

UNITED STATES OF AMERIKA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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KRISTIN ALEXIS/BARGE MR. ERVIN *

ALLISION WITH THE SUNSHINE BRIDGE * Accident No.: DCA19FM003

DONALDSONVILLE, LOUISIANA *

OCTOBER 12, 2018 *

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Interview of: ERIK COOPER
Executive Director, Cooper Consolidated

Lamar Dixon Expo Center
Gonzales, Louisiana

Friday,
May 10, 2019

APPEARANCES:

CDR MATTHEW MESKUN, Lead Investigating Officer
United States Coast Guard

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

LT [REDACTED] [REDACTED] Hearing Recorder
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P R O C E E D I N G S

(12:56 p.m.)

1
2
3 CDR MESKUN: The time is now 12:56 and we're back on the
4 record. We'll call our next testimony, our next witness, we'll
5 hear testimony from Mr. Erik Cooper. Please stand at the desk.
6 And LT [REDACTED] will administer your oath and ask you some
7 preliminary questions.

8 (Whereupon,

9 ERIK COOPER

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. Please state your name and
13 spell your last into the microphone.

14 THE WITNESS: Erik Cooper, C-o-o-p-e-r.

15 LT [REDACTED] Please identify counsel?

16 MR. JENKINS: Scott Jenkins for Cooper Consolidated.

17 CDR MESKUN: Good afternoon, sir.

18 THE WITNESS: Good afternoon.

19 CDR MESKUN: As you've heard me say a few times now, please
20 ask to clarify if any of the questions are confusing or unable to
21 understand, of if you don't know, please just state that.

22 EXAMINATION

23 BY CDR MESKUN:

24 Q. Can you please describe a little bit about your background,
25 your experience?

1 A. Sure. Well, I started off in the Marine Corps, so I was an
2 infantry officer about 6½ years. Kind of started my river
3 experience then, or blue water and brown water, so had about --
4 out of the time, about 4 years of boat experience.

5 I was in a boat company. We did blue water stuff, but we did
6 riverine operations as well. I was a trained coxswain on multiple
7 vessels, Rigid Raider craft, riverine assault craft, Zodiacs, even
8 in RIBs. So did those things stateside. Did some overseas as
9 well, and also I actually, the last 2 years, my last job in the
10 Marine Corps, one of my duties was actually to be in charge of the
11 schoolhouse on the East Coast of the Marine Corps for small craft,
12 teaching the various coxswain courses and stuff like that.

13 And then after the Marine Corps, I got into the marine
14 business again. And came down here to South Louisiana, ran a few
15 marine terminals, both dry and liquid bulk. And did some
16 stevedoring as well.

17 And then I changed companies, got to the current company I'm
18 with, and ran a few barge fleets, shipyards, stuff like that. And
19 then got put in charge of the entire enterprise, which is
20 stevedoring, logistics, you know, barging, you name it, logistics,
21 basically.

22 CDR MESKUN: Okay. Thank you very much. I'll turn it over
23 to Mr. Kucharski.

24 MR. KUCHARSKI: Good afternoon, Mr. Cooper, Mr. Jenkins.
25 Thank you for being here, Mr. Cooper. And I'd like to say to

1 Commander, thank you for providing all the information that your
2 company has provided and thank you to Marquette also, a ton of
3 information. Very much appreciated.

4 BY MR. KUCHARSKI:

5 Q. Mr. Cooper, your schooling in general, did you have any
6 maritime-related schooling? Can you tell us what your background
7 is in that?

8 A. Beyond what I just told you, I mean the various things that,
9 you know, going out to seminars and FSO courses and all those
10 things, as well as on the job chiefly.

11 Q. And do you have, hold any credentials that are regularly --
12 that are directly related to your job, like ISO type or auditor,
13 any type of other credentials?

14 A. Me, no. I mean, I've got an MBA. So --

15 Q. Okay.

16 A. That and 99 cents buys a coffee, like everyone else.

17 Q. And your current employer, so I have it right, is Cooper
18 Consolidated?

19 A. Yes. And could you explain to us the relationship of Cooper
20 Consolidated? Are they part of a larger parent? Could you tell
21 us a little bit about the organization?

22 Q. Yeah, I sure can. It's actually a joint venture company. So
23 yes, we have two parents. So there's Consolidated Grain and Barge
24 and then there's Cooper/T.Smith. So we have two parent companies,
25 yes.

1 Q. And is Cooper Consolidated part of Cooper/T.Smith?

2 A. No. It's a subsidiary.

3 Q. It's a subsidiary?

4 A. Correct.

5 Q. Okay. Thank you. And so total, how long have you been with
6 the Cooper organization?

7 A. Going on 8 years; 8, 9.

8 Q. And did you have a predecessor at the company in your
9 position?

10 A. Yes.

11 Q. And who was that?

12 A. Lance Race (ph.).

13 Q. So could you tell us in as much detail as you want to
14 provide, I don't want to drag you through a lot of information,
15 but on a day-to-day basis, what do you, what do you handle as the
16 executive director?

17 A. Well, it just kind of depends, but more of the administration
18 and general management of the entire enterprise. And, I mean,
19 that can -- it can shift just depending on the different
20 initiatives that I might have going on or we have going on, all
21 the way from commercial activities -- I have a heavy presence in
22 the commercial activities of the company, but also on the safety
23 and the operations, you know. So, for example, on the safety
24 realm, you know, the safety department reports directly to me, for
25 example. So this morning, I was on the phone with one of my two

1 safety directors talking about some of those things, you know, as
2 well as my operational folks tend to take the majority of my time.

3 Q. Could you pull the mic a little bit closer, please. Thank
4 you. So you mentioned safety. Were you -- did you have any
5 involvement in this incident that occurred?

6 A. After the fact, yes. Yes. I was actually traveling at the
7 time for business and got the phone call, much like many people
8 had, did at 2:30-ish. And had to go to the airport and fly back.
9 So I was here the following morning by the time -- yes.

10 So, and then I dealt with basically kind of the aftermath,
11 right, and dealing somewhat with the Coast Guard as well as my
12 folks. Because I had two different divisions involved in this.
13 Right? So I had my stevedoring guys and then my marine folks.

14 Q. Okay. And I believe all the other parties have this
15 administrative organizational chart. So as I'm looking at it, the
16 two lines that would have been involved, the managing -- or the
17 managing director of stevedoring or the stevedoring down the one
18 line, and then the other would be the fleeting ops people. Is
19 that it?

20 A. That's correct.

21 Q. Okay.

22 A. Correct.

23 Q. And while I have that out, or you're looking at it, to some
24 of the people that we've interviewed, could you tell me -- so the
25 stevedoring operations manager, would that have been Mr. Landry?

1 A. No. Mr. Landry is the managing director of stevedoring, that
2 guy's boss.

3 Q. Okay. And then Jody Prejean; is that correct?

4 A. Jody Prejean, yes.

5 Q. Where does he fall in that?

6 A. He's about five levels down or four levels down. So he's --

7 Q. General --

8 A. He's a general superintendent.

9 Q. General superintendent.

10 A. He's just above the cargo ship superintendent, Judson Adams.

11 Q. Judson. Okay, that's -- I've got that. Great. Thank you
12 for filling in those blanks. And so your direct reports are those
13 four managing directors: stevedoring, loss control -- those are
14 the four?

15 A. I actually have some more. I just put the relevant ones --
16 we put the relevant ones on here. Because there are some other
17 folks that report to me, but relative to this event, these are the
18 only ones.

19 Q. Can you just tell us of the others, like Claims or anything
20 like that, or Legal, do they report to you or --

21 A. Yes. Yeah, the support functions do as well. So I have a
22 managing director of basically finance and administration, so
23 that's where that would go. And then managing director of sales
24 and logistics. So --

25 Q. Great. And thank you.

1 A. And one over shipyards, as well. So complete, completed out.

2 Q. No, that's very helpful. Thank you. And so you have a
3 number of direct reports. Who do you report to?

4 A. I report to the board of directors of CC, which is made up of
5 some folks from the parents.

6 Q. So concentrating on Cooper Consolidated, it's a subdivision
7 of a larger parent. Does Cooper Consolidated, as a company, have
8 any certifications like ISO certifications, or are they certified?
9 Are you a member of the American Waterway Operators?

10 A. We are an affiliate member of AWO, yes.

11 Q. You are? Okay.

12 A. An affiliate member. Yeah.

13 Q. Okay. And do you have -- does the company carry any other
14 certifications, like ISO certifications, 9000?

15 A. No, we're not ISO. No, we are not.

16 Q. Do your employees obtain OSHA-certified training?

17 A. Some of them do, yes. In particular, my safety department
18 and some supervisory personnel, yeah, from time to time, yes.

19 Q. Do the crane people receive any of the OSHA-certified
20 training?

21 A. For crane operators, no.

22 Q. No?

23 A. It's not required.

24 Q. Can you tell us if Cooper has regular safety meetings?

25 A. Yes, we do. We have them for our operational people, pre-

1 shift, so it's twice a day. For like the stevedoring guys, for
2 example, shipyard guys, it's once a day. You know, they don't
3 work 24/7 like the stevedores do, but yes, every single day we
4 have a toolbox meeting, pre-shift safety meeting.

5 Q. And, you know, I have this burning question because, you
6 know, blue water, usually we call them longshoremen.

7 A. Yeah.

8 Q. But stevedores would be, you have a stevedore, who -- a
9 managing type operation, and then the longshoremen are stevedores,
10 that's an interchangeable word for the brown?

11 A. For us, for all intents and purposes, yes. Yeah.

12 Q. And the safety meetings, you say your operations people, do
13 you also have a top hat or a high-level type safety meeting?

14 A. Yes. I believe one of my folks mentioned that. So we
15 typically have a quarterly meeting, as well, just so you know
16 within the operating divisions. We speak about safety every
17 quarter at the director level. That's me with my managing
18 directors and going over stuff like this event here and just, you
19 know, planning out different things. In addition to that, we have
20 a safety summit coming up, and we have two of those a year as
21 well. And those are for our key supervisory personnel. So that
22 would be like, you guys know, Judson Adams level and up.

23 Q. Okay. Great. That's very helpful. And at these quarterly
24 meetings, was a topic of discussion the accident that occurred?

25 A. No, because we had already talked about it by then, honestly.

1 You know, we wanted to take some immediate action and some
2 immediate improvements, and we did so very quickly. We didn't
3 wait. So, we -- between myself and my two managing directors, as
4 well as the input of our other folks that work for them, we put
5 our heads together on what our initial thoughts were, and you guys
6 so them in the fleeting rules update. It was about 3 weeks, or a
7 month or so after the -- this incident.

8 MR. KUCHARSKI: Okay. I'll ask you some detail on some of
9 the exhibits. Thank you. Thank you, though. Talking -- I'm
10 going to, I'm going to, actually I'm going to hold there and see
11 if there are any questions by my panel members here. No? Just
12 related to this, just related to the line of questioning, do you
13 have any questions about this right now?

14 UNIDENTIFIED SPEAKER: Not on this subject, no.

15 BY MR. KUCHARSKI:

16 Q. Okay. Continuing, Mr. Cooper, can you tell us if there was a
17 contract in place for the services of the *Kristin Alexis*?

18 A. There sure was. There's a time charter in place. It was
19 about a 13-month-long time charter.

20 Q. And in broad terms -- I know we have a copy of it, but can
21 you just, in broad terms what Marquette or MTC was to provide and
22 what you provided?

23 A. Sure. The best thing to do is, rather than me say it, is
24 just to scroll down to employment. I think -- let's me see if
25 we're able to -- right there, in Article 6 is a great description

1 of the services.

2 So, you know, they're going to put -- basically they're
3 employed by this charter to provide fleeting, shifting, towing
4 services as we basically give them a priority of work through the
5 day, night, you know, all that. And we tell them the work that
6 needs to be done in laymen's terms and they figure out how to do
7 it because they are the mariners.

8 So it's in there and it continues on there. And we
9 explicitly, you know -- you know, talking about safety and all
10 that stuff, and, you know, I know when we came up with this time
11 charter, and it's pretty common, you know, you see we even speak
12 to safety in there and the obligations in that A, B and C in
13 particular. So basically, talking about stop work authority on B
14 and that it's always under their command and control of the boat
15 captain.

16 Q. So, if I understand correctly, and I think we've asked in in
17 some detail in other areas but maybe not -- maybe just want to
18 clarify, Cooper directed the boats -- this particular boat, the
19 *Kristen Alexis* to perform work and Marquette provided the crew,
20 the boat --

21 A. Yes.

22 Q. -- the safety management system --

23 A. The know-how to do the job. Correct.

24 Q. Did you provide the fuel and water for the boat?

25 A. No. Now -- I'm sorry. The water, they do, yeah. They get

1 water from our facilities, like our shipyards. So yes.

2 Q. So Cooper provided orders to the *Kristen Alexis* on that
3 accident date, correct?

4 A. Yes.

5 Q. Or the day before. Yes. And they -- could you remind us
6 again, or could you tell us what the orders were?

7 A. The orders were to assist in stripping the dock down at CMT,
8 Convent Marine Terminal. By the time they got there, the last
9 thing was the *Mr. Ervin* crane barge, and it made sense for the
10 *Kristen Alexis* to take it up. I want to say, if memory serves me
11 correctly, the *Kristen Alexis* was going to stay up at Darrow after
12 it took, to go assist in fleeting operations up there. I believe
13 that was the original intent, but could be wrong.

14 Q. Great. And could you -- that's the first time I think I've
15 heard stripping the --

16 A. That's just literally, you know, facing up and taking the
17 barges off of the dock. Unmooring them.

18 Q. Okay. So they were in a mooring or unmooring operation?

19 A. Correct.

20 Q. And then they went to the, to the *Mr. Ervin*?

21 A. Yes.

22 Q. So they were operating fairly continuously doing operations
23 there for a period of time, and then the last order that day was
24 to get the *Mr. Ervin*?

25 A. The *Kristen Alexis*? Yes.

1 Q. Yeah. What is Cooper's expectation when given an order to
2 move, like the *Mr. Ervin*?

3 A. Sure.

4 Q. What was Cooper's expectation as far as timeliness to perform
5 that operation, to just get underway to take that barge?

6 A. For this specific one, for this specific move, we didn't have
7 the *Mr. Ervin's* next vessel. It's not like it was already there
8 at Darrow or anything. There wasn't anything for it to do.

9 So that's why you've heard some of them testify they were
10 going to do some preventative maintenance on it, and then it was
11 going to sit for about 3 days or whenever the next ship was
12 scheduled came into berth, so -- and then it would go back to
13 work. So there was no rush.

14 Q. So the dispatcher, when they say your next job is to do -- to
15 take the *Mr. Ervin*, there's no expectation that their supposed to
16 come alongside as soon as they can and take it out of there?

17 A. Not in a rush, but not an unnecessary delay either. You
18 know, so no. It's not implied to hurry up or anything like that,
19 if that's what you're asking.

20 Q. No. Not to hurry up. But is it, you know, a minute, is it a
21 half hour, an hour; does it make any difference?

22 A. Not really, no. I mean, it's going to take what it takes,
23 you know. They were all doing -- probably when they were told,
24 they were probably doing some other bit of work they were going to
25 have to finish. I guarantee they were doing some other bit of

1 work because that was a busy time of the year. So they had to
2 finish what they were doing, and as soon as they were able, get
3 down there and go do that job. So that was the expectation and
4 that's usually always the expectation. When it's more of time a
5 crunch, we do have them break off of what they're doing, you know,
6 finish it off maybe and then -- but it would, I don't -- this was
7 not that case because there was no urgency.

8 Q. And the stevedores are standing by until they actually take
9 them off, right? So if it took them 2 hours to take that off,
10 they're going to stand by there until they're ready to take it
11 off?

12 A. Yes, because they need the boat's assistance to remove like
13 the cables and stuff like that. Yes.

14 Q. Right. Need the boat's assistance or the --

15 A. Yes.

16 Q. -- stevedore -- the boat also needs the stevedore assistance?

17 A. Not necessarily. But yes, for our purposes, because they
18 have more knowhow with operating -- we don't want them operating
19 our winches and stuff like that. Okay? But we need the boat's
20 assistance to let slack on those lines in order to unmoor.

21 Q. Right. Okay. Okay. I see. I see now. So, but the
22 stevedores, if that boat too 2 hours to get there, the stevedores
23 would be standing by?

24 A. Correct.

25 Q. Okay. Did the *Kristen Alexis*, as a fleet boat -- correct?

1 Is that what it's called, a fleet boat?

2 A. Yes.

3 Q. Did it only tow Cooper barges?

4 A. Could you clarify that? I mean, I'm not quite sure what you
5 meant.

6 Q. At that facility -- was it Convent?

7 A. Yes.

8 Q. Okay. Or it was going between Convent and Darrow; is that
9 correct?

10 A. Yes.

11 Q. Are there barges owned by other entities --

12 A. Yes.

13 Q. -- than Cooper that are at the Convent and the Darrow fleets?

14 A. That's correct. We have a whole bunch of customers. Yes.
15 So routinely, more often than not, actually they are pushing and
16 touching non-Cooper barges, actually.

17 Q. And can you tell us if any of those other barges in those
18 fleets were crane barges or derrick barges of owners other than
19 Cooper?

20 A. Derrick barges specifically, no, with the exception of one.
21 There may be one here or there. So like at Darrow, we have a
22 contractor that's kind of a nested contractor. So yes, in that
23 case, but that's kind of few and far between for derrick barges.
24 Yeah.

25 Q. What about crane barges? Is that the same thing?

1 A. Same thing.

2 Q. Okay.

3 A. Same thing, yeah.

4 Q. And the number of high air draft, high profile barges that
5 Cooper has, that's pretty much summarized in the fleet rules, all
6 the ones that you have?

7 A. Yes.

8 Q. About a dozen or so, or --

9 A. Correct.

10 Q. Okay. Did anyone at Marquette, MTC -- if you don't mind, I
11 use MTC just to abbreviate. Anyone at MTC ask Cooper of a list of
12 the barges along with their air drafts; was that ever asked? I'm
13 not talking about just boat personnel, but shoreside personnel?

14 A. I don't know that. I don't know if it was or not.

15 Q. Does Cooper Consolidated hire towboats from other companies
16 other than MTC to do fleet work?

17 A. Yes.

18 Q. On that particular date, did you have other companies that
19 were contracted? And who were they?

20 A. Goodness --

21 Q. Just concentrate on the Convent and Darrow fleets.

22 A. Sure. In that area then was only Marquette, Western River's
23 Boat Management and Plimsoll Marine.

24 Q. The last one was Plimsoll?

25 A. Yes. There might have been one or two spot guys but --

1 beyond those perhaps.

2 Q. Do you know prior to the accident, if any of those tow
3 companies asked you for -- or your personnel for any of the air
4 drafts of the high-profile barges?

5 MR. JENKINS: I'm just going to -- ask, just ask anybody or a
6 particular, just guys on the dock or did they make calls? I'm
7 just curious, like there's a lot of different people they could
8 call.

9 MR. KUCHARSKI: Sure.

10 MR. JENKINS: If you could just please specify?

11 BY MR. KUCHARSKI:

12 Q. A list. A list of just like you provided in here, the list
13 of the barges with the air drafts.

14 A. To my knowledge the boat operators did not.

15 Q. Okay.

16 A. Okay.

17 Q. Did that change after the accident? Did the operators ask
18 you, any of the operators ask you for a list of the air drafts?

19 A. Yes.

20 Q. They did? The operators, the other operators did?

21 A. Marquette did.

22 Q. Marquette did? Did any of the other operators?

23 A. I can't recall. But I do know Marquette did.

24 MR. KUCHARSKI: I'll stop there just to see if there are any
25 follow-on questions?

1 BY MR. KUCHARSKI:

2 Q. The *Mr. Ervin*, is it a permanent crew that is assigned to the
3 vessel?

4 A. No. It can rotate.

5 Q. The load line, the load line that we've seen the document of,
6 is the load line current?

7 A. I can't answer that. I'm not sure on that.

8 Q. Do you know why it had a load line?

9 A. I believe -- I don't know the specifics. Sorry.

10 Q. The *Mr. Ervin* was supposed to be -- was supposed to go up to
11 Darrow for some repairs?

12 A. No.

13 Q. What was it, maintenance? What was --

14 A. It was just preventative maintenance. After -- you know, you
15 do preventative maintenance on your cranes before and after,
16 right, pre-shift, post-shift, to make sure they're in good working
17 order. That was it. It wasn't like there was a significant
18 maintenance job being -- about to be done on it.

19 Q. Was there any loss of revenue after the accident, of the
20 strike for the *Mr. Ervin*?

21 A. No.

22 Q. After the accident, in talking to Mr. Landry -- well,
23 actually I think before the accident, a spreadsheet existed with
24 the air drafts?

25 A. Correct.

1 Q. Okay. And after the accident, can you tell us about this
2 spreadsheet and the dissemination?

3 A. Sure. Sure. I sure can. So basically, as I said, I got
4 with Wendell Landry and then my director over the fleeting group,
5 and we talked about this issue and the dissemination. And, you
6 know, I told them basically that I wanted it out there on the
7 boats, on all the boats that we have. So, my new policy was, hey,
8 let's -- we need to improve. We need to make sure that, no
9 kidding, that that information is out there. And so that Excel
10 spreadsheet that's now part of the fleeting rules, said, hey,
11 let's update that.

12 We also updated in the fleeting rules to say that they need
13 to travel under the center span. That's in there as well. And we
14 actually round it up to the nearest foot on a lot of those,
15 because there's a lot of decimal points on those cranes actually
16 and we round it up.

17 Q. Mr. Landry mentioned about the actual, on that spreadsheet
18 that he had, the calculation of clearances.

19 A. Right.

20 Q. Can you just -- were you involved in that also, in that?

21 A. Yes. Yes.

22 Q. Could you talk about that?

23 A. Yes. That's just a redundant of -- it's supposed to be a
24 redundant method, but then it's also a calculation that we do with
25 the full knowledge of, you know, we are not -- the master must do

1 his own calculation as part of his bridge transit plan.

2 So, but we do because, as Mr. Landry described, he does it
3 because with our vessel schedule he needs to know, oh, wait, no,
4 the Ervin can't go down south to help out on this vessel at
5 LaPlace, not only for safety reasons but for operational reasons.
6 Does that make sense?

7 Q. Makes perfect sense. So then post-accident, and please, if
8 I'm saying it wrong, correct me. Mr. Landry would look at that
9 spreadsheet, would say, if they needed to dispatch and it couldn't
10 go because of the vertical clearance, they would not dispatch it.
11 Is that correct?

12 A. Correct. And I think he gave an example, a recent example of
13 that. Yes.

14 Q. And the accessibility of the spreadsheet and the air draft
15 information, has that changed since the accident and can you
16 address -- no, it has not?

17 A. No. Now I believe -- I believe -- I know Chad Nelson
18 misspoke of previously saying that it was down to the dispatcher
19 level in that. And no, that's not the case. That was a well-
20 intentioned manager and, you know, the master, once again, is the
21 one -- the captain on that vessel is the one that makes that
22 calculation. You know, we're not -- we are not the vessel traffic
23 service, you know, providing that number to them.

24 So that sheet though is -- the access to it is the same in
25 the stevedoring group as it was before. Okay.

1 Q. So who actually -- is it just Mr. Landry that has --

2 A. Mr. Landry, the stevedoring operations manager, and even the
3 facility managers have that. Okay? The actual calculation sheet.
4 Now the -- everybody has the fleet rules --

5 Q. So the general --

6 A. -- and the spreadsheet of air drafts. Okay.

7 Q. So the general manager, Jody Prejean, would not have access
8 to that?

9 A. To the calculator sheet?

10 Q. Yeah.

11 A. No. He would not.

12 Q. So prior to the accident, there was no direction by Cooper to
13 use the channel span; is that correct?

14 A. We were never asked.

15 Q. Your fleeting rules, though, we'll get into that in the
16 fleeting rules, so -- looking at the changes. So let's take a
17 look at the fleeting rules. I don't know if it's --

18 MR. KUCHARSKI: Do we have it as an attachment now, or an
19 exhibit? No? The current one's dated November 5th, 2018?

20 UNIDENTIFIED SPEAKER: No. We don't have the -- we don't
21 have the electronic version of that.

22 MR. KUCHARSKI: But the other parties, Marquette has a copy
23 of them, yes? So, I see a lot of head nodding. Is that correct?
24 Yes. Okay.

25 (Off-microphone comments.)

1 MR. KUCHARSKI: I have a copy. But -- oh, I'm sorry. I'm
2 sorry.

3 UNIDENTIFIED SPEAKER: Yeah --

4 MR. KUCHARSKI: Okay.

5 BY MR. KUCHARSKI:

6 Q. So, if we could, if you could tell us what changes -- do you
7 know what changes offhand have been made to the fleeting rules?

8 A. Relevant to this, yes, just because I kind of --

9 Q. Sure.

10 A. -- looked into it.

11 Q. Sure. Concentrate --

12 A. There were some other minor changes throughout this document
13 too, just so you know.

14 Q. Please. Please, just -- yeah, relative or concentrate on
15 this.

16 A. I think the changes is we added -- certainly we added Section
17 9, which is towing CC Cranes, and which includes the spreadsheet
18 of the air drafts and the barge dimensions. And that's it.

19 And see, so what we did was, these fleet rules -- every boat
20 that works for us has these. And when we charter a new vessel,
21 it's emailed direct to the boat. It's not -- I mean, there's a cc
22 to their port captain as well, but it's right to the boats. It's
23 in the wheelhouse and all that stuff.

24 So kind of the new answer, to be honest, is, if a boat
25 captain calls my dispatcher asking for an air draft, the question

1 back is one, why don't you have the air draft? And that means you
2 don't have the fleet rules.

3 Make sense? So we're just making sure that it's in that
4 wheelhouse. Okay?

5 Q. But -- or maybe it's not in the wheelhouse or something, it's
6 misplaced but -- okay, okay. Point well taken. I can check
7 another question off that I had down the line, who obtained them.

8 So, if you would, let's look at page 8 of that document,
9 which you say is Section 9. Okay?

10 A. Yes.

11 Q. And it says when shifting cranes north or southbound, all
12 cranes should pass through the center span under any bridges.

13 A. Yes.

14 Q. Is that correct?

15 A. Yes.

16 MR. KUCHARSKI: LT [REDACTED] please pull up -- oh gosh, I
17 think that's Exhibit 8, page 11. I think I got it right this
18 time. Finally. It'll be at the very end here. I thought the
19 electronic world was supposed to be faster. Okay.

20 BY MR. KUCHARSKI:

21 Q. So we're looking at that, which you've seen a gazillion times
22 here, and we have a west span and a channel span. So what's the
23 center span for the west -- they label channel and west span.
24 Which is the channel? Which is the center span under any --

25 A. The center of the channel, the channel span.

1 Q. The center of the channel. And if there are two channels, it
2 doesn't --

3 A. The center of the channel, the navigable channel.

4 Q. Okay. So it says center span. You're saying center of the
5 channel?

6 A. Correct.

7 Q. One -- a couple more questions. So you saw the TSAC -- or
8 the towing vessel safety advisory council report?

9 A. Yes, I did.

10 Q. You saw that?

11 A. Today.

12 Q. That's the first time you've seen that?

13 A. Yes. Well, I'm sorry. My attorney showed it to me in
14 preparation of this, but yeah.

15 Q. Okay. And you're not a member and never -- Cooper hasn't
16 been a member of TSAC?

17 A. TSAC, no, I'm not.

18 MR. KUCHARSKI: Okay. No further questions. Well, not a
19 question --

20 BY MR. KUCHARSKI:

21 Q. So would Cooper -- so what do you think Cooper could have
22 done differently to assist in preventing this accident?

23 A. I think that, you know, this is an unfortunate accident that
24 occurred and, frankly, I don't know what we could have done
25 different when the air draft wasn't even asked for, okay, by that

1 boat captain. So, I don't really -- now, can we add some things
2 into assist to make it easier access? Yes, we made that
3 improvement. But when they don't -- when that captain doesn't
4 ask, doesn't do the calculation, I'm not sure how that could be
5 prevented.

6 Q. So you saw the TSAC recommendation there that --

7 A. Correct.

8 Q. -- said, the owners, charterers should provide that
9 information. Do you think that if that was provided at the time,
10 that would have been helpful for the master to have that
11 information?

12 A. If he had it in the wheelhouse already, he didn't do the
13 calculation. I mean he didn't do a bridge transit plan. S, I
14 don't think it would have been any different because he didn't do
15 a proper bridge transit plan that he knows he's supposed to do.

16 MR. KUCHARSKI: Okay. Thank you.

17 BY UNIDENTIFIED SPEAKER:

18 Q. I wanted to clarify what you said. You said, Mr. Nelson
19 misspoke on what he does. Could you describe exactly what the
20 dispatcher is supposed to do under your new dispatch policies, as
21 far as --

22 A. Sure.

23 Q. -- that pertains to this collision?

24 A. What I mean by how he misspoke is he doesn't do those
25 calculations or even hand out that calculator. He's not supposed

1 to do that. He was nervous and he's been talked to about that
2 previously before that and all that. What his job is, is if he is
3 on duty and somebody calls in asking for the air draft, well then,
4 he emails them a copy of the fleet rules.

5 Like I said, he should also raise his hand and say, hey, this
6 vessel, you know, from boat operator X, you know, the next day to
7 his boss, didn't have the fleet rules. And that's kind of
8 concerning. Okay? But now his job is to provide the fleet rules,
9 okay, to the vessels.

10 UNIDENTIFIED SPEAKER: Okay. Thank you.

11 CDR MESKUN: Many of my questions have already been covered,
12 so I'm just looking through my notes. Bear with me for a second.

13 MR. KUCHARSKI: Commander, could I ask a question while
14 you're looking at your notes?

15 CDR MESKUN: Please.

16 MR. KUCHARSKI: Mr. Cooper, based on the testimony of the
17 captain saying that he believed the air draft was 130 feet, and
18 the pilot said that he had mentioned that the Cooper barges have
19 been about 130 feet, you don't think having that information, the
20 air draft right up there on the bridge would have been helpful?

21 THE WITNESS: No, because if you recall, he didn't know that
22 until after the accident.

23 MR. KUCHARSKI: Okay.

24 THE WITNESS: He didn't ask that question until after the
25 accident.

1 BY CDR MESKUN:

2 Q. So, I see the Cooper rules, I saw the previous version and
3 now the new version that shows the changes. But I guess I'm just
4 curious, is there anything maybe contractually? I know the
5 contract hasn't changed, but -- or maybe it has. I just saw the
6 one version of the time charter, or charter agreement.

7 Is there anything that recommends like a buffer, like a
8 safety factor? Like if the *Mr. Ervin* is 136 feet, does it say, we
9 recommend at least, like an X number, like a 4-foot gap above the
10 crane?

11 A. No. There's not a procedure for that. No.

12 Q. Okay.

13 A. Now beyond the one that Wendell Landry spoke about, which is
14 my folks checking beforehand and having that discussion. But not
15 with the operator.

16 Q. Okay. And I understand your previous testimony, you know,
17 you leave it up to the professional mariners to handle a lot of
18 those navigation type issues. But I don't think we can get around
19 the fact that the crane is fairly large, right? Has there been
20 any discussion in a recommended addition or change to be able to
21 see around the tub, so it's called?

22 A. With the, as it -- with respect to the tub, though, that
23 still doesn't have any impact on up here, on the air draft and the
24 clearance issue.

25 Q. True.

1 A. But, you know, maybe -- were you trying to ask about changes,
2 additional changes?

3 Q. I guess so what I'm getting at is, has there been a thought
4 of maybe employing two tugs or some other different measure to be
5 able to give the captain better situational awareness, better
6 visibility?

7 A. We've certainly discussed, you know, with the whole bucket
8 issue, for example, as much as possible, we will -- on that
9 particular crane barge, as much as possible, we'll try not to
10 store something or have them face up, basically.

11 If their preference is the port side for them to face up,
12 then we'll try to store it on the starboard side, if there's an
13 extra bucket on there. And we will try to -- and it can be an
14 inconvenience to us to put, but we're willing to do that. And
15 kind of something we talked about is -- we have bucket barges
16 where we store our spares. But when they go on, the problem is,
17 is when they go on voyages to LaPlace or something like that.
18 Right? So yes, we've talked about mitigating it by kind of moving
19 where those buckets are or kind of being a little bit shorthanded,
20 perhaps, just for the safety factor. Yes.

21 Because let's say -- and here's an example, I know, maybe.
22 So let's say the *Mr. Ervin* needs to go to LaPlace and work a
23 certain vessel type and then after -- it's going to work -- it's
24 going to work three different types of vessels: a general cargo,
25 an iron ore -- those are two different buckets right there -- and

1 then it's going to work a scrap ship; well, that's a third kind of
2 bucket. Do you see where I'm going with that? Where then it
3 becomes necessary to have that many onboard. But what I'm talking
4 about is, well we might have to send a barge and a boat to go get
5 the other bucket. And we might be -- we are willing to do that,
6 and we -- so.

7 Q. Sure. Thank you. And with some of the testimony with
8 Captain Picquet, I don't know if you recall him indicating -- you
9 know, we asked a similar question, hey, what could have been done
10 differently or better to make this a better transit or a safer
11 transit or whatever. One of the things he mentioned was maybe
12 welding or painting the air draft so it's like permanently marked
13 and visible to the operator. And I think the TSAC report said,
14 posted or sharing information or what. Like has that been a
15 conversation as well?

16 A. It sure has, and we plan on doing that.

17 Q. Okay. Great.

18 A. On all of our cranes. Frankly, the only thing we're waiting
19 on is we don't want to do that and then 2 months later change
20 things and make it confusing. So, we've had many of these same
21 discussions and recommendations and considerations that you all
22 are bringing up. A safety factor, okay, so if you put in a number
23 on there and then you put on, add on 2 feet or something, you
24 know, it can be confusing down the road for some other reason.
25 You know, if everyone's thinking it's higher than it really is and

1 -- you know, so what's the best verbiage to put on there and all
2 that.

3 So yes, we do plan on doing that. We're just trying to --
4 actually, and, you know, Mr. [REDACTED] and I talked about it during
5 the investigation as well, is just what's the best management
6 practice for that so that we do it, we do it once and we're not
7 changing it and all that stuff.

8 Because, you know, we talked -- we talk a lot about numbers,
9 right. We talk a lot about numbers, so -- and people can mess
10 them up if it's just a general known thing. We had an example
11 this week even in this hearing, where three people testified about
12 the size of a mooring line. People who deal with mooring lines
13 every day. It was a Marquette deckhand who said it was 4-inch
14 BlueDan line. Judson Adams said it was a 3-inch BlueDan line.
15 Wendell Landry said it was a 2-3/4 inch. Who's right? I know
16 who's right. Wendell's right. You know why he's right, too?
17 Because not only does he see it out there in the field, he's the
18 one who signs off on the invoices where it's on the line item.

19 So that's the problem with just having, you know, those
20 verbal conversations.

21 Q. Great. Thank you for that. I can't remember if this
22 question was asked of you or not, but had you ever seen that Coast
23 Guard safety alert that went out?

24 A. In the past about the air draft?

25 Q. Yes, that's the one.

1 A. I believe I have seen it in the past, yes.

2 Q. Okay.

3 A. Yes.

4 Q. And is that something you're factoring in when you're talking
5 about all these discussions about future possible safety
6 improvements?

7 A. Correct. Correct.

8 Q. Okay. Perfect.

9 A. Taking a look at, you know, reviewing the whole thing again.

10 CDR MESKUN: Perfect. I've no further questions. Anything
11 else on the table out there? Good.

12 Mr. Reisman?

13 MR. REISMAN: Yes, thank you. Just very quickly.

14 BY MR. REISMAN:

15 Q. Good afternoon, Mr. Cooper. My name is David Reisman. I
16 represent Marquette. I just have one or two questions for you.

17 A. Sure.

18 Q. The *Mr. Ervin* was a new acquisition for Cooper at the time of
19 this incident, relatively new?

20 A. We acquired it back in November 2017, so about a year before
21 that.

22 Q. Yeah. I assume it took some time before it was prepped and
23 ready to go to work?

24 A. Correct.

25 Q. When did it actually -- when was it actually placed into

1 service for Cooper?

2 A. Late May of 2018, I believe.

3 MR. REISMAN: That's all I've got for you. Thank you very
4 much.

5 CDR MESKUN: Mr. Jenkins?

6 MR. JENKINS: I just have a few questions. But I would like
7 to -- and because this is submitted, I believe, already in some of
8 our prehearing submissions, but, you know, Mr. Cooper's obviously
9 very knowledge of operational issues, but sometimes they don't
10 always get the legal issues right, and that is the structure of
11 the company. I would just like to, for purposes of the record and
12 to make sure that this is clear, Cooper Consolidated was a joint
13 venture owned by Consolidated Grain and Barge and Cooper/T.Smith.
14 It is now and has been for a few years, it's a separate standalone
15 limited liability company.

16 And it's two members are Consolidated Grain and Barge and a
17 company called Elmar Marine, which is a division of Cooper/T.Smith
18 Stevedoring. So I just want to be clear that it's no longer a
19 joint venture. It's a limited liability company. It has two
20 members, who I've just identified, and it's not a subsidiary of
21 Cooper/T.Smith.

22 BY MR. JENKINS:

23 Q. All right. So moving along, Mr. Cooper, I just want to
24 clarify a few things with you. I want to focus on the procedure
25 that was in place at the time of this incident as to passing along

1 information on air drafts for the Cooper rigs when that
2 information was requested.

3 MR. REISMAN: And LT [REDACTED] can you pull up the
4 organizational chart, the new exhibit from today, please?

5 UNIDENTIFIED SPEAKER: Yeah, I don't think he's got it.

6 MR. JENKINS: I'm sorry. While we're -- I'll go to another
7 topic first and come back to that.

8 BY MR. JENKINS:

9 Q. You were asked earlier that would it -- what would have
10 happened if the captain had -- or if the captain had the
11 information on the air draft at the time, you know, they departed
12 the dock with the *Mr. Ervin*, would that have made a difference?
13 And you said, no, because he had not done the -- whatever plan you
14 had indicated was required by his company that he had not followed
15 through with. And I want to kind of elaborate further on that and
16 take that a little further down this journey.

17 At some point before they reached the Sunshine Bridge, they
18 actually -- the command of the vessel changed. Is that correct?

19 A. Correct.

20 Q. Okay. And you heard the testimony here the last few days of
21 Mr. Smith, the captain when the barge -- they took the barge, and
22 then eventually control of the wheel was handed to Mr. Picquet.
23 Correct?

24 A. Right.

25 Q. Okay. So based on the testimony that you heard here, even if

1 Captain Smith would have asked for and gotten that information,
2 did he -- what, if any, information did he convey at the time of
3 the handoff of the controls to Mr. Picquet?

4 Well, let me ask this way. Did he provide any information
5 with respect to the path they were going to take, the navigation
6 as they approached the bridge? Did they have any of those
7 discussions?

8 A. Not to my knowledge, no. But the thing of -- I'm not certain
9 on what you're asking there, but what I will say is, they both had
10 a duty to do that bridge transit plan and neither one did, those
11 boat captains, unfortunately. And according to their own, you
12 know, their own company procedures, too.

13 MR. JENKINS: Mr. [REDACTED] do you have it?

14 UNIDENTIFIED SPEAKER: Do you know which email address it
15 went to? His personal or his work email?

16 BY MR. JENKINS:

17 Q. What's the -- is the -- are there any rigs in Cooper's fleet
18 that are similar in height to the *Mr. Ervin*?

19 A. The Hulk is, and the America rig is actually bigger. It's
20 about 158 feet air draft, if I recall correctly.

21 Q. Do you -- you indicated that you did not specifically provide
22 instructions to the vessels with respect to which span of the
23 bridge to use when you have to pass through the Sunshine Bridge.
24 Do you depend on the expertise of the captain or the master to
25 make those determinations?

1 A. Yes. Based off of their bridge transit plan they're supposed
2 to do.

3 Q. And had you ever had an issue besides this one with respect
4 to Marquette towing any of your crane barges?

5 A. We never have, no. Never had a problem before this.

6 Q. And have you ever --

7 A. With Marquette.

8 Q. And have you ever had an issue with any of your crane barges
9 being towed through that bridge when they've utilized the center
10 span, by any towing company?

11 A. No, we never have.

12 Q. And have you ever known of a situation where any of your
13 crane barges were taken through the western span?

14 A. No. I do not have knowledge of that. I don't believe it's
15 happened.

16 Q. Under the time charter agreement, does the master of the
17 vessel have the right to refuse an assignment if he deems it
18 unsafe?

19 A. Yes. It's expressly written in there.

20 Q. And your understanding is then under Marquette's policy --
21 you've been here through the hearing -- under Marquette's policy,
22 it also is consistent that the master has the duty to refuse to
23 perform the job, or to issue a stop work order?

24 A. Yes, he has that available to him.

25 Q. And if that, if a captain were to use that -- and let's be

1 specific here. Let's say Captain Smith didn't want to leave the
2 dock with the *Mr. Ervin* because of whatever problem he had with
3 it, if he said, look, I'm not going to take it, I'm not doing it,
4 would there have been any repercussions of that by Cooper?

5 A. No, there wouldn't. There would just be a conversation to
6 mitigate the situation.

7 Q. A conversation with who?

8 A. It depends on the level that it would need to get to. But we
9 would -- we'd come up with a safe solution for a safe transit.

10 Q. And would that be discussed with Marquette?

11 A. Yes.

12 Q. And have you ever known Marquette to dismiss a captain when
13 working for you because he simply didn't want to do something or
14 issued a stop work order?

15 A. No. They never have for us.

16 MR. JENKINS: Did you get the email? Okay. Okay.

17 BY MR. JENKINS:

18 Q. This is the organization chart that was provided today, and
19 Mr. Kucharski asked you some questions about it. And so I want
20 to, just for the benefit of everyone here, just to maybe -- I know
21 you were asked about it, but now we can see it, maybe plug some
22 names in and see. So obviously in that, executive director,
23 that's you at the top?

24 A. Yes.

25 Q. Okay. Now Wendell Landry testified, where is he? What block

1 is he on this?

2 A. On the far left, underneath me.

3 Q. Okay. Managing director stevedoring?

4 A. Yes.

5 Q. Okay. And as we go further down, we see dispatchers. That
6 would be Chad Nelson, correct?

7 A. That's right.

8 Q. Okay. And if you could please go scroll down just a little
9 bit. Where does somebody -- where does like Judson Adams fall?

10 A. He is a -- they kind of interchange titles -- cargo ship
11 superintendent or ship supervisor is commonly known.

12 Q. So that's the one that's just directly, just one rung above
13 longshoreman?

14 A. That's right.

15 Q. And the longshoremen, just to be clear, those are the guys
16 that are out there working and unloading the ships and --

17 A. Yes.

18 Q. -- you see on the dock doing the manual labor?

19 A. Correct.

20 Q. And in fact, some of those aren't even direct employees of
21 Cooper Consolidated, are they?

22 A. From time to time we use temp labor, yes.

23 Q. Okay. And so the cargo ship superintendent, is it fair to
24 say that that's someone who sort of graduated from that and
25 perhaps he's kind of the head of those crews, but still working

1 directly there with them?

2 A. It's a front-line supervisor. And they -- he is a front-line
3 supervisor, yes, basically. And really even the general
4 superintendent above that is considered the front-line supervision
5 as well. Like a Jody Prejean, for instance --

6 Q. Okay. Well, that's what I was going to ask you. That's Jody
7 Prejean's position? He's one of those?

8 A. Correct.

9 Q. Okay. And there are multiple general superintendents?

10 A. Yes. There's generally two per location. At Darrow because
11 it's our biggest, there's more than that.

12 Q. So longshoremen are at the dock. Cargo ship superintendent,
13 they're also at the dock. But the individuals directly above
14 them, general superintendents also are at and around the dock?

15 A. Yes. Although they're -- you know, usually they're splitting
16 their time between a couple of different vessels, right? That
17 cargo ship superintendent, obviously, he has one, whereas the
18 general superintendents have a few.

19 Q. Okay. But I guess they -- stated another way, they're on
20 site?

21 A. Yes.

22 Q. And they're accessible by radio or cell phone or both?

23 A. Both usually.

24 Q. Now at the time of this incident, before your -- the
25 procedures changed, who on this chart would have been the ones

1 that had the information on the air drafts?

2 A. You have multiple folks in there. So you had from the
3 managing director of stevedoring, you had the maintenance manager
4 who had that, the stevedoring operations manager, the facility
5 managers, all the way down to the general superintendents.

6 Q. Okay. And so if, for example, a dispatcher received the call
7 asking for information, he would either call -- or who would he
8 call actually? Let's just -- let me ask you the question. If a
9 dispatcher received a request from a vessel, when he called on a
10 vessel, about an air draft, who would we call?

11 A. Usually he would call whoever was, as they discussed before,
12 on the night orders or the orders that they receive, they talk
13 about who's on duty. So they have listed on there usually the
14 vessel superintendents. But then the general superintendents are
15 there as well, that's on duty. So they could call either one.

16 Q. And if he called the cargo superintendent, would he just in
17 turn call the general superintendent?

18 A. Yes.

19 Q. Okay. Have you ever had a situation where a vessel requested
20 information on the air draft that caused you to follow through
21 with this procedure to get them the information they were
22 requesting?

23 A. Yes.

24 Q. And were there ever any issues with providing them the
25 requested information?

1 A. No.

2 Q. And just, the general superintendent, you said -- I mean is
3 that a top company official or upper management?

4 A. No. Like I said, it's frontline supervision.

5 Q. He's on the dock?

6 A. Right.

7 Q. With respect to the new fleeting rules, you testified that
8 all of the vessels that are working for you get those fleeting
9 rules. And those now contain the provision that they use the
10 center span and also the list of the air drafts, correct?

11 A. Yes.

12 Q. Okay. And so I want to differentiate between that list of
13 air drafts that identifies the rigs and provides the air draft
14 that corresponds with that rig, versus the worksheet you were
15 talking about earlier. Okay? Can you explain the difference
16 between those two?

17 A. The air draft is the information that is in the fleeting
18 rules. It's provided to each of the boats and the boat captains
19 to be able to do the calculation. So which is like -- that
20 formula is basically on that spreadsheet that you're referencing.
21 But that spreadsheet is an internal document and it's really for
22 what I described earlier, for safety and operations.

23 Q. So that -- okay, then good. So that document, the
24 spreadsheet that you use that you plug in the information and use
25 to make the calculations, on this organizational chart, who has

1 that information now?

2 A. The maintenance manager, the stevedoring operations,
3 obviously Wendell, too. But it goes all the way down to the
4 facility manager level.

5 Q. Okay. And again, that's just the calculation that you use
6 internal. But with respect to the actual list of air drafts, who
7 now on this chart has that?

8 A. All those same people, so maintenance manager, stevedoring
9 operations manager, facility managers, general superintendents,
10 logistics managers, dispatchers, obviously the managing director
11 of fleeting ops. And even the loss control, safety department has
12 that as well. And actually they -- the safety department has
13 always had access to that.

14 MR. JENKINS: Mr. [REDACTED] can you pull up Exhibit 114,
15 please? And I ask that you go to the last page of that. I'm
16 sorry, second to last page, page 4. Okay.

17 BY MR. JENKINS:

18 Q. Okay. I'm going to, just with respect to this document, do
19 you know -- do you recognize this document?

20 A. Yes, I've seen it before.

21 Q. Okay. Do you know what it is?

22 A. It's one of the -- I believe one of the load line
23 certificates.

24 Q. Okay. And if you look at the left-hand column there, it says
25 this certificate is valid until -- and can you read the date?

1 A. 2022.

2 Q. Okay.

3 A. 13 December.

4 Q. Okay. And with respect to this type of document, these types
5 of certificates and other issues related to compliance with
6 regulations, is that something that generally falls under the
7 maintenance group with the company?

8 A. Actually, yes, it can -- yes. Actually, it generally
9 originates with the maintenance group, but in conjunction with the
10 legal department typically.

11 Q. It's not something that you would be directly involved in?

12 A. No.

13 Q. Have you ever seen any tugs face up to the starboard side of
14 the stern of the *Mr. Ervin*?

15 A. Yes, I have. It's a -- see, that's the thing with -- boat
16 captains have preferences, and some are comfortable with, you
17 know, a deck fitting arrangement and some aren't. And as some of
18 them testified, their preference when they push all crane barges,
19 for example, is on the port side.

20 But yes, I have seen it, boats faced up on the starboard
21 side. And another factor is the width of the boat and the vessel
22 as well. So you have to keep that in mind as well, their
23 arrangement.

24 Q. Have you ever known of a situation where a captain asked for
25 information on the height of one of the barges for Cooper that he

1 was about to tow, but for whatever reason was not able to obtain
2 that information from the company?

3 A. No. I'm not aware.

4 MR. JENKINS: I don't have any further questions. Thank you.

5 CDR MESKUN: Mr. Kucharski?

6 BY MR. KUCHARSKI:

7 Q. On that last question, Mr. Cooper, do you actually know the
8 boats that were faced up on the starboard side? Do you remember
9 any of the names of them?

10 A. Specific boats, no, I don't. I know they were Plimsoll boats
11 because it was green.

12 Q. So, you have no knowledge of the knees or how they faced up,
13 or the -- well, you mentioned the width of the boat, the winching
14 arrangements. You have no knowledge of that, correct?

15 A. No. I just -- I have seen it before.

16 MR. KUCHARSKI: Thank you.

17 CDR MESKUN: Mr. [REDACTED]

18 MR. [REDACTED] Can we get that org chart back up there?

19 BY MR. [REDACTED]

20 Q. So, I just want to make sure I'm clear. So before the
21 accident, how should a boat captain have went about getting the
22 height of a boat or the air draft of a tow?

23 A. Contacting the dispatcher. The dispatcher's a conduit of all
24 information. Right?

25 Q. Um-hum.

1 A. For all of it. So, in the fleets, the dispatcher is command
2 central, if you want to call it that. You know, they're the
3 person there that is supposed to supply the information on all the
4 barges in there, the orders, the information and all that.

5 So you think about it, and like we talked about, most of
6 these barges are actually non-Cooper barges. So there's
7 oftentimes where they call the dispatcher and ask them specific
8 questions. And we might have to go chase down a customer like on
9 a tank barge question or something like that, for example. It's
10 very common that the boat captain asks. It just so happens that
11 those Cooper barges are an internal customer. Correct?

12 Q. Um-hum.

13 A. S, the people with the knowledge of that are the crane people
14 -- or I'm sorry -- the stevedore guys that we just talked about
15 and how that went.

16 Q. But before the accident, the dispatcher had no specific
17 guidance or direction on what to do?

18 A. Was -- no. Yes. I'm sorry. Yes, they did, was to call
19 whoever's on duty, general superintendent and above.

20 Q. And because I was thinking back to Mr. Nelson's testimony
21 yesterday, he said he would have called the superintendent, and on
22 that day he said it would have been Mr. Adams.

23 A. Um-hum.

24 Q. And at that time did Mr. Adams have any instructions on what
25 to do if somebody requested the air draft of a boat?

1 A. Yes. If he didn't know the answer for an air draft question,
2 you know, then he's supposed to ask the general superintendent
3 next. So, you know, once again, the difference is air draft
4 versus height of the crane are two different things, right?

5 Q. Yes. But he thought he knew the answer and said it was 130.

6 A. I don't believe that's correct. He thought that the height
7 of the crane was 130, but it was --

8 Q. Yeah, he thought the height of the crane was 130.

9 A. Yeah.

10 Q. Okay. And where I'm going with this is, from the 12th to the
11 14th, the two most common answers I got for the height of the
12 crane was 128 and 130, which to me actually made sense because
13 where it hit the bridge was only about 2 feet down on the top of
14 the crane. So, and if my calculations of the air draft was 128,
15 the crane was 130. It was Sunday, you and Mr. -- or Sunday, the
16 14th, is when you and Mr. Landry told me 135.

17 A. Right.

18 Q. But that's where I was -- why I was asking.

19 A. Sure.

20 BY CDR MESKUN:

21 Q. I just had one, I guess minor questions. Mr. Kucharski
22 earlier asked if there was any lost revenue from the crane as a
23 result of the accident. We saw some damage pictures earlier on
24 that may have had -- alluded to or maybe a few dents or some minor
25 scratches or whatever at the top of the crane. Was any

1 maintenance ever done to the top? Was there any repairs
2 performed?

3 A. Yes. So the -- what it did to the top of the crane was it
4 knocked the top light off and the light pole that we've been
5 discussing. It's about 3 or 4 feet long. It bent that over and
6 broke the light. It was superficial damage to the A-frame. It's
7 a very big frame, very thick steel. So there was -- what we had
8 to do was bring in and do some NDT to make sure that there was --
9 you know, while we had it down. But we were able to -- I said
10 there was no lost revenue because we were able -- our business
11 levels at that time allowed us to move other cranes to go do the
12 job.

13 Q. Okay. And just for, I guess clarification, and you may not
14 know the answer off the top of your head and that's okay. How
15 much did it cost for the repairs that you guys performed for the
16 crane?

17 A. I think we put a \$25,000 number on that, if memory serves me
18 correct. But that might have been the initial, too.

19 Q. Sure.

20 A. Okay. And honestly, the -- don't hold me to that because
21 that might have been some of the inspection services and stuff
22 like that, too. I can't break it down to you, but we can get that
23 pretty easily.

24 Q. Okay. That would be great. Thank you.

25 CDR MESKUN: During this testimony, we had the opportunity to

1 see this new document that was the Cooper Consolidated
2 organizational chart. I would like to add this as an exhibit, IO
3 Exhibit 122. Does Marquette have any objections to that?

4 MR. REISMAN: No, it doesn't.

5 CDR MESKUN: Okay. And for Cooper, Mr. Jenkins, I notice
6 there's a note that's at the bottom of this. Do you guys have any
7 objections if this marked as an IO exhibit?

8 MR. JENKINS: No objection to the IO. That was just for FOIA
9 purposes.

10 CDR MESKUN: Okay. Thank you.

11 (IO Exhibit 122 marked for
12 identification.)

13 CDR MESKUN: The time is now 2:10 in the afternoon. We will
14 take a recess until 1500, 3 o'clock this afternoon. We did have a
15 change in this -- I call it a change in the schedule, but we have
16 Mr. David Miller coming back from LA DOTD to answer a few more
17 questions.

18 We are now off the record for a 15-minute recess.

19 (Whereupon, at 2:10 p.m., the testimony was concluded.)
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