

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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ACCIDENT OF THE *COMMODORE* *

FERRY IN BROOKLYN, NEW * Accident No.: DCA21FM029

YORK ON JUNE 5, 2021 *

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Interview of: JAMES DAVIS, Engineer
Commodore

Staten Island, New York

Tuesday,
June 15, 2021

APPEARANCES:

LUKE WISNIEWSKI, Investigator
National Transportation Safety Board

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o ██████████ ard Marine Inspections

JACK BEVINS, Vice President, Operations
Seastreak

DAN FITZGERALD, ESQ., Freehill, Hogan & Mahar
On behalf of Seastreak

I N D E X


ITEM

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I N T E R V I E W

(10:31 a.m.)

1
2
3 MR. WISNIEWSKI: Good morning. My name is Luke Wisniewski
4 from the National Transportation Safety Board. Today is the 15th
5 of June. The time is 10:31 a.m. Eastern Standard Time. We are at
6 Coast Guard Sector New York here interviewing -- and if you could
7 say your name for us.

8 MR. DAVIS: James Davis.

9 MR. WISNIEWSKI: And spell your last name, please.

10 MR. DAVIS: D-A-V-I-S.

11 MR. WISNIEWSKI: Mr. Davis -- and we're here to conduct a
12 safety investigation. You'll have access to this transcript. Is
13 it okay to record this conversation?

14 MR. DAVIS: Yes.

15 MR. WISNIEWSKI: Thank you. We'll go around and introduce
16 everyone. Again, Luke Wisniewski, last name W-I-S-N-I-E-W-S-K-I.

17 MR. [REDACTED] [REDACTED] (PH) [REDACTED] from Marine Inspections, [REDACTED]-
18 [REDACTED].

19 MR. FITZGERALD: Dan Fitzgerald with the law firm of Freehill
20 Hogan & Mahar on behalf of party-in-interest, Seastreak.

21 MR. BEVINS: Jack Bevins, Seastreak. Last name B-E-V-I-N-S.

22 MR. WISNIEWSKI: Great, thank you. And Luke Wisniewski,
23 NTSB. And we're here discussing the Seastreak *Commodore* accident
24 that occurred on June 5th at approximately 1550 on -- that Friday,
25 it was --

1 UNIDENTIFIED SPEAKER: Saturday.

2 MR. WISNIEWSKI: -- Saturday. So let's go -- start off --

3 INTERVIEW OF JAMES DAVIS

4 BY MR. WISNIEWSKI:

5 Q. I want to just ask you a little bit about your background and
6 your experience in the maritime industry. So, start back as far
7 as you can go. If you started out on, like, fishing vessels, work
8 boats and just tell us a little bit about your history.

9 A. Pretty much got my start at Seastreak 14 years ago. I was --
10 when I first started I was an engineer for about a year-and-a-half
11 and then I became port engineer maintaining vessels to dry
12 docking, engine repairs, anything that may pertain to the boats
13 that I was handling.

14 Q. Okay. And so you started off as an engineer 14 years ago.
15 So what did you start out as? You indicated you were a port
16 engineer first or --

17 A. No, I was an engineer on the boats, which I would basically
18 do engine startups, servicing the engines, oil changes, monitoring
19 engines throughout the trips and then fueling the vessel at the
20 end of the night.

21 Q. And what specific platforms? Do you recall which ones you
22 were on?

23 A. The vessels?

24 Q. Yes, the vessels, the ferries.

25 A. I've been on every boat that we've -- we have. So I've been

1 on *New York, New Jersey, the Highlands, Vineyard, Ocean State,*
2 *Whaling City,* and also -- including the *Commodore.*

3 Q. And when did you -- so how many years did you spend on board
4 the difference vessels, the different ferries, to then transition
5 to a shore side position, port engineer?

6 A. Before becoming port engineer I was -- it was a year-and-a-
7 half and at the time we only had the four boats, which would be
8 the *New York, New Jersey, Highlands* and *Wall Street.* I forgot
9 about that boat. And depending on the schedule and what boat was
10 in service that day or where I was scheduled to be, it varied. I
11 spent a lot of -- most of my time on the *Jersey* in that first
12 year-and-a-half.

13 Q. And so when you switched over to shore side, port engineer,
14 roughly -- so you were a year-and-a-half at sea or going back and
15 forth between all the different ferries. What time frame was
16 that? Can you give us a month/year when you switched over,
17 roughly?

18 A. I was employed in 2007 so the -- I guess sometime in 2009.
19 I'm not --

20 Q. Okay. So you took over as port engineer. Can you take me
21 through your responsibilities of port engineer?

22 A. I was doing mechanical work. I worked with various
23 contractors such as Cummins; at times Rolls-Royce. It could have
24 been electronics with the radar guys or whatever. I would work
25 with them. And then other times, like, I'd be doing repairs on,

1 like, generator engines, still servicing (indiscernible) whatever
2 was up for service.

3 Q. And as a port engineer, how many people -- were you in charge
4 of a number of people? Did you have any direct supervision over
5 others?

6 A. At first I was pretty much it. The company was -- after the
7 first year I was there, the company was purchased by New England
8 Fast Ferry and the -- I'm sorry.

9 Q. Take your time.

10 A. They were purchased by New England Fast Ferry and at the time
11 there was a big difference. There was a total change in that
12 point where when I worked for Circle Nav it would be harder to get
13 parts or whatnot. And once New England Fast Ferry bought us --
14 which they kept the name Seastreak -- they -- it was like night
15 and day. You needed something, you can get it right then and
16 there so.

17 Q. Okay. So continue on. So you're a port engineer now. How
18 many years do you spend as a port engineer?

19 A. Port engineer? Up to about -- well, up to a year-and-a-half
20 ago basically. I started getting -- I was put back on a boat for
21 a little bit and I was filling in for people that were out. And
22 then once COVID happened I've been on a boat since.

23 Q. And this -- so up until last year-and-a-half -- so what
24 vessels -- still all the same vessels or were you primarily
25 designated to a certain vessel?

1 A. Yes. There's an older boat -- well, it's not an older boat,
2 but the *Highlands* specifically. They have the -- they still have
3 the original engines in it. And I am more familiar with that
4 particular boat -- well, that boat itself because that's what I've
5 been working on since I've been here up until the engine changes.
6 And I did -- that's like my baby.

7 Q. All right. So just tell me -- now through a little bit -- so
8 you're on the *Highlands*. How do you get trained or how do you go
9 from the *Highlands* over to the *Seastreak Commodore*?

10 A. Well, I didn't just go right to the *Commodore*. I've -- for
11 the past, I guess -- well, like I said, for the past year I've
12 been working -- as the boats rotated in and out I've been working
13 with other engineers that have been trained and -- on the newer
14 vessels, which I was shadowing them to be trained on the newer
15 vessels. And we --

16 Q. And when you say the newer vessels, can you explain?

17 A. Well, I'm just saying the repowered --
18 (Crosstalk)

19 Q. The repowered ones?

20 A. Yes.

21 Q. So can you explain which ones those are for us?

22 A. That would be the *New Jersey*, the *New York*, and obviously the
23 *Commodore*.

24 Q. And so who's training you or who's giving you that training
25 for these newer vessels? Do you go through a checklist, is

1 someone shadowing you, do you have to demonstrate things? Just
2 take us through a little bit of that, how you --

3 A. All right.

4 Q. -- got trained for the *Seastreak Commodore*?

5 A. All right.

6 Q. Or the other ones, you know, the *New York*, the *New Jersey*?

7 A. Well, when the *Commodore* got back -- was put into service, I
8 spent, I spent some time with Brian. We went through the systems
9 and the new engines and, you know, as walk-throughs and stuff like
10 that. At that time I wasn't assigned, I wasn't on a vessel. And
11 then as I started working more and more on the vessels, which
12 would be the *New York* and *New Jersey*, I was with other engineers
13 that have been on the boats for, for some time and have been
14 signed off. So I been -- like I said, I been shadowing them up to
15 the time with the *Commodore* here.

16 Q. So take me through the shadowing, the oversight. Was it a
17 checklist you fill out?

18 A. Yeah, so basically you have -- we get there in the morning.
19 I'll just take you through the normal startup and so basically we
20 come in, we do our -- we check for fluids in the engines, gear
21 boxes, hydraulics. From there do a quick walk through on the
22 sides of the engine, make sure you don't see anything leaking,
23 coolant, oil, whatnot. And then we go through the startup
24 procedure, which is putting the panels into remote and starting
25 the engines. At that time exhaust fans are being put on and

1 whatnot and once they idle for a couple minutes you'll be able to,
2 you know, take a quick glance and make sure that there's nothing
3 leaking or anything. And then you'd exit the engine room and
4 continue up to our other duties, which would be acting as, you
5 know, helping with the deck and everything else.

6 Q. And so this training on the *Seastreak New York, New Jersey*,
7 who in particular -- you indicated Mr. Brian Archer. Is there
8 anyone else that's training you on --

9 (Crosstalk)

10 A. I've been with Richie Malisher (PH). He's, he's been on
11 those boats, specifically the *Commodore*, since it's been brought
12 back. And Dave Dyger (PH). He's -- those two were like scheduled
13 on -- they worked opposite with that boat throughout the -- from
14 the time we've had it. So I've -- my shift prior to coming onto
15 the *Commodore* I was with Dave Dyger and we worked on the *New*
16 *Jersey* for the past, I think, three months. And we would go over
17 the systems and, you know, if I had a question, or something I
18 wasn't sure about something, he would help me out with whatever it
19 may be.

20 Q. So I'll go specifically now on the *Seastreak Commodore*. So
21 when Dave Dyger or the other engineer that's -- is there a
22 checklist that's filled out that they sign off and say yes, you've
23 completed rolling over the engines, turning on exhaust fans, and
24 starting up the engines remotely? Did they -- is it descriptive?
25 I want to try to understand that.

1 A. No, there isn't, like, per se an itemized checklist of what
2 you've learned or they felt confident of you knowing. At one
3 point -- I mean, Richie's been there a little bit longer than I
4 have and we used to work together with the older engines. I do
5 have somewhat familiarization with the, you know, MTUs through
6 those guys. And I mean, I don't know, I'm losing my thought here.

7 Q. That's okay. I can help interject a couple more questions.
8 So we're just trying to ascertain, do you have to demonstrate,
9 like, starting up the MTUs on the *Commodore* for Richie?

10 A. Yeah. Well, to go through the startups, it only took a
11 couple times to be sure of what I was doing. He walked me through
12 the board, the startup procedure. He showed me the first time;
13 every time after that I was able to start up the engines
14 afterwards.

15 Q. And when you say walk you through the board, is that the
16 local panel or is that the remote up on the bridge?

17 A. It's the local.

18 Q. Local panel?

19 A. Right.

20 Q. So you're climbing down into the port engine room, going down
21 the ladder and you're using the local MTU panel to start?

22 A. Yeah, whenever we start the engines is after the engine room
23 checks. And we've used the local panel to start from down there.
24 So you can see all the gauges are on there. You can see what the
25 -- you know, what PSIs or fuel pressure, oil pressure.

1 Q. So take me, take me through that, like, you're starting it
2 up, what are you looking at? Exhaust temperatures, oil pressure?

3 A. Well, the startup you're looking at oil pressure, make sure
4 that you have the pressure -- you're making sure that you're not
5 losing any kind of pressure. So you also look -- I usually glance
6 at fuel pressure. And one of the other things I personally look
7 at is the voltage, which the battery charger down there and I
8 always look at the voltage as well.

9 Q. And is that the DC, DC voltage?

10 A. Yes.

11 Q. The starter?

12 A. Yes.

13 Q. The start batteries?

14 A. Yes.

15 Q. Is that a 12- or 24-volt?

16 A. 24-volt.

17 Q. Okay. And when you look at the current for the -- or the
18 start voltage for the batteries, what are you looking at -- is
19 it --

20 A. I'm making sure that the battery chargers are charging. If
21 you start it and obviously you see a drop and not -- no amperage
22 going back up once the starters have been engaged. There's quite
23 a bit of drain on the batteries. And then I just make sure it's
24 climbing back up and it's charging.

25 Q. Okay. So it's hooked up to a trickle charger; you like to

1 see the amperage jump --

2 A. Right, yeah.

3 Q. -- indicating that the batteries are --

4 A. Yeah.

5 Q. -- being recharged, okay. And then from there what else do
6 you do down in the engine room?

7 A. Like --

8 Q. Part of your check, after you start up the engines.

9 A. Like I said, the engine room blowers intake exhaust, make
10 sure they come on. And the other thing I do is I usually start
11 the fire pump, make sure that comes on, and the bilge pump.

12 Q. And to just clarify, the exhaust -- the supply and exhaust
13 fans, are you putting them on prior to starting up the engines or
14 is that in the sequence?

15 A. Sometimes I put them on before I start the engines. And
16 other times I'm -- as the engine is cranking I'll be turning them
17 on.

18 Q. Are you making any checks on the generator that's down in
19 there?

20 A. Yes, that as well. What I usually do is if the starboard
21 side -- if I happen to be in the port side and the starboard side
22 generator is running, I'll check the fluids in the port generator,
23 make sure the oil level is okay, the coolant level is okay. I
24 also check the hours. We usually have it labeled on the
25 generator, what the service hours are. And I'll look at the hours

1 to see if it needs to be serviced or not. And then go -- when I
2 get to the other side to start the other -- the starboard side,
3 I'll look at the gauges, make sure it's go the oil pressure,
4 coolant temperature cycles.

5 Q. Do you record any of these in a log anywhere?

6 A. Yes, we do. We do have an engine -- I guess you'd call it
7 log book. And they are recorded. Usually I don't record them in
8 the morning; during my engine room checks in the afternoon I'll
9 take the readings because obviously cold engines are going to be
10 different than an engine that's been running for four hours. So I
11 usually do my recordings midday. And as I -- that's the one
12 recording that we do. And then throughout the engine room checks
13 I'll go to the panel and just scroll through and make sure that,
14 you know, oil pressure, fuel pressure, coolant temperature are all
15 where they should be.

16 Q. Just to clarify, these are the MTU display panels, the local
17 panels that are --

18 A. Yes, yes.

19 Q. -- down in the engine space? Port and starboard engine room?

20 A. Yes.

21 Q. Do you scroll through them -- does it log anything, do you
22 know of, or does it -- is there a way to take screenshots of that
23 or is it just you're taking down your numbers after four hours?

24 A. Usually, when I'm -- when I need to take down my numbers I
25 usually take my cell phone out and I snap a picture of what the

1 displays are. And then I go back upstairs and record everything
2 into the logbook.

3 Q. Okay. Good. And just questions with the generators, the
4 quality of power for the AC, is there any problems with those
5 running?

6 A. No. Actually I think they're oversized with the voltage
7 coming -- I mean, if they're three-phase we got more than enough
8 power than we need.

9 Q. They're not loaded up?

10 A. No, no.

11 Q. They're -- sit there and idle?

12 A. Yeah, they sit at like 61 cycles. So --

13 Q. Okay.

14 A. Or 61 Hertz.

15 Q. Hertz? And the DC system, have you ever had any problems
16 with the DC system on board or anything you had to do maintenance
17 on that -- for that one?

18 A. No.

19 Q. Back to training, have you ever received specific Rolls-Royce
20 training for the propulsion controls on the *Seastreak Commodore*?

21 A. No.

22 Q. Could you -- are aware -- do you know that there's -- like,
23 can you operate it locally in the engine space?

24 A. Yes. All our -- the hydraulic systems for the jet systems
25 are -- I mean, they're updated from what we used to have, but

1 basically the same system. There's a few changes, but I believe
2 they still have the valves on them that you can manually, if you
3 had -- if need be, raise the buckets, steering left right.

4 Q. And when you're saying -- are you saying actually taking a
5 screwdriver to the solenoid or --

6 A. No, there's --

7 Q. -- (indiscernible) locally at the panel?

8 A. No, it would be on the top of the hydraulic tank.

9 Q. Okay.

10 A. There are -- to be honest with you I'm not sure what the
11 *Commodore* has. I'm not sure if they have what the *Highlands* has
12 where there should be three valves on top if I'm not mistaken.

13 UNIDENTIFIED SPEAKER: (Indiscernible).

14 MR. DAVIS: Yeah, that's the gear box.

15 BY MR. WISNIEWSKI:

16 Q. Gear box. (Indiscernible) have the jet room. Yeah, I don't
17 think we have the jet room. I don't have them up on this
18 computer. I know (indiscernible) but okay. So there's -- you can
19 control locally in the jet room?

20 A. Yeah.

21 Q. And how about training on MTU -- like certification class on
22 MTUs? Have you ever taken any type of certification class for
23 them?

24 A. No.

25 Q. So either -- so everything is, like, on-the-job training,

1 right?

2 A. Yes.

3 Q. You've broken it down, you've work with --

4 A. Right.

5 Q. -- maybe the technicians for some of these rebuilds or --

6 A. Well, all the rebuilds I've dealt with to deal with the
7 Cummins engines.

8 Q. Okay. So you -- all right, you're familiar --

9 A. Right.

10 Q. -- with Cummins?

11 A. Yes, I've --

12 Q. They're very similar.

13 A. I've worked with the Cummins guys pretty much since my time
14 as port engineer up to currently.

15 Q. Okay.

16 A. The MTU guys, I was there helping them change injectors the
17 one time, but other than that I really haven't had much
18 interaction with the MTU guys.

19 Q. And just to clarify again, like the Rolls-Royce controls, the
20 propulsion controls, whether it's the *New York*, the *New Jersey* or
21 the *Commodore* -- I'm hearing they're all very similar from what
22 you're telling me, but --

23 A. Yes.

24 Q. -- have you had like specific training on -- from Rolls-Royce
25 or --

1 A. No.

2 Q. -- from the company, whether it's the engineer, how to
3 control them or? What I want you to do is try to understand how
4 you demonstrate or -- if that's part of your training to
5 demonstrate or show Rolls-Royce propulsion controls for you. Or
6 is that mainly just on the deck side of the house?

7 A. That's mainly on, like, the deck side. I mean, we've --
8 they're there -- we know that -- you know, if something had
9 happened where you have to manually move a bucket or the steering,
10 it could be done from that location. We do -- in our wheelhouse,
11 that's like -- it's in our checklist to periodically make sure
12 that the valves are working. So once a month they're exercised.

13 Q. So take us through that. How do you exercise -- how do you
14 do that?

15 A. Well, (indiscernible) the valves you'd have to manually --
16 there's push-buttons on the valves themselves and there's one in
17 the front, one in the back, one does -- will put the steering
18 left; the other one will put it right. Each one is -- each unit
19 is contained to that particular jet so you have a wind up of four
20 separate units.

21 Q. Correct. So you do you exercise them when you're at the
22 dock; are you underway? I mean --

23 A. It would be at the dock, obviously, because --

24 Q. So then you're exercising what, the inboard or outboard?

25 A. Right.

1 Q. And then is someone on the fantail or how do you know that
2 you've now switched it --

3 A. You can see the rams inside move. They'll go in and out.

4 Q. Okay. Is there any other indicator of the position other
5 than the ram?

6 A. Not in the jet room, no; only in the wheelhouse.

7 Q. Okay. All right. I think that's covered all my, like,
8 training questions right now but I --

9 (Crosstalk)

10 MR. WISNIEWSKI: Okay.

11 MR. [REDACTED] If you want to go into if he finds an issue,
12 what he does at that moment.

13 MR. WISNIEWSKI: You mean, just in general, like maintenance?

14 MR. [REDACTED] Yeah.

15 MR. WISNIEWSKI: (Indiscernible).

16 BY MR. [REDACTED]

17 Q. (Indiscernible) and you find an issue or you got to report
18 back to the company, to get a part, what is that process?

19 A. Well, that process is -- well, being as I been on -- for the
20 MTU boats?

21 Q. Sure.

22 A. You're talking Jersey or anything with the MTU engine, that
23 process would be -- if I see something wrong with that I would --
24 I'd give Brian a call, or Jeff Martucci (PH). He is our mechanic,
25 as well. So if I needed an MTU part I'd give those guys a call.

1 Whereas the older boats I had access to -- you know, with the
2 Cummins I can order parts from Cummins and just order them myself.

3 Q. Does that get logged? What's that process of ordering the
4 part? How do you notify the company you're --

5 A. Oh, I would -- if I come across a problem, I'm notifying --
6 whether it be Brian, Jack, Jeff, I let them know of the problem
7 beforehand and like I, you know, I need a turbo, let's say. Like
8 I said, if it was for the MTU boats, Brian would automatically
9 order one. There's no hesitation on getting parts or anything.
10 It's just, go get them.

11 Q. Okay. So you just put a call out to -- and then --

12 A. Right.

13 Q. -- they'll order the part for you? Or if it's Cummins --

14 A. Right.

15 Q. -- then you would order the part?

16 A. A lot of times, you know, we do carry parts in stock, as
17 well. So if we have a part in stock it's just a matter of getting
18 the boat down and, you know, swapping out the part.

19 Q. Okay. How do you schedule down time for the vessel?

20 A. That -- usually I call Justin. He's the DPA and he -- well,
21 if Brian doesn't make the arrangements and it's something I can do
22 or whatever, I would talk to Justin and hey, I need to get this
23 done and he'll reschedule the schedule around where the boat is
24 out of service so the work can be performed.

25 Q. Have you ever run across an issue where you felt the boat

1 needed to get pulled out of service right then and there?

2 A. Yeah. I mean, I've been on the boat where we've had, like --
3 I had a turbo fire once and that was something that I had messed
4 up, like, misplaced the O ring, thought it was in there and had an
5 oil leak and caught on fire. So obviously yeah, the boat was out
6 of service for that. But anything unsafe or that's going to cause
7 more mechanical issues, I've made recommendation to have it pulled
8 out of service and it was done pretty much immediately.

9 Q. Okay.

10 BY MR. WISNIEWSKI:

11 Q. This is Luke again, NTSB, so for preventative maintenance
12 work, do they come to you in, like, work orders, how do you know
13 -- you indicated earlier about the hours up on an engine, you'd
14 see it?

15 A. Okay.

16 Q. What generates your workload for that, or how do you record
17 that work?

18 A. Well, we have a service log book and when -- just say main
19 engine oil -- the hours are recorded when it was changed. So off
20 the top of my head I'm not sure what the MTUs are right off the
21 top of my head, but you go back to that book and look and it's
22 like oh it was 1,000 hours ago, you know, it's time to do an oil
23 change. The -- with anything, whether it be the generator, gear
24 boxes, fuel filters -- well, the MTUs have oil filters. That --
25 like I said, it's all recorded and they're done at service

1 intervals. Like I said, I'm not too sure of what the intervals
2 are for the MTUs, but I always go back to the logbook and I just
3 look at the current run hours to the hours that they were done at
4 and that would give you pretty much where you got to be. Or how
5 many hours are left in that service.

6 Q. And when you're filling out the maintenance on it, are you
7 inputting into a system? Tell us what system this is. You talked
8 about (indiscernible) safety management system, but --

9 A. Well, it was -- what we have is a wheelhouse and it has
10 updates in order to -- they come up as alerts for each particular
11 item on the vessel such as gear boxes, main engine. Each one is
12 listed individual. Fuel filters. In that wheelhouse it also goes
13 into other checks like (indiscernible) and, like I said,
14 exercising of the steering and --

15 Q. And are these paper logs or are they electronic --

16 A. They're --

17 Q. -- (indiscernible) computer?

18 A. It's -- we have an iPad so it's all electronically and all
19 the vessels are listed and you can go through either one and see
20 what has to be attended to.

21 Q. Do you have a username and password?

22 A. Yes.

23 Q. I'm just curious, how do you sign for it? Is that -- does it
24 have your signature on it or --

25 A. Well --

1 Q. -- just a timestamp when it's done?

2 A. No, when you log in I believe all the engineers have their
3 own password. I have my own password and username. And once
4 you're logged in you do a service and you have to hit complete and
5 it's going to -- on there it says date, hours performed and it
6 also asks for the name of whoever did it. So that gets filled out
7 and you also can put -- there's a narrative in there that, you
8 know, you saw something that needed to be addressed for memo-wise
9 or whatever. That's all in there, as well.

10 Q. And is this where you also -- the wheelhouse system, is that
11 where you record the -- if you find an issue on board, something
12 is broken, you (indiscernible) an item that you notified Brian or
13 the other engineers that it has to be worked on? Does that go
14 into that system there or is that something separate?

15 A. In that system you can create a work order and that would
16 become -- you know, it would stay in that system until it was
17 addressed and it would have to be gone through.

18 Q. And does the system notify you when it's been looked at,
19 changed or is that something that you're responsible to look into
20 or is that then passed up to the supervisor or shore staff to --

21 A. That goes --

22 Q. -- address?

23 A. I know our DPA, Justin, he reviews them and as there are
24 alerts we get -- like, he'll print me out a copy and say hey,
25 these still have to be addressed and we get on and take care of

1 that, as well.

2 Q. And when you say these have to be addressed, are these the
3 alerts that have come up in the system?

4 A. Yeah, there's alerts that, you know, if they haven't been
5 addressed, like, right away, waiting on a part of something like
6 that, he'll be like these need to be -- you know, he'll ask me if
7 they've been cancelled out or -- well, not cancelled, but they've
8 been completed. And what was done to complete them.

9 Q. Are these alerts handed to you, like, at the beginning of
10 your shift for each day or how does that (indiscernible) --

11 A. Well, we all have access to the program. So it's just --
12 it's on us to actually get in there and review what's -- what has
13 to be done in there.

14 Q. Now, is that something you do prior to even going on board or
15 is that something you can do ashore? Can you log into a computer
16 from home or remote to do that, or is that all just on these
17 tablets or iPads?

18 A. They're on the tablets. I believe it's an app that, you
19 know, I don't have it personally on my phone, which I probably
20 should, but I don't. But I just use the engineers tablets and
21 that's where we record all the engine hours and all that and,
22 like, I said, in that same system it has the monthly checklist
23 and --

24 Q. Yeah, because I'm just trying to understand so you're going
25 on board -- you'll most likely look at the engine room logbook,

1 but then also this is something that you want to look at prior to
2 getting underway to see if there's any issue (indiscernible) --

3 A. Usually if there's an issue that's currently it's been
4 reported and usually the engineers themselves, we leave notes for
5 each other to say hey, this isn't working or I had a problem with
6 this, can you take a look at it later on. So I mean, there's
7 communication between all the engineers on board. And everybody
8 is pretty much on the same page of what's going on.

9 Q. That's what I'm trying to understand is the turnover notes.
10 So that's primarily used as turnover notes, too, if you're leaving
11 notes to the individual or how is that -- in between you going
12 between one vessel to another, that's something that you'll look
13 at at the start of your shift?

14 A. Yeah. Well, I usually look and see if there was any notes
15 left from the previous engineer. Usually we leave them right on
16 the counter because everybody knows if you see a piece of paper on
17 the counter, that's what we've been doing. And -- or those are
18 the issues that we might be having or whatever. And as we go
19 through that and go from vessel to vessel, me personally, I will
20 talk to the engineer that was on there prior to me to get verbal
21 confirmation that, hey, everything was good or, hey, you might
22 want to keep an eye on this. This isn't working properly or
23 something.

24 Q. Do you normally have a face-to-face turnover or -- I guess it
25 depends on what shift you're coming on, right?

1 A. Yeah. Sometimes you do. You might cross each other on
2 different shifts if you can swap boats or whatever you might seem
3 them. But a lot of times there isn't an overlap where, you know,
4 you work three days on and then you're off for seven days and you
5 won't see the other engineer.

6 Q. Okay.

7 A. But they -- everybody does keep in contact with each other as
8 far as, you know, swapping boats or even after the shift is --
9 it's just been common practice between us that we would
10 communicate between everybody.

11 Q. And just one other -- you brought up about the fire pump and
12 then we'll go into the events of that. So you just -- you bump
13 the fire pump, you turn it on and you --

14 A. I turn it on and there's a pressure gauge on it and I look at
15 the pressure gauge, I think it's, what, 30 psi or 60. I'm wrong
16 on that, but --

17 Q. Okay.

18 A. -- I make sure that we're getting pressure on there.

19 Q. All right. I think that covers -- all right. So you talked
20 a lot about the engine room rounds and everything. Just to
21 clarify the Rolls-Royce -- let's say the MTUs and the Rolls-Royce,
22 like, control panels and touch screens (indiscernible) up the
23 bridge. Do you get involved at all with any of that? Do you --

24 A. No.

25 Q. -- start them up there? Is that pretty much for the deck

1 officers to handle?

2 A. Yeah.

3 Q. The captain and mate?

4 A. Captain and mate will use that. For me I really don't have
5 any purpose of using those. All my stuff is down in the engine
6 rooms. So I would never mess with those upstairs.

7 Q. Okay.

8 A. That particular day, though, when it came on, the other
9 engineer told me that he had turned the keys off for the panel.
10 So that's the one day that I did go up there because the panels
11 are off downstairs until you turn the keys on to power them up.
12 So I had to turn them on -- well, I didn't start the engines, I
13 just turned the keys on and went back downstairs to start --

14 Q. So turning the key on, that just provides --

15 A. Power to the --

16 Q. -- power to your local --

17 A. Right.

18 Q. -- control station?

19 A. Right.

20 Q. Okay. So let's -- if there's any more questions with
21 training and then we'll go right into the sequence of events for
22 that morning on June 5th.

23 MR. WISNIEWSKI: Do you have any right now?

24 MR. [REDACTED] [REDACTED] [REDACTED] from inspections. Have you --
25 prior to this even, have you ever experienced a control failure?

1 MR. DAVIS: No.

2 MR. FITZGERALD: And one, just qualifying, what system --
3 Dan Fitzgerald, sorry. Just on -- you're talking about this
4 system?

5 MR. [REDACTED] The Rolls-Royce systems are -- I mean, any of
6 the systems -- any of the electronic control systems on --
7 (Crosstalk)

8 MR. DAVIS: With the older boats, yes, I have experienced --

9 MR. [REDACTED] Okay.

10 MR. DAVIS: -- but it's usually rectified with a relay. The
11 older system it's all mechanical, per se.

12 MR. [REDACTED] Sure.

13 MR. DAVIS: Whereas, the newer stuff is all electronic and
14 it's going to give you exactly what's going on.

15 MR. [REDACTED] Okay. All right. Go ahead.

16 BY MR. WISNIEWSKI:

17 Q. Luke, NTSB, so we're just going to go back into that morning
18 of June 5th when you started your day. So can you just go through
19 when you woke up -- can you go back to the timeframe there and
20 just walk you through what you did that morning?

21 A. All right.

22 Q. To the best of your recollection.

23 A. Well, I pretty much go to work at -- I believe it was, like,
24 7 in the morning. The boat was in Atlantic Highlands. I went in,
25 did my engine room checks. We had -- I'm trying to think -- I

1 came on and did my engine room checks, made sure all the oil
2 levels were good in the engines and whatnot. And then we had to
3 bring the boat over to Highlands for fuel. So in starting it -- I
4 went to the control panels, they were blank. The -- I went up to
5 the wheelhouse, turned the keys on, came back downstairs. I
6 started the port side, checked the generator. Went over to the
7 starboard side, went to start it. I started number 3 after
8 checking the oils. And then I went to number 4. I checked the
9 oils on that and the one panel, the downstairs panel was blank.
10 So I wasn't able to start that engine down there. I talked to the
11 engineer prior and he said he had made a notification to
12 Jeff Martucci, who would be the mechanic on that boat, saying that
13 the panel was out. We were able to start it upstairs. And then
14 we proceeded to head over to Highlands for fueling.

15 Q. I don't really want to interrupt you too much, but that
16 downstairs panel, which one was blank, number 4?

17 A. It would be number 4.

18 Q. And that is the MTU?

19 A. Yes. That would be --

20 Q. The local display panel?

21 A. Yeah, the local display panel.

22 MR. [REDACTED] Just to be clear -- [REDACTED] [REDACTED] inspections
23 -- the number 4 is port or starboard?

24 MR. DAVIS: Starboard.

25 MR. [REDACTED] Starboard.

1 MR. DAVIS: Starboard forward.

2 MR. [REDACTED] Please continue, sorry.

3 MR. DAVIS: So that particular engine was started from
4 upstairs in the wheelhouse where you can see -- they can also see
5 all the oil pressures and -- anything that you can see downstairs
6 you can see upstairs. Went for fueling, put on the boat -- I
7 forget exactly how much fuel we put on, but we wound up with 1600
8 (indiscernible). From there we had a little bit of time, which
9 the other crewmembers came by because they drove from Atlantic
10 Highlands to Highlands with their vehicles. So it was the
11 captain, Brian; Kristen (PH), the mate; and myself that brought
12 the boat to Highlands for the fuel. And then we just proceeded to
13 get the boat ready for the service for the day, which is usually
14 -- well, not maintenance, but stocking the bar, garbage bags, just
15 going over everything, cleaning everything. And then, I'm trying
16 to think what time -- I'm not sure -- I forget what time the first
17 run was. We proceeded over to the barge to load passengers. And
18 once we had passengers loaded we went up to the -- you know, we
19 headed for the city, went to the -- there wasn't anything out of
20 the ordinary or anything like that. Just doing our daily routine
21 and -- so, on the way to the city was doing walk-throughs on the
22 -- in the cabins. Get to the city, unload. We went to the B&B
23 first and then East 35th Street. And as -- coming back to
24 Highlands wasn't really anything going on, so we unloaded
25 passengers and at that point we gained another crewmember, Eric.

1 And yeah, we loaded passengers and started heading for the city.
2 Now that Eric was on board I decided to take my lunch real quick.
3 I had it up in the wheelhouse. Finished up and I talked to Brian
4 and Kristen for a couple of minutes and said I'm going to go to
5 work. And then went downstairs and I was going to do my engine
6 room checks underway, just the usual walk through and check the
7 pressures and whatnot. And the crewmembers were telling me that
8 one of the toilets were clogged. So they were going -- they were
9 just looking for, like, plungers -- I said I'll take care of it
10 real quick before I do anything else. So I wound up in the
11 bathroom unclogging a toilet and next thing I know I hear
12 something, like, what sounded like something got sucked into the
13 jet and it just makes a loud vibrating noise. And it got louder
14 and louder and I said something's not right. So I looked outside.
15 That's when I noticed, like, I didn't even know where we were.
16 Everybody was sitting down, just facing forward, including the
17 crew. And then I believe myself and Eric ran up to the wheelhouse
18 and that's when I found out that the captain said that -- he's
19 like the screen went blank and we didn't have control. And then
20 we just came back downstairs and I checked the jet room because by
21 then we were in the canal and the boat wasn't moving anymore. It
22 was just (indiscernible) but the engines was running. I checked
23 the jet room real quick just to make sure there was no leaking
24 coming in. Went to the engine room to shut the engines off and I
25 hit the stop button for the engines. That's when I noticed that

1 there was -- we were taking on water in the engine room. From
2 there I was -- kind of gets blurry there because at that point,
3 from the running, I started getting literally blurry eyed. And I
4 hit the bilge pump and we went to go get the manual pump, which is
5 our emergency backup bilge pump. And we deployed -- myself and
6 Eric, deployed that into the engine room to help with the pumping
7 out.

8 UNIDENTIFIED SPEAKER: Was it the manual pump?

9 MR. DAVIS: Yeah.

10 UNIDENTIFIED SPEAKER: Okay.

11 MR. DAVIS: It's a, you know, portable bilge pump that we
12 have. And as we were getting that done, I ran to the back of the
13 boat, waved the fire department and told them I needed another
14 pump, which they came alongside (indiscernible). They deployed
15 that other pump. During that time, while that was happening,
16 other crewmembers were -- had -- they were getting life jackets
17 out. Well, it was already being done at that point. So all the
18 passengers -- I think we had 120 people on board -- and they got
19 them orderly up, you know, ready for evacuating the boat. And
20 then I remember, whatchamacallit, turning off power to the side
21 because I knew the generator was still running on the one side.
22 And I didn't want to have an electrical hazard so I killed
23 breakers. And then I remember going back up to the wheelhouse.
24 Actually before -- yeah, I went back up to the wheelhouse and I
25 spoke with the captain to let him know that we did have water and

1 turned the bilge pump on and whatnot. And then I had a quick
2 bottle of water because the deckhand -- I mean, the mate, Kristen,
3 said I didn't look good. And I came back down. We were still
4 getting people off and I did kill the generator on the port side
5 because there was -- coolant was just pouring out of it and I
6 thought it was overheating at the time. But now that I think
7 about it was probably because the (indiscernible) was tilted and
8 the coolant was just pouring out of the cap. But yeah, so once
9 everybody was off the boat, I asked an EMT just to check my blood
10 pressure. And then he checked my blood pressure. I don't
11 remember what it was. I do remember what my pulse rate was, but
12 they recommended that I go to the hospital because I think my
13 pulse rate was 177. And then the -- I waited a little bit for the
14 fire department to get ready and then I believe we had restarted
15 the port side generator for power (indiscernible). But by then
16 the breakers were -- I already turned off all the breakers to the
17 starboard side engine room. And we also checked the forward
18 voids, like on the starboard side, Eric and myself, which was the
19 fuel void, void number 3, void number 2, number 1 and a
20 (indiscernible) on that side, which we did see water in the fuel
21 void and (indiscernible) I think void number 3. I forget how many
22 are on that one. Three or four -- the one just before the fuel
23 void. So the -- that's pretty much (indiscernible).

24 BY MR. WISNIEWSKI:

25 Q. Well, thanks for that recap. We have a bunch of questions

1 probably that we'll pepper in now. For me, I just want to go way
2 back to -- so when did you wake up on --

3 A. When did I wake up?

4 Q. -- on June 5th?

5 A. I got up at about a quarter to 6.

6 Q. 6 a.m. -- and so I'm just now working a little bit backwards
7 as far as how many hours of sleep you think you got the night
8 before?

9 A. The night before? I got home around 11:00 because I worked
10 the Friday before and I live about 45 minutes away. So I got home
11 at 11:00 and I was up about 5:30.

12 Q. Okay. So 5:30 and you said you worked the day before?

13 A. Yes.

14 Q. How many hours did you work the day before?

15 A. It's a 16-hour day.

16 Q. 16-hour day?

17 A. Yeah, with a 4-hour break in midday.

18 Q. And when was that 4-hour break on Friday, the -- June 4th?

19 A. I'm not sure. I'm bad with the schedule times but basically
20 we do a run-and-a-half in the morning. And then we sit for about
21 4 hours in the city and before next -- we do I think it was two-
22 and-a-half runs after that on that particular boat. So during the
23 break we don't do pretty much anything. We have lunch and
24 everybody kind of just lounges out and doesn't do anything.

25 Q. What vessel were you on June 4th?

1 A. That would be I think it was the *New York*.

2 Q. The *New York*?

3 A. Yes.

4 Q. And we're going to verify it so we're not trying to hold you
5 to it. We're just trying to figure out your work/rest history
6 and --

7 A. Right.

8 Q. -- go from there. So you log in, I guess you punch into a
9 clock when you report on? How do you do your timecard?

10 A. We punch in. We just changed our payroll company so we can
11 punch in via phone or use the --

12 UNIDENTIFIED SPEAKER: From your bed?

13 MR. DAVIS: No, it doesn't work that far. But yeah,
14 basically when I enter the parking lot for work I'm able to punch
15 in. That particular morning I might have used the time clock
16 because I try to use it occasionally so I don't forget my punch-in
17 code.

18 BY MR. WISNIEWSKI:

19 Q. And were you working the day before on Thursday?

20 A. No.

21 Q. Or let me say back up now --

22 A. No.

23 Q. -- 72 hours. Just I want to see --

24 A. Before that Friday --

25 Q. I can pull up a calendar if that will help you.

1 A. Actually, I don't remember when I worked.

2 UNIDENTIFIED SPEAKER: That's fine; we can retrieve the
3 records. (Indiscernible) last 72 hours --

4 MR. WISNIEWSKI: Just looking to see -- yeah, were you
5 working on that Thursday, June 2nd (verbatim)?

6 MR. DAVIS: No, definitely not that Thursday, no.

7 UNIDENTIFIED SPEAKER: Wednesday the 2nd -- Thursday would
8 have been the 3rd.

9 MR. DAVIS: No, I was off -- there was a day in between I
10 believe I was off. Yeah.

11 UNIDENTIFIED SPEAKER: So you would have been off Thursday?

12 MR. DAVIS: Right.

13 UNIDENTIFIED SPEAKER: And what about Wednesday, do you
14 remember if you were working or not?

15 MR. DAVIS: To be honest, I really don't remember.

16 BY MR. WISNIEWSKI:

17 Q. All right. Okay. So then you woke up, you went to work.
18 You said it's a how far of a drive it is for you?

19 A. Forty-five minutes.

20 Q. Forty-five minutes. And then once you got there you
21 indicated that -- did you look through the notes you were talking
22 about, the alerts, the iPad, for information on the vessel?

23 A. I did not look through the iPad. I spoke with the engineer
24 prior to me. The boat was last used for the Martha's Vineyard
25 trip and it -- so -- what did they come back, Monday. So the boat

1 -- when they came back Monday night they got -- they took on some
2 fuel, they didn't fuel all the way up. That's why we had to get
3 it Saturday morning. But the boat was sitting in Atlantic
4 Highlands since they came back; it wasn't used.

5 Q. So who was that individual you spoke to?

6 A. Dave Dyger.

7 Q. Dyger, okay. And did he have anything to pass onto you, hey,
8 this is (indiscernible) --

9 A. No, he -- no, the only thing that was mentioned was he said
10 he didn't have any problems through his trip. He said that the
11 panel was out. I asked him about the panel and he said, yes, it
12 was out and he had -- he said he had made notification to
13 Jeff Martucci about it.

14 Q. So just to clarify, this is the panel down in number 4, the
15 MTU. Do you know what caused it to go out, the display panel?

16 A. No, I do not.

17 Q. And was there any -- when you went on board, you made your
18 checks, your rounds, prior to starting it up -- was there anything
19 that was down or (indiscernible) down?

20 A. No.

21 Q. That you're aware of?

22 A. No.

23 Q. Okay. So all the equipment was available, nothing was locked
24 out or out for service --

25 A. No.

- 1 Q. -- that wasn't available to the crew?
- 2 A. Yeah, everything was operable.
- 3 Q. Okay. And you indicated the generators, you started them up.
- 4 Do you run both generators?
- 5 A. No, we only run one, the -- I believe the -- I don't remember
- 6 if I swapped over generators or -- I might have swapped over
- 7 generators that morning. I'm not sure because I know the boat was
- 8 running and I can't remember if I did or didn't, but usually we
- 9 only run one generator at a time. The other one is in, pretty
- 10 much, standby mode.
- 11 Q. And so which one was on line on the morning?
- 12 A. During the runs it was the starboard side that was running.
- 13 Q. Starboard side was on and then portside was -- backup mode --
- 14 A. Yes.
- 15 Q. -- if you lose power --
- 16 A. Yeah.
- 17 Q. -- it would automatically come on?
- 18 A. Not automatically. It still has to be done by turning a
- 19 switch.
- 20 Q. Okay.
- 21 A. Which you can do from the starboard electrical room.
- 22 Q. All right. But you're pretty sure you were on the starboard
- 23 side and the port --
- 24 A. I know that the --
- 25 Q. You don't know if you switched?

1 A. Yeah. I want to say I did, but I can't remember 100 percent.
2 But I know that the -- no, you know what, I did switch it because
3 I had to add coolant to the starboard side before I started it.
4 So I did switch it over in the morning because it was running for
5 -- I don't know if it was swapped over since that Monday to that
6 Saturday. And I usually -- I don't let the generators run more
7 than two days consecutive. So I usually swap them over when I get
8 on.

9 Q. Is that an individual policy or how do you --

10 A. That's just --

11 Q. -- how do you balance to share the load, you know,
12 (indiscernible) --

13 A. That's just me. I -- that's just something I do. I mean,
14 the generators are serviced at -- we have service intervals at 250
15 hours. I just feel like if the generator has been running for
16 more than two days it's, you know, give it a break, let the other
17 one run. Just equals out the hours a little bit. You're not
18 beating on the one. And it also gives you a chance to check the
19 oils and make sure, like, nothing is below where it should be or,
20 you know, coolant levels and whatnot. Obviously you're not going
21 to be doing that while it's running.

22 Q. And so no other issue with the engines, generators, other
23 than a panel being out that morning.

24 A. Yeah, everything is --

25 Q. When it was first run, from the battery to the 35th to --

1 A. Everything was running as it should. And we didn't have any
2 alarms go off or anything.

3 Q. And you indicated when you went back to the Highlands you
4 picked up a crewmember there.

5 A. Yeah.

6 Q. Is he -- does he accompany you on the rounds --

7 (Crosstalk)

8 A. No, he's another -- he's another deckhand. That particular
9 morning we had three new crewmembers on board. And normally, I
10 would go -- my engine rooms checks I usually do on the way up to
11 the city. And being as it's a pretty big boat and we have three
12 new guys I opted not to go into the engine room that particular
13 run up because the people ask all kinds of questions and they
14 might have the answers for. I mean, I think two of the guys were
15 just a week on, if I'm not mistaken. And the other guy was only
16 there for about three weeks or so. So once we got Eric on board
17 -- he's been with the company for a couple years now.

18 Q. Do you recall what time it was you went up in the wheelhouse,
19 like for the lunch?

20 A. It was after -- I think it was like 11:00, 11:30, something
21 like that.

22 Q. And is that just typical, you tell the captain or -- hey, I'm
23 going to have lunch of here or --

24 A. Well --

25 Q. -- do you have set timeframes or -- like, I'm just trying to

1 figure out who else is on -- who has your back, who has your watch
2 or -- making sure the rounds are being done.

3 A. Well, the rounds are -- according to our safety management
4 system, the rounds are supposed to be done basically every hour.
5 So once I got on -- once Eric got on I took that opportunity to
6 have my lunch with the intent of getting into my rounds right
7 afterwards. Which, like I said, when I finished my lunch and by
8 that time we were I guess in the East River there, I'm not sure
9 exactly where. And I remember telling them I'm going to go to
10 work now, you know, and I left the wheelhouse and put my lunch
11 pail down and that's -- like I said, that's when they told me
12 about the bathroom. And I said well, before I get into the engine
13 rooms and all that let me just take care of this because for us --
14 like, the bathroom is not working just turns into an nightmare for
15 us with, you know, people are constantly using them.

16 Q. And so that morning, your first run, was there any -- you're
17 saying on the hour or every hour you're supposed to go down -- was
18 there any time that you recorded readings for (indiscernible)?

19 A. Not that, not that particular run, no.

20 Q. And just because -- just to share -- elaborate -- like, you
21 were just too busy you were running (indiscernible)?

22 A. Well, no, it was just the fact that I knew that we had -- I
23 realized -- captain is driving the boat; you have a mate that's
24 supposed to be up there with them; and we had three new guys on
25 the boat and you have 120 people on board. And people are always

1 asking questions about stops and whatnot and I just didn't go down
2 there knowing that, you know, there was an inexperienced crew.
3 Even though I'd only be down there for maybe 20 -- not even 20
4 minutes a side. I mean, it doesn't take long to go through things
5 and look at stuff. I just felt that I needed to be up there at
6 that particular time where I can make up my engine room checks
7 afterwards.

8 Q. Okay. And so each side takes 20 minutes to go down the
9 ladder or --

10 A. No, no. I mean, basically when I go to do my engine room
11 checks, what I do is I'll start with the -- it could be either
12 engine. I usually take the forward one, which is going to be
13 number 1 engine. I scroll through the panel and I'll look for oil
14 pressure, water temperature, coolant temperature, fuel pressure.
15 I'll look at the -- there's a gauge on the fuel filters
16 themselves. I'll make sure that's not rising in any way just to
17 coincide with what I'm reading on the display. I'll then -- if
18 the generator is running on that side, I'll then check that. As
19 I'm walking past the engine prior to the generator I'm looking at
20 the engine, seeing if there's any leaks. You get to the gear box.
21 I usually take a look at the drive -- well, the flywheel on the
22 back there. And make sure there isn't anything hanging or
23 anything like that. Look at the gear box and make sure I don't
24 see anything leaking there. Work my way to the generator, check
25 the oil pressure, temperature and cycles. Then it's onto the

1 number 2 and -- actually on that boat both panels are together so
2 that boat I would probably be looking at the panels at the same
3 time. That boat particularly has 4 engines whereas the *New York*
4 and *New Jersey* only have 2 engines; one on each side. So the
5 panels on that boat -- like I said, on the *Commodore*, are going to
6 be side by side. And I look at both of those; then continue on my
7 way down to the back of the engine room there. And then I'll come
8 up and go to the other side.

9 Q. Is this the panels?

10 A. Yes.

11 Q. So this is image 9-6 jpeg, 0-9-6. It just shows you the
12 inboard side of the wall. So you would climb down that ladder or
13 would you climb down --

14 A. No, that one is in the aisle way. I would go on the port
15 wing station. That would be the portside, I believe, being as
16 everything is wet (verbatim).

17 Q. Yes.

18 A. I would go to the port wing station, open the hatch, climb
19 down through there where you're basically climbing in front of the
20 number 2, next to the generator. That's like an emergency ladder
21 leading up to the cabin.

22 Q. So you're just scrolling through those screens and taking --

23 A. Yes.

24 Q. -- you indicated, like, pictures, but --

25 A. Yeah, well I wouldn't necessarily take them then, especially

1 being on the first run.

2 Q. Okay.

3 A. Later on, as I'm going through the runs I'll pick one run and
4 take pictures of the -- what's -- what I'm going to be recording
5 for that day.

6 Q. All right. So let's continue so -- okay. You didn't go out
7 to the engineering space, but can you hear the alarms, the audible
8 alarms, if one was to come up for the engine space?

9 A. No, I wouldn't.

10 Q. (Indiscernible) audible that you can hear them walking
11 around?

12 A. No.

13 Q. How are you notified?

14 A. I wouldn't -- they would have that up in the wheelhouse where
15 the captain would then use the intercom to say engineer to the
16 wheelhouse or if he saw me on the camera, there's phones
17 throughout in the bar area, you just call the phone and hey, I
18 need to speak with the engineer and somebody would grab me and --

19 Q. You don't carry VHF's, though, a handheld radio?

20 A. No. We do have them on the boats, but we don't always carry
21 them.

22 Q. Okay. So you're then notified -- so continue. So you, you
23 go to unclog this toilet and that's the first indication that you
24 heard of a problem, but you heard the -- did you hear the engine
25 -- and where were you at?

1 A. I was literally in the --
2 Q. What toilet, what commode?
3 A. I was on first --
4 Q. What level?
5 A. -- first floor port head. It'd be the outer one next to the
6 aisle. And like I said, I was just unclogging the toilet and I
7 got it unclogged and just as I unclogged it I felt the -- heard
8 the sound and felt the vibration of something being in the jet.
9 And usually when that happens, the boat -- you know, the captain
10 will pull back. It usually takes a couple seconds, but this was
11 getting louder and louder and when I opened up the door and came
12 out -- and like I said, I saw everybody sitting. I looked out the
13 window and I saw pilings and (indiscernible) first thing I thought
14 is where the hell are we. And went out back and then, like, I
15 said, the -- Eric and myself, we ran upstairs real quick to the
16 wheelhouse and the captain was like, I -- you know, just lost
17 control. He's, like, the thing went blank and he's, like, it just
18 happened. And we just didn't say anything else; we just ran back
19 downstairs and went into -- like I said, I went down and shut the
20 engines off after the first stop because the back steps take you
21 right by the jet room, first stop I went to because the boat was
22 leaning on that side. I went and opened up the hatch for the jet
23 room. I didn't actually go all the way down, but I could see
24 there was no water coming in. I then went to the engine room and
25 shut down the engines because that -- they were still at 1750 or

1 whatever they were. I just went to the panel and there's -- hit
2 the local button and then the shutdown. I just hit the stop
3 button. So --

4 Q. I'll go back to the noise you heard or what -- when you were
5 in the head, did you hear the engines ramp down, ramp up? What
6 did you -- when you hear the sound and you indicated something was
7 in the jet, the inlet, was the engines accelerating, decelerating?

8 A. I didn't notice any -- I didn't notice any difference in the
9 pitch of the engine noise. But like I said, the vibration was
10 just getting louder and louder and I noticed that we were going
11 slower and slower. And I took a quick peek out the back and I
12 just saw a bunch of mud and stuff coming out and that's when, you
13 know, I ran upstairs real quick and then downstairs.

14 Q. So when -- could you tell if it was coming from the portside,
15 starboard side?

16 A. It was definitely port side.

17 Q. You could hear it from the portside?

18 A. Yes. When you get something in this jet, you can pretty well
19 pinpoint it from that -- where I was.

20 Q. Okay.

21 A. I mean, you could tell it's either port or starboard.

22 Q. But prior to that port sound, the jet being either blocked or
23 -- was there anything else that you heard?

24 A. Prior to that there was nothing. It was just, it was just
25 the boat running. That's it.

1 Q. Can you tell when, like, the buckets are dropped for reverse,
2 for reverse thrust? Is that -- can you feel that, especially if
3 you're moving at a good clip?

4 A. Yeah, you could feel that.

5 Q. Do you get a lot of cavitation inside? I mean, did it sound
6 something like that or --

7 A. Yeah, that's what it kind of sounds -- it just sounds like a
8 bunch of cavitation and it's just -- you know, like you threw
9 gravel through the jet system and it's just like a cement mixer.
10 It just -- you know, you get the knocking of the stones and stuff.

11 MR. WISNIEWSKI: Okay. All right. I'll turn it over to you
12 right now.

13 MR. [REDACTED] [REDACTED] [REDACTED] inspections.

14 BY MR. [REDACTED]

15 Q. Did you feel the vessel turn at all?

16 A. I felt a small jolt, like, when I was in the bathroom. It
17 was just, like, you know, all right sometimes you move the jog
18 stick (PH) for the steering and you'll just get, like, a quick
19 motion, like. That's all I felt. And I didn't think anything of
20 it at that particular point.

21 Q. And did you hear any of the announcements that were coming
22 from the bridge?

23 A. That I did not. What I did hear, though, is -- I was
24 unclogging the toilet and I thought I pocket-dialed somebody
25 because I heard something, but I couldn't quite make it out and I

1 looked at -- well, I had gloves on, you know, in the toilet bowl
2 there -- I was like, I'll look at my phone in a minute. And I
3 just -- I heard it, like, a couple times I figured it was somebody
4 saying hey, I'm on the phone or whatever. And -- but it was all
5 muffled and I didn't hear it in that particular -- in the bathroom
6 I just didn't hear it.

7 MR. FITZGERALD: So James, Dan Fitzgerald, do you think what
8 you -- that muffled sound, do you think that was the PA system?

9 MR. DAVIS: After the fact that -- when they said that they
10 made announcements then it kind of clicked that those were the
11 announcements, but --

12 MR. FITZGERALD: Thanks for clarifying.

13 BY MR. [REDACTED]

14 Q. So I just have a couple more here. So you indicated you hit
15 the stop buttons for the local stops. Is that on the port engine,
16 starboard engine? Which --

17 A. I did -- well, when I went out back I noticed there wasn't
18 much going on on the starboard side. I mean, they were still
19 clutched in, they were running, but the portside there was, like,
20 if we were underway, the 1750, it was just like throwing
21 everything out the back. So I ran down the portside first and
22 shut down both engines. I took a quick glance at the bilge and I
23 noticed water was coming in and I believe at that point I hit the
24 bilge switch that is located in the engine room. I think there's
25 one on top of the other. And I hit both of them and then I ran

1 over to the other side and I turned off number 3 and number 4 I
2 wasn't able to with the display not working. So when I saw
3 Kristen I told Kristen, I said, can you please shut down number 4.
4 And I believe she went upstairs and had the captain turn that off.

5 Q. Do you know approximately, like, what time you stopped the 1
6 and 2? Is that when you first went down that ladder wall to look
7 at the port engine room after the accident? Because we're going
8 to look through the cameras --

9 A. Right.

10 Q. -- so I'm not trying to hold you to --

11 A. No, to be honest with you I really -- I'm not sure if I went
12 down there before I went up to the wheelhouse or if I went to the
13 wheelhouse, then went down there. To be honest with you I really
14 don't remember. I mean, at that point, like I said, my blood
15 pressure was -- I was just in, like, a zone and I was going, you
16 know, through our procedures, you know, pumps and whatnot. I
17 didn't realize my blood pressure was that high at that time, but
18 at one point I became, like, blurry eyed. And I just kind of
19 pushed through it and --

20 Q. And so you indicated you also -- when you were looking into
21 the space and you were worried about water you indicated you shut
22 off the breakers for -- was it the generator?

23 A. I went to kill the panel in the engine room because the --

24 Q. Which engine room?

25 A. The port engine room that was flooding.

1 Q. Okay. So you were looking to kill just the power to the --

2 A. The port engine room because I figured electrical hazard;
3 just wanted to eliminate that. I mean, we're throwing pumps in
4 there and everybody is standing there in aluminum boat water.

5 Q. Do you remember when you shut off that generator or --

6 A. I waited until all passengers were off the boat before I shut
7 that off.

8 Q. Did the starboard generator come online? Did you start that
9 one up? What did you --

10 A. No, the starboard side -- the portside was off -- the
11 starboard side was running. That's the one I turned off.

12 Q. All right. Thank you for clarifying that. Okay. Yeah, so
13 the port one you just wanted to make sure that the power coming in
14 from the starboard --

15 A. Right, because there's an electrical panel inside there --

16 Q. The bus?

17 A. Right.

18 Q. You ensured that you weren't going to get electrocuted?

19 A. Or anybody else for that matter.

20 Q. Okay. Is there anything you threw for, like, the trickle
21 charger down there or is that something separate for the
22 batteries?

23 A. That all -- the battery chargers and stuff like that all come
24 off of that panel so whatever is in the engine room panel is,
25 like, battery chargers, whatever we might have, like, the block

1 heaters. Anything that pertains to the engine room is in that
2 panel; that's' why I wanted to make sure that that panel was dead.

3 Q. And you killed the main, is there more than one switch?

4 A. Well, there was another panel. I just turned everything off
5 at that point I just -- I really wasn't even thinking. I just
6 said I don't care what goes off. I'm just turning everything off
7 in that one panel. So -- and then, like I said, once everybody
8 was off the boat I killed the generator.

9 Q. And other than -- you know, you got everyone off and, I guess
10 you sought medical help --

11 A. Yes.

12 Q. -- while -- were all the passengers off by then?

13 A. I waited for all the passengers to get off and -- you know, I
14 mean, it was kind of chaotic and all that and I didn't want to be
15 another problem there. But I figured I'd wait until everybody was
16 off and safely off before I decided to seek my own help.

17 Q. Okay. Well, thank you for that. That's a really good
18 narrative. I just want a couple more here -- Merchant Mariner
19 credential, do you have --

20 A. No.

21 Q. Okay.

22 A. We're not really required to even have engineers on our
23 vessels and that's something that Seastreak put in place to
24 ensure, you know, one more step of safety for passengers and the
25 (indiscernible) itself.

1 MR. FITZGERALD: Dan Fitzgerald, the (indiscernible) doesn't
2 require an engineer, right?

3 UNIDENTIFIED SPEAKER: Well, no, but you could always fall
4 back to the training manual, the operations manual, which
5 Seastreak has said that this is how they're going to man the
6 vessel. And one of the deckhands would be designated as an
7 engineer.

8 MR. FITZGERALD: Not licensed, though, right?

9 UNIDENTIFIED SPEAKER: Not licensed.

10 MR. FITZGERALD: All right, thanks.

11 BY MR. WISNIEWSKI:

12 Q. And so you don't have a license (indiscernible) credential.
13 When's the last time you had a physical?

14 A. Well, I've been having quite a few of them lately because
15 about a year-and-a-half ago I had blood clots that I had to go for
16 emergency surgery. I actually had knee surgery and developed
17 blood clots through that. And my pulmonary artery was blocked
18 that they had to actually go in and remove the clots to because
19 what was happening was the right side of my heart was stretching
20 out and the -- I've been -- I mean, I've been signed off from all
21 my doctors. I'm clot-free. It's just -- you know, and in a
22 situation like that, from what I was told at the hospital, I put
23 myself through a major stress test and in doing so the turnout was
24 -- what was described to me was I had a mild heart attack at that
25 point. So -- I mean, there was a lot going on. It's more so than

- 1 what I would normally handle.
- 2 Q. Absolutely.
- 3 A. And --
- 4 Q. Were you on any medications for it or are you on blood
5 thinner?
- 6 A. I take Lisinopril, which is a blood thinner. I take that
7 twice a day. And -- now Lisinopril is actually my blood pressure
8 medicine; I have high blood pressure so I take that. And Eliquis
9 is the blood thinner.
- 10 Q. Okay. Any other medications that you're on for --
- 11 A. No.
- 12 Q. No? And how about your vision since your last -- when's the
13 last time you had, like, an eye test?
- 14 A. An eye test? Actually, it's been a while. I need -- like, I
15 can see fine, like, right now, but if I was to read something I'd
16 definitely have to put glasses on.
- 17 Q. So you wear reading glasses for up close?
- 18 A. Yeah, I actually have them --
- 19 Q. Okay.
- 20 A. -- with me.
- 21 Q. You don't have a prescription? It's just --
- 22 A. Well, these are prescriptive glasses, so
- 23 Q. Okay. So you got those from an eye doctor or just a local --
- 24 A. Yeah, eye doctor.
- 25 Q. All right.

1 A. Yeah, that was -- my last eye exam was probably five years
2 ago.

3 Q. And then the other things, as far as, like, I know the
4 company has a drug and alcohol policy. Prior to your shift, did
5 you have any -- consume any alcohol prior to your shift?

6 A. No.

7 MR. WISNIEWSKI: If there's no other questions from you?

8 BY MR. WISNIEWSKI:

9 Q. I just have a couple more. Then it's the panel itself, the
10 touchscreens, for these Rolls-Royce, have you ever seen where a
11 panel gets disconnected or doesn't reconnect?

12 A. I've never seen a disconnected panel until -- well, like I
13 said, the screen was out; it wasn't disconnected. It was like --

14 Q. Right.

15 A. -- kind of, like, you just couldn't read it. It was just
16 black, but it had like a line going through it. But --

17 MR. FITZGERALD: He's asking have you ever seen that before?

18 BY MR. WISNIEWSKI:

19 Q. Yeah, so have you ever --

20 A. No, no, I've never --

21 Q. -- you ever seen that type of where it just has --

22 A. No.

23 Q. -- (indiscernible) looks like a startup screen?

24 A. No.

25 Q. It just had a bunch of numbers, letters, codes?

1 A. No, no, never seen that.

2 Q. Okay.

3 A. Not since I've been on these boats.

4 Q. And how about at the other -- we heard from other individuals
5 we interviewed that there's like a disconnect button or, like,
6 trying to reconnect if you lose interface. Have you ever seen
7 that on other boats or any experience with that?

8 A. No.

9 Q. With the Rolls-Royce touchscreens?

10 A. No, I haven't had any experience with that, no.

11 Q. Okay. And then just the final question -- I know we went
12 through a lot today, but is there anything else that you'd like to
13 share with us that maybe we didn't talk about, we should be
14 looking into for this investigation?

15 A. No, I mean, the day started out pretty much like any other
16 day. And I mean, we completed the first run without any incident.
17 And we were into the second run and it just seemed like an
18 average, busy, normal workday.

19 MR. WISNIEWSKI: All right. Not hearing any other questions
20 or any clarifications, this concludes the interview. It's 11:59.
21 I'll stop the recording.

22 (Whereupon, the interview was concluded.)

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: ACCIDENT OF THE *COMMODORE* FERRY
IN BROOKLYN, NEW YORK
ON JUNE 5, 2021
Interview of James Davis

ACCIDENT NO.: DCA21FM029

PLACE: Staten Island, New York

DATE: June 15, 2021

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.



Christy Behlke
Transcriber



National Transportation Safety Board
Washington, D.C. 20594

Transcript Errata

**TABLE OF CORRECTIONS FOR TRANSCRIPT INTERVIEW WITH: JAMES DAVIS
RECORDED ON JUNE 15, 2021**

| PAGE NUMBER | LINE NUMBER | CURRENT WORDING | CORRECTED WORDING |
|-------------|-------------|-----------------|----------------------|
| 6 | 6 | -- | Engineer |
| 7 | 1 | Indiscernible | Mechanical Equipment |
| 7 | 19 | -- | Twelve and a half |
| 8 | 2 | -- | Connors |
| 8 | 4 | -- | Very |
| 9 | 7 | -- | was delivered |
| 9 | 14 | -- | Training |
| 9 | 18 | -- | Checklist |
| 9 | 20 | -- | walk Through |
| 10 | 10 | malisher | mellig mellijac |
| 10 | 12 | Dyger | Deigent |
| 10 | 15 | Dyger | Deigent |
| 11 | 25 | -- | Readings are |
| 12 | 5 | Fuel -- | Fuel Filters |
| 13 | 16 | -- | Starting Team |
| 13 | 21 | -- | Engine Room |

If, to the best of your knowledge, no corrections are needed kindly circle the statement "no corrections needed" and initial in the space provided.

NO CORRECTIONS NEEDED. _____
Initials

James A. Davis
Printed Name of Person providing the above information

 _____
Printed Name of Person providing the above information

9-15-21
Date



National Transportation Safety Board
Washington, D.C. 20594

Transcript Errata

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| PAGE NUMBER | LINE NUMBER | CURRENT WORDING | CORRECTED WORDING |
|-------------|-------------|-----------------|------------------------|
| 14 | 6 | -- | Log Book |
| 14 | 11 | -- | Said |
| 14 | 24 | -- | Checking Engines |
| 15 | 7 | -- | out |
| 15 | 24 | -- | Valves For |
| 15 | 25 | -- | in Jet Room |
| 16 | 3 | -- | To |
| 16 | 6 | -- | Valves on Tank |
| 16 | 10 | -- | three |
| 18 | 15 | indiscernible | in the Jet Rooms |
| 18 | 15 | -- | Push |
| 18 | 18 | -- | Independent |
| 18 | 23 | -- | over ride the Captains |
| 19 | 23 | -- | Report |
| 20 | 1 | -- | Parts |
| 20 | 5 | -- | manage next |

If, to the best of your knowledge, no corrections are needed kindly circle the statement "no corrections needed" and initial in the space provided.

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| PAGE NUMBER | LINE NUMBER | CURRENT WORDING | CORRECTED WORDING |
|-------------|-------------|-----------------|-------------------------------|
| 21 | 23 | -- | Same |
| 22 | 16 | -- | Electronic & Paper |
| 22 | 18 | -- | Computer |
| 22 | 25 | -- | we have Passwords |
| 23 | 5 | -- | update |
| 23 | 16 | -- | Alert |
| 24 | 6 | -- | Fixed |
| 24 | 7 | -- | Completed |
| 24 | 23 | -- | Services |
| 27 | 15 | -- | Engine Room Panel |
| 28 | 8 | -- | failure |
| 29 | 4 | -- | Power was OFF |
| 30 | 4 | -- | The Display |
| 30 | 22 | B&B | BMB (Battery marine Building) |
| 31 | 22 | Indiscernible | hard aground |
| 33 | 7 | Indiscernible | Boat |

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