UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:	*
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KRISTIN ALEXIS/BARGE *MR. ERVIN*	*
ALLISION WITH THE SUNSHINE BRIDGE	* Accident No.: DCA19FM003
DONALDSONVILLE, LOUISIANA	*
OCTOBER 12, 2018	*
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Interview of: MICHAEL MICHALSKI
NOAA

Lamar Dixon Expo Center
Gonzales, Louisiana

Friday,
May 10, 2019

APPEARANCES:

CDR MATTHEW MESKUN, Lead Investigating Officer
United States Coast Guard

LT [redacted] Hearing Recorder
United States Coast Guard

MICHAEL KUCHARSKI, Investigator in Charge
National Transportation Safety Board

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

BOBBY MILLER, Esq.
(On behalf of Marquette Transportation)

RICHARD MANNIX, Esq.
NOAA
(On behalf of Mr. Michalski)

LEVI JONES, Esq.
Department of Commerce
(On behalf of Mr. Michalski)

I N D E X

I N T E R V I E W

(10:25 a.m.)

CDR MESKUN: We are now back on the record. The time is 10:25. We will now hear testimony from our next witness, Mr. Mike Michalski.

Please stand where you are, and LT [redacted] will administer the oath and ask you some preliminary questions.

LT [redacted] Sir, please stand and raise your right hand.

(Warning and oath read.)

LT [redacted] Sir, we're now on the record.

MR. MICHALSKI: Okay.

LT [redacted] Mr. Michalski, I'm about to give you an oath. Please stand and raise your right hand.

MR. MICHALSKI: All right.

(Whereupon,

MICHAEL P. MICHALSKI

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

LT [redacted] All right. For the record, please state your full name and spell your last.

THE WITNESS: Michael Paul Michalski, M-i-c-h-a-l-s-k-i.

LT [redacted] Counsel, can you please identify yourselves and confirm representation?

MR. MANNIX: I'm Richard Mannix with the Office of General Counsel at NOAA.

MR. JONES: Levi Jones, Office of General Counsel to the Department of Commerce.

CDR MESKUN: Good morning, sir. How are you today? My name is Matthew Meskun. Thank you for joining us.

I'm going to ask you a few questions. And if you don't understand any of the questions that I'm asking, please ask me to rephrase, and I will do that, or if you don't know the answer to the question, please just say you don't know.

EXAMINATION

BY CDR MESKUN:

Q. Can you please describe to us where you work, what your office does, and what some of these responsibilities are?

A. Yes. I work for NOAA's Center for Operation of Oceanographic Products and Service. Our office is a physical Oceanographic Office within NOAA. We primarily study tides and tidal currents, but we also handle such things hot air (indiscernible) balloons in the Gulf of Mexico. We have the PORTS system, which is Physical Oceanographic Real-Time System, which incorporates air gas sensors, meteorological sensors, current meters and river level gauges to help facilitate the flow of transit in and out of ports.

Q. Okay. Thank you. So today we actually would like to focus on the PORTS system and the sensors and whatnot. Can you please describe to us what, in detail, the port system is?

A. All right. So, the PORTS system is a private/public partnership where it's -- you know, the government, so NOAA,

enters an agreement with one of the local partners. That agreement is that the partner will fund the installation of gauges, the continual operation and maintenance of gauges, procurement and upgrading of any of the sensors and equipment, as well as the ongoing emergency maintenance on the systems. The government handles and covers the cost for data ingestion, data processing, data storage, and monitoring any of the contracts and contract mechanisms to be able to work to maintain these systems.

For the PORTS system, generally what happens is a partner will reach out to NOAA, to maritime services program manager, requesting PORTS be created. We'll then go and work back and forth to arrange the agreement, get it moving forward. After that point in time, the actual external partner is the one who identifies where they have an interest in having gauges.

Generally the PORTS has gauges such as water level sensors, so they can monitor the tides in and out, or in a non-tidal area, monitor just standard water level. We have current meters so you can actually monitor the speed of the flow of currents, whether it be tidal currents or in the Lower Mississippi, river currents. We have air gap sensors which define the distance between the water level surface and what is identified as low steel on the bridge. We have salinity sensors, so they'll be able to actually monitor the salinity in the system. There's various meteorological sensors, so, such things as wind, visibility sensors, and, you know, rain gauge and other stuff like that.

Q. All right. Thank you. And are you familiar with the Mississippi River to any degree?
A. Yes, I am.
Q. So the Mississippi River has a series of different gauges that can indicate what the river stage is at certain locations. Just, for example, I know we're investigating the incident with the Sunshine Bridge, and there's a gauge immediately upriver called the Donaldsonville gauge. And that information is found on several locations, but the Army Corp's website is one of them. Is that the type of information that might also be included into the PORTS as a sensor?
A. Not currently. Currently all the sensors associated with PORTS are going to be NOAA operated and maintained or partner operated and maintained to our specifications and standards. We currently do not include Army Corps gauges or USCS gauges within the PORTS system.
Q. Thank you. You indicated one of the sensors is an air gap sensor. So, I guess, let me back up real quickly. Roughly speaking, how many different harbors or waterways actually have PORTS systems present?
A. I do not know that currently.
Q. Is it safe to say that the major ports do? Like, does the Port of New Orleans have any PORTS sensor?
A. As part of the Lower Mississippi River PORTS, yes, they're within the vicinity of the Port of New Orleans. But the

partnership isn't with the Port of New Orleans.
Q. Great. Do any of the bridge sensors that have the air gap sensor that you mentioned, do they only -- my question is do they only have readings for the main span or do they also do an alternate span if an alternate span is present?
A. The reading will only be on the span that the gauge itself is installed. So, if there's an alternate span, it will not account for the changes in the alternate span due to thermal compression and/or weighting.
Q. Are you familiar with any other initiatives with technology within the marine transportation system to enhance, I guess, information that would be available to the mariners?
A. Not that I'm aware of.
Q. Sorry. That was kind of a vague question. I apologize for that. Do you know is the --
A. I understood the question. Sorry.
Q. How would a mariner access this PORTS information?
A. The information is all available through the tides and currents website for NOAA. And through there, you just enter going in, logging into the website of Tidesandcurrents.NOAA.gov. And under products you can then pull in the PORTS information and select port of interest, to which it will then bring you to an overview map with all of the information about the gauges. And then once you click on the individual gauge, it will bring you into the specific information on that gauge of the real-time water

level and the most recent observations as well as a height test.
Q. Thank you. Do you know, does this information get transmitted wirelessly, like maybe through the AIS system? Are you familiar with Automatic Information System?
A. It's not currently being transmitted through the AIS. That is something that there is an ongoing effort to try to facilitate transmission of coops data through the AIS, but that is still in process right now.
Q. Okay. So another similar question. Is this information available if a ship has ECDIS, an electronic charting system, per se, would that information be available to the mariner on the wheelhouse or the bridge?
A. To my knowledge as far as what they're using is either personal cell phones or getting a PPU to be able to get the information, and going through a PPU provider which will pull into the information into their tablet or whatever they're using to display.
Q. I'm sorry. Can you just please clarify what a PPU is?
A. A Personal Pilot Unit is, I believe, the acronym. So it's a private company that creates a software package that incorporates the various navigation information into a single screen.
Q. And is that something that you're referring to would be for like a harbor pilot or a bar pilot, like a ship pilot?
A. Yes. I believe on the Mississippi River that they have PPUs, at least those ships that I've ridden in there, they had been

using PPUs.
Q. The technology that they're exploring you mentioned through transmitting the information through AIS, I'm going to ask a question about that. Do you know if that program, that initiative to transmit information through AIS goes through, will it then be available to mariners through their electronic charting system?
A. I do not know the answer to that.
Q. Thank you. Are there any major burdens or hurdles that need to be passed before this system can be installed widespread? Is there any barriers?
A. Could you clarify which system?
Q. I'm sorry. The PORTS system where you have the sensors available.
A. Funding and manpower as well as partners. You know, it's a matter of the partners reaching out and having the funding themselves to be able to cover.
Q. Thank you.
A. But we do have a cap on the number of systems that we're able to bring in currently due to resource limitations and funding limitations.
Q. Are you close to exceeding that cap now or is there still room available?
A. That I am not sure. I believe that we either have reached that cap or are close to the cap. But I do not have those figures.

Q. We had previously spoke a few months ago, just doing some scoping interviews, and you had shared with us a couple of documents. And we have them, and we've marked them as IO Exhibits Nos. 60 and 61. I believe these are products that your office may have created. They were 210-page long reports titled "Report of vessel allision/collision and groundings and incidents," and it's an estimated impact of PORTS from 2005 to 2016. Is there any specific information -- I obviously don't want you to read all 210 pages to us over the phone, but is there any specific highlights of that that you would like to draw our attention to? I know this is also a --

A. Give me one second just to --

Q. I was just going to say that I know you also have Exhibit 61, which is basically, I think, a 10-page long PowerPoint that maybe had accompanied that report. Is there anything to note of that report?

A. The final report, the long one, I would say of interest would be page 6 to page 7, the two tables there that identify the benefit of PORTS.

Q. And can you just kind of describe this study? Like what did it look at or what did it go into?

A. The study, to the best of my knowledge, was looking at basically the benefit of PORTS, looking at locations where they were taking data pre-installation of a PORTS system and looking at the number of allisions, collisions, deaths, spills and other

things, and then since the inclusion of the PORTS, looked at the variants from the number of incidents and were looking to see if they could quantify what the benefit of PORTS were to the entire system in basically increased transit of ships, reduced anchorage time, as well as reduction in allisions and collisions.

Q. Is it safe to characterize this study to show that the PORTS system is a good system and that it reduces casualties?

A. That would be correct.

CDR MESKUN: Okay. Thank you for that. I have no further questions, but I'm looking over to National Transportation Safety Board, Mr. Mike Kucharski, to see if he has any follow-on questions. He does. He's going to come down to the table where we have the phone. And then once he's done, we'll -- we have two parties in interest and their attorneys present, so we'll ask them if they have any questions after this as well.

Stand by one second for Mr. Mike Kucharski.

BY MR. KUCHARSKI:

Q. Hi. Good morning, Mr. Michalski.

A. Good morning, sir.

Q. Fascinating information on the NOAA PORTS system. And first some preliminary questions. You mentioned partners, as far as providing the air gap sensors. Could you tell us who those partners are?

A. In the Lower Mississippi it goes through the pilot association. And I believe all three of the pilot organizations

work together to fund the system, so the bar pilots, river pilots and Crescent City pilots.

Q. Oh, okay. Is that different -- it's pilots you mentioned there in the Mississippi River. Are there other partners, private -- are there private entities that provide the air gap sensors that you know of?

A. When you say provide the air gap, are you saying that we have PORTS partnerships, that they're funding the installation and maintenance of a air gap?

Q. Yeah. Exactly.

A. Is that the question?

Q. Yes. Yes. Sorry. Thank you, for --

A. (Indiscernible), yeah.

Q. Who actually --

A. Yeah. We have multiple different partners on, you know, both. We have areas that the partner's directly with the port itself. We have various others that it's with the pilots. We have some areas that the agreements are with other government organizations. We have a large number of different entities that we have agreements with for the PORTS systems.

Q. And they install the air gap sensor or they have somebody install it that they pay for it, and then they also provide the upkeep to the air gap sensor?

A. Yes. They fund the installation of the sensor. There's two main routes that we use: Where the partner will directly transfer

the funds to coop and we will actually handle all the contacting and the installation, operation and maintenance and everything, so we have four specific contractors that we use and are approved for installing and maintaining our PORTS systems. The other option is the partner could decide to directly contract out the installation or maintenance, and majority of them are using an approved contractor that coops approves, where they'll pay the contractor and handle all the contacting work themselves.

Q. Oh, okay. That's very enlightening. Thank you. And upkeep also, that's funded by the partners, upkeep to the air gap sensor?

A. Yes, sir. Yep. The continued operation and maintenance and upkeep, emergency maintenance as well as procuring, replacing equipment or new equipment is all responsibility of the partner.

Q. Do you ever see any costs associated with the installation of an air gap sensor? Do you have a sense for -- is it something like a $5, or do you have any sense for how much these cost to install?

A. That I do not know.

Q. Are you familiar with the Huey Long Bridge air gap sensor numbered 8762002 in your PORTS system?

A. Yes, I am.

Q. Great. Great. And I, just for those that are here, and for your knowledge, I have it pulled up right now in the tides and currents section of the -- of your PORTS system. And I'm looking at this, and I see that the Huey P. Long air gap, there are

different spans there, and it actually shows the exact location, I believe. Do you see the little arrow on the air gap, on the red light that has the arrows?

A. Yeah. That's correct.

Q. So that's actually where the air gap sensor is? Is that correct?

A. I do not know that answer.

Q. Well, do you see where it has a measurement, real time now, of 134.6 feet? Do you see that?

A. Correct.

Q. So you don't know if air gap sensor is located somewhere else and then it's providing a calculation for that?

A. Yeah. I'm not 100 percent sure whether that's the exact location of the air gap or a transferred elevation. That I cannot verify.

Q. But you see that this actual air gap -- or I'm sorry, where the arrow is pointing, is very close to one of the trestles or piers of the bridge. Do you see that?

A. Yes, I do.

Q. Okay. But that height is --

A. Which would be the measurement on the edge of the channel.

Q. On the edge. Okay. Great. And then below that, there's also air gap at Crescent City that's shown. Do you see that, too?

A. Yes, I do.

Q. And you see that the arrow and then a number next to it,

154.2 feet. Do you see that?
A. Yes, I do.
Q. And that's off to the side there. It looks like from the diagram it's on a lower curvature of the bridge there, it looks like it has some curvature to the bridge. Do you see that?
A. Yes, I do.
Q. So I didn't take the time to go through all the air gap sensors. I see your site has quite a few in there, at the different port pages. But I think you said that you're not aware of alternate spans. And want to sort of be careful. I don't know if you have access to any of the exhibits that were at this hearing?
A. I have access to a number of them, if you want to specify one.
Q. Yeah. It's --
A. I can look to see if I have any.
Q. Great, great. Thank you. It's the Sunshine Bridge, if you will, and I think that's Exhibit 11, is it? 8? Yes. I should know it by heart. It's Exhibit 8, page 11.
A. Page 11 of --
Q. Yes, sir.
A. I do have that. Just give me one second to just read it.
Q. Would you --
A. Sorry, page 11 of Exhibit 8?
Q. Yeah.

A. I have it.
Q. You have that pulled up now?
A. Yes, I do.
Q. Great. And you see the west span and you see the channel span there, located --
A. Correct.
Q. Yeah, and when we talk about alternate spans, there is actually a channel span listed here, which I know you weren't a part of it, but VTS said that these alternate spans are used for navigation. Huey P. Long has that also listed, and I believe the Highway 190 Bridge, which I don't think has an air gap sensor on it. But so, you're saying -- I don't think we all took the time to look over this, but for those -- that west channel span, that type, where it has the vertical clearances and everything, you haven't seen any of the installations where there were two air gap sensors, one for each of those channels?
A. Currently, to my knowledge, all our air gaps are single air gaps on the bridge, focused on the main navigation channel.
MR. KUCHARSKI: Okay. Great. That's what I wanted to find out. I have no further questions. Thank you. Very helpful. Thank you.
THE WITNESS: Thank you very much.
CDR MESKUN: Cooper, Mr. Jenkins?
MR. JENKINS: No questions.
CDR MESKUN: No questions.

MR. MILLER: No questions.

CDR MESKUN: No questions. Thank you.

Sir, you are now released as a witness from this formal marine casualty investigation. Thank you for your testimony and cooperation. If I later determine that this joint investigation team needs additional information from you, I will contact you through your counsel. If you have any questions about this investigation, you can contact the recorder, LT [redacted]

One thing to note, during this testimony we referred to the PORTS webpage for the NOAA and we were looking at the Huey P. Long Bridge. We did take a screenshot of the image that we were looking at, and we will mark that as IO Exhibit, I believe it's, 121 is the next one available Are there any objections from either party?

MR. JENKINS: No objection.

MR. MILLER: No objection.

CDR MESKUN: Thank you. The time is now --

UNIDENTIFIED SPEAKER: No objection.

CDR MESKUN: Thank you.

The time is now 10:51. We will return, we'll recess and return at 12:15. We are now off the record.

(Whereupon, at 12:15 a.m., the testimony was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:	*KRISTIN ALEXIS*/BARGE *MR. ERVIN* ALLISION WITH THE SUNSHINE BRIDGE DONALDSONVILLE, LOUISIANA OCTOBER 12, 2018 Interview of Michael P. Michalski
ACCIDENT NO.:	DCA19FM003
PLACE:	Gonzales, Louisiana
DATE:	May 10, 2019

was held according to the record, and that this is the original, complete, true and accurate transcript which has been transcribed to the best of my skill and ability.

[redacted]

Karen Coen Brooks
Transcriber