't do any calculation? Just previous experience? Because you  
20 made it before, you can make it again? How would you actually  
21 figure if you can make it underneath a bridge?

22 A. Well, you -- you take the vertical clearance of the bridge  
23 and minus from the river stage.

24 Q. The gauge, from the gauge? But you said you never did that.  
25 You never did the calculation.

1 A. No. I'm saying I never had to do the calculation. I didn't  
2 start pushing cranes until I start working for Cooper.

3 Q. So how would you know, to be certain -- the river changes,  
4 right? The levels change.

5 A. Yes, sir.

6 Q. So how do you know you can make it under without doing a  
7 calculation?

8 A. You would have to do a calculation.

9 Q. But you've never had to do a calculation?

10 A. Yes.

11 MR. KUCHARSKI: I think I'm -- thank you. I think I'm  
12 finished with my questions.

13 CDR MESKUN: It's now 11:05. Would we like to take a lunch  
14 break now, and come back after lunch? Okay. Let's say, let's --  
15 it is 11:03. Let's recess and we'll return at 12:15. We're now  
16 in recess.

17 (Off the record at 11:03 a.m.)

18 (On the record at 12:15 p.m.)

19 CDR MESKUN: The time is now 12:15. We will go back on the  
20 record. We will continue our interview with Captain Smith. And I  
21 will turn the floor back over to NTSB to ask a few remaining  
22 questions.

23 BY MR. KUCHARSKI:

24 Q. Hi Captain. Thank you again for being here, and for  
25 answering these questions. To go back to your testimony earlier

1 this morning, where you said Chad said he was going to move the  
2 bucket.

3 A. No, sir.

4 Q. No?

5 A. No. Chad never said he was going to move the bucket. He  
6 said the guys were going to come back and move the bucket.

7 Q. Okay. So Chad told you that they were going -- somebody was  
8 going to move the bucket?

9 A. Yes. They were going to come back --

10 Q. Okay.

11 A. -- and move the bucket.

12 Q. And you said you've moved the *Mr. Ervin* before?

13 A. Yes.

14 Q. How many times?

15 A. I'm not sure how many times I've moved it, but I've brought  
16 it underneath that bridge once before.

17 Q. But it's more than once you've actually moved the *Mr. Ervin*?

18 A. Yes.

19 Q. Had anything changed, for this move, from all the other moves  
20 of the *Mr. Ervin*?

21 A. Yes, sir. That bucket was never in the way.

22 Q. The bucket was never on that port side?

23 A. Yes, sir.

24 Q. And I think you testified that you discussed with Mr. Picquet  
25 the fact that they were going to move the bucket?



1 A. Yes, sir.

2 Q. Is that correct?

3 A. Yes, sir.

4 Q. And then I believe you said that if they didn't move it, you  
5 were going to hold up?

6 A. Well, that was -- that decision would have been on him to  
7 hold up.

8 Q. The situation -- so let me go back to that question that I  
9 asked you. You said it was a bad place to stop in that area, off  
10 of Convent, where you had picked the *Mr. Ervin*?

11 A. Yes.

12 Q. Yes? Is there somewhere between Convent and the bridge,  
13 where you could hold up?

14 A. Yes, sir.

15 Q. Okay. So the vessel did not have to proceed under the  
16 bridge? They could have gone somewhere up there and waited?

17 A. Yes, sir. That's why I took the -- that was the whole  
18 purpose of me staying on watch until we got the boat in a safe  
19 place where he felt comfortable if he needed to stop, or whatever  
20 he needed to do.

21 Q. And did you tell, or did you give Captain Piquet the height  
22 of the *Mr. Ervin*?

23 A. No, sir.

24 Q. So where would he get that information?

25 A. If he needed the information, I'm sure he could have called

1 the port captain, and they probably could have found out that  
2 information.

3 Q. And a little bit different line of questions, you said that  
4 you've been discharged from Marquette; is that correct?

5 A. Yes, sir.

6 Q. Did they provide you with a letter, or some kind of written  
7 document for that?

8 A. Yes, sir.

9 Q. Okay. Do you mind sharing a copy of that with us?

10 A. I don't have it with me at this time.

11 Q. But would you mind sharing that with us?

12 A. If I have -- yes, if I can find it, sir.

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

14 CDR MESKUN: Thank you.

15 BY CDR MESKUN:

16 Q. I do have a few questions. Bear with me. I'm just going to,  
17 trying to fill in some gaps from -- so there may not be any  
18 logical as to how I ask my questions.

19 Earlier on this morning, we were looking at the logbook for  
20 the vessel, and we were talking -- there was a short conversation  
21 about the meetings that take place, the safety meetings, and then  
22 the safety matrix, where you get the GAR. When you had that  
23 safety meeting with all of the crew together at the same time,  
24 immediately before the watch where the accident occurred, what  
25 were the details of that conversation that took place in that

1 meeting?

2 A. Well, I was telling the guys, you know, I had limited  
3 visibility, that I was going to need two guys out there on the  
4 head, so I can navigate past the fleets and things. And I told  
5 them basically the same thing I was told, that they was going to  
6 have somebody come out and move the bucket.

7 Q. Okay. So does that mean you sent the deckhands forward to  
8 serve as a lookout?

9 A. Yes, sir.

10 Q. Okay. Do you feel that Marquette's safety goals and ideas  
11 are implemented and embraced on the boats at the deck plate level?

12 A. Yes, sir.

13 Q. While you were transiting, after you picked up the *Mr. Ervin*,  
14 was the boom of the crane barge in an up position, or was it down  
15 and securely cradled?

16 A. It was securely cradled.

17 Q. Going back to a previous conversation you had this morning,  
18 we were talking about the visibility that you have, looking out  
19 the window. And you indicated there was probably about 90 percent  
20 of your view was obstructed; is that correct?

21 A. Well, not 90 percent. Just, almost like a 90-degree angle.

22 Q. I'm sorry. I said percent.

23 A. Yeah.

24 Q. Ninety degree angle is what I meant. So would you describe  
25 that, from as like dead ahead to your right?

1 A. Well, we were offset. We were on that port side. So  
2 basically, like if I was looking at the crane, like from you to  
3 here, I could see. So everything else on this starboard side, I  
4 couldn't see.

5 Q. Okay. Were you comfortable taking watch, assuming that as  
6 your visibility?

7 A. Well, at that time, I stressed my concern. That's the reason  
8 why I called dispatch. They were turning the crane loose before I  
9 even faced up, so I didn't even get the chance, because I was so  
10 worried about, they was trying to stop that, the boom from hitting  
11 that, that arm that was hanging off. I was telling them to hurry  
12 up, so facing up so I can get a hold of the barge to keep it from  
13 going, to hitting that arm. When I finally faced up, then I could  
14 see, you know, okay now I got a bucket in the way. And that's  
15 when I made my phone calls and everything else. And it just went  
16 from there.

17 Q. Okay. Was the maximum air draft or the air draft of the  
18 barge permanently marked anywhere that you could see?

19 A. No, sir.

20 Q. So it was not visible?

21 A. No, sir.

22 Q. And I just want to make sure that I'm clear, because there  
23 was a couple of different conversations here. So correct me if  
24 I'm wrong. You pushed the *Mr. Ervin* through the Sunshine Bridge  
25 one time in the past?

1 A. Yes.

2 Q. And other than that, you did move this, *Mr. Ervin* around, but  
3 it was not through the Sunshine Bridge?

4 A. Yes.

5 Q. Do you -- and did you have a number as to how many times you  
6 may have moved the barge around?

7 A. No, sir. I'm not --

8 Q. Okay.

9 A. I could say maybe six times, but it could be more, could be  
10 less.

11 Q. Okay. And what was the time frame that that occurred at? So  
12 you started in November of 2017. Is that when you started pushing  
13 that barge around?

14 A. Yes. Well, no. No, no, because that was a newer barge. It  
15 wasn't built at that -- we didn't have that -- that barge wasn't  
16 there at that time, so it was other crane barges I was moving, but  
17 from November 2017 to '18 would have been a year, so yeah.

18 Q. Okay. So you indicated that you understood the air draft of  
19 the crane barge to be 130 feet?

20 A. That's what I was told.

21 Q. But you don't know who --

22 A. No, sir.

23 Q. -- provided that information? So it's just --

24 A. No, sir.

25 Q. -- information that you were under the awareness of, from the

1 beginning of moving the barge locally?

2 A. Yes, sir.

3 Q. Not through the Sunshine Bridge?

4 A. Yes, sir.

5 Q. And could you please state again, when was it that you pushed  
6 it through the bridge?

7 A. Maybe a month before the accident.

8 Q. Okay. And which span did you take?

9 A. The center span.

10 Q. Had you ever taken a crane barge through the alternate west  
11 span?

12 A. No. No, sir.

13 Q. Okay. Specifically pertaining the Sunshine Bridge, are you  
14 aware of a bridge clearance difference between the main span and  
15 the alternate west span?

16 A. Yes, sir.

17 Q. Okay. Which one is higher, which one's lower?

18 A. The center span is the highest part of the bridge.

19 Q. Okay. Had you ever seen or received a copy of *Mr. Ervin's*  
20 drawings or plans?

21 A. No, sir.

22 Q. If you would have been on watch and the time span was  
23 different, and you did not have to turn the watch over to Captain  
24 Picquet, given the same situation, the same circumstances, would  
25 you have taken the same path? Would you have hugged the west bank

1 or the right descending bank?

2 A. No. I would held up and waited for them to come move the  
3 bucket before I proceeded.

4 Q. Okay. When you got underway with the *Mr. Ervin*, did you know  
5 what the river stage was at that time?

6 A. Yes, sir.

7 Q. And do you recall what it was?

8 A. No, sir.

9 Q. Okay.

10 CDR MESKUN: If we would please take a look at Exhibit Number  
11 44. This is the Donaldsonville River Gauge at the time of the  
12 accident. Can you zoom in a little bit on it?

13 BY CDR MESKUN:

14 Q. Can you read what that says?

15 A. Uh-huh. 17, 8, 32.

16 Q. Okay. Does that seem to be what you recall the river stage  
17 to be at that time?

18 A. Yes, sir. It was in high river.

19 Q. Okay. So the crane itself obstructed your view outside the  
20 window 90 degrees. Did the bucket in front of you make that  
21 worse? Or was that adding, included, was that 90 degrees  
22 including the bucket?

23 A. Oh no, no, no. That wasn't including the bucket. No. It  
24 wasn't including the bucket.

25 Q. How much extra of your view did the bucket obstruct?

1 A. Maybe another 15. I could only see, yeah, about another 15  
2 degrees.

3 Q. Okay. In your career, did you ever receive any specialized  
4 training on pushing any vessel with a large air draft?

5 A. No, sir.

6 Q. Did you ever engage with VTS on your transit? Have  
7 conversations with the Vessel Traffic Service?

8 A. No, I did not.

9 Q. If you were able to have a second chance on that day, what  
10 would you do different -- what would you do differently, or how would  
11 you approach the situation again?

12 A. I probably wouldn't even move the barge.

13 Q. Okay.

14 CDR MESKUN: That is all the questions I have. I will turn  
15 it over to the parties in interest.

16 Cooper, Mr. Jenkins?

17 MR. JENKINS: Thank you.

18 BY MR. JENKINS:

19 Q. Captain Smith, my name is Scott Jenkins. I represent Cooper  
20 Consolidated. And I know you've been here a while today. Thank  
21 you for your time, and I'm going to try to be fairly brief here,  
22 and just hit some hot points that I want to clarify with you.

23 You mentioned a few times that, I think to -- not to  
24 paraphrase what you said, but you said, they turned me loose, or  
25 they let you loose before you wanted to, when you were trying to



1 face up to the *Mr. Ervin*. Who were you refer -- who is they?

2 A. The guys that were working on the rig.

3 Q. Okay. And so those are -- you're talking about Cooper  
4 Consolidated people?

5 A. I'm not sure if they worked for Cooper Consolidated, because  
6 there was some other guys that work -- that were on the dock, that  
7 were turning lines and stuff there. The guys that were from  
8 Cooper were, I guess, on the barge. I'm not sure if those guys  
9 worked for Cooper or not.

10 Q. Where were your deckhands?

11 A. They were on the barge.

12 Q. So they were working with them?

13 A. Yes, on the head of the barge.

14 Q. Okay. So when you say they, you're just simply saying, some  
15 way, one of the lines was let loose before you wanted and you  
16 began drifting out. But as far as who "they" was, you don't know?

17 A. No, sir.

18 Q. And as far as what dialogue was taking place, who said what,  
19 who instructed someone to let loose of a line, you don't know any  
20 of that?

21 A. As far as who told them? No.

22 Q. Now, you -- when you -- you faced up to the -- well let me  
23 ask you this first. You've moved the *Mr. Ervin* a few times, you  
24 said earlier.

25 A. Yes, sir.

1 Q. Including one time, southbound, you transited the Sunshine  
2 Bridge?

3 A. Yes, sir.

4 Q. And do you remember how long that was before the incident  
5 here, this October 11, October 12 date?

6 A. Probably a month.

7 Q. About a month?

8 A. Uh-huh.

9 Q. And are you certain that the spare bucket was not on the port  
10 bow of the *Mr. Ervin*?

11 A. Yes.

12 Q. Absolutely certain?

13 A. Absolutely.

14 Q. Do you know what that spare bucket is for?

15 A. No, sir.

16 Q. Do you know if there's anywhere else it can be stored on the  
17 barge?

18 A. I have no -- no. I have no idea, nothing about that barge.

19 Q. How many buckets are on the barge?

20 A. If I remember, about four.

21 Q. About four or four? Do you know?

22 A. I don't know.

23 Q. How many buckets were on the starboard side?

24 A. I believe, two.

25 Q. Were they larger or smaller?

1 A. Smaller.

2 Q. Was the view facing down the starboard side better or worse  
3 than if you were facing down the port side?

4 A. I can't remember.

5 Q. Okay. Because earlier you testified that you couldn't be  
6 put -- you couldn't face up at the stern on the starboard side  
7 because they had buckets over there and the view there was even  
8 worse than it was on the port side. Do you remember saying that?

9 A. The view was just as bad. Yes.

10 Q. It was just as bad?

11 A. Yes.

12 Q. Okay. Is that the reason why you couldn't go to the  
13 starboard side?

14 A. And because of the way, that way the cavels was set up, I  
15 couldn't have my wires -- I would have been offset. It's best to  
16 have the wires as close as possible to the boat. One of my wires  
17 would have been real short, and this one would have been over  
18 here, and it would have been more likely for me to snap this wire,  
19 because of what it was. And then you all have, where -- not you  
20 all, but I would set up that cavel, that I would have used, they  
21 have that railing, for that, for them to get off the barge went  
22 right there. I didn't want not have a chance of breaking or, you  
23 know, damaging you all equipment.

24 Q. Are those things you thought about that night, or are those  
25 things you've thought about now since you've had time to sort of

1 recollect what happened and review documents and things like that?

2 A. No. That's things that we've always done, that's always been  
3 a concern. That's why we always faced up on the port side.

4 Q. You never faced up on the starboard side of the *Mr. Ervin*?

5 A. I've not -- no, sir.

6 Q. Now, after you faced up and tightened your wires, you said  
7 you drifted out into the river. The -- am I correct, that the  
8 Cooper Consolidated crew, at some point thereafter, got off the  
9 *Mr. Ervin* and onto a crew boat; is that correct?

10 A. Yes, sir.

11 Q. And all the while, kind of during this process, am I correct  
12 that during the time that you began drifting out into the river,  
13 is that about the time that you began making the calls to inquire  
14 about moving the bucket?

15 A. No, sir. That's -- when -- at this time, when they was  
16 turning loose, I was already concerned about the bucket. I was  
17 asking those guys. When the guy said they wasn't going to move  
18 the bucket, that's when I called dispatch, and I talked to  
19 dispatch. Well, dispatch was talking to the foreman that was on  
20 the rig, and I don't his remember his name. He was talking back  
21 and forth to them. Then he called me on the phone -- well he  
22 called me on the radio, and he told me to tell his guys to call  
23 him, whatever his name is.

24 And then, my guys was telling me, you know, what your guys  
25 were saying over the radio. So when they were communicating

1 with -- when I was communicating with the foreman, they was  
2 communicating with his guys, through the radio.

3 Q. When did you -- you mentioned somebody by the name of Chad?

4 A. Yeah. I believe that's what his name is, the dispatch.

5 Q. Okay. Is that, you said a dispatcher for Cooper  
6 Consolidated?

7 A. 164.

8 Q. Okay. The name, was it Chad Nelson?

9 A. I don't know his last name.

10 Q. You discussed with him, moving the bucket?

11 A. Yes, sir.

12 Q. And that's -- sounds like you talked to some guys on the *Mr.*  
13 *Ervin*, and then perhaps on the dock.

14 A. Yes, sir.

15 Q. And then later on, you were put in touch with and had some  
16 discussions with Chad?

17 A. I called him as soon as they said they wasn't going to move  
18 it.

19 Q. And when you did that, when you talked to Chad, you were out  
20 into the river on your way northbound, were you?

21 A. No. No, sir. I was sitting --

22 Q. Where were you?

23 A. I was sitting there, floating.

24 Q. Okay. How far were you from the dock?

25 A. The dock? Probably maybe 100 foot off the dock.

1 Q. Okay. Do you remember any of the names of the individuals  
2 who were involved in these conversations that took place about  
3 moving the bucket? What about nicknames?

4 A. I'm trying to remember their names. Memphis.

5 Q. Okay. And how do you -- you mentioned that name, I think,  
6 during one of your interviews. And how do you know Memphis?

7 A. I don't know -- I don't know of him.

8 Q. Okay. How did you know his name was Memphis?

9 A. Because that's what they called him. That's what they called  
10 him on the rig, the guys on the rig called him.

11 Q. Did you know that the night you were communicating with him,  
12 that that guy whose voice I hear over the radio, that that's  
13 Memphis, I know him?

14 A. And Chad said that he's going to get in touch with Memphis,  
15 the foreman on the rig.

16 Q. Okay. All right. Let's go to the time now where you're into  
17 the river. I guess you slowly get into the center of the river,  
18 the channel, and you begin your northbound transit. And at that  
19 point, you're still talking to Chad or whomever about maybe moving  
20 the bucket. But there's some ongoing talk about moving the  
21 bucket. You have a southbound tow that you said you let -- had a  
22 passing agreement with them, let them safely pass, and then  
23 shortly thereafter, it's time to do the handoff to Mr. --  
24 Captain -- Mr. Picquet; is that right?

25 A. Yeah. There was -- it wasn't shortly, maybe hour, maybe 45

1 minutes after --

2 Q. Okay. So you stayed at the helm for a while?

3 A. Yes, sir.

4 Q. Okay. Now we spent a lot of time this morning looking at  
5 some Marquette documents, their safety documents and, you know,  
6 other documents you were asked about. And you acknowledged,  
7 readily acknowledged that you have stop work authority, if  
8 something -- as the captain, it stops with you. If something's  
9 unsafe, if it's deemed unsafe, you have the ability to stop the  
10 work, and there's no repercussion with Marquette. They'd rather  
11 you do that than proceed in a dangerous fashion, correct?

12 A. Yes, sir.

13 Q. Okay. So I assume that because you were somehow, you were  
14 bothered by this bucket, you didn't want it there, you wanted it  
15 moved, but the fact is, it hadn't been moved, and you're now  
16 proceeding north. So because you had continued on that voyage, I  
17 assume that you think that it didn't rise to the level of creating  
18 such a dangerous condition that you needed to stop the work?

19 A. Well, at that point, to get in a safe position, I had to  
20 move.

21 Q. But you traveled for over an hour. How long does it take to  
22 get in a safe position?

23 A. Well, you got three tows and you got a fleet moving in and  
24 out, barges in and out, so to me, the safe places to be where he  
25 could hold up at would be above Whitehall, where there's no tows,

1 no fleet, nothing else that he could possibly hit or be in danger  
2 of.

3 Q. All right. So I understand what you're telling us, that you  
4 wanted to get to a safe spot to hold up, to sort all this out,  
5 whatever you're going to do. But the reality of it is that you  
6 proceeded north, and you continued on that journey. You didn't  
7 deem that bucket to be enough of a problem that you need to stop  
8 the work, did you?

9 A. Yes, I did. I would have never made a call about it if I  
10 didn't. And Chad told me, continue north. I was told to continue  
11 north, and those guys would meet me.

12 Q. Chad is the dispatcher for Cooper Consolidated.

13 A. Yes, sir.

14 Q. Is Chad in charge of the *Kristin Alexis*?

15 A. No sir, but as of my judgment is to get my crew and the boat  
16 in a safe position. You got barges coming with 35, you know,  
17 barges, and that's not safe. I had two lookouts to make sure I  
18 could get into a safe spot so, to hold up.

19 Q. Wouldn't -- didn't you have the opportunity then to put in a  
20 safe position to hold up before you ended your watch?

21 A. That's what I did.

22 Q. You -- no, you handed over the wheel to somebody else. You  
23 didn't pull over and stop.

24 A. When I -- I got it to, you know, where there was no traffic.  
25 And I told him what, you know, what was supposed to happen was,



1 they were supposed to come move the bucket. And I told him, if he  
2 needed to hold up, you know, this would be a perfect spot for him  
3 to him to hold up, anywhere between here. And I just advised him  
4 what was supposed to be happening. Chad say they was going to  
5 send somebody to move the bucket. That's what it was.

6 Q. Now, in your interview, you didn't say you told him to hold  
7 up. You said that you told him that if he encountered any  
8 problems or he had to, just take it into the bank. You didn't  
9 say --

10 A. Well, -- yes.

11 Q. You didn't say, hold up.

12 A. Yeah. Well, yeah. Take it in to the bank.

13 Q. If you have any problems. You didn't say, they're coming.  
14 Hold up, they're coming, stop now. Why didn't you have that  
15 discussion with him at the time?

16 A. I --

17 Q. I don't think that's what happened at the time. I think that  
18 you just said look, they said they're coming to move the bucket.  
19 I'll let this tow pass us toward the south, it's yours now, be  
20 careful. That's basically what you told him.

21 A. No, that's not what I told him.

22 Q. Okay. So you had stop work authority, you didn't use it,  
23 because you didn't think that the situation at that time was so  
24 unsafe that you needed to use it.

25 A. I felt like I could get the barge in a safe place for him to

1 make a decision that, whatever he needed to make, or well, to get,  
2 you know, Cooper's guys back on there to move the bucket so he  
3 could proceed.

4 Q. Now you also said earlier that -- and it may have been in  
5 relation to questions about discussing going through the bridge,  
6 that you didn't have a lot of those detailed discussions with Mr.  
7 Picquet because you thought that you were going to be stopping  
8 while they came and took the bucket off the crane. Is that -- I  
9 mean, off the barge; is that right?

10 A. Well, -- yeah. Well, my assumptions, you know, be different  
11 from his. But from where Weber's crew launch boat was and where  
12 we -- you know, in relation to where we were at, we were coming up  
13 on it. So when he told me continue northbound, that they would  
14 be -- it would be -- you know, instead of trying to stop down  
15 here, they could meet us a little bit closer, and they could get  
16 the bucket moved.

17 Q. Do you know whether there was any confusion as to actually  
18 which bucket you were talking -- they were talking about?

19 A. I don't know if they had any confusion, but I made it clear  
20 which bucket was in the way.

21 Q. Well, there was a bucket on the crane itself, attached on the  
22 boom. There as a spare on the port side, and you said there was a  
23 spare or two on the starboard side. So when they were talking  
24 about moving the buckets, were there ever any confusion early on  
25 that they perhaps thought that you were talking about the bucket

1 that was actually connected to the crane?

2 A. No sir, because I told them this bucket right here in front  
3 of me on the port side.

4 Q. And so it was your understanding that they were going to send  
5 somebody out into the river, and somewhere in the river, they were  
6 going to move that bucket?

7 A. Yes, sir.

8 Q. Okay. And what was your understanding as to how long that  
9 would take?

10 A. I had no idea how long it would take.

11 Q. Okay. So do you know if it would take 15 minutes? Would it  
12 take 30 minutes?

13 A. I cannot tell you. I wouldn't know. I don't know how  
14 long -- I don't know where they were at, where they were coming  
15 from. I just know that Chad told me they was going to send  
16 somebody to move the bucket.

17 Q. Do you know whether the crane has to be used to move the  
18 bucket?

19 A. I'm sure it most probably needs the crane to move the bucket.

20 Q. Do you have to disconnect the bucket that's on the crane at  
21 that time, to then go and move the other bucket?

22 A. I'm not sure. I don't work on that crane.

23 Q. I assume that the *Mr. Ervin* was on, not on, obviously not on  
24 shore power while under tow. Do you know if shore power is  
25 required to actually move that bucket with the crane?

1 A. Well, when they were on the barge, they had lights, they had  
2 power, and --

3 Q. Auxiliary power.

4 A. I don't know. Like, I don't know anything about that crane.

5 Q. All right. So you just know that at some point, you thought  
6 they were coming out to move this bucket. You end your watch.  
7 You hand off the vessel. At that point you say look, they said  
8 they're coming to do it. Pull over if you have to. Do whatever.  
9 I mean, you didn't say, stop right now, we're in a safe spot.  
10 Shut it down. Let's stop, and let's wait till they get out here.  
11 You didn't have that discussion with him?

12 A. Our discussion was, what was going on, what was said. Like I  
13 said, I don't remember detail, what was -- everything was said.  
14 But I made a report 7 months ago, so I can't tell you exactly word  
15 for word what I said before. But we did have a discussion about  
16 that bucket, what was supposed to take place. I asked my relief  
17 if he was comfortable. And before even that, I stayed about 30  
18 minutes after my watch to make sure he was safe. And I asked him  
19 if he was comfortable with taking this. And he told me yes, he  
20 was. He told me he took a crane like that before. That was  
21 discussed, and he felt comfortable with it. And so I went  
22 downstairs.

23 Q. And therefore you didn't deem the situation to rise to the  
24 level of the type of danger that would result in stopping work.

25 LCDR [REDACTED] Mr. Jenkins, we've gone over this

1 (indiscernible) over and over again and I believe you're all  
2 comfortable with the information (indiscernible), so if you can  
3 just move on.

4 MR. JENKINS: I'll move on.

5 Mr. [REDACTED] can you pull up a couple of pictures for me?  
6 Exhibit 51, page 24.

7 BY MR. JENKINS:

8 Q. Captain Smith, this is a picture of the *Mr. Ervin*, looking at  
9 the bow of the vessel. You see the -- we see the larger bucket  
10 there, that's on the port side. On the other side, looks --  
11 appears to be one smaller bucket. Do you recall if that's -- is  
12 that how you recall it looking on the starboard side?

13 A. Yes, sir.

14 Q. Okay.

15 A. And then you have the shack there on the starboard side, too.

16 Q. Okay. But looking at it there, I mean, clear -- looking at  
17 it from the bow at least, from this direction, looking at it,  
18 looks to be more visibility on the starboard side than the port.

19 A. Yes, sir.

20 MR. JENKINS: And can we look at Exhibit -- all right,  
21 Exhibit 51, page 22.

22 BY MR. JENKINS:

23 Q. This is a slightly different version of one of the pictures  
24 that you were shown earlier. At first you had indicated that you  
25 couldn't face up on the starboard side because the view was just

1 as bad.

2 A. Uh-huh.

3 Q. We know that's not the case. Then you said --

4 A. But you -- hold on. Can I stop you, just answer your  
5 question?

6 Q. Okay. You can answer.

7 A. You have a shack over there on that starboard side too, so  
8 it's -- you got, still have blockage on both sides. But this  
9 picture right here, you see where my cavel is? That's a face  
10 wire. And that's going up to that cavel right by those rails. If  
11 I face up on the opposite side, my wires are going to go over your  
12 rails. Either got a chance of snapping my wire, and we lose the  
13 right, and I can't control the load at all, or I stay on the port  
14 side.

15 Q. But in that -- but that ladder and those rails are inset,  
16 aren't they? They're not on the side of the barge, they're built  
17 into the barge.

18 A. And the cavel is set back too.

19 Q. Who told you that the height of the crane was 130 feet?

20 A. Well, I've been working at Cooper, and that was the newest  
21 crane that had came out. And I asked the guys that was on the  
22 crane that was working, when they first brought it back out, what  
23 the height was.

24 Q. And that wasn't, though, on the voyage that this incident  
25 occurred, was it?

1 A. That voyage plan I filled out, no it was not.

2 Q. Okay. And this was just information you got from those  
3 working on the barge. You never called, like a dispatcher or a  
4 barge superintendent --

5 A. No, I did not.

6 Q. -- to ask them any details?

7 A. No, I did not.

8 Q. And you said you thought it was 130 feet. I assume that's  
9 130 feet from the deck to the highest point of the crane?

10 A. Yes, sir.

11 Q. Okay. And you said earlier that you had not made any  
12 calculations with respect to the draft of --

13 A. The barge.

14 Q. -- of the barge, which would result, I guess, in some  
15 freeboard, which would give it even more height?

16 A. Yes, sir.

17 Q. So you understand that to determine the air draft, you would  
18 add that number to the 130?

19 A. Yes, sir.

20 Q. Okay. Do you know if the hull of the crane barge is marked?

21 A. No, sir. Hold on. You mean draft marks?

22 Q. Yeah, the numbers.

23 A. Yes. It does have draft marks on it.

24 Q. Okay. So you could easily look at that number -- if you had  
25 130 in your mind as to the height of the crane, from deck to the

1 highest point of the crane, and you added that draft number to it,  
2 then that would give you a pretty good idea of the height of the  
3 crane, or the air draft?

4 A. Yes, sir.

5 Q. Okay. But you didn't do that on this occasion?

6 A. No sir, I didn't.

7 Q. And if I were to tell you that the draft was about 6 or 7,  
8 and that, you add that to the 130, that puts you something  
9 around --

10 A. 136, 137.

11 Q. -- 135, 136 if in fact that is what the number, the air draft  
12 was on the night in question, if that is the case, assume that it  
13 was, then really, at the time you left there with that barge, you  
14 really had all the information you needed to know the air draft.

15 A. If I would have -- yeah, if that was true. Yes.

16 Q. What does -- does Rose Point make up for anything that you  
17 lose if you don't have full radar?

18 A. Does Rose Point make up -- Rose Point is basically, like a  
19 digital chart, like an electrical chart, just like that.

20 Q. But it shows vessel traffic?

21 A. Yes, sir.

22 Q. It sounds like most of the obstructed view was not so much  
23 due to the bucket on the port side, but rather just the crane  
24 itself.

25 A. No, no. The bucket -- me, for me, I could see over the



1 bucket. You know, a certain degree, I could -- I have a little  
2 larger -- you know, I'm taller than the guy that took over. I  
3 knew it would be a problem for him to see over it. I could see  
4 just a little bit, but it still, the crane itself and that bucket  
5 would make a big difference, because if I didn't have that bucket,  
6 now only this little window, I could see all this down here. I  
7 only have a little short window of, you know, vision for myself.

8 So if I was coming up on a tow, and it was right in front of  
9 me, I couldn't see it. Now --

10 Q. But you have two deckhands on lookout for you?

11 A. Yes, sir.

12 Q. And you usually put one on the port side, one on the  
13 starboard side?

14 A. Yes, sir.

15 Q. Here's -- I mean, we spent a lot of time today, this morning,  
16 this afternoon, talking about the bucket.

17 A. Yes, sir.

18 Q. But the reality of it is, we're talking about hitting a  
19 bridge. And this bucket had absolutely nothing to do with him  
20 hitting the bridge that night, did it?

21 A. I can't answer for him.

22 Q. Did the bucket have anything to do with the failure to make  
23 the appropriate calculations and recognize the clearance needed to  
24 make that bridge? Did the bucket have anything to do with it?

25 A. To make the calculations? No. The bucket didn't have

1 anything to do with making the calculations for the bridge.

2 Q. So as far as -- sitting here today, I guess is a better way  
3 to phrase the question, sitting here right now, you, you don't  
4 have any basis by which to say that that bucket is the reason why  
5 this crane barge allided with the bridge?

6 A. It could have altered his judgment.

7 Q. You don't know that. You, sitting here today.

8 A. I don't know anything. I'm just saying. So sitting here  
9 today, I still don't even know if that was the right dimensions  
10 for that crane, so.

11 MR. JENKINS: Will you pull up -- this is my last question, I  
12 believe. Mr. [REDACTED] can you pull up Exhibit 45?

13 BY MR. JENKINS:

14 Q. So this job safety worksheet indicates that the alert is  
15 amber.

16 A. Uh-huh.

17 Q. And am I correct that it's Marquette's policy that if in fact  
18 it is amber, that you should call the port captain?

19 A. I'm not sure. I'm not sure what it says.

20 Q. Okay. So I'm going to ask you to -- I don't know if you  
21 can -- it's Exhibit 45. And I'll just read it to you. I don't  
22 know if you can read that far on the screen. It just says,  
23 underneath the chart, where amber is checked, it says, "Complete  
24 the second scoring after notice safety controls and mitigation was  
25 completed. If your total risk score is not within the green," the

1 low-risk section, "notification to the duty port captain is  
2 required."

3 A. Yes, sir.

4 Q. So do you know, on this particular night, whether the port  
5 captain was called either when you faced up to the *Mr. Ervin* and  
6 pulled away, or at the time that you did the handoff to Mr.  
7 Picquet?

8 A. No, sir.

9 Q. You didn't call him?

10 A. No, sir.

11 Q. What was the first thing, I'm curious -- if you know. Do you  
12 know what -- when it was -- when Mr. Picquet called and reported  
13 the incident to the port captain, do you know what the port  
14 captain said to him?

15 A. When he -- I called the port captain.

16 Q. Oh, you -- after the accident?

17 A. Yes, sir.

18 Q. And what did he tell you?

19 A. He told me to call Cooper.

20 Q. Didn't he always -- didn't he also tell you that we always  
21 take the center span?

22 A. Oh yes, yes. He told me that.

23 Q. So in fact, had you followed this procedure and called him  
24 because of the amber, very likely the port captain would have told  
25 you at that time, reminder, take the center span. Is that yes?

1 A. Yes.

2 MR. JENKINS: No further questions. Thank you.

3 CDR MESKUN: Captain Smith, do you need a break before we  
4 proceed?

5 THE WITNESS: No. I'm okay.

6 CDR MESKUN: I'll turn the floor over to Marquette.

7 BY MR. REISMAN:

8 Q. Thank you, Captain Smith. My name is David Reisman. I  
9 represent Marquette Transportation. We've met before.

10 A. Yes, sir.

11 Q. Captain Smith, I want to ask you a few follow-up questions.  
12 I'm going to bounce around a little bit. I apologize in advance  
13 for that, but I want to pick up on a few things that these other  
14 gentlemen have asked you about, and then we'll get into some newer  
15 matters as well.

16 A. Okay.

17 Q. During his questioning, Mr. Jenkins asked you a question  
18 about letting loose of the lines on the crane barge, *Mr. Ervin* --

19 A. Yes.

20 Q. -- when you first took the tow. You recall that?

21 A. Yes, sir.

22 Q. And he asked you who the individuals were, who let loose the  
23 lines and who were they employed by. You remember that line of  
24 questioning?

25 A. Yes, sir.

1 Q. You knew who your deckhands were, didn't you?

2 A. Yes, sir.

3 Q. Did your deckhands release the lines that night?

4 A. No, sir.

5 Q. So the individuals that released the lines either were  
6 working for Cooper or for somebody else out there with Cooper; is  
7 that right?

8 A. Yes, sir.

9 Q. Mr. Jenkins also asked you about how long you were running  
10 the boat. Actually, he didn't ask you, he told you how long you  
11 were running the boat before you turned it over to Captain  
12 Picquet. You remember that?

13 A. Yes, sir.

14 Q. And earlier, with the Coast Guard or the NTSB questioning,  
15 you said that you stayed on your watch for about 30 -- excuse me,  
16 stayed over your watch by about 30 minutes, to get past those  
17 three southbound tows; is that correct?

18 A. Yes, sir.

19 Q. So you didn't really stay on and run the boat for an hour, as  
20 Mr. Jenkins suggested. You stayed on and ran the boat for about  
21 30 minutes before you turned it over to Captain Picquet?

22 A. Yes, sir.

23 Q. That's correct?

24 A. Yes, sir.

25 Q. Mr. Jenkins also asked you some questions about the air draft

1 on the *Mr. Ervin*, and again he kind of told you some things  
2 instead of asking you, but there was some discussion about the  
3 draft marks on the barge itself and the air draft. You were told  
4 by somebody from Cooper that the air draft on that barge was 130  
5 feet; is that correct?

6 A. Yes, sir.

7 Q. When they told you that, did they tell you that's the air  
8 draft, meaning from the waterline to the top of the crane? Did  
9 they say that's the height from the deck of the barge to the top  
10 of the crane? Did they explain any of that?

11 A. No, they didn't.

12 Q. And when they told you that the air draft was 130 feet --  
13 well, let me back up for a second, because we're using the term  
14 air draft, and I don't know that you used that. At some point  
15 somebody from Cooper told you how high the crane was, correct?

16 A. Yes, sir.

17 Q. Did they say the air draft is 130 feet, or did they say the  
18 crane is 130 feet tall or did they use some other language?

19 A. They just told me the air draft of the crane. And I was  
20 under the assumption, from water level to the top of the crane.

21 Q. Because that's what the air draft is, correct?

22 A. Yes, sir.

23 Q. That's the only number that really matters?

24 A. Yes, sir.

25 Q. How high the crane is off of the deck of the barge is

1 irrelevant. You want to know, how high is it off the waterline,  
2 correct?

3 A. Yes, sir.

4 Q. Because that's the information you need to know in order to  
5 determine whether you're going to be able to safely pass under a  
6 bridge?

7 A. Yes, sir.

8 MR. JENKINS: I want to -- I think they're now  
9 mischaracterizing his -- I just want to object. I think they're  
10 mischaracterizing the witness testimony. I mean, he clearly said  
11 earlier that the height. And I even clarified, height meaning  
12 deck to top of crane. And now we're just kind of trying to re-  
13 testify for him. And for that, I just want to note an objection.  
14 And won't object again.

15 CDR MESKUN: Your objection is noted. Yeah, we'll allow the  
16 line of questioning.

17 BY MR. REISMAN:

18 Q. One last question following upon Mr. Jenkins. The bucket,  
19 where you saw it that night, when you took the *Mr. Ervin* in tow,  
20 October 11th, late at night on October 11th, was that unusual, to  
21 see the bucket in that location, to you?

22 A. Yes.

23 Q. Did you think that the bucket in that position made the *Mr.*  
24 *Ervin* unsafe for you to tow?

25 A. Yes.

1 Q. Nobody was physically injured in this accident, were they?

2 A. No, sir.

3 Q. (Indiscernible)? When you were hired by Marquette, back in  
4 December of 2016, did you sign a policy acknowledgement form?

5 A. Yes, sir.

6 Q. And that said that you would read and review and understand  
7 Marquette's policies and its safety management system?

8 A. Yes, sir.

9 Q. And you also, when you were hired, you received a laminated  
10 stop work card; isn't that right?

11 A. Yes, sir.

12 Q. And that stop work card kind of laid out, in general terms,  
13 very easy to understand, what Marquette's stop work policy is.

14 A. Yes, sir.

15 Q. And did you carry that stop work card with you when you were  
16 working for Marquette?

17 A. Yes, sir.

18 Q. Did all of Marquette's employees get that stop work card?

19 A. I'm pretty sure they gave it to everyone.

20 Q. And in fact, do you remember whether there was a stop work  
21 card actually posted on the board in the galley of the *Kristin*  
22 *Alexis*?

23 A. There was one.

24 Q. Do you know why Marquette made sure everybody had that card  
25 with them at all times?



1 A. So they have the right to stop work if they found something  
2 unsafe.

3 Q. They don't want anybody to forget, when you're working for  
4 Marquette, if you thinking something unsafe, you should stop it.  
5 Is that right?

6 A. Yes, sir.

7 Q. In the couple of years you worked for Marquette, did you ever  
8 know or hear of any Marquette employee being disciplined for using  
9 their stop work responsibility?

10 A. No, sir.

11 Q. Now when you came to work for Marquette, all of the safety  
12 management policies, the safety management system policies, the  
13 policies we've been talking about for a good bit of today, those  
14 were all available on board the boat's computer; is that correct?

15 A. Yes, sir.

16 Q. And they were kept in a special file or folder -- excuse me,  
17 I'm not an expert on computers -- within it, called Gulf Docs; is  
18 that right?

19 A. Yes, sir.

20 Q. And was there a search feature, where you could put in a  
21 search term, like bridge, and pull up all of the policies that  
22 dealt with bridges?

23 A. Yes, sir.

24 Q. Was that easy to use?

25 A. Yes, sir.

1 Q. Were you shown how to do that when you first started?

2 A. Yes. I had a captain show me how to pull it up.

3 Q. And so you had access, as did the other wheelhouse personnel,  
4 to those policies all the time; is that right?

5 A. Yes, sir.

6 Q. Commander Meskun earlier today asked you some questions about  
7 updates of policies and safety alerts. You said those got sent  
8 out by email to the boat, correct?

9 A. Yes, sir.

10 Q. Now you remember the, "while you were away" folder on the  
11 boat's computer?

12 A. Yes. We had one, yes.

13 Q. That was the place where you were supposed to send all of  
14 those. When you'd get a policy change or a safety alert, you'd  
15 read it, and they'd get put into the "while you were out" folder  
16 so that the new captains coming on, your relief, they would be  
17 able to check there and see everything that had come out since  
18 they were last on the computer; isn't that right?

19 A. Yes. That's -- I didn't know it was called, "while you were  
20 out," but yes.

21 Q. But that system -- so you don't remember the name of the  
22 folder, but you remember that system, correct?

23 A. That was -- I told them that earlier.

24 Q. Now you worked for Marquette for about 2 years. You said  
25 you'd been a licensed captain, running boats since about 2015,

1 right?

2 A. No, since 2012.

3 Q. Okay. I think I misunderstood you earlier, and I apologize  
4 for that.

5 A. About 2012.

6 Q. In the roughly 2 years you worked for Marquette before the  
7 Sunshine Bridge accident, did you have any accidents?

8 A. No, sir.

9 Q. There was some discussion earlier about Marquette's policies,  
10 and you told the investigative board that you were familiar with,  
11 and they asked you about a number of the voyage plans, the bridge  
12 transit plans, the vessel operating policies; is that correct?

13 A. Yes, sir.

14 Q. Well, you said that Marquette has a lot of policies, and you  
15 haven't read every one of them. You recall that?

16 A. Yes, sir.

17 Q. Does Marquette have policies that don't apply to operating a  
18 boat?

19 A. Yes, sir.

20 Q. Have you read all of those policies that don't apply to the  
21 operation of a boat?

22 A. No, sir. I haven't went over all of them.

23 Q. Marquette has policies that specifically apply to operating  
24 boats.

25 A. Yes, sir.

1 Q. And to the safety of boats, correct?

2 A. Yes, sir.

3 Q. Have you read all of those policies?

4 A. Yes.

5 Q. Do you remember, in February of 2018 --

6 MR. REISMAN: If we can look, Lieutenant [REDACTED] at Exhibit  
7 41.

8 BY MR. REISMAN:

9 Q. This was a document called the Masters' Annual Safety  
10 Management SMS Report. Lieutenant Coppola's going to pull it up  
11 for us in a moment, and I'm going to ask you to take a look at  
12 that. You remember that document?

13 A. Yes, sir.

14 Q. Tell us what that is.

15 A. That's basically saying those documents that we reviewed and  
16 we went over, and that we signed off on them.

17 Q. So Marquette presented you with that form and asked you to  
18 sign it, correct?

19 A. Yes, sir.

20 Q. But they didn't just want you to sign it. They wanted to  
21 make sure it was correct?

22 A. Yes, sir.

23 Q. And that's why, when we look at it, we see that you didn't  
24 sign each of the lines on the same day, did you?

25 A. No, sir.

1 Q. Because you took your time and you reviewed all of the  
2 policies, and when you reviewed them again, you made sure that's  
3 when you signed it, correct?

4 A. Yes, sir.

5 Q. And so when we look down that Date Reviewed column, we see  
6 that you started on, it looks like February 16th and you didn't  
7 finish reviewing them until February 20th, right?

8 A. Yes, sir.

9 Q. You had already reviewed those policies before, hadn't you?

10 A. On other boats, yes sir.

11 Q. But Marquette wanted to make sure, again, that you had  
12 reviewed them at that time, correct?

13 A. Yes sir, because they always revising something, so yes.

14 Q. And that was important. Marquette made that clear to you,  
15 they wanted you to stay up to date on the policies?

16 A. Yes, sir.

17 Q. Not just learn the day you were hired, but continue to learn  
18 and relearn as you continued to work for Marquette, right?

19 A. Yes, sir.

20 Q. And I'm going to ask it even though you said earlier, but  
21 Marquette took safety very seriously, didn't they?

22 A. Yes, sir.

23 Q. And the fellows you worked with on the boats, they understood  
24 that, right?

25 A. Yes, sir.

1 Q. And they took it seriously.

2 A. Yes, sir.

3 Q. That's something that Marquette continuously preached. We  
4 want you to be safe. If you have any doubts, stop.

5 A. Yes, sir.

6 Q. Now earlier today, there was some discussion about whether  
7 you would report to Marquette's management, whether it was a port  
8 captain or a Marquette dispatcher or anybody else, when you would  
9 receive orders from a customer's dispatcher, like a Cooper  
10 dispatcher. Do you remember that discussion?

11 A. Yes, sir.

12 Q. Now in general, if you would get an order to move a couple of  
13 empty hopper barges, would you report that to anybody at  
14 Marquette?

15 A. No, sir.

16 Q. But when you received an unusual order, or an order that you  
17 felt was unsafe, then you were required to notify Marquette,  
18 weren't you?

19 A. Yes, sir.

20 Q. And in fact, Mr. Jenkins had you look at that job safety  
21 briefing just a few minutes ago, and right there on there, it says  
22 that if there's anything unsafe, unless you're in the green,  
23 completely safe category, you're required to notify your port  
24 captain, right?

25 A. Yes, sir.

1 Q. Now as your port captain -- well, let's back up for a moment.  
2 Who was your port captain when you were working on the *Kristin*  
3 *Alexis*?

4 A. Harvey Mabile.

5 Q. Harvey Mabile?

6 A. Uh-huh.

7 Q. Harvey's a captain himself, isn't he?

8 A. Yes, sir.

9 Q. In your experience with him, is he a knowledgeable,  
10 professional boat captain?

11 A. Yes, sir.

12 Q. And was he always available to you if you had a question or a  
13 concern?

14 A. Yes, sir.

15 Q. When you were working on the *Kristin Alexis*, did you have  
16 Captain Harvey Mabile's telephone number included in your phone?

17 A. Yes, sir.

18 Q. So you could pick up and just type in Harvey Mabile and push  
19 a button and it would call him?

20 A. Yes, sir.

21 Q. Did you speak with Port Captain Mabile frequently when you  
22 were working on the *Kristin Alexis*?

23 A. Yes, sir.

24 Q. Did the *Kristin Alexis* have its own telephone, a boat phone,  
25 so to speak?

1 A. Yes, sir.

2 Q. Was Captain Mabile's telephone number listed in that phone?

3 A. Yes, sir.

4 Q. Was there also a document listed, or posted inside the  
5 wheelhouse that had Captain Mabile's telephone number?

6 A. Yes, sir.

7 Q. Did you ever have a problem getting a hold of Captain Mabile?

8 A. No, sir.

9 Q. And in fact, on the night -- excuse me, early in the morning  
10 of October 12th, 2018, after the accident, at about 2 in the  
11 morning, you called Captain Mabile, right?

12 A. Yes, sir.

13 Q. Did you get him right away?

14 A. Yes, sir.

15 Q. Did he -- had no trouble reaching him, right?

16 A. No trouble.

17 Q. Did you feel like, any time of day or any time of night, if  
18 you had a question or you had a concern, you could pick up your  
19 phone, type in his name, hit dial and boom, you would be talking  
20 to Captain Mabile in just a few moments?

21 A. Yes. I had no problem. Yeah.

22 Q. Okay. And Marquette also had a system of on -- excuse me, an  
23 on-call port captain, right?

24 A. Yes, sir.

25 Q. Are you aware of that?



1 A. Yes, sir.

2 Q. What -- how did that work?

3 A. You call the number and they'll dispatch you to a telephone  
4 service, and then they'll contact you to the, whoever's on call.

5 Q. Okay. So if you couldn't reach Captain Mabile, you would  
6 have been able to reach another Marquette port captain at any  
7 time, correct?

8 A. Yes, sir.

9 Q. I want to go back now and talk a little bit about your  
10 communications with the Cooper dispatcher, but that -- I want to  
11 make sure I have a clear picture in my mind. So you talked to the  
12 Cooper dispatcher and you told him your concerns about the bucket,  
13 correct?

14 A. Yes, sir. Yes, sir.

15 Q. Did the Cooper dispatcher ever tell you, we're going to come  
16 out and take the crane barge off of the *Kristin Alexis* and bring  
17 it somewhere else, or he said he was going to come out and move  
18 the bucket?

19 A. He said he was going to send the guys back out to move the  
20 bucket.

21 Q. I think earlier you may have gotten a little confused. I  
22 think there was some testimony where you suggested that you didn't  
23 talk with Captain Picquet about the bridge transit because you  
24 thought that Cooper was going to come out and take the crane barge  
25 away from the *Kristin Alexis*.

1 A. Well, our whole conversation was revolving around the bucket.

2 Q. Right.

3 A. We never talked about the bridge.

4 Q. But you knew that at some point, Captain Picquet was going to  
5 be pushing the *Mr. Ervin* through the Sunshine Bridge at some point  
6 that night, right?

7 A. Yes, sir.

8 Q. Okay. So you didn't have any expectation that the barge was  
9 going to be released from the boat and only the boat was going to  
10 go through the bridge?

11 A. Yes, sir. I mean --

12 Q. You agree with me?

13 A. Hold on. Say that again.

14 Q. You knew the *Kristin Alexis* was going to be pushing the *Mr.*  
15 *Ervin* through the Sunshine Bridge at some point that night?

16 A. Yes, sir.

17 Q. Okay. When you held your watch change with Captain Picquet,  
18 that was a few minutes before midnight; is that right?

19 A. He came up around -- as soon as everything was turned loose,  
20 he was there. He got up there after the conversation I had with  
21 Chad, the first conversation I had with Chad.

22 Q. Was that at about 11:50 p.m.?

23 A. Yes, sir.

24 Q. Is that typical that the port -- excuse me, that the  
25 relieving captain who's coming on watch will come up a little bit

1 before the actual crew change, or watch change hour?

2 A. Yes. We will come up, you know, a couple minutes before so  
3 we can debrief each other on what's going on.

4 Q. And that's an important function, right?

5 A. Yes, sir.

6 Q. And that's, Marquette's policy is that when you're being  
7 relieved, you've got to pass information on to the captain who's  
8 coming on watch, correct?

9 A. Yes, sir.

10 Q. Is that policy in place at the other companies where you've  
11 worked?

12 A. Yes, sir.

13 Q. So you've been familiar with that for a long time, right?

14 A. Yes, sir.

15 Q. Tell me, in your own words, what kind of information are you  
16 required to pass on to the captain who's relieving you, during  
17 that watch change meeting?

18 A. Everything that, what's going on, any maintenance problems,  
19 issues, our tow, where we going with our tow, so tow dimensions  
20 and everything. We -- that --

21 Q. What's the purpose of that, Captain Smith?

22 A. To give him information about what's going on.

23 Q. So he can make a safe transit for the remainder of the  
24 voyage, or at least the remainder of the voyage during his watch,  
25 correct?

1 A. Yes, sir.

2 Q. So it's your job, or whoever the captain that's being  
3 relieved, it's that individual's job to pass on the information  
4 sufficient to give the oncoming captain the ability to work safely  
5 during his watch, correct?

6 A. Yes, sir.

7 Q. And Marquette actually had a little checklist, a little  
8 format that you would use, that would tell you specifically -- we  
9 saw it earlier today, of some of the topics that were supposed to  
10 be discussed during the watch change, correct?

11 A. Yes, sir.

12 Q. I think there may have been some confusion. There was a  
13 suggestion that maybe an individual captain might just go through  
14 that on his own, but the reality is that the two captains would  
15 cover those topics that are listed on that sheet, correct?

16 A. No. Well, how we was doing it was, when I come on, I'll go  
17 over it myself. And when he comes on, he go over it his self. It  
18 wasn't we were collaborating with each other going over it.

19 Q. Okay. But then you would have the discussion where you would  
20 talk about the topics that were listed on that checklist? That's  
21 the information you were passing on to your relief?

22 A. Oh, you -- well, I guess I -- you say so. I'm not sure what  
23 you're asking me, because --

24 Q. Okay.

25 A. -- that -- and that question, like everything that's on that

1 checklist, that's something I would individually go over myself,  
2 you know, checking my radar, you know, everything that's on there,  
3 I would check myself. I wouldn't talk to him about. He's usually  
4 driving the boat, so I'm going through my checklist while I'm up  
5 there.

6 Q. Okay. Fair enough. You were -- you told us earlier that you  
7 were familiar with Marquette's policy number VOP 5.1, which was  
8 the change of watch policy. You remember that?

9 A. Yes, sir.

10 MR. REISMAN: Lieutenant [REDACTED] if you wouldn't mind bring  
11 up Exhibit 100 for us, please, and particularly the 2nd page.  
12 Maybe scroll down a little. I'd like for Captain Smith to be able  
13 to see section 4.4.1.

14 BY MR. REISMAN:

15 Q. As you scroll through that, you recognize this listing,  
16 right?

17 A. Yes, sir.

18 Q. And this was Marquette's policy, telling you, these are the  
19 things we want you to discuss with the captain who's relieving  
20 you, correct?

21 A. Yes, sir.

22 Q. And typically, did you have that conversation? Did you  
23 discuss these types of issues with the captain who was coming on  
24 watch to relieve you?

25 A. Yes, sir.

1 Q. Okay. And you knew that was what Marquette wanted and  
2 expected you to do, right?

3 A. Yes, sir.

4 Q. And this policy was right there in the wheelhouse. You could  
5 pull it up instantaneously by going into Gulf Docs, right?

6 A. Yes, sir.

7 Q. And you had reviewed it. We knew you reviewed it when you  
8 first started. We know you reviewed it again in February of 2018,  
9 correct?

10 A. Yes, sir.

11 Q. And you talked about these things routinely, as you told us  
12 earlier, during your safety huddles. You would talk about  
13 policies like this one, correct?

14 A. Yes, sir.

15 Q. Okay. So on the night of the accident, and I'm saying night.  
16 We know we went from night to very early morning, right?

17 A. Yes, sir.

18 Q. But when you made the crew -- or excuse me, the watch change  
19 with Captain Picquet, you told me earlier, you were really focused  
20 on that bucket, right?

21 A. That was mostly our whole -- that's what we talked about. We  
22 was discussing everything revolving around that bucket.

23 Q. Because that bucket was a real problem in your mind, correct?

24 A. Yes.

25 Q. And so you were, to use the word, distracted by the bucket.

1 That's where your concentration was instead everything else. You  
2 were really focused on that bucket and getting it moved out of the  
3 way?

4 A. Yes, sir.

5 Q. And do you think that played a role in your not discussing  
6 all these topics with Captain Picquet that night?

7 A. Yes, sir.

8 Q. Okay. And so we know, again, if we look at Exhibit 100,  
9 section 4.4.1.13, that's a mouthful, we see that one of the things  
10 to be discussed is upcoming operational procedures, which includes  
11 bridges, right?

12 A. Yes, sir.

13 Q. You didn't have that conversation with Captain Picquet that  
14 night about bridges, did you?

15 A. No, sir. I did not.

16 Q. The policy said you should, but because of that bucket, you  
17 didn't?

18 A. No sir, we did not.

19 Q. You agree with me?

20 A. I agree, yes. Because of the bucket, we did not discuss that  
21 bridge.

22 Q. Thank you.

23 MR. JENKINS: I just object to leading questions.

24 LCDR [REDACTED] I think everybody's been asking leading  
25 questions.

1 CDR MESKUN: It's his witness.

2 LCDR [REDACTED] Well, it's our witness. It's the Coast  
3 Guard's witness.

4 CDR MESKUN: Okay. Fair enough.

5 BY MR. REISMAN:

6 Q. Captain Smith, you told us earlier that you contacted some  
7 folks with Cooper, and asked them to move the bucket, right?

8 A. Yes, sir.

9 Q. You contacted the barge crew, itself?

10 A. Yes, sir.

11 Q. And then you contacted the Cooper dispatcher?

12 A. Yes, sir.

13 Q. Did you ever contact Captain Harvey Mabile --

14 A. No, sir.

15 Q. -- about the bucket?

16 A. No, sir.

17 Q. Did you ever contact any of Marquette's shoreside management  
18 and say hey, there's a bucket out here, it's a problem for me, I  
19 want to let you know about it?

20 A. No, sir. I didn't contact anybody on Marquette's side about  
21 the bucket because the guy, Chad reassured me that he would send  
22 somebody to come move it. So I thought it was handled.

23 Q. You thought Cooper was going to move it, and that would solve  
24 the problem?

25 A. Yes. That was the discussion I had with Chad.



1 Q. But even when you were underway, and we talked about earlier,  
2 for maybe 30 minutes, during that period of time, you never  
3 contacted anybody with Marquette to say hey, I just want to let  
4 you know, I got something unusual going on out here?

5 A. No sir, I did not.

6 Q. Okay. We talked about the air draft information earlier.  
7 Marquette's got policies that tell you, you've got to have  
8 accurate and reliable information when you're evaluating a bridge  
9 transit, you agree?

10 A. Yes, sir.

11 Q. And that's because they want you to be safe, right?

12 A. Yes, sir.

13 Q. If information's not accurate or reliable, it may not be safe  
14 to use, correct?

15 A. Yes, sir.

16 Q. In your experience, you told us earlier you'd pushed a lot of  
17 crane barges in your career, right?

18 A. Yes, sir.

19 Q. Have you seen crane barges that have the air draft painted on  
20 the pedestal or the tub, or somewhere on the crane itself?

21 A. No, sir.

22 Q. You've never seen that?

23 A. No, sir.

24 Q. Okay. Have you ever see a spec sheet on a crane that says  
25 hey, the crane is this many feet high?

1 A. No, sir.

2 Q. Okay. Have you ever gotten an email from a company, for  
3 example, a fleet, saying that this barge is this many feet high?

4 A. No, sir

5 Q. Have you ever seen it on orders that you receive, we want you  
6 to push a crane barge and it's this many feet high?

7 A. No, sir.

8 Q. How do you typically get the information on a crane barge, on  
9 how high it is?

10 A. Usually ask somebody on the crane.

11 Q. Okay. And is there a particular person you ask about --

12 A. Well, I was asking the guys that worked on the crane, because  
13 I assumed, you know, they know about the crane.

14 Q. Okay. You told us earlier, in fact you said it back in  
15 October when you were interviewed by the Coast Guard and the NTSB  
16 that you really couldn't rely on that, because it was just some  
17 guy on the barge, correct?

18 A. Yes. Even if I would have called Harvey and asked him, and  
19 it still been his word. I wouldn't have had anything written in  
20 stone said, okay so when you asked me this, and I said okay, well  
21 Harvey told me that. Harvey could say hey, I didn't tell him  
22 that.

23 Q. Okay. I'm not sure I fully understood that, so I'm going to  
24 ask you a couple of questions to make sure that I do, okay?

25 A. Okay.

1 Q. So lets -- we'll slow down, and we'll back up a little bit.  
2 So you didn't call Harvey and say listen, I don't have anything  
3 formal about the height of this crane, correct?

4 A. No sir, I did not.

5 Q. Okay. Do you know what Harvey would have done, if you'd  
6 called him and told him that?

7 A. I can't say, because we didn't --

8 Q. You'd have to ask Harvey that, right?

9 A. Yes, sir.

10 Q. And he's going not be here later this week, and I'm sure one  
11 or all of us will ask him that question. But you didn't contact  
12 him and say listen, I don't know what the height of the crane is,  
13 other than from what some guy is telling me?

14 A. No, sir. I did not.

15 Q. Do you think it would be more reliable to get information on  
16 the height of a crane from a guy who works on it, or from the  
17 dispatcher, who's giving you the order to move the crane?

18 A. The guy who works on the crane.

19 Q. You don't think the dispatcher would be in a better position  
20 to know the height?

21 A. I think the guys on the crane would know.

22 Q. Okay. You knew that you didn't have reliable information  
23 that night when you talked to the dispatcher about the bucket.  
24 Did you ask him, hey, by the way, how tall is this cane?

25 A. No, I did not.

1 Q. You could have?

2 A. Yes, I could have.

3 Q. You talked earlier about the problem with the radar echoing  
4 off of the pedestal, or the tub on the crane; you remember that?

5 A. Yes, sir.

6 Q. Did you ever report that problem with the radar to anybody  
7 back at Marquette?

8 A. No, sir.

9 Q. There was also some questioning earlier in reference to the  
10 short voyage form, in particular, which is Exhibit 46.

11 MR. REISMAN: Lieutenant [REDACTED] if you would mind bringing  
12 that up.

13 BY MR. REISMAN:

14 Q. We'll ask you a few questions about that. You remember being  
15 asked whether you thought it would have been safer to have two  
16 boats on the *Mr. Ervin* that night, instead of one?

17 A. Yes, sir.

18 Q. And you -- what was your answer to that?

19 A. Yes.

20 Q. And that was because you would have visibility. You could  
21 have seen around both sides of the crane and the bucket?

22 A. Well, you could have one in front that could have -- you  
23 know, and I could have been pushing and he could have been, you  
24 know, pulling it, I guess.

25 Q. So you could have had one made up to the bow, one made up to

1 the stern?

2 A. Yes.

3 Q. One made up to the stern, one on the hip?

4 A. Yes. We possibly could do that too.

5 Q. Or you could have had one on the port -- excuse me, the --

6 A. Stern.

7 Q. -- stern, starboard and the stern port, correct?

8 A. No. I would have put one on the side, because --

9 Q. You could put it on the side, rather than just --

10 A. -- because if you -- because --

11 Q. -- on the stern?

12 A. Yeah, because you would still have two boats that really

13 couldn't see.

14 Q. But it would have been safer to have two?

15 A. Yes.

16 Q. When you filled out the short voyage form, if you look at

17 that, in box 6, you were asked -- well first, you did fill out

18 this form, correct?

19 A. Yes.

20 Q. Okay. And in box, you're asked, is an assist vessel

21 required, right?

22 A. Yes.

23 Q. What did you put?

24 A. No.

25 Q. Okay. And then in box 7, you were asked, is an assist vessel

1 requested?

2 A. No.

3 Q. You put no. Okay. Do you believe that if you had requested  
4 an assist vessel, you would have been told no, you can't have one?

5 A. Yes. I would have been -- yeah, they probably would have  
6 told me no.

7 Q. Okay. Do you know -- you didn't call Captain Mabile and ask  
8 him, did you?

9 A. No, I didn't. He probably would have got me one. That would  
10 be right.

11 Q. Captain Mabile would have said okay, I'm going to get you an  
12 assist vessel?

13 A. Yes.

14 Q. And you could have done that, but you chose not to?

15 A. Yes.

16 Q. Okay. And that was a decision you made on your own that  
17 night?

18 A. Yes.

19 MR. REISMAN: Lieutenant [REDACTED] if we could look at Exhibit  
20 96, please. And we're going to be looking for section 5.5.

21 That'll be VOP 4.1.

22 BY MR. REISMAN:

23 Q. Captain Smith, earlier you told us you were familiar with  
24 Marquette's voyage planning policy, VOP 4.1, correct?

25 A. Yes.

1 Q. And you told us also earlier that the location of that bucket  
2 was unusual, right?

3 A. Yes.

4 Q. And that you thought it was unsafe, correct?

5 A. Yes.

6 Q. If we look at VOP 4.1, section 5.5, it says, "Contact the  
7 dispatcher on duty for an assist to help navigate when unusual  
8 conditions may endanger the safety of the vessel, crew, the tow or  
9 its cargo." You see that?

10 A. Uh-huh.

11 Q. And you had that policy available to you that night, right?

12 A. Yes.

13 Q. And you had already read it and reviewed it. You certified  
14 that back in February, correct?

15 A. Yes.

16 Q. And you told us a few moments ago that the bucket was unusual  
17 and it made it unsafe, right?

18 A. Yes.

19 Q. So you should have requested an assist vessel that night,  
20 correct?

21 A. Yes.

22 Q. Earlier, during, I think it was Mr. Kucharski's questioning,  
23 there was some discussion about your experience working on the  
24 river before -- well I think it got bled over, and I want to  
25 explore that. So there was some -- you talked about how much you

1 worked on the river, starting when you were assigned to the  
2 *Kristin Alexis*. You remember that?

3 A. Yes, sir.

4 Q. And when you were assigned to the *Kristin Alexis*, you were  
5 working on the river continuously. That's all you did, right?

6 A. The river and western -- Western Rivers and ICW, yes, sir.

7 Q. Okay.

8 A. Canal.

9 Q. Okay. Preliminary the Mississippi River, though?

10 A. Yes.

11 Q. Okay. What about before you were assigned -- well, let's  
12 back up even farther. Before you came to work for Marquette, you  
13 had a lot of experience working on the river, didn't you?

14 A. Yes, sir.

15 Q. So by the time you came to Marquette and you did that check  
16 ride that we talked about earlier, with Captain Meyers on the  
17 *Steve Richoux*, you were an experienced river pilot, correct?

18 A. Yes, sir.

19 Q. Do you remember the check ride you made with Captain Meyers?

20 A. Yes, sir.

21 Q. Tell me about that check ride. Where were you throughout  
22 that check ride?

23 A. I'm trying -- we were going westbound to Orange, Texas.

24 Q. Okay. Where did you start?

25 A. I don't even remember where I got on the boat at that time.



1 Q. Do you remember if you worked in the river at all during the  
2 course of that check ride?

3 A. I believe so, because I was on that boat for a while, so,  
4 about a couple months, so we did make trips to the river. So I  
5 don't remember on the check ride. That was my first 2 weeks on,  
6 so I don't remember if we made the whole full trip back or not.

7 Q. Fair enough. That was a while ago, right?

8 A. Yes.

9 Q. Okay. You're familiar with the concept of posting?

10 A. Yes.

11 Q. What does that mean to you?

12 A. Posting means basically, whatever boat you're going to be on,  
13 the water you're transiting, that you're posted there, like you're  
14 familiar with the area.

15 Q. And you told us earlier that you had been posted in the  
16 Mississippi river --

17 A. Yes.

18 Q. -- before you came to work for Marquette, correct?

19 A. Yes.

20 Q. When you got hired on by Marquette, somebody interviewed you,  
21 right?

22 A. Yes.

23 Q. You talked to one of the port captains?

24 A. Yes.

25 Q. And they asked you questions like, where have you worked?

1 A. Yes.

2 Q. And they asked you if you were familiar and experienced  
3 working the river?

4 A. Yes.

5 Q. And what did you tell them?

6 A. Yes.

7 Q. There was also some questioning earlier about Rose Point,  
8 your use of Rose Point on the boat; you remember that?

9 A. Yes, sir.

10 Q. You told us earlier that you had paper charts and you had  
11 Rose Point, correct?

12 A. Yes.

13 Q. In your experience, captain, which do you prefer using?

14 A. Rose Point.

15 Q. Why is that?

16 A. Because it not only gives you where, you know, other vessels  
17 at, it gives you weather, you know, your tide predictions,  
18 current, those type of things.

19 Q. You feel it gives you more information than the paper chart  
20 provides to you?

21 A. Yes.

22 Q. Is it easier to read?

23 A. Yes.

24 Q. And it's constantly scrolling forward and staying with you,  
25 keeping your position, correct?

1 A. Yes.

2 Q. When you took your Coast Guard training courses that you told  
3 us earlier at Lafourche Merchant Marine Training School --

4 A. Yes.

5 Q. Did they --

6 A. Or --

7 Q. Go ahead.

8 A. Yes. Okay. Yeah.

9 Q. If that's where you're --

10 A. Yeah. That's where I went. Yes.

11 Q. Okay. Did they teach you anything about Rose Point during  
12 that course, or those courses?

13 A. No, sir.

14 Q. I think you told us earlier today, but I want to make sure we  
15 got this fully into the record. Did you have any problems with  
16 the *Kristin Alexis* on the night of the accident?

17 A. No, sir. She was working fine.

18 Q. Steering was working fine?

19 A. Yes, sir.

20 Q. Propulsion system was working fine?

21 A. Yes, sir.

22 Q. You felt like the boat itself was capable of handling that  
23 job?

24 A. Yes, sir.

25 Q. If you didn't think the boat was capable of handling the job,

1 what were you required to do, under Marquette's policies?

2 A. I would have the stop work authority. I would tell them to  
3 stop.

4 Q. You would have to refuse to take it if you didn't think you  
5 could handle it, correct?

6 A. Yes, sir.

7 Q. And once you started it, if you thought that the boat could  
8 no longer handle it, what were you required to do?

9 A. stop work authority.

10 Q. You didn't exercise your stop work authority that night,  
11 correct?

12 A. No, I did not.

13 Q. And I -- you were asked this before, but I'm not sure it was  
14 clear, whether they were -- you were being asked only limited to  
15 your time with Marquette. Have you ever refused a tow, while you  
16 were working as either a captain or a pilot?

17 A. Yes.

18 Q. What was the basis on which you refused the tow?

19 A. We had a barge that had damage.

20 Q. And you didn't feel it was safe for you to push it?

21 A. And so, what did you do?

22 A. I refused to push the barge.

23 Q. Did you -- were fired as a result of that?

24 A. No, sir.

25 Q. Were you disciplined as a result of that?

1 A. No, sir.

2 Q. I'm not going to ask you what company it was. Well, was  
3 it -- that wasn't with Marquette, though?

4 A. No, sir.

5 Q. Okay. You told us earlier that Marquette really preaches and  
6 stresses safety and stop work, correct?

7 A. Well, you asked me that, and I said yes.

8 Q. Okay.

9 A. And they do.

10 Q. Thank you. Make sure I asked you here, I know you told me  
11 earlier you didn't contact Captain Mabile or any of the other  
12 Marquette shoreside personnel about the bucket. Did you contact  
13 Captain Mabile or any of the Marquette shoreside personnel that  
14 night about anything prior to the accident?

15 A. No, sir.

16 Q. If you had trouble getting information from a customer, what  
17 were you supposed to do?

18 A. Call my port captain.

19 Q. And if you made a request to a customer to do something and  
20 they refused to do it, or delayed doing it, what were you supposed  
21 to do?

22 A. Call my port captain.

23 Q. And then your port captain would handle the situation for  
24 you?

25 A. Yes, sir.

1 Q. And would give you instructions on what to do?

2 A. Yes, sir.

3 Q. And again, you didn't contact your port captain at all on the  
4 night of the accident prior to the accident, correct?

5 A. Yes, sir.

6 Q. You agree with me?

7 A. Yes.

8 Q. You told us earlier you were familiar with Marquette's voyage  
9 planning policies and its bridge transit policies, correct?

10 A. Yes, sir.

11 Q. And the point of those is to make sure that you can proceed  
12 safely, correct?

13 A. Yes, sir.

14 Q. And you also told us that in order to proceed safely through  
15 a bridge, you've got to make sure that your boat and tow are lower  
16 than the bridge itself, right?

17 A. Yes, sir.

18 Q. That's common sense?

19 A. Yes, sir.

20 Q. And you were aware of that, that night, correct?

21 A. Yes, sir.

22 Q. And you knew that Marquette's policies required you to verify  
23 that the boat and tow were lower than the bridge, correct?

24 A. Yes, sir.

25 Q. Did you ever tell anybody with Marquette that you had trouble

1 or weren't sure how to calculate bridge clearance using river  
2 stage?

3 A. No, sir.

4 Q. Mr. Jenkins asked some questions. I'm going to follow up on  
5 those briefly. Once you got past those three southbound tows --  
6 so you left the CMT dock with the *Mr. Ervin*?

7 A. Yes.

8 Q. And you wanted to get past the three southbound tows before  
9 turning over the watch to Captain Picquet, correct?

10 A. Yes.

11 Q. Once you got past the three southbound tows, did you  
12 immediately turn the watch over to Captain Picquet?

13 A. No. We -- you know, I asked -- I made sure he was  
14 comfortable with anything before he took over.

15 Q. So you had that conversation after you had cleared the three  
16 southbounders?

17 A. Well, we was talking about it the whole time. We was --

18 Q. Okay.

19 A. We was discussing this the whole time. He was up there with  
20 me.

21 Q. Right. But once you cleared those three southbounders then,  
22 did you then -- you knew at that point, he said he was  
23 comfortable. Did you then turn the sticks over to him?

24 A. Yes, sir.

25 Q. Did you -- and I think it's been asked, but I just want to be

1 sure, did you tell him, I want you to stop now?

2 A. No, I did not.

3 Q. Did you tell him, I want you to hold position now?

4 A. No, I did not.

5 Q. Did you think that he could have safely stopped the barge and  
6 pushed it into the bank once you handed the sticks over to him?

7 A. Yes.

8 Q. Did you think he could have safely held position in the river  
9 once you handed the sticks over to him?

10 A. Yes.

11 Q. Once you turned the sticks over to Captain Picquet, you left  
12 the wheelhouse, correct?

13 A. Yes.

14 Q. Did Captain Picquet contact you again before the accident  
15 with the bridge?

16 A. No, sir.

17 Q. There was some discussion earlier about the long voyage form;  
18 you remember that?

19 A. Yes.

20 Q. The long voyage form, you told us, requires more information  
21 than the short voyage form?

22 A. Yes.

23 Q. On the night of the accident, what did you think the air  
24 draft was on the *Mr. Ervin*?

25 A. 130 foot.



1 Q. And you thought that the clearance on the Sunshine Bridge was  
2 more than 130 feet, correct?

3 A. Yes.

4 Q. So if you had filled out a long voyage form that night, that  
5 wouldn't have triggered any alarms for you. You would have  
6 thought okay, I've got more clearance than I have air draft, I'm  
7 going to make it, correct?

8 A. Yes.

9 Q. We talked earlier about the stop work meetings that you had.  
10 One of the line items, and I should have asked you this before and  
11 I apologize, one of the line items on that policy that you're  
12 required to talk about at every change is stop work  
13 responsibility, correct?

14 A. Yes.

15 Q. Captain Smith, from the time you left the wheelhouse, after  
16 turning the sticks over to Captain Picquet until you felt the boat  
17 and the -- strike that, until you felt the barge hit the bridge,  
18 had you actually gone to sleep yet?

19 A. No, sir.

20 Q. You had been awake the whole time?

21 A. Yes, sir.

22 Q. Did you tell Captain Picquet that if he ever had a problem  
23 while he was at the sticks he could get you up to the wheelhouse  
24 to help him?

25 A. Yes.

1 Q. And he didn't do that, that night, correct?

2 A. No, sir.

3 Q. If he had asked you to come up and give him some guidance,  
4 would you have done that?

5 A. Yes, sir.

6 Q. If he -- if you had come up to the wheelhouse and saw that he  
7 was about to approach the bridge, or he was approaching the  
8 bridge, the bucket was still there, would you have told him to  
9 stop?

10 A. Yes.

11 Q. Would you have called Captain Mabile?

12 A. Yes.

13 MR. REISMAN: Thank you very much, Captain Smith. That's all  
14 I've got for you.

15 BY CDR MESKUN:

16 Q. I just have a few last items. Mr. Reisman was asking you a  
17 question, and your reaction was a chuckle, or a laugh. He was  
18 referring to whether or not you could have two -- or if you asked  
19 to have an assist vessel. What was the first thought that popped  
20 into your mind that caused you to chuckle?

21 A. Because it's -- when you working a fleet, it's kind of hard  
22 to get assistance because everybody's pretty much busy. We're  
23 spread kind of thin.

24 Q. Okay.

25 CDR MESKUN: Mr. [REDACTED]

1 BY MR. [REDACTED]

2 Q. Yeah, I wanted -- can you -- okay. I wanted to go back to  
3 make sure that we get a good clear picture to the public. From  
4 the time you were coming up on the pier at the CMT dock, can you  
5 go back through, describe everything that happened as you were  
6 approaching, facing up, tying off, again one more time?

7 A. Okay. When we arrived, we was on side of the barge. We  
8 wasn't facing up yet. We was on side of the barge. They start  
9 turning lines, and so I told them, hold up, let me get faced up.  
10 So when I was going behind the barge to get faced up on the port  
11 side, they was continuously turning the lines lose, and the barge  
12 started drifting ahead. We have a strong upstream eddy right  
13 there that causes the -- you know, the boat started going ahead,  
14 so I was trying to hurry up and put my face lines on so I could  
15 stop it from hitting that arm.

16 And I was in contact with my guys, you know, to see what was  
17 going on, you know, because they was telling me I had to hurry up  
18 and stop. So I have one guy trying to face me up so I could put  
19 my face lines so I could not hit this arm. By the time I got  
20 faced up, that's when I noticed that, you know, they have this  
21 bucket. And so, they're turning lines loose while all this was  
22 going on. I'm facing up. I got up in control of it, and I'm on  
23 the radio. I'm like hey, see if they can move this bucket.

24 So they contacted the guys on the rig. The guys on the rig  
25 said they're not going to move the bucket. So when I asked him

1 who I'm supposed to talk to, he said he don't know who I'm  
2 supposed to talk to, so I called dispatch. When I called  
3 dispatch, they told me to talk to the guy that's over -- Memphis.  
4 And so I called Memphis on the radio. He's like, tell them guys  
5 to give me a call. So my guys, I got on the radio with my guys,  
6 said, tell them to call Memphis. And I guess when my guys was  
7 telling Memphis, was trying to call them on the phone and contact  
8 them, and they ignored his call, and they made a comment saying,  
9 we don't care if you all effing run this into the bank.

10 And so this time, now we're floating in the middle of the  
11 river. They're still on the barge. They haven't got off the  
12 barge yet.

13 Q. I think I've got you to repeat the part that I wanted. I  
14 apologize for cutting you off. I just wanted to make sure. So  
15 when you say, turning lines, what do you mean by turning lines?

16 A. Turning lines loose from the dock.

17 Q. Okay. Who was turning lines loose from the dock?

18 A. The guys that was on the dock. The lines were from the  
19 barge. It's a big old dock. It's like a ship dock, actually.

20 Q. Yeah. Big high dock?

21 A. Yeah.

22 Q. Can you describe how high?

23 A. Maybe 20 foot, 30 foot.

24 Q. Okay.

25 A. I'm not sure.

1 Q. So the guys on the dock, do you know what company they worked  
2 for?

3 A. No, sir.

4 Q. Okay. So they were turning the lines loose, the guys on the  
5 dock. We don't know who -- what company they worked for. Did you  
6 ever tell them they could turn the lines loose?

7 A. The last line, the line -- when I got faced up, and I was  
8 telling them to turn the last line loose. Yes.

9 Q. Okay. Why would you tell them to turn that one loose?

10 A. Because it was still running up on me, and I wanted to be  
11 able to move out from hitting the arm.

12 Q. Okay. When you say, running up on you, what do you mean by  
13 running up?

14 A. When I'm facing up -- they had no lines to keep me from going  
15 ahead. So when I'm facing up, I have to push on the barge to get  
16 faced up on it. And then the barge is steadily running ahead, so  
17 I'm telling them to turn that line loose so I can pull back on it.

18 Q. Okay. So what you're -- when the last line that you told  
19 them to turn loose, the bow and all the breast lines were all, had  
20 already been released without you giving the command?

21 A. I told them to turn the last line loose --

22 Q. The last line?

23 A. -- so like, the last line was --

24 Q. But you never told anybody to turn loose the other ones,  
25 right?

1 A. Yeah. Before I was faced up, I wanted to get face -- the  
2 normal process is, I face up, so I've got control of the barge.  
3 And then they -- we go through, you know, turning lines loose,  
4 starting from the stern end to the bow.

5 Q. Okay. So would -- could you, or why didn't you, once you had  
6 control of the barge, just turn more back up to it?

7 A. I'm sorry?

8 Q. So we're thinking about, along the lines, stop work  
9 authority, why didn't you just order the guys to tie back up to  
10 the pier, instead of continuing to get underway?

11 A. The way -- it's hard to explain it. You have to be able to  
12 see how the arm was. I didn't want to hit the arm with the crane.  
13 So for me to -- I had to pivot off of it. And how I was setting,  
14 it was setting me on it. So I was telling them to turn me loose  
15 so I could, you know, get it off of the arm. So I probably could  
16 have tried to get lines back on it.

17 Q. So if they wouldn't have turn -- took the lines off the dock  
18 before you were ready, would you have ever given the command for  
19 them to be released?

20 A. Yeah, because I was -- the whole time, I was fighting to get  
21 my lines, so I can get control of, I wasn't even paying attention  
22 to the barge. By the time they turned that line loose, I'm --  
23 then I see the barge, I'm like hey, man, tell them they got to  
24 move this barge. It was like a chain reaction thing. Like my  
25 attention wasn't even on the bucket. I was more trying to face,

1 you know, trying to get faced up and stop from hitting that arm.  
2 It was chaos. Put it that way. We were faced with things, and at  
3 that time I haven't even noticed the bucket yet.

4 Q. Okay. So was the barge released from the pier before you  
5 were faced off and ready --

6 A. Yes.

7 Q. -- to take control of it?

8 A. Yes.

9 Q. Okay. And in industry, when do -- when is lines supposed to  
10 be pulled off?

11 A. When I'm completely faced up and ready to turn loose.

12 Q. And when you say you're faced off, is it --

13 A. Meaning that my face wire's attached to the barge, I got full  
14 control of the barge.

15 Q. Yeah. But, so a deckhand or dock worker that works in the  
16 maritime industry, when do they move or do anything with the  
17 lines? Who gives -- who gives them the command?

18 A. I'm -- they -- those guys are supposed to listen to me.

19 Q. The master of the vessel, right?

20 A. I didn't -- yes. Yes. I didn't have any communication with  
21 the guys that was on the dock. I only had communication with my  
22 guys.

23 Q. Okay. So if those lines weren't released, with what you were  
24 -- what was going on, would you have ever taken the boat --

25 A. The barge --

1 Q. -- off the dock?

2 A. No. By the time -- like I said, if the barge wasn't  
3 released, it wouldn't have went up, we would have had more of a --  
4 you know, I could have been -- back then I could have analyzed the  
5 situation. I could have seen the bucket. I could have -- I  
6 was -- you know, my train of thought was, let me hurry up and get  
7 faced up so I can control this barge because it's, you know, about  
8 to hit this arm that's hanging off.

9 Q. Yeah. When you -- say you hit that arm that's hanging off,  
10 that's because the barge is already released from the dock?

11 A. Yes.

12 Q. Okay.

13 A. It wasn't completely released.

14 Q. All except the stern line on the barge?

15 A. The bow.

16 Q. The --

17 A. Bow line.

18 Q. The bow line was --

19 A. Yes.

20 Q. Okay.

21 A. That was the only line they had, was the bow line.

22 CDR MESKUN: Mr. Kucharski?

23 BY MR. KUCHARSKI:

24 Q. Thank you again, Captain, for going through all this and  
25 answering our questions. Just a couple more follow-on. Have you



1 ever received a letter of warning or any other written warning  
2 from any company you've worked for?

3 A. Yes.

4 Q. Was it related to navigating the vessel?

5 A. Yes.

6 Q. It was? Can you share that with us?

7 A. It was 2012. I had an allision with a bridge.

8 Q. You had an allision with a bridge?

9 A. Yes, sir.

10 Q. Did it involve --

11 A. No, sir.

12 Q. -- air draft?

13 A. No, sir.

14 Q. I'm sorry. I had to ask that.

15 A. No, sir.

16 Q. And did you -- did Marquette ask you that, when they hired  
17 you, if you've had any --

18 A. Accidents? Yes.

19 Q. They did? Okay. I just want to be clear also, the *Mr.*

20 *Ervin*, besides the Sunshine Bridge, did you move it under any  
21 other bridges?

22 A. No, sir.

23 Q. No. I'd like you again to look at Exhibit 100, please, the  
24 very first page. You see it?

25 A. I don't have it.

1 Q. I'm sorry, you have it?

2 A. I got 97. That's --

3 Q. Okay, but we have it up there on the screen. Does it tell  
4 you when the last, the revision date on that is? Up at the top  
5 there, in the box. When it was last revised.

6 A. November, yeah.

7 Q. Was that after the accident or before the accident?

8 A. After the accident.

9 Q. Okay. Do you know what the changes were on this document  
10 that --

11 A. No, sir. I do not.

12 Q. Okay. We'll ask Marquette for the document before then, just  
13 to compare them. Also, would you look at the check ride again?  
14 That's Exhibit 40. Okay. And -- do we have the check ride up?  
15 Exhibit 40. Okay. Let's go with the very top. I think the  
16 question was asked, where this took place. Maybe I'm wrong. I  
17 just want to clear this up. But page 1, see where it says,  
18 "Location: ICW"? What does that mean?

19 A. Intracoastal canal.

20 Q. Intracoastal Waterway. Okay. And let's go to page 3,  
21 please. I don't want to drag you through this, but I was going to  
22 ask this of Marquette, so maybe it's good to get this out now.  
23 Page 3, and where it starts off, "Comments, Desmond." Do you see  
24 that?

25 A. Yes, sir.

1 Q. It says, "Desmond has good boat handling skills, have not yet  
2 had the chance to see him build tow or operation in river." Do  
3 you see that?

4 A. Yes.

5 Q. Okay. Thank you. Just like to clear that up. So did you  
6 have any other check ride that you're aware of that --

7 A. Yes.

8 Q. You did? Okay. Okay. Sorry. I think we asked Marquette  
9 for that and didn't get it. Do you know what that check ride was?

10 A. I was on -- actually, we went -- I got on the, I believe the  
11 *Kristin Alexis* again, or another boat, right before the *Kristin*  
12 *Alexis*, and we was working in the river. We was working at  
13 LaPlace fleet.

14 Q. In the LaPlace fleet?

15 A. I believe so.

16 Q. You had a check ride for that?

17 A. I believe so.

18 Q. If you have -- do you think you have a copy of that anywhere?

19 A. No, I do not have a copy. That was --

20 Q. You don't? Okay. It would be very helpful, okay, because  
21 what I'm looking at here, it says you haven't been seen operating  
22 in the river, so that would be helpful to understand if you've  
23 been, were assessed working in the river. A last question. After  
24 the accident, did you ask Mr. Picquet why he used the west span?

25 A. Yes, sir.

1 Q. And what did he say?

2 A. He said because that's the side he could see on, and he had a  
3 southbound tow.

4 Q. He told you that was the side he could see on?

5 A. He said that's the side he could see on, so he was relying on  
6 his visibility on that side. That's the only side he could see,  
7 and he said he had a southbound tow. So that's why he went  
8 through that span.

9 Q. Okay. And you didn't mention anything about traffic coming  
10 on the other side.

11 A. Yeah, yeah. That's what he told me, he had a southbound tow.  
12 He had traffic.

13 Q. Oh, I see. I see. So was it for the traffic that he was  
14 doing it, or was it because of visibility?

15 A. He told me both reasons.

16 Q. Both?

17 A. Both of them was the cause of his decision.

18 Q. Okay. Thank you.

19 A. Thank you.

20 CDR MESKUN: Thank you, Captain Smith. You are now released  
21 as a witness from this formal marine casualty investigation.  
22 Thank you for your testimony and cooperation. If I later  
23 determine that this joint investigation team needs additional  
24 information from you, I will contact you through your counsel. If  
25 you have any questions about this investigation, you may contact

1 the recorder, Lieutenant [REDACTED] [REDACTED]

2 It is now 1:49. We will take a 15-minute recess. We are now  
3 off the record.

4 (Whereupon, at 1:49 p.m., the testimony was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:            *KRISTIN ALEXIS/BARGE MR. ERVIN*  
   *ALLISION WITH THE SUNSHINE BRIDGE*  
   *DONALDSONVILLE, LOUISIANA*  
   *OCTOBER 12, 2018*  
   *Interview of Captain Desmond Smith*

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.



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Pamela C. Jacobson  
Transcriber