

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: MATTHEW LaGARDE  
Vice Chairman, TSAC

Lamar Dixon Expo Center  
Gonzales, Louisiana

Friday,  
May 10, 2019

## APPEARANCES:

CDR MATTHEW MESKUN, Lead Investigating Officer  
United States Coast Guard

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

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

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National Transportation Safety Board

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

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(On behalf of Marquette Transportation)

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P R O C E E D I N G S

(12:15 p.m.)

1  
2  
3 CDR MESKUN: The time is 12:15, and we will go back on the  
4 record. We'll call our next witness, Mr. Matt LaGarde.

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

7 MATTHEW LaGARDE

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

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

12 MR. LaGARDE: Matthew Loren LaGarde, L-a-G-a-r-d-e.

13 EXAMINATION

14 BY CDR MESKUN:

15 Q. Thank you, sir. I appreciate that. We're going to ask a  
16 serious of questions. If you don't understand what we ask, just  
17 ask us to reword it and we will. Or if you don't know the answer  
18 to the question, just state that you don't know.

19 Can you please describe to us what your background is, your  
20 experience, where you work, and river experience, I guess you  
21 could say.

22 A. I work for Ingram Barge Company currently. My current  
23 position is director of tank barge operations. I've been on the  
24 river since 1991. I started as a deckhand in the New Orleans  
25 fleets. I got my captain's license in around 1995 or so on the

1 Tombigbee River. I've run the Lower Mississippi, Ohio, Tennessee  
2 inland waterways on various size boats.

3 2005, I was asked to come shore side to help manage some boat  
4 operations. I spent about the next 5 or 6 years as a port  
5 captain, and later operations manager for a barge operation based  
6 out of the Convent area. So it's, you know, fairly close by.

7 I moved more into regulatory and compliance as well as safety  
8 and compliance. I still maintain my captain's license, serving  
9 with several area committees, and was a member of the Towing  
10 Safety Advisory Committee for 6 years for the Coast Guard, two 3-  
11 year consecutive terms.

12 Q. Okay. Thank you. Can you describe to us what the Towing  
13 Safety Advisory Committee is and what they do?

14 A. The Towing Safety Advisory Committee is a federally -- or a  
15 FACA committee that the Coast Guard has. Their task is to provide  
16 the Coast Guard with guidance and recommendations on information  
17 or tasks that the Coast Guard gives to the committee. So the  
18 committee is 18 members. There is a charter for that. It's a  
19 statutory committee. So it's established by law. And the Coast  
20 Guard will give the committee a task and ask us to work on it, and  
21 we'll provide recommendations back to them.

22 I rotated off the committee in 2017, I want to say, after a  
23 term limit of the two consecutive 3-year terms.

24 Q. And the members that make up the TSAC, what are their  
25 backgrounds? What are their experiences? What do they draw from?

1 A. They're -- it's various. There's two members of the general  
2 public. There's usually, there's a licensed mariner representing  
3 Inland Waters and Western Rivers; one for offshore. There's an  
4 engineer. It's located in the charter for the group. But there  
5 are several members of -- represent towing companies, some that  
6 represent shippers. So it's a pretty diverse group.

7 Q. Did the Coast Guard task TSAC to review a recommendation to  
8 establish criteria and identification of air draft for towing  
9 vessel and tows, Task 2013-10?

10 A. Yes, sir. In 2013, the group was asked to take a look at air  
11 draft incidents. The Coast Guard provided some data to the full  
12 committee. A subcommittee was stood up to review the task and  
13 take a look at the information provided by the Coast Guard and  
14 provide recommendations back.

15 Q. And do you recall, were you the co-chairman for that study?

16 A. Yes, sir. I was.

17 Q. Thank you. And just to get -- I think you briefly stated it,  
18 but what prompted that study?

19 A. The Coast Guard provided some MISLE data to the group with a  
20 number of air draft incidents over a period of time. Right about  
21 the time that the group was tasked with this there was a pretty  
22 serious incident in the New Orleans area, which kind of punctuated  
23 the need to take a look at it. So, you know, the Coast Guard  
24 provides the request to the committee to provide the feedback.

25 Q. Do you recall any of the details or the results of that study

1 for the overhead strikes?

2 A. For the -- I remember the conversations and the discussions  
3 that went on during the subcommittee, you know, work on the task  
4 statement. I am familiar with it.

5 Q. Perfect. Thank you. And you -- so that means you recall  
6 some of the details of the recommendations that were made?

7 A. Yes, sir.

8 Q. Mr. [REDACTED] has Exhibit Number 68 up. This is the actual  
9 final report. Is that the final report that you guys created?

10 A. Yes. That's the one that came off of the Homeport website,  
11 and I would assume that would be it.

12 Q. Thank you for that. Can you talk about some of the  
13 definitions. I just want to make sure that we're clear. We've  
14 been talking all week about a whole number of different things,  
15 very complex and technical in nature. But what is air draft?

16 A. So air draft essentially is the distance from the waterline  
17 of the vessel to the very uppermost vessel on a structure on a  
18 vessel. When we were looking at the task, we were going through  
19 the Coast Guard definitions and various federal regulations, and  
20 we didn't see a specific definition for air draft. So that was a  
21 recommendation to the Coast Guard that they define it in  
22 regulation.

23 Q. And this might be self-explanatory, but what is bridge  
24 clearance?

25 A. Bridge clearance is essentially the vertical clearance on a

1 fixed bridge or a movable bridge.

2 Q. And then what is air gap?

3 A. Air gap would be the distance between the top of the vessel  
4 and the lowest vertical clearance on the bridge.

5 Q. Are you familiar with safety alert 09-2014, this is a Coast  
6 Guard safety alert that was released, and it was titled "Air draft  
7 is critical! "? We have it listed as IO Exhibit No. 69.

8 A. I've probably seen it at some point. But I'm not super  
9 familiar with it, like just sitting here.

10 Q. Okay. And so then, do you know if this came out as a result  
11 of the TSAC's work on this overhead strike?

12 A. I couldn't speak to that. I don't know what the motivation  
13 behind it was.

14 Q. Thank you. Going on to the TSAC report --

15 CDR MESKUN: Can you pull that back up again, Exhibit No. 68?  
16 Can you move down to page 6 of 16?

17 BY CDR MESKUN:

18 Q. Can you please take a look at paragraph or task 1(b)? Can  
19 you read that paragraph out loud for everybody?

20 A. "Provide recommendations to the Coast Guard to identify  
21 potential solutions to prevent collisions between towing vessel  
22 and tows with structures due to lack of accurate air draft  
23 information available to the master or mate."

24 Q. And then down at the bottom of the page, what does paragraph  
25 (b) state?



1 A. "It is further recommended that these best management  
2 practices be included in the company's towing vessel safety  
3 management system or as part of their operating procedures for  
4 non-TSMS marine companies, as set forth with proposed regulations  
5 for Subchapter M. A company's TSMS or policy and procedures for  
6 non-TSMS marine companies should include a minimum safety factor  
7 to be added to the towing vessel's maximum air draft when  
8 calculating safe clearance. In the event that it appears overhead  
9 clearance is less than the vessel's air draft plus the safety  
10 factor will be encountered on any particular voyage, the towing  
11 safety management system or operating procedure for non-TSMS  
12 companies should require additional safeguards to be implemented.  
13 These safeguards could include, but are not limited to,  
14 requirements such as daylight transit only, physical verification  
15 of overhead clearances, additional crew, dead slow steerage speed,  
16 et cetera."

17 Q. Thank you. That was kind of a mouthful. A lot of  
18 information there. Can you kind of summarize like what is this  
19 minimum safety factor to be added? What is that referring to?

20 A. So from the discussions that we had with the committee, you  
21 know, two hallmarks of Subchapter M are voyage planning and risk  
22 assessment. So part of the risk assessment is to provide some  
23 cushion with regards to your calculations that, whether it's 5  
24 feet or 10 feet, whatever, some particular fudge factor, so to  
25 speak. And if you're going to incur into that space, then your

1 risk goes up so some additional mitigation strategy should be  
2 considered.

3 Q. So in a nutshell, is it safe to say to say that you should  
4 just leave a little extra space?

5 A. That's what the -- where the committee went with things. And  
6 with the discussions came "Should it be a fixed number?" But it  
7 really depends on the operating area. On certain areas it's  
8 normal to operate within, you know, 2 feet clearance of something;  
9 in others, it's not. So it just kind of depends on the operating  
10 area as far as what the fudge factor, so to speak, would be. But,  
11 yes, there should be some consideration for an allowable space  
12 and, if you're going to incur into that space, some additional  
13 mitigation strategy.

14 Q. So does that paragraph indicate -- the recommendation, does  
15 that indicate that that should be left up to the mariner to decide  
16 or whose responsibility is that?

17 A. The subcommittee believed, and the committee, as they adopted  
18 the report, believed that it should be incorporated into the  
19 safety management system.

20 Q. Okay. Thank you for that. On page 8 of the report, in Task  
21 3 of the final report there on page 8, it indicates some more  
22 information on the third paragraph down of Task 3. Can you read  
23 that for us?

24 A. "In such case, when a third-party unmanned vessel is to be  
25 towed, the responsibility to post or provide accurate air draft

1 information rests exclusively with the third-party owner, operator  
2 or charterer. Masters of towing vessels must be allowed to rely  
3 on the information provided and retain the authority without  
4 penalty not to proceed until reliable information is provided."

5 Q. Can you kind of recap or summarize some of the conversations  
6 that the committee had when creating that?

7 A. So the conversations with the subcommittee when we were  
8 discussing this tasking and recommendation were there is a point  
9 where the master cannot confirm the height of the tow. He should  
10 be provided with and should have posted in the wheelhouse the  
11 height of the towing vessel. If the tow is taller than the towing  
12 vessel, then the master at some point has to rely in the  
13 information provided to him. He may or may not be able to confirm  
14 the actual height. He has to take somebody's word for it.

15 If you talk about Coast Guard regulation, it's ultimately the  
16 master's responsibility in regulation to assess the height of the  
17 tow. If he can't positively identify it, he has to rely on that  
18 information. So the recommendation from the committee to the  
19 Coast Guard was to provide some method of indemnifying the captain  
20 for information he cannot personally confirm. He has to be able  
21 to take their word for it. If they say it's this tall, then he  
22 should be able to take their word for it.

23 Q. One last item to read, Task 3(b) on page 9, if you could  
24 please read that for us, as well.

25 A. "Towing vessel should be able to reasonably rely on the tow's

1 maximum air draft as posted or provided by the owner's charter.  
2 The towing vessel should not be expected, not be under any  
3 obligation to independently review or confirm air draft  
4 information posted or provided by others as herein recommended.  
5 The towing vessel master shall be deemed to have met the  
6 requirements of voyage planning by using the information posted or  
7 provided as the basis for air draft considerations, and shall not  
8 be deemed at fault for overhead allisions caused by inaccurate  
9 information provided."

10 Q. Same question for that one. Can you just describe some of  
11 the conversations that took place that made that?

12 A. It's along the same lines. If he asks the height or is  
13 provided with a height for the piece of equipment that is  
14 inaccurate, and the master did due diligence and did his voyage  
15 assessment and calculated his air draft clearance based off of  
16 inaccurate information, he should not be held accountable because  
17 he did what he was supposed to do.

18 Q. Thank you for that. You mentioned previously Homeport, this  
19 report was posted on Homeport. Do you know, what is Homeport?

20 A. Homeport is the U.S. Coast Guard website for disseminating  
21 information. All TSAC, Towing Safety Advisory Committees, in  
22 fact, all of the federal advisory committees that answer to the  
23 Coast Guard, their official reports are posted to that website.  
24 So any report to be considered a true TSAC final report, that's  
25 the source.

1 CDR MESKUN: Turn it over to Mr. Kucharski and Mr. [REDACTED]

2 Do you guys have any questions? Mr. [REDACTED]

3 BY MR. [REDACTED]

4 Q. Mr. LaGarde, you mentioned you served two terms. Can you  
5 describe how you get into those terms? Do you fill out an  
6 application, go through some type of vetting process? Do they  
7 just pick you?

8 A. Well, they'll post their request for applications for the  
9 federal advisory committees to the Federal Register. I think I  
10 applied a couple of times a year for I think 4 or 5 years before I  
11 was finally accepted. The first 3 years I served as the capacity  
12 of a credentialed master representing Inland and Western River  
13 mariners. My second 3-year terms was as a representative of  
14 towing companies. There is a vetting process that starts with the  
15 Coast Guard and goes through DHS. And eventually, my  
16 understanding is, White House clearance.

17 MR. [REDACTED] Thank you.

18 CDR MESKUN: Mr. Kucharski? Marquette, Mr. Miller?

19 MR. MILLER: No questions.

20 CDR MESKUN: Cooper, Mr. Jenkins?

21 MR. JENKINS: I have just a couple of very quick questions.

22 BY MR. JENKINS:

23 Q. Mr. LaGarde, my name's Scott Jenkins. I represent Cooper  
24 Consolidated. What, if any, is the relationship between the  
25 advisory committee report and the marine safety alert that existed

1 at the time that your group was assembled to do the report?

2 A. I don't have any knowledge of what the motivation behind the  
3 safety alert was. I don't know. I know the report was tasked to  
4 TSAC. We completed it on the timeline that the Coast Guard asked  
5 us to complete it on.

6 Q. Do you know the extent to which there are any inconsistencies  
7 between the task report and this marine safety alert on air draft?

8 A. No, sir.

9 Q. And the final report from the task committee was to -- was  
10 just posted on the Coast Guard's website?

11 A. Yes, sir. The report, once it is finalized by the  
12 subcommittee, is submitted to the full committee for approval.  
13 Once the full committee approves it, it is submitted to the Coast  
14 Guard for acceptance. Once the Coast Guard accepts it, they  
15 typically post the final reports to Homeport. But once the  
16 committee gives the report to the Coast Guard, it's the Coast  
17 Guard's report.

18 Q. And are you aware of any other means by which that was  
19 distributed to any people in the industry other than simply by  
20 posting it on that website?

21 A. I'm not aware of. I know the members of the subcommittee  
22 probably would've had email copies from that group, but the  
23 general acceptance is that the final reports, from that  
24 perspective, the source should be Homeport to make sure you're  
25 getting the accurate copy.

1 Q. And unless you were on that subcommittee, you wouldn't have  
2 gotten the email version of it?

3 A. Not that I'm aware of. No, sir.

4 Q. And you were reading some of the quotes from the report,  
5 looking at the obligations on the part of the vessel and the owner  
6 of the tow. And it seems to me that kind of the overall spirit of  
7 what you were trying to convey is you agree that the master is  
8 responsible for getting the air draft, and to the extent that he  
9 gets information or has the information that he needs, it's up to  
10 the master to ask those questions and get that information.

11 A. The master should have the information he needs to perform an  
12 adequate risk assessment and voyage plan. Whether he asks for it  
13 or is provided with it isn't really addressed in the report. It's  
14 mainly that the exchange of information takes place.

15 Q. And there may be instances though, where if a vessel's moved  
16 a particular tow before or that particular captain or master has  
17 the experience, that he may have it already. Do you agree?

18 A. That would be speculation.

19 Q. Do you agree that there may be instances where the vessel  
20 already has the information on the air draft of the tow?

21 A. I agree that it's a possibility.

22 MR. JENKINS: I have no further questions. Thanks.

23 CDR MESKUN: Thank you. Mr. Kucharski, follow-up questions?

24 BY MR. KUCHARSKI:

25 Q. I just want to be clear on that. If we look at that TSAC,

1 recommends on page 8 of this, that exhibit, and go down to (a) at  
2 the bottom of the page -- do you see that? It's page 8 of the  
3 PDF. This is a -- TSAC recommends that the owners, charterers of  
4 unmanned vessels such as barges, drill rigs, be responsible for  
5 providing accurate information. That was the recommendation?

6 A. Yes, sir.

7 Q. And do you know if any of these recommendations, the owners  
8 or the charterers of unmanned vessels such as barges, was that  
9 recommendation -- did the Coast Guard follow that and make any  
10 regulations or put anything in the C.F.R.s on that, if you know?

11 A. I'm not aware of any regulatory requirement that took place  
12 as a result of this, other than the requirement for air draft to  
13 be a consideration for voyage planning and/or passage planning  
14 that worked its way into Subchapter M.

15 MR. KUCHARSKI: Thank you.

16 CDR MESKUN: Thank you, Mr. LaGarde. Appreciate your  
17 testimony. You are now released as a witness from this formal  
18 marine casualty investigation. Thank you for your testimony and  
19 cooperation. If I later determine that this joint investigation  
20 team needs additional information from you, I will contact you  
21 through your counsel. If you have any questions about this  
22 investigation, you may contact the recorder, LT [REDACTED]

23 The time is now 12:40, and we'll take a 15-minute recess.

24 Off the record.

25 (Whereupon, at 12:40 p.m., the testimony was concluded.)



CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

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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.



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Karen Coen Brooks  
Transcriber