

NATIONAL TRANSPORTATION SAFETY BOARD

In the Matter of:

ALLISION WITH STATEN ISLAND
 FERRY TERMINAL MAINTENANCE
 PIER AT ST. GEORGE'S,
 STATEN ISLAND, NEW YORK BY THE
 FERRY ANDREW J. BARBERI on
 OCTOBER 15, 2003

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DCA-04-MM-001

Thursday,
 October 16, 2003

Staten Island Ferry Terminal
 St. George, Staten Island, NY

INTERVIEW OF:

RICHARD TOLIVER

PRESENT: BILL WOODY
 MORGAN TURRELL

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P R O C E E D I N G S

MR. TURRELL: We are here, it is Friday, October 17. We are going to be interviewing Mr. Toliver, the Operations Group, NTSB.

And Mr. Toliver, if you would start with first name and last name, and spell it, please.

MR. TOLIVER: Richard Toliver, T-O-L-I-V-E-R.

MR. TURRELL: And how old are you, sir?

MR. TOLIVER: Thirty two.

MR. TURRELL: How long have you worked for the ferries?

MR. TOLIVER: Since 1997.

MR. TURRELL: Okay. And what do you do for the Staten Island Ferries?

MR. TOLIVER: I am a deck hand.

MR. TURRELL: Okay. And what are your duties as deck hand, tell us what you do?

MR. TOLIVER: On the Barberi?

MR. TURRELL: Yes, sir.

MR. TOLIVER: I am the bridge man. I work the Jersey side, I am in charge of clean up the Staten Island wheel house, the top level Jersey side of the boat, say the announcements when we enter the slip. I take down flags at night.

MR. TURRELL: And is this written down

1 somewhere for your procedure that you are given or is
2 this word of mouth?

3 MR. TOLIVER: It was passed onto me as soon as
4 I got hired, you know, when I had that job. Everybody
5 on the boat has different duties.

6 MR. TURRELL: Okay. And before you worked the
7 ferries, can you tell us what your background or
8 maritime training, how long you have been in the
9 industry?

10 MR. TOLIVER: I was in the Navy for three
11 years. I worked at MSC, Maritime Sea and Command, PAC,
12 on the West Coast for a year. I worked on a tug for a
13 couple of weeks.

14 MR. TURRELL: Okay. And I would like you to
15 start with the morning, Wednesday morning, when you
16 woke up, tell us what time you woke up and take us
17 through that day, and give as much detail as you can
18 about the things you saw, who you saw, where you were,
19 noises you may have heard, things that were out of the
20 ordinary, and just go ahead and start from when you
21 woke up?

22 MR. TOLIVER: On Wednesday morning I woke up
23 at seven, getting my daughter ready for school. I left
24 the house by 8:05. I get home by, I get back home at
25 about 8:20, 8:25. After that, I made breakfast for me

1 and my wife. And then I walk her to the bus because
2 she goes to school, to a school. After that, just
3 watch TV, do whatever it is until it is time to get
4 ready for work.

5 MR. TURRELL: Okay.

6 MR. TOLIVER: Which is, I start getting ready
7 at 11:30, I am out of my door by 12:15. Catch the
8 12:25 train. I get off at Bowling Green Train Station
9 at about 12:44, 12:45. Was walking, you know, walking
10 from Bowling Green Station to Whitehall Ferry Terminal.

11 A gentleman asked me for instructions to get
12 somewhere. I got to the terminal, caught the one
13 o'clock boat. I rode the boat over. Got into St.
14 George at about 1:27. I talked around with a couple of
15 co-workers, didn't make it to the clock in time, 1:30
16 to punch in, so, but I got to the boat and, I got onto
17 the Barberi at 1:30. I had the first lookout, the
18 bridge man has the first lookout, so, I went, after I
19 put my book down and I took my jacket off, I went to
20 the New York end, to start my lookout. The Captain
21 were up there, the Assistant Captain came up there.
22 Mate Rush, no, excuse me, not Mate Rush, Mate Hyde came
23 up there, there was a little altercation earlier, Mate
24 Hyde and Deck hand Danny Ennis, got into a little
25 altercation. The Captain called John Molen, the

1 Captain said that he would like Danny Ennis back on the
2 boat, because Mate Hyde had told him that he would have
3 to leave the boat for their little altercation. So,
4 after that, we trolled to Manhattan. After we pulled
5 in, I do my regular duties, go downstairs clean, you
6 know, make my announcements.

7 Coming back to Staten Island, that is when I
8 signed in, because every deck hand has to sign in. The
9 Assistant Captain Richie Smith, everything was fine,
10 you know, regular conversation. We were talking about
11 the Yankees, you know. The Captain came over, we
12 continued over to Staten Island. As we entered Staten
13 Island, the same procedure, you know, the Staten Island
14 speech, downstairs to clean, you know, and then I am
15 off for count. We start the 2:30 trip, which the
16 deck -- ourselves. At that time I am on the bridge
17 deck, you know, doing my cleaning, walking around,
18 observing passengers, you know, on each level. I walked
19 around, throughout the boat. We pull in at three
20 o'clock to Whitehall, 2:55, you know, same routine.

21 We pull out to head back to St. George, I am
22 walking around, you know, on the deck, you know,
23 picking up garbage, regular routine, saying hello to
24 passengers that I see every day. Got me a cup of soda.
25 And just walking around. And at the actual time of the

1 crash, I was on the main deck, heading to go use the
2 bathroom. And I, usually how I know when it is time
3 for me to say my speech is that the captain or the
4 assistant captain, whichever way we were going, backs
5 down on the engines, you know, when you are on the
6 boat, you can tell, you hear it. So, as when I was
7 going down to the bathroom, I didn't get to the
8 bathroom, I made the corner to go towards the stall, I
9 had heard the crash, boom. So, I heard the crash and I
10 noticed, being that I didn't hear the engines back
11 down, I knew that we wasn't close to pulling in. So,
12 I am assuming that a boat hit us. And after the boom,
13 I am nervous and then I could hear the metal or the
14 pier cutting through the boat. So, I am scared. I am
15 down there, the first thing that pops through my mind,
16 because I am thinking a boat hit us, that water is
17 going to be flooding in.

18 So, when I run upstairs, because where the
19 bathroom is downstairs to the engine room to the left,
20 when I ran upstairs, I caught the end of the pier
21 tearing the boat, because when I came out that is the
22 side that was tearing, tearing up. So, I mean, it
23 wasn't that close to me, so, I took off running. I ran
24 upstairs to the bridge deck and people were going to
25 crazy. There was chaos going on. I am telling

1 everybody to put their life jackets on, put life
2 jackets on. Trying to help people, as many people as
3 possible don life jackets while I am running, telling
4 them to put life jackets on.

5 Then it dawned on me that, seeing that the
6 boat was being cut, that maybe the saloon deck was
7 doing to fall down to the main deck, so I ran back down
8 to the saloon deck, to tell everybody to get from the
9 Jersey side to the Brooklyn side. And as I was
10 running telling people that, I bumped into one of the
11 saloon deck guys, who was directing traffic and there
12 was a body right there, with no head. And there was a
13 lot of chaos going on, people trying to take pictures,
14 you know, I am telling them, I am cursing at them to,
15 telling them not to take no pictures, back up, listen.

16 And then a passenger must have come from the main
17 deck, said there is a lot of people hurt down there on
18 the main deck.

19 So, I went to go to run back up the bridge
20 deck, to notify the Captain or whoever I seen first, at
21 the Staten Island end and I was going down there to
22 assist down there on the main deck, and I seen the
23 Assistant Captain, Richie Smith, he came out, he went
24 downstairs, and he must have seen the body, the body
25 that had no head, because as soon as you go down the

1 stairs, when you start down, that is what you see. He
2 ran back up, I didn't even say nothing to him. I
3 didn't say nothing to him. He ran back into the wheel
4 house, and that was the last that I seen of him. After
5 he ran into the wheel house, a cop showed me his badge,
6 and he said, do you need help? And I said, yes, make
7 sure these people don't go down here. I am going to
8 run downstairs to the main deck and help. And when I
9 went down to the main deck, there were body pieces and
10 stuff all over the place. But, at that time the boat
11 was swinging around. I don't know who was driving, was
12 swinging around and put the Manhattan end in so we
13 could get help from the fire department and all that.
14 But, it was, after I seen the couple of corpses, I was
15 no good no more, you know, it is not something you want
16 to see every day. The fire department and everybody
17 came on and that was that.

18 MR. TURRELL: Okay. Very good.

19 Stepping back just a moment here, you
20 mentioned that you were walking around with your
21 partner.

22 MR. TOLIVER: No, I was walking around by
23 myself.

24 MR. TURRELL: By yourself.

25 MR. TOLIVER: I wasn't with my partner.

1 MR. TURRELL: Okay.

2 MR. TOLIVER: Yes.

3 MR. TURRELL: Can you tell us specifically, we
4 are trying to map out some of the injuries in the other
5 group as to where some of the injuries occurred, can
6 you tell specifically where you saw this body, the
7 decapitated passenger, where, can you give me --

8 MR. TOLIVER: It was on the Staten Island end,
9 on, if you were to come on the boat from the main deck,
10 you walk up only two flights of stairs, it was right
11 there. There was no more stairs, it was just rumble,
12 and the body was right there.

13 MR. TURRELL: So, that would be between the
14 saloon deck and the main deck?

15 MR. TOLIVER: No, more closer to the saloon
16 deck.

17 MR. TURRELL: Okay.

18 MR. TOLIVER: It was more closer, it was up
19 top.

20 MR. TURRELL: Okay. At any time did you hear
21 any, any announcements or fire emergency announcements
22 at all?

23 MR. TOLIVER: None. We have -- number one to
24 say, you know, we are entering St. George, Whitehall,
25 all passengers are reminded to -- I am the one that

1 says that, but there was no horn or speech going on.

2 MR. TURRELL: Okay.

3 MR. TOLIVER: Saying that there was going to
4 be a collision.

5 MR. TURRELL: Where is that public address
6 system that you use, where is that location at?

7 MR. TOLIVER: There is one in each wheel
8 house.

9 MR. TURRELL: So when you make the
10 announcements, you have to go up the wheel house.

11 MR. TOLIVER: Yes.

12 MR. TURRELL: In your normal routine, coming
13 into Staten Island, would you have gone to the New York
14 pilot house or the --

15 MR. TOLIVER: I always go to the opposite end,
16 because --

17 MR. TURRELL: The unoccupied --

18 MR. TOLIVER: It is easy for me to clean,
19 because they passengers are getting off on that end, so
20 I go to the opposite and say the announcements.

21 MR. TURRELL: Okay.

22 MR. TOLIVER: Except for when I look out, I am
23 already there.

24 MR. TURRELL: Okay. And you described to us
25 where you were, on the main deck, heading to the

1 restroom.

2 MR. TOLIVER: Yes.

3 MR. TURRELL: Which side?

4 MR. TOLIVER: That is the Jersey side.

5 MR. TURRELL: Jersey side.

6 MR. TOLIVER: Yes.

7 MR. TURRELL: And closer to which end, the New
8 York or the Staten Island end?

9 MR. TOLIVER: The New York end, closer to the
10 New York end.

11 MR. TURRELL: Okay. And can you recount to us
12 just at the moment of the accident until the minutes
13 after the accident, which crew members you saw and if
14 you can tell us where you saw them?

15 MR. TOLIVER: Everybody was running all over
16 the place. One crew member on the saloon deck, and
17 then there was --

18 MR. TURRELL: Do you remember who that crew
19 member was?

20 MR. TOLIVER: That was Billy Greenwood.

21 MR. TURRELL: Okay.

22 MR. TOLIVER: And then, most the guys were on
23 the main deck.

24 MR. TURRELL: And can you tell us, can you
25 tell us who you didn't see or can you tell us who you

1 did see for sure?

2 MR. TOLIVER: Everything was --

3 MR. TURRELL: Okay. Let me ask you perhaps,
4 did you see the Mates, Mr. Rush and Mr. Hyde?

5 MR. TOLIVER: Yes, Rush had a first aid, no, I
6 don't know if it was a first aid or the defibulator,
7 but, he had one of them.

8 MR. TURRELL: Okay.

9 MR. TOLIVER: And I saw the back of Hyde, he
10 was attending somebody.

11 MR. TURRELL: Okay.

12 MR. TOLIVER: So, yes, I did see both Mates.

13 MR. TURRELL: And did you see Mr. Ennis?

14 MR. TOLIVER: Yes, I seen Mr. Ennis, he, I
15 guess he was throwing up, he was sick, you know, a lot
16 of trauma.

17 MR. TURRELL: Okay. Can you elaborate on the
18 alleged altercation or disagreement shall I say between
19 Mr., between the two parties? Can you tell us what
20 that was about? What your knowledge of it was in more
21 detail?

22 MR. TOLIVER: Oh, Mr. Hyde had, now this up in
23 the wheel house, Mr. Hyde said he, said to Danny Ennis
24 that the crew that was relieved said that he forgot to
25 close the windows because it rained the night before.

1 And I guess Danny Ennis maybe had a bad day or
2 whatever, bad morning, got a little loud. This is what
3 they were saying.

4 MR. TURRELL: I don't necessarily, just the
5 information that you know, the facts.

6 MR. TOLIVER: Okay. That is what they were
7 saying up in the, you know, Hyde came up to the wheel
8 house, the Captain called him up there and that is what
9 Hyde said.

10 MR. TURRELL: And this is Captain?

11 MR. TOLIVER: Gansas.

12 MR. TURRELL: Gansas. Okay.

13 He called Mr. Hyde up to the wheel house.

14 MR. TOLIVER: Yes.

15 MR. TURRELL: Okay. And what did Captain
16 Gansas tell Mr. Hyde?

17 MR. TOLIVER: He just asked him what happened,
18 you know, how come you asked Deck Hand Ennis to leave
19 the boat. And Hyde said --

20 MR. TURRELL: Do you know of any resolution to
21 that matter? What finally --

22 MR. TOLIVER: Danny, the Captain spoke and
23 Danny Ennis came back on the boat.

24 MR. TURRELL: I am going to turn it over now
25 to Captain Ryan here and start some questions.

1 UNIDENTIFIED SPEAKER: During your lookout,
2 who would be in the pilot house?

3 MR. TOLIVER: The Captain and the Assistant
4 Captain.

5 UNIDENTIFIED SPEAKER: Okay.

6 UNIDENTIFIED SPEAKER: I have got kind of a
7 rough drawing here. The passage that you were pointing
8 to, the restroom, but, the main deck, you were on the
9 main deck going, going to go down to the engine room?

10 MR. TOLIVER: Yeah, well, there is, it is not
11 in the engine room, it is to the side, I was going, you
12 know, it is the same door.

13 UNIDENTIFIED SPEAKER: Where the employees go
14 or --

15 MR. TOLIVER: No, no, no. Yes, excuse me,
16 the employees go there, only employees, no passengers.

17 UNIDENTIFIED SPEAKER: Okay. So that is down,
18 which side, the New Jersey side?

19 MR. TOLIVER: Jersey, yes, the other side,
20 they have got a --

21 UNIDENTIFIED SPEAKER: Okay. And then if you
22 look at it sideways here, there are stairs that go up
23 here, is that, would this be the main deck, between the
24 saloon deck and the bridge --

25 MR. TOLIVER: The bridge deck.

1 UNIDENTIFIED SPEAKER: The bridge deck and it
2 would be actually the deck up here and then the pilot
3 house is up here, correct?

4 MR. TOLIVER: Yes.

5 UNIDENTIFIED SPEAKER: The body was down here?

6 MR. TOLIVER: Yeah, right there.

7 UNIDENTIFIED SPEAKER: Right here. On the
8 route that goes down or how is that, stairs that come
9 up?

10 MR. TOLIVER: Yeah, the stairs right there.

11 UNIDENTIFIED SPEAKER: So in this area here.

12 MR. TOLIVER: Yes.

13 UNIDENTIFIED SPEAKER: Okay.

14 UNIDENTIFIED SPEAKER: I don't have any
15 questions right now.

16 MR. TURRELL: Captain, do you have a follow up
17 question?

18 UNIDENTIFIED SPEAKER: When you saw Rich, did
19 he try to assist anybody or did he just walked --

20 MR. TOLIVER: He ran down the stairs, like I
21 said, and when he came back up, he said, the passengers
22 out on the weather deck, outside, he went out there, he
23 said something, I don't know, I guess maybe he was
24 trying to calm some people, I don't know the exact
25 words or whatever and then he went back upstairs.

1 UNIDENTIFIED SPEAKER: Were those people
2 bloody, do you remember?

3 MR. TOLIVER: No, nobody, nobody upstairs that
4 I saw was bloody.

5 UNIDENTIFIED SPEAKER: Okay.

6 UNIDENTIFIED SPEAKER: About how long --
7 trying to calm people down and --

8 MR. TOLIVER: I don't know the exact time. I
9 don't know.

10 UNIDENTIFIED SPEAKER: A few minutes? --

11 MR. TOLIVER: No, no blood, no.

12 UNIDENTIFIED SPEAKER: And did you see Captain
13 Gansas at all?

14 MR. TOLIVER: No.

15 UNIDENTIFIED SPEAKER: That day.

16 MR. TOLIVER: No, oh, that day? Yes, on the
17 lookout, yes. On the lookout.

18 UNIDENTIFIED SPEAKER: Did you see him at the
19 time of the impact at all?

20 MR. TOLIVER: No.

21 UNIDENTIFIED SPEAKER: You had the first
22 lookout, you said?

23 MR. TOLIVER: Yes.

24 UNIDENTIFIED SPEAKER: Okay. And that is the
25 trip going where, describe that?

1 MR. TOLIVER: The trip is, I mean, the
2 lookout, every deck hand has a lookout for an hour,
3 from Staten Island to Manhattan and back to Staten
4 Island, Manhattan back to Staten Island, every deck
5 hand.

6 UNIDENTIFIED SPEAKER: And during that one
7 hour, were both captains present?

8 MR. TOLIVER: Yes.

9 UNIDENTIFIED SPEAKER: How did they seem to
10 you?

11 MR. TOLIVER: Fine. Actually we were talking
12 about the Yankee game, because Mike Gansas is a Boston
13 Red Sox fan and Smith is a Yankee fan. And we were
14 all, you know, excited about the game.

15 UNIDENTIFIED SPEAKER: Excited about the
16 upcoming game.

17 MR. TOLIVER: Yeah, everything was normal, you
18 know, we were, we asked each other what we wanted to
19 eat for lunch. We were going to order. Tony's Brick
20 Oven, you know, and just normal, normal day.

21 UNIDENTIFIED SPEAKER: Now on the second trip,
22 coming back, before the crash happened, to right after
23 the crash, you saw the captain and the assistant
24 captain --

25 MR. TOLIVER: No.

1 UNIDENTIFIED SPEAKER: How did he seem to you
2 then?

3 MR. TOLIVER: Well, he was fast, you know, he
4 ran by, went downstairs, came back up.

5 UNIDENTIFIED SPEAKER: Did you have any
6 conversation with him?

7 MR. TOLIVER: No.

8 UNIDENTIFIED SPEAKER: Thanks.

9 UNIDENTIFIED SPEAKER: How did he run
10 downstairs, if the stairs were --

11 MR. TOLIVER: No, the stairs that were
12 collapsed was from the main deck to the saloon deck,
13 the ramp, saying stairs, the ramp. There is a ramp.

14 UNIDENTIFIED SPEAKER: Okay. From the bridge
15 deck goes --

16 MR. TOLIVER: He went down the ramp and then
17 the first stairs. And then, you know --

18 UNIDENTIFIED SPEAKER: And then came back.

19 MR. TOLIVER: Yes.

20 UNIDENTIFIED SPEAKER: Came back up. But, by
21 then you had already been down and up.

22 MR. TOLIVER: I was down --

23 UNIDENTIFIED SPEAKER: You went down and saw
24 the body.

25 MR. TOLIVER: Yeah, yes. Yes, I had seen the

1 body.

2 UNIDENTIFIED SPEAKER: That same body as, when
3 he came back up, and then, when he came back up he went
4 back up to the pilot house.

5 MR. TOLIVER: I am, he, I don't know if he
6 actually saw the body, because when I was out on the
7 bridge deck, he went down the ramp. Now, to go down
8 them stairs, you make a left and right. So, he went, I
9 don't know whether it was left or right, he went, for
10 all I know he could have been standing right there, but
11 he went and then he came back up.

12 UNIDENTIFIED SPEAKER: And when was it that he
13 was helping to direct people?

14 MR. TOLIVER: After that.

15 UNIDENTIFIED SPEAKER: On the bridge deck?

16 MR. TOLIVER: On the bridge deck.

17 UNIDENTIFIED SPEAKER: And where did he direct
18 them, people were coming up from down --

19 MR. TOLIVER: No, no, no. They were already up
20 on the bridge deck. There were already people up
21 there.

22 UNIDENTIFIED SPEAKER: Okay. And he was
23 directing them out onto the weather deck.

24 MR. TOLIVER: He said, I don't know if he was
25 directing but he spoke to a group that was right there.

1 UNIDENTIFIED SPEAKER: At the ramp.

2 MR. TOLIVER: The weather deck, no, the
3 weather deck.

4 UNIDENTIFIED SPEAKER: Near the weather deck.

5 MR. TOLIVER: Yes.

6 UNIDENTIFIED SPEAKER: And then, okay, then
7 where did he go?

8 MR. TOLIVER: He went back upstairs.

9 UNIDENTIFIED SPEAKER: He went back up to the
10 wheel house.

11 UNIDENTIFIED SPEAKER: The weather deck, you
12 are talking about outside where the big windows are.

13 MR. TOLIVER: Yes, yes.

14 UNIDENTIFIED SPEAKER: Okay. Go through the
15 door there. Did he go out where the benches are and --

16 MR. TOLIVER: Yeah, yeah.

17 UNIDENTIFIED SPEAKER: The big windows are out
18 there.

19 UNIDENTIFIED SPEAKER: Oh, okay, now I know.

20 UNIDENTIFIED SPEAKER: Not, yeah, up in the --
21 area.

22 UNIDENTIFIED SPEAKER: Right, right.

23 UNIDENTIFIED SPEAKER: Do you see where those
24 people went, did he direct them somewhere?

25 MR. TOLIVER: No. I didn't see where they, you

1 know, I wasn't really paying attention like that, you
2 know.

3 UNIDENTIFIED SPEAKER: Okay. And during the
4 time when you had the lookout.

5 MR. TOLIVER: Yes.

6 UNIDENTIFIED SPEAKER: Both captains were in
7 the wheel house for the entire transit?

8 MR. TOLIVER: Yes.

9 UNIDENTIFIED SPEAKER: Gansas and Smith going
10 to New York.

11 MR. TOLIVER: Yes.

12 UNIDENTIFIED SPEAKER: And going back, at that
13 point who was at the controls?

14 MR. TOLIVER: Mike Gansas always drives to New
15 York and Richie Smith always drives to Staten Island.

16 UNIDENTIFIED SPEAKER: So, the New York run,
17 Gansas is at the controls.

18 MR. TOLIVER: Yes.

19 UNIDENTIFIED SPEAKER: And Richie was there
20 for the whole time?

21 MR. TOLIVER: Yes.

22 UNIDENTIFIED SPEAKER: And the second lookout,
23 coming back.

24 MR. TOLIVER: I am not up there on the second
25 run.

1 UNIDENTIFIED SPEAKER: No, I mean, your
2 second, the first lookout but --

3 MR. TOLIVER: Going to Staten Island, yes.

4 UNIDENTIFIED SPEAKER: Going back to -- You go
5 up to Staten Island pilot house.

6 MR. TOLIVER: Yes.

7 UNIDENTIFIED SPEAKER: And they were both
8 already there.

9 MR. TOLIVER: No, Richie Smith was already
10 there, because he has to take the boat out, but after
11 Mike Gansas gives him the controls, like he walks over.

12 UNIDENTIFIED SPEAKER: Okay. And then when
13 they started up, started the transit, they both were
14 there?

15 MR. TOLIVER: Yes.

16 UNIDENTIFIED SPEAKER: All the way --

17 MR. TOLIVER: Yes.

18 UNIDENTIFIED SPEAKER: -- to --

19 MR. TOLIVER: To when I -- Yes.

20 UNIDENTIFIED SPEAKER: Okay. When you make
21 your public address announcement, everybody advises
22 everyone that you were approaching.

23 MR. TOLIVER: Yes.

24 UNIDENTIFIED SPEAKER: What, what, how do you
25 know when to do that? What is the, the one thing you

1 can feel the boat, you sense the boat powering down.

2 MR. TOLIVER: Yes, when you are on the boat,
3 you feel, when they cut the throttle back, they usually
4 do that around the KB buoy, and by the castle -- around
5 in there.

6 UNIDENTIFIED SPEAKER: So that signals you,
7 you go to the opposite wheel house.

8 MR. TOLIVER: Opposite wheel house, yes.

9 UNIDENTIFIED SPEAKER: And you make your
10 public address announcement?

11 MR. TOLIVER: Yes.

12 UNIDENTIFIED SPEAKER: How much time until you
13 next, when you first hear the engine slow down and you
14 go make the announcement, how much time before the boat
15 ties up?

16 MR. TOLIVER: I don't, I really don't know. I
17 guess it depends on, how many minutes, I can't say. I
18 never timed it, to say how many minutes. Usually the
19 boat, the boat is suppose to pull in, just 10 minutes
20 prior to, if it is the 2:30 boat, the boat gets in at
21 2:20, five minutes to offload, five minutes to load,
22 and then it leaves at 2:30. But, actually --

23 UNIDENTIFIED SPEAKER: You don't know.

24 MR. TOLIVER: As me saying what time, I mean,
25 how long it takes.

1 UNIDENTIFIED SPEAKER: Yes, from when the
2 engine slows --

3 MR. TOLIVER: No, I don't know. I don't know
4 that.

5 UNIDENTIFIED SPEAKER: But, on this occasion,
6 just before the collision, when the collision did
7 occur, you were down on the main deck in the men's
8 room.

9 MR. TOLIVER: Yes, yes. I didn't use it, I
10 was getting ready to go use it.

11 UNIDENTIFIED SPEAKER: Okay. But, you were
12 down on the main deck.

13 MR. TOLIVER: Yes.

14 UNIDENTIFIED SPEAKER: And you were inside the
15 men's room.

16 MR. TOLIVER: I didn't, when you go down the
17 stairs, you make a left, there is a hallway, then you
18 make another left, and the bathroom is in the back. I
19 didn't, I just got to the hallway when the impact, when
20 it impacted.

21 UNIDENTIFIED SPEAKER: And that is towards,
22 what side of the boat?

23 MR. TOLIVER: That is the Jersey side, the
24 side that got hit.

25 UNIDENTIFIED SPEAKER: And the men's room is

1 towards the stern or to the --

2 MR. TOLIVER: Towards the New York end or
3 towards the wheel house.

4 UNIDENTIFIED SPEAKER: Which would be -- The
5 New York side.

6 MR. TOLIVER: Yes.

7 UNIDENTIFIED SPEAKER: It is below the main
8 deck also.

9 MR. TOLIVER: Yes.

10 UNIDENTIFIED SPEAKER: You go down below the
11 main --

12 MR. TOLIVER: Yes.

13 UNIDENTIFIED SPEAKER: And were you, how far
14 did you get?

15 MR. TOLIVER: I walked down the stairs, and I
16 was in the hallway.

17 UNIDENTIFIED SPEAKER: Below the main deck
18 then?

19 MR. TOLIVER: Yes.

20 UNIDENTIFIED SPEAKER: Okay. Then had to come
21 back up to the main deck.

22 MR. TOLIVER: Yes.

23 UNIDENTIFIED SPEAKER: Okay.

24 UNIDENTIFIED SPEAKER: Did Mr. Ennis make the
25 first trip to Manhattan that day?

1 MR. TOLIVER: No.

2 UNIDENTIFIED SPEAKER: Or was he off the boat?

3 MR. TOLIVER: He was, no, he didn't make the
4 first trip.

5 UNIDENTIFIED SPEAKER: He was physically off.

6 MR. TOLIVER: Yes.

7 UNIDENTIFIED SPEAKER: He came back on the
8 second trip.

9 MR. TOLIVER: Yes.

10 UNIDENTIFIED SPEAKER: Okay. Thank you.

11 MR. TURRELL: Bill Woody, go ahead.

12 MR. WOODY: Okay. Sure. You talked about
13 Captain Smith going down and then you believe he may
14 have seen something that caused him to go right back
15 up, and you speculated it might have been the body.
16 How far up were you aware if he went? You said went
17 back up, but do you know where he went to?

18 MR. TOLIVER: He went back up to the wheel
19 house.

20 MR. WOODY: Did you see go him into the wheel
21 house?

22 MR. TOLIVER: I seen him opening the door.

23 MR. WOODY: Okay.

24 MR. TOLIVER: That door is only up to the
25 wheel house.

1 MR. WOODY: Okay. So, you were then standing
2 on the bridge deck at that time?

3 MR. TOLIVER: Yes.

4 MR. WOODY: Okay. Just curious about that.

5 Just a question for information, you said
6 that you went to your locker, is your locker down below
7 the main deck?

8 MR. TOLIVER: No, I went the bathroom. I was
9 going to the bathroom.

10 MR. WOODY: No, no, no, when you first came on
11 the boat.

12 MR. TOLIVER: Oh, no, I don't, I was hanging
13 my jacket up in the officers locker room. They have
14 hooks there.

15 MR. WOODY: Oh, I see. Okay. Where are the
16 officers locker room located?

17 MR. TOLIVER: That is on bridge deck.

18 MR. WOODY: Okay.

19 MR. TOLIVER: Yes.

20 MR. WOODY: I have no questions.

21 MR. TURRELL: Okay. Have you known a captain
22 on your time with the ferries to leave the wheelhouse
23 during transit?

24 MR. TOLIVER: Gansas or Smith?

25 MR. TURRELL: Well, a captain, any captain?

1 MR. TOLIVER: Oh, no, no, no.

2 MR. TURRELL: Have you known that Gansas or
3 Smith ever leave the wheel house during transit?

4 MR. TOLIVER: No.

5 MR. TURRELL: Is it abnormal to do that in
6 your experience?

7 MR. TOLIVER: I didn't hear --

8 MR. TURRELL: Would it be abnormal for a
9 captain to do that?

10 MR. TOLIVER: Oh, yes, very abnormal.

11 MR. TURRELL: So your understanding that two
12 were always suppose to be there during the transit.

13 MR. TOLIVER: Yes. They always are.

14 MR. TURRELL: Did you ever participate in any
15 drills or emergency drills or any kind with the ferries
16 and when was the last drill you participated in?

17 MR. TOLIVER: We do that, well, not for no
18 disaster like what happened.

19 MR. TURRELL: No, just in general.

20 MR. TOLIVER: Yeah, we have drills every week.

21 MR. TURRELL: When was the last drill that you
22 participated in?

23 MR. TOLIVER: The night before.

24 MR. TURRELL: Okay. And can you describe that
25 drill and what it was?

1 MR. TOLIVER: That Tuesday is the steering and
2 the anchor drill.

3 MR. TURRELL: And what did you do during that
4 drill, what was your role in that?

5 MR. TOLIVER: Well, the steering drill I, that
6 is mostly for upstairs in the wheel house.

7 MR. TURRELL: Okay.

8 MR. TOLIVER: But, the anchor drill we take
9 out the line, and we get the anchor ready just in case
10 something happens and we have to discharge the anchor.

11 MR. TURRELL: I know some crew members have
12 radios, were you, did you have a radio with you?

13 MR. TOLIVER: No, I didn't have a radio that
14 day. But, there is one radio for each deck.

15 MR. TURRELL: Okay. Do you know of any one or
16 anything that could contribute to this investigation,
17 any, anything that you think we should be looking at,
18 that, any person that might help us or seen something
19 that would assist us?

20 MR. TOLIVER: No. None whatsoever.

21 MR. TURRELL: I have no more questions. I
22 will say that most likely we will follow up with some
23 people on the interviews. I just want to let you know
24 that we may contact you in the future for a follow up
25 with some questions.

1 UNIDENTIFIED SPEAKER: Did you see Jerry, was
2 he up on the bridge, Jerry Belfiore?

3 MR. TOLIVER: Jerry Belfiore, yes, earlier,
4 you know, when we left for the, when we left out of
5 Manhattan to go to Staten Island, yeah, I saw him up on
6 the deck while I was sweeping, before I started walking
7 around the boat, yes.

8 UNIDENTIFIED SPEAKER: There are two deck
9 hands up there, right, yourself?

10 MR. TOLIVER: Yeah, each deck is two deck
11 hands.

12 UNIDENTIFIED SPEAKER: And how do -- area of
13 responsibility, what is your area of responsibility?

14 MR. TOLIVER: Well, there is a Jersey side and
15 a Brooklyn side. Each deck hand has a side, you know,
16 and I have the Staten Island end wheel house, and he
17 has the New York end wheel house.

18 UNIDENTIFIED SPEAKER: Okay. And during the
19 transit, did you see Jerry?

20 MR. TOLIVER: Yes, yes.

21 UNIDENTIFIED SPEAKER: Can you describe what
22 he was doing?

23 MR. TOLIVER: His job, sweeping, picking up
24 garbage, you know, sweeping and picking up garbage.
25 That is it.

1 UNIDENTIFIED SPEAKER: Where you over at the
2 snack bar at any point?

3 MR. TOLIVER: I went to go to get me a soda,
4 yes.

5 UNIDENTIFIED SPEAKER: Did you see Jerry?

6 MR. TOLIVER: At that particular time? No.

7 UNIDENTIFIED SPEAKER: Did you see him at the
8 snack bar?

9 MR. TOLIVER: No, absolutely at the snack bar,
10 in the snack bar, no. I didn't see him at the snack
11 bar.

12 UNIDENTIFIED SPEAKER: Is there a life
13 preserver locker up there near the snack bar?

14 MR. TOLIVER: Oh, yeah, on both sides.

15 UNIDENTIFIED SPEAKER: Right.

16 MR. TOLIVER: My side and the other side,
17 sliding doors.

18 UNIDENTIFIED SPEAKER: Right.

19 MR. TOLIVER: Yes.

20 UNIDENTIFIED SPEAKER: Were you there, were
21 you at that locker?

22 MR. TOLIVER: You mean during the crash?

23 UNIDENTIFIED SPEAKER: No, during --

24 MR. TOLIVER: No.

25 UNIDENTIFIED SPEAKER: At any time?

1 MR. TOLIVER: No, you could walk right by it,
2 there is one on each side.

3 UNIDENTIFIED SPEAKER: There are two.

4 MR. TOLIVER: Yes. Two, on each side.

5 UNIDENTIFIED SPEAKER: On the side there is a
6 trans bulk head and then it goes this way.

7 UNIDENTIFIED SPEAKER: So if you are on your
8 side, you can only see the one on your side.

9 MR. TOLIVER: Yes. I can't see the other
10 side.

11 UNIDENTIFIED SPEAKER: So, you can't see what
12 is on the other side.

13 MR. TOLIVER: No, no.

14 UNIDENTIFIED SPEAKER: You didn't happen to
15 see Jerry over on that side?

16 MR. TOLIVER: Not around that locker, no,
17 because when you go into the snack bar, you still
18 can't see the sliding doors, which you are talking
19 about. If I am in the snack bar, I can't see that.

20 UNIDENTIFIED SPEAKER: Okay. During the trips
21 do you ever hang out together or --

22 MR. TOLIVER: Yeah, we talk, talk about the
23 Yankees.

24 UNIDENTIFIED SPEAKER: Stuff like that.

25 MR. TOLIVER: Yeah, talk about the Yankees,

1 yes.

2 UNIDENTIFIED SPEAKER: During this trip, going
3 over?

4 MR. TOLIVER: No.

5 MR. TURRELL: One more question before Bill.

6 The life jackets distribution of the
7 passengers, what, can you, can you tell us more about
8 the distribution of life jackets to the passengers? Is
9 this something they start on their own or was this
10 something the crew realized that there was a problem
11 and started distributing life jackets or telling
12 passengers to get into them? What do you know about
13 that?

14 MR. TOLIVER: Well, when I was running
15 through, most of the passengers had, you know, they are
16 under seats, there is some in them sliding doors, you
17 know, and people was putting them on.

18 MR. TURRELL: Okay. I have no more questions.
19 I will just regroup here. Thanks.

20 UNIDENTIFIED SPEAKER: On your lookout trip.

21 MR. TOLIVER: Yes.

22 UNIDENTIFIED SPEAKER: Captain Smith on the
23 way back to Staten Island, was he standing there or was
24 he sitting down?

25 MR. TOLIVER: I can't recall.

1 UNIDENTIFIED SPEAKER: What do most of the
2 captains do?

3 MR. TOLIVER: Every captain does something
4 different, you know.

5 UNIDENTIFIED SPEAKER: How about reading, does
6 any of them, who all was on the bridge, first off?

7 MR. TOLIVER: Say that again now?

8 UNIDENTIFIED SPEAKER: Who was on the in pilot
9 house with you, you?

10 MR. TOLIVER: Going back to Staten Island?

11 UNIDENTIFIED SPEAKER: Yes.

12 MR. TOLIVER: Me, the captain and the
13 assistant captain.

14 UNIDENTIFIED SPEAKER: Okay. Anybody reading?

15 MR. TOLIVER: No.

16 UNIDENTIFIED SPEAKER: Any talk going on?

17 MR. TOLIVER: Yes, we, you know, again the
18 Yankees.

19 UNIDENTIFIED SPEAKER: Okay. Okay.

20 MR. TURRELL: Bill Woody is going to ask some
21 human performance questions. The Safety Board likes to
22 compile information about human performance and
23 fatigue.

24 MR. TOLIVER: Okay.

25 MR. WOODY: Okay. Are you in good health?

1 MR. TOLIVER: Yes.

2 MR. WOODY: Are you taking any prescription
3 medications?

4 MR. TOLIVER: None.

5 MR. WOODY: Okay. Under the care of a doctor?

6 MR. TOLIVER: Excuse me?

7 MR. WOODY: Are you under the care of a
8 doctor?

9 MR. TOLIVER: No.

10 MR. WOODY: No. Do you take any over the
11 counter drugs like, you know, something for cold or hay
12 fever or any aspirins.

13 MR. TOLIVER: No.

14 MR. WOODY: And you wear glasses.

15 MR. TOLIVER: No, these are shades.

16 MR. WOODY: These are shades, okay.

17 Now, did you work Sunday?

18 MR. TOLIVER: No, I did not.

19 MR. WOODY: Okay. When is the first day you
20 worked?

21 MR. TOLIVER: Tuesday.

22 MR. WOODY: Tuesday. Okay. Okay. Prior to
23 Tuesday, when was the last day you worked?

24 MR. TOLIVER: Friday. We are off Saturday,
25 Sunday and Monday.

1 MR. WOODY: Okay. Monday night, the last day
2 you were off, what time did you go bed that night? As
3 far as going to sleep and getting some rest.

4 MR. TOLIVER: About 12, about 12, yeah, say 12
5 o'clock.

6 MR. WOODY: Okay. And you got up at what time?

7 MR. TOLIVER: Seven in the morning. Getting
8 my daughter ready for school.

9 MR. WOODY: You told us about that.

10 MR. TOLIVER: Yes.

11 MR. WOODY: And that was Tuesday.

12 MR. TOLIVER: Yes.

13 MR. WOODY: And then you went to work, was it
14 one o'clock, 1:30.

15 MR. TOLIVER: I left the house at about, I
16 leave the house at 12:15, 12:20.

17 MR. WOODY: All right. You told us about your
18 typical day. But, that particular day, so, we have got
19 the Wednesday --

20 MR. TOLIVER: Okay.

21 MR. WOODY: So you left the house at 12:15 to
22 go to work.

23 MR. TOLIVER: Yes. Catch the train, yes.

24 MR. WOODY: Catch the train. What train is
25 that again?

1 MR. TOLIVER: -- train.

2 MR. WOODY: You live in Manhattan or --

3 MR. TOLIVER: Brooklyn.

4 MR. WOODY: You live in Brooklyn. From
5 Brooklyn, the 12:15 train. And I know you said you
6 went to Bowling Green, you transferred and then you,
7 okay.

8 MR. TOLIVER: I don't transfer. Bowling Green
9 is the stop you get off and I walk, walk to the
10 Whitehall.

11 MR. WOODY: You walk to the --

12 MR. TOLIVER: To the Whitehall.

13 MR. WOODY: Okay. Thank you.

14 (Pause.)

15 MR. WOODY: Now were you don the ferry at
16 Whitehall, was the start of your day?

17 MR. TOLIVER: No, my day doesn't start until
18 1:30, when I catch the one o'clock boat.

19 MR. WOODY: So you catch the one o'clock boat
20 and you get over to begin your work assignment.

21 MR. TOLIVER: Yes.

22 MR. WOODY: Okay. And did you make it on time
23 Tuesday, you said you were late on Wednesday?

24 MR. TOLIVER: Tuesday, yes.

25 MR. WOODY: On Tuesday you were on time.

1 MR. TOLIVER: Yes.

2 MR. WOODY: You swiped on time.

3 MR. TOLIVER: Yes.

4 MR. WOODY: Okay. I think that is all I have.

5 Do you have any maritime training precisely on the job
6 with the company?

7 MR. TOLIVER: What do you mean maritime
8 training?

9 MR. WOODY: Well, I mean, any particular
10 maritime schools or --

11 MR. TOLIVER: No, no.

12 MR. WOODY: No. In fact there is an SAU
13 school for --

14 MR. TOLIVER: Nothing like that.

15 MR. WOODY: Okay. And so when you, let's see,
16 I know we asked you, when did you, how long have you
17 been with Ferries?

18 MR. TOLIVER: I have been at Staten Island
19 Ferry? August of 1996.

20 MR. WOODY: Right.

21 MR. TOLIVER: Yes.

22 MR. WOODY: Okay. I think that is all I have.

23 Thank you very much.

24 UNIDENTIFIED SPEAKER: I just want to ask
25 you one more question.

1 MR. TOLIVER: Yes.

2 UNIDENTIFIED SPEAKER: Why do you think the
3 crash happened, do you have any idea how it happened?

4 MR. TOLIVER: No, I don't. I mean, I am just
5 as shocked as everybody else. Richie Smith and Mike
6 Gansas are great men. I would work with them any day
7 of the week, time of the year, you know. I don't know
8 what happened. No.

9 MR. TURRELL: Okay. That is all, this
10 concludes our interview. And I thank you.

11 (Whereupon, the interview was concluded.)