

NATIONAL TRANSPORTATION SAFETY BOARD

In the Matter of: *
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 *
 ALLISION WITH STATEN ISLAND *
 FERRY TERMINAL MAINTENANCE * DCA-04-MM-001
 PIER AT ST. GEORGE'S, *
 STATEN ISLAND, NEW YORK BY THE *
 FERRY ANDREW J. BARBERI on *
 OCTOBER 15, 2003 *
 *

Thursday,
October 16, 2003

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

INTERVIEW OF:

ROBERT RUSH

PRESENT: BILL WOODY
MORGAN TURRELL

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P R O C E E D I N G S

MR. TURRELL: Good morning. I am Morgan Turrell with the NTSB. I am the Group Chairman for Operations.

Would you please state and spell your name, your first and last name?

MR. RUSH: Robert Rush, R-U-S-H, middle initial P.

MR. TURRELL: Okay. And we are going to record this for to ensure the accuracy of the interview. Do you mind?

MR. RUSH: No, sir.

MR. TURRELL: Okay. Thank you.

We are going to start out asking a few questions, that is basic about yourself and then we will go around the table and ask some more broader questions. And I appreciate you being here and giving testimony for the Safety Board.

First of all, can you tell us how long you have worked for the ferries?

MR. RUSH: Going on 12 years, 11 and a half.

MR. TURRELL: Okay. And how old are you now?

MR. RUSH: Fifty six.

MR. TURRELL: And can you describe your position on this particular vessel that day?

1 MR. RUSH: My position is working as mate on
2 that particular vessel, on that day.

3 MR. TURRELL: Okay. And can you describe your
4 general duties as assigned as a mate onboard the vessel
5 that day?

6 MR. RUSH: My general duties as a mate that
7 day, primarily supervising deck hands, and female
8 attendants. Hooking up and letting go of the boat on
9 the New York end, opening the gates for the passengers.
10 And just general ensuring of safety of the passengers.

11 MR. TURRELL: Okay. Can you tell me what your
12 emergency station is or your emergency, your muster
13 station, what your emergency duties would be?

14 MR. RUSH: Report to the scene of the
15 emergency, and act under the direction from the Master
16 and supervise deck hands at the scene of the emergency.

17 MR. TURRELL: Okay. And how would the Master
18 typically communicate with you during the emergency?

19 MR. RUSH: By radio.

20 MR. TURRELL: By radio.

21 And did you have a radio that day?

22 MR. RUSH: Yes, sir.

23 MR. TURRELL: Did you, at any time during the
24 the accident hear anyone on the radio that day? Was
25 there normal communication on that radio? Did that

1 work, seemed to be working?

2 MR. RUSH: Was the radio working at the time,
3 yes.

4 MR. TURRELL: Okay. And specifically where you
5 at, at the approximate time of the incident?

6 MR. RUSH: I was in the Staten Island pilot
7 house.

8 MR. TURRELL: Okay. And can you tell me
9 approximately what time that was?

10 MR. RUSH: To the best of my recollection, it
11 was 15:20.

12 MR. TURRELL: Stepping back, just if you can,
13 describe that day from the time you woke up and just
14 step us through the process of that day, events leading
15 up to reporting to work, one and a half trips leading
16 up to the accident, and just in your own narrative
17 describe what happened?

18 MR. RUSH: On the day --

19 MR. TURRELL: On Wednesday.

20 MR. RUSH: From waking up.

21 MR. TURRELL: From waking up on Wednesday and
22 reporting to work. And just from there, take a
23 narrative and what you witnessed.

24 MR. RUSH: Right up to the accident.

25 MR. TURRELL: Right up to the accident.

1 MR. RUSH: Okay. It started out as a normal
2 day, got up, made my coffee, watched a little morning
3 news. I went to the Dollar Store to get toothpaste or
4 whatever and showered. Started on my way to work.
5 Stopped at Munchbonos(ph), to pick up lunch for the day
6 and proceeded to work. And swiped in.

7 MR. TURRELL: Okay. And take us from that
8 point when you swiped in, just continue your narrative,
9 telling us what you did, the trips prior. As much
10 detail as you can, describing.

11 MR. RUSH: Okay. I always arrive to work
12 early. I am not a minute man as they say. I went and
13 switched, grabbed my, you know, keys, shoulder boards,
14 clothes and work hat from my locker. And once the boat
15 had arrived for the change of shift, which brought it
16 to 13:30. I reported onboard. And you always check
17 the list to see who is going to be onboard and make
18 sure you have a full compliment of deck hands, you
19 know, prior to departing. And we established we had
20 everybody that was on the crew list was there. And
21 without any eventful thing, the boat departed on time
22 or maybe a minute late for the 13:30 trip out of Staten
23 Island.

24 MR. TURRELL: Okay.

25 MR. RUSH: And that trip was completed, back

1 to Staten Island for the 14:30, uneventful to
2 Whitewall, depart Whitewall for the 1500 trip.
3 Everything was normal.

4 Can I stop one second?

5 MR. TURRELL: Sure.

6 MR. RUSH: And ask a question?

7 MR. TURRELL: Sure.

8 MR. RUSH: So now I will go into detail of
9 everything that happened from departing Whitewall, 1500
10 until --

11 MR. TURRELL: Okay.

12 MR. RUSH: Is that fine?

13 MR. TURRELL: Go ahead.

14 MR. RUSH: So, after departing Whitehall for
15 the 1500 trip, which is my usual routine, which
16 consists of taking a patrol around the boat to make
17 sure everything is under the normal conditions that,
18 you know, no problem arising. And I would say roughly
19 halfway across, I knew I had to do some work orders.
20 Should I be specific in the work orders I was planning
21 to write?

22 MR. TURRELL: Please, please. As much detail
23 as you can provide would be great.

24 MR. RUSH: The wind was blowing a gale that
25 day. One of the doors on the saloon deck, Staten

1 Island end, New Jersey side, had slammed as the door
2 check had come loose from the door, itself and had
3 popped the spot welds. To go further, these doors were
4 replacement doors. They weren't the original from the
5 boat, where they had an accident in the past, where the
6 aprons had hit the doors and destroyed, the facility
7 built new doors. So, the spot welds on the door was
8 separating from the plate, the glass was about to fall
9 out and the door was basically coming apart.

10 MR. TURRELL: Sure.

11 MR. RUSH: The trip before I spoke to the
12 Chief Engineer Mattingan, sorry, I left that out, about
13 it. There was no means to lock this door so if
14 somebody opened it, and kept slamming. It was slamming
15 violently. There was risk of injury if somebody got
16 their hand involved. So I got a piece of, a small
17 stuffed line, actually it this is the trip before,
18 also, sorry.

19 MR. TURRELL: Okay.

20 MR. RUSH: And I gave to Deck Hand Felch, so
21 he could secure the two doors closed while the boat was
22 underway. And then upon arrival into Staten Island,
23 he could unleash it, open so the passengers could get
24 on.

25 So, with that in mind, I had already spoken

1 to the Chief. He knew about that. But, the other
2 doors, some of the door checks were either worn or
3 needed adjustments. And in that wind, as a passenger
4 went outside, the door was slamming violently. So, I
5 was going to write that up as a work order.

6 MR. TURRELL: Okay.

7 MR. RUSH: Deck Hand Felch had reported the
8 day previously that he was having problems with one of
9 his gates, I believe it was the New York end. So, I
10 was going to write that up, because the wheel was
11 jamming. You had to drag it and it was stiff to
12 operate. So, with that in mind, it was a safety
13 issue, which I had written up previously and nothing
14 happened on the platform, which, because it embarks
15 from one of the offshore -- Pier B-2. There is a
16 platform which has been built to step off the gangway
17 onto the boat and then there will be metal stairs
18 attached. The pin to hold the platform in the up
19 position while we are tying the boat up, because the
20 lines, the crimp of the lines were beneath it.

21 MR. TURRELL: Okay.

22 MR. RUSH: Had, was missing and the hinge,
23 which you would secure with the pin through the safety
24 secure the platform in the upright position was so it
25 was rusted. So, I wanted to get that done, because I

1 almost got hit in the head previously. So, I wanted to
2 write that up also.

3 And I think there was one of the fixtures,
4 Ms. Harvey, the matron, had pointed out with the lights
5 flicking on and off and it might have been the ballast,
6 the ballast can go. I am not an electrician, but it
7 was something that, you know, should be discussed.

8 So, I went up to the Staten Island pilot
9 house, and basically sat down on the settee and was
10 thinking about these things, everything was uneventful.

11 MR. TURRELL: Do you know what rough time this
12 was?

13 MR. RUSH: Rough time?

14 MR. TURRELL: At what point the voyage?

15 MR. RUSH: At what point, I would say
16 somewhere maybe a little bit pass the 28 buoy or half
17 way across, I mean, I didn't specifically check to see
18 where --

19 MR. TURRELL: Okay. Approximately --

20 MR. RUSH: Yes. -- figuring when I get in, I
21 am going to write the reports to have the boat, there
22 was a lot of vibration and you know, it is tough to
23 write. And everything uneventful. The lookout was
24 Deck Hand Felch, who was at the deck, points where
25 approaching the KV , passing it -- requested permission

1 to go below. It was acknowledged. Felch went below
2 to open up and hook up this thing. And I was just
3 sitting there thinking, not, you know, paying attention
4 to what the pilot was doing. Nothing seemed out of the
5 ordinary and bang. I thought the boat had struck a
6 submerged object. The only way I can describe it was
7 bmm, bmm, bmm, like heavy vibration, with the loud
8 noise. So, with the, at that point, I jumped up, and
9 saw Smith, how should I refer to him?

10 MR. TURRELL: However you like. However you
11 refer to him as --

12 MR. RUSH: Okay. I jumped up, and at that
13 point he goes, Jesus, you know, loud exclamation,
14 Jesus, he yelled it. I saw his right hand came back on
15 the thrust control to full -- and then on, you know,
16 looking and see where we were at that moment and total
17 shock. He pulled stern and was operating the wheel,
18 since the boat was then aiming towards B-2 south and
19 the Cosgrove, which more --

20 Right around this point, the boat was
21 stopped. There was maybe a 45 degree angle between the
22 two piers. Captain Gansas comes through the Brooklyn
23 side pilot house door, and "Oh, my God, what happened?"
24 Or something to that effect. At this point, Captain
25 Gansas said, Bobby, go downstairs, and see what is

1 happening.

2 MR. TURRELL: Okay.

3 MR. RUSH: Continue on.

4 MR. TURRELL: Please.

5 MR. RUSH: At this point, as I walked out the
6 pilot house door, the people are in general panic,
7 running up to me, what happened, what happened? And I
8 said, stay calm, you know, everything is okay. We will
9 get it straighten out. And made my way towards the
10 New York end. To this day, I don't know why I was,
11 basically people were coming to me from that direction,
12 I think it is the only way or reason I did that. I
13 know, it was instinct at this point. I get down,
14 downstairs on the New York end, to the saloon deck, and
15 I see people coming off the main deck in a panic. I
16 went down to the main deck then, and seen the
17 destruction and then basically did what I could to
18 assist whoever I could. And instructed the crew
19 members as they came by.

20 And might I say here, the crew did an
21 outstanding job under the horrendous tragic
22 circumstances. And every one of them basically went
23 above and beyond that day. And also Mate Doyle, who
24 was onboard, coming across to work and he was a great
25 help and deserves recognition.

1 MR. TURRELL: He was off duty.

2 MR. RUSH: On duty.

3 MR. TURRELL: A ferry employee.

4 MR. RUSH: Yes, sir.

5 MR. TURRELL: Okay. So, you went to the main
6 deck, and describe what you saw, describe the confusion
7 across the passengers, what you saw?

8 MR. RUSH: Anyone that was ambulatory,
9 injured, walking, were making their way up and out.
10 There were many good Samaritans that were attending to
11 the injured. There was people dead, as I arrived
12 there, one person decapitated. There were people with
13 double amputations of the disembowelment. I had some,
14 I had a U.S. certified EMT training over 20 years ago
15 when I was with the Master Mates and Pilots Union. So,
16 I started doing whatever I recalled from the training,
17 and attempted some triage, wound up using my belt and
18 gripping straps off life preservers, to help with
19 tourniquets, where in reality, very little was needed
20 because you knew that the amputations, with very little
21 bleeding, I guess that is the trauma of it, sealed the
22 arteries or whatever. We did what we could to comfort
23 and help and --

24 When the boat finally pulled in, I was
25 directing oncoming EMS people to the most critically

1 injured that were alive.

2 MR. TURRELL: Take us to that moment there,
3 you said when the vessel was making an approach to
4 redock, before you got passengers off, take us to that
5 process of the vessel docking, if you will?

6 MR. RUSH: It was --

7 MR. TURRELL: After the accident.

8 MR. RUSH: After the accident.

9 MR. TURRELL: Right. Just after the accident,
10 how --

11 MR. RUSH: There was a tugboat standing by to
12 assist. I don't recall the name of the tugboat. One
13 of the engineers had mentioned to shut down the Staten
14 Island propulsion system and use only the New York, so
15 they worked the boat around, the New York end because
16 of the damage on the Staten Island end of the vessel.
17 And the boat pulled in and the EMS and everyone was
18 waiting for the boat at that moment. Once they got in,
19 I directed the EMS to most critically injured that were
20 still alive. And basically there was a path on the,
21 the way the boat was docked at this time, as you are
22 coming on the boat, the left side of the boat was clear
23 and the other side was full of debris and seats were
24 impassable for the gurneys. So, then the firemen came
25 in and started moving the aisles and --

1 MR. TURRELL: Who helped you tie up, secure
2 the vessel at that point? Do you remember who helped
3 you?

4 MR. RUSH: There were, coming in was more than
5 enough people there. I don't recall who --

6 MR. TURRELL: Were they employees?

7 MR. RUSH: They were employees. There weren't
8 a lot of people on the main deck and at, you know, some
9 point, I instructed deck hands to get everybody that
10 was not involved and not too injured to the upper deck,
11 so the emergency personnel could board the vessel and
12 got in.

13 MR. TURRELL: Okay. Can you describe the, did
14 you hear any alarms, bells, announcements, did you hear
15 anything during this process? Any announcements being
16 made by either captain, was there an attempt made to
17 notify passengers by announcement or bells or --

18 MR. RUSH: No general alarm was sounded.
19 Early on, after impact, I had used my radio calling the
20 pilot house, didn't get a response. And I heard mate
21 call pilot house over the thing. I went to the working
22 telephone on the New York end and called them to, you
23 know, give them an appraisal of the situation.

24 MR. TURRELL: Okay. When you first came down
25 to the scene, tell us what you saw, just when you came

1 to the scene of the, which would be the Staten Island
2 end, what the damage was? Can you tell us which
3 employees you saw?

4 MR. RUSH: Definitely. Eddie Piazza --
5 Sylvester.

6 MR. TURRELL: Anyone else?

7 MR. RUSH: Those were the first that I saw
8 initially.

9 MR. TURRELL: And where were they?

10 MR. RUSH: They were on the main deck
11 attempting to assist the victims.

12 MR. TURRELL: The main deck, not the saloon,
13 but the main deck.

14 MR. RUSH: The main deck.

15 MR. TURRELL: Main deck.

16 MR. RUSH: As far as I can recall was the
17 first I saw. And then over pass the two climbs,
18 everything was happening rapidly. I did see all of the
19 other deck hands at one point or another. I remember
20 sending one for the defibulator. I don't recall which
21 one at that point.

22 MR. TURRELL: Okay.

23 MR. RUSH: I grabbed the defibulator at one
24 point from the New York end locker.

25 MR. TURRELL: Did you get a chance to use that

1 all?

2 MR. RUSH: No, the people that were in cardiac
3 arrest at the time had injuries so severe, it was a
4 matter of triage at that point.

5 MR. TURRELL: Did you see any engineers?

6 MR. RUSH: Yes.

7 MR. TURRELL: Can you tell us which engineers
8 you saw?

9 MR. RUSH: The ones I specifically remember
10 was Chief Cavella, Trevor, and Pete something or other,
11 I know he is Russian or Greek.

12 MR. TURRELL: Okay. I am going to stop the
13 interview here. There is a fire drill. I will suspend
14 this interview right now, we will go into the hallway,
15 and when they are done, we will go in and finish.

16 (Off the record.)

17 MR. TURRELL: This interview is reconvening
18 after a fire drill. It is Friday, October 17, 11:10.
19 We are going to reintroduce some members of the party.

20 This is Morgan Turrell, Group Chairman for
21 Operations. Starting on my left.

22 DETECTIVE HOGGY: My name is Detective Anthony
23 Hoggy, NYPD.

24 MR. JOHNSON: I am Dave Johnson with the Human
25 Performance, NTSB.

1 MR. COX: Charles Cox -- Marine Inspector.

2 MR. MORALDO: Robert Moraldo, Department of
3 Transportation.

4 DETECTIVE WOOD: Detective Jeffery Wood, NYPD.

5 MR. WOODY: Bill Woody, NTSB, Human
6 Performance Group Chairman.

7 MR. TURRELL: Okay. We will reconvene the
8 interview with Robert Rush, the Mate on the ferry on
9 the date of the accident.

10 And I am going to turn the questioning over
11 to NYPD Officer Carmello. I am sorry, Captain Ryan, go
12 ahead.

13 UNIDENTIFIED SPEAKER: Do you remember, before
14 the accident, were you, did you see Richie --

15 MR. RUSH: The last time I actually, you know,
16 observed was when the lookout -- was leaving for -- The
17 time that I was in the pilot house, they were having a
18 normal, you know, little bit of chat, you know, there
19 is a vessel, there is a vessel, you know, everything
20 seemed totally normal.

21 UNIDENTIFIED SPEAKER: From that point to the
22 collision did you observe Richie?

23 MR. RUSH: For lack of a better word, was just
24 relaxing, chilling out, once somebody is making an
25 approach, you don't talk to them, you don't want to

1 distract them. And I didn't observe anything out of
2 the ordinary.

3 UNIDENTIFIED SPEAKER: You saw -- that is what
4 I am asking you, he was in -- the time of the
5 collision.

6 MR. RUSH: I am not, no, I turned my head
7 around. I was just like relaxing at the time, I did
8 not notice anything out of the ordinary until the
9 moment of impact.

10 UNIDENTIFIED SPEAKER: You said that you were
11 out there with Selz(ph) was up there, -- was up there.

12 MR. RUSH: Yes, sir.

13 UNIDENTIFIED SPEAKER: Captain Gansas was
14 nowhere in the pilot house at that time?

15 MR. RUSH: No, sir.

16 UNIDENTIFIED SPEAKER: And you had been up
17 there, how long with Selz, approximately?

18 MR. RUSH: Five, ten minutes.

19 UNIDENTIFIED SPEAKER: And --

20 MR. RUSH: Somewhere in between.

21 UNIDENTIFIED SPEAKER: During the entire time
22 it was just the three of you on the bridge?

23 MR. RUSH: Yes, sir.

24 UNIDENTIFIED SPEAKER: Is that normal?

25 MR. RUSH: Not so much normal. Sometimes the

1 Captain is there the entire trip, sometimes they are
2 there on the docking, sometimes, you know --

3 UNIDENTIFIED SPEAKER: Captain Gansas came to
4 the pilot house you stated after the collision.

5 MR. RUSH: Yes, sir.

6 UNIDENTIFIED SPEAKER: What did he immediately
7 do?

8 MR. RUSH: It was, you know, he was distressed
9 obviously, he was like, "Oh, my God, what happened?"
10 And at that point, the boat was basically stopped
11 within, between the two piers, and he told me to go,
12 you know, below and to assess.

13 UNIDENTIFIED SPEAKER: He had taken over
14 control at this point?

15 MR. RUSH: He was along side Smith and the
16 boat was, you know, basically stopped at that point.
17 So, he, you know, got in the position where he could
18 control the boat at that point.

19 UNIDENTIFIED SPEAKER: What was Smith doing?

20 MR. RUSH: He was totally freaked out.

21 UNIDENTIFIED SPEAKER: Did he say anything
22 or --

23 MR. RUSH: I don't recall any conversations
24 other than, "Oh, Jesus, oh, my God", you know, just
25 sheer distress.

1 UNIDENTIFIED SPEAKER: And prior to you
2 leaving to go to see the conditions, did anybody come
3 up?

4 MR. RUSH: Any other person?

5 UNIDENTIFIED SPEAKER: Did any other persons
6 come up to the pilot house?

7 MR. RUSH: Not that I recall.

8 UNIDENTIFIED SPEAKER: Okay. And your normal
9 position would have been on the Brooklyn side of the
10 New York end main deck.

11 MR. RUSH: If the boat was pulling into New
12 York to hook up, yes, sir.

13 UNIDENTIFIED SPEAKER: Yes. Okay. And at this
14 point you were at the end of the pilot house on the
15 Staten Island side, trying to do work orders.

16 MR. RUSH: I was there to write them up as
17 soon as we got in. I was just thinking about them, and
18 chilling out, unfortunately.

19 UNIDENTIFIED SPEAKER: Okay. I have nothing
20 else.

21 UNIDENTIFIED SPEAKER: Mr. Rush, when you
22 first went into the pilot house, Mr. Smith was at the
23 controls.

24 MR. RUSH: Yes, sir.

25 UNIDENTIFIED SPEAKER: Was Mr. Selz also

1 present in the pilot house?

2 MR. RUSH: Yes, sir.

3 UNIDENTIFIED SPEAKER: Okay. Was there any
4 conversation?

5 MR. RUSH: Some idle chit chat.

6 UNIDENTIFIED SPEAKER: --

7 MR. RUSH: No, but, you know, everything
8 seemed normal.

9 UNIDENTIFIED SPEAKER: How was Mr. Smith's
10 demeanor?

11 MR. RUSH: He seemed in a good mood, not
12 agitated, nothing out of the ordinary.

13 UNIDENTIFIED SPEAKER: And you spoke with him
14 earlier in the day before the vessel left.

15 MR. RUSH: We had spoken at one point during
16 the day. I don't recall the exact point of he was
17 talking about getting a hotel in the city for weekends,
18 I guess, during the holiday time, you know, Rockefeller
19 Center, and the tree. And he seemed, you know, just,
20 he was no different than any other day that I observed.
21 He just seemed totally normal.

22 UNIDENTIFIED SPEAKER: When Mr. Selz left, it
23 was just yourself and Mr. Smith in the pilot house.
24 Did you have a conversation with him then?

25 MR. RUSH: No, sir.

1 UNIDENTIFIED SPEAKER: Not at all. And he was
2 at the controls.

3 MR. RUSH: Yes, sir.

4 UNIDENTIFIED SPEAKER: Okay.

5 MR. RUSH: Standing.

6 UNIDENTIFIED SPEAKER: Standing.

7 MR. RUSH: He basically never sat down. He
8 would always gear the boat standing up.

9 UNIDENTIFIED SPEAKER: Okay. Did you, as a
10 result of the crash, did you get hurt in the pilot
11 house?

12 MR. RUSH: No, sir.

13 UNIDENTIFIED SPEAKER: No bleeding, nothing
14 like that.

15 MR. RUSH: No, the only problem I had, which I
16 went to the hospital after I was released by everyone,
17 injured for my neck years back, stabilize with physical
18 therapy. At one point I tripped, caught myself, I
19 think I might have whipped lashed myself. Just the
20 stress and adrenaline situation, my neck was really
21 bothering me. And I went to SIU after the crash for
22 neck pain and trauma.

23 UNIDENTIFIED SPEAKER: Did you ever notice Mr.
24 Smith received any injuries as a result of the crash?

25 MR. RUSH: No, sir.

1 UNIDENTIFIED SPEAKER: Did you see him with
2 any blood on him?

3 MR. RUSH: No, sir.

4 UNIDENTIFIED SPEAKER: You came back to the
5 pilot house, you didn't see Mr. Smith at that time.

6 MR. RUSH: I didn't return to the pilot house
7 until after EMS and fire department emergency workers
8 had arrived. There was a good amount of time in
9 between because I was still trying to direct the
10 emergency workers to the ones most seriously injured
11 but alive. Once things calmed down and emergency
12 workers had the situation under control. After Captain
13 Morgan at one point was directing the crew members and
14 myself to get the guys, put them over on the Brooklyn
15 side of what was the Staten Island end, safely by the
16 entrance doors, you know, because the boat was turned
17 around. On the Jersey side, just congregate there,
18 because they wanted to sort things out, get a head
19 count and all this stuff. While I was going around the
20 boat looking for, going to the upper deck, sending crew
21 members down as I saw them, I went to the snack bar,
22 grabbed a bottle of water, I forget which of the other
23 crew members, and at that point, I grabbed another
24 bottle, walked up to the pilot house, gave it to Gansas
25 and left, you know, went down below, and you know,

1 stayed where I was suppose to until, you know, he sent
2 us to the --

3 UNIDENTIFIED SPEAKER: All right.

4 UNIDENTIFIED SPEAKER: You said you went up to
5 the pilot house, after you did your patrol, went up to
6 the pilot house, you said it was 28 --

7 MR. RUSH: That was just a guess. I can't
8 give you an exact specific on when I went up there. It
9 wasn't, you know, anything I was, that I was going to
10 have to remember.

11 UNIDENTIFIED SPEAKER: Approximately --

12 MR. RUSH: I think. I don't, you know, totally
13 recall because I didn't think I was going to have to,
14 you know, exact accountable, you know, at that point in
15 time.

16 UNIDENTIFIED SPEAKER: And then when you got
17 up to the pilot house, there was Lookout Selz.

18 MR. RUSH: Yes, sir.

19 UNIDENTIFIED SPEAKER: And Captain Smith --

20 MR. RUSH: Yes, sir.

21 UNIDENTIFIED SPEAKER: And Captain Gansas was
22 not.

23 MR. RUSH: No, sir.

24 UNIDENTIFIED SPEAKER: Not present.

25 After the KV buoy hits the vessel, that is

1 the normal point of which the vessel would slow down.

2 MR. RUSH: Reduce speed and maneuver to dock.

3 UNIDENTIFIED SPEAKER: Did you feel the vessel
4 slowing down at any time after the KV?

5 MR. RUSH: I didn't notice anything really out
6 of the ordinary, and I wasn't in, you know, a time
7 focus sort of thing. I just, unfortunately, if I had
8 stood up or done things different then sitting where I
9 was, maybe I could have done something. I am probably
10 going to live with that the rest of my life.

11 UNIDENTIFIED SPEAKER: Okay. At any point did
12 you see Captain Richie alter his speed --

13 MR. RUSH: No, sir.

14 UNIDENTIFIED SPEAKER: You said you did --

15 MR. RUSH: At the moment of impact, he was on
16 his seat just as soon as impact. I, you know, -- and he
17 was there, like I said before, you know, going full
18 stern manipulating the control.

19 UNIDENTIFIED SPEAKER: Oh, so he was
20 actually --

21 MR. RUSH: He was, I observed him --

22 UNIDENTIFIED SPEAKER: Working the control.

23 MR. RUSH: At the moment of impact, and I
24 focused, it was the OG and -- I saw him before, sir.

25 UNIDENTIFIED SPEAKER: At any point did he

1 leave the controls, while you were there?

2 MR. RUSH: No, sir, I did not see him leave.

3 UNIDENTIFIED SPEAKER: You didn't notice he
4 had come behind --

5 MR. RUSH: I didn't see him leave the controls
6 during the time I was there.

7 UNIDENTIFIED SPEAKER: And at this point then,
8 Captain Gansas arrived.

9 MR. RUSH: Very shortly after impact.

10 UNIDENTIFIED SPEAKER: Okay. Thank you.

11 UNIDENTIFIED SPEAKER: Sir, how long have you
12 known Mr. Smith?

13 MR. RUSH: He was working there when I started
14 working there 11 and a half years ago.

15 UNIDENTIFIED SPEAKER: What do you know about
16 him, just in general?

17 MR. RUSH: Having worked with him since this
18 my first time, I believe on a bid job with him and I
19 think we started the bid in July. They start in late
20 May for us -- We went into a bid job around July 1, or
21 thereabouts. And the first time I have worked with him
22 a regular basis. I have worked overtime and when I was
23 on vacation for the two weeks here and, you know,
24 there. And he seemed like a, he was, he is a nice guy,
25 family man, he was talking about a wedding. I don't

1 know if it has happened yet. I believe it was his
2 daughter, somewhere upstate. It was either forthcoming
3 or just occurred. When he was working captain, he is a
4 bit high strung, but always very professional, by the
5 book. As an assistant captain, he was always making
6 sure that everyone was signed in. I mean, he was
7 thorough, I guess is the best word.

8 UNIDENTIFIED SPEAKER: Describe for me how he
9 was high strung, can you go into detail?

10 MR. RUSH: Just when he was a captain, he was
11 kind of nervous. You know, he took everything to heart
12 and to, you know, sailboats, I guess would be the one
13 thing, you know, would get him somewhat aggravated,
14 when they have the regattas.

15 UNIDENTIFIED SPEAKER: And how would he react?

16 MR. RUSH: You know, he would be steering the
17 boat around the sailboats and you know, muttering foul
18 language of what he thought of the sailboats.

19 UNIDENTIFIED SPEAKER: How about Captain
20 Gansas?

21 MR. RUSH: Gansas.

22 UNIDENTIFIED SPEAKER: How long have you known
23 Captain Gansas?

24 MR. RUSH: He, I have known him since I
25 started out, like I said.

1 UNIDENTIFIED SPEAKER: Can you tell me what
2 your relationship with him professionally was?

3 MR. RUSH: Professionally, we always had a
4 great relationship, also professionally with Captain
5 Smith, never a problem. Mike is, boating skills wise,
6 I think one of the best along with Richie. They have
7 the soft touch, they come never in too fast, in docking
8 the boat at the offshore moor on Pier C-2, ending south
9 in a north moor. It is a pleasure working with them
10 because they have the right touch. They come in right,
11 never coming in too hard or pulling too hard on the
12 spring to endanger the men, both working with them
13 professionally, never had a problem. They are both
14 gentlemen.

15 UNIDENTIFIED SPEAKER: When you left the pilot
16 house, Captain Gansas was up there, and you had
17 mentioned earlier that it wasn't normal --

18 MR. RUSH: A lot of times the captain get a
19 cup of coffee, you know, they are not there every trip
20 all the time.

21 UNIDENTIFIED SPEAKER: Okay.

22 MR. TURRELL: Bill?

23 MR. WOODY: I was going to ask about rest and
24 medications and so forth. But, we are on this line of
25 questioning, do you want to come back to it later?

1 MR. TURRELL: We will come back to that part
2 of it later.

3 MR. WOODY: Okay. I think the story --

4 MR. TURRELL: I have a few more questions
5 along the same line, but we can just kind of around.

6 I would like to go back to after the
7 accident, and you said passengers came up to you,
8 wondering what was going on.

9 MR. RUSH: Panic, basic panic mode.

10 MR. TURRELL: Okay.

11 MR. RUSH: With life jackets in hand.

12 MR. TURRELL: Where was this?

13 MR. RUSH: I first encountered as I walked out
14 of the pilot house door, they basically surrounded me,
15 they slowed my progress as they were trying to --

16 MR. TURRELL: There were passengers on the
17 wheel house deck?

18 MR. RUSH: On the bridge deck.

19 MR. TURRELL: On the bridge deck. In the open
20 area between the pilot house, passengers were, how did
21 they act, do you recall how they --

22 MR. RUSH: They would go up the --

23 UNIDENTIFIED SPEAKER: There was confusion, a
24 little confusion of what you just called that deck.

25 MR. TURRELL: Okay.

1 UNIDENTIFIED SPEAKER: Detective DePaolo --
2 outside the area, between the --

3 MR. TURRELL: Okay. There were passengers on
4 the bridge, but not the hurricane deck.

5 MR. RUSH: That is correct where the seats
6 are, it is the highest deck.

7 MR. TURRELL: Okay.

8 MR. RUSH: Accessible for passengers on the
9 boat.

10 MR. TURRELL: Okay. Thank you. Thanks for
11 pointing that out.

12 Does Captain Gansas smoke to your knowledge?

13 MR. RUSH: No, sir.

14 MR. TURRELL: Can you describe the impact,
15 when you were on the seat, what the impact felt like,
16 in more detail, what forces did you experience sitting
17 on the seat? Were you thrown off of it?

18 MR. RUSH: No, sir. I was not thrown off. It
19 was more of a vibration, where there was the noise and
20 then, you know, greatly exaggerated.

21 MR. TURRELL: Okay.

22 MR. RUSH: And initially, I thought they had
23 struck something in the water. That was my first
24 reaction and then I saw -- reaction, and realized it
25 wasn't something in the water.

1 MR. TURRELL: Okay. And the moment when, when
2 Captain Smith realized that something was wrong and
3 Captain Gansas returned inside of the bridge, can you
4 describe that, the transfer of the comm, that moment of
5 transfer between the two masters, the master and the
6 assistant captain? Can you describe that moment when
7 Captain Gansas took over?

8 MR. RUSH: It was, I believe I said before, it
9 was like, "Oh, my God, what happened" was from Gansas.
10 And there wasn't any real conversations that I recall.
11 It was he just pushed his way in there to the best of
12 my recollection. It was all happening so fast and the
13 adrenaline was flowing and --

14 MR. TURRELL: Can you tell me if, if Captain
15 Smith stepped aside under his power or just that
16 interplay between Captain Gansas and Captain Smith?

17 MR. RUSH: I don't recall, I think he just
18 stepped aside.

19 MR. TURRELL: Okay. And do you recall anyone
20 using the VHF radios, at any time, after the KV buoy,
21 let's just say, was there any attempt on using that?

22 MR. RUSH: I don't recall.

23 MR. TURRELL: Okay. Have you ever maneuvered
24 this vessel? Have you ever had a chance to use the
25 controls of the Barberi?

1 MR. RUSH: I steered all the boats out in the
2 middle of the bay.

3 MR. TURRELL: Can you describe for us, in your
4 experience, what maneuvering power this vessel entails
5 from your experience? How do you, it is an easy thing
6 to do, is it difficult, from your experience? What is
7 your impression?

8 MR. RUSH: Compared to the -- it is much
9 easier to maneuver.

10 MR. TURRELL: Okay.

11 MR. RUSH: Once you get it down. And I never
12 advanced, I was very content with the title I had, I
13 didn't want to spend all the time getting to pilot,
14 shall we say.

15 MR. TURRELL: Okay. Can you tell us briefly,
16 just in brief, what your work history is, say, how you
17 started in the business, going to where you are at
18 today?

19 MR. RUSH: Okay. I graduated from State
20 University, New York Maritime College June 1968. On
21 graduation, I received a Bachelor Degree, Third Mate
22 Ocean License, commissioned in the Navy. After
23 graduation, I sailed three years in the Merchant
24 Marines. I believe it was eight and then six months a
25 year for three years, to fulfil my military obligation.

1 On my last year, I was short by about a month because
2 the shipping for the war was starting to wind down.
3 Several years later I was called into the Navy as
4 Lieutenant JG in the Reserves for 30 days active duty
5 to, you know, complete my obligation.

6 After that I gave up going to sea for
7 approximately eight years, got married, pursued other
8 endeavors. Returned as a Merchant Marine in 1979.
9 From 1979 to 19, I believe '87, sailed on various
10 ships, raised my license from third mate to Chief Mate,
11 Oceans. And when I couldn't get any more work, I guess
12 it was around '87 or '88, so I did give it up and
13 pursue other endeavors with other stuff. Do you want to
14 continue?

15 MR. TURRELL: Yes, please.

16 MR. RUSH: So I did various construction, bar
17 tending, odd jobs, wound up with International Marine
18 Consultants, and I believe in 1989, worked there as a
19 ship rider inspector for the sludge barges. I was the
20 EPA representative to make sure that the sludge was
21 taken out to the 106 mile dump, disposed of properly at
22 the right flow rate, and in the right spots. I moved
23 into the office as assistant manager Marine Operations,
24 wound up dispatching to people on the sludge boats and
25 eventually wound up in Operations, subsidiary company,

1 International Marine Carriers, which is where I stayed
2 until started ferrying in 1992.

3 MR. TURRELL: Okay. Personal, why do you feel
4 it was important to come forward and give us some
5 information on what happened? Can you describe the,
6 the, what you have been thinking about after the
7 accident and your --

8 MR. RUSH: The reason I am here is through --

9 MR. TURRELL: Okay. And --

10 MR. RUSH: And if I didn't come forth
11 voluntarily, I would be here sitting in a lot more
12 hostile environment.

13 MR. TURRELL: Well, I --

14 MR. RUSH: I came forward because I want the
15 truth to come out.

16 MR. TURRELL: Okay. Great. I am going to go
17 back around.

18 MR. RUSH: Okay.

19 MR. TURRELL: And continue.

20 UNIDENTIFIED SPEAKER: I have no questions.

21 MR. TURRELL: Eric?

22 UNIDENTIFIED SPEAKER: Yeah, I have two
23 questions and please if you have already covered this
24 material and tell me --

25 About how long was your intentions diverted,

1 in other words, how long were you not looking at
2 Captain Smith? Can you estimate that?

3 MR. RUSH: For lack of, you know, having know
4 the time frame, I am going to say like maybe two
5 minutes, approximately.

6 UNIDENTIFIED SPEAKER: And when impact
7 occurred, what was the first thing you saw after you
8 looked up?

9 MR. RUSH: First thing I saw visually?

10 UNIDENTIFIED SPEAKER: Yes.

11 MR. RUSH: Was his hand going to the thrust
12 controls. And as I stood up, I saw where we were.

13 UNIDENTIFIED SPEAKER: Okay. When you stood
14 up, and saw --

15 MR. RUSH: A location where we were.

16 UNIDENTIFIED SPEAKER: Okay. And can you
17 estimate, I know you already said it was very fast, can
18 you give us an estimate of about how long from that
19 point, from the impact until Captain Gansas entered the
20 pilot house?

21 MR. RUSH: In the time frame, with the
22 adrenaline flowing and everything happening, it seemed
23 just seconds. It was not a long period of time.

24 UNIDENTIFIED SPEAKER: What was the
25 requirement as to where each captain was to be located

1 during the run?

2 MR. RUSH: Can I throw that to Pat?

3 UNIDENTIFIED SPEAKER: I would like you to, if
4 you can answer that, please.

5 MR. TURRELL: To your knowledge.

6 UNIDENTIFIED SPEAKER: To your understanding
7 of the requirements.

8 MR. RUSH: As far as my knowledge goes, it is,
9 both of them are suppose to be in the same spot at the
10 same time.

11 UNIDENTIFIED SPEAKER: Are they to be the in
12 pilot house throughout the, throughout the run?

13 MR. RUSH: I think if, you know, in the book,
14 I am sure that is probably what it says. I don't have
15 access to the book, you know, of the job descriptions.

16 UNIDENTIFIED SPEAKER: Is there a book of
17 procedures that everybody follows and adheres to?

18 MR. RUSH: There is a white book of all the
19 memos which have been posted over the years. It goes
20 all the way back to --

21 UNIDENTIFIED SPEAKER: Is this something that
22 you have access to?

23 MR. RUSH: I had a copy of it at one time.

24 UNIDENTIFIED SPEAKER: And what is your
25 requirement in terms of how you are suppose to follow

1 this book of memos? In other words, are you suppose to
2 be knowledgeable in it or --

3 MR. RUSH: It is policy.

4 UNIDENTIFIED SPEAKER: Okay. Do you recall
5 seeing a memo that says anything, that addresses the
6 issue of where the pilots are to be located during the
7 run?

8 MR. RUSH: Not specifically, no, at this time
9 I can't, you know, quote you anything.

10 UNIDENTIFIED SPEAKER: Okay. But, it is your
11 understanding that that is the policy.

12 MR. RUSH: To the best of recollection,
13 knowledge, it is.

14 UNIDENTIFIED SPEAKER: But, you also said that
15 there are times when they are not there. They are
16 smoking or they are taking a head break. I think those
17 were your words.

18 MR. RUSH: Yes.

19 UNIDENTIFIED SPEAKER: Okay. But, if the
20 policy is that they are suppose to be in the pilot
21 house, how come they are not in the pilot house, taking
22 a smoke break or head break?

23 MR. RUSH: I can't, you know, I don't want to
24 explain that.

25 UNIDENTIFIED SPEAKER: Okay. Did you find it

1 or I guess, when you were in the pilot house and
2 Captain Gansas was not there, how did that strike you?

3 Has that happened before or was it very unusual?

4 MR. RUSH: It wasn't very unusual. It is, you
5 know, each trip, each captain, there is no, you know,
6 cut and dried where everything is the same every trip,
7 for lack of a better explanation.

8 UNIDENTIFIED SPEAKER: It was coming out in
9 the papers this morning, that there had been some
10 action taken against Captain Smith several years ago,
11 and apparently he -- but, he would, they would retain
12 his job. Were you aware of that incident?

13 MR. RUSH: I saw Commissioner Jack Yost, yeah,
14 while I was waiting in the room and he, I don't know
15 which paper it was at this time, I think it was one of
16 the tabloids, where the City tried to ax the Captain.
17 And Commissioner Jack Yost said, look at this, these
18 people don't know, you know, what they are talking
19 about. It was back in the days of Commissioner Len.
20 And he says, remember when one of the captains wouldn't
21 let Commissioner Len into the pilot house, and I go,
22 yeah, that was Billy Allen. So he said, these morons
23 can't even get their story straight.

24 UNIDENTIFIED SPEAKER: Okay. And that is the
25 story.

1 MR. RUSH: I remember Billy Allen getting in
2 trouble for not letting Commissioner Len into the pilot
3 house. I am sure you remember that day.

4 MR. TURRELL: I am sorry, the allegation was
5 that Captain Smith was that person, is that --

6 MR. RUSH: That was what was in the paper.

7 MR. TURRELL: Okay.

8 UNIDENTIFIED SPEAKER: He was insubordinate, a
9 trouble maker, something --

10 MR. TURRELL: I don't really want to bring in
11 what the press is reporting. You can ask him what
12 actually happened. I really don't want to bring in
13 what the media is reporting into this proceeding. But,
14 go ahead.

15 UNIDENTIFIED SPEAKER: Right, that is what I
16 am trying to get at, is what actually happened and, and
17 what actually happened is, was that somebody else would
18 not let the Commissioner on and actually saying that
19 somebody else, apparently the press was mistaken --

20 MR. RUSH: That is what I believe based on my
21 conversation with Commissioner Jack, yeah.

22 UNIDENTIFIED SPEAKER: Okay. Okay. Well, to
23 your knowledge, was there any other incident involving,
24 was there any incident involving Captain Smith, or any
25 kind of adverse action was taken against him?

1 MR. RUSH: None that I know about or recall.

2 UNIDENTIFIED SPEAKER: Okay. Were you aware
3 of any health issues involving Captain Smith?

4 MR. RUSH: No, sir.

5 UNIDENTIFIED SPEAKER: Okay. Did he ever talk
6 to you about any health issues?

7 MR. RUSH: No, sir.

8 UNIDENTIFIED SPEAKER: Did he ever talk to you
9 about any kind of medications he was taking?

10 MR. RUSH: No, sir.

11 UNIDENTIFIED SPEAKER: Have you observed him
12 taking any medication?

13 MR. RUSH: No, sir.

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

16 UNIDENTIFIED SPEAKER: When Mike runs up into
17 the pilot house, did Richie say anything to him, other
18 than the, you know, the usual, oh, my God, oh, shit?

19 MR. RUSH: That was the extent of what I
20 recall was Mike, where Richie's only words that are
21 embedded here, is the Jesus. And Mike was like, "Oh,
22 my God, what happened" coming through the door. And I
23 don't recall any other, you know, quotables at this
24 point.

25 UNIDENTIFIED SPEAKER: You said after they

1 brought the boat, and the rescue effort was under
2 control, you went up to the pilot house, you went up to
3 the pilot house?

4 MR. RUSH: Yeah, I gone to the snack bar with,
5 it might have been Piazza or one of the other deck
6 hands, and they had left everything behind and we
7 grabbed some bottles of water, and I just thought at
8 the time that, you know, hey, they might need it.

9 UNIDENTIFIED SPEAKER: Time frame, how long
10 was this?

11 MR. RUSH: This was well, I would say at least
12 maybe 30 minutes after the boat was docked, because we
13 were still very busy trying to assist the rescue
14 workers as they were coming on piecemeal. And you
15 know, I was still basically trying to steer the EMS to
16 the ones that I thought, you know, needed help the most
17 and trying to direct them, to steer the gurneys down
18 the, which we had the path open versus where all the
19 rumble was.

20 UNIDENTIFIED SPEAKER: Was anybody with Richie
21 then? Oh, I am sorry, was anybody with Mike then?

22 MR. RUSH: There were several other people in
23 the pilot house. I think it was law enforcement types
24 and if any of our people were there, I just basically
25 walked up and handed him the water and walked down.

1 UNIDENTIFIED SPEAKER: Okay.

2 UNIDENTIFIED SPEAKER: I have just a couple of
3 real quick questions.

4 You said Selz was in there, in the pilot
5 house with you, where was he before he left?

6 MR. RUSH: The pilot house, they have a raised
7 platform where the controls are. There is a bar stool
8 on the Brooklyn side, which is where the lookout sits
9 when he is standing his lookout. And that is where
10 Selz was.

11 UNIDENTIFIED SPEAKER: -- that is the real
12 place to sit down in the pilot house?

13 MR. RUSH: Other than there is a chair for the
14 captain, bar stool for the lookout.

15 UNIDENTIFIED SPEAKER: A chair for the
16 captain, a bar stool for the lookout and then the
17 little bench in the back --

18 MR. RUSH: The settee in the back, which is on
19 the Brooklyn side of the pilot house.

20 UNIDENTIFIED SPEAKER: Where you were sitting?

21 MR. RUSH: Yes, sir.

22 UNIDENTIFIED SPEAKER: Okay. And Captain
23 Smith was actually standing when you came up?

24 MR. RUSH: Yes, sir.

25 UNIDENTIFIED SPEAKER: And when you looked up

1 after the collision, he was still standing?

2 MR. RUSH: Yes, sir.

3 UNIDENTIFIED SPEAKER: Okay. Gansas came from
4 the Brooklyn side pilot house door.

5 MR. RUSH: And he entered through that door.

6 UNIDENTIFIED SPEAKER: Okay. So, he didn't
7 come from where the head was?

8 MR. RUSH: No, sir.

9 UNIDENTIFIED SPEAKER: Pilot house head or
10 from up above?

11 MR. RUSH: No, sir.

12 UNIDENTIFIED SPEAKER: Okay. What could he
13 have been doing out on that side? Besides the
14 hurricane deck --

15 MR. RUSH: That is it, that is the hurricane
16 deck out there.

17 UNIDENTIFIED SPEAKER: So, I mean, any ideas
18 of what he could have been doing out, coming in this
19 side door?

20 MR. RUSH: It would be speculation.

21 UNIDENTIFIED SPEAKER: Okay. Did you Tom Selz
22 talk about he left? Did he acknowledge you at all?

23 MR. RUSH: On, before he left, there was, you
24 know, idle conversation plus business conversation as
25 in, you know, lookout to pilot, between Selz and Rich.

1 (End of tape one.)

2 UNIDENTIFIED SPEAKER: Okay. Thank you.

3 UNIDENTIFIED SPEAKER: From the time Captain
4 Gansas left, give me a time frame in terms of Captain
5 Smith, how long was that that he remained in the pilot
6 house by himself?

7 MR. RUSH: Could you rephrase that? I
8 don't --

9 UNIDENTIFIED SPEAKER: Yeah, you said after
10 Selz left, you remained in the pilot house, correct?

11 MR. RUSH: Yes.

12 UNIDENTIFIED SPEAKER: With Captain Smith and
13 then Captain Gansas left, at which point?

14 MR. RUSH: Captain Gansas, I don't recall
15 seeing Captain Gansas in the pilot house the entire
16 time I was there.

17 UNIDENTIFIED SPEAKER: The entire time. Up
18 until he returned --

19 MR. RUSH: Up until he came in after the
20 accident.

21 UNIDENTIFIED SPEAKER: Okay.

22 (Pause.)

23 MR. RUSH: Pardon me?

24 UNIDENTIFIED SPEAKER: Selz was there and
25 left.

1 MR. RUSH: Yes.

2 UNIDENTIFIED SPEAKER: Okay. Thank you.

3 UNIDENTIFIED SPEAKER: Mr. Rush, if Captain
4 Smith was looking out the window, would he have seen
5 where he was going, like the dock and the approaching
6 piers? Would it have been visible that day?

7 MR. RUSH: Oh, the visibility was perfect. It
8 was a breezy, clear day, windy, clear day.

9 UNIDENTIFIED SPEAKER: Now that being said,
10 was that wind, was that affecting the steering of the
11 ship, was anybody complaining about the steering of the
12 ship?

13 MR. RUSH: No complaints were made that I know
14 of, other than the wind blowing against the doors,
15 which was my major concern that day if somebody got
16 their hand slammed.

17 UNIDENTIFIED SPEAKER: What would you think
18 actually caused the boat to crash into that pier?

19 MR. RUSH: My opinion?

20 UNIDENTIFIED SPEAKER: Yes.

21 MR. RUSH: That Captain Smith blacked out
22 through some medical problem, and was just standing
23 there zombed out. And even if he had no -- like to the
24 slip at the time, the way the wind was blowing, I have
25 no idea what the current was at the time.

1 UNIDENTIFIED SPEAKER: Strong.

2 MR. RUSH: Strong, strong west winds. He had
3 the control fixed, he was conscious as to what he was
4 doing, but didn't pass out and fall down. And I
5 believe that between the wind and the tide, it just
6 carried the course of the boat to where it struck.

7 UNIDENTIFIED SPEAKER: Did you notice if he
8 was distracted at all while he was at the control?

9 MR. RUSH: No, as I said, before, in all my
10 past dealings with him, he was always very focused,
11 very conscientious. Docking the boat he was one of the
12 best with the Barberi never touching the rafts coming
13 in.

14 UNIDENTIFIED SPEAKER: Okay. Did you see him
15 after the crash and after you left the pilot house, did
16 you see him exiting the boat?

17 MR. RUSH: I did not see him after I went
18 down.

19 UNIDENTIFIED SPEAKER: Would you speculate
20 when, when Captain Gansas exited to the hurricane
21 deck --

22 MR. RUSH: Entered.

23 UNIDENTIFIED SPEAKER: He entered the pilot
24 house through the hurricane deck door.

25 MR. RUSH: Yes.

1 UNIDENTIFIED SPEAKER: Would you speculate on
2 where he had been, what he was doing, where he was
3 coming from?

4 MR. RUSH: You are asking me to speculate?

5 UNIDENTIFIED SPEAKER: Yes, please, if he was
6 coming from the hurricane deck.

7 MR. RUSH: He doesn't smoke. I would
8 speculate probably to the other pilot house or was on
9 his way from the other pilot house, maybe making a cell
10 call, but, that is --

11 UNIDENTIFIED SPEAKER: The --

12 MR. RUSH: The hurricane deck is only
13 accessible to the two pilot houses.

14 UNIDENTIFIED SPEAKER: He wouldn't be standing
15 out on the hurricane deck, in that wind?

16 MR. RUSH: I don't think so.

17 UNIDENTIFIED SPEAKER: And when you were in
18 the pilot house with Captain Smith, did you, was there
19 any reason -- Do you know if any books, newspaper, did
20 anyone have a newspaper or any books?

21 MR. RUSH: There are books, newspapers, memos,
22 notice to mariners, sheets.

23 UNIDENTIFIED SPEAKER: On this occasion, let's
24 say a newspaper --

25 MR. RUSH: Sure.

1 UNIDENTIFIED SPEAKER: Whose paper was it, do
2 you know?

3 MR. RUSH: They just wind up there.

4 UNIDENTIFIED SPEAKER: And where they were?

5 MR. RUSH: Probably on the table.

6 UNIDENTIFIED SPEAKER: That --

7 MR. RUSH: The table which holds the gyro
8 compass.

9 UNIDENTIFIED SPEAKER: Okay. What about these
10 books, did you see any books on the control console?

11 MR. RUSH: I didn't notice, but, Captain Smith
12 has brought books to the work in the past.

13 UNIDENTIFIED SPEAKER: But, you did notice
14 there was a newspaper.

15 MR. RUSH: Newspaper, for sure.

16 UNIDENTIFIED SPEAKER: On the gyro --

17 MR. RUSH: On the gyro table, and we also have
18 the, what do you call them, you know, the codes,
19 paperwork and you know, City paperwork around with the
20 swipe sheet and things of this sort is always up there.

21 UNIDENTIFIED SPEAKER: Okay. Was anyone
22 reading the newspaper, was it just sitting there, or
23 was anyone reading it?

24 MR. RUSH: I had glanced at it over the course
25 of time, you know, I am not going to say I didn't look

1 at the paper.

2 UNIDENTIFIED SPEAKER: And where were you at
3 the time, were you sitting down?

4 MR. RUSH: Sitting down.

5 UNIDENTIFIED SPEAKER: Thank you.

6 UNIDENTIFIED SPEAKER: Mr. Rush, what --

7 MR. RUSH: The impact had already occurred.
8 It had slowed down greatly from whatever speed it was
9 doing at the time and you know, stopped it.

10 UNIDENTIFIED SPEAKER: So, the -- going back,
11 it still had -- the vessel?

12 MR. RUSH: Yes, sir. And was swinging towards
13 the opposite pier with, the bough was swinging towards
14 the left.

15 UNIDENTIFIED SPEAKER: Okay.

16 UNIDENTIFIED SPEAKER: When you got up and
17 saw, do you remember any thing, either of the piers --

18 MR. RUSH: I would say roughly 45 degrees.
19 Forty five degrees from the end of the pier was struck.

20 UNIDENTIFIED SPEAKER: But, the back of the
21 boat to the stop, was the back of the boat to the
22 north, 45 degrees?

23 MR. RUSH: I --

24 UNIDENTIFIED SPEAKER: Can you draw it?

25 MR. RUSH: Let me think.

1 (Pause.)

2 UNIDENTIFIED SPEAKER: Okay. That was, at what
3 point, this is when you first looked up, this is where
4 the vessel was? Okay.

5 MR. RUSH: Yeah, and the Cosgrove.

6 UNIDENTIFIED SPEAKER: Cosgrove.

7 MR. RUSH: And, you know, more of the boat was
8 in, I would say.

9 UNIDENTIFIED SPEAKER: Okay.

10 MR. RUSH: And it was like getting ready, it
11 was swinging this way by the time he stopped it.

12 UNIDENTIFIED SPEAKER: Okay.

13 MR. RUSH: And the forward, most of the
14 forward weight was rapidly, you know, being taken off
15 by the impact.

16 UNIDENTIFIED SPEAKER: Okay.

17 MR. RUSH: But, the bough was swinging west in
18 these actions and that was right about the time the
19 boat was stable and we are talking seconds is when
20 Gansas --

21 UNIDENTIFIED SPEAKER: Okay. After the BM
22 backing, can you tell us what the action of the vessel
23 was, after this point, to the best of your knowledge?

24 MR. RUSH: It basically, there was, you know,
25 the wash coming, you know, from, you know, out of the

1 bough, so it is obviously backing and the boat slowed
2 to a stop and stopped the swaying and that is when
3 Gansas arrived, just as the boat was basically treading
4 the water.

5 UNIDENTIFIED SPEAKER: Okay.

6 MR. RUSH: It looked like, you know, the
7 observation I had, was basically still heading for the
8 Cosgrove, you know, at that angle what I just --

9 UNIDENTIFIED SPEAKER: Okay. Can you tell us
10 now how the vessel arrived from this point, to the best
11 of your knowledge, back to the pier? The actions taken
12 after the accident, to the best of your knowledge.

13 MR. RUSH: Anything I say with that, would be
14 pure speculation because I was --

15 UNIDENTIFIED SPEAKER: Okay. I don't want
16 speculation.

17 MR. RUSH: -- down below.

18 UNIDENTIFIED SPEAKER: That is fine.

19 MR. RUSH: I mean, they know, you know, came
20 in the New York end and he was going to New York
21 Propulsion System, because the engineer told me that.

22 UNIDENTIFIED SPEAKER: Okay.

23 MR. RUSH: Anything else is speculation.

24 UNIDENTIFIED SPEAKER: Okay. Who maneuvered
25 the vessel out of the New York terminal? Who was the

1 person who maneuvered the vessel out of the pier in New
2 York?

3 MR. RUSH: Out of the pier in New York?

4 UNIDENTIFIED SPEAKER: Yes.

5 MR. RUSH: You mean, steering the Staten
6 Island --

7 UNIDENTIFIED SPEAKER: The moment that -- left
8 the ramp, who was maneuvering the vessel away from the
9 dock, or who should have been?

10 MR. RUSH: I waved off Captain Gansas from the
11 New York end and I assumed since I wasn't there to see,
12 that Captain Smith at the other end.

13 UNIDENTIFIED SPEAKER: Okay. So, what is that
14 procedure for you as the mate to notify the bridge that
15 the vessel is now clear, who do you contact at that
16 point, this is the first on the New York side or Staten
17 Island side, who are you communicating with?

18 MR. RUSH: Upon releasing the hooks, seeing
19 that the hooks are clear, the bridge is secured where
20 the slack is out of the cables, and the bridge usually
21 goes up and enters through it, the boat is pushing, the
22 water doesn't go up, the cables are in the sockets.
23 You look to make sure that nobody is running down the
24 bridge, and you wave off the person in the New York
25 pilot house.

1 UNIDENTIFIED SPEAKER: Now, does this -- that
2 was Captain Gansas?

3 MR. RUSH: Yes, sir. And then he, in turn,
4 drove the power to the other end.

5 UNIDENTIFIED SPEAKER: Okay. Thank you.

6 MR. TURRELL: Just a moment.

7 (Pause.)

8 MR. TURRELL: Do you have something?

9 UNIDENTIFIED SPEAKER: Yes, one question.
10 You said you didn't receive any injuries
11 other than your neck and back.

12 MR. RUSH: And this that point, it is not
13 bothering me near as much, so I think it was little
14 more stress related than actual injury.

15 UNIDENTIFIED SPEAKER: Did you see Captain
16 Gansas or Captain Smith bleeding anywhere?

17 MR. RUSH: No, sir.

18 UNIDENTIFIED SPEAKER: Did there come a time
19 when you saw -- went down below, Captain Smith?

20 MR. RUSH: No, sir.

21 UNIDENTIFIED SPEAKER: All right.

22 UNIDENTIFIED SPEAKER: From the time of the
23 accident --

24 MR. RUSH: We were offered, I believe at the
25 pre hearing, and I don't know if anybody was, you know,

1 at the slip, but, the Employees Assistance Program, I
2 forget the lady's name was in the precinct offering
3 help to anybody that wanted it.

4 UNIDENTIFIED SPEAKER: Okay.

5 UNIDENTIFIED SPEAKER: Did any of the crew
6 take the defibulators out or any first aid equipment?

7 MR. RUSH: Yes. We had two defibulators, one
8 which we found on the deck where the contact -- and at
9 one point I got the other one from the New York end of
10 the main deck. And the guys reacted instinctly and
11 brought the first aid kits down, not that they were
12 good for anything. There was no large pressure
13 bandages, stuff. Everybody was improvising with shirts
14 and belts and doing the best they could under the
15 conditions. Does that answer your question?

16 UNIDENTIFIED SPEAKER: Yes. Thank you.

17 UNIDENTIFIED SPEAKER: I have one last one.

18 When you were sitting back there on the
19 settee there, you were relaxing, you didn't spot out of
20 the window the --

21 MR. RUSH: No, sir. I wish I could.

22 UNIDENTIFIED SPEAKER: You had no idea whether
23 you were on course or off course?

24 MR. RUSH: Right. I had, you know, complete
25 trust and faith in Richie and, you know, thought

1 anything was out of the ordinary, or I would have done
2 a reaction of whatever I had to do to, you know,
3 prevent it.

4 UNIDENTIFIED SPEAKER: Okay. That is it.
5 Thank you.

6 UNIDENTIFIED SPEAKER: You said Captain Smith
7 sometimes brought books into the ship.

8 MR. RUSH: That is correct.

9 UNIDENTIFIED SPEAKER: What kind of books did
10 he bring?

11 MR. RUSH: General reading.

12 UNIDENTIFIED SPEAKER: Did he have any books
13 with him that day?

14 MR. RUSH: I don't recall.

15 UNIDENTIFIED SPEAKER: Okay. Was he reading
16 anything while he was in the pilot house?

17 MR. RUSH: Not on that day, sir. And I don't
18 even recall if he had a book, so.

19 UNIDENTIFIED SPEAKER: Bobby, just one more
20 thing. When, when Captain Rich immediately -- you said
21 immediately pulled back on the reverse -- did that have
22 anything do with -- To the best of your information --

23 MR. RUSH: In my opinion, not being a pilot,
24 no, sir, it is not qualified an opinion but, to stop
25 the boat would, in my opinion, the right to do and the

1 instinct thing, because I -- Do I make my opinion?

2 UNIDENTIFIED SPEAKER: Sure. Yes.

3 MR. RUSH: I believe he blacked out at the
4 wheel for whatever reason, and that is what caused this
5 horrible tragedy.

6 UNIDENTIFIED SPEAKER: And came to just after
7 the collision.

8 MR. RUSH: He regained, consciousness is a bad
9 word, but, became aware because he wasn't
10 unconsciousness, he didn't fall down, which I wish he
11 had, but, you know, he became aware of his surroundings
12 on impact, and you know, reacted.

13 UNIDENTIFIED SPEAKER: Yeah. Do you have
14 any -- when it is stopping?

15 MR. RUSH: We, the, when you do the bids, the
16 senior mate has his choice of which end to hook up.
17 And I had chosen, since I was the senior mate, the New
18 York end, Mate Hyde, through no other choice, got the
19 Staten Island end. So, on the docking process, that is
20 where we have to be in order to hook and let go.

21 UNIDENTIFIED SPEAKER: You have to be in the
22 Staten Island end, where, in the pilot house?

23 MR. RUSH: No, in other words, normal routine
24 is I would be on the saloon deck, by the horseshoe,
25 watching the passengers embark and disembark. And it

1 is not really written in stone and I decided to take
2 that time to go, you know, write the reports once the
3 boat was at the dock. There was nothing unusual going
4 on, so I didn't feel it was necessary to just watch
5 them go on and off. There were two deck hands that are
6 very competent, you know, always on station, so.

7 UNIDENTIFIED SPEAKER: So that is what brought
8 you up to the pilot house, was the paperwork.

9 MR. RUSH: That was my general intent to be up
10 there, was to do the paperwork upon, you know, once the
11 boat was tied up and it wasn't shaking.

12 UNIDENTIFIED SPEAKER: Okay. How would you,
13 have you seen winds that strong before while the vessel
14 is operating?

15 MR. RUSH: Oh, yeah.

16 UNIDENTIFIED SPEAKER: And, oh, yeah, that
17 means that --

18 MR. RUSH: Yes.

19 UNIDENTIFIED SPEAKER: That means it was, you
20 have seen --

21 MR. RUSH: It was not a normal situation. It
22 is a rare situation. And when, you know, when you have
23 pressure gradient situations, you get winds like that,
24 you have storms, you get winds like that.

25 UNIDENTIFIED SPEAKER: Which -- the winds, the

1 point at which the winds were so excessive that the
2 vessel would not operate?

3 MR. RUSH: I believe, if Pat could help me out
4 here, if it is gale force winds, the crew boats have to
5 close the bridge deck. Is that correct?

6 UNIDENTIFIED SPEAKER: To the best of your
7 knowledge.

8 MR. RUSH: Yeah, to the best of my knowledge,
9 and I haven't heard in my 11 and a half years of any
10 reason where the ferries have been closed down for
11 winds other than when the tide is too high for the
12 bridges to operate during a storm, they have had to
13 suspend operations because the boats can't get in the
14 slip and they have high restrictions for the extra high
15 tides.

16 UNIDENTIFIED SPEAKER: Okay. How often have
17 you seen someone in Operations from the office, come
18 and watch how the pilots are doing?

19 MR. RUSH: You mean as an evaluation thing
20 or --

21 UNIDENTIFIED SPEAKER: Yes, evaluation,
22 inspection, observation, that kind of thing.

23 MR. RUSH: When people from port office is
24 transversing to go to the other side or vice versus,
25 they are always in the pilot house, the operating pilot

1 house.

2 UNIDENTIFIED SPEAKER: How often does that
3 occur?

4 MR. RUSH: In some case, daily, the Whitehall,
5 how they change procedures in Whitehall, so, Captain
6 Enock is basically over there every day.

7 UNIDENTIFIED SPEAKER: And this question has
8 already been asked, but, can you just walk us through
9 each day, starting from the day of the accident and go
10 back a couple of days, the time you went to sleep and
11 the time you got up each day?

12 MR. RUSH: From the time I went to sleep and
13 the time I got up.

14 UNIDENTIFIED SPEAKER: To the best of your
15 knowledge.

16 MR. RUSH: I don't remember what I had for
17 dinner last night. I mean, as far as something that I
18 am not programming myself to --

19 UNIDENTIFIED SPEAKER: Right.

20 MR. RUSH: -- remember.

21 UNIDENTIFIED SPEAKER: Just your normal
22 routine.

23 MR. RUSH: I usually go to bed around
24 midnight, up at six, seven a.m., you know, depending on
25 the day.

1 UNIDENTIFIED SPEAKER: And you don't know
2 precisely --

3 MR. RUSH: No, I am just not precise, you
4 know, I mean, you know, from playing with the computer,
5 I stay up later, if I am watching some TV show that
6 catches my interest, I stay up later. If I am bored, I
7 got to bed early. I am not a creature of habit, along
8 those lines.

9 UNIDENTIFIED SPEAKER: Okay. Are you taking
10 any medications at all?

11 MR. RUSH: Right now, I have Zantax, which was
12 prescribed for me when I went to Staten Island
13 University Hospital, the doctor realized, he advised
14 that it is an anti inflammatory drug to help me sleep
15 after this. I have anti depressant medication, which I
16 was just prescribed -- getting screened for a
17 psychiatrist on Monday. I have the name of the doctors
18 in my bag, if you need it.

19 UNIDENTIFIED SPEAKER: Okay. And before the
20 accident, though, were you on a regular routine of
21 medication?

22 MR. RUSH: No, sir. No medications, other
23 than I have eczema and the medications for eczema is
24 not severe. I think I have had this one tube for like
25 six months.

1 UNIDENTIFIED SPEAKER: Okay. Other than the
2 eczema medication is topical, it is not something that
3 you --

4 MR. RUSH: Topical.

5 UNIDENTIFIED SPEAKER: Yes.

6 MR. TURRELL: Bill Woody.

7 MR. WOODY: I think most of the questions I
8 had are, what I did want to do is make sure --

9 First of all, would you sign this and just
10 put the date on it, please.

11 (Pause.)

12 MR. RUSH: This would be Pier B-1.

13 MR. WOODY: Just draw a line up here for the
14 B, out here, B-1, just circle and then the same for the
15 other.

16 (Pause.)

17 MR. RUSH: Relate what you just wrote there to
18 this drawing?

19 MR. WOODY: Yes. Right.

20 (Pause.)

21 MR. WOODY: So, where did the contact take
22 place on the pier, then?

23 (Pause.)

24 MR. WOODY: You mentioned there were heavy
25 winds that day, coming from the west.

1 MR. RUSH: Yeah, primarily west.

2 MR. WOODY: If you had, if you were going from
3 one pilot house to the other pilot house, with that
4 kind of wind, which would be the --

5 MR. RUSH: Obviously where we were.

6 MR. WOODY: Okay.

7 MR. RUSH: He came in through the other side,
8 yes.

9 MR. WOODY: Okay. That is all.

10 (End of interview.)