

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF MARINE SAFETY

ANDREW J. BARBERI
DCA 04 MM 001

INTERVIEW OF MICHAEL GANSAS

U.S. Coast Guard Activity Center

Thursday, November 6, 2003

APPEARANCES:

On behalf of the National Transportation
Safety Board:

MORGAN J. TURRELL
Marine Accident Investigator, MS-10
Office of Marine Safety

DR. BARRY STRAUCH
Office of Marine Safety

CHRIS JULIAN

On behalf of the U.S. Coast Guard:

LIEUTENANT MARK PALMEIRI
U.S. Coast Guard Activities, New York

CHARLES KOMP
U.S. Coast Guard Activities, New York

CHRISTINE JUDIA
Special Agent
Coast Guard Investigative Service

NICK DI STEFANO
Coast Guard Investigative Service

On behalf of the New York Police Department:

CAPTAIN ANTHONY HODY

On behalf of Staten Island Ferry:

TONY SHERMAN

EXECUTIVE COURT REPORTERS, INC.
(301) 565-0064

APPEARANCES: (Continued)

On behalf of Captain Gansas:

WILLIAM BENNETT
STEPHEN SHEINBAUM
Law Firm of Sheinbaum, Bennett, Juliano,
McDonald, and Levy

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. TURRELL: Good morning. It's November 6th. We're in the U.S. Coast Guard Activity Center. This is Morgan Turrell of the NTSB. I am joined here today for an interview with Captain Mike Gansas.

Starting with my right, Dr. Barry Strauch, go ahead and introduce yourself.

DR. STRAUCH: I'm Barry Strauch with the Office of Marine Safety at the NTSB.

MR. JULIAN: Chris Julian, NTSB.

MR. BENNETT: William Bennett from the law firm of Sheinbaum, Bennett, Juliano, McDonald, and Levy (ph).

CAPTAIN GANSAS: Capt. Michael Joseph Gansas.

MS. _____: Catherine (name) of (law firm).

MR. SHEINBAUM: Stephen Sheinbaum from Sheinbaum, Bennett, Juliano, McDonald, and Levy.

LT. PALMEIRI: Lieutenant Mark Palmeiri, U.S. Coast Guard Activities, New York.

MR. TURRELL: Anthony?

MR. HODY: Oh, sorry. Captain Anthony Hody (ph), NYPD.

MR. SHERMAN: Tony Sherman, Staten Island Ferry.

1 MR. KOMP: Charles Komp, Coast Guard
2 Activities, New York.

3 SPECIAL AGENT JUDIA: Special Agent Christine
4 Judia (ph), Coast Guard Investigative Service.

5 MR. DI STEFANO: Nick Di Stefano, Coast Guard
6 Investigative Service.

7 MR. TURRELL: Morgan Turrell, NTSB.

8 Thank you.

9 Captain Gansas, I'm going to ask you a few
10 basic personal questions. And once again, if there is
11 any objection, you're not compelled to answer any
12 questions you have objection to.

13 Would you please state your name and spell it
14 for the record, please?

15 CAPTAIN GANSAS: Michael Joseph Gansas, M-I-
16 C-H-A-E-L, J-O-S-E-P-H, G-A-N-S-A-S.

17 MR. TURRELL: Thank you.

18 And would you please acknowledge this is
19 being recorded?

20 CAPTAIN GANSAS: I do acknowledge.

21 MR. TURRELL: Thank you.

22 What is your current address, sir?

23 CAPTAIN GANSAS: Upon the advice of my
24 counsel, I respectfully assert my right under the Fifth
25 Amendment of the United States Constitution and decline

1 to answer your question.

2 MR. TURRELL: Thank you.

3 How old are you?

4 CAPTAIN GANSAS: Thirty-eight.

5 MR. TURRELL: Thank you.

6 Where did you grow up?

7 CAPTAIN GANSAS: Upon the advice of my
8 counsel, I respectfully assert my right under the Fifth
9 Amendment of the United States Constitution and decline
10 to answer your question.

11 MR. TURRELL: Okay. Were you in the
12 military?

13 CAPTAIN GANSAS: Upon the advice of my
14 counsel, I respectfully assert my right under the Fifth
15 Amendment of the United States Constitution and decline
16 to answer your question.

17 MR. TURRELL: Okay. We'd like to ask -- ask
18 some questions pertaining to your background, Captain
19 Gansas. Do I understand you're invoking your right not
20 to answer any and all questions regarding your
21 background?

22 CAPTAIN GANSAS: Yes.

23 MR. TURRELL: Okay. So you will invoke your
24 right to any and all questions regarding your
25 background no matter what they are, is that correct?

1 CAPTAIN GANSAS: Yes.

2 MR. TURRELL: Thank you.

3 We'd like to proceed now to ask if you would
4 please provide us a narrative of the events from your
5 perspective on October 15th, 2003.

6 CAPTAIN GANSAS: Upon the advice of my
7 counsel, I respectfully assert my right under the Fifth
8 Amendment of the United States Constitution and decline
9 to answer your question.

10 MR. TURRELL: I see. Will you at least
11 describe in your own words what happened that day in
12 any format, written or verbal?

13 CAPTAIN GANSAS: Upon the advice of my
14 counsel, I respectfully assert my right under the Fifth
15 Amendment of the United States Constitution and decline
16 to answer your question.

17 MR. TURRELL: So you will not provide the
18 Safety Board with any description of the events on the
19 Barberi on October 15th, is that correct?

20 CAPTAIN GANSAS: That's correct.

21 MR. TURRELL: Okay. Captain Gansas, I would
22 like to ask you some questions about training, your
23 training and the training provided by the City
24 Department of Transportation when you began at the
25 ferries. How did you learn your job when you first

1 began your job?

2 CAPTAIN GANSAS: Upon the advice of my
3 counsel, I respectfully assert my right under the Fifth
4 Amendment of the United States Constitution and decline
5 to answer your question.

6 MR. TURRELL: Did the Department of
7 Transportation give you any training for this -- for
8 your current employment?

9 CAPTAIN GANSAS: Upon the advice of my
10 counsel, I respectfully assert my right under the Fifth
11 Amendment of the United States Constitution and decline
12 to answer your question.

13 MR. TURRELL: Do you currently hold a U.S.
14 Coast Guard license?

15 CAPTAIN GANSAS: Upon the advice of my
16 counsel, I respectfully assert my right under the Fifth
17 Amendment of the United States Constitution and decline
18 to answer your question.

19 MR. TURRELL: So it's my understanding that
20 you will not answer any questions regarding training
21 either you have received or training from the Staten
22 Island Ferries at any time, is that correct?

23 CAPTAIN GANSAS: Yes, sir.

24 MR. TURRELL: Okay. We would like to perhaps
25 ask some questions about navigation and the route

1 between Whitehall, Manhattan, and Staten Island, New
2 York. What is the normal operating speed for Andrew J.
3 Barberi?

4 CAPTAIN GANSAS: Under the advice of my
5 counsel, I respectfully assert my right under the Fifth
6 Amendment of the United States Constitution and decline
7 to answer your question.

8 MR. TURRELL: How many crew members are on
9 board the Barberi?

10 CAPTAIN GANSAS: Upon the advice of my
11 counsel, I respectfully assert my right under the Fifth
12 Amendment of the United States Constitution and decline
13 to answer your question.

14 MR. TURRELL: I'd like to ask you some basic
15 questions about the conditions on October 15th. Can
16 you tell me what the weather was on October 15th?

17 CAPTAIN GANSAS: Upon the advice of my
18 counsel, I respectfully assert my right under the Fifth
19 Amendment of the United States Constitution and decline
20 to answer your question.

21 MR. TURRELL: So you won't answer any
22 questions regarding weather, visibility, gauge
23 navigation, equipment on board the vessel, or any other
24 conditions on October 15th, is that correct?

25 CAPTAIN GANSAS: Yes.

1 MR. TURRELL: We're going to stop this
2 proceeding just for a moment and take a quick break.
3 Anyone like to take some water? We're just going to
4 stop just for a moment.

5 (Brief recess)

6 MR. TURRELL: It's 10:34. We've resumed
7 recording. Back on the record. We're talking to
8 Captain Mike Gansas.

9 Captain Gansas, we're going to ask you some
10 questions about your 72-hour profile and any medication
11 you might be taking.

12 Were you taking any medication prior to
13 October 15th, 2003?

14 CAPTAIN GANSAS: On the advice of my counsel,
15 I respectfully assert my right under the Fifth
16 Amendment of the United States Constitution and decline
17 to answer your question.

18 MR. TURRELL: Do you currently wear glasses
19 or contact lenses?

20 CAPTAIN GANSAS: Upon the advice of my
21 counsel, I respectfully assert my right under the Fifth
22 Amendment of the United States Constitution and decline
23 to answer your question.

24 MR. TURRELL: Prior to October 15th -- 15th,
25 did you have any medical condition that required

1 attention?

2 CAPTAIN GANSAS: Upon the advice of my
3 counsel, I respectfully assert my right under the Fifth
4 Amendment of the United States Constitution and decline
5 to answer your question.

6 MR. TURRELL: Captain Gansas, do you know
7 what you did on Columbus Day weekend?

8 CAPTAIN GANSAS: Upon the advice of my
9 counsel, I respectfully assert my right under the Fifth
10 Amendment of the United States Constitution and decline
11 to answer your question.

12 MR. TURRELL: On your first day after the
13 Columbus Day weekend, Tuesday, October 14th, did you
14 report to work at the Staten Island Ferry?

15 CAPTAIN GANSAS: Upon the advice of my
16 counsel, I respectfully assert my right under the Fifth
17 Amendment of the United States Constitution and decline
18 to answer your question.

19 MR. TURRELL: Okay. When do you normally
20 sleep when you're not working?

21 CAPTAIN GANSAS: Upon the advice of my
22 counsel, I respectfully assert my right under the Fifth
23 Amendment of the United States Constitution and decline
24 to answer your question.

25 MR. TURRELL: To your recollection, did you

1 do anything outside -- anything in particular outside
2 your normal activities on October 15th?

3 CAPTAIN GANSAS: Upon the advice of my
4 counsel, I respectfully assert my right under the Fifth
5 Amendment of the United States Constitution and decline
6 to answer your question.

7 MR. TURRELL: Can you provide any information
8 about your medical condition or any physicals you may
9 have taken in the last 18 months?

10 CAPTAIN GANSAS: Upon the advice of my
11 counsel, I respectfully assert my right under the Fifth
12 Amendment of the United States Constitution and decline
13 to answer your question.

14 MR. TURRELL: Okay. When was the last time
15 you did take a physical examination?

16 CAPTAIN GANSAS: Upon the advice of my
17 counsel, I respectfully assert my right under the Fifth
18 Amendment of the United States Constitution and decline
19 to answer your question.

20 MR. TURRELL: At this time, I'd like to ask
21 our human performance specialist, Dr. Barry Strauch, to
22 ask some questions about human performance issues.

23 Dr. Strauch.

24 DR. STRAUCH: Captain Gansas, can you
25 describe Richard Smith on October 15th?

1 CAPTAIN GANSAS: Upon the advice of my
2 counsel, I respectfully assert my right under the Fifth
3 Amendment of the United States Constitution and decline
4 to answer your question.

5 DR. STRAUCH: What was your relationship with
6 him like on -- on the ferry?

7 CAPTAIN GANSAS: Upon the advice of my
8 counsel, I respectfully assert my right under the Fifth
9 Amendment of the United States Constitution and decline
10 to answer your question.

11 DR. STRAUCH: I have no further questions.

12 MR. TURRELL: Thank you, Dr. Strauch.

13 Captain Gansas, I would like to ask you some
14 questions again pertaining to navigation information
15 and the Harbor of New York City.

16 What are the approximate navigation courses a
17 ship steers between New York and Staten Island?

18 CAPTAIN GANSAS: Upon the advice of my
19 counsel, I respectfully assert my right under the Fifth
20 Amendment of the United States Constitution and decline
21 to answer your question.

22 MR. TURRELL: Can you describe the KV Buoy to
23 the Board?

24 CAPTAIN GANSAS: Upon the advice of my
25 counsel, I respectfully assert my right under the Fifth

1 Amendment of the United States Constitution and decline
2 to answer your question.

3 MR. TURRELL: Okay. What is the depth of the
4 channel between New York and Staten Island?

5 CAPTAIN GANSAS: Upon the advice of my
6 counsel, I respectfully assert my right under the Fifth
7 Amendment of the United States Constitution and decline
8 to answer your question.

9 MR. TURRELL: Can you tell me what VHF
10 channel the Staten Island Ferries operates on?

11 CAPTAIN GANSAS: Upon the advice of my
12 counsel, I respectfully assert my right under the Fifth
13 Amendment of the United States Constitution and decline
14 to answer your question.

15 MR. TURRELL: What steps are taken by the
16 vessel crew approaching Staten Island, St. George
17 Terminal?

18 CAPTAIN GANSAS: Upon the advice of my
19 counsel, I respectfully assert my right under the Fifth
20 Amendment of the United States Constitution and decline
21 to answer your question.

22 MR. TURRELL: When you're navigating the
23 vessel in fog, do you blow signals?

24 CAPTAIN GANSAS: Upon the advice of my
25 counsel, I respectfully assert my right under the Fifth

1 Amendment of the United States Constitution and decline
2 to answer your question.

3 MR. TURRELL: Do you blow any signals
4 departing or leaving or arriving on terminals on Staten
5 Island Ferries?

6 CAPTAIN GANSAS: Upon the advice of my
7 counsel, I respectfully assert my right under the Fifth
8 Amendment of the United States Constitution and decline
9 to answer your question.

10 MR. TURRELL: Captain Gansas, would you
11 answer any questions regarding navigation through
12 description between New York and Staten Island?

13 CAPTAIN GANSAS: Upon the advice of my
14 counsel --

15 MS. _____: I think you can say "no" to
16 that.

17 CAPTAIN GANSAS: Yeah. No.

18 MR. TURRELL: So you will not answer any
19 questions, is that correct?

20 CAPTAIN GANSAS: (Inaudible)

21 MR. TURRELL: I'd like to ask you some
22 questions regarding the controls and performance of the
23 vessel Andrew J. Barberi. How do you control the speed
24 on the Andrew J. Barberi?

25 CAPTAIN GANSAS: Upon the advice of my

1 counsel, I respectfully assert my right under the Fifth
2 Amendment of the United States Constitution and decline
3 to answer your question.

4 MR. TURRELL: How do you control steering on
5 the Andrew J. Barberi?

6 CAPTAIN GANSAS: Upon the advice of my
7 counsel, I respectfully assert my right under the Fifth
8 Amendment of the United States Constitution and decline
9 to answer your question.

10 MR. TURRELL: Do you know of any problems
11 with these controls in the past?

12 CAPTAIN GANSAS: Upon the advice of my
13 counsel, I respectfully assert my right under the Fifth
14 Amendment of the United States Constitution and decline
15 to answer your question.

16 MR. TURRELL: Captain Gansas, can you tell me
17 how to switch control from the -- from one pilothouse
18 to another, the procedure in place to switch control
19 from one to another?

20 CAPTAIN GANSAS: Upon the advice of my
21 counsel, I respectfully assert my right under the Fifth
22 Amendment of the United States Constitution and decline
23 to answer your question.

24 MR. TURRELL: How do you signal any emergency
25 to the crew or passengers on board the ship?

1 CAPTAIN GANSAS: Upon the advice of my
2 counsel, I respectfully assert my right under the Fifth
3 Amendment of the United States Constitution and decline
4 to answer your question.

5 MR. TURRELL: How would you maneuver the
6 vessel full astern if necessary?

7 CAPTAIN GANSAS: Upon the advice of my
8 counsel, I respectfully assert my right under the Fifth
9 Amendment of the United States Constitution and decline
10 to answer your question.

11 MR. TURRELL: How would you maneuver the
12 vessel hard left or hard right?

13 CAPTAIN GANSAS: Upon the advice of my
14 counsel, I respectfully assert my right under the Fifth
15 Amendment of the United States Constitution and decline
16 to answer your question.

17 MR. TURRELL: As navigating officer, how
18 would you counteract heavy wind or heavy current?

19 CAPTAIN GANSAS: Upon the advice of my
20 counsel, I respectfully assert my right under the Fifth
21 Amendment of the United States Constitution and decline
22 to answer your question.

23 MR. TURRELL: Captain Gansas, can you provide
24 any information regarding the controls or performance
25 of the Andrew J. Barberi or (inaudible) to the Safety

1 Board?

2 CAPTAIN GANSAS: Upon the advice of my
3 counsel, I respectfully assert my right under the Fifth
4 Amendment of the United States Constitution and decline
5 to answer your question.

6 MR. TURRELL: Will you decline to answer or
7 invoke your Fifth Amendment to any questions regarding
8 controls or specific questions?

9 CAPTAIN GANSAS: Yes.

10 MR. TURRELL: Captain Gansas, I'd like to ask
11 you some questions regarding job descriptions.

12 Mike, what is your job title at Staten Island
13 Ferries?

14 CAPTAIN GANSAS: Upon the advice of my
15 counsel, I respectfully assert my right under the Fifth
16 Amendment of the United States Constitution and decline
17 to answer your question.

18 MR. TURRELL: Captain Gansas, what is your
19 understanding of where you're supposed to be during
20 docking, undocking, and transit at Staten Island
21 Ferries?

22 CAPTAIN GANSAS: Upon the advice of my
23 counsel, I respectfully assert my right under the Fifth
24 Amendment of the United States Constitution and decline
25 to answer your question.

1 MR. TURRELL: Do you know where the assistant
2 captain is supposed to be during docking, undocking, or
3 in transit on the Staten Island Ferries?

4 CAPTAIN GANSAS: Upon the advice of my
5 counsel, I respectfully assert my right under the Fifth
6 Amendment of the United States Constitution and decline
7 to answer your question.

8 MR. TURRELL: As the navigating officer on
9 board the Staten Island Ferries, do you post a lookout
10 in all conditions?

11 CAPTAIN GANSAS: Upon the advice of my
12 counsel, I respectfully assert my right under the Fifth
13 Amendment of the United States Constitution and decline
14 to answer your question.

15 MR. TURRELL: So if I ask you any more
16 questions regarding job description, is it my
17 understanding that you will not answer any questions
18 regarding that, is that correct?

19 CAPTAIN GANSAS: Yes, sir.

20 MR. TURRELL: I'd like to ask some questions
21 now about ship management at the Staten Island Ferries,
22 Department of Transportation. It's important for the
23 Safety Board to understand the culture and operations
24 at Staten Island Ferries leading up to this accident
25 and its response to it.

1 How does the city communicate with you as an
2 employee of the Staten Island Ferries?

3 CAPTAIN GANSAS: Under the advice of my
4 counsel, I respectfully assert my right under the Fifth
5 Amendment of the United States Constitution and decline
6 to answer your question.

7 MR. TURRELL: How often do DOT officials ride
8 the ferry in the pilothouse or on board the ship, to
9 your knowledge?

10 CAPTAIN GANSAS: Upon the advice of my
11 counsel, I respectfully assert my right under the Fifth
12 Amendment of the United States Constitution and decline
13 to answer your question.

14 MR. TURRELL: Do you have any access to DOT
15 policies and procedures either at home, at work, or in
16 the boat -- the ship?

17 CAPTAIN GANSAS: On the advice of my counsel,
18 I respectfully assert my right under the Fifth
19 Amendment of the United States Constitution and decline
20 to answer your question.

21 MR. TURRELL: To your knowledge, Captain
22 Gansas, does Department of Transportation perform
23 random drug tests?

24 CAPTAIN GANSAS: Upon the advice of my
25 counsel, I respectfully assert my right under the Fifth

1 Amendment of the United States Constitution and decline
2 to answer your question.

3 MR. TURRELL: Captain Gansas, have you ever
4 signed the ship's log of the Staten Island Ferries?

5 CAPTAIN GANSAS: Upon the advice of my
6 counsel, I respectfully assert my right under the Fifth
7 Amendment of the United States Constitution and decline
8 to answer your question.

9 MR. TURRELL: I have some specific questions
10 about ship management on board the -- on board the
11 vessel now.

12 Who does the captain report to at the Staten
13 Island Ferries?

14 CAPTAIN GANSAS: Upon the advice of my
15 counsel, I respectfully assert my right under the Fifth
16 Amendment of the United States Constitution and decline
17 to answer your question.

18 MR. TURRELL: Who is responsible for -- the
19 ship, approaching, and docking at Whitehall Terminal in
20 New York?

21 CAPTAIN GANSAS: Upon the advice of my
22 counsel, I respectfully assert my right under the Fifth
23 Amendment of the United States Constitution and decline
24 to answer your question.

25 MR. TURRELL: Who is responsible for -- the

1 ship into Staten Island Terminal at St. George?

2 CAPTAIN GANSAS: Upon the advice of my
3 counsel, I respectfully assert my right under the Fifth
4 Amendment of the United States Constitution and decline
5 to answer your question.

6 MR. TURRELL: Captain Gansas, can you tell me
7 who the two mates report to on board the ship?

8 CAPTAIN GANSAS: Upon the advice of my
9 counsel, I respectfully assert my right under the Fifth
10 Amendment of the United States Constitution and decline
11 to answer your question.

12 MR. TURRELL: Okay. Thank you.

13 Is it my understanding, Captain Gansas, that
14 if I ask you any questions regarding captains,
15 assistant captains, mates, deck hands, engineers,
16 oilers, you will continue to invoke your Fifth
17 Amendment right, is that correct?

18 CAPTAIN GANSAS: Yes.

19 MR. TURRELL: Captain Gansas, I'd like to ask
20 you some questions now in particular about certain
21 individuals on board the ship.

22 Captain Gansas, who was the assistant captain
23 on October 15th, 2003, on board the Barberi?

24 CAPTAIN GANSAS: Upon the advice of my
25 counsel, I respectfully assert my right under the Fifth

1 Amendment of the United States Constitution and decline
2 to answer your question.

3 MR. TURRELL: Captain Gansas, it is my
4 understanding you were not the permanent -- the normal
5 assigned captain for the Barberi that day. Can you
6 tell me who you were replacing as captain on board the
7 Barberi on October 15th?

8 CAPTAIN GANSAS: Upon the advice of my
9 counsel, I respectfully assert my right under the Fifth
10 Amendment of the United States Constitution and decline
11 to answer your question.

12 MR. TURRELL: Captain Gansas, do you -- did
13 you have any chance to talk to Captain Richard Smith
14 either on Tuesday, October 14th, or October 15th,
15 before, during, or after the accident?

16 CAPTAIN GANSAS: Upon the advice of my
17 counsel, I respectfully assert my right under the Fifth
18 Amendment of the United States Constitution and decline
19 to answer your question.

20 MR. TURRELL: Can you provide any information
21 to the Safety Board regarding Captain Richard Smith the
22 day of the accident, about his demeanor, performance,
23 personal characteristics, slurred speech, vision?
24 Anything you can provide the Safety Board regarding his
25 actions that day?

1 CAPTAIN GANSAS: Upon the advice of my
2 counsel, I respectfully assert my right under the Fifth
3 Amendment of the United States Constitution and decline
4 to answer your question.

5 MR. TURRELL: Thank you.

6 Do you know of any medication Captain Smith
7 may have been taking?

8 CAPTAIN GANSAS: Upon the advice of my
9 counsel, I respectfully assert my right under the Fifth
10 Amendment of the United States Constitution and decline
11 to answer your question.

12 MR. TURRELL: Captain Gansas, can you tell me
13 the name of the senior mate on board the Barberi on
14 October 15th?

15 CAPTAIN GANSAS: Upon the advice of my
16 counsel, I respectfully assert my right under the Fifth
17 Amendment of the United States Constitution and decline
18 to answer your question.

19 MR. TURRELL: Thank you.

20 I would like to return to another area of
21 questioning. Before I do, I -- my understanding is you
22 will not answer any questions regarding specific crew
23 members on board the Barberi, is that correct?

24 CAPTAIN GANSAS: Yes, sir.

25 MR. TURRELL: And you'll invoke your Fifth

1 Amendment if I ask any further questions on that topic?

2 CAPTAIN GANSAS: Yes, sir.

3 MR. TURRELL: I would like to return to the
4 conditions October 15th leading up to the accident.
5 The Safety Board is interested in finding the probable
6 cause, and any information you can provide about the
7 conditions operating on board the vessel or the
8 meteorological conditions tied to current or any other
9 activity you experienced on that run that day.

10 Were you on time departing Whitehall?

11 CAPTAIN GANSAS: Upon the advice of my
12 counsel, I respectfully assert my right under the Fifth
13 Amendment of the United States Constitution and decline
14 to answer your question.

15 MR. TURRELL: Can you provide the Safety
16 Board with an approximation of how many passengers
17 boarded in New York for Staten Island that day?

18 CAPTAIN GANSAS: Upon the advice of my
19 counsel, I respectfully assert my right under the Fifth
20 Amendment of the United States Constitution and decline
21 to answer your question.

22 MR. TURRELL: Captain Gansas, can you tell me
23 who was inside the Staten Island pilothouse at
24 approximately 15:20 on October 15th, 2003?

25 CAPTAIN GANSAS: Upon the advice of my

1 counsel, I respectfully assert my right under the Fifth
2 Amendment of the United States Constitution and decline
3 to answer your question.

4 MR. TURRELL: Captain Gansas, do you know if
5 Mate Rush was on the bridge of the Andrew J. Barberi
6 that day?

7 CAPTAIN GANSAS: Upon the advice of my
8 counsel, I respectfully assert my right under the Fifth
9 Amendment of the United States Constitution and decline
10 to answer your question.

11 MR. TURRELL: Thank you.

12 One further question. Do you know if the
13 ship was making a proper approach to Staten Island
14 Terminal, St. George, on October 15th about 15:20?

15 CAPTAIN GANSAS: Upon the advice of my
16 counsel, I respectfully assert my right under the Fifth
17 Amendment of the United States Constitution and decline
18 to answer your question.

19 MR. TURRELL: Captain Gansas, is it my
20 understanding that you will invoke the Fifth Amendment
21 on any and all questions regarding conditions leading
22 up to the accident prior to October 15th, 2003?

23 CAPTAIN GANSAS: Yes.

24 MR. TURRELL: Captain Gansas, would you like
25 to take a break or is there any need for counsel at

1 this point?

2 MS. _____: No, I just wanted to make sure
3 that he was able to go forward.

4 MR. TURRELL: Okay. Thank you.

5 Captain Gansas, are you able to continue with
6 this interview?

7 CAPTAIN GANSAS: (Inaudible)

8 MR. TURRELL: Captain Gansas, the Safety
9 Board would like to ask you some questions regarding
10 the actual events of the allision Andrew J. Barberi
11 with the concrete pier on October 15th, 2003.

12 Do you know the name of the deck hand who was
13 on watch approximately 15:00, 2003, on the bridge of
14 Andrew J. Barberi?

15 CAPTAIN GANSAS: Upon the advice of my
16 counsel, I respectfully assert my right under the Fifth
17 Amendment of the United States Constitution and decline
18 to answer your question.

19 MR. TURRELL: Can you tell me, Captain
20 Gansas, when the ship -- at what time the ship reached
21 the KV Buoy on or about October 15th, 2003, on or about
22 15:00?

23 CAPTAIN GANSAS: Upon the advice of my
24 counsel, I respectfully assert my right under the Fifth
25 Amendment of the United States Constitution and decline

1 to answer your question.

2 MR. TURRELL: Captain Gansas, do you know if
3 the vessel made any turns at the ferry terminal
4 approaching Staten Island, St. George on October 15th
5 at approximately 15:20?

6 CAPTAIN GANSAS: Upon the advice of my
7 counsel, I respectfully assert my right under the Fifth
8 Amendment of the United States Constitution and decline
9 to answer your question.

10 MR. TURRELL: Captain Gansas, do you -- do
11 you recall if Captain Smith reduced RPM as a reduced
12 pitch to slow the vessel down prior to impact on
13 October 15th?

14 CAPTAIN GANSAS: Upon the advice of my
15 counsel, I respectfully assert my right under the Fifth
16 Amendment of the United States Constitution and decline
17 to answer your question.

18 MR. TURRELL: Captain Gansas, do you know if
19 Captain Smith usually used the forward steering control
20 or the after steering control in normal conditions?

21 CAPTAIN GANSAS: Upon the advice of my
22 counsel, I respectfully assert my right under the Fifth
23 Amendment of the United States Constitution and decline
24 to answer your question.

25 MR. TURRELL: I understand. It's important

1 for the Safety Board to understand certain facts, and I
2 will continue asking questions.

3 At what time did you notice something was
4 wrong on October 15th prior to impact?

5 CAPTAIN GANSAS: Upon the advice of my
6 counsel, I respectfully assert my right under the Fifth
7 Amendment of the United States Constitution and decline
8 to answer your question.

9 MR. TURRELL: Thank you. Did you -- how did
10 you realize the ship had collided with the pier? At
11 what point did you realize that happened?

12 CAPTAIN GANSAS: Upon the advice of my
13 counsel, I respectfully assert my right under the Fifth
14 Amendment of the United States Constitution and decline
15 to answer your question.

16 MR. TURRELL: Captain Gansas, can you tell me
17 what the impact felt like when the ship hit the pier
18 that day?

19 CAPTAIN GANSAS: Upon the advice of my
20 counsel, I respectfully assert my right under the Fifth
21 Amendment of the United States Constitution and decline
22 to answer your question.

23 MR. TURRELL: Captain Gansas, can you tell me
24 if anyone said anything on the bridge that day, any
25 comments, remarks, or conversations of any persons

1 known to you on October 15th on or about 15:20?

2 CAPTAIN GANSAS: Upon the advice of my
3 counsel, I respectfully assert my right under the Fifth
4 Amendment of the United States Constitution and decline
5 to answer your question.

6 MR. TURRELL: I understand.

7 Did you send -- did the vessel send out any
8 signals to warn the crew or persons in the area of that
9 impact? A whistle, bell, or public address
10 announcement?

11 CAPTAIN GANSAS: Upon the advice of my
12 counsel, I respectfully assert my right under the Fifth
13 Amendment of the United States Constitution and decline
14 to answer your question.

15 MR. TURRELL: Thank you.

16 Captain Gansas, at what point did you assume
17 control of the vessel before, during, or after the
18 accident around 15:20 October 15th?

19 CAPTAIN GANSAS: Upon the advice of my
20 counsel, I respectfully assert my right under the Fifth
21 Amendment of the United States Constitution and decline
22 to answer your question.

23 MR. TURRELL: Captain Gansas, were you in the
24 pilothouse on October 15th on or about 15:20?

25 CAPTAIN GANSAS: Upon the advice of my

1 counsel, I respectfully assert my right under the Fifth
2 Amendment of the United States Constitution and decline
3 to answer your question.

4 MR. TURRELL: Captain Gansas, who reported
5 the first fatality of the Staten Island Ferry accident
6 to you?

7 CAPTAIN GANSAS: Upon the advice of my
8 counsel, I respectfully assert my right under the Fifth
9 Amendment of the United States Constitution and decline
10 to answer your question.

11 MR. TURRELL: Captain Gansas, can you tell me
12 the first -- command you performed on or about 15:20
13 before, during, or after the accident occurred?

14 CAPTAIN GANSAS: Upon the advice of my
15 counsel, I respectfully assert my right under the Fifth
16 Amendment of the United States Constitution and decline
17 to answer your question.

18 MR. TURRELL: Captain Gansas, can you tell me
19 who was on board -- who was in the pilothouse at Staten
20 Island and on the ferry Andrew J. Barberi at around
21 15:20 on October 15th?

22 CAPTAIN GANSAS: Upon the advice of my
23 counsel, I respectfully assert my right under the Fifth
24 Amendment of the United States Constitution and decline
25 to answer your question.

1 MR. TURRELL: Captain Gansas, is it my
2 understanding you'll invoke the Fifth Amendment to any
3 and all questions relating to the allision of the
4 concrete pier at St. George Terminal on or about
5 October 15th, 2003?

6 CAPTAIN GANSAS: Yes, sir.

7 MR. TURRELL: Will you continue to invoke the
8 Fifth Amendment on any materials related to the
9 accident?

10 CAPTAIN GANSAS: Yes.

11 MR. TURRELL: Can you provide the Safety
12 Board any information regarding the allision with the
13 concrete pier?

14 CAPTAIN GANSAS: Upon the advice of my
15 counsel, I respectfully assert my right under the Fifth
16 Amendment of the United States Constitution and decline
17 to answer your question.

18 MR. TURRELL: Captain Gansas, I'd like to ask
19 you some questions about events after the accident.

20 To your knowledge, did Captain Richard Smith
21 express any verbal sentiments regarding his mental
22 health or express a wish to commit suicide on or about
23 October 15th, 2003?

24 CAPTAIN GANSAS: Upon the advice of my
25 counsel, I respectfully assert my right under the Fifth

1 Amendment of the United States Constitution and decline
2 to answer your question.

3 MR. TURRELL: Captain Gansas, can you tell me
4 how the ship ended up at Slip 5 on or about 15:30
5 October 15th, 2003?

6 CAPTAIN GANSAS: Upon the advice of my
7 counsel, I respectfully assert my right under the Fifth
8 Amendment of the United States Constitution and decline
9 to answer your question.

10 MR. TURRELL: Captain Gansas, did anyone
11 visit the pilothouse upon docking on or about 15:40,
12 2003?

13 CAPTAIN GANSAS: Upon the advice of my
14 counsel, I respectfully assert my right under the Fifth
15 Amendment of the United States Constitution and decline
16 to answer your question.

17 MR. TURRELL: Captain Gansas, did Richard
18 Smith say or do anything to you or with you before
19 leaving the vessel on October 15th, 2003?

20 CAPTAIN GANSAS: Upon the advice of my
21 counsel, I respectfully assert my right under the Fifth
22 Amendment of the United States Constitution and decline
23 to answer your question.

24 MR. TURRELL: Captain Gansas, did the U.S.
25 Coast Guard come aboard your ship on October 15th,

1 2003?

2 CAPTAIN GANSAS: Upon the advice of my
3 counsel, I respectfully assert my right under the Fifth
4 Amendment of the United States Constitution and decline
5 to answer your question.

6 MR. TURRELL: Captain Gansas, the Safety
7 Board would like to know if drug and alcohol samples
8 were taken from you and any other crew members. Can
9 you tell me if the Coast Guard or any other person took
10 drug and alcohol samples from you or any other crew
11 member on October 15th, 2003?

12 CAPTAIN GANSAS: Upon the advice of my
13 counsel, I respectfully assert my right under the Fifth
14 Amendment of the United States Constitution and decline
15 to answer your question.

16 MR. TURRELL: Captain Gansas, do you recall
17 if the New York Police Department came aboard your
18 vessel October 15th, 2003?

19 CAPTAIN GANSAS: Upon the advice of my
20 counsel, I respectfully assert my right under the Fifth
21 Amendment of the United States Constitution and decline
22 to answer your question.

23 MR. TURRELL: Captain Gansas, did you give a
24 statement to the New York Police Department?

25 CAPTAIN GANSAS: Upon the advice of my

1 counsel, I respectfully assert my right under the Fifth
2 Amendment of the United States Constitution and decline
3 to answer your question.

4 MR. TURRELL: Captain Gansas, do you know if
5 the statements you gave to the U.S. Coast Guard and the
6 New York Police Department were complete?

7 CAPTAIN GANSAS: Upon the advice of my
8 counsel, I respectfully assert my right under the Fifth
9 Amendment of the United States Constitution and decline
10 to answer your question.

11 MR. TURRELL: Captain Gansas, I understand
12 you're -- you will invoke the Fifth Amendment for any
13 questions I ask you about events after the accident on
14 the Andrew J. Barberi, is that correct?

15 CAPTAIN GANSAS: Yes, sir.

16 MR. TURRELL: And you will not answer any
17 questions regarding the response or post-accident to
18 the Safety Board, is that correct?

19 CAPTAIN GANSAS: Yes, sir.

20 MR. TURRELL: If I continue asking you
21 questions about personal questions, training questions,
22 navigation controls and performance, job description,
23 ship management, information about crew members,
24 conditions leading up to and events around the
25 allision, you will continue invoking your Fifth

1 Amendment right, is that correct?

2 CAPTAIN GANSAS: Yes, sir.

3 MR. TURRELL: Were the statements you gave to
4 the U.S. Coast Guard and the New York Police Department
5 truthful?

6 CAPTAIN GANSAS: Upon the advice of my
7 counsel, I respectfully assert my right under the Fifth
8 Amendment of the United States Constitution and decline
9 to answer your question.

10 MR. TURRELL: Thank you, Captain Gansas.
11 That concludes my questioning. I will now open the
12 questions to other Board members.

13 I will start with Dr. Barry Strauch.

14 DR. STRAUCH: I have no questions.

15 MR. TURRELL: Mr. Di Stefano?

16 MR. DI STEFANO: No questions.

17 MR. TURRELL: Ms. Judia?

18 SPECIAL AGENT JUDIA: No questions.

19 MR. TURRELL: Mr. Komp?

20 MR. KOMP: (Inaudible)

21 MR. TURRELL: Mr. McDermott?

22 MR. McDERMOTT: (Inaudible)

23 MR. TURRELL: Detective Hody?

24 DETECTIVE HODY: No questions.

25 MR. TURRELL: Mark?

1 LT. PALMEIRI: No, sir.

2 MR. TURRELL: Does counsel have any questions
3 for the Safety Board?

4 MS. _____: No. Thank you.

5 MR. TURRELL: Captain Gansas, do you have
6 anything you can provide to the National Transportation
7 Safety Board regarding any incident on or about October
8 15th around 15:20 of the Andrew J. Barberi? Can you
9 provide the Safety Board with any information
10 whatsoever?

11 CAPTAIN GANSAS: Upon the advice of my
12 counsel, I respectfully assert my right under the Fifth
13 Amendment of the United States Constitution and decline
14 to answer your question.

15 MR. TURRELL: Thank you, Captain Gansas. I
16 have no further questions, and the Board has no further
17 questions.

18 I will now allow the counsel to make any
19 remarks or clarifications if necessary.

20 MS. _____: No --

21 MR. TURRELL: That concludes this interview.
22 Thank you.

23 MS. _____: Thank you.

24 (Whereupon, the proceedings were concluded.)