

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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*KRISTIN ALEXIS/BARGE MR. ERVIN*

ALLISION WITH THE SUNSHINE BRIDGE

\* Accident No.: DCA19FM003

DONALDSONVILLE, LOUISIANA

\*

OCTOBER 12, 2018

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Interview of: DESMOND SMITH

Captain, *Kristin Alexis*

Law Offices of Liskow & Lewis  
Baton Rouge, Louisiana

Tuesday,  
October 16 2018

## APPEARANCES:

CWO [REDACTED] [REDACTED] Investigating Officer  
Coast Guard Marine Safety Unit

MICHAEL KUCHARSKI, Marine Accident Investigator  
National Transportation Safety Board

DAVID REISMAN, Esq.

RAY WAID, Esq.

Liskow & Lewis

(On behalf of Marquette Transportation Gulf Inland)

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I N T E R V I E W

(1:55 p.m.)

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2  
3 CWO [REDACTED] It's the 16th of October, 2008 [sic] at  
4 approximately 1355. We are doing an interview on Desmond Smith,  
5 who was the captain of *Kristin Alexis* on the 12th of October at  
6 approximately 1:55, 0155, in the morning, when the vessel hit the  
7 Sunshine Bridge.

8 We're in downtown Baton Rouge at the office of Liskow &  
9 Lewis. This is Chief Warrant Officer [REDACTED] [REDACTED] [REDACTED]  
10 [REDACTED]. Attending today is -- I'm going to have you  
11 guys do your introductions.

12 MR. KUCHARSKI: Sure. This is Mike Kucharski from the NTSB.  
13 I think you know the spelling of my name.

14 MR. REISMAN: This is David Reisman, R-E-I-S-M-A-N, from  
15 Liskow & Lewis, representing Marquette Transportation Gulf Inland.  
16 And my law partner Ray Waid, W-A-I-D, attending on behalf of  
17 Marquette as well.

18 CWO [REDACTED] Introduce yourself and spell your name.

19 MR. SMITH: And my name is Desmond Smith, D-E-S-M-O-N-D,  
20 Smith, S-M-I-T-H.

21 CWO [REDACTED] Okay.

22 MR. REISMAN: Can I just make a comment before we go on, to  
23 clarify?

24 CWO [REDACTED] Of course. Pause.

25 (Off the record.)

1 (On the record.)

2 CWO [REDACTED] Okay. This is [REDACTED] [REDACTED] And to  
3 clarify my opening statement, when I said Desmond Smith was -- he  
4 was the captain of the *Kristin Alexis* at the time of the incident.  
5 He was not on watch at that time.

6 INTERVIEW OF DESMOND SMITH

7 BY CWO [REDACTED]

8 Q. Okay, so we'll start with -- first, I want to get to know a  
9 little bit about your background. So tell me your work history in  
10 the maritime industry, how many years, what all positions you've  
11 held, who -- companies you worked for.

12 A. I've been on there since -- let's see -- 15 years. I started  
13 in 2003. I worked for Carline Management. I started as a  
14 deckhand with them. I've worked for Bert Barrios since -- marine  
15 logistics. I worked with Enterprise companies, and I've worked  
16 with Marquette. I've worked with -- when I started, I went to  
17 school with Carline and I got my license there. And then my first  
18 job as running a boat was with Burt Barrios. My second job was  
19 with Enterprise, and then I ended here.

20 Q. Okay. When did you get your first captain's license?

21 A. I went to school. I got my first pilot's license in 2007.

22 Q. And how long did you -- working under that before you moved  
23 up to master?

24 A. I held my, I held -- well, I was from -- 3 years. And then I  
25 got my mate's, and I held my mate's for 5 years.

1 Q. So you only have a mate's license?

2 A. No, I have a master's license.

3 Q. You have a master's. So do you have any other endorsements,  
4 or have you had any other endorsements?

5 A. No, sir.

6 Q. Just pilot and master?

7 A. Yes, sir.

8 Q. So kind of give me an idea of the boat and the operations you  
9 were doing that day.

10 A. Okay. We worked the fleet. The boat, it's a 66-foot by a  
11 10-foot draft. It's 37-foot high. We was working doing a --  
12 working the line boat when they called for us to go get the rig.

13 Q. About what time was that?

14 A. We went and got the rig around 12:30, is when we arrived down  
15 there. Well, they had some other shifting that needed to be done  
16 because they had another rigger behind it, and another boat came  
17 and got the other rig.

18 And so when we got there, they had -- we had to push in aside  
19 of the rig so they can get a ladder down. And they had some guys  
20 that was getting off on the catwalk. And so once they got the  
21 catwalk off, they started turning lines. And so I was like, hey,  
22 I can't, I can't maneuver the barge from this side; I got to get  
23 faced up. So I went to go get faced up -- and what I mean face  
24 up, put the wires on the barge.

25 The barge is 75 by 200, and there's a crane that sits in the

1 middle. So we usually face up on the port side of this crane. So  
2 as I'm going to get faced up, they had already turned one of the  
3 lines loose. So I'm trying to hurry up and get behind it so I can  
4 get faced up on it so we can get our wires on so I can have  
5 control of the barge, because there's -- you know, it's just --  
6 but the stern line's gone. And I'm not sure how many other lines  
7 they have on it.

8       So after we get faced up, my guys face me up, I tell them,  
9 hey, tell them, you know, stop turning lines until I get my wires  
10 tight and everything. So by that time, they -- I guess they  
11 stopped turning stuff loose. And I'm talking to my guys because I  
12 can't see over there. And so -- now my guys are telling me, hey,  
13 back down, back down. Because the boom, it has some arms. Where  
14 this CMT dock is, they unload coal. And there's some arms that  
15 come out and, you know, the boom sticks out past the barge that's  
16 -- you know, from the crane. And so they was telling me, hey,  
17 back down, back down. So I'm still trying to face up, so I'm  
18 trying to back down so I can get my wires on and not hit this --  
19 whatever this arm is I can't see.

20       And so around that time, my guys are telling me -- they tell  
21 me to back down, so I'm trying to back down and get myself  
22 positioned so I won't hit this arm or whatever they're telling me  
23 about.

24 Q. I want to ask you a question. When you're saying back down,  
25 you're not actually hooked up to the barge yet, correct?

1 A. Yes, I am. I have my wires on. I'm trying to tighten them  
2 up, though.

3 Q. Okay. You're in the process of hooking up. That's what I  
4 wanted to clarify.

5 A. Yes.

6 Q. Okay.

7 A. Yes, sir. All right, so once I got my wires tight and I'm  
8 backing down so it doesn't hit whatever it is that's sticking out,  
9 the guys are -- the guys are telling me to back down. So I notice  
10 this bucket by this time. And I'm like, hey, guys, you know, hey,  
11 you know, tell them he needs somebody to get him to move this  
12 bucket, I said, because it's -- you know, the little view I do  
13 have, I said, it's obstructing it. He was like, okay, when I put  
14 the run lights, I'll go talk to him.

15 So by that time, I don't know what had happened between that  
16 time and whatever they might have told my guys something or  
17 whatever, but now we're floating. We're not, we're -- all my  
18 lines are gone from the dock. So I'm just floating here. So I'm  
19 like, hey, man, call them guys and see if they can move that  
20 bucket. So my guys went back and asked the guys. And they said,  
21 no, they're not going to move this bucket.

22 So I said, okay, they're not going to move the bucket. Well,  
23 I guess their boss heard that. He said -- I'm about to call him.  
24 He said, better yet, they're not answering my call; tell your guys  
25 to go have them call me. So I tell my guys to go tell them to



1 call me -- call their boss. And when he calls -- well, when they,  
2 when they go tell them that, they said they don't care who calls;  
3 they're not moving that effing bucket. They don't care if we run  
4 into the bank. I said, okay. I said, all right; I'm going to  
5 call somebody then.

6 So at this time, that guy Memphis had heard them say this.  
7 Well, he heard them say -- my guys tell me this, you know, back on  
8 the radio --

9 Q. Was the guy's name Memphis?

10 A. I believe so. That's what my guys are telling me.

11 And so he said, I'm going to call them again. So they're  
12 not, they're not answering. They're not responding. So there is  
13 a -- so we're floating in the middle of the river. And there is a  
14 crew boat coming to get them off. And I'm like, so these guys are  
15 really not going to move this bucket? So I called dispatch. So  
16 I'm still sitting here floating. I'm calling dispatch. By the  
17 time I looked up, they done jumped on the crew boat and they're  
18 gone.

19 So how it's mooring, these lines are up way, way high on this  
20 dock, and it's usually made for ships to come up. So I'm like,  
21 man, I don't want to try to swing it back in there and get back on  
22 this dock with this boom sticking out so far. So I'm like, okay,  
23 let me call dispatch. So I called dispatch. I said, hey, they  
24 got a bucket that's obstructing our vision, the little vision we  
25 do have. I said, and these guys, they jumped on the what you call

1 it; they left, and they said they're not moving it, they don't  
2 care if we hit the bank or whatever. They're not doing it.  
3 They're just ready to get off. He's like, all right, I'm about to  
4 call them.

5 So at this time, I have southbound traffic. So I  
6 (indiscernible) my position where I was located at. I have  
7 southbound traffic.

8 At this time, Eugene's coming up. It's almost crew change  
9 time, so he's -- Eugene just came up. So I'm sitting there. I  
10 said, well, I'm going to talk to these southbound guys, I said,  
11 because I know that they're coming down on this bend so they're  
12 going to be pretty close to this side. So I was -- get over here  
13 where I can see on this west bank, and I'll get over there and  
14 I'll meet them on the two. Well, that's three tows coming. One  
15 of them is a pretty big tow.

16 And so by this time, I get over there, and I'm out the way.  
17 I'm out the middle of the river, out of way of traffic. And I'm  
18 telling them, you know, my position. Meet me on the two; I have  
19 limited visibility. So I'm telling my guys, hey, you all stay out  
20 there on ahead; you all talk me through. They said okay.

21 So as we're going, they call me back. I'm talking to the  
22 dispatch. Dispatch tells me, hey, they're going to send that crew  
23 boat back. He's like, you just don't stop; continue northbound.  
24 And, you know, they'll send those guys back out there to move that  
25 bucket. I said okay, cool.

1           So the whole time I'm on the phone, Eugene is right here.  
2 I'm explaining to him what's going on, the orders. So he goes  
3 outside. He smokes cigarettes. I don't like smoke, so he goes  
4 outside to smoke. So I'm telling him, like, hey, listen, I'm  
5 going to take it past these three tows, you know what I'm saying,  
6 till we get somewhere where you feel comfortable, and, you know,  
7 I'll hand it over to you.

8           And so we go -- I meet three tows, and I'm telling --

9 Q.    About what time was this?

10 A.   I want to say it had to be around 12:09, because that's when  
11 the dispatch called me back to tell me that the guys were going to  
12 come and move the crane.

13 Q.   Is it 12:09 at -- in the evening?

14 A.   No. No, no. No, no. It's 1209 a.m.

15 MR. REISMAN: 009. It was --

16 CWO [REDACTED] Okay. Yeah.

17 MR. SMITH: Oh, I'm sorry. 009. I'm sorry. Let me --

18 CWO [REDACTED] Yeah. That's what I was just trying to  
19 clarify.

20 MR. SMITH: Okay. Yes, 009. Okay. So I'm telling him what  
21 the orders are, that we're going to Darrow with this crane. And  
22 I'm stressing to him how mad I am about this -- these guys just  
23 leaving us like this with this crane. And he was like, oh, man.  
24 I said, but I called -- I said, I called dispatch. Dispatch is  
25 going to make them come back. I said, I'm going to take it up

1 here, and once we get clear of these three, I said, do you have  
2 any problems with, you know, taking it like it is? I said, have  
3 you ever pushed a crane like this before? He said, oh, man, I  
4 pushed a crane like this at my other job; I pushed a bigger one  
5 than this. I said, all right, so you're comfortable with pushing  
6 this crane? I said, listen. I said, if you don't feel  
7 comfortable, I said, you hit the hill and, you know, make the  
8 proper calls, all right? He said, I got it. I said, you got it.  
9 I said, all right. So once we got passed the three tows, I gave  
10 him the wheel.

11 So I sat there and talked to him for a while, talking about  
12 this crane, you know, where we're going with it, was he  
13 comfortable with taking it, you know, how -- has he done this  
14 before. And I said, man, look, I'm really upset about this. I  
15 said, I didn't want to you put in a situation with meeting this  
16 tow with 35 barges, you know, with this crane. So he said he got  
17 it; he feels comfortable. I said, you know, the guy from what you  
18 call it is supposed to be sending them back out here. He told us  
19 to continue northbound, don't stop. Which would make sense,  
20 because where they're coming from, we got to pass that place. So  
21 I say, you know -- but if you don't feel comfortable, hit the  
22 hill.

23 So at that time, I stayed up for probably a good 30 minutes  
24 past my watch to, you know, get him in a safe place where he felt  
25 comfortable or, you know, he could take over. Or, you know, if he

1 wanted to hit the bank or whatever. So at that time, I went  
2 downstairs. I took a shower. Went downstairs, took a shower, was  
3 coming back upstairs to go get into bed. I had -- well, I went  
4 and took a shower and gotten something to eat. Went back upstairs  
5 and went to go get in bed, and next thing you know, I'm feeling a  
6 bump like we bumped something. It wasn't that bad of a bump, but  
7 it was, you know, it was -- you could feel it. And then I'm  
8 hearing bells. So then I'm running upstairs.

9       So when I'm running up the stairs and asking what's going on,  
10 I immediately grabbed the phone. And he's calling whoever he's  
11 calling on the radio, and I'm calling dispatch. I'm calling the  
12 port captain. And I could see he's shaken up and that he's got  
13 the guys out there.

14       Well, back up. While I'm running upstairs, I'm beating on  
15 doors too. Beating on my guys' doors just to make -- but they  
16 were already up because they were up when I came down, so -- but  
17 I'm beating on their doors to make sure. So I go upstairs, and  
18 then all this chaos is going on. So he has his guys out there on  
19 the barge already. And he's trying to, he's trying to back down.  
20 I'm like, oh, no, no, don't back down. I'm like -- I'm on the  
21 phone and I'm trying to describe to Harvey what's going on, what  
22 happened. And I'm looking and I'm seeing where he's at.

23       And at first, I'm thinking that he probably ran into  
24 something because he couldn't see on this side, you know, and  
25 we're stuck on the -- underneath the bridge now. And I'm like

1 trying to see where we're at, and I'm noticing how far on this  
2 purlin we are. And I'm like, damn, man. And I said, what's going  
3 on? He was like, man, I had a southbound tow. He said, so I  
4 could see on this side, so I just took the alternate span. And  
5 when he said that -- I'm on the phone with Harvey, and Harvey was  
6 like, we never take the alternate span. I was like -- so I told  
7 him, let me take over. I took over from there. He was shaken  
8 up, so I took over from there. I unfaced -- well, we made all the  
9 calls. I unfaced because we were sideways, we were sideways in  
10 the water, and that river, you know, it was kind of hitting on our  
11 stern. So I made up underneath the barge, put a line on it. We  
12 stayed there till, you know, they came out.

13 CWO [REDACTED] When you say unfaced, you disconnected from the  
14 barge?

15 MR. SMITH: Yes, sir.

16 CWO [REDACTED] Okay. And then you got on the down --

17 MR. SMITH: It's cold in here.

18 MR. REISMAN: Sorry.

19 CWO [REDACTED] You got on the downriver side?

20 MR. SMITH: Yes, sir.

21 CWO [REDACTED] Okay. So that's kind of it. The --

22 MR. KUCHARSKI: I was going to say it's a little bit warm.

23 CWO [REDACTED] So you had just disconnected from the dock  
24 right before -- well, it's not by your choice. They disconnected  
25 you from the pier?

1 MR. SMITH: It was ready to go pretty fast, yeah. So -- yes.

2 CWO [REDACTED] Okay. So you had just disconnected from the  
3 dock and was drifting -- or not really drifting, but holding  
4 position when Eugene came up to relieve you; is that correct?

5 MR. SMITH: Yes.

6 CWO [REDACTED] Okay. I want to ask a little more about the  
7 tug and the -- your tug and your -- more information about your  
8 tug and the configuration.

9 MR. KUCHARSKI: Yeah, can -- may I ask to jump in here?

10 CWO [REDACTED] Yes.

11 MR. KUCHARSKI: This is Mike Kucharski. Just a couple points  
12 of clarification.

13 BY MR. KUCHARSKI:

14 Q. So when you say you got the rig at 12:30, is that 12:30 in  
15 the morning, 0030?

16 A. 0030. Yes, sir. I'm sorry.

17 Q. Okay. No.

18 A. We arrived at --

19 Q. It's fitting in now. Okay.

20 A. We arrived at -- not the tug. We arrived at the dock, CMT  
21 dock, where the crane --

22 Q. CMT dock. Right.

23 A. Yes, sir.

24 Q. So you went to pick up the barge with the crane, and that was  
25 about at 0030?

1 A. Yes, sir.

2 Q. Okay. And that was at the CMT dock. And do you have the  
3 mile marker?

4 CWO [REDACTED] I got 2350.

5 MR. REISMAN: Yeah. It's not 0030. If you want to  
6 clarify --

7 MR. SMITH: Oh, yeah -- 23. I'm sorry. 11:30. Yeah, I --

8 MR. KUCHARSKI: Okay. Good.

9 BY MR. KUCHARSKI:

10 Q. And at the CMT dock, mile marker?

11 A. Probably like 161 and 1/2.

12 Q. 161.5?

13 A. Yes, sir.

14 Q. Okay. And when you say they don't care or -- is it correct,  
15 they don't care if we hit the dock?

16 A. Hit the bank.

17 Q. Hit the bank. Sorry. Did you hear somebody say that?

18 A. My guy was keying up so I could hear, and I heard "We don't  
19 care," and then it cut out, because I guess both of them was  
20 trying to hit at the same time. But I did hear "We don't care."  
21 I did hear that much.

22 Q. Okay. And when you say your guy is keying up, somebody up on  
23 the wheelhouse is --

24 A. No, no. They were on the barge with the guys on the crane.  
25 They was on the crane barge with the guys. That's how I was



1 communicating what to do as far as, you know, getting the barge  
2 off the dock.

3 Q. So the mic he was keying up was a walkie-talkie?

4 A. Yes, sir.

5 Q. Okay. And Harvey, you mentioned Harvey. Who is Harvey?

6 A. Harvey is our port captain.

7 Q. Port captain. When you say our port captain, of?

8 A. Of the tug. He covers most of the fleet boats.

9 Q. Now, does he work for Marquette or does he work for --

10 A. Yes, sir. He -- oh, I'm sorry. Yes. He works for  
11 Marquette.

12 MR. REISMAN: Let him finish his questions so that they can  
13 take it down later, okay?

14 MR. SMITH: Okay.

15 BY MR. KUCHARSKI:

16 Q. And you said that Harvey said we never take the alternate  
17 span, correct?

18 A. Yes, sir.

19 Q. And who did he say that to?

20 A. I had called him, so he said that to me on the phone.

21 Q. This was after you -- after the bridge was hit?

22 A. Yes, sir. Because he asked me where -- exactly where we were  
23 at, and that's something we don't --

24 MR. KUCHARSKI: I have follow-ons, but they can wait. I just  
25 wanted those clarifications before I forget.

1 BY CWO [REDACTED]

2 Q. Let me see where -- I was getting -- I was trying to get a  
3 clearer picture of operations when your watch relief started.

4 A. Okay.

5 Q. Okay. Well, with that being said, I was trying to get a  
6 clearer picture of what -- at what time during all this did Eugene  
7 actually come up onto the pilothouse?

8 A. I want to say around 2355, 5 minutes before 12.

9 Q. Okay. So and then -- but you were already out in the center  
10 of the channel and underway, waiting for dispatch to call you?

11 A. Well, he was up there when dispatch called. He was already  
12 there. He was there. He didn't hear the conversation because I  
13 was on the phone, but he was up there when they called. So, and  
14 they -- and they called at 12:09 -- 0009.

15 Q. Okay. And the -- so back to the vessel. What type of  
16 machinery and control systems is on the *Kristin Alexis*?

17 A. We have AIS. We have Rose Point. We have radar. Is that  
18 what you're asking me? What kind of --

19 Q. That too. I was -- you got to that before I asked.

20 A. Oh, okay. So --

21 Q. I was -- I'm curious about the machinery and the -- your  
22 engines, generators, steering systems.

23 A. Oh, okay. We have Detroit -- I mean, Caterpillar 3412.

24 Q. Yeah, you don't have to know the models. If you just know  
25 what they are.

1 A. Yeah, 3412. We have Mitsubishi generators. The boat's like  
2 a 1450.

3 Q. Is that horsepower?

4 A. Yes, sir.

5 Q. Okay. Steering systems?

6 A. Steering system, we have electronic over hydraulic, flanking  
7 rudders.

8 Q. And when you say electronic over hydraulic --

9 A. Hydraulic. Yes, sir.

10 Q. -- what are those used for?

11 A. Electronic over hydraulic steering. So the old steering is  
12 hydraulic, and it's real hard on you. With the hydraulic over  
13 electronics, it's a lot easier.

14 Q. Okay. So with the propulsion system you had and the steering  
15 controls that you had, you felt that that boat could safely  
16 push --

17 A. That rig?

18 Q. That rig.

19 A. That typical rig -- they have three big rigs that we deal  
20 with since we've been working with Cooper, and that's probably the  
21 biggest one, was the *Mr. Ervin*. There's the *Babe*, there's the  
22 *Bill Hans*, and there's the -- that one, that I remember. And I  
23 pushed that rig just about a month ago, and it handled well.

24 Q. So this would be the second time you've pushed it?

25 A. No. No, that's not -- that is not the second time. I can't

1 tell you how many times I've pushed that particular rig because I  
2 never really keep up with it. But I've pushed all three of those  
3 rigs they have up there. And have I made that bridge with that  
4 particular rig? Yes, I have. Southbound.

5 Q. Okay. Before I get -- could you put a number? An estimated  
6 number. It doesn't have to be exact, but --

7 A. How many times I moved that rig?

8 Q. Or rigs of that size.

9 A. At least a dozen. And I've been -- this November would have  
10 made a year I've been working up there. So at least a dozen  
11 times. They usually put it on ships.

12 Q. With the -- when you've pushed it, has it been with the  
13 *Kristin Alexis*?

14 A. Yes, sir.

15 Q. Okay. And I should have got this at the beginning. How long  
16 have you been working on the *Kristin Alexis*?

17 A. I've worked on that boat once before prior to this, and it  
18 was only for a hitch for 28 days. But I've been on that boat  
19 regular. Like I said, this November would have made a year.

20 Q. Okay. Then -- so I got -- so you feel absolutely comfortable  
21 with the horsepower and steering system you have.

22 A. Yes, sir.

23 Q. When pushing this rig, the electronics -- you gave us some of  
24 them already. Go over the electronics again.

25 A. As far as what? Our aids to navigation?

1 Q. What you're actually using to navigate.

2 A. We have AIS. You know, that transmits where we're at. We  
3 have our Rose Point, which is what I was running off of because  
4 the radar on that one side, because of the crane, it's echoing off  
5 so you don't have a good visual with the radar. So I was running  
6 off of Rose Point.

7 Q. Okay. Running off of Rose Point. Is there any concerns that  
8 you would have with the electronics pushing that barge that  
9 would --

10 A. Well, Rose Point works --

11 Q. -- that would restrict your ability to safely maneuver?

12 A. The not seeing with your radar. Your radar shows a bleep on  
13 that one particular side. But you would see everything to your  
14 port. You would pick those things up, but you wouldn't pick --  
15 you know, because it would bounce back off that rig, so you would  
16 just get a little piece and stuff. Yes. Yes, it -- I would --  
17 that would be a concern.

18 I've pushed that rig, and everybody that's worked on that  
19 boat besides Eugene has pushed that rig, because he just started  
20 over there. And when I came over there, I had to learn how to  
21 push that rig face up on that one side. It was -- when you -- we  
22 usually don't push it that far, you know? The farthest we ever  
23 pushed it was probably to LaPlace. And that was probably about  
24 30, 35 miles.

25 CWO [REDACTED] Okay. Do you have any questions on the

1 configuration?

2 MR. KUCHARSKI: Yeah.

3 CWO [REDACTED] Okay.

4 BY MR. KUCHARSKI:

5 Q. So you mentioned this is not the first time you -- this is  
6 Mike Kucharski -- you moved the *Mr. Ervin* --

7 A. Yes, sir.

8 Q. -- correct? And the previous times, same tie-up?

9 A. Yes, sir.

10 Q. Okay. So you were on the port side?

11 A. Yes, sir.

12 Q. Where were the grabs or where were the buckets?

13 A. Either to the middle or to the starboard.

14 Q. Okay. You mentioned 1450 horsepower.

15 A. Yes, sir.

16 Q. Is that per engine?

17 A. No, sir.

18 Q. Total?

19 A. It's combined. Yes. It's a twin engine.

20 Q. Do you also -- Harvey, the port captain. What's his last  
21 name?

22 A. Malbraugh? Malbraugh? Is that how you pronounce it?

23 Q. How do you spell it?

24 A. M-A -- I don't want to mess it -- I don't -- I think it's  
25 Malbraugh?

1 CWO [REDACTED] B-R-A-U-G-H. Is that how it's spelled?

2 MR. REISMAN: No. M-A-B-I-L-E. It's pronounced Mabile.

3 MR. SMITH: Mabile. Okay.

4 MR. REISMAN: Mabile.

5 CWO [REDACTED] Mabile.

6 MR. SMITH: Mabile.

7 MR. REISMAN: Mabile.

8 MR. SMITH: Like Mobile, but "ma" with an A. Okay, I'm  
9 sorry. I just butchered his last name.

10 MR. KUCHARSKI: No, that's fine. That's fine.

11 BY MR. KUCHARSKI:

12 Q. And electronic gear. Do you have GPSs? Is there a GPS on  
13 that boat?

14 A. AIS is like GPS.

15 Q. So you don't have a separate GPS?

16 A. Yeah. Yes. We do. Yes, we do have -- what you -- I can't  
17 think of the name, what it's called. But yes.

18 Q. DGPS?

19 A. No, it's -- well, I was talking about the exact name for what  
20 the name brand of it or whatever it's called.

21 Q. Right, right. Okay. But you have -- the GPS, then, that  
22 feeds into the Rose Point position; is that what it does?

23 A. That's the AIS. Yes, sir.

24 Q. Okay. AIS also has a position? You have a position readout  
25 on AIS?

1 A. Yes, sir.

2 MR. KUCHARSKI: Okay. That's it. Thank you.

3 CWO [REDACTED] Okay. And then -- this is [REDACTED] [REDACTED]  
4 again.

5 BY CWO [REDACTED]

6 Q. Backing up to -- who called you and gave you the order to go  
7 pick up this barge? You were working in -- with a line hauler,  
8 and then you were told to break off of that. Who was that that  
9 gave you --

10 A. The dispatch for Cooper Consolidation. I believe his name  
11 was Chad. I'm not sure. I'm not positive if that was him that  
12 night or not, but I believe his name was Chad.

13 Q. And is that -- is Cooper normally who you take all your --  
14 tells you what to do?

15 A. That's who we're working for. Yes, sir.

16 Q. Okay. When they told you to go pick up the crane, was there  
17 any other information they gave you on the crane?

18 A. No, sir.

19 Q. Since you had moved the crane, did you know any of the  
20 technical specifications of the crane?

21 A. See, this is where it becomes a bit crazier, because I've  
22 asked guys who've worked on that crane how high is this crane.  
23 And I was told 130 foot. I told the barge was 200 by 75. But  
24 yet, do I know that? I really don't know, because I was just told  
25 that by these guys.



1 Cooper gives us papers on how to build tow, how they want  
2 their barges tied off. They give us what docks to service. They  
3 give us all these papers, but they have never gave us anything to  
4 say anything on these cranes. It's not written where we could see  
5 it. So if I had to ask, I would have to ask one of those guys on  
6 the crane. And come to find out, if I was to rely on what those  
7 guys gave me, I'd still be wrong. Because I was told 130 foot and  
8 that crane's not 130 foot.

9 Q. But you found that out later, correct? Okay.

10 So you take all -- Cooper gives you all your instructions on  
11 what to do and when to do it.

12 A. Yes, sir.

13 Q. But Harvey works for Marquette, and that's who you -- that's  
14 technically your boss and supervisor?

15 A. If we have any problems with dealing with Cooper or anything  
16 like that, we go to Harvey.

17 Q. What if the boat breaks down or if you're missing safety  
18 equipment, who would you contact?

19 A. We call Harvey and we call our port engineer.

20 Q. Okay. Does Marquette have instructions like Cooper gives you  
21 for building tow and --

22 A. Yes, we do.

23 Q. And is there a checklist you're supposed to fill out?

24 A. Yes, sir. It's a VOSP [sic]. We have a manual that tells us  
25 what we need to do when building and breaking tow.

1 Q. Okay. And like I said, is there any checklist? Like, so  
2 when you build or break a tow, is there any kind of checklist  
3 you're supposed to do? Make a log entry? Anything like that?

4 A. For building and breaking tow? We have daily logs for that.  
5 And a checklist, we have the -- we have a job safety briefing, and  
6 this job safety briefing is basically -- you know, asks us what  
7 task are we doing, and we want us to evaluate the risk and dangers  
8 of these tasks. And we -- those guys have to fill it out when  
9 we're building and breaking tow. But as far as a checklist for  
10 building and breaking tow --

11 Q. That's probably what I was looking for.

12 A. Okay.

13 Q. So for that tow, did you do that safety checklist?

14 A. Yes, sir.

15 Q. And is -- and that would be stored on the boat?

16 A. Yes. The job safety briefing? Yes, sir.

17 Q. Okay. Can you tell me what all does -- do you check off for  
18 that?

19 A. Just basically the environment, the conditions, you know,  
20 what the guys are faced with out there, you know, is it safe for  
21 them out there. We have -- I'm trying to think of the words to --  
22 how I can put it to you. I don't know how to say it, but it's  
23 basically just to make sure we're aware what's going on when  
24 they're out there working.

25 Q. And it doesn't cover the dimensions of the barge or with the

1 tow?

2 A. Not for that safety checklist. Now we do have, we do have a  
3 voyage plan, okay? And a voyage plan, you usually put your  
4 dimensions of your tow, the weather, the tide, current conditions,  
5 stuff like that.

6 Q. So did you do that voyage plan for that trip?

7 A. I did the voyage plan, but that type of voyage plan we do is  
8 the short form. It's not like the long form. So the short form  
9 doesn't have all that on there.

10 Q. So what does the short form have on there?

11 A. The short form just basically asks about just the weather  
12 conditions, if we had assist boats -- if we needed assist boats,  
13 information about the boat, like the height of the boat, the draft  
14 of the boat. Nothing about the tow.

15 Q. Nothing about the tow. Sorry. Give me a second.

16 Okay. So we got that down. So I want to -- what was -- how  
17 were you feeling that day overall?

18 A. Overall?

19 Q. Yeah.

20 A. I was in good, sound mind, body. I was fine.

21 Q. Okay. Plenty of sleep?

22 A. Hold on.

23 Q. You were rested?

24 A. I was good up until I got that crane and they didn't want to  
25 move that bucket. I was perfectly fine. Had a good day.

1 Everything was going good. We were going back to Darrow 175 where  
2 we like to be. Everything was going -- was good.

3 Q. What kind of sleep had you gotten a couple days before?

4 A. Good sleep. We get 12 hours off, you know. We get some  
5 sleep.

6 Q. And you work 12 noon to --

7 A. Twelve hours. Yes, sir.

8 Q. -- midnight?

9 A. At that time I was working 12 noon to 12 midnight. Yes, sir.

10 MR. KUCHARSKI: Can I ask a question while you're doing that?

11 CWO [REDACTED] Yeah, absolutely.

12 MR. KUCHARSKI: This is Mike Kucharski. You said in the past  
13 "guys" told you that the barge was 130 feet, but you never had  
14 papers on this height. Who are these guys?

15 MR. SMITH: Guys that work on the crane. And that's the  
16 dilemma that we have right now. They have given us all this  
17 information because they want us to work safely in their fleet,  
18 but yet they have never gave us any information on these cranes  
19 that we move. And to get the information that I did get, I had to  
20 ask.

21 MR. KUCHARSKI: Is there somebody who's in charge of that  
22 crane?

23 MR. SMITH: I'm pretty sure there is, but I don't know. I  
24 don't know like -- just like that when we called, and the guys  
25 that was on the crane was the crane operator and, I guess, the

1 deckhands, and they -- you know, when I was trying to find out,  
2 you know, who I need to talk to, they said the supervisor, which I  
3 don't know who the supervisor is, but then I'm assuming his name  
4 is Memphis because that's who called those guys.

5 BY CWO [REDACTED]

6 Q. This is [REDACTED] And Memphis -- just to make sure I got it  
7 right, Memphis was -- he was the guy that was on the barge --

8 A. No.

9 Q. -- that got off onto the crew boat?

10 A. No. Memphis was the guy that was on the dock. He was on the  
11 dock. When they turned lines loose, they had guys on the dock.  
12 He was on dock going home. The guys that were left -- were on the  
13 crane, I guess, I'm assuming, was, one, the crane operator, and  
14 his two deckhands. There was three guys that -- yeah, three guys  
15 that were on the crane after we had turned loose.

16 Q. And Cooper owns that dock, correct?

17 A. No, I don't believe Cooper owns that dock. Cooper owns the  
18 rig that we were pushing. I'm not -- CMT. I'm not sure who owns  
19 CMT dock.

20 MR. KUCHARSKI: So this is Mike Kucharski.

21 BY MR. KUCHARSKI:

22 Q. And you said you had good sleep the day before. Could you  
23 walk us back, say, in the past 4 days? Had you -- your rotation,  
24 what kind of rotation, what watches were you standing?

25 A. Twelve-hour shifts. I was working 12 noon to 12 midnight.

1 Q. Twelve noon to 12 midnight. And how much rest would you get  
2 a day?

3 A. I would get anywhere between 8 to 7 hours of sleep.  
4 Sometimes I sleep -- I get right off and go to -- go right to bed  
5 and might get 10, 11 hours.

6 Q. Okay, sometimes. But 96 hours before the accident, about 7  
7 to 8 hours a day?

8 A. Yes, sir.

9 Q. And when did you actually join the *Kristin Alexis*? What day  
10 did you join?

11 A. You talking about for this hitch?

12 Q. Yeah.

13 A. I got on October the 6th. It was a Saturday.

14 Q. And what kind of a rotation do you work?

15 A. Fourteen and 7.

16 Q. So then you would have been due off on the 20th?

17 A. No. No, no. I came back a couple days late. I'm due off  
18 tomorrow.

19 Q. Okay, so --

20 CWO [REDACTED] This is [REDACTED] [REDACTED] Did you say you do  
21 14 on, 7 off?

22 MR. SMITH: Yes, sir.

23 BY MR. KUCHARSKI:

24 Q. And you joined on October 6th. This is Mike Kucharski.  
25 Okay.

1           You mentioned that there's some kind of a safety checklist  
2 made out before you tow; is that correct?

3 A.   A job safety briefing, yes.

4 Q.   Okay. And that's called a job safety briefing?

5 A.   Yes, sir. Where we talk to the guys and, you know, tell them  
6 what the job task we're doing, what's the risk and hazards. We  
7 try to be aware of our elements, what's going on around us before  
8 we start out there.

9 Q.   And that -- based on this job safety briefing or is there --  
10 let me back up and say, is there a risk analysis part of this job  
11 safety briefing that says --

12 A.   We do -- oh, I'm sorry.

13 Q.   No, go ahead. No, I'm --

14 A.   We do have a risk analysis. And as far as the fleet goes, we  
15 have one for them, and it's basically the same thing. It asks,  
16 you know, have you did this job before? You know, what kind of  
17 elements, you know, what your faced with when -- you know, is it  
18 safe to proceed; if it's not safe to proceed. All those things.

19 Q.   And is one done for a tow, particular tow?

20 A.   Well, when you work at the fleet -- usually when you're  
21 having a tow, yes. Well, we're working the fleet, so we usually  
22 -- sometimes we don't have a tow. It's usually just moving one  
23 barge spot, barge here and there. So it's not like we're -- this  
24 was all -- this would be the only time we're having a long run,  
25 you know, going somewhere. Other than that, we're just -- we're

1 stationary to a certain part of the river. We're just maneuvering  
2 barges, you know, usually. This was going to be one of those just  
3 one type deal, so we just usually fill out the job safety  
4 briefings.

5 Q. And you took your -- I hate to say orders, but what to do,  
6 you know, with the vessel, what type of work to do, you took that  
7 from Cooper Consolidated?

8 A. Yes.

9 Q. From their dispatch?

10 A. Yes, sir.

11 Q. Have you heard the term lead boat?

12 A. Yes. They have a lead boat. Yes, sir.

13 Q. Okay. What does that mean to you? What's the lead boat?

14 A. The lead boat usually is who tells you what to do. When it's  
15 involved -- like the lead boat, like if I was working in the fleet  
16 moving barges, they would tell me which barge to move, which tow  
17 to go grab. You know, like what tow to go grab and work on. They  
18 would dispatch the work for me. But changing jobs like that,  
19 dispatch calls, and they -- and we were transporting that rig back  
20 up to 175 because we were leaving that fleet to go work up to 175.  
21 We were at CGB LaPlace -- I mean, CGB 164 fleet and we were going  
22 to another fleet to work, and was transporting that rig back up to  
23 Darrow 175. So that came from dispatch, that order.

24 Q. The orders to actually --

25 A. Yes, sir.



1 Q. -- move this crane barge came from dispatch.

2 A. Yes, sir.

3 MR. KUCHARSKI: Okay.

4 CWO [REDACTED] I'm going to ask this to give you better  
5 clarification. This is [REDACTED] [REDACTED] again.

6 BY CWO [REDACTED]

7 Q. So when you have a lead barge --

8 A. Lead boat.

9 Q. -- or a lead boat -- you have a lead boat, is that always a  
10 Marquette boat or a Cooper boat?

11 A. Well, we work for Cooper, and --

12 Q. Can you explain how the lead boat process works a little  
13 more?

14 A. Okay. A lead boat usually is in charge -- he's pretty much  
15 the senior person there. He knows what's going on as far as  
16 operations as far as the fleet goes. So he just -- we're just  
17 there to assess him. Cooper, I'm not sure if they have -- the  
18 boat that works lead boat there is a Western Rivers boat, but they  
19 work for Cooper. But he's basically -- we just work as needed as  
20 he wants us, you know, where he finds us, and that -- you know, he  
21 knows what's going on with the -- with servicing certain docks, he  
22 knows, you know, those certain things. All we do is report, you  
23 know, our times to dispatch. He tells us, hey, you need to go  
24 move this barge and we're clearing up these barges for this dock  
25 or this boat. And I'm assuming his orders come from dispatch and

1 he just distributes them.

2 Q. Is there ever a time where your lead boat could be an Ingram  
3 boat or a Kirby boat?

4 A. No, no, no. There's one lead boat, and that lead boat is the  
5 *Clinton Matthews*. Unless that lead boat captain -- unless he  
6 changes to another boat, but -- because you --

7 Q. Or fleet, right?

8 A. Yeah. Yeah, if we change to a different fleet, it'll be a  
9 different lead boat.

10 CWO [REDACTED] Okay. Okay, that's what I was --

11 MR. KUCHARSKI: Okay. This is Mike Kucharski again.

12 BY MR. KUCHARSKI:

13 Q. So you were doing work for Cooper Consolidated.

14 A. Yes, sir.

15 Q. Do you know if they were -- "they" being Marquette -- was  
16 under contract to Cooper Consolidated, or Cooper Consolidated --  
17 there was, they were -- they had the boat for so much time, or  
18 anything like that?

19 A. I'm not sure if we're under contract with Cooper, but we have  
20 been working for Cooper since I've been on there and -- we've been  
21 working for Cooper.

22 Q. Well, who tells you -- does somebody at Marquette tell you to  
23 take orders from Cooper?

24 A. Yes. When I started over there in November, they told me we  
25 would be working for Cooper.

1 Q. So at least from November -- when you say you started work in  
2 November, is that when you first came on the *Kristin Alexis*?

3 A. Yes, to work that fleet at Darrow 175. Yes, sir.

4 Q. So from November of the previous year --

5 A. Yes, sir.

6 Q. -- while you worked on the *Kristin Alexis*, it was always  
7 doing work for Cooper?

8 A. Yes, sir.

9 Q. And you were only working on that vessel from November of  
10 last year? The *Kristin* --

11 A. The *Kristin Alexis*? Yes, sir.

12 Q. *Kristin Alexis*. Yeah. Did Cooper also provide fuel for you?  
13 Would -- did that come --

14 A. I'm not sure how that works. I'm not sure if they bill  
15 Cooper for that. I'm not sure.

16 Q. Who told you where to go get fuel?

17 A. Well, when the fuel dock comes, they ask us if -- Cooper asks  
18 -- well, the dispatch asks us if we need fuel, and we tell them,  
19 yes, we need fuel and then we'll get fuel. But I'm not sure if  
20 that comes from Marquette or if it comes from Cooper.

21 Q. You mentioned the voyage plan, the voyage plan and then  
22 there's a short form of the voyage plan.

23 A. Yes, sir.

24 Q. When do you use the short form over the long form, or the  
25 regular form? Is it called long form, the other one?

1 A. It's -- yeah, it's extensive. We do a lot of things on the  
2 long form. Long form is anything over 30 miles. So if you go  
3 over 30 miles, you have to fill out the long form.

4 Q. Did you mention that the draft of the boat was 10 feet?

5 A. Yes, sir.

6 Q. What about the barge? Do you know what the draft of the  
7 barge was?

8 A. By looking at it, I could see it was 6 foot. But have  
9 anybody else told me that? No.

10 Q. Okay, this is Mike Kucharski. I want to be clear. Draft is  
11 from the waterline to the bottom.

12 A. Yes, sir.

13 Q. Freeboard is from the waterline to the uppermost continuous  
14 deck. Okay. So when we say draft -- okay, you say you look at  
15 it. It's beneath the water, is what you're talking about or above  
16 the water?

17 A. Oh. What I see above the water. So yeah -- I'm sorry. Yes,  
18 what I see above the water.

19 Q. Okay, so -- and how much did you say was above the water?  
20 About how much?

21 A. Six foot.

22 Q. Six foot. Okay. No idea what was below the water?

23 A. No, sir.

24 CWO [REDACTED] This is [REDACTED] [REDACTED] How did you  
25 determine that it was 6?

1 MR. SMITH: By looking at the barge and just -- they have  
2 numbers on the barge.

3 CWO [REDACTED] Did you read the number?

4 MR. SMITH: Yeah.

5 CWO [REDACTED] And that's the number?

6 MR. SMITH: Um-hum.

7 CWO [REDACTED] Did you get that?

8 MR. REISMAN: Yeah. So you guys got that. I think you -- he  
9 got confused with your questioning. The draft marks were telling  
10 him how much draft there is, not freeboard. So he was looking at  
11 the draft marks on the side of the -- you can clarify with him,  
12 but he's looking at the draft marks on the side of the barge,  
13 which Mr. [REDACTED] and I have both seen that, those markings, to  
14 determine what the draft as opposed to freeboard is.

15 MR. KUCHARSKI: Okay. Let me start all over. This is Mike  
16 Kucharski.

17 BY MR. KUCHARSKI:

18 Q. The distance from the water to the deck of the barge, do you  
19 know what that distance was? And how did you know it was that?

20 A. Well, there's numbers on the side of the barge. And when you  
21 look, I can't tell how much, so I'm just assuming from the numbers  
22 it had 6 foot above the water.

23 Q. Okay, okay. And this --

24 A. Because most -- hold on, hold on.

25 Q. So how -- where was this --

1 A. I'm sorry. Because most barges draw a 12-foot. And if you  
2 see 6, you're just assuming from 12 foot from empty to underneath,  
3 it would be a 6-foot draft. So I'm --

4 Q. Okay, what -- this is Mike Kucharski. When you say they draw  
5 12 foot, what do you mean by --

6 A. A barge usually, a barge has a 12-foot draft. So if it's  
7 -- if you see a 6, that means it's 6 foot of freeboard, you know,  
8 outside of the water, so it's drawing, usually, 6 foot underneath.

9 Q. What I'm going to do here is I'm going to draw you a picture.  
10 And then I'm going to explain this to you, okay, so the court  
11 reporter can understand it, okay?

12 A. Okay.

13 Q. All right. Okay. What I'm drawing is a rectangle. The top  
14 is the deck, okay?

15 A. Okay.

16 Q. This is the waterline here. This is the bottom of the barge,  
17 right? This is underwater. Okay? When you're looking at the  
18 side of this vessel, you see numbers, correct?

19 A. Yes, sir.

20 Q. Okay. Is it -- I have here 6, 5, 4, 3 drawn on the side of  
21 this diagram here. So you're seeing something that -- this  
22 waterline here, is it right below the 6 like that? Is that the  
23 number you're talking about, is 6?

24 A. Yes, sir.

25 Q. So the waterline is just at the bottom of that 6?

1 A. Yes, sir.

2 Q. Okay. So then from this number here, as you look at it, this  
3 is the -- do you know that this is the measurement for the draft,  
4 which is the -- this distance here?

5 A. Yes.

6 Q. Okay. Then by looking at that, you're guessing that this  
7 distance here is about another 6 foot?

8 A. Well, you -- yes, because usually they have 12 here, so --

9 Q. Twelve all the way to the top?

10 A. Yes, you --

11 CWO [REDACTED] Yes. I was trying to ask him that. I knew  
12 what he was doing.

13 MR. REISMAN: This might help. That was the (indiscernible)  
14 to the barge before this --

15 (Background conversation between Mr. Kucharski and  
16 Mr. Reisman.)

17 CWO [REDACTED] This is [REDACTED] [REDACTED] I'm just talking to  
18 you. I'm not asking questions right now. Forgive us, we can't  
19 ask any questions that would form your answer. Like, I knew  
20 exactly what you were doing. I just didn't know how to ask to get  
21 you there.

22 MR. SMITH: Okay.

23 MR. REISMAN: And this was -- and this photo was taken on  
24 Sunday when [REDACTED] and I were there, so it was after the barge  
25 hit the ballast.

1 MR. KUCHARSKI: So we've -- to clarify -- this is Mike  
2 Kucharski. When you -- the 6 that you saw, the water was just at  
3 the bottom of that 6; is that correct?

4 MR. SMITH: Yes, sir.

5 MR. KUCHARSKI: This is Mike Kucharski. No, I can say it on  
6 the record. We'll get the dimensions of the barge, scantlings of  
7 the barge, and then we can -- we'll know what that distance --  
8 it's over 6 foot to the deck of the barge, so we'll get that.  
9 Okay?

10 CWO [REDACTED] Now I'm lost.

11 BY MR. KUCHARSKI:

12 Q. Do you keep a logbook on board the vessel?

13 A. Yes, sir.

14 MR. KUCHARSKI: Okay, maybe we can get a copy of the logbook  
15 pages.

16 MR. REISMAN: I think you all have that on --

17 BY MR. KUCHARSKI:

18 Q. What checklists do you have on board the vessel? Do you have  
19 checklists that you use?

20 A. Yes, sir.

21 Q. Do you use any navigation checklist?

22 A. Yes, sir. We make sure all our navigational tools are  
23 functioning. Radar, our whistles -- I mean, not -- our horns,  
24 engine, steering. We go through all that --

25 Q. But when do you use that checklist for --



1 A. Every watch.

2 Q. Every watch.

3 A. Yeah, we check all those things. It's a checklist. We check  
4 all those stuff to make sure, you know, when you're coming on,  
5 because, God forbid, something go out with -- sometimes even in  
6 your own watch stuff goes out, but --

7 Q. Okay. So back to the span of the bridge. You said that it's  
8 not normal to use the west span of the bridge.

9 A. When transiting with something that high, it's not normal.  
10 We use the main channel span.

11 Q. After you made up the barge to the tug, okay? The tug to the  
12 barge. And before you actually had the watch changeover, did you  
13 discuss this transit with anybody? Going underneath the bridge?

14 A. No, I did not.

15 Q. Okay. When you had the handover, did you have a handover of  
16 the watch to --

17 A. Eugene?

18 Q. Yes, Eugene. Did you have a handover of the watch when he  
19 came up there?

20 A. I told him the orders. I gave him orders that were -- of  
21 everything that was going on, what I was told. You know, where  
22 we're going with the barge. And that's basically it, you know.  
23 There was nothing else to --

24 Q. Do you give him course speed, anything like that?

25 A. Course speed? Oh, I'm -- not course, but I told him what --

1 he knows what speed we were making. I showed him, you know. But  
2 I'm not sure what -- ask me -- like, what do you mean? Like what  
3 are you exactly asking?

4 Q. What information do you actually exchange when you hand over  
5 a watch? Is there a company policy that this is what should be  
6 discussed?

7 A. Oh, yes, yes. I gave him what we were doing, what the orders  
8 were, and told him how I had the guys out there because of the  
9 limited visibility. Told him that Cooper was supposed to be  
10 sending somebody out. If he had any problem, you know, hit the  
11 bank, call someone, you know, if he had to stop. But they wanted  
12 us to continue to go. They told me to continue going northbound  
13 and that they would have somebody come out.

14 And I asked him, you know, was he comfortable? Has he ever  
15 pushed a rig like this before? You know, and he told me yes, he  
16 was comfortable. He pushed a rig like this at his other job he  
17 worked at. So I stayed up there with him for a little while to  
18 observe, you know, how he was, and he told me he had it. And so I  
19 went downstairs.

20 Q. Is this the first time you sailed with him?

21 A. Actually, yes. I've had 5 days with him, and when I got on  
22 from the accident -- well, I worked with him previously when I  
23 first started at Marquette, but he wasn't a wheelman at the time.

24 Q. Is there a company -- in the safety management -- is there a  
25 safety management system for the company?

1 A. Yes, sir.

2 Q. Yeah. In there, is there any requirement to get the  
3 information for the barge? Or your tow, tow information?

4 A. Yes, there is. And that's why I go back to I asked. And  
5 see, and this is where the dilemma is now. Because I asked, I got  
6 information, but now we're going farther -- after this accident  
7 happened, the information I received wasn't correct. So I've been  
8 going on the information they had, gave me, and it's still not  
9 correct. So that's like you telling me, hey, the sky is blue.  
10 And I go tell everybody the sky is blue. Well, that's what you  
11 told me. You're supposed to know, right? Because you work on  
12 this -- in the sky.

13 Well, these crane -- these guys that work on this crane, I  
14 asked them how big was this crane, you know, how high this crane  
15 was. And I knew they made it through the bridge because  
16 previously before I took it, somebody else took it. And they told  
17 me, hey, we made it through the bridge, you know, this and this  
18 and this. And so that's how I knew which way to go with it.

19 Q. So in all this time you've worked for Marquette and done work  
20 for Cooper, you've never seen anything in writing on any -- of the  
21 dimensions of any of the rigs that you've carried?

22 A. No, sir. And it's not posted on the barges or any of that.

23 CWO [REDACTED] This is [REDACTED] [REDACTED]

24 BY CWO [REDACTED]

25 Q. When you said the guys that worked on the crane, is it just

1 like deck workers that you've asked --

2 A. No, no, no, no. No, no.

3 Q. -- that you had to get the information?

4 A. There's more than deck workers. There's -- got somebody that  
5 runs the crane and there's a guy that operates the winches, you  
6 know. Course, I'm -- me myself, I'm about to face up on this big  
7 old crane and take it southbound, I want to know what the  
8 clearance is on it. And I was told 130 foot, which I know, you  
9 know, that bridge says on our gauge, on our Rose Point and on our  
10 map, it says 133 foot of clearance. It doesn't say which river  
11 stage, but that's what it says, you know. And I probably, you  
12 know -- so, and with that being said, and if we -- they just took  
13 the rig a week before I did at the same river stage, I was like,  
14 okay, well, I can take this; I can make it through there, you  
15 know. And I made it southbound.

16 Q. Okay. Have you ever asked anybody besides the people on the  
17 crane for the specs on it?

18 A. No, sir. No, I have not.

19 Q. Okay. And then you kind of hit on it there. So your Rose  
20 Point says the clearance is 133.

21 A. Yes, sir.

22 Q. Do you -- is that all you ever go off of, is Rose Point?

23 A. No. We have Rose Point, and I have -- we have a map. You  
24 know, we have the waterway map, and it says the same thing. And  
25 come to find out, that's not accurate. Because we googled it, and

1 that's not accurate. It says the bridge is 170 foot at the  
2 highest point in the main channel span, but at what river stage?  
3 See, it's -- just by me working with these guys and seeing them  
4 make this through the main channel span, I felt comfortable enough  
5 making it through the main channel span. But do I have the right  
6 information? I was never given that right information. There is  
7 no manual for transiting with a crane that's -- we don't have  
8 that. You see what I'm saying?

9 Q. Okay. This is still [REDACTED] [REDACTED] Had you ever received  
10 any formal or informal training on river operations and bridge  
11 clearances?

12 A. There is. But there's nothing for operating with a crane.  
13 We have -- they have a manual for transiting bridges, but not for,  
14 you know -- like I told Eugene, even if I would've told everybody  
15 take the main span, you would have to make your own mind up, you  
16 know? I'm not up there. I'm relying on you. You have a master's  
17 license. I'm relying on you to navigate safely. So --

18 Q. Okay, so -- this is still [REDACTED] So how would you  
19 calculate the height or figure out your height for, say, if you  
20 were working a big line hauler?

21 A. A line hauler?

22 Q. A line hauler.

23 A. A line boat?

24 Q. A towboat. Yeah, a tugboat.

25 A. Calculate the height? Well, we could look at --

1 Q. So if you were doing that and you went up north more, say,  
2 like all the way up into Mississippi where there's much lower  
3 bridges where you would have to worry about your tugboat, how  
4 would you figure out if your tugboat would clear that bridge?

5 A. It's the same way I -- well, when we travel east, we find out  
6 there's some bridges that need to be open at drawbridges. Well,  
7 you call the bridge tender.

8 Q. Okay. What if there's not a drawbridge and no bridge tender?

9 A. Well, most of our manuals where we travel at, the waterway  
10 manuals, it says the height of the bridge. You would still have  
11 to know what the river level is. And still, at the river level,  
12 you can just -- okay, like, for instance, we're at 18-foot river,  
13 and they say at 18-foot river, this bridge is 170 foot. So let's  
14 say from -- at a low river stage. But at what stage is it low  
15 river to -- that barge is 170 foot. So I can just guesstimate and  
16 do math and say, okay, well, we had an 18 foot. Take away 18 from  
17 170 and that gives you my clearance now? I still don't have those  
18 answers. But what I would do, if I didn't know, I would've called  
19 vessel traffic and asked them what's the clearance on that bridge  
20 right now at this -- and maybe they can give me the information.

21 Q. Okay. This is still [REDACTED] In any of your SMS, safety  
22 management systems, for Marquette, does it have any guidance of  
23 daily information you're supposed to get?

24 A. Yeah, we get a Notice to Mariners. We get -- it's a bunch of  
25 stuff we get daily information, from weather conditions, bridge

1 breakdowns --

2 Q. And you're supposed to review and log that, all that  
3 information, and keep it on the boat?

4 A. Well, we all review it because it comes in emails. But as  
5 far as the Notice to Mariners, you're supposed to keep that on  
6 file. Every time they come out with one, you're supposed to keep  
7 that at, I think, for -- I don't want to be -- I don't want to say  
8 how long, but -- because I don't want to be wrong. But yes,  
9 you're supposed to log that and keep that.

10 Q. Okay. When you say you receive it in emails, so it's like on  
11 a computer and you store all the emails on there?

12 A. Yes, sir.

13 Q. So it's like you -- weather was one of the things you  
14 mentioned. You don't print that out or post it somewhere, that  
15 way the -- you can relieve -- the watch reliefs know?

16 A. Well, the weather we have on the computer. You can just --  
17 we have that log. We have that link saved. So anything you want  
18 to know about the weather, you can just press on that. And we  
19 keep that saved. That's access to anybody who wants to know.  
20 Soon as you come on, you have access to that.

21 Q. And the weather that you guys use, does it have the river  
22 stage projection for that day?

23 A. We have it on Rose Point. It tells you the flood -- they  
24 tell you if it's flooding, if it's air -- you know, the river  
25 stage that day happened to be 18.7. It tells you --

1 Q. And your Rose Point displayed 18 feet?

2 A. 18.7.

3 Q. So it displays for where you're at?

4 A. Donaldsonville.

5 Q. So if you're going to Baton Rouge, does your Rose Point  
6 automatically shift to Baton Rouge?

7 A. You can click on it. Yes, sir.

8 Q. You have to manually change it though, right?

9 A. Yes. Like if I'm not in Baton Rouge and I click on it, you  
10 know what I'm saying, I could probably pull it up if I click on  
11 that area, wherever I'm at, and pull up the tide and water table.

12 Q. So what did you say Rose Point said the bridge was for that  
13 day?

14 A. Well, it doesn't say as far as at that stage of the river.  
15 It doesn't say.

16 Q. It just says -- what was it?

17 A. 133.

18 Q. And it's like that all the time? It just says that's the --

19 A. 133. So that doesn't give me a -- at a 20-foot river stage  
20 what it would be. That doesn't -- you know. And it's still not  
21 accurate.

22 MR. KUCHARSKI: It's Mike Kucharski.

23 BY MR. KUCHARSKI:

24 Q. So Rose Point does not give you the river gauge or it does  
25 give you the river gauge?



1 A. It gives me the river gauge.

2 Q. It does. So you just have to do the manual calculation?

3 A. We can -- we could -- you could do that. You could say, okay  
4 -- but I'm still not understanding at the numbers, okay? Because  
5 it gives you that number. But at what river stage is this bridge  
6 that height so I could be accurate with my calculations? So I can  
7 just say, okay, at a normal level at low river, it's at 170 foot.  
8 So I'm supposed to subtract the 18-foot at -- you know what I'm  
9 saying, to get that number. Or at what level? I still don't know  
10 where to start from.

11 Q. Is there any place you can get that information from?

12 A. I'm pretty sure, yes. I said I probably could call vessel  
13 traffic and they could probably give me that information.

14 Q. They will tell you at that height, at what river gauge --

15 A. I'm not sure. I'm saying I'm assuming.

16 Q. Are there any other publications on board the wheelhouse of  
17 that vessel that'll tell you that?

18 A. No, sir.

19 Q. These maps you're talking about, who publishes these maps?

20 A. We have -- I can't even tell you the name of those maps. I  
21 can't --

22 Q. Army Corps of Engineers? NOAA?

23 A. I believe the ones we have are NOAA.

24 Q. NOAA. Okay. Okay. So on board the wheelhouse of that  
25 vessel, you're aware of NOAA charts that are on there?

1 A. Yes, sir.

2 Q. But you don't know if there are any maps up there. Have you  
3 ever heard of Army Corps of Engineers?

4 A. Yes.

5 Q. Yeah?

6 A. Yeah.

7 Q. I have to get this on the record. Have you ever seen any  
8 maps that they produce?

9 A. No, sir, I haven't.

10 Q. Okay. Is there anywhere to bank up if you have to between  
11 CMT and the bridge?

12 A. Yes. There's a lot of bank. Yes, sir.

13 Q. You could? Would you be able to do it with that tow?

14 A. Let's see. Yes, you could. But then my main concern would  
15 probably be to get in a spot to where that boom that's sticking  
16 out wouldn't hit any trees or anything to do any damage. But if I  
17 could lay flat, you know, and just be north and south, and be flat  
18 and hold it against the bank, yeah. There's plenty of places to  
19 stop.

20 Q. Have you ever refused to take a tow?

21 A. Yes, sir. I have. Not with this company that I'm working  
22 for now. No, not with Cooper.

23 Q. And were -- well, you say you refused to take a tow. Were  
24 you captain of that boat that you refused to take --

25 A. No, I was a pilot. But -- yes.

1 Q. Crew on board, is it, correct, you, the pilot, and four  
2 deckhands?

3 A. Yes, sir.

4 Q. On these bridge -- forget that. Did you have any -- at the  
5 end of your watch, okay -- no, let me rephrase that. You made up  
6 to the *Mr. Ervin* about 2330 the evening before.

7 A. No, sir. I arrived there.

8 Q. You arrived there.

9 A. Yeah. We came off dock at 2350.

10 Q. Off the dock at 2350.

11 A. Yes, sir.

12 Q. And shortly after that or right around in that time, Eugene  
13 was up there to relieve you? He was up there on the bridge --

14 A. Yes, sir.

15 Q. -- when you came off the dock?

16 A. Yes, sir.

17 Q. Okay. And from that time when you came off the dock and --  
18 when did he actually take the sticks? About.

19 A. I wish I knew the mile marker. We was right below Whitehall.  
20 I don't know the mile marker exactly, but it was a couple miles  
21 from CMT's -- that one --

22 Q. Well, I don't know how fast you're going. So would that be  
23 like 15 minutes later, 20 minutes later? Give me a time frame  
24 about.

25 A. I probably drove about 30 minutes.

1 Q. About 30 minutes. Okay. So sometime about 12:15, 12:30, in  
2 that time frame, he took the sticks?

3 A. Yes, sir.

4 Q. Is that close enough?

5 A. Well, let's say 12:45.

6 Q. Okay. 12:45. Up through that time, did you talk to any --  
7 did you talk to VTS? Did you talk to any traffic on the river?

8 A. I talked -- well, yeah. I talked to traffic because I was  
9 meeting those guys. I'm the one who got past those three tows, so  
10 I talked to them, you know. I made sure we got -- you know, I was  
11 in a safe spot because of where I -- my blind spot was. I had the  
12 guys outside keeping me off the fleets. I ran up the west bank.  
13 I talked to the traffic, those three tows, you know.

14 Q. VTS? Did you talk to VTS?

15 A. No, sir. You usually check in like -- you usually check in  
16 -- I usually check in. I'm sorry. I usually check in before the  
17 bridge. You talk to VTS, and they want to know your tow  
18 configurations and what you have. So usually a mile before I get  
19 to Sunshine Bridge, which is a check-in spot for traffic, I  
20 contact VTS and tell them what I have and, you know, where am I  
21 going. Because that's a check-in spot.

22 Q. So how far were you from the bridge when -- how far was the  
23 vessel from the bridge when Eugene took the sticks?

24 A. It had to be about 4 or 5 miles.

25 Q. So he could make the decision whether to go down the main

1 channel or the west channel, the west span. Correct?

2 A. He was at the wheel, yes. He was capable --

3 Q. So you didn't make that decision. He made the decision to do  
4 that?

5 A. Yeah, I was in the shower. I mean, yes. You know, to answer  
6 your question, yes. He was able to make that decision.

7 Q. Did he tell you that he was going to use the west span? When  
8 you said, you got it and you're comfortable and everything else,  
9 did he say that -- you didn't have any discussion of which way he  
10 was going to go?

11 A. No, sir, we did not. I just told him, if he didn't feel  
12 comfortable, hit the hill, make the proper notifications and call  
13 who he had to call. If he needed me, I was -- my room is right  
14 there. If anything, you know, I was there. If he needed me, I  
15 was there.

16 Q. As master of the vessel, as captain of that vessel, does he  
17 answer to you?

18 A. Yes, sir.

19 Q. Okay. Do you ever give him any direction? Do you give the  
20 pitot or --

21 A. Well, I -- this is my first time working with him during  
22 those 5 days. So I observe, you know. I go outside. I figured  
23 I'll watch and observe how he handles and maneuvers the boat. And  
24 he handled the boat well. I didn't have any problems. You know,  
25 I got to be able to go to sleep with him on the boat for 12 hours

1 and hopefully, you know, not end up in the bottom of the river.  
2 Never had any problem with him or the way he operated the boat.  
3 So if he needed any assistance, I was always available to him. He  
4 didn't -- you know, I didn't feel like the need to be like, oh,  
5 you need to do this and you need to do that, you know?

6 Q. Any other pilots on board while you -- have you been --  
7 you've been captain since November of last year?

8 A. No, sir. I just recently got the promotion to relief  
9 captain.

10 Q. To relief captain.

11 A. I've been the pilot.

12 Q. Been the pilot. So did other captains, when you were the  
13 pilot, did they tell you that they wanted to do -- wanted you to  
14 do something a certain way, or did they discuss any river transits  
15 with you?

16 A. No. I was pretty familiar with the area I was working at, so  
17 no. It was really -- when I got hired on at Marquette, I was told  
18 use the main channel, you know, so -- but other than that --

19 Q. So when you were first hired on at Marquette --

20 A. Yes, sir.

21 Q. In November?

22 A. No, no. I wasn't hired on in November. I just started  
23 working on --

24 CWO [REDACTED] This boat.

25 MR. KUCHARSKI: On that boat.

1 MR. SMITH: -- this boat.

2 BY MR. KUCHARSKI:

3 Q. So when you first started working -- when did you start,  
4 first started working as a pilot for Marquette?

5 A. It would have been, it would have been 2 years ago. January  
6 would have made 2 years.

7 Q. And so when you first went on as your first pilot's job with  
8 Marquette, did the captain there tell you how he wanted things  
9 done?

10 A. As far as building or breaking tow? No. He just gave me the  
11 orders. Just pretty much told me, hey, we're picking up six  
12 barges from here and we're taking them there. I pretty much  
13 worked -- you know, I pretty much knew the job tasks.

14 Q. Okay. You said you had made numerous trips under the bridge  
15 with that tow or similar tows?

16 A. No, I said numerous -- I've moved numerous cranes numerous  
17 times. I've moved that one -- I've only moved that one down that  
18 way once.

19 Q. Once, but -- okay. But other tows?

20 A. Yes, yes.

21 Q. Yeah. And were there any through the west span?

22 A. Not with a crane.

23 Q. When a new crewmember comes aboard, joins that vessel, are  
24 there -- is there any kind of vessel familiarization form that  
25 they have to fill out?

1 A. Yes, sir, there is. We go through a -- they go through a  
2 walkthrough with them. And it's a checklist we do. And we have  
3 to keep them on board, you know, to familiarize them with the  
4 vessel.

5 Q. And that checklist, who do they give that to? Do you see it?  
6 Or let me say -- do you see it?

7 A. Yes, sir. We see it and we save it with our master logs.  
8 Not with our master log. With our boarding logs.

9 Q. What's a boarding log?

10 A. When you come on boat, you have to log in, you know, you came  
11 on the boat. If you was any -- any kind of conditions you had  
12 when you were off sick, illness, any kind of medications. And  
13 then you have to check -- for pilots or wheelmen, we have to  
14 check, you know, have we checked our radars and all this before we  
15 -- you know, when we came on, we did all those type of things.  
16 And then, as far as the boat, you know, we get new guys, so we  
17 have to go through our vessel orientation, is what it's called.

18 Q. And as part of that checklist is there anything about the  
19 safety management system of the vessel?

20 A. We have one on board. Yes, sir.

21 Q. Do they -- as part of that checklist are they supposed to be  
22 familiar with the sections of the safety management system?

23 A. Yes, sir. Well, when we sign -- when we signed up, we all  
24 signed that we -- the safety management and the VSOP that we were  
25 supposed to keep up, you know, and look at those things.



1 Q. When you say "we all signed," is it something --

2 A. That all people that get hired on by Marquette for their  
3 policies and procedures.

4 Q. So it's not something that you have them sign on board the  
5 vessel. Do they sign it for somebody else?

6 A. Marquette.

7 Q. For Marquette. Somebody from the company --

8 A. Yes.

9 Q. -- has them sign the forms, not on board that you have them  
10 sign these forms?

11 A. No, sir.

12 CWO [REDACTED] This is [REDACTED] [REDACTED] Those forms and  
13 safety orientation that you get on employment, is that different  
14 for each position? So like a deckhand -- like you as a captain,  
15 is yours different than a deckhand?

16 MR. SMITH: Not the vessel orientation. We all have the same  
17 vessel orientation. But as far as the checklist, well, they don't  
18 run a boat so they wouldn't be checking out the navigational, the  
19 running lights, you know, the horn and steering. They wouldn't  
20 have that on theirs.

21 CWO [REDACTED] Okay. So --

22 MR. SMITH: The deckhands. I'm sorry. Deckhands wouldn't  
23 have that on theirs.

24 CWO [REDACTED] Does it have anything about navigational safety  
25 and bridge clearances on -- in your orientation?

1 MR. SMITH: No, sir.

2 BY MR. KUCHARSKI:

3 Q. Any problems with the -- this is Mike Kucharski. Any  
4 problems with the tug?

5 A. No, sir. I mean, any problems that would keep it from  
6 maneuvering or operating?

7 Q. Correct.

8 A. Okay. No, sir.

9 Q. Yes. Training. Have you been through any training,  
10 shoreside training?

11 A. I'm supposed to go this year. Every 2 years, you're supposed  
12 to go to -- I was about to be making my 2 years. I haven't made  
13 it yet. So this is -- would have been my year to go.

14 Q. So you have not done any shoreside training?

15 A. No, sir.

16 Q. Okay. And is that training -- would that be with Marquette?

17 A. Yes, sir. That's with Marquette. You have to have -- every  
18 2 years, you have to go and make training -- seaman school.

19 Q. And every 2 years, is that every 2 years with Marquette?

20 A. Yes, sir.

21 Q. Right.

22 CWO [REDACTED] This is [REDACTED] [REDACTED]

23 BY CWO [REDACTED]

24 Q. So when you get hired, do you go 2 years before you go, or  
25 you had to go through that before you started working as well, and

1 then every 2 years after that?

2 A. Well, you're just supposed to go when you start, but I -- and  
3 then you have to keep it up every 2 years. I just never had the  
4 opportunity to go on my time off yet. So you have to go on your  
5 own time off. So when you start, you have to go to this training.  
6 And then you -- you know, it's every 2 years after that you have  
7 to go and refresh.

8 Q. Okay. So it's not mandatory, that they make you?

9 A. Yes, it's mandatory.

10 Q. And you've been working for them how long?

11 A. I haven't made 2 years yet, so --

12 Q. So you're supposed to go at the -- initially when you first  
13 start working --

14 A. Oh, no, no, no, no. No. Within the 2 years. I'm sorry.

15 Q. Within 2 years?

16 A. Yeah.

17 Q. So you're supposed to go within 2 years of when you start.

18 Okay.

19 BY MR. KUCHARSKI:

20 Q. Right. So it works out at the end of 2 years, you need to  
21 have some kind of training done at the end of 2 years.

22 A. Yes, sir.

23 Q. And the -- Mike Kucharski. Have you ever had any actions  
24 against your license?

25 A. No, sir. But have I had any accidents?

1 Q. That too. Have you had any accidents?

2 A. Yes, sir. Yes, I have. I had one accident long time ago.  
3 Hit a fender work on a bridge pushing a red flag. Had to call  
4 Coast Guard, do the whole procedure, fill out a form. Yeah, I did  
5 that.

6 Q. And was that while you were as pilot or captain?

7 A. Pilot. Early on in my career. Yes, sir.

8 Q. And Mike Kucharski again. Your daily work schedule was from  
9 12 to 2400? From noon till midnight?

10 A. Yes, sir.

11 Q. Okay. And have you ever had a time where you were working  
12 continuously operating a boat, navigating a boat for 12 hours?

13 A. That's what we work. We work 12-hour shifts.

14 Q. I understand, but is -- have you ever been --

15 A. Over 12 hours?

16 Q. No. Twelve hours where you're underway that -- continuously  
17 that 12 hours?

18 A. No, sir. I work in a fleet where we're doing little short  
19 moves and shifts. We're not continuously driving, you know, 12  
20 hours. No, sir.

21 Q. So you've never had that happen?

22 A. No, sir.

23 MR. SMITH: Can I use the restroom?

24 CWO [REDACTED] Okay. This is [REDACTED] [REDACTED] It's 1520.

25 We're going to take a brief pause.

1 (Off the record at 3:20 p.m.)

2 (On the record at 3:23 p.m.)

3 CWO [REDACTED] All right, this is [REDACTED] [REDACTED] again.  
4 It's 1523, and we're resuming. Only have a little bit more.

5 BY CWO [REDACTED]

6 Q. Is there anything after this incident -- is there anything  
7 you would have done differently to prevent this from happening in  
8 the future?

9 A. Yes, I would have. There's a lot of things I would have done  
10 different. For one, when -- well, I wish I would have known they  
11 didn't come get the rig, the bucket off the rig. Because if I  
12 would've known that, I would have made him stop. I would have  
13 told him, hey, call somebody, because this is definitely not safe  
14 to keep transiting with this bucket. I thought when they were  
15 telling us to come northbound -- Weber is right there, and once  
16 you make the bend right by that office, I thought they was coming  
17 to get that.

18 I would ask for more information about the rig. We still  
19 don't have -- they still haven't given us anything. They've told  
20 me verbally, but we still haven't had anything in writing, you  
21 know, what these dimensions of this rig is, you know? We still  
22 don't have that. We still don't know what the -- and it's -- and  
23 I'm sure I'm not the only one that -- everybody pushes that rig.  
24 But we know we can make it because all four boats have took that  
25 rig through the main span. So that's how I knew I could make it,

1 because those four boats made it. But we still don't have  
2 anything as far as specifics, what the dimensions of that rig --  
3 any one of those rigs are.

4 Q. This is [REDACTED] [REDACTED] still. What about the watch relief  
5 process, too? Especially you as captain, is there anything you  
6 feel that could have been done better?

7 A. Yes. I feel like I should have gave him orders. Like he was  
8 asking, you ever give anybody orders? I should have maybe told  
9 him, hey, why don't you just hit the bank and wait for them to  
10 come and -- or, you know, wait for somebody to come and move this?  
11 And gave him more direction. Like, hey, take the main span. But  
12 me thinking he's done this before -- hindsight is 20/20 now, you  
13 know. But me thinking he's told me he's taken rigs like this  
14 before, I'm thinking he knows what to do.

15 CWO [REDACTED] Did you have --

16 MR. KUCHARSKI: Yeah, I do. This is Mike Kucharski.

17 BY MR. KUCHARSKI:

18 Q. Did you expect them to come and move these buckets before you  
19 made the bridge transit?

20 A. Yes, sir.

21 Q. Is that what dispatch told you?

22 A. He told me they were coming back. He said, continue coming  
23 northbound. Where we had to go is northbound. We would've came  
24 from where -- it would have been closer where the Cooper -- I  
25 mean, not the -- the Weber dock launch service, what they were

1 using. It would have been closer if we had kept northbound for  
2 them to get to us instead of having to come all the way back down  
3 there. We would have been, you know, still down there, and it  
4 would have been a longer transit.

5 Q. And these buckets that I've seen pictures of, it looks like  
6 you could put a front-end loader in these things. They're huge  
7 grabs.

8 A. I'm not sure, but it looks about 20 foot. And then from  
9 inside the barge, you --

10 Q. And they're going to be --

11 A. I could see just a little bit of it because I'm tall. But I  
12 don't -- I doubt anybody --

13 Q. And they're going to be able to move those buckets in the 4  
14 miles between when they -- you had -- when you did the handover  
15 to --

16 A. Eugene.

17 Q. -- to Eugene, you were -- they were about 4 miles from the  
18 bridge, right?

19 A. Um-hum.

20 Q. So they're going to move those buckets in that 4 miles so we  
21 can go ahead and see it?

22 A. I'm not sure how long the process takes, but I'm pretty sure  
23 they could've moved it, because their rig supervisor told them,  
24 hey, give my guys a call; I'm going to get them to move that  
25 bucket for you. So I'm pretty sure they could have moved it.

1 Q. Have you ever seen them move buckets on a barge like that?

2 A. No, I have not.

3 Q. Okay. And after they moved the buckets, there's still the  
4 issue that he's going to the west span, right? So even if they  
5 move the buckets and he could see perfectly, how do we know he  
6 wouldn't have hit the span anyways?

7 A. I don't know. See, I'm -- I can't guess what he's -- you  
8 know, what he would do. I'm not sure -- I'm still not sure why he  
9 was that far over there. I don't know. I don't know what was his  
10 -- all he told me was he had southbound traffic and he took that  
11 span. Now maybe if he didn't have southbound traffic, he would  
12 have -- might have took the main span. I don't know.

13 Q. But there was no discussion with you, as the captain, and  
14 him, as the pilot, about how, after the traffic had gone --

15 A. How to transit?

16 Q. Yeah, how to transit. Okay. That's it. You have a master's  
17 license?

18 A. Yes, sir.

19 Q. Any number of tons on it?

20 A. Unlimited.

21 Q. Unlimited rivers?

22 A. Unlimited, meaning I could run anything underneath 1600 tons,  
23 I believe it is. I have Western Rivers and Inland.

24 Q. Okay. Unlimited inland --

25 MR. KUCHARSKI: Maybe we could just get a copy of his



1 license.

2 CWO [REDACTED] I've got it at my desk.

3 MR. KUCHARSKI: Okay, okay.

4 BY MR. KUCHARSKI:

5 Q. And you -- I believe you said you sailed as pilot since 2007;  
6 is that correct?

7 A. Pilot? No. Since 2010. I went and got my license in 2007.

8 Q. What license was that?

9 A. My mate's. Apprentice mate's.

10 Q. Mate. Okay. And then pilot, 2010. That's when you got your  
11 license?

12 A. Yes, sir. My mate's license. That's when I started running  
13 boats, was able to hold a watch.

14 CWO [REDACTED] And then when did you get your master's again?

15 MR. SMITH: It was in the last 3 years. I'm not sure.

16 BY MR. KUCHARSKI:

17 Q. Okay, so you're not sure if the master's license is unlimited  
18 or a 1600. But that's okay. We can --

19 A. No, it's not, it's not a 1600. I'm saying it's under 1600.

20 Q. Okay.

21 A. I wish I would've had it so I could have told you exactly.

22 CWO [REDACTED] I can look it up.

23 MR. SMITH: All right.

24 MR. KUCHARSKI: So that's about 2015, correct?

25 MR. SMITH: Um-hum.

1 MR. KUCHARSKI: About 3 years ago? Okay. That's all I have.  
2 It's Mike Kucharski.

3 CWO [REDACTED] This is [REDACTED] [REDACTED] It's 1530 and we're  
4 ending the interview.

5 (Whereupon, at 3:30 p.m., the interview was concluded.)  
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:            *KRISTIN ALEXIS/BARGE MR. ERVIN*  
   *ALLISION WITH THE SUNSHINE BRIDGE*  
   *DONALDSONVILLE, LOUISIANA*  
   *OCTOBER 12, 2018*  
   *Interview of Desmond Smith*

ACCIDENT NO.:                DCA19FM003

PLACE:                         Baton Rouge, Louisiana

DATE:                         October 16, 2018

was held according to the record, and that this is the original,  
complete, true and accurate transcript which has been transcribed  
to the best of my skill and ability.



Eileen Gonzalez  
Transcriber