

NATIONAL TRANSPORTATION SAFETY BOARD

In the Matter of: *
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 *
 ALLISION WITH STATEN ISLAND *
 FERRY TERMINAL MAINTENANCE * DCA-04MM001
 PIER AT ST. GEORGE'S, *
 STATEN ISLAND, NEW YORK BY THE *
 FERRY ANDREW J. BARBERI on *
 OCTOBER 15, 2003 *
 *

Wednesday,
November 5, 2003

INTERVIEW OF:

RICHARD TOLIVER

PRESENT:

MORGAN J. TURRELL, Investigator, NTSB

1 P R O C E E D I N G S

2 MR. TURRELL: Good afternoon. It is November
3 5. We are in the DOT's office.. We are interviewing
4 Mr. Toliver. My name is Morgan Turrell, of the NTSB,
5 Group Operations Chairman.

6 MS. DEOS: Christine Deos, Coast Guard
7 Investigative Service.

8 MR. STEFFANO: Victor Steffano, Coast Guard
9 Investigative.

10 DETECTIVE HARVEY: Detective Anthony Harvey,
11 NYPD.

12 MR. COBB: Charles Cobb, Coast Guard Marine
13 Investigations.

14 MR. TOLIVER: Richard Toliver.

15 MR. TURRELL: And if you would please spell
16 last name?

17 MR. TOLIVER: T-O-L-I-V-E-R.

18 MR. TURRELL: And you are how old?

19 MR. TOLIVER: Thirty two.

20 MR. TURRELL: Okay. And how long have you
21 worked for the ferries?

22 MR. TOLIVER: Since August '97.

23 MR. TURRELL: Okay. And where were you on
24 October 15, where were you?

25 MR. TOLIVER: That is the day of the crash.

1 MR. TURRELL: Yes.

2 MR. TOLIVER: As the boat actually hit, I was
3 on my way to the restroom down on engine level, below
4 the main deck.

5 MR. TURRELL: Okay. If you could just take us
6 back now, just prior to the accident and tell us what
7 you were doing, leaving Whitehall, three o'clock, if
8 you would just pick up there and give us a little
9 narrative about what happened?

10 MR. TOLIVER: Well, when the boat pulled in at
11 Whitehall, I was up on the bridge deck, sweeping, my
12 regular routine. At the passengers was boarding, I was
13 watching the passengers come on, my regular routine. My
14 job requires that I do. After the passengers got on,
15 the aprons went up, the boat hooks, let go, the boat
16 shoved off. I went upstairs to say the announcement,
17 after the announcement I came down. I did some more
18 cleaning. After the cleaning, I went to grab me a soda
19 from the snack bar area, after I drank the soda, I
20 started making my rounds around the boat.

21 I started from the bridge deck, down to the
22 saloon deck, speaking to passengers along the way, you
23 know, regular passengers I see every day. After that,
24 I went, proceeded down to the main deck, same thing,
25 speaking to passengers. After that, decided to stop

1 and use the restroom, and that is when everything
2 happened. I didn't get a chance to use the restroom.
3 And that is when everything took place.

4 MR. TURRELL: And if you could just describe
5 where the restroom is, again, the main deck, below, on
6 which side.

7 MR. TOLIVER: The main, it is on the main
8 deck, on the Jersey side, you know, the boat doesn't
9 ever turn around, so it is one side, Jersey side. You
10 go down, the same way you would go down into the engine
11 room, is the bathroom down there. The engine room is
12 the right, bathroom to the left. Go down some stairs,
13 you make another left, there is a small hallway, then
14 you are into the locker room, you make another left,
15 and the bathroom stall is right there.

16 MR. TURRELL: Okay.

17 MR. TOLIVER: I got right to the locker room
18 and the crash happened.

19 MR. TURRELL: Okay. And what did the crash
20 feel like?

21 MR. TOLIVER: It was, it was a large bang, I
22 guess, that was the initial hit. It sounded like a
23 bomb. At least that is what I thought when I first
24 heard it. And then the boat started shaking real
25 violently, the whole boat. I guess that is when it was

1 cutting through. At that particular moment, I was
2 paralyzed, actually, I was scared. I didn't know what
3 was going on.

4 MR. TURRELL: Okay. And what were your first
5 actions then?

6 MR. TOLIVER: Well, the first thing in my
7 mind, was like, you know, get upstairs because water
8 could be rushing in, you know, and I am thinking a boat
9 hit us, was cutting us in half or, you know. And when
10 I got upstairs and opened the door, that is when the
11 end of the pier cutting through, you know. The hole,
12 the rip was right there, you know, in front of me. So,
13 I immediately dashed upstairs to the bridge deck, ran
14 upstairs to the bridge deck. And when I got up to the
15 bridge deck, while I was running, I was telling
16 passengers to put on life jackets. And I ran up to
17 the bridge deck, started controlling some people, you
18 know, telling them to back up. Then I went back down
19 to the saloon deck to try to help for a minute. Well,
20 before that, a cop showed his badge and told me, he was
21 a cop, and he asked if I needed any help. So, I said,
22 yeah, I need a crowd control help. So he was helping.
23 I went back to the saloon deck, downstairs, when there
24 was another deck hand there, backing people up and
25 right there to the left, there was a body with no head

1 on the, which would have been the stairs to the Staten
2 Island end, but it was all debris.

3 MR. TURRELL: Do you recall who that person
4 was, that deck hand?

5 MR. TOLIVER: Billy Greenwood.

6 MR. TURRELL: He was holding passengers back.

7 MR. TOLIVER: Yeah. You know, they were
8 trying to take pictures and stuff. Acting up. So then
9 I went back up to the bridge deck, doing more crowd
10 control, and that is when I seen the Assistant Captain
11 Smith come out of the wheel house. And we didn't say
12 nothing to each other. He came out of the wheel house,
13 his eyes were wide, you know, and he went down the
14 ramp. I am not too sure if he made a left or right,
15 but, he went around the corner. And I don't know what
16 he did after that, you know, he was gone for a little
17 while, I don't know the approximate time, but, he was
18 gone for a little while and then he came back up. And
19 he went over to my side, out on the weather deck. And
20 it looked like he was, he looked like he was doing
21 crowd control. I couldn't really see him, you know, I
22 just seen passengers backing up. And I don't know how
23 long he was there, and then he went back up to the
24 wheel house and that was the last I seen of him. And
25 then I went, after that I went down, back to the main

1 deck to see if I could provide any help. On the way
2 down, there was a couple of nurses or a couple of
3 women, I said they were nurses, and asked if I needed
4 any help, you know, and I was like, yeah, there is
5 probably hurt people down in the main deck. And there
6 was, when I got down there, you know, I was, it wasn't
7 too much no good, you know, body parts. So it was a
8 bad site, you know.

9 MR. TURRELL: Okay. When you saw Captain
10 Smith come out of the wheel house, the bridge door from
11 the pilot house.

12 MR. TOLIVER: Yes.

13 MR. TURRELL: Do you recall what he was
14 wearing?

15 MR. TOLIVER: No. I mean, it was his uniform.

16 MR. TURRELL: Okay.

17 MR. TOLIVER: It wasn't no civilian clothes or
18 nothing.

19 MR. TURRELL: Okay.

20 MR. TOLIVER: I can't tell if he, well, I
21 can't recall if he had a jacket or not, or something
22 like that, but.

23 MR. TURRELL: And to the best of your
24 knowledge, when he was out on the deck and went back
25 up, he was wearing the same outfit?

1 MR. TOLIVER: Yes.

2 MR. TURRELL: He hadn't changed.

3 MR. TOLIVER: No. I didn't see nothing
4 different.

5 MR. TURRELL: When he was on the lower deck,
6 would that be the damaged side of the vessel or the
7 undamaged side of the vessel?

8 MR. TOLIVER: No, that was the damaged side.

9 MR. TURRELL: Okay.

10 MR. TOLIVER: Jersey side.

11 MR. TURRELL: Okay. Did you ever a chance to
12 see the Chief Engineer?

13 MR. TOLIVER: No. I don't recall, I mean, it
14 was still dusty like, you know, down there on that main
15 deck, so, the only people I seen, I seen a few deck
16 hands, and I seen both of the mates, one of them had
17 the defibulator. I can't recall which one.

18 MR. TURRELL: Okay.

19 MR. TOLIVER: You know, after, after awhile, I
20 was, it was kind of like hard for me to breathe, there
21 was so much blood and stuff, you know. So, I went to
22 the New York end of the boat, that the boat that pulled
23 in.

24 MR. TURRELL: Okay. Okay. Go ahead, you,
25 Chuck, first?

1 MR. COBB: I don't have anything right now.

2 MR. TURRELL: Anthony?

3 DETECTIVE HARVEY: You usually, when you, as
4 the utility man, you get a cue, usually you can hear
5 the boat stop to go up make your announcement?

6 MR. TOLIVER: I am the bridge man, not the
7 utility.

8 DETECTIVE HARVEY: Oh, I am sorry. Bridge
9 man.

10 MR. TOLIVER: Bridge man. Yes, usually the
11 engines, if you ever ride the boat, like this gentleman
12 right here rode it yesterday, the engines usually cut
13 down when you get to a certain distance from the docks,
14 the piers. And that is when I usually tell we are
15 close to approaching the slip. And when we are at
16 them, I make my descent to go make the announcements.

17 DETECTIVE HARVEY: You make the way up to the
18 pilot house?

19 MR. TOLIVER: Yes.

20 DETECTIVE HARVEY: On this day you didn't get
21 that cue.

22 MR. TOLIVER: No.

23 DETECTIVE HARVEY: Because you were going to
24 the bathroom.

25 MR. TOLIVER: Yes. You know, usually even if

1 there is traffic, you know, you feel the engines cut
2 down, because he is slowing up for the traffic, and you
3 automatically, you know, well, we are here that fast,
4 or, something must be in the way, you know, but the
5 boat just kept going its normal speed. You know, it
6 wasn't even no hard turn or veer, you know, like to
7 where we row, there was nothing, it was just like he
8 was not there yet.

9 DETECTIVE HARVEY: Okay.

10 MR. TOLIVER: You know.

11 DETECTIVE HARVEY: And you figured you had
12 time to go to the bathroom.

13 MR. TOLIVER: Yeah.

14 DETECTIVE HARVEY: And the bathroom you went
15 to, that was in the engine room you said, right?

16 MR. TOLIVER: Yes, it is the locker room. It
17 is where the engine room is at. The engine room is to
18 the right, and the locker room is the left.

19 DETECTIVE HARVEY: That is the dock below the
20 main deck.

21 MR. TOLIVER: Yes.

22 DETECTIVE HARVEY: Okay. That is all I have.

23 UNIDENTIFIED SPEAKER: Okay. Rich, this
24 operating rules, have you seen this recently or any
25 time?

1 MR. TOLIVER: Yes, we got something similar to
2 this, or I got something similar to this yesterday,
3 because yesterday was my first day back at work. But,
4 prior to that --

5 UNIDENTIFIED SPEAKER: Since the collision?

6 MR. TOLIVER: Yes. Prior to that I never seen
7 it before.

8 UNIDENTIFIED SPEAKER: And have you looked at
9 it?

10 MR. TOLIVER: Yes.

11 UNIDENTIFIED SPEAKER: Do you notice, did you
12 look at your duties as the bridge person because you
13 bid on the bridge person job, so that is your job.

14 MR. TOLIVER: Yes.

15 UNIDENTIFIED SPEAKER: All the time, right?

16 MR. TOLIVER: Right.

17 UNIDENTIFIED SPEAKER: Did you notice the
18 duties of the bridge person as far as making the
19 announcement?

20 MR. TOLIVER: I have --

21 UNIDENTIFIED SPEAKER: Where he makes the
22 announcement?

23 MR. TOLIVER: I haven't actually read the, it
24 was handed to me yesterday, but I haven't read it.

25 UNIDENTIFIED SPEAKER: Okay.

1 UNIDENTIFIED SPEAKER: And I just noticed it
2 because, if you would take a look at it, over there,
3 page three, at the bottom of page three.

4 (Pause.)

5 MR. TOLIVER: Yes, takes care of the bridge
6 deck inside and out, officer locker room, both
7 stairways to the saloon deck and both pilot houses,
8 yes, this is on the Kennedy class, not the Barberi
9 class.

10 UNIDENTIFIED SPEAKER: Right.

11 MR. TOLIVER: And as the boat is approaching
12 the slip, you go into the operating pilot house and
13 make proper announcements.

14 UNIDENTIFIED SPEAKER: Operating pilot house.

15 If you read further on in there, when you read the
16 Barberi plan, it refers you back to the Kennedy Class
17 and says that the duties are the same. I was just
18 curious, because I remember when you said that it was
19 your habit to always make the announcements in the --

20 MR. TOLIVER: Opposite end.

21 UNIDENTIFIED SPEAKER: Opposite end of the --

22 MR. TOLIVER: Yes.

23 UNIDENTIFIED SPEAKER: And I was just curious
24 about that. And people that we have spoken to since and
25 we have interviewed with, and then reading this, you

1 seem to be doing it opposite of what the policy says.

2 I was wondering how that came to --

3 MR. TOLIVER: Well, that is the --

4 UNIDENTIFIED SPEAKER: Did you do that on your
5 own?

6 MR. TOLIVER: No, that is the way I have
7 always, as a matter of fact, as I spoke to captains I
8 have worked with for years, they said it didn't matter
9 which wheel house you said it in as long as the
10 announcements is said.

11 UNIDENTIFIED SPEAKER: You can come back, that
12 is fine.

13 MR. TOLIVER: Captains and the deck hands that
14 have taught me when I first started. As long as the
15 announcement is said, I mean, this is something that I
16 have been doing ever since I started working on the
17 boats, and nobody has said, not a problem, nothing.

18 UNIDENTIFIED SPEAKER: Okay.

19 MR. TOLIVER: So, I mean, if anybody had said
20 anything about it being a problem, then I, of course, I
21 would have changed and said the announcements from the
22 pilot house that we are going in, but, nobody never
23 said it was a problem.

24 UNIDENTIFIED SPEAKER: Well, you signed for
25 this yesterday, is that correct?

1 MR. TOLIVER: Yes. Yeah, now, yes, now, being
2 that I am the bridge man and I worked yesterday, I
3 have, there are three people in the wheel house at all
4 times. So, I seen a change of the rules.

5 UNIDENTIFIED SPEAKER: Okay.

6 MR. TOLIVER: As I worked yesterday.

7 UNIDENTIFIED SPEAKER: And on the day of the
8 accident, you had no occasion to go into the New York
9 pilot house?

10 MR. TOLIVER: Say that again now.

11 UNIDENTIFIED SPEAKER: The New York pilot
12 house.

13 MR. TOLIVER: No, as I said the day of the
14 crash, the engines never slowed down for me to start to
15 make my way up to go say my announcements.

16 UNIDENTIFIED SPEAKER: Okay. And if you
17 recall, I had asked you if you had remembered seeing --
18 on the bridge deck at the any time during the transit?

19 MR. TOLIVER: Yes, I seen him when we first,
20 when we first left. You know, I seen his back, you
21 know, but as for holding an initial conversation or
22 anything with him, no. I mean, we see each other, the
23 boat is this big, so, I could see you down on that end,
24 but not speak to you, you know, but, I see you, yes.

25 UNIDENTIFIED SPEAKER: And were you able to

1 see from your side the, the doorway up to the pilot
2 house on the New York side?

3 MR. TOLIVER: Well, leaving from the trip?

4 UNIDENTIFIED SPEAKER: On the bridge deck,
5 yeah.

6 MR. TOLIVER: On the bridge deck, no, on the
7 Jersey side, the Jersey side, the Staten Island wheel
8 house door is on the Jersey side, but the New York end
9 wheel house door is on the Brooklyn side.

10 UNIDENTIFIED SPEAKER: Okay.

11 MR. TOLIVER: Unless I am standing on my side,
12 on the New York end, I can see the New York end pilot
13 house, but if I am standing on my side, on the Staten
14 Island end, I can't see the New York pilot house
15 because of --

16 UNIDENTIFIED SPEAKER: The angle.

17 MR. TOLIVER: Yes.

18 UNIDENTIFIED SPEAKER: Of course. So, you
19 didn't see anyone at any time while you were on the
20 bridge deck go up into the New York pilot house? Any,
21 any deck hands paramount to you, any other deck hand or
22 mate?

23 MR. TOLIVER: When is this now?

24 UNIDENTIFIED SPEAKER: On the, just before the
25 collision on the transit between, before you went

1 downstairs to the men's room, and when you were on the
2 bridge deck?

3 MR. TOLIVER: No. I didn't see nobody
4 upstairs, heading up there.

5 UNIDENTIFIED SPEAKER: When you left Whitehall
6 on the way over to Staten Island before the collision?

7 MR. TOLIVER: No.

8 UNIDENTIFIED SPEAKER: Did anyone go up into
9 the New York pilot house?

10 MR. TOLIVER: No. No. After we, after we
11 left, like I said, I started sweeping, went and said my
12 announcement, and that was it. I didn't nobody go
13 upstairs into the wheel house. Actually, I said the
14 announcement from the New York end.

15 UNIDENTIFIED SPEAKER: Oh, I thought the
16 announcement was --

17 MR. TOLIVER: No, we say announcement when you
18 are leaving, when you leave, like say if we leave
19 Staten Island, you say, good afternoon, or good
20 morning.

21 UNIDENTIFIED SPEAKER: Oh, oh. Okay.

22 MR. TOLIVER: The American legion and then you
23 say one prior to coming in.

24 UNIDENTIFIED SPEAKER: Okay. So you made the
25 announcement from the New York pilot house when you

1 were leaving.

2 MR. TOLIVER: Yes.

3 UNIDENTIFIED SPEAKER: Who was in the New York
4 pilot house at that time with you?

5 MR. TOLIVER: The Captain.

6 UNIDENTIFIED SPEAKER: Which captain?

7 MR. TOLIVER: Gansas.

8 UNIDENTIFIED SPEAKER: Okay. So that is just
9 prior to leaving and then you came down, when you left
10 Gansas was still in the --

11 MR. TOLIVER: Yeah.

12 UNIDENTIFIED SPEAKER: Do you recall what he
13 was doing?

14 MR. TOLIVER: No. Not, I guess, the basic
15 stuff, that is all.

16 UNIDENTIFIED SPEAKER: Well, do you recall
17 where he was standing or where he was, was he --

18 MR. TOLIVER: He --

19 UNIDENTIFIED SPEAKER: Was he at the controls,
20 was he sitting on the settee?

21 MR. TOLIVER: No, when I say the
22 announcements, he passes the power to Smith.

23 UNIDENTIFIED SPEAKER: Okay. And did you
24 observe him do that?

25 MR. TOLIVER: No, I don't recall that. After

1 I say the announcements, I just go downstairs.

2 UNIDENTIFIED SPEAKER: Okay. Was there anyone
3 in, anyone else in the pilot house?

4 MR. TOLIVER: No.

5 UNIDENTIFIED SPEAKER: At that time.

6 MR. TOLIVER: No.

7 MR. TURRELL: At that interchange, when you
8 are just about finished the announcements, is there a
9 buzzer or do the two captains talk on the telephone?

10 MR. TOLIVER: No, it is a buzzer. I don't
11 now what buzzers they hit or whatever. But, it is --

12 MR. TURRELL: So, there was no conversation
13 that you recall going on between Gansas and Smith, just
14 the buzzer.

15 MR. TOLIVER: Just the buzzer.

16 MR. TURRELL: Okay.

17 MR. TOLIVER: Just the buzzer.

18 MR. TURRELL: Was Captain Gansas, what kind of
19 mood was he in?

20 MR. TOLIVER: Well, everybody was, everybody
21 was in a good mood. We always order lunch, talking
22 about the Yankees. Everybody was in a good mood.

23 UNIDENTIFIED SPEAKER: When you went in that
24 pilot house, did you noticed there was a TV?

25 MR. TOLIVER: TV?

1 UNIDENTIFIED SPEAKER: Yeah, in the New York
2 pilot house?

3 MR. TOLIVER: No, no TV.

4 UNIDENTIFIED SPEAKER: Was the TV out and
5 playing.

6 MR. TOLIVER: TV, there is a, there are
7 radios, there is a radio on each end. But, not TVs.

8 UNIDENTIFIED SPEAKER: Ever seen a TV in the
9 New York pilot house?

10 MR. TOLIVER: No. Unless you are talking
11 about the radar TV, radar screen.

12 UNIDENTIFIED SPEAKER: No.

13 MR. TOLIVER: Regular --

14 UNIDENTIFIED SPEAKER: Small TV.

15 MR. TOLIVER: No. Not at all. No.

16 UNIDENTIFIED SPEAKER: Okay.

17 MR. TURRELL: Anyone else. Okay, Richard, if
18 you would just acknowledge this is being recorded and
19 we can conclude the interview.

20 MR. TOLIVER: Yes, I acknowledge.

21 MR. TURRELL: Thank you.

22 (Whereupon, the interview was concluded.)