

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

*

KRISTIN ALEXIS/BARGE MR. ERVIN *

ALLISION WITH THE SUNSHINE BRIDGE * Accident No.: DCA19FM003

DONALDSONVILLE, LOUISIANA *

OCTOBER 12, 2018 *

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Interview of: HARVEY MABILE
Port Captain
Marquette Transportation Company

Lamar Dixon Expo Center
Gonzales, Louisiana

Saturday,
May 11, 2019

APPEARANCES:

CDR MATTHEW MESKUN, Lead Investigating Officer
United States Coast Guard

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

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

MICHAEL KUCHARSKI, Investigator in Charge
National Transportation Safety Board

DAVID REISMAN, Esq.
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(On behalf of Marquette Transportation Gulf Inland
and. Mr. Mabile)

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P R O C E E D I N G S

(8:00 a.m.)

1 CDR MESKUN: Good morning. This hearing will come to order.
2
3 Today is Saturday, May 11th, 2019, and the time is 8 a.m. We are
4 continuing at the Lamar Dixon Expo Center in Gonzales, Louisiana.
5

6 Convening and purpose of the investigation. I am Commander
7 Matthew Meskun of the United States Coast Guard, Chief of
8 Inspections and Investigations at LANT-541, the Coast Guard
9 Atlantic Area in Portsmouth, Virginia. I am the lead
10 investigating officer of this formal investigation, and the
11 Presiding Officer over these proceedings.

12 Commander, Sector New Orleans, has convened this
13 investigation under the authority of Title 46, United States Code
14 § 6301, and Title 46, Code of Federal Regulations, Part 4, to
15 investigate the circumstances surrounding the allision of the
16 Sunshine Bridge by the *Mr. Ervin* crane barge being pushed by the
17 towing vessel *Kristin Alexis* on October 12th, 2018 while
18 transiting on the Mississippi River.

19 I am conducting this investigation under the rules in 46
20 C.F.R. Part 4. The investigation will determine as closely as
21 possible the factors that contributed to the incident so the
22 proper recommendations for the prevention of similar casualties
23 may be made; whether there is evidence that any act of misconduct,
24 inattention to duty, negligence or willful violation of law on the
25 part of any licensed or certificated person contributed to the

1 casualty; and whether there is evidence that any Coast Guard
2 personnel or any representative or employee of any government, any
3 other government agency, or any other person caused or contributed
4 to the casualty.

5 Parties in interest. I have previously determined that the
6 following organizations or individuals are parties in interest to
7 this investigation: Marquette Transportation, represented by
8 Mr. David Reisman; and Cooper Consolidated, represented by
9 Mr. Scott Jenkins.

10 These parties have a direct interest in the investigation and
11 have demonstrated the potential for contributing significantly to
12 the completeness of the investigation, or otherwise enhancing the
13 safety of life and property at sea through their participation as
14 a party in interest. All parties in interest have a statutory
15 right to employ counsel to represent them, to cross-examine
16 witnesses, and to have witnesses called on their behalf.

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

24 General information. These proceedings are open to the
25 public and to the media. I ask for the cooperation of all persons

1 present to minimize any disruptive influence on the proceedings in
2 general, and on the witnesses in particular. Please turn your
3 cell phones or other electronic devices off, or to silent or
4 vibrate mode. Do not -- please do not enter or depart the hearing
5 room except during periods of recess.

6 Flash photography will be permitted during this opening
7 statement and during recess periods. The members of the press
8 are, of course welcome, and an area has been set aside for use
9 during the proceedings. The news media may question witnesses
10 concerning the testimony that they have given after I have
11 released them from these proceedings. I ask that such interviews
12 be conducted outside of this room.

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

20 Opening statement from government entities. The Coast Guard
21 relies on strong partnerships to execute its missions, and this
22 formal investigation is no exception. The NTSB provided a
23 representative for this hearing. Mr. Mike Kucharski, seated to my
24 left, is the investigator in charge for the NTSB investigation.

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

1 MR. KUCHARSKI: Yes, Commander. Thank you. And good
2 morning, and to all in attendance on this steamy morning. I am
3 Mike Kucharski, the National Transportation Safety Board
4 investigator in charge for this investigation.

5 The National Transportation Safety Board is an independent
6 federal agency, which under the Independent Safety Board Act of
7 1974, is required to determine the probable cause of this
8 accident, and to issue a report on the facts, conditions and
9 circumstances relating to the accident. The NTSB has joined this
10 hearing to avoid duplicating the development of facts.
11 Nevertheless, the NTSB may develop additional information
12 separately from this proceeding if that becomes necessary.

13 At the conclusion of this hearing, the NTSB will analyze the
14 facts of this accident and determine the probable cause
15 independently from the United States Coast Guard. We will issue a
16 separate report of the findings and, if appropriate, issue
17 recommendations to correct safety issues discovered during this
18 investigation.

19 Thank you, Commander.

20 CDR MESKUN: Thank you. We will call our first witness,
21 Mr. Harvey Mabile.

22 Can you please stand? Lieutenant [REDACTED] will administer
23 your oath and ask you some preliminary questions.

24 LT [REDACTED] Please raise your right hand.

25 (Whereupon,

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HARVEY MABILE

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

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

THE WITNESS: Harvey Mabile, M-a-b-i-l-e.

LT [REDACTED] Counsel, please identify.

MR. REISMAN: David Reisman on behalf of Marquette Transportation Company, Gulf Inland.

EXAMINATION

BY CDR MESKUN:

Q. Good morning, Mr. Mabile. Thank you for joining us today.

A. Good morning.

Q. Can you please just give us a little bit of background about you, your history, your experience, time on the river?

A. Okay. I'm a 30-year captain, been in the industry for 34 years. I'm a 30-boat -- I'm a 30-barge tow captain, from Vicksburg going down to New Orleans. Half of my 30 years was working fleet. I've worked for several different companies on the river. The -- my past is what brought me to where I am today.

So me being a port captain is something I always wanted to do. My past experience led me here today. The -- what I do for Marquette and for my guys is to ensure that everyone is, have their -- more or less, I give them everything they need to make sure that they do their job right and safe, and safely.

1 Q. Thank you for that. I appreciate it. So we're going to
2 proceed with asking some questions. If any of those questions, if
3 you don't understand what we're asking, please ask us to reword
4 those questions. Or if you don't know the answer, just tell us
5 you don't know the answer. Okay?

6 CDR MESKUN: I'll turn it over to Mr. Mike Kucharski.

7 MR. KUCHARSKI: Hi. Good morning again, Captain, and --

8 THE WITNESS: Good morning.

9 MR. KUCHARSKI: -- good morning, Counselor.

10 BY MR. KUCHARSKI:

11 Q. A little bit more on your background, if you would. Have you
12 had any training or schooling related to the maritime industry?

13 A. Being what, as went to school for my license?

14 Q. Yeah, yeah. Did you do that?

15 A. Yes. Yes, I did.

16 Q. Did you -- how about any courses or anything related to the
17 marine? Have you attended any of those, besides upgrading for
18 license?

19 A. No, not really.

20 Q. Simulators? Anything --

21 A. I have done simulators, yes, and bridge management courses.

22 Q. And you mentioned you have a -- your 30 years as a captain;
23 is that a correct, Cap?

24 A. Correct.

25 Q. Thirty years with a license; is that --

1 A. Yes. I have a licensed captain for 30 years.

2 Q. And how many of those years were actually sailing, or --
3 yeah, sailing on the river or on towboats?

4 A. All 30.

5 Q. All the 30 years, okay. I asked you about training. How
6 about Rose Point? Have you had any training or Rose Point, formal
7 training on Rose Point?

8 A. It's basically a training that you do. It's a course that
9 you can take online. But when Rose Point came out, they had --
10 the company that I was with had someone come out and they showed
11 you a lot about Rose Point.

12 Q. So they did? Rose Point came out and showed you how to
13 operate the program?

14 A. Yes, a certain individual did.

15 Q. Was that at Marquette, while you were at Marquette?

16 A. No. That was with ARTCO.

17 Q. I'm sorry, with who?

18 A. That was with ARTCO.

19 Q. ARTCO?

20 A. Yeah. American Transportation Company.

21 Q. Okay. Do you hold any other credentials, licenses, besides
22 Coast Guard license, any ISO type credentials, auditor
23 credentials, any other that you have, you know, that you've
24 trained and been certified for?

25 A. No, sir.

1 Q. So on a day-to-day basis, what is -- you know, if you could
2 just start us off, what do you -- from morning till you finish, or
3 I don't know if you're on call 24 hours maybe --

4 A. Yeah.

5 Q. Yeah. Can you give us, walk us through, you know, what you
6 basically what you do?

7 A. My day starts at 4:30 in the morning. I go to the office. I
8 get everything ready for -- since I am in operations, I get
9 everything ready for crew change. That happens Monday through
10 Friday. I ensure that -- whenever the captains and the crew
11 members come in every morning, I check their credentials. We'll
12 sit down, talk a little bit.

13 And around 6 o'clock, I'll start having a safety meeting with
14 the guys, and talk about policies and procedures, incidents that
15 happened in the past, basically everything that comes up with --
16 man -- if we had a man overboard incident, we'll talk about that,
17 lost time injuries, their navigational skills.

18 We'll discuss to the captains and ensure them that whenever
19 they do use their work stop responsibility that we stress so much,
20 that they do have John Eckstein's back on it, to make sure that
21 they are aware of -- that they can use it and they won't be
22 penalized for using it. We stress that every morning, Monday
23 through Fridays.

24 And then, you know, after that, after I finish with the
25 crewing for those guys that's making crew change, then I start my

1 normal day with my boats, and ensuring that my guys have what they
2 need to work the fleet properly.

3 Q. So is that different for -- well, when you say crew change,
4 and then you shifted into "my boats." So that crew change, the
5 people that -- the personnel that you talk to, is that all those
6 in the crew change for the river fleet, or how does that work?

7 A. Yes. That -- what that is, that's all live-on boats. So
8 these guys that's catching the boats in the morning, they might be
9 on for 28 days, or 20 days, 20 and 10. They work a schedule. So
10 when they come in, there's -- their crew change is sporadic.
11 Every boat that, you know -- so Monday through Fridays, crew
12 change is always going on, every day.

13 When I say my boats, my fleet boats, these guys go home every
14 night and every day. They don't live on the boats. So when --
15 every 12 hours, when these guys come to work, I look at emails and
16 I look at -- and I call them up to make sure that their deckhands
17 showed up, make sure everything was good on the boat for that day,
18 after 12 hours of being the boat for 12 hours.

19 Q. Okay. And these discussions that you have, you know, safety-
20 related stop work orders, or stop work authority and all that, are
21 they with the captains or the captains and wheelmen? You know,
22 the pilots on board, I guess, you know, the --

23 A. Yes. Captains, relief captains and pilots and deckhands, and
24 the crew members, they're all in the meetings.

25 Q. Okay. So those safety discussions are with the entire, all

1 of them?

2 A. Yes, sir.

3 Q. Okay.

4 A. Everybody that comes on board.

5 Q. Are there other jobs that you perform, that are not on a day-
6 to-day basis, that come up sporadically? For instance, somebody
7 may be -- I know you're not the DP but, you know, that may not be
8 something they constantly do on a day-to-day basis. Are there
9 other jobs you do that are not on a day-to-day basis?

10 A. Well, yeah, I'll go visit my boats, and make sure that
11 everything that's on the boat, is kept up, make sure the --
12 whenever I board, I have a routine of what I do. And it starts
13 off with a boarding statement, a security statement. I make sure
14 that they do that right.

15 The discussions that I have with the crew members is to make
16 sure that they have and they understand Marquette's ways and
17 policies and procedures. We talk about -- because in my morning
18 meetings with the captains, for the live-on, they don't get my
19 safety meetings. So I make sure that I go out and I give them a
20 safety briefing of what I portray to everybody else as for
21 Marquette. So whenever I do have these meetings with the guys, I
22 ensure them that -- and I make sure that they know the policies.

23 They is -- and one of my guys, a VQS guy is with me
24 sometimes, and it's his job to ensure them that they have their
25 policies and procedures that they know, and where to find the

1 answers at in the computer.

2 Q. Great. That's very helpful. So Captain Smith and Pilot
3 Picquet, were they live-aboard?

4 A. Yes.

5 Q. Okay. So then you somewhere would go on that boat and have
6 these, like you said, this discussion?

7 A. Yes. Yes. Also, they was live-on, so they also caught my
8 meetings in the mornings whenever they came in for crew change.

9 Q. And I'll maybe ask you more specific questions when we talk
10 about your visits, and what is discussed. You mentioned -- let me
11 ask early on, who are the people that report directly to you? I
12 think I've seen an organization chart, we've all seen for, you
13 know, the shoreside persons, personnel, and then are there boat
14 people that report directly to you? So could you tell us who
15 those are?

16 A. My vessel management team consists of a VQSE. Also I have an
17 assistant, Jeff Ellington, that goes out and he helps me with the
18 boats. I have Safety and Compliance, Engineering, and then, and
19 probably a port mate that helps us out with SARs.

20 Q. And this assistant, Jeff, what's his background?

21 A. Jeff is a hand that came up and he's -- he holds a -- he just
22 received his captain's license. But he's not turned loose or
23 nothing yet, but he's an employee with Marquette that helps us out
24 in the office. And he goes on the boats, and he'll -- if I tell
25 him to go put stickers on a boat, he'll go put stickers on a boat

1 or, you know, he'll assist me. If I can't get to a certain boat
2 that I want to go to, he'll go and he'll say, well I'll go ahead
3 and I'll put the safety stickers on, and he checked out the fire
4 pumps and whatnot.

5 Q. I see. And does anyone else go aboard in your stead? I
6 mean, someone -- you're the port captain, but if you can't make
7 it, does another port captain stand in for you? Or does anyone
8 else go aboard and, with the -- for these ship visits, and act on
9 your authority, essentially?

10 A. My VQSE, Brian Tibbs, used to go on the boats, and he'll
11 report back to me of his findings.

12 Q. Okay. And you mentioned, "my boats." How many are under
13 your purview?

14 A. Thirteen.

15 MR. REISMAN: Can I just stop -- are you talking about today
16 or time of the incident?

17 MR. KUCHARSKI: Time of the incident.

18 THE WITNESS: Time of incident, 13.

19 BY MR. KUCHARSKI:

20 Q. Okay. And are all those boats on the river?

21 A. Yes.

22 Q. Can you tell us a breakdown of how many were fleet boats and
23 how many were other than fleet boats?

24 A. We have several boats that work for Cooper in different
25 areas. Belle Chasse, LaPlace, I have two and -- well, one in

1 LaPlace. The other Cooper boat's at 164. I have three boats
2 working Darrow fleet, which would be -- one of them was the
3 *Kristin Alexis* at the time. Then I have other customers for --
4 St. John fleet has three boats. CCI has two boats. And at the
5 time, I had another boat. It was an annex company that ran to
6 Florida. I had him also.

7 Q. So there was just -- are they all fleet boats? The one in
8 Florida, is that a fleet boat, yes?

9 A. That was the only -- which I don't have anymore, but they --
10 I did have that one at the time. And they would run from Florida
11 to 207, mile 207, Lower Miss 207.

12 Q. Okay. So all those other boats you mentioned were all fleet
13 boats; is that correct?

14 A. Those are all fleet boats, yes.

15 Q. Are there other port captains in the Marquette at that time
16 in the organization that had fleet boats also?

17 A. No, sir. Just me.

18 Q. Just you. Has that changed since?

19 A. Yes. They added a port captain. They added a port captain
20 to assist me to -- divided up the boats so we can visit the boats
21 more often and be more efficient with their needs.

22 Q. Would that be Captain Porsche?

23 A. No. That would be Wayne Gus (ph.), Captain Wayne Gus.

24 Q. Okay. Thank you. And then, would you tell us who you report
25 to directly?

1 A. I report to Marcel, and I also report to Kendall Chauvin,
2 which is VP of Operations.

3 Q. Okay. I think I saw on the diagram there, there as a senior
4 port captain?

5 A. Greg, yes. Greg Casnafe (ph.).

6 Q. Do you -- so, but you don't report directly to him, you
7 report to Mr. Garsaud?

8 A. Yes. Yes, Greg and I works as a team. He's not really
9 familiar with the fleet. So he would just -- I would just let him
10 know what's going on, then I will report to Marcel also, as a
11 team.

12 Q. Oh great. Thank you for that clarification. Now I can go
13 see in the diagram there.

14 MR. KUCHARSKI: I'm going to hold there on those two topics,
15 you know, current position and background, see if there are any
16 follow-on questions.

17 CDR MESKUN: I just have one follow-on question for that.

18 BY CDR MESKUN:

19 Q. You mentioned that you do get a chance to visit the boats; is
20 that correct?

21 A. Yes, sir.

22 Q. And what frequency do you -- can you estimate what frequency
23 you would visit each boat?

24 A. Once or twice a month, each boat, but I have a requirement of
25 30 boats in a quarter that I like to achieve.

1 Q. Okay. Thank you for that.

2 BY MR. KUCHARSKI:

3 Q. Captain, I'd like to now move into more technical items, like
4 the *Kristin Alexis*, the boat itself. Okay.

5 A. Yes.

6 Q. Have you ever served aboard the *Kristin Alexis* as captain?

7 A. As a captain?

8 Q. Yeah.

9 A. I ran it once or twice to fill in, or when I go to the --
10 well, when I go talk to the captains, I'll run the boat a little
11 while he's doing something else, you know.

12 Q. Have you ever handled a boat that was similar to the *Kristin*
13 *Alexis*?

14 A. Yes.

15 Q. Okay. So run by us a little bit the -- just a top view, the
16 power of the boat, the propulsion, twin screw, single screw,
17 rudder arrangement and -- you know, when I say rudder, main
18 rudders and flanking rudders.

19 A. Rudders. Yeah. The *Kristin Alexis* is a -- it's a really --
20 it's a Ortis boat. It's a Ortis-built boat. It's a real good
21 handling boat. It's bigger than other, because Ortis built
22 different size boats. She's a 1500, 1440. The steering rudders,
23 she handles real well. She has four flanking rudders, so she
24 handles her stern real well. She's stable. She's -- she really
25 handles the fleet and, as far as for what Cooper asks them to do,

1 it's a real good boat to have in their fleet.

2 Q. And the 1500 horsepower, is that split between two propellers
3 or one?

4 A. Yes, two. It's a twin screw boat.

5 Q. It is? Okay. Do you know what the clutches are on there?

6 A. No.

7 Q. Do you know if they're air flume clutches or --

8 A. Yes. It's air.

9 Q. Is it very responsive, going for ahead and astern if you have
10 to?

11 A. Yes, absolutely.

12 Q. Okay. And just for the benefit of those here, the flanking
13 rudders, there are four of them, you said?

14 A. Yes. There's two flanking rudders per wheel.

15 Q. And are those forward of the propeller?

16 A. I'm sorry, I can't --

17 Q. The location of those rudders, are they forward of the
18 propeller, going towards the bow?

19 A. They're behind, towards the bow, yes. They're basically
20 meant for backing, to control whenever you're full astern.

21 Q. Great. That was my next question. So when you're backing,
22 you have those flanking rudders, so the thrust goes against those
23 rudders from the propeller?

24 A. Yes.

25 Q. And when you say backing, we're talking about going in

1 reverse, essentially, or going astern?

2 A. Correct.

3 Q. Yeah. Thank you. Was -- are you aware of any change that
4 was made to that boat, increase any horsepower or anything like
5 that?

6 A. No. That would be engineering.

7 Q. And now, specifically on the date of the accident, and we're
8 talking about the *Mr. Ervin*, okay, do you feel that that boat was
9 fully capable to tow *Mr. Ervin*?

10 A. Absolutely.

11 Q. Okay. I'm now going to shift a little bit, but pretty much
12 along the same lines. Your boat handling experience, and don't be
13 modest. You know, you said you've been captain for 30 years, so
14 -- have you handled the different boats on both canals, fleeting,
15 I've heard the term six-pack used, or six-pack. I've heard line
16 boats, okay.

17 A. Yes.

18 Q. Have you handled all those different types of -- or been a
19 captain or a pilot or wheelsman, let's say, during those
20 operations?

21 A. Yes. I was a line boat captain. I was 30-barge tow captain
22 from Baton Rouge to New Orleans, being a turn boat for ACBL and
23 ARTCO. I did operate in a canal, so I'm posted going to Corpus
24 Christie. Also -- Corpus Christie, Texas, also with six-packs,
25 delivering frack sand.

1 Q. Okay, great. And actually, in fleet operations like the
2 *Kristin Alexis* was under, you've done a lot of fleet work, have
3 you?

4 A. Yes, yes. I did a lot of fleet work with boats just like
5 the *Kristin Alexis*. She's a good-handling fleet boat. It's an
6 all-around good boat for navigating, going up and down the river
7 and doing fleet work.

8 Q. And just to give us an idea, when you say a lot, is that
9 like, in broad terms, a year, 10 years in fleet work? Any idea that
10 you --

11 A. About 15 years in fleet work is -- you know, I ran from second
12 boats to lead boats and was full in operation of fleets.

13 Q. So I don't want to get too technical, to -- well, maybe I
14 should. The handling a boat, when you're running against an
15 adverse current or a favorable current -- adverse, you know,
16 current coming at the head, and one astern, is there a difference
17 in handling a boat?

18 A. Absolutely.

19 Q. Could you explain that?

20 A. Against the current, you're bulking the current, you more or
21 less have a lot more full control and your steering ability is a
22 lot more quicker. As of when you're southbound, you have the
23 current against you, and you really have to think way ahead of
24 when are you going to turn, because you have to create -- you have
25 to more or less take in consideration a slide. You have to take

1 in consideration once you flip around, that you have the stopping
2 ability also. That's when you're coming down with the current.

3 Q. Great. And it's not hide-the-ball here, where I'm going to
4 go, is then we'll eventually talk about the *Kristin Alexis* and the
5 situation it was in, you know, in a favorable or an adverse
6 current --

7 A. Yes.

8 Q. -- for handling and -- okay, great. So talk to us about
9 holding, the term holding up, as you know it. What does holding
10 up mean?

11 A. Holding up is a current practice that every mariner does. If
12 VTS asks you to hold up, you're holding up in the current, and
13 you're standing by for traffic. If you're in a situation to where
14 you have to hold up and just more or less hold up and either wait
15 for traffic, or wait for something to happen or wait for a time
16 frame, even if you have to go to a dock with something and there's
17 a certain time you have to go to a dock, you're going to hold up.
18 It's not a -- it's just a common practice that every captain knows
19 what to do coming up in the ranks as a pilot, really.

20 Q. And does holding up take different forms, like one, you're
21 still underway, you know, you're held up in the current, as you
22 mentioned?

23 A. Yes.

24 Q. Does holding up also imply that you put it -- the vessel into
25 the bank, or put the tow into the bank? Is that a holding up

1 procedure also?

2 A. Not necessarily. You can hold up in a current, you can hold
3 still wherever you -- and having you, the current stage at the
4 time, that you're against the current, it's easier, really.

5 Q. But you say not necessarily. Do you know of any boats that
6 will hold up at a bank, put the tow into the bank somewhere?

7 A. Absolutely, yes.

8 Q. Okay. Okay, great.

9 A. Yes.

10 Q. Great. So do you know the area of the river where the
11 *Kristin Alexis* ran? Do you know that very well?

12 A. Very well.

13 Q. Okay. Is there a place where the boat could have held up
14 prior to approaching the bridge, on that -- the night of the, the
15 morning of the accident?

16 A. Yes.

17 Q. Would it have -- could it do so in the bank, if it had to?

18 A. Yes.

19 Q. Great. Great. But it also then, another one, as you said,
20 more common would be just to hold up into the current?

21 A. Correct. Correct.

22 Q. Did you look at the currents on that day, in the river? Did
23 you look specifically?

24 A. No, sir.

25 Q. But you still feel that, without looking at them, that they

1 could have done it?

2 A. Oh, absolutely. With the water stage being, you know, as it
3 was, you did have a little restriction on your tow, so she -- he
4 could have real easily knocked it out of gear, held position,
5 floated down into the bank, held it at the bank. There was
6 options that could have been made.

7 Q. And now, in your experience also, and going into the date of
8 the accident too, or the tow -- there's been a lot of discussion
9 about the *Mr. Ervin*, and it's a large, fairly large crane barge.

10 A. Yes.

11 Q. Have you, in your towing experience, have you had to tow a
12 crane barge of about those dimensions?

13 A. Yes. And the reason why I paused, just because the *Mr. Ervin*
14 is a very large crane. The cranes I shove, the visibility was
15 damn near the same -- I'm sorry -- but the height wasn't there. I
16 pushed a lot of cranes for Cooper and ARTCO.

17 Q. Great.

18 MR. KUCHARSKI: I'm -- I have specific questions on
19 visibility. I have a whole line of questions, but before I go
20 into that, does anybody have any questions on ship handling or
21 boat handling?

22 BY CDR MESKUN:

23 Q. From my knowledge here, can you -- we previously spoke about
24 holding up, and it's not directly related to this case, but it's
25 good to know. Can a downbound tow hold up?

1 A. It's not a common practice for hold up in certain places. It
2 can hold -- you don't want to hold up above a bridge. You don't
3 want to hold up above a dock. But yes, the -- if -- and I've held
4 up many times for waiting on traffic, because VTS will tell you to
5 hold up. So even though you are southbound and you do have to
6 sometimes wait for northbound tows, he'll -- VTS will either tell
7 you to hold up or slow bell it. But yes, it is common for a
8 southbound tow to hold up, but not -- it's not a safe practice
9 above a bridge.

10 CDR MESKUN: Thank you for that.

11 BY MR. KUCHARSKI:

12 Q. So Captain, let's talk about visibility, in your experience
13 and then for the *Mr. Ervin* also. And I'll try to specify. If I
14 don't, please tell me yeah, which are we specifying, okay? I'm
15 not trying to be tricky, but sometimes say -- sure, okay.

16 MR. REISMAN: And if you're not sure, just tell him.

17 THE WITNESS: Okay.

18 BY MR. KUCHARSKI:

19 Q. So is radar, do you know if radar is a line-of-sight
20 transmission?

21 A. Pushing a crane, your radar have an echo and you won't get a
22 full visual picture looking forward. Your picture would be more
23 abeam and more astern. Your radar will echo off of any metal
24 object that's ahead of you. That's how you get your picture. But
25 yeah, the --

1 Q. So the --

2 A. -- crane is there, distort it and, you know.

3 Q. So if you can see something with your eye, you should be able
4 to, can you see it on radar? By line of sight, that's what I'm
5 asking.

6 A. Right. If you can see it by eye, yeah, you can -- you don't
7 need your radar.

8 Q. Okay. So talk to us about the visibility, moving a crane
9 barge, in general. Do you think the -- you know, there's a
10 problem with visibility when you're moving a crane barge?

11 A. Absolutely. And it's, you know, it's a common -- every time
12 we move a crane barge, visibility is an issue.

13 Q. Do you think that the *Mr. Ervin* posed some kind of an unusual
14 visibility problem compared to other crane barges?

15 A. Well, I think at the time the biggest issue was the buckets
16 that was on the crane that didn't allow them to see more than they
17 usually would see.

18 Q. So the structure of the pedestal, I've heard that, you know,
19 some are smaller, some have pods, I understand, different things
20 like that.

21 A. Correct.

22 Q. So the pedestal itself, and the structure of the crane, not
23 the bucket, that -- did that pose a more than normal problem for
24 visibility, you know, from other cranes?

25 A. Yes. It's just more -- some cranes are not big, built that

1 massive, but this one is a nice-sized crane.

2 Q. So in your boats, your captains, your safety meetings, your
3 safety discussions, has that topic ever come up with other
4 captains, saying hey, you know, these -- you know, moving these
5 crane barges, you know, the sight is a problem?

6 A. As far as the discussion with the crane, the guys that I have
7 working the fleet, they all pushed cranes in their history of
8 working boats. It's -- whenever you're working the fleet, a lot
9 of the times when you're working the fleet and setting up ships,
10 that's what they do. So they're very experienced at which side to
11 face up to the crane and which side they would see best on,
12 instead of facing up to the center of the crane.

13 Q. So pushing, towing ahead, and I think -- are you aware of any
14 of the testimony that, you know, couldn't see but a certain
15 amount, direction, and radar was blocked also?

16 A. Correct.

17 Q. Does -- do you think it's safe to travel like that?

18 A. Define safe.

19 MR. REISMAN: You're asking the specific configuration that
20 was described --

21 MR. KUCHARSKI: Yeah. Let's say, yeah, the *Mr. Ervin*, yeah.
22 Yeah, the *Mr. Ervin*. Yes, thank you.

23 THE WITNESS: It's being done. The crane moves, you know,
24 from point A to point B. Where if the buckets wasn't there, I
25 can't answer that question if I wasn't there personally.

1 Personally, I wouldn't have, you know, I wouldn't have took it.
2 But as far as it being safe for transit, it is.

3 Q. So now, in your experience, okay, when you have a visibility
4 issue like that, okay, maybe like you said, the *Mr. Ervin* was sort
5 of different, big bucket and bigger crane, but you said you've had
6 other -- you've towed cranes where visibility was somewhat
7 restricted. How do you tell if something on the other side, you
8 know, is not going to collide with you or, you know, there's --
9 how wide is the river there, would you say?

10 A. Oh well, I -- half mile, maybe.

11 Q. I'm sorry?

12 A. Half mile, maybe.

13 Q. Half a mile and, you know, somebody crossing at 10 knots or
14 20 knots, you know, something going across, I would imagine the
15 closure is fairly quick. How do you tell, you know --

16 A. Well, in my experience, I didn't have *Rose Point*, but there
17 was always a maneuver that I did. And whenever I had a crane in
18 front of me, and I pushed a lot of them for *Cooper*, is I always
19 either steered hard to starboard or hard to port, looked, and got
20 back on track. It's not a hard maneuver, but it is something
21 that's a common practice in the marine industry whenever you're
22 doing that, so you can get a clear view, and get a picture of
23 what's in front of you.

24 Q. Great. Yeah, I've heard of that practice. And now my next
25 question is, how often do you do that, you know, coming up the

1 river? Is it like every 2 minutes, 10 minutes? You know, how
2 often do you do it?

3 A. Well, when -- especially when you're approaching a bridge,
4 you want to see where your bridge span is at. But the reason why
5 they face up to the -- a side, and I'm going to give you an
6 example, is when they depart, they are thinking of their travel
7 from point A to point B. By them facing up to the port side, once
8 he would have gotten to the channel span, even though if he would
9 had held up for traffic, he could have made -- he could have
10 widened out, seen his channel span, continued going through, and
11 then got back, right back into the -- on the west bank.

12 Now this allows you to see all of the fleeting and everything
13 that's going on in the fleeting, because they do have activity in
14 the fleet. That's what you really want to see. We know you're
15 going to have traffic. You're going to pick up traffic, either on
16 your Rose Point or you just listen to the radio. But for them to
17 travel, for them to face up on the port side, and to go on that
18 west bank, that was a real good decision. It's a common practice
19 that everyone uses, going from point A to point B.

20 Q. So, the facing up there and -- or I should say, holding up,
21 and then you said, stay on the west bank and then move over, would
22 that --

23 A. Well, it's not moving over to the east bank. You don't want
24 to do that, at that section. There's a reason why no one travels
25 the east bank is because southbound traffic sets up for that

1 bridge on the east side. Whenever you're coming southbound on the
2 bridge, you set up deep on the east side. You do not -- everyone
3 knows not to go on that east side through the bridge meeting
4 southbound traffic. That is a common rule. And even VTS will
5 probably tell you to cross on over to get out of the way.

6 Q. Well, now, that's sort of a nice segue in to some of my
7 questions relating to your experience also. Have you ever taken a
8 tow, crane barge, any tow, in the alternate spans -- or let's talk
9 specifically about the west channel on the Sunshine. Have you
10 ever taken a tow through there?

11 A. Yes.

12 Q. Okay. Northbound? I mean -- yeah, northbound, southbound?

13 A. Northbound, not southbound. Southbound's not a common
14 practice through that alternate span.

15 Q. Okay. Okay, so northbound. Would you give us an idea of how
16 many times? Was it once, was it many times?

17 A. Oh, it's many times. Usually that's a common spot for
18 northbound traffic to get out to -- to get out of the way for
19 southbound. It's wide enough, 30-barge tows can go through that
20 alternate span.

21 Q. Thirty-barge tows?

22 A. Yes, sir.

23 Q. And how would -- how wide would a 30-barge tow be?

24 A. Well, basically 7 long, and 5 wide, 35-barge tows.

25 Q. So five wide, would you give us an idea? Would that be 5

1 times 40 or?

2 A. It's 5 times 35.

3 Q. Thirty-five, okay. Great. And now of course you know what
4 the next question is going to be. Have you ever taken a crane
5 barge on that section?

6 A. I always went through the channel span northbound through a
7 crane -- with a crane.

8 Q. So the answer is, you've never taken a crane barge through
9 there?

10 A. No. Not through the alternate span. No.

11 Q. Have you ever seen anybody take a crane barge through there
12 besides the *Mr. Ervin*?

13 A. I can't remember.

14 Q. Okay. How about other -- have you towed down Huey P. Long --

15 A. Yes.

16 Q. -- area? Okay. Have you towed the 190 bridge?

17 A. Yes.

18 Q. And the reason I bring those up is because they show a
19 channel span and some other span, an alternate span, I'll call it,
20 for lack --

21 A. Right. There's several bridges with alternate spans that's
22 navigable.

23 Q. Right. And how about those? Have you ever taken a crane
24 barge through an alternate span on one of those bridges?

25 A. No. Not a crane barge, no. Tows yes, not a crane barge.

1 Q. I'm sorry?

2 A. Tows, pushing barges, but no crane barges.

3 Q. Great. Thank you. I'll -- oh, I'd like to just continue a
4 little bit still with that. Has MTC, if I can call it MTC, for
5 Marquette, has MTC done anything different since this accident
6 about -- to address the visibility concerns, just the visibility
7 concerns raised by Captain Picquet?

8 A. Well, we have work stop responsibility, and that's -- that is
9 the highest and the most important policy and procedure that we
10 have. If you are uncomfortable with pushing anything, you would
11 stop. I would get a telephone call. You know, it's not -- even
12 though -- if he would have approached -- even Desmond Smith, the
13 approach of the crane, when he went to face up, and if he would
14 have decided that, you know, I'm not going to be comfortable with
15 doing this, then he should have called. Work stop covers a lot of
16 our policies, and it stops incidences and accidents from
17 happening.

18 Q. But no equipment type possibilities that you've looked at?

19 MR. REISMAN: Do you understand what he's asking you?

20 I think you kind of followed on. I think you might need to
21 kind of give him the complete question. I'm not sure he's
22 following what you're asking him.

23 MR. KUCHARSKI: Oh, okay. Okay.

24 BY MR. KUCHARSKI:

25 Q. So when I -- my initial question was, has MT -- marine

1 trans -- Marquette done anything difference -- anything since this
2 accident related to addressing the visibility concerns of Captain
3 Picquet, okay, you know, where he could not see on there. As part
4 of that, has Marquette considered any equipment changes? By
5 equipment changes, let me -- and I'll, you know, elaborate a
6 little bit if I can, so it'll give you an idea.

7 How about the use of closed circuit TV? You could put a --
8 anything up forward there on the barge, just a rather relatively
9 inexpensive. Have you -- they discussed that? Or maybe, I've
10 seen radar antennas, you know, where they put forward there, you
11 know, to -- these portable ones. Has Marquette looked at any of
12 that, that you know of?

13 A. No, sir.

14 Q. And I don't want to flog this to death, but I think you
15 brought up a very good -- I believe in your explanation, but with
16 the *Kristin Alexis* handling capabilities, you don't feel it would
17 have been difficult on the night of the accident, or the morning
18 of the accident, to hold up?

19 A. Oh, he definitely could have held up.

20 MR. KUCHARSKI: Thank you. I'll hold there before I go into
21 the next line.

22 BY CDR MESKUN:

23 Q. So this line of questioning actually prompted my memory to
24 think about some stuff from our earlier conversation. And some of
25 this stuff you initially talked about, you would meet with the

1 crews during crew changeout. And I'm specifically thinking about
2 the *Kristin Alexis* with Captain Picquet. He had not been a pilot
3 for too long; is that correct?

4 A. Correct.

5 Q. Prior to the accident. Had you had the opportunity to meet
6 with him during his crew change?

7 A. Picquet was -- Picquet caught the boat probably 2 weeks
8 prior, 2 or 3 weeks prior, so he would have caught my safety
9 meeting in the morning, when he came in for crew change that
10 morning.

11 Q. Okay. And then, had you had the opportunity to visit the
12 *Kristin Alexis* while he was on board?

13 A. No, sir.

14 Q. Okay. Did you have the opportunity, in your meeting with
15 him -- was any safety issues or conversations at all about crane
16 barges addressed in your meeting with him? Was that a topic?

17 A. Yes. I remind my captains in the meetings about going
18 through channel spans with crane barges. Anything that's higher
19 than their boat, we go through the channel span. That's always
20 covered in my safety meetings in the morning.

21 Q. So you specifically remember having that conversation with
22 Captain Picquet?

23 A. With a group.

24 Q. With the whole group?

25 A. I don't remember talking to, specifically to Desmond or

1 Picquet in my safety meetings. I have groups of people in this --
2 I didn't focus on just Picquet.

3 Q. Okay. Thank you for that. I appreciate that clarification.
4 And, you know, we've heard actually several, I guess a couple of
5 people from industry talking about that practice that you referred
6 to while you're pushing a crane barge, where you like, you make a
7 quick turn so you can like, peek out and see what's out there. Is
8 that essentially what happens?

9 A. Correct. Yes. You can do that northbound, or southbound,
10 really.

11 Q. Is that covered in any sort of formal schooling or training,
12 or is that just something you pick up on the job?

13 A. That's experience coming up, depending on who taught you. I
14 was blessed. I had my daddy that taught me, and that's how I
15 learned.

16 CDR MESKUN: Thank you. I appreciate it.

17 BY MR. KUCHARSKI:

18 Q. And so I'll follow on that. If Captain Picquet, or Pilot
19 Picquet, you said he recently got his pilot's license, captain's
20 license?

21 MR. REISMAN: I think that's mischaracterizing. He was asked
22 to --

23 MR. KUCHARSKI: Could you speak into the mic, please?

24 MR. REISMAN: He was asked if he'd been a pilot for long with
25 Marquette. I'm not sure he was ever asked how long he'd been a

1 pilot.

2 MR. KUCHARSKI: Good point. Yeah.

3 BY MR. KUCHARSKI:

4 Q. Do you know how long he had been a pilot, or wheelsman?

5 A. At the time, I think it was probably a couple of years, maybe
6 a year and a half, 2 years.

7 Q. So do you know if he -- if anybody covered that, you know,
8 turning as you said, with him?

9 A. Well, Piquet went through check rides. And we rely on check
10 rides. He was also on the *Steve Richoux* check ride and also going
11 west. So he did fairly well on what he did. And we didn't have
12 no -- I didn't have no problem at all covering, because I asked
13 him about his background, and also I knew Kim Langford.

14 So Kim, which is a very experienced guy, taught him
15 everything that he would need to know, as far as for bridge
16 transits and working the fleet. When our contract had ended,
17 we -- another port captain, not me but another port captain said,
18 why don't you go learn the west side? We can work with you a lot
19 better on the west side, shoving six-packs. And he did, and he
20 did very well, with Keith Meyers (ph.).

21 So yeah, both -- and actually both Kim -- I mean, Desmond and
22 Picquet rode on that *Steve Richoux*.

23 Q. Okay. But you don't know if he was taught that, as Commander
24 Meskun -- because the visibility keeps coming up, coming up. You
25 don't know if he was taught that practice, to actually turn like

1 that?

2 A. No.

3 Q. So, I'd like now to go closer in on the date of the accident,
4 and maybe a little bit prior to the accident. Do you, or somebody
5 at MTC, send all the inland captains the river gauge readings for
6 the Mississippi River in the area they will be working? Do you
7 send that to them on a daily basis?

8 A. I don't, no.

9 Q. You don't? Are you aware if anybody at, you know, in
10 Operations, I imagine it'd be an operational thing -- I'm not
11 trying to be smart here, just to know --

12 A. No.

13 Q. Do you -- are you aware of that practice being done at
14 Marquette, prior to the accident?

15 A. No, sir.

16 Q. In the 24 hours or so before the accident, did you have any
17 conversations with either Captain Smith or Pilot Picquet?

18 A. No, sir.

19 Q. Do you, in any way, review an operational schedule of the
20 boats on a day-to-day basis?

21 A. No. Not day-to-day basis, no.

22 Q. For the same 24-hour period prior to and up to the accident,
23 okay, did you speak to anyone shoreside, in MTC or at Cooper,
24 regarding the operations of the *Kristin Alexis*?

25 A. No, sir.

1 Q. How about any of the other assets. And I -- let's say boats,
2 I think -- is that -- are those the only services you provided to
3 Cooper during that time, the actual towboats?

4 A. I'm -- well, no. I'm the to-go guy for my guys. If they
5 have a problem with anything with the customers, they would call
6 me, and I would get with the customers, if they had any problem
7 whatsoever. That day and the day before, of that accident, I
8 never received any telephone calls of anything. Everything was
9 going fine.

10 Q. Okay. And were you aware of the *Kristin Alexis* moving the
11 *Mr. Ervin* before the strike?

12 A. No, sir.

13 Q. Prior to the accident, had you had any conversations with the
14 captains of any of your boats, the boats that were working under
15 you, regarding, specifically regarding moving the *Mr. Ervin*, the
16 *Hulk* or the *America*?

17 A. No, sir.

18 MR. KUCHARSKI: I'm going to hold there and see if there are
19 any questions, follow-up questions.

20 BY MR. KUCHARSKI:

21 Q. Are we okay to continue?

22 A. Yes, sir.

23 Q. Do you want to take a break?

24 A. I'm fine.

25 Q. Okay. Now, post-accident, okay, post-accident, let's go into

1 post-accident, what was your involvement, post-accident, for
2 the -- just, we're talking about the *Mr. Ervin* incident. And
3 start with when you were first notified, if you would, you know,
4 and then take it from there.

5 A. Okay. That week, I was on call. I was on-call duty, which I
6 was taking all of the calls for Marquette. That night I received
7 a telephone call, roughly about 2 o'clock in the morning, from
8 Desmond, saying that they hit the Sunshine Bridge. And then my
9 question to him is, which span did you hit? And he says no,
10 Captain Harvey, we're stuck under the bridge. I went, how can you
11 be stuck under the bridge? And he says, he went through the
12 alternate span. He said, I know we should have went through the
13 channel span, Harvey, I know, but we are stuck under the alternate
14 span.

15 So that's when I said, I'll get right back with you. And I
16 called Marcel, and I started going out there that night. I was
17 present that night.

18 Q. And then can you tell us what you did after that?

19 A. When I got there, when I got to the *Kristin Alexis*, I went to
20 the wheelhouse and made sure my guys were all right, make sure
21 that, you know, if there's anything that I can do, if you're
22 not -- if you're all shaken up to run the boat, I'll run the boat.
23 I'll hold it, do whatever I need to do. There was also other
24 Cooper guys and all was there, and I think the Transportation
25 Department was there.

1 And we more or less -- after I found out that everything was
2 good in the wheelhouse, that they can hold their own, I went on
3 the crane barge to ask Cooper if there's anything that I can do.
4 And that's when they decided to sink the crane down, and we was
5 going to try to work it away, to work it free from the barge --
6 from the crane -- I mean, I'm sorry, from the bridge.

7 Q. So it was still stuck under the bridge when you went aboard?

8 A. Yes, sir.

9 Q. It was, okay. And did you make any other phone calls as,
10 right after Captain Smith called you and said, we're stuck under
11 the bridge? Can you tell us who you called?

12 A. I called Marcel. And I told Marcel, I said that there is
13 evident damage to the bridge. We may need to call the Louisiana
14 State Department, and he says, we'll get on it. He called 911, or
15 he called -- I don't know specifically who he called, but he did
16 make the call. And our concern was the public, so we didn't know
17 whether this bridge was -- at the time, when we seen the damage,
18 it was -- he said there was a significant amount of damage. So
19 I'm thinking, worst case scenario, so let's just shut the bridge
20 down until we can further investigate it.

21 Q. And did you have any conversations with either Smith or
22 Picquet after the accident? Say the -- I know this -- I know we
23 can go on and on, a week or 2 weeks or whatever it is, but say the
24 first 6 hours after the accident, did you have conversations with
25 both of them?

1 A. Yes.

2 Q. Could you share with us please, what you discussed?

3 A. With Picquet and -- actually as a group, just what they was
4 thinking of, that a lot of -- we have policy that was broken. And
5 they stayed on the boat, and I just wanted to make sure that they
6 knew that the policies that they was broken, of what they did.
7 And I didn't know the repercussions of what was going on, but
8 they're -- this was going to be investigated.

9 MR. KUCHARSKI: We'll hold there for a quick second and see
10 if there are any follow-ons.

11 BY CDR MESKUN:

12 Q. You just indicated that policies were broken. Is it possible
13 for you to elaborate what policies were broken in that accident?

14 A. Well the first one that comes to mind is the stop work
15 responsibility which, you know, it frustrates me that it wasn't
16 done. Because that telephone phone call would have eliminated all
17 of this from happening. It wouldn't have proceeded at all. It
18 would have left the dock.

19 You know, we have policies that the restricted visibility, if
20 he was uncomfortable, not to take it. If the bucket was in -- the
21 bucket was making them uncomfortable, there's something that could
22 have happened to where we could have mitigated that. That could
23 have took place. But the -- after looking at it, his voyage plan
24 wasn't correct. He had the height of the boat instead of the
25 crane. You know, just by him, if he took it, just by pride, if he

1 took it because he didn't want to disappoint anybody, he broke a
2 policy.

3 He broke a bridge transit policy. He didn't get the correct
4 information on the crane or the bridge.

5 CDR MESKUN: Thank you for that.

6 Mr. [REDACTED]

7 BY MR. [REDACTED]

8 Q. Mr. Mabile, when you went out there, did you discuss the
9 height of the crane with the crew of the *Kristin Alexis*?

10 A. I asked them if there was -- if they called, and what was the
11 height of the crane. He says no, we just assumed that it was 130
12 feet, I think he said at the time.

13 Q. Did you have that discussion with both the pilot and the
14 captain?

15 A. At the time, Picquet was outside. That was the one I was
16 concentrating on.

17 Q. And you went on the barge, and you spoke to some employees.
18 Did you discuss the height of the crane with any of them?

19 A. I don't recall. It was -- there was a lot going on that
20 night.

21 MR. [REDACTED] Okay. That's all.

22 BY MR. KUCHARSKI:

23 Q. So, a couple of follow-on questions relating to what I asked,
24 or what we asked you. You mentioned on call. Could you explain
25 to us what that means, you were on call on that night?

1 A. Okay. We have six other port captains that's spread out
2 through Houston and our area. The on-call comes every, to me
3 every 6 weeks, 5 to 6 weeks. Whenever you're on call, you get all
4 of the 68 boats. If there's any issues, any incidences, whether
5 you -- I have captains that call me even when I'm not on call.

6 But I have -- when I'm on call, they'll call if there's, if
7 they have to launch a skiff, that skiff is not supposed to get out
8 of the rack unless they call to talk to the port captain. Any
9 incidences, the weather's bad, they'll ask advice, say what to do,
10 in certain situations. And we'll sit -- we'll talk to them on the
11 phone, and talk to them about their next step, as far as for
12 navigating, whether to hold up or to continue.

13 It's just a number of things, is when you're on call, that it
14 can add up. With so many boats, it'll keep you busy.

15 Q. And is this on-call status, is that written somewhere in
16 Marquette's policy?

17 A. I believe it is.

18 Q. You believe it is, but you wouldn't know the section or
19 anything in the --

20 A. No. I would -- no, I'm not having it with me now.

21 Q. Okay. Well maybe we'll ask Mr. Crutcher or Mr. Garsaud if
22 that is. Okay. This -- we've -- you've mentioned the Stop
23 Work --

24 A. Responsibility.

25 Q. -- Authority, okay, and we've heard that many times. So how

1 long have you said that you worked for Marquette?

2 A. Since 2014.

3 Q. 2014. Did other companies have the stop work authority also?

4 A. They wasn't -- it was more of, if there -- if you don't want
5 to do it, then you need to call somebody. But Marquette
6 specifically put it out there, and had a laminated card, and
7 really expressed it more than others. You know, they really,
8 really --

9 Q. So in 2014 --

10 A. -- concerned, they're really concerned about their captains
11 and their crews, so they want to ensure that, you know, that
12 everything goes right with them.

13 Q. And 2014, you were port captain at that time?

14 A. No, sir. I was captain.

15 Q. You were captain, okay. And remind me when did you come up,
16 take over as port captain?

17 A. '15, probably later of '15, maybe '16.

18 Q. And I'm going not back up a little bit and come back into
19 this. I apologize, but I don't want to lose this question. So,
20 when you were operating a boat, as either a captain -- okay, a
21 fleet boat. Let's talk about a fleet boat, specifically.

22 A. Okay.

23 Q. Or as port captain, okay, not operating a boat, but you were
24 then as port captain, was there any expectation as to, once you
25 got an order, from a dispatcher, right, you operated under a

1 dispatcher for --

2 A. Correct.

3 Q. -- some -- okay. Was there any expectation in how long it
4 should take you to get to that tow and start towing it?

5 A. I'm not following the question.

6 Q. So if you said, well it's going not take me 2 or 3 hours to
7 make up, if you're operating as a fleet boat, is that going to be
8 a problem? Would dispatch ask you what the problem was?

9 MR. REISMAN: Are you asking him, in general, once the --

10 MR. KUCHARSKI: Yes.

11 MR. REISMAN: -- boat's, not particular to Marquette or to
12 Cooper, just in general?

13 MR. KUCHARSKI: Correct. Correct, yeah. Yes, exactly.

14 MR. REISMAN: Do you understand what he's asking?

15 THE WITNESS: Yeah. Yeah, he would ask me our ETA for, from
16 point A to point B of how long, or give me a guess of how long it
17 would take you to move certain barges to the destination.

18 BY MR. KUCHARSKI:

19 Q. Okay. But not how long it would take you to actually move
20 it, but to actually make up, to where they gave the order, was
21 there any expectation from dispatch that you make up in say 10,
22 minutes, 15 minutes or any particular time?

23 A. That's a hard answer to question, because they might have to
24 put barges together, and wire up barges, and it's not just
25 grabbing something and going with it. You know, if it's several

1 barges, then they have to make tow. It depends on the situation,
2 really, of what they're taking.

3 Q. Okay. And now, back to the stop work authority. Have you
4 been involved with any situations where somebody on the boat's
5 stopped work, okay, and then you got involved in why they stopped,
6 and after they, you discussed it, that they really didn't have to
7 stop, that it could have been done safely as is? Have you ever
8 been in that situation?

9 A. No. Usually when they call, and they talk about why they
10 stopping, it's not going to be mitigated. It's going to be, you
11 know, whether he's comfortable or not. Or he would ask
12 suggestions, do you think I can do this? If you're not
13 comfortable, it's going to be a stop.

14 Q. Okay. So it's, maybe it wasn't safe, but they were just
15 uncomfortable with doing it and that's why they stop?

16 A. Correct.

17 Q. Okay. Were there ever any repercussions for stopping?

18 A. No. Absolutely not. No.

19 MR. KUCHARSKI: I'm going to sort of shift now into
20 navigation, navigational equipment. Before I do, do we want to --
21 are we okay to keep going on? Okay. Oh, sorry.

22 BY MR. [REDACTED]

23 Q. Mr. Mabile, so you first got to Marquette as a captain in
24 2014. At that time, did they have the same stop work authority
25 policy that they have today?

1 A. Yes.

2 Q. Where they gave you the card and everything?

3 A. They -- I don't know about the card, but the port captain
4 that I had, Andrew Metragine (ph.) told me if anything -- if I
5 wasn't comfortable with anything, give him a call. And that was
6 more of his stop work responsibility that was displayed through
7 us, that was told by us.

8 Q. It was told to you, but did they have the policy in writing,
9 like they do today?

10 A. I don't remember. I don't remember the date of when it
11 happened.

12 Q. When you got hired then, they -- you get -- they have an
13 orientation, kind of now, where you have to go through the whole
14 SMS system. When you got hired then, did they have that same
15 orientation where you would have to go through the whole SMS
16 system?

17 A. Yes. I went through the policies with the SMS.

18 Q. Okay. And when you --

19 A. Whenever I was hired on, I did. I was on a live-on boat, so
20 it was up to mine, I was, I got hired on as a pilot. So the guys
21 that was, the captain that was above me, and if I had any
22 questions, he would -- I would review the policy and he would
23 steer me in the right direction to find an answer.

24 MR. [REDACTED] Okay. Thank you.

25 BY MR. KUCHARSKI:

1 Q. Just out of curiosity, I mentioned about the 6 hours after
2 the accident, conversations you had with Smith and Picquet. Did
3 you ask Pilot Picquet why he didn't exercise his stop work
4 authority? Did you ask him that?

5 A. Absolutely.

6 Q. Could you share with us what he said?

7 A. I think his pride was hurt. He didn't want to let me down.
8 I said, let me down, this, this let me down. By you making -- not
9 making the telephone call, let me down. I said, your pride
10 didn't -- you know, you know me, and all of my captains know
11 personally that they can call me at any time, 24/7. They can
12 call me whether I'm on call or not. But I think it was more pride
13 that's the reason why he didn't call me.

14 Q. Thank you for sharing that. Thank you. So, into navigation
15 and navigational equipment, do you know for a fact that the
16 *Kristin Alexis* had either the complete U.S. Army Corps of Engineer
17 Map and Flood Book? You know, have you seen these map books?

18 A. Yes, absolutely. All of our boats have them.

19 Q. So they had the complete one?

20 A. Absolutely.

21 Q. Is that ever a topic of discussion when you go on board your
22 boats, because I think both of them testified that they weren't on
23 board.

24 A. It's on board.

25 MR. REISMAN: Okay. I think that mischaracterizes prior

1 testimony from Pilot Picquet.

2 MR. KUCHARSKI: I'm sorry?

3 MR. REISMAN: I believe that mischaracterizes Captain --
4 Pilot Picquet's testimony.

5 MR. KUCHARSKI: What do you think he said?

6 MR. REISMAN: I think he said that that was on board.

7 MR. KUCHARSKI: Okay. Okay, sorry.

8 BY MR. KUCHARSKI:

9 Q. Let's talk about -- well specifically, let's go back to the
10 map books. Do you ever discuss with them the gauges on there, and
11 the pictures, you know, and the bridges, you know, the clearances?

12 A. No, sir.

13 Q. When you do your visits, okay, on board the boats, is that
14 ever a topic that you discuss, you know, clearances and how to use
15 the map books?

16 A. How to -- no, sir. That's more of a fundamental skill that
17 they acquire coming up, and even Coast Guard school, whenever they
18 go through the classes, and Coast Guard requires them to find a
19 certain spot on their test, just to start a voyage off, or the
20 Coast Guard even trains them and test them on bridge clearances.

21 Q. Rose Point, let's talk about Rose Point. Do you know if that
22 meets the carriage requirements for having the charts of the area
23 you're operating?

24 A. Whether it meets -- I'm not. I mean, I can tell you that it
25 is an aid to navigation, and it's a real good tool.

1 Q. But who actually gets involved then with looking at carriage
2 requirements in the CFRs, what is required to be carried on board
3 for navigation? Is -- who actually looks at that, at MTC?

4 A. I'm not sure.

5 Q. Were there any company procedures prior to the accident,
6 which dictated what span you could use for going underneath a
7 bridge?

8 A. I'm not sure.

9 Q. Are there any company procedures since the accident which
10 dictate --

11 A. Yes, absolutely.

12 Q. Were you aware that the VTS can be called any time, if a
13 boat's operating in the service area, to obtain gauge and air gap
14 information?

15 A. Yes, sir.

16 Q. Were all your boat captains aware of that? Well was that
17 a -- let me ask more specifically, was that a topic of discussion
18 ever in your visits or your safety meetings?

19 A. No. That would be something that they should know. As
20 they're coming up into the ranks, they -- before they even was a
21 captain, they should know that.

22 Q. Do the boats have paper charts?

23 A. Yes, sir.

24 Q. So how do they navigate using a paper chart? Do they put
25 positions on the chart? How do they navigate?

1 A. In the river, no. The paper charts are, it's to have for,
2 it's because it's actually a, not a recommendation but it's
3 actually, they're supposed to have all of the paper charts on
4 every boat that we have. But the river, the river chart is a flip
5 book, and it's real easy to have on there, on the pages where
6 you're navigating at.

7 Q. Okay. And excuse my ignorance. I've never made a transit on
8 a towboat. I've made many transits on -- hundreds of miles up
9 rivers on ships, okay. So can you tell me how a wheelsman or
10 somebody navigating the boat, with a chart, do they actually
11 physically plot positions, put positions on there? Do they run
12 track lines? Before Rose Point came along --

13 A. No, sir. They don't do that.

14 Q. No. So how did you determine ETA for somewhere? Did you
15 just look at the mile markers and --

16 A. Well, now your Rose Point figure out ETAs, if you understand
17 Rose Point. But back then it was, you go by mile markers. As
18 soon as you pass a mile marker, an hour from that, it'll give you
19 your mileage and you can figure out ETAs.

20 Q. So that you didn't calculate set or drift, you know, using
21 a -- you know, plotting on a chart, you didn't plot on a chart?

22 A. No, sir.

23 Q. Okay.

24 A. Not in the river. No.

25 Q. Okay.

1 A. Knowing your river is -- if you're in the river, you have to
2 really know your rivers and know your waters.

3 Q. So, after the accident, I know you said that the map book,
4 they had the map book. Did you go on board and physically see if
5 it was on there?

6 A. I'm sorry. What you looking for?

7 Q. The map book, the Army Corps of Engineer Map Book. Did you
8 physically see the map book on there?

9 A. Yes, it's on there.

10 Q. And how soon after the accident did you see that?

11 A. That night, it was on there.

12 Q. Great.

13 MR. KUCHARSKI: I'm going to hold there for a minute.

14 BY MR. [REDACTED]

15 Q. Mr. Mabile, I'm going to back up to where you have the -- you
16 were -- you asked Mr. Picquet why he didn't use the stop work
17 authority, and he said he let you down. Why would he be worried
18 about letting you down?

19 A. Picquet, because he was employed with Marquette before. And
20 he was a real good employee. He was -- he's a -- he was good at
21 what he did for us. And what I mean by that is, we used Picquet
22 for helping us SAR boats. He knew the policies and procedures of
23 what needed to be done on the boat before it went to work. He
24 helped us in many cases, train crew members on what to do on the
25 deck.

1 Well his ambition to get into the wheelhouse was strong. He
2 knew how to run a boat, but we just couldn't give them that
3 without proper testing and without going through the proper
4 channels. You know, so I knew him from the past. You know. I
5 think it was more of a friendship than a port captain to captain
6 relationship. We gave him a job, and he was really, really
7 appreciative of doing that.

8 Q. Did you have any involvement with him getting employment on
9 this time?

10 A. Yes.

11 Q. Can you describe how you were involved?

12 A. When -- Frank Baumgart was our ex-VP of operations, and we
13 went over what Picquet needed to do as being employed as a
14 captain. So we check rode him on the *Steve Richoux*. The captains
15 that was on the *Steve Richoux* said he does a real great job in the
16 six-pack with the canals.

17 So before he was signed -- he was on the verge of getting
18 signed off from the check ride. Picquet was going through
19 personal issues, and someone offered him a job. He had the
20 license to do it, but Marquette wasn't ready for him. He had the
21 license to do it, so he accepted another job and left Marquette.

22 Well he realized that the grass wasn't always greener on the
23 other side, and safety wasn't implemented with the company he went
24 to. So once again, they come back. And when I asked him where --
25 everything, what he did on his other job, and it was pushing

1 cranes and working the fleet, and it fit the person that I was
2 looking for, for the *Kristin Alexis*.

3 Because everyone that I interview, I ask them about the
4 certain mile boards or the certain mile points that they use, or
5 where they're going to be at. And I ask them whether they
6 comfortable of doing this. I said, working for Cooper, you'll be
7 pushing cranes. Oh, I've pushed many cranes. I'm very familiar
8 with that area.

9 And I knew this. And I also knew the training that he had in
10 the past. So he would be a perfect fit. He would be a -- I ain't
11 going to say perfect. He would be a real good fit for the job
12 that he was applying for.

13 Q. So you were the one, essentially, that made the
14 recommendation to hire him?

15 A. Yes.

16 BY CDR MESKUN:

17 Q. I just have one question. And we've been going for over an
18 hour, so we'll take a break after that. But does -- is there
19 any -- I guess it's a two-part question. Are you aware of any
20 schools, any mariners type schools out there that offer training
21 on Rose Point, specifically?

22 A. No, not schools. There's classes online, or what we do is we
23 get some of our captains to look at a, more of a training online,
24 that you can Google and just get on Rose Point. And it'll tell
25 you a lot of the equipment that's on Rose Point that you're

1 capable of using.

2 Q. And is that a Marquette expectation, that pilots would go to
3 that website and learn how to use Rose Point if they're unfamiliar
4 with it?

5 A. No, sir.

6 Q. Okay. Is Rose Point an industry standard? Is it pretty much
7 like, every boat has this as their charting system?

8 A. Every Marquette boat has this, but I'm not sure if every boat
9 in the industry would have Rose Point.

10 Q. Thank you for clarifying. I appreciate that.

11 CDR MESKUN: The time is 9:20. Let's take a 10-minute recess
12 and we'll come back at 9:30. We're off the record.

13 (Off the record at 9:20 a.m.)

14 (On the record at 9:34 a.m.)

15 CDR MESKUN: I will absolutely do my best. The time is now
16 9:34 and we are back on the record, continuing with our testimony
17 with Mr. Mabile.

18 Mr. Kucharski.

19 MR. KUCHARSKI: Thank you, Commander.

20 BY MR. KUCHARSKI:

21 Q. Captain. Does the name B. Jones mean anything to you? Do
22 you know who B. Jones is?

23 A. No, sir. No, sir.

24 Q. No. Well maybe a manager of training at MTC? Could we look
25 at the -- do we need to look at the organizational chart?

1 MR. REISMAN: Is the name Bea Jones, or is B. an initial?

2 MR. KUCHARSKI: B. is an initial, and then Jones.

3 THE WITNESS: Barrett, maybe.

4 BY MR. KUCHARSKI:

5 Q. Do you know of a Jones, somebody Jones at Marquette that is
6 the manager of training?

7 A. Yes.

8 Q. Okay. Does this person manage in any way the training of
9 marine personnel?

10 A. As what? I'm sorry.

11 Q. Marine, marine, so the people on the towboats.

12 A. No. He's a -- he mostly, he mostly affiliate the deck crew
13 with (indiscernible) assets. What they do is they get the deck
14 crews out, and he would put together a class, so they can have
15 orientation class for deck crews, and also the e-learning. He
16 makes sure that everybody has the e-learning. It's a program that
17 he uses so everybody can get proper courses and whatnot done
18 that's required by Marquette.

19 Q. Okay. And so would Mr. Jones be involved in navigational
20 training for the marine personnel at Marquette?

21 A. No, sir.

22 Q. Who would responsible for the marine training? And when I
23 say marine training, I'm not talking about, you know, license
24 preparation or something like that, but any training that
25 Marquette would offer over and above what's required for their

1 licensure, you know, to have their license.

2 A. I wouldn't know. I wouldn't know. I mean, I'm in -- I would
3 be doing the interviews, if that's what you're asking for, for the
4 pilots that's coming in, but as far as for, you know -- they would
5 show me all of their credentials like you asked me, but other than
6 that, I wouldn't know.

7 Q. So if there was additional training that you thought was
8 required, for either navigation or say Rose Point, training in
9 Rose Point, who would you go to, to say, I think we need to train
10 with that? Would you make that decision, or would you -- is there
11 somebody at Marquette you would go to, for training?

12 A. I wouldn't train anyone in Rose Point. That wouldn't be my
13 job, is to align up anything like that, for anything like that.
14 Now Ron Anassas would -- we have grants through Delgado. Maybe
15 that would be something that Ron would do, is to arrange a class
16 with Delgado.

17 Q. So there's no process at Marquette, then, if -- for the
18 marine people, or your port captain, to go someone at Marquette
19 and say, we need this type of training? Is there any process in
20 place for that?

21 A. No, sir.

22 Q. Can you tell me if any of your personnel have had either
23 simulator training, where they work on a simulator to, for
24 handling the boats, or navigation type training?

25 A. They go through a simulation program in Houston for captains

1 meetings, that's every year. There's a certain percentage, I
2 think it's every 3 years that would have to go through the
3 simulator course.

4 Q. Do you know if Captain Smith went through that?

5 A. I'm not sure. I know Picquet didn't. Smith been here a
6 while, so he probably did, but my answer is, I wouldn't know.

7 Q. But you said that was just for captains?

8 A. Yes.

9 Q. Would that -- when you say captain, does that include Picquet
10 as a pilot?

11 A. Yes, I'm sorry. Captains, relief captains and pilots.

12 Q. And pilots, okay.

13 MR. KUCHARSKI: Any questions on training?

14 BY MR. KUCHARSKI:

15 Q. So would you please look at Exhibit 40? Now we're going to
16 talk about the check ride process, if you will. And take your
17 time to review that. When you're ready to go -- take your time.
18 Just let us know.

19 Just like to know for the record, so this is for Desmond
20 Smith. 27:42

21 A. Okay.

22 Q. Okay. And page 1 of this, and location is ICW. What does
23 that mean?

24 A. That's the Intracoastal Waterways.

25 Q. Okay. And the page 2, at the very top, it says, "Knowledge

1 of posted area." You see that?

2 A. Yes.

3 Q. What does that mean, posted area?

4 A. Posted means, whenever you're on a boat and you're going to a
5 different location, if he never transit through the Intracoastal
6 and he went once or twice, then he would be posted in the
7 Intracoastal. It's a, it's just a navigational area. If you're
8 not familiar with, and you went once or twice to get familiar with
9 it, then you're posted in that area.

10 Q. And this talks about, a little bit further down, knowledge of
11 vessel operations. So I don't want to read through all these, but
12 I'd like to go to page 3, the Comment section. Would you take a
13 second? Or are you ready for me to ask you questions on it, or do
14 you --

15 A. Yes, sir.

16 Q. -- want to read that?

17 A. No, you can ask.

18 Q. Ready? Okay. So, it says, "Has not yet had the chance to
19 see him build tow or operation in river." Okay. So, is the river
20 different from the Intracoastal Waterway?

21 A. Absolute.

22 Q. Okay. And we're talking about the Mississippi River? Is
23 that what we're talking about?

24 A. Yes, sir.

25 Q. Okay. Okay. And then, the final two lines, it says,

1 recommend that he stay with six-packs for now. So does that
2 mean --

3 MR. REISMAN: I thought you were going to read the final two
4 lines for him.

5 BY MR. KUCHARSKI:

6 Q. Okay. "But he is willing to learn long tow at a later time."
7 What's a long tow mean?

8 A. His goal was to get on line boats and go up and down the
9 river, which he did --

10 Q. I see.

11 A. -- which he did in the past, because he used to work for
12 Carline fleet. So I knew what he did in the river, and worked
13 fleets in the river and navigated.

14 Q. So the -- that he stayed with six-packs for now, would that
15 be on the Intracoastal Waterway?

16 A. Yes.

17 Q. Would you please look at Exhibit No. 38 for Wheelman Eugene
18 Picquet. And this is a check ride worksheet also. And take a
19 little time to look that over please, and let us know when you're
20 ready.

21 A. Okay.

22 Q. So, I want to -- let's first go up to the very top there.
23 And this says, Belle Chasse fleet. Is that correct?

24 A. Yes, sir.

25 Q. Okay. And I see the time, 04:30 and 16:30. What does that

1 mean, 04:30 and 16:30?

2 A. He pulled a 12-hour hitch, a watch.

3 Q. So do we know how long a period he was actually observed for,
4 for the, this check ride?

5 A. Yeah. Check ride sheet is so just to ensure that his boat-
6 handling skills are good, and he also went through all the
7 electronics and the computer, and whatnot.

8 Q. Understand, but that wasn't quite my question. The time
9 frame, you know, the check ride. Is that -- does that happen over
10 a day, a month? How long does the check ride, the actual check
11 ride process go?

12 A. Twelve-hour check ride.

13 Q. I'm sorry?

14 A. It's a 12-hour check ride.

15 Q. Twelve-hour check ride. Okay. And then, looking further
16 down, knowledge of posted area, it's similar to -- the section is
17 the same as in Captain Smith's, but there's no delineation if you
18 saw Captain's Smith's different places on there. So, exceeds
19 expectations, would that be for the Belle Chasse area?

20 A. Only in the Belle Chasse area where he was observed.

21 Q. And the comment -- sorry to make you jump back, "Evaluator
22 recommendation," at the top, on page 1, towards the top, it says,
23 "Evaluator recommendation, good to go." So is that good to go for
24 the Belle Chasse area?

25 A. Yeah, for fleeting. He was more or less being observed for

1 what they do in all our fleets, as typical fleet work.

2 Q. So, was there an, a -- how do you then evaluate a wheelsman
3 when they shift to a different location? How does that happen?

4 A. From a --

5 Q. Well Belle Chasse, now he went after this -- this was
6 9/13/18. That was -- do you remember when he came to work for
7 Marquette? You remember -- I think you said he left, and so the
8 grass is greener, came back and, do you remember when he came back
9 into the fleet?

10 A. I don't have an exact date.

11 Q. So, go from the Belle Chasse fleet now, he then moves to the
12 Convent fleet. That's a different area?

13 A. Yes.

14 Q. The Convent and Darrow.

15 A. Yes.

16 Q. Do we know by looking at this form, if he had any -- during
17 that 12-hour check period, if he had any movements underneath a
18 bridge or anything like that?

19 A. No, sir.

20 Q. And so, to your knowledge, was there any other check ride for
21 the Darrow area?

22 A. No, sir.

23 Q. So, how then do you evaluate a wheelsman, you know, for a
24 check ride? Is there some kind of process you evaluate when they
25 shift from one area to another?

1 A. There's not really a check ride sheet to go from one area to
2 the other. It's where his -- during the interview is where he was
3 comfortable at. He told me that's the area where he was
4 comfortable of running.

5 Q. Okay. So it's just an interview. There's no practical
6 observation of the -- or there's no actual observation of the
7 person?

8 A. No, sir. He was on a live-on boat, so the lead captain would
9 definitely evaluate him, and let me know if there was any concern
10 of his.

11 Q. So, I believe Mr. Picquet had sailed with Captain Smith for
12 just a short period of time on the *Kristin Alexis*, maybe a week or
13 so. It was not very long. And I think he was asked, Captain
14 Smith, you know, how you evaluated them, you know, when you're on
15 different watch schedules, you know, the captain -- they were
16 doing 12-hour wheel watches, if you will. Let me ask you your
17 experience, okay.

18 So, you get a new wheelsman comes on board, okay. And you're
19 on opposite schedules, if you will. You're on a 12-hour schedule.

20 A. Correct.

21 Q. How do you evaluate that person, then, you know, if
22 they -- to know that they've taken a barge under a bridge, or that
23 they're doing it safely, or to your liking, if -- how do you do
24 that?

25 A. Well, as a captain, and -- the most important thing that you

1 have to realize, that they living on this boat, so it's
2 conversations that they have. I used to go sit in the wheelhouse
3 and sit on the settee and just have general conversations with
4 them. And it's not an uncommon practice for those topics to come
5 up. And he'll -- I'll discuss on many occasions on how I set up
6 for something or, you know, back in the day, this is how we did
7 it. But this is -- it's -- he's living with the guy for 28 days,
8 so conversations do come up. And if you're in the rack and you're
9 not bumped around, working in the fleet, you know he's a smooth
10 operator.

11 Q. Okay. You sail with him 28 days, but Picquet and Smith had
12 been together for about a week or so, right. So have you ever
13 encountered, in your experience, a time where somebody just came
14 aboard and they said yeah, I can do it, but you stayed up there
15 just to see that they could do it?

16 A. Yes, I have.

17 Q. Okay. Are you aware of, and I'll this just again, of any
18 other check ride, Marquette check ride that Captain Picquet
19 underwent? Is there any other check ride that you've seen?

20 A. No, sir.

21 MR. KUCHARSKI: Okay. I'll stop there for a minute to see if
22 there are any other questions on that.

23 BY CDR MESKUN:

24 Q. Just a couple of follow-up questions. Is there any set
25 frequency that a check ride evaluation needs to be performed?

1 A. Describe set frequency, what you --

2 Q. Is it like once in the career, while you're employed at
3 Marquette that you get a check ride, or is it once every year?

4 A. No. It's once you get hired on, you get a check ride, to see
5 how he does, coming into the company. Other than that, it's going
6 to be evaluations every 6 months.

7 Q. Okay. And so, looking at -- well, one question, with Captain
8 Picquet's check ride, it indicates he was evaluated in the Belle
9 Chasse fleet. Is that correct to say that that's on the
10 Mississippi River, or is that --

11 A. Yes.

12 Q. -- canal work?

13 A. Yes, that's the Lower Miss, in Belle Chasse.

14 Q. Okay.

15 A. That's mile 78.

16 Q. Okay. And then, what's interesting is, if you look back at
17 Captain Smith's check ride, it indicated, you know, he should
18 remain doing six-pack work on the canal or whatnot. Was there any
19 sort of post evaluation that was done? Because next thing you
20 know, he's working on the Mississippi River. Was there something
21 that said he was good to go, to get on the Mississippi River?

22 A. Well, Desmond's past was working for Carline fleet, that I
23 knew Desmond -- I worked myself as Carline fleet. I know the work
24 tasks that they do at Carline. And he was also traveling up and
25 down the Mississippi River on the *CSS Virginia*. I knew Desmond's

1 past. And being that I was in his shoes, working at Carline
2 fleet, he was a great fleet man.

3 Now, the check ride that Keith Meyers gave him, the reason
4 why he said -- he never seen Desmond in the River, so he cannot
5 judge Desmond that he goes into the river. You can only do a
6 check ride of the locations that you was in, and what he did.

7 CDR MESKUN: Okay. Thank you for that. I appreciate it.
8 I'll turn it back over to Mr. [REDACTED]

9 MR. [REDACTED] You took all my questions.

10 CDR MESKUN: Okay. Mr. Kucharski.

11 BY MR. KUCHARSKI:

12 Q. I don't want to belabor this. Stop me if it -- so, if you
13 have that discussion with say, Captain Smith, and you know he's
14 been running up and down the river, but you don't know,
15 specifically, if he's taken any crane barges, particularly
16 underneath the bridge?

17 A. No. He was comfortable with taking the crane. He's shifted
18 cranes before.

19 Q. So you had that conversation with him before the accident?
20 He was comfortable with cranes?

21 A. Yes, sir. Yes.

22 Q. Okay. I need to go back to a question, sorry, in an area
23 that we already covered, but in your day-to-day duties, do you
24 review any NVICs from the Coast Guard? You know what a NVIC is?

25 A. Yes, sir.

1 Q. Do you review any of those, or see any of those?

2 A. No, sir.

3 Q. Do you know who at the company looks at NVICs?

4 A. I would imagine Compliance. I'm not sure.

5 Q. I'm sorry.

6 A. I'm not sure.

7 Q. Okay. And how about other studies or reports? Are you
8 familiar with the TSAC report, the Towing Safety Advisory Council,
9 I think it is? Are you familiar with that?

10 A. No, sir.

11 Q. Okay. And you wouldn't know who would look at those type of
12 things at the company?

13 A. No. When the Coast Guard puts out the bulletin for
14 navigational bulletins, I'll look through them to make sure that
15 in my area, my boats, if there's any concern, I would pass it on
16 to my boats.

17 Q. Got you. Okay. Okay. We'll have follow-up questions for
18 some of the other Marquette people then. Okay. So the next
19 topical area I'd like to look at is, or to ask questions about is
20 your checks to ensure operational safety, if you will. Okay. So
21 you said that you, on a -- or a member of your staff, perform
22 visits to the towboats about every one to two times a month; is
23 that correct?

24 A. Yes, sir.

25 MR. REISMAN: Can he clarify, who did you say makes the

1 visits one to two times per month?

2 THE WITNESS: Me and a VQSE would visit the boats.

3 BY MR. KUCHARSKI:

4 Q. And if you weren't available, I think you testified that the
5 VQS -- yeah.

6 A. Yes. We work together as a team. If not -- if -- we have
7 several -- we have people in place that do it, if I can't make it.

8 Q. Did this process exist before the accident?

9 A. Yes.

10 Q. Is there somewhere in the Marquette safety management system
11 that it spells this process out?

12 A. That we make visits?

13 Q. Yes.

14 A. When I first became port captain, it was -- one of my
15 trainings is to, of course, visit the boats as much as possible.
16 The -- it was just portrayed to me that this is what port captains
17 do. And me learning to be a port captain, and this is what I did.

18 Q. So you haven't seen it anywhere in writing to say that it's
19 one, two, or what frequency you should visit the vessels? Is that
20 in writing anywhere in the Marquette?

21 A. Not that I know of. No.

22 Q. Do you have a checklist that you use when you go on board the
23 boats for these visits, a checklist to go down, to look at certain
24 things?

25 A. I do not.

1 Q. Could you tell us when the last time before the accident,
2 that you or your staff, this VSEQ person, performed a safety visit
3 or a visit on board the *Kristin Alexis*?

4 A. I want to say prior of the accident, Brian Tibbs did an
5 audit, pre-audit on -- he did -- he went on the boat, and he did a
6 walk around, and he walked through, and he did fill out an audit.

7 Q. Do you issue some kind of report of your visit, what your
8 findings were or any discussions or anything like that? Is there
9 anything that you write down?

10 A. If we found anything, we would go ahead and fix it on -- you
11 know.

12 MR. REISMAN: He just described to you a visit by the VQSE
13 manager. Are you asking him if the VQSE manager has a report, or
14 whether Captain Mabile has a report?

15 MR. KUCHARSKI: Either one. He's doing it on his, in his
16 stead. That's what I asked earlier.

17 MR. REISMAN: You might want to ask a few questions to
18 clarify that. I don't think that's come out.

19 BY MR. KUCHARSKI:

20 Q. Okay. So, I asked you early on, if these ship visits, if you
21 do it or somebody else does it in your stead.

22 A. Okay. That's VQSE. That's all he does.

23 Q. Okay.

24 A. All I do is observe and report.

25 MR. REISMAN: Can I ask a few questions here, I think, to

1 clarify?

2 BY MR. REISMAN:

3 Q. Captain Mabile, do you personally visit the boats once or
4 twice per month?

5 A. Yes.

6 Q. Mr. Kucharski was asking if somebody else visits instead of
7 you, meaning in stead of you going once or twice a month, do you
8 have somebody else. But you personally visit the boats once or
9 twice per month?

10 A. Correct, I do.

11 Q. And in addition to your visits, the VQSE manager also makes
12 visits to the boats?

13 A. Yes.

14 MR. REISMAN: Does that --

15 MR. KUCHARSKI: Okay. Yeah. Thank you for that
16 clarification

17 BY MR. KUCHARSKI:

18 Q. So, the VSEQ [sic] person does not come with you,
19 necessarily, on your visit?

20 A. No, sir.

21 Q. Okay, okay. Great. So now, let me go back to the question,
22 do you -- for your visit, okay, do you not anywhere what you
23 actually checked, looked at and discussed?

24 A. No, sir.

25 Q. And let me go back to the question. Before the accident,

1 then now that I understand it's not in your stead, but that VSEQ
2 person goes on to look at different things, maybe. Do you know
3 when you went on board the *Kristin Alexis* last, prior to the
4 accident?

5 A. I don't remember a date. I don't know.

6 Q. No? Okay. Please look at Exhibit 97, page 2, section 4.4.

7 MR. REISMAN: Four point what?

8 MR. KUCHARSKI: 4.4.

9 MR. REISMAN: Thank you.

10 BY MR. KUCHARSKI:

11 Q. So, when you do your visits, your one to two times a month,
12 do you specifically look to that they have created routes and
13 saved them in Rose Point?

14 A. No, sir.

15 Q. Post accident, now go back to the *Mr. Ervin* accident, okay,
16 did you look at their Rose Point to see if they had put down any
17 route on their Rose Point for that transit between Convent and
18 Darrow?

19 A. No, sir.

20 Q. Has that process changed at all, you know, for checking these
21 after the accident?

22 A. After accident, whether we check Rose Point? Yes, we do.

23 Q. Do you -- when you say that a vessel must create, have you
24 ever created a route for the vessel, for them to upload in Rose
25 Point?

1 A. No, sir.

2 Q. So it's all the vessel personnel who will put that route down
3 there?

4 A. Yes, sir.

5 Q. Okay. Would you please look at Exhibit 28? And this is
6 called the Operations Skills Assessment.

7 MR. REISMAN: Twenty-eight?

8 MR. KUCHARSKI: Yes, please.

9 MR. REISMAN: I'm not sure that's in our binder.

10 MR. KUCHARSKI: You want to take a -- Commander? Can we take
11 a --

12 CDR MESKUN: It's on the overhead projector. Is that -- it's
13 a not completed form.

14 MR. REISMAN: Okay.

15 BY MR. KUCHARSKI:

16 Q. Have you -- do you have the form now?

17 A. Yes.

18 Q. Have you looked through all the pages, or do --

19 A. I'm familiar with it.

20 Q. Okay, great. Is this operation skills assessment
21 somewhere -- besides the form itself, is this process somewhere in
22 the safety management system?

23 A. If you're asking me if it's a policy for them to do it, yes.
24 I would --

25 Q. I don't want you to speculate. If you're not -- if you don't

1 know, that's okay.

2 A. I'm not sure.

3 Q. Not sure, okay. And who actually performs this operations
4 skills assessment? Who does it? Do you know who fills it out?

5 A. Yes. That would be another captain.

6 Q. Another captain?

7 A. Yes.

8 Q. Okay.

9 A. Either myself or another captain.

10 Q. Have you ever performed one of these operation skills
11 assessments?

12 A. Yes, I have.

13 Q. Okay, great. Do you know what the frequency is?

14 A. I try to do all of my captains within a year.

15 Q. Okay, great. Great. So the operations skills assessment,
16 you say for the captain, but the second line says wheelsman. Is
17 this just for the captain or is it for the wheelsman?

18 A. It's for everybody on board. The live-on boats, the captain,
19 the head captain would do the relief captain and the pilot, and I
20 would do the captain.

21 Q. I'm sorry. I sort of shook my head, but I wasn't absorbing
22 that. So, you would -- who would actually do the pilot? Who
23 would actually do the assessment, this complete form?

24 A. If it's on a live-on boat, like the *Kristin Alexis*?

25 Q. Yeah.

1 A. The captain or the relief captain would assess Picquet.

2 Q. Okay, great. Great. Clear. How long does an assessment --
3 you've done one of these? You've performed an assessment on
4 someone, on a captain?

5 A. Yes.

6 Q. Yeah. How long does it take to assess, to complete this
7 form?

8 A. My boats work 12 hours, so I would stay on the boat for 12
9 hours to do an assessment.

10 Q. Okay. So, it's a 12-hour process if you go on board?

11 A. Right.

12 Q. And how about if the master assesses the pilot, say?

13 A. There's no time. He can start it, can -- as long as it's in,
14 whenever they're on board.

15 Q. Do you know if one of these forms exists for either Pilot
16 Picquet or Captain Smith?

17 A. Picquet, no. Smith, I'm not sure.

18 Q. So, I'd like to go down to Item 15 on page 3. It's on page
19 3. It's item 15. I think it's part of the navigation section. I
20 may be wrong on that, but do you see item 15 there? And can you
21 tell us what the item is, what it says?

22 A. If the wheelmen on watch transit any bridges.

23 Q. So it seems like it's just asking if they have.

24 A. Correct.

25 Q. All right. So what happens if they haven't during this

1 assessment?

2 A. It will be N/A.

3 Q. Okay. So there's no capture -- if you just happened not to
4 be transiting under a bridge in that 12 hours, there's no capture
5 whether they've actually done a bridge transit; is that correct?

6 A. Correct.

7 Q. So I understand the overall process at Marquette. You have
8 check rides, and then you have these assessments. What's the
9 interplay between them? Or is there any interplay, or how does
10 that -- how does that work, to capture, make sure that, you know,
11 the person can handle what they're doing?

12 A. Through our boat visits and, you know, the discussions that
13 we have with the captains, and ask them if everything is all
14 right, if you have any questions whatsoever, just to let me know
15 or give me a call. It's 24/7, they can call me at any time if
16 they have any concern or any advice for me to give them at any
17 time.

18 Q. So it's discussions, and there -- but no other practical
19 assessments between the -- you know, so you're actually observing,
20 if you will?

21 A. Yes.

22 Q. Because it has observation there, so, you know, for the
23 bridge transit, it would just be not observed?

24 A. Yeah. A lot of our fleet boats don't go through bridges, so
25 it would be N/A.

1 MR. KUCHARSKI: I'll hold there to see if there are any
2 follow-on questions.

3 MR. REISMAN: Mr. Kucharski, would --

4 MR. KUCHARSKI: Sir.

5 MR. REISMAN: Would you like me to ask a few questions in
6 this regard, or were you --

7 MR. KUCHARSKI: Yeah. No, that's a great idea, because you
8 know what everybody's into that.

9 MR. REISMAN: Sure.

10 MR. KUCHARSKI: Great idea.

11 MR. REISMAN: Thank you.

12 BY MR. REISMAN:

13 Q. Captain Mabile, I'm going to ask you a few questions about
14 this. One of the questions that Mr. Kucharski asked you was
15 whether this operational skills assessment was referenced in the
16 safety management system. Do you recall that?

17 A. Yes.


18 Q. Can you look at the bottom of page 1 of Exhibit 28, and tell
19 me what's referenced there?

20 A. Yes, and VOP form 0003.

21 Q. Is that a reference to the Marquette safety management
22 system?

23 A. Yes, it is.

24 Q. Okay.

25 MR. REISMAN: I'd also like to ask you, Lieutenant 

1 if you could put up Exhibit 112 for us. I'll show you a copy.

2 BY MR REISMAN:

3 Q. Here, Captain Mabile. Can you tell us what that document is?

4 A. It's a wheelhouse management form.

5 Q. In general, what is it?

6 A. It's an evaluation.

7 Q. It's a skill and knowledge evaluation of a wheelhouse
8 personnel for Marquette?

9 A. Yes.

10 Q. In this particular document, Exhibit 112, who is the wheelman
11 who is being evaluated?

12 A. Desmond is the wheelman.

13 Q. Desmond, Captain Desmond Smith?

14 A. Yes.

15 Q. And who did the evaluation?

16 A. Jarod LaFrance.

17 Q. And what was the date on which Captain Smith was evaluated?

18 A. 6/22/18.

19 Q. And the form asked a series of specific questions about
20 vessel operation, boat handling skills, charts and navigation,
21 electronic equipment, weather and waterways, voyage planning,
22 leadership and management; is that correct?

23 A. Correct.

24 Q. And the individual wheelman is evaluated on each of those
25 categories?

1 A. Correct.

2 Q. If you look on page 3 of the form, under the heading, Voyage
3 Planning, the third entry from the bottom, what does that read?

4 A. Bridge clearance.

5 Q. And so, does that mean that on this assessment, that's part
6 of Marquette's safety management system that Captain Smith had to
7 be evaluated for bridge clearance?

8 A. Yes.

9 Q. And was he evaluated?

10 A. Yes.

11 Q. And was he approved?

12 A. Yes. Meets expectations.

13 Q. He was checked off as meeting expectations in June of 2018?

14 A. Yes, sir.

15 Q. And if you look at the bottom on any of the pages in it, but
16 we're looking at page 3, so you can look at that. On the bottom,
17 you see a reference below the questions themselves?

18 A. Yes.

19 Q. What does that say?

20 A. VOP 0017, issued 10/15/14.

21 Q. Okay. Is that a reference to Marquette's safety management
22 system?

23 A. Yes, it is.

24 Q. So this form is part of Marquette's safety management system?

25 A. Marquette's, yes it is.

1 Q. And this is required to be performed; is that correct?

2 A. Correct.

3 MR. REISMAN: Thank you very much. I don't have any further
4 questions at this time.

5 MR. KUCHARSKI: Great, thank you.

6 BY MR. KUCHARSKI:

7 Q. I have a slew of follow-up questions, but it says VOP Form
8 0017, and I've looked at these forms. Okay, there's -- likes so
9 forms you provided, Marquette provided us, and what I'm trying to
10 ask is, and I thought I was clear on it, but maybe not. Is the
11 actual process, where it talks about frequency and what is to be
12 done, besides just this form, is that anywhere in the Marquette
13 safety management system? That's what I'm asking. I've seen
14 these forms. I've seen your, the submission for, you know, a
15 table of contents for these forms, but outside of that, I didn't
16 see any written, besides just the reference there to this --

17 A. Correct.

18 Q. Is there any place in there that talks about the process and
19 what should be done?

20 MR. REISMAN: Do you understand what he's asking?

21 THE WITNESS: Not really. I don't understand that, the
22 process that you're trying to get to.

23 BY MR. KUCHARSKI:

24 Q. Sure. Sure. And I can ask that follow-on with your --

25 A. With compliance.

1 Q. -- with, yeah, Mr. Crutcher or Mr. Garsaud. That's fine.
2 Thank you. And so, when it says -- it brings up -- let me ask
3 first, who was Jarod LaFrance?

4 A. He is the captain of the *Kristin Alexis*.

5 Q. I'm sorry?

6 A. He is the captain of the *Kristin Alexis*.

7 Q. Okay. And so, meets expectations, would that mean that he
8 actually observed this person to go under a bridge, or make the
9 calculations or anything like that?

10 A. Yes, it would.

11 Q. It would? Okay. Great.

12 MR. KUCHARSKI: I'm good on the operational skills
13 assessment, if you have any follow-on questions. And just for
14 timing, I'm guessing this line, next line of questions may not
15 take more than 15 minutes. Just push on through? Yeah.

16 MR. REISMAN: Are you good with that?

17 THE WITNESS: Yeah, I'm fine.

18 BY MR. KUCHARSKI:

19 Q. I'd like you to look at Exhibit 117, please.

20 MR. REISMAN: He doesn't have that.

21 MR. KUCHARSKI: Okay, okay. That's all right.

22 MR. REISMAN: All right, we've got it. Thank you. He's
23 going to review it.

24 MR. KUCHARSKI: Sure, sure. 04:14

25 BY MR. KUCHARSKI:

1 Q. And now would you also look at exhibit -- I think it was
2 newly added. I think it's 118 maybe, or 119. It's a letter to
3 Commander Meskun.

4 MR. REISMAN: We don't have a copy of that here. I think
5 that just came out last night, so it's not in our binder, and I
6 don't think it was in the binder the Coast Guard supplied this
7 morning either.

8 CDR MESKUN: Mike, that's not marked. That's the -- that's
9 not an IO exhibit.

10 MR. KUCHARSKI: That's not an IO exhibit?

11 CDR MESKUN: Not at this time.

12 MR. KUCHARSKI: Oh, okay. Sorry. So this is the letter up
13 here. Could we just go down to supplemental request 7? Okay.
14 And --

15 MR. REISMAN: Can you read that?

16 BY MR. KUCHARSKI:

17 Q. It says that you, obviously you were involved in this
18 incident, or --

19 MR. KUCHARSKI: Go ahead.

20 MR. REISMAN: Can he have a moment to go over it?

21 MR. KUCHARSKI: Oh, I'm sorry. I'm sorry. Okay.

22 MR. REISMAN: I don't think he's seen it before.

23 THE WITNESS: Yeah, I haven't seen it before.

24 MR. KUCHARSKI: Yeah, yeah, yeah. Okay. Sorry.

25 CDR MESKUN: And Counselor, do you want to take a -- to

1 review it with --

2 MR. REISMAN: He had not seen it before, so I thought --

3 CDR MESKUN: Okay, okay.

4 MR. REISMAN: Okay. We're good. Thank you.

5 BY MR. KUCHARSKI:

6 Q. Sorry. Asleep at the switch here. Okay, so you're familiar
7 with the accident.

8 A. Yes.

9 Q. Yes, okay. Okay. So, to start off with, what was your
10 involvement before what's written here. What was your
11 involvement? Did you go aboard? Did you check things? Could you
12 explain that to us?

13 A. No, sir. It was the day after when I found out, through
14 Associate, that something happened to the top of the crane.

15 Q. So who would have been -- you were the port captain for this
16 vessel, correct?

17 A. Yes, I was.

18 Q. Yeah, okay. Would anybody have gone on board that vessel,
19 after the accident?

20 A. Not knowing whether he struck a bridge, no.

21 Q. Okay. Do you -- so after you learned of this, did you check
22 to see if a voyage plan was entered into Rose Point?

23 A. No, sir.

24 Q. Did you look at their short voyage form?

25 A. No, sir.

1 Q. Do you know if this accident -- it says on here that you
2 remind of the navigation watch standards, and the navigation watch
3 standards of the wheelmen; would that be correct?

4 A. Yes. The two boats that worked for St. John fleet.

5 Q. Two boats. So the *Taylor Marie* and the *Nativity*, those two
6 boats, you notified them, reminded them, you discussed this with
7 them. How about the other vessels for the fleet? Did this, in
8 any way, shape or form, was it discussed with the other vessels
9 prior to the *Mr. Ervin* accident?

10 A. At this time, whenever the crane, whenever this happened?
11 When I found out he went through the west bank span, I called my
12 other captains on the boat, even the one that was on their days
13 off, and I asked them would they ever go through that span, and
14 they says no, absolutely not. I wanted to ensure that they knew
15 it was always the channel span. And they did. And all of them
16 assured me that they never went through that span with a crane
17 barge.

18 Q. And you say all of them. All the captains from your --

19 A. That was all of the captains that work at St. Johns fleet
20 that has that contract, through Associate, that's only, only those
21 two boats.

22 Q. And did you talk to the captains of your other boats about
23 using the alternate spans and using the main, the channel spans?

24 MR. REISMAN: At what time are you talking about?

25 MR. KUCHARSKI: At -- yeah, between the time --

1 MR. REISMAN: -- (indiscernible) --

2 MR. KUCHARSKI: Yeah, sorry. Between the time span of this
3 accident and the *Mr. Ervin*?

4 THE WITNESS: No, sir. At the -- go ahead.

5 MR. REISMAN: I just want to make sure. Are you -- is that
6 including during his crew change meetings he discussed earlier, or
7 just in specific reference to this --

8 BY MR. KUCHARSKI:

9 Q. Any discussions you want to tell me about that you had with
10 the captains of all your boats --

11 A. Right.

12 Q. -- okay, to only use the channel span, if you will, as
13 opposed to the alternate -- they call it west --

14 A. Right.

15 Q. -- and the west span, different names for different bridges.
16 But you had that discussion with all of your captains?

17 A. Yes. Through my meetings in the morning, after I called
18 these specific boats because of the contract they was on, the very
19 next day, the morning, when I was doing my morning -- Monday
20 morning through Friday morning crew change meetings, that was one
21 of my topics that I held for months, and still do till today, is
22 to remind the guys that, as a reminder, guys, anything that's
23 taller than your boat, then the draft of your boat, needs to go
24 through the channel span of the bridges.

25 Q. So it says on this form that you also confirmed the air

1 drafts of each associated terminal crane. What does confirm mean?

2 A. I got with Associate, and they came up with a list of all of
3 their cranes, and I put them on the boats, to make sure that they
4 knew everything from Associate, that they can have that material
5 on board.

6 Q. So that -- yeah, that was going to be my next question. So
7 did they actually have that list, or information about the air
8 draft of that crane on the barge -- I'm sorry, on the *Taylor Marie*
9 prior to that accident?

10 A. No. They get that information through dispatch.

11 Q. But you put a list on there after the accident so they would
12 have that? Or no?

13 A. I'm sorry.

14 Q. But did you say you put a list on board the boat -- I don't
15 want to misquote you, but did you put a list on board the, those
16 boats operating out of that fleet, with the air drafts of the
17 Associated cranes?

18 A. After the incident, yes.

19 Q. Okay. Did you check to see if vertical clearances were
20 calculated on board the *Taylor Marie* after the accident? Had they
21 calculated any vertical clearance?

22 A. There's no information on that west side of that Gramercy
23 Bridge to give you that (indiscernible). He should have took the
24 center span. That would have gave you all the information you
25 needed.

1 Q. Were -- are you familiar with the towboat, *Saint Rita*?

2 A. I'm sorry?

3 Q. The *Saint Rita*, Rita, R-i-t-a.

4 A. Yes.

5 Q. Is that a Marquette boat?

6 A. Yes.

7 Q. Was it also a fleet boat?

8 A. At the time, yes. It was assisting in the fleet.

9 Q. Did it have an incident in March of 2019, that you're aware
10 of?

11 A. I'm not sure of the date, but they did have an incident.

12 Q. Does Marquette have its tugs listed on their Internet site
13 anywhere, where somebody could go on board and see the particulars
14 of the tugs?

15 MR. REISMAN: Go on board or online?

16 MR. KUCHARSKI: I'm sorry, yeah. Good -- it would be tough
17 to -- yeah. Well I guess you could do it on board if you were
18 online.

19 BY MR. KUCHARSKI:

20 Q. Yeah. On an Internet site, if you went and looked at the
21 Internet site, does it have a list of the particulars of the tugs?

22 A. Being as what, as horsepower?

23 Q. Yeah, horsepower, length, yeah, what the configuration was,
24 if --

25 A. I'm not sure.

1 Q. Have you ever been on -- looked at an Internet site, where
2 you've seen cranes listed on an Internet site, a company site,
3 another company, that they would have the particulars of the
4 cranes, the heights and everything. Have you ever seen that?

5 A. No, sir.

6 MR. KUCHARSKI: No further questions.

7 BY CDR MESKUN:

8 Q. I just had a couple of follow-up questions, based upon some
9 previous discussions about the training situation, training
10 courses and whatnot. Excuse me. You previously mentioned
11 Delgado. What is Delgado?

12 A. Delgado is a college that's in Louisiana, and they have
13 maritime courses. And Marquette has grants that some of our guys
14 go to. It could be radar. It could -- we could even send them to
15 a maritime that's, that Delgado have.

16 Q. So when you say grants, can you elaborate? What does that
17 mean?

18 A. I would have to leave that to somebody else.

19 Q. Okay.

20 A. I'm not sure of the --

21 Q. Can I rephrase?

22 A. Yes.

23 Q. Does that mean Marquette pays for the school for the mariners
24 to go to?

25 A. Yes.

1 Q. Okay. Thank you.

2 CDR MESKUN: Mr. [REDACTED]

3 BY MR. [REDACTED]

4 Q. I'm going to go back to your safety meetings for crew
5 changeouts. Do you have some kind of checklist that you follow,
6 when you do those safety meetings?

7 A. No, sir. It's all discussions of what we have. Sometimes
8 the captains will come up, and they'll give me a discussion, or
9 what they wanted to talk about, and I would elaborate on that, or
10 there's many, many discussions that we talk about in the morning
11 meetings.

12 Q. Do you log anything, like who was in attendance for those
13 safety --

14 A. Yes. We have that on the crew change sheet, who was all
15 in -- who came in on that morning, and what boat they was going
16 to, for that safety meeting.

17 Q. Okay. Does, like anybody from Marquette, like the safety
18 officers, do they frequently, like email you with policy changes
19 and things like that to discuss?

20 A. Actually, safety would come in sometimes and discuss LTIs or
21 man overboards or -- we get together as a team, and we have a real
22 good safety meeting in the morning.

23 Q. Okay. I guess the way I understood that is if Safety had
24 something they wanted to make sure that got to the crew, they
25 would come to your safety brief --

1 A. Yes.

2 Q. -- meetings?

3 A. Yes.

4 Q. Okay.

5 BY CDR MESKUN:

6 Q. Just one point of clarification. You just mentioned LTI.

7 What is LTI?

8 A. LTI means a lost time injury.

9 Q. Thank you for that.

10 CDR MESKUN: Mr. Kucharski, anything else? All right.

11 Mr. Logan, Mr. Jenkins? Mr. Reisman?

12 MR. REISMAN: I've got just a couple.

13 BY MR. REISMAN:

14 Q. Captain Mabile, earlier there was some questioning about a
15 check ride on Captain Smith, in particular. When you're assigning
16 an individual to a vessel, you base that on information that you
17 know on their experience, their history, and what they're capable
18 of doing; is that correct?

19 A. Correct.

20 Q. And so with Captain Smith, when you assigned him the *Kristin*
21 *Alexis*, you were relying on your knowledge about his specific
22 experience working the river, doing fleet work for Carline, and
23 traveling on a line boat between New Orleans and Baton Rouge; is
24 that correct?

25 A. Correct.

1 Q. There was some discussion earlier about the VQSE manager that
2 makes visits to the vessels. And Mr. Kucharski asked you, when
3 you make visits, do you have a checklist that you use. You said
4 that you do not.

5 A. I don't.

6 Q. When the VQSE manager goes out to a vessel, does he have a
7 checklist?

8 A. It depends on what he does. But he does have a list of
9 audit, that he'll go through to make sure that everything is good.

10 Q. Okay.

11 MR. REISMAN: And then if we could look, Lieutenant [REDACTED]
12 at Exhibit 97, section 4.4.

13 BY MR. REISMAN:

14 Q. You were asked a few questions about whether tracks were
15 recorded on Rose Point. You remember those questions?

16 A. Yes.

17 Q. This was the section that Mr. Kucharski referred you to?

18 A. Yes.

19 MR. REISMAN: Lieutenant [REDACTED] if you could go to the --
20 well actually, can you pan out a little bit on that, to see the
21 margin?

22 BY MR. REISMAN:

23 Q. You see there's a line over on the margin?

24 A. Yes.

25 Q. Is that telling you that that policy's been revised?

1 A. Yes, it has. If --

2 Q. Can you go -- I'm sorry. Go ahead.

3 A. Yeah. If you go to the last page, it'll show the revised
4 date on the last page.

5 MR. REISMAN: And if you could blow that up, Lieutenant

6

7 THE WITNESS: Go for the very right.

8 MR. REISMAN: Right in there.

9 BY MR. REISMAN:

10 Q. And there's a reference, note number 11 says what?

11 A. Has been revised.

12 Q. Section 4.4 was revised January 10, 2019?

13 A. Yes.

14 Q. So that section 4.4 that Mr. Kucharski was referring to you
15 may not have looked like that at the time of either the *Taylor*
16 *Marie* or the *Kristin Alexis* incident; is that correct?

17 A. Correct.

18 Q. Captain Mabile, if we can go back to Exhibit 112, which was
19 the wheelhouse management audit form that we discussed earlier. I
20 think Lieutenant Coppola's going to bring that up for us.

21 MR. REISMAN: If you can go to the second page, Lieutenant,
22 and expand that, please, that top section.

23 BY MR. REISMAN:

24 Q. You told us earlier this was a skill, knowledge and boat
25 handling experience evaluation form, correct?

1 A. Yes, it is.

2 Q. Where was that audit conducted of Captain Smith?

3 A. That was at Darrow fleet, between Darrow fleet and 164. That
4 was their work area.

5 Q. The same area where Captain Smith was, and Captain Picquet
6 were working on the night of the incident?

7 A. Yes.

8 Q. And there was some discussion in relation not an incident
9 with the Gramercy Bridge, and it was a crane barge, *Randy W*,
10 correct?

11 A. Correct.

12 Q. That's an Associated Terminals crane barge?

13 A. Yes, it was.

14 Q. And Mr. Kucharski, I believe it was, asked you some questions
15 about whether the air draft on that vessel was known to the
16 captain. Do you know whether, on that particular vessel, the air
17 draft was actually painted and posted on the crane barge itself?

18 A. I haven't seen it. I'm not sure.

19 Q. You don't know?

20 A. I'm not sure.

21 Q. We'll ask somebody else, then.

22 MR. REISMAN: That's all I've got for you. Thank you,
23 Captain.

24 BY CDR MESKUN:

25 Q. Just so I don't assume anything here, could you just define

1 VQSE for us? What does that stand for?

2 A. Vessel Quality Safety.

3 Q. And is that basically that person's job title or
4 responsibilities?

5 A. Yes.

6 Q. Can you just briefly describe what they do?

7 A. He -- every vessel goes through -- our vessel go through
8 SARs, and also ABS and COIs, which we have, he helps out. And he
9 puts together everything that needs to be done to make this boat
10 Coast Guard (indiscernible). So whenever he's doing these SARs,
11 he brings our third party in, and they conduct a SARs or ABS to
12 get our COIs.

13 Q. Thank you.

14 CDR MESKUN: Mr. [REDACTED] any follow-on questions?

15 BY MR. [REDACTED]

16 Q. I just want to make sure I'm clear that I understood you
17 correctly. You said you only take the channel span, because you
18 can't -- you don't know the height of the alternate span?

19 A. That's the Gramercy Bridge.

20 Q. For the Gramercy Bridge?

21 A. The Gramercy Bridge, that's not an alternate span. That's
22 just a west bank span. That is not open -- that's not open for
23 navigation. You can go through it with barges, and we've done it
24 many times, but with a crane, they don't -- you don't have the
25 information for that.

1 Q. Okay. It was -- for the Sunshine Bridge, I believe you
2 mentioned that you only take the channel span on that one as well.

3 A. We take the channel span because we don't want to make a bad
4 habit of going with cranes, going through the alternate span.
5 It's very important that we go -- anything higher than their boat
6 will go through the channel span. And that's a written -- you
7 know, rule of thumb, or however you want to call it, but we always
8 went through the channel span, anything higher than our boat.

9 Q. On your boats, do you have the resources to calculate the
10 vertical clearance of the alternate span?

11 A. Yes.

12 Q. You just --

13 A. Yes. It's --

14 Q. -- go, you --

15 A. -- go to the book --

16 Q. You just --

17 A. You can, like for instance, there's Sunshine Bridge. The
18 Sunshine Bridge, you can go to your river book, and it'll give you
19 your vertical clearance minus the Donaldsonville gauge. And you
20 can go through VTS to get the gauge. And then you subtract that,
21 that'll give you your clearance. Subtract your crane, that'll
22 give you your gap.

23 Q. Okay. Thank you.

24 CDR MESKUN: Mr. Kucharski, any follow-on questions?

25 MR. KUCHARSKI: No.

1 CDR MESKUN: Mr. Mabile, thank you. You are now released as
2 a witness from this formal marine casualty investigation. Thank
3 you for your testimony and cooperation. If I later determine that
4 this joint investigation team needs additional information from
5 you, I will contact you through your counsel. If you have any
6 questions about this investigation, you may contact the recorder,
7 Lieutenant [REDACTED]

8 The time is now 10:35. We will take a 15-minute recess. We
9 are off the record.

10 (Whereupon, at 10:35 a.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
 DONALDSONVILLE, LOUISIANA
 OCTOBER 12, 2018
 Interview of Harvey Mabile

ACCIDENT NO.: DCA19FM003

PLACE: Gonzales, Louisiana

DATE: May 11, 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.



Pamela C. Jacobson
Transcriber