

NATIONAL TRANSPORTATION SAFETY BOARD

In the Matter of:

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

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DCA-04-MM-001

Tuesday,
October 21, 2003

Staten Island, NY

INTERVIEW OF:

LIEUTENANT ROBERT MUTTO

PRESENT:

ROB JONES, NTSB
RICHARD GONZALEZ, USCG
STEVE MATTEI, NYPD
BRIAN CLIFFORD, NYPD
JACK CALDERONE, FDNY

P R O C E E D I N G S

1
2 MR. JONES: I am starting the tape now and
3 this is an interview of --

4 LIEUTENANT MUTTO: This is Lieutenant Robert
5 Mutto. That is M-U-T-T-O. One of the investigating
6 officers here at Activities New York.

7 The initial call came in when Chief Warrant
8 Officer Cobb and Lieutenant Chris Vandamay were in my
9 office discussing other cases. Came in just as a
10 allision of the Staten Island Ferry, with one person in
11 the water, was the initial contact we got. At that
12 time Chief Warrant Officer Cobb, the duty responding IO
13 for that week, he gathered together Lieutenant Gonzalez
14 as a break in, and another break in and they proceeded
15 to the site, within five minutes they departed.

16 I stayed in my office continued working on
17 what we had, because that was the only information we
18 had at that time. Lieutenant Mark Butaleary, another
19 one of the IOs was on his way back from a meeting on
20 Long Island, was receiving news reports that said it
21 was much more substantial, called and notified us of
22 that. We knew that it was more than what we initially
23 had heard, but we waited for Chief Warrant Officer Cobb
24 to call us from scene to let us know what he needed.

25 Once he got on scene, he contacted us and

1 said, you know, send everyone you can. There are
2 bodies everywhere, the whole main deck on one side is
3 pretty much destroyed. It is bad. At that point we
4 geared up, I rode down with Lieutenant Commander
5 Hawkins, the Assistant Senior Investigating Officer,
6 Chief Warrant Officer Gunthro, Senior Chief Warrant
7 Office Wilder, and Lieutenant Vandamay. The five of us
8 rode down to the ferry, itself in a Government vehicle,
9 luckily, since we have lights, but no sirens, we
10 followed behind a line of police and fire vehicles, so,
11 we were able to get there fairly quick.

12 Upon our arrival, parked, gathered our
13 equipment and then proceeded down to the ramp for the
14 main deck. At which point the police department would
15 not let us onboard. At least until intervention on the
16 part of Captain Bowen and Commander Cameron, who were
17 on scene. I am not sure who they talked to, but
18 finally I was sent up with a message to Chief Warrant
19 Officer Cobb on the bridge, and that message at the
20 time, which was found to be inaccurate was concerning
21 the Assistant Captain. Just notifying that he had
22 attempted suicide and at the time we had presumed that
23 it had been successful. And then found out later that
24 was not true. And proceeded up to the bridge, notified
25 Chief Warrant Officer Cobb of that.

1 At that point then, proceeded back down to
2 the main deck, round about manner, didn't hit the main
3 deck damaged areas, just took a quick walk around the
4 upper level before I back down. And noticed just all
5 the life jackets out. And at that point we then
6 congregated again at the main deck ramp on the shore
7 side. And gathered together in teams, once we were
8 finally allowed back on the vessel, we split up into
9 groups, to photograph the damage of the vessel, and
10 tried to assist Chief Warrant Officer Cobb and Mr.
11 Gonzalez as best possible.

12 My group was Senior Chief Petty Officer
13 Wilder and myself. He had the camera, I was
14 documenting every picture that he was taking. We
15 started on the 03 deck, looking, facing the Staten
16 Island side as the bough and the starboard side as the
17 damage, so the bough to starboard.

18 MR. JONES: Right.

19 LIEUTENANT MUTTO: Started on the 03 deck
20 taking photos, looking aft along the edge, and then
21 looking forward in the center and then looking aft
22 along the port side as well. No damage really that we
23 could see on that level.

24 MR. JONES: Is 03 --

25 LIEUTENANT MUTTO: Main deck, 01, 02, 03.

1 MR. JONES: Okay.

2 LIEUTENANT MUTTO: Actually it would be the,
3 yeah.

4 MR. JONES: So main deck is the lower level.

5 LIEUTENANT MUTTO: Main deck is where --

6 MR. JONES: Where the damage was.

7 LIEUTENANT MUTTO: -- the damage level.

8 MR. JONES: Okay.

9 LIEUTENANT MUTTO: At that point, took a few
10 photos there, then proceeded down to the next level.
11 Skipping the 02, so we went to 01, and took a few shots
12 there, before we proceeded to look, to go down to the
13 main deck. Started to head down at the damaged
14 stairwell on the port side, holding onto the hand rail.

15 As we went down there, then we were notified, fire
16 department told us we can't be down there without hard
17 hats. And at that time we also needed to change the
18 disk and the battery. So we proceeded back up to the
19 bridge, changed the disk and battery and then proceeded
20 off the vessel back to the vehicle to collect all the
21 hard hats we had in the vehicle and brought them back.

22 On our way back we stopped at the pier where
23 the damage occurred, took photos of the damage at the
24 pier, tried to get a Coast Guard asset to come pick up
25 us, so we could take documentation of the outside water

1 side of the pier. That was unable to happen at the
2 time just because the asset couldn't find us and
3 communication difficulties we had.

4 Once we completed what we could before the
5 sun went down, we then made our way back to the vessel
6 and started documenting the damage on the main deck,
7 starting from the aft, starboard side working our way
8 forward. Made it as far as the area where the bodies
9 were still located, at that point we held up because
10 they were still documenting that and they had a whole
11 slew of fire department and police department personnel
12 there and EMS. And we didn't feel it was necessary for
13 our purposes to try to push through to take photos of
14 them as well, of the bodies. We figured they would be
15 clearing that out in the next half hour and then we
16 could proceed through that area with no, no one in our
17 way.

18 So, we stood by and waited at that point.

19 MR. JONES: Were any bodies removed at that
20 time?

21 LIEUTENANT MUTTO: While we were there I know
22 that they removed one. I am not sure if they removed
23 the other two or three. I believe there were still
24 four. I saw, I think three.

25 MR. JONES: You did see police and fire

1 documenting and taking pictures of the locations.

2 LIEUTENANT MUTTO: Yes. And one Coast Guard
3 individual was in there taking photos as well. That was
4 Lieutenant Esmerado.

5 MR. JONES: Okay.

6 LIEUTENANT MUTTO: And at that point, I am now
7 in the port side with the remaining Coast Guard
8 personnel waiting for them to finish up.

9 MR. JONES: The good side.

10 LIEUTENANT MUTTO: Yes.

11 MR. JONES: The good side.

12 LIEUTENANT MUTTO: The non damaged side.

13 Waiting for them to finish clearing the
14 bodies out so we could proceed back. At that point we
15 are told to go ahead and hop off the vessel, grab
16 something to drink or eat from the Red Cross and
17 Deborah Vander was there. And then we stood by waiting
18 by the command post that the PD had set up and OEM, and
19 waited for further word what NTSB would require.

20 At that point, we were getting on around
21 10:00 p.m. and it was determined which teams would be
22 staying behind and which people would be cut loose.
23 Since I was Command of the Officers scheduled for
24 Thursday night, they sent me home that night.

25 MR. JONES: Okay. Why when you went onboard

1 you started surveying the 03 level first, and then
2 working your way down?

3 LIEUTENANT MUTTO: We had three teams. First
4 team started on the actual top deck, the bridge deck.
5 They were looking at the blood and everything like
6 that, so, we, they took the first one, we went down one
7 from there. And we were just going to start to proceed
8 down.

9 MR. JONES: Okay. And your statement you made
10 about the police on scene wouldn't let you onboard at
11 first, you were in uniform, I am assuming?

12 LIEUTENANT MUTTO: Yes, we were.

13 MR. JONES: Any reason why they gave you?

14 LIEUTENANT MUTTO: Not entirely sure what the
15 reason was. At one point they said we know you want to
16 help, just please stay behind the yellow line. We are
17 not letting anybody onboard. We are evacuating the
18 boat now. We will bringing the Captain off, you can
19 interview him then.

20 MR. JONES: Were the passengers at that time
21 ashore by then?

22 LIEUTENANT MUTTO: Yes.

23 MR. JONES: From what you could see.

24 LIEUTENANT MUTTO: Yes. There were no, I
25 didn't see any non police, fire or Coast Guard or

1 employees that were helping with the evacuation. There
2 were no passengers onboard, other than the fatalities.

3 MR. JONES: What is your understanding of an
4 incident like this with regards to jurisdiction?

5 LIEUTENANT MUTTO: Coast Guard should be the
6 lead agency. The only question would be possibly, it
7 is city boat, happened in city's waters between two
8 points of the city, so I could see some confusion
9 coming from that. But, the understanding that the IO
10 shop typically has, this is a major marine casualty, we
11 are the federal on scene, you know, control and lead
12 investigation until the NTSB shows up for this level of
13 accident.

14 MR. JONES: Right. And then, but did you
15 state that CWO Cobb was already onboard?

16 LIEUTENANT MUTTO: Yes, we did.

17 MR. JONES: Okay.

18 LIEUTENANT MUTTO: They said you already have
19 somebody up there, you don't need to go up there.

20 MR. JONES: Okay. All right, that is all I
21 have right now.

22 LIEUTENANT MUTTO: Okay.

23 MR. JONES: Brian?

24 CHIEF CLIFFORD: No.

25 MR. GONZALEZ: Lieutenant Gonzalez.

1 Rob, when you were doing the survey of the
2 decks, did you happen to notice any of the ferry
3 employees nearby or assisting you during your rounds?

4 LIEUTENANT MUTTO: We didn't have any ferry
5 employees assisting us. I did notice a few deck hands
6 that were wandering about, did not seem, we talked to
7 one briefly, and he was not on at the time of the
8 incident, so, he came aboard afterwards. I did not get
9 a name, I do not know, you know, what role he was
10 playing at that time.

11 MR. GONZALEZ: Okay.

12 DETECTIVE MATTEI: Detective Mattei from the
13 1-2-0 precinct.

14 Did you instruct anybody by chance to make
15 any, to film, I don't know if you are qualified for
16 that or if there is any cameras that filmed the harbor,
17 or filmed the accident?

18 LIEUTENANT MUTTO: Not that I am aware of. I
19 don't think BTS actually views that section of the area
20 where the vessel docked at. We did instruct one of our
21 public affairs personnel to join up with one of our
22 teams. And I think he joined up with Lieutenant
23 Vandamay. That was Petty Officer Hovozda,
24 H-O-V-O-Z-D-A. And he, a lot of the photos that were,
25 the official ones that made CNN and stuff like that, I

1 think came from him.

2 DETECTIVE MATTEI: Okay. What I am saying,
3 when you got, originally were aware of the call, I
4 don't know if this is your position or not, but, is
5 there any cameras that would film from here, the water?
6 And if so, did anybody instruct anybody to zoom in or
7 focus in on the ferry?

8 LIEUTENANT MUTTO: Two part question. No, I
9 don't think that any cameras here actually video tape
10 that section on the Staten Island Ferry slips.

11 DETECTIVE MATTEI: Okay.

12 LIEUTENANT MUTTO: We cover, I can't, I don't
13 know the exact areas, though, the cameras cover BTS. I
14 know they are really heavy on KBK and the Arthur Kill.

15 DETECTIVE MATTEI: Okay.

16 LIEUTENANT MUTTO: And around the Varan as
17 well. Had it been an area that we typically know there
18 is an camera for, like if we know we have something
19 happening the Kill, or the Arthur Kill, one of us, or
20 BTS even knows about it as well, and they will video
21 tape and they will zoom in.

22 DETECTIVE MATTEI: Okay.

23 LIEUTENANT MUTTO: As a matter of fact, I have
24 got a tape I reviewed this morning for another incident
25 that happened in the Upper Harbor earlier in the month,

1 that just was a huge wake that they really zoomed in
2 real well so you could see it. But, I don't believe we
3 have a camera that views that area specifically.

4 DETECTIVE MATTEI: Okay. Thank you, that is
5 all I have.

6 LIEUTENANT MUTTO: Okay.

7 MR. CALDERONE: I have nothing, thank you.

8 MR. JONES: All right. Robert, just one more.
9 Along with CWO Cobb, about how many Coast Guard
10 personnel were aboard when you had gotten stopped prior
11 to entry?

12 LIEUTENANT MUTTO: I know that Mr. Gonzalez
13 was onboard, and Lieutenant Sallit, Lieutenant JG
14 Sallit was onboard, and Cobb. I don't think Commander
15 Cameron.

16 MR. GONZALEZ: I believe Commander Cameron was
17 onboard also. There were four of us.

18 LIEUTENANT MUTTO: He had been there. Yes.
19 And the inspectors had just shown up, just about the
20 time we got there, but I think they were removed as
21 well at one point.

22 MR. JONES: And at that time, was fire and
23 police still coming and going?

24 LIEUTENANT MUTTO: Oh, yes.

25 MR. JONES: And EMS?

1 LIEUTENANT MUTTO: EMS, I didn't see them
2 specifically until they were removing the bodies, but I
3 saw some off the boat, dealing with some passengers
4 that were still on the dockside.

5 MR. JONES: And about how many assets did you
6 bring at that point, were there four or five of you?

7 LIEUTENANT MUTTO: Five with me, plus
8 Lieutenant Esmerado in another vehicle, so, six, plus
9 three inspectors. So, nine came with our round and
10 then Lieutenant Cullin came later with two other petty
11 officers.

12 MR. JONES: So, at that point and were you
13 stopped by an officer, patrolman?

14 LIEUTENANT MUTTO: Uniformed officer, yes.

15 MR. JONES: Uniformed patrolman. Okay. How
16 many patrolmen were right there that stopped you
17 besides the one you indicated?

18 LIEUTENANT MUTTO: Rough estimate, maybe about
19 15 or so. There were at least three or four right now,
20 just before you got onto the, the gate, to walk pass
21 and then there were another line of about three and
22 then another line on the bough of about four.

23 MR. JONES: Okay. And after the initial stop,
24 how long prior did you, until you were allowed aboard?

25 LIEUTENANT MUTTO: Until I was allowed

1 onboard, it was, it was less than two minutes.
2 Commander Cameron intervened and tried to push that he
3 had to pass a message to the Chief Warrant Officer
4 Cobb.

5 MR. JONES: Okay.

6 LIEUTENANT MUTTO: I would say it was a good
7 15 minutes though before the entire group was allowed
8 on.

9 MR. JONES: Okay. And you contacted Cobb
10 through radio?

11 LIEUTENANT MUTTO: No, I went directly to the
12 bridge and talked to him. We were --

13 MR. JONES: I mean, how did word get down to
14 the police officer to allow you or that Cobb was aware
15 that you guys were trying to get aboard?

16 LIEUTENANT MUTTO: Commander Cameron, we, we
17 were directed to one of the supervisory officers, one
18 of the white shirt, I think it was a lieutenant.

19 MR. JONES: Yes.

20 LIEUTENANT MUTTO: Or captain, actually, it
21 was a captain, police captain, and he intervened and
22 said, all right, you can go and he had me escorted the
23 whole way up. They wouldn't let me, you know, leave
24 his leash.

25 MR. JONES: Okay.

1 LIEUTENANT MUTTO: Until they got to the
2 bridge.

3 MR. JONES: Okay. And at that point, though,
4 arrangements were made to allow some of your team
5 aboard at that point.

6 LIEUTENANT MUTTO: At that point, no. It was
7 another, probably 10 minutes after that.

8 MR. JONES: Okay. Okay. That is all I have.

9 LIEUTENANT MUTTO: All right.

10 MR. JONES: Appreciate your time.

11 (Whereupon, the interview was concluded.)