

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, 2020 *

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Interview of: JUSTIN PARK, DPA
Seastreak

Staten Island, New York

Thursday,
July 8, 2021

APPEARANCES:

LUKE WISNIEWSKI, Investigator
National Transportation Safety Board

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I N T E R V I E W

(1320)

1
2
3 [REDACTED] [REDACTED] Good afternoon, June -- I'm sorry, July 8,
4 2021. Time is 1320 and we are having an interview with the EPA
5 *Seastreak*. State your name please?

6 MR. PARK: Justin Park.

7 [REDACTED] [REDACTED] Justin Park? Also, in attendance is:

8 MR. FITZGERALD: Dan Fitzgerald with the law firm of
9 Freehill, Hogan and Mahar on behalf of the party in interest,
10 *Seastreak*.

11 MR. BEVINS: Jack Bennett, Vice President, *Seastreak* LLC.

12 MR. MATTHEWS: Mark Matthews of the firm Phelps Dunbar on
13 behalf of the party in interest, Kongsberg Marine.

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] U.S. Coast Guard, sector, New York
15 investigations.

16 MR. [REDACTED] [REDACTED] [REDACTED] U.S. Coast Guard, sector, New York
17 investigations.

18 [REDACTED] [REDACTED] We also have on the phone Chris Paiz, P-A-I-Z,
19 who is in-house counsel for Kongsberg.

20 Okay. Mr. Park, can you spell your last name for us please?

21 MR. PARK: P as in Peter, A-R-K.

INTERVIEW OF JUSTIN PARK

22
23 BY [REDACTED] [REDACTED]

24 Q. And Mr. Park, can you give us a history of your marine
25 experience?

1 A. Yes, so I started as a kid down in docks. I went and found
2 cleaning buckets. I worked my way up to work as a deck hand or a
3 -- on fishing boats, also worked at (indiscernible) jobs that were
4 rolled out and such.

5 In 2001, I graduated high school. I was approached by a
6 manager at *Seastreak*, Captain Jack Bevins, and he asked me if I
7 wanted to come on and work there. So, that's -- so I accepted the
8 job. Shortly after I graduated high school, I started working
9 there full-time and that was in 2001, so I've been there since.
10 I've done just about every job on the boat.

11 In 2013, being a vessel captain for about eight of those
12 years, I got moved into the office to come shoreside. I started a
13 Safety Management System and helped with the day to day
14 operations. I've been in that role ever since. Occasionally,
15 going on the vessels now but for the most part, shoreside and
16 running the Safety Management System and day-to-day operations.

17 Q. Are you (indiscernible) credentials?

18 A. Yes, I have a 100 ton master's license, I have certificates
19 person ashore, internal auditor, vessel security officer, company
20 security officer, firefighting; some other credentials as well.
21 That's about it.

22 Q. You wouldn't happen to have your credential on you?

23 A. No I didn't bring that --

24 Q. What issuance are you on, do you know?

25 A. 2004 was my first so I would say in my fourth, somewhere

1 around there.

2 Q. And you stated that you were a captain on board?

3 A. Yes.

4 Q. Which vessels in particular were you a captain?

5 A. The *Welling City Express*, *Seastreak Highlands*, *Seastreak Wall*
6 *Street*, *Seastreak New York*, *Seastreak New Jersey*, *Ocean State*.

7 Q. How many were K and how many were T?

8 A. So, four K boats, three T boats. Or -- so there were seven,
9 and one was *Vineyard Express* as well.

10 Q. Okay, and all of those are still in --

11 A. Yes, yes.

12 Q. And maybe I missed this, but brought in shoreside, what year
13 was that?

14 A. About 2013.

15 Q. And was that strictly dedicated to shoreside work?

16 A. Between filling in on the vessels when needed, because
17 everybody's always going in search of captains and -- but the rest
18 of the time, my main job was shoreside, yes.

19 Q. So when was the last time you stood captain on board a
20 *Seastreak* vessel?

21 A. Probably about 18 hours ago.

22 Q. Okay, which one was this one?

23 A. It was the *Welling City Express*.

24 Q. What's your experience with the jet propulsion systems on
25 these vessels?

1 A. I -- I've operated them. I have experience with them, yes,
2 over the years. I started operating them in 2004, between 2004
3 and 2006, (indiscernible) seven or eight years of mostly depo
4 operations, and then here and there since I've been in the office.

5 Q. Okay. What about the specific Rolls Royce Pan Am system?

6 A. Yes.

7 Q. So familiar with it as far as the *Seastreak New York*,
8 *Seastreak New Jersey*?

9 A. As far as running --

10 Q. Yeah, operating it, operating it.

11 A. Yes.

12 [REDACTED] [REDACTED] And just for the record -- and Jack you can
13 answer this. When we say *Seastreak*, is that the actual name of
14 the vessel, *Seastreak New York*? I know we're calling the
15 *Seastreak Commodore*, but that's not --

16 MR. BEVINS: It's not the name of the vessel, it's actually
17 *Commodore* on the documentation.

18 [REDACTED] [REDACTED] Okay, yeah but when we say *Seastreak New York*,
19 it is *Seastreak New York*?

20 MR. BEVINS: Yes.

21 BY [REDACTED] [REDACTED]

22 Q. And as far as operating the *Commodore* --

23 A. I have little to no experience. I --

24 Q. What do you have?

25 A. I basically have been on the boat before and steered it a

1 little bit but you know, I -- I've been on the boat during the
2 Coast Guard inspections, audits, prepped for both of those; and
3 with the crew to just watch them operate and things like that but
4 as far as operating the boat myself, no.

5 Q. Never under the role of a master?

6 A. No, absolutely.

7 Q. So anyone want to add any questions as far as his background?

8 Okay, we'll move on.

9 Mr. Park, would you be -- one of your responsibilities,
10 right, as a DPA, you kind of touched on it a little bit, is you
11 got hired on when -- or brought back into the office when the SMS
12 system was coming into play.

13 A. Yes.

14 Q. Can you discuss that time period?

15 A. All right so, we're moving into I would say spring 2013. I
16 came into the office and one of my main roles was to build and
17 maintain the management system and implement it. We hired a
18 company called SMS, LLC who was a consultant and they came in and
19 we had -- our main guy was Eric Brown (ph.) that helped us with
20 it. One of my first jobs in the offices was to -- not participate
21 but to observe a Staten Island Ferry audit and kind of get back in
22 to their systems and things like that because they had a Safety
23 Management System similar to something that we were trying to
24 bring on. So before we even started doing anything, we went
25 there. We spent three days going through just an internal audit

1 of their system.

2 Q. When you say we, who are you referring to?

3 A. Myself and representatives from SMS, LLC, which they do
4 internal audits for the Staten Island Ferry.

5 Q. Okay.

6 A. So, got a good feel for the system, talked to a lot of
7 different people, captains, mates, some shoreside people, and you
8 know, after that we started moving forward with building our own
9 system. Eric spent a lot of time on the boats with me
10 accompanying him, talking to crew members, captains, going through
11 drills, watching us do drills, and then taking some of our
12 existing documents and putting them within the manual. And I
13 would say 2010 we had an Operations Manual made for all the boats
14 and everything like that, and we used a lot of that stuff.

15 Q. You -- did you not start at 2013? Okay.

16 A. Going back to 2010, we had an Operations Manual that we were
17 using to help build --

18 Q. The SMS.

19 A. -- the SMS. So it took us about a year to start -- to write
20 the document, which was the manual, and we started implementing --
21 we started putting it into play August 2014. That's when -- after
22 spending time going out to the boats and starting to train people,
23 we started little by little August 2014 putting everything into
24 play. And so when I say put it in play, we had a manual and we
25 had drill schedules and we had forms and documents we filled out,

1 and that's only after we started using that stuff. And we didn't
2 put everything right out there right off the bat, but we just one
3 by one, we slow -- slowly started putting things into play there.

4 We had kick-off meetings then with all the crew, management,
5 top management was there to show that they had the back -- they
6 were backing the Safety Management System, the Captains were
7 pretty onboard with the whole situation right from the get go and
8 you know, we just kind of hit the ground running there.

9 Q. Now is there a specific area of the Safety Management System
10 that you were honed in on?

11 A. There was about -- there's like, six sections of the manual,
12 and we really had it all. We had it all done by then. But I
13 mean, it all involves (indiscernible), they would take care of it
14 all.

15 Q. So with regards to your experience with the Safety Management
16 System, you talked about going on the Staten Island Ferries, as
17 kind of an idea of how it was so --

18 A. Of how -- yeah.

19 Q. Was there any schools, any classes, any training, in addition
20 to on the job witnessing of how Staten Island Ferry --

21 A. Yeah, so around that same time, 2013, 2014, I attended two
22 classes, a practical primer, Safety Management Systems that was
23 held at MITAGS, and then after that, I attended a designated
24 person ashore class.

25 Q. Are any of those endorsements on your credentials?

- 1 A. No, they're not on the credentials but the (indiscernible)
2 is, you know --
- 3 Q. Which MITAG? In Maryland?
- 4 A. Yes.
- 5 Q. Easton?
- 6 A. Yeah, right outside of Baltimore there, yes.
- 7 Q. Okay.
- 8 (Crosstalk)
- 9 Q. And you went to two courses there?
- 10 A. Yes.
- 11 Q. And the duration of each course -- do you recall the course
12 name?
- 13 A. One was the SMS Practical Primer (indiscernible) -- and
14 exactly how --
- 15 Q. How long of a class is that?
- 16 A. I think it was three days.
- 17 Q. Okay.
- 18 A. Eight hour days.
- 19 Q. And then your second course?
- 20 A. That was the Designated Person Ashore. It was actually
21 called that.
- 22 Q. How long was that?
- 23 A. I think it was three days as well.
- 24 Q. Useful?
- 25 A. Yes, very useful.

1 Q. Okay, you have SMS, LLC, assisting you?

2 A. Yes.

3 Q. And about a year, you got to get something rolling?

4 A. Yes.

5 Q. Okay. And internal audits, anything --

6 A. So in September of that year, we did, like, a mock audit
7 before we even did an internal audit to get the guys used to
8 talking to somebody about the Safety Management System and things
9 -- I mean, there was a lot of things we had to work on, nothing
10 that really jumped out at us, but just getting people familiar
11 with being interviewed in such a way.

12 You know, you do Coast Guard inspections and it's more about
13 showing. These are more about telling, you know what I mean?

14 Q. Correct.

15 A. Yeah, so we had to get them -- doing things as such, so.

16 Q. So your internal audits went through and you have an external
17 -- who conducted your external audit?

18 A. That was ABS.

19 Q. Okay, what year was that?

20 A. 2015 or '16 -- I want to say it was actually 2016, but it was
21 like, January 4th or something like that. It was like beginning
22 of the year.

23 Q. And how did that go?

24 A. It went good. I mean, I can't remember exactly how many --
25 (indiscernible) but it was only like a couple -- they picked out a

1 couple of things that we had to kind of shape up a little bit.
2 But we did the office first, which is -- (indiscernible) so they
3 came to the office, they said what you have -- basically, they saw
4 our records, which they already had our manual and everything.
5 What you have going on here is okay, this is acceptable, here's a
6 couple of things to work on. And then they went out to each
7 vessel and that's where they saw if it was actually happening so.

8 Q. Did they issue any documents for each vessel?

9 A. Yes, safety management certificates.

10 Q. And --

11 A. Yeah, so over time -- we did them slowly. Like, we didn't
12 say go out and get these -- all these vessels done. Every couple
13 of months we did one at a time. So --

14 Q. But when it was all said and done, got the license from ABS,
15 the -- from 2013 to (indiscernible) have a fully functioning
16 certificate ABS SMS system (verbatim).

17 A. I -- sometime in 2016, (indiscernible) place. Maybe early
18 2017, somewhere around there.

19 Q. Okay, so you basically -- all right, so under five year and
20 you're due for your --

21 A. So we did our five year documented points.

22 Q. When?

23 A. And that was done --

24 Q. -- in the last year.

25 A. Yeah, it was recently. Yeah, it was done sometime last year.

1 Q. And how was the result (indiscernible)?

2 A. On our documented points, we had -- I think we had
3 observations. I'm trying to think of what it was, but it was --
4 the observation was cybersecurity. They want to kind of ramp that
5 up a little bit but that was -- to me, I felt like that was kind
6 of like a standing observation. They were going to send --

7 Q. Specifically, the discussion, like, what did they want you
8 guys to do in particular?

9 A. Just kind of ramp up our system a little more. We did -- we
10 had a draft of a cybersecurity policy.

11 Q. Okay.

12 A. But it wasn't implemented yet.

13 Q. And -- Dan, you may need to -- interfere with this, but are
14 you a VSL -- or, the CSO?

15 A. Yes, well, I'm alternate CSO.

16 Q. Okay. So the question is what system in particular were they
17 concerned about?

18 A. They didn't pick it apart -- or that they were concerned
19 about any particular system, they just wanted us -- so I guess
20 there was something that came out about that you had to have a
21 cybersecurity policy in your Safety Management System.

22 Q. Okay.

23 A. By a certain date.

24 Q. All right. So you drafted one?

25 A. Yeah.

1 Q. What would -- which system would it be discussing in
2 particular? Where is the vulnerability? Where would the
3 nonconformity --

4 A. Okay.

5 MR. FITZGERALD: Dan Fitzgerald here. If I may, I think it
6 was the fact that it was still in draft format.

7 MR. PARK: Yes.

8 MR. FITZGERALD: It wasn't finalized. That was the
9 observation.

10 MR. PARK: Yes, it wasn't implemented.

11 BY [REDACTED]

12 Q. But I think what I'm asking, is there a vulnerability to be
13 felt in particular to the system, that's why they -- you were
14 looking at it, correct?

15 A. I think that that's correct. I think they were looking -- I
16 think that just the fact that we didn't have a -- so the
17 vulnerability of not having one, a cybersecurity policy, in flight
18 yes, but it was more of an -- it was an observation because if we
19 didn't -- wanted to make sure he wrote something down because it
20 was going to lead to a nonconformity if (indiscernible).

21 Q. Were there any issues with the content?

22 A. No. There were no issues with content. He did review it.

23 Q. I guess I'm trying to figure this out. The cybersecurity
24 threat would mean what?

25 A. To be honest with you, like I don't think we have a high

1 cybersecurity threat. We have -- we did an assessment, a risk
2 assessment of it and that was done prior to this so we had a risk
3 -- we did a risk assessment, and some of the things that came up
4 were minors like we didn't change our -- we just changed our Wi-Fi
5 password on the boats more than normal but we don't operate a boat
6 in a matter that you can get an outside threat.

7 Q. And I think too what I'm trying to get at, is any system that
8 can control a vessel?

9 A. No.

10 Q. Okay, there you go.

11 A. Yeah, so we think it's amenable.

12 Q. Okay.

13 A. But we still needed something in flight.

14 Q. But with regards to an issue operating the vessel, what would
15 you say? Yes, no, minimal, not having --

16 A. Minimal, very minimal. I would say no.

17 Q. Okay.

18 A. It's the right amount.

19 Q. All right, I'm going to bring it back. Did you get -- you
20 mentioned six contents or six segments of your Safety Management
21 System.

22 A. Yes.

23 Q. How good are you at telling me what they are?

24 A. Well, so the first section's like, just basically your intro
25 section.

1 Q. Okay.

2 A. Your second section is personal. It's laying out your job
3 duties and how you're training people, things like that. Third
4 section's more of an operations section. The fourth sections are
5 continuum improvement sections. The fifth sections are emergency
6 response sections.

7 Q. Yeah, I'm convinced -- you did -- I mean, it's your --

8 A. Yes, it's -- we've been using it a while.

9 Q. I would imagine it's like you're probably -- you're into the
10 SMS quite frequently, right?

11 A. Yes.

12 Q. I mean, it's a living document, so.

13 Let's, let's get into why we're here. So, the training
14 aspect, or the section dealing with training your -- the
15 individuals onboard, okay; and specifically with regards to crew
16 members onboard vessels from *Seastreak*.

17 A. Okay.

18 Q. So you created these modules, right? Matrixes.

19 A. Yes.

20 Q. And what am I looking at here? You were to describe in
21 layman's terms to someone like myself, who has no idea what this
22 is, explain what this is? A quick summary. That checkoff list,
23 do you display competency (indiscernible)?

24 A. Right.

25 Q. Okay.

- 1 A. Very good, very good.
- 2 Q. So there -- would you say they're specific to the role of an
3 individual --
- 4 A. I guess.
- 5 Q. -- operating a vessel? And by operating --
- 6 A. -- because -- yes, if that's the role you're talking about,
7 yes.
- 8 Q. Right. So, so in the case here with creating this checkoff
9 list and all the things it has for checking off, kind of describe
10 what that is, and what -- if I were to open up, like, say going to
11 section -- what section is this one here? This would be -- and
12 actually this is -- I think this is D2.
- 13 A. Yes, sir.
- 14 Q. D2.
- 15 A. Section D2.
- 16 Q. Okay, what am I looking at here? Not specifically about
17 Costello or anything else, if you're describing what that checkoff
18 list is, can you educate myself?
- 19 A. It's describing things one would need for the safe operation
20 of a vessel.
- 21 Q. Okay, need to know. So specific to the role, in this case --
- 22 A. Yes.
- 23 Q. What you're looking at here, like, --
- 24 A. So for -- this is for a captain, so yes. This would be --
25 it'd be a captain of a vessel.

1 Q. Right. So would you say I would -- if I am a captain
2 following this checkoff list, and based on what you said, I need
3 to complete all these things prior to what?

4 A. Prior to run the boat by himself -- by him or herself.

5 Q. As captain?

6 A. Yeah, as the master.

7 Q. Okay. So those are individual tasks, correct?

8 A. Yes.

9 Q. And this case here is about -- there's two pages, so I'm not
10 sure how many total, but did you -- how did you come up with those
11 --

12 A. So -- that they're on task. There was a NavIC, came out in
13 -- I would say, 2004.

14 Q. Okay.

15 A. 2001? For guidance of high speed areas and what should the
16 -- what (indiscernible) should be trained. So in 2000 -- between
17 2008, 2010, Jack Bevins and another person, Fred Chamberlain,
18 developed a crew training manual. So they took these tasks that
19 were needed and then it was a robust training manual and they
20 covered all the stuff that was in this NavIC; which at the time,
21 this stuff was being required by the Coast Guard.

22 (Crosstalk)

23 Q. -- guidance, correct?

24 A. Yes.

25 Q. It's like you should as opposed to (indiscernible)?

- 1 A. Yes, yes.
- 2 Q. Right, okay. So you -- a lot of the material in that NavIC
3 is what created that --
- 4 A. Yeah, it helped create the --
- 5 Q. Now, read that specific section, D2 (ph.).
- 6 A. Okay.
- 7 Q. Am I correct in saying that you created that? Are you co-
8 creator or?
- 9 A. I helped put it into these terms, yes, but it was -- this was
10 cut and paste from -- this was already prior -- created, but to
11 put on -- I didn't put it specifically on this form. We had the
12 SMS, LLC guy, Eric --
- 13 Q. Okay.
- 14 A. -- kind of put this in terms.
- 15 Q. So in content of what you see there, do you feel that that
16 meets all the requirements that a captain should have prior to
17 becoming master on board vessel?
- 18 A. Yes.
- 19 Q. Okay, did you guy -- can you guys add to that?
- 20 A. Yes, I mean all our documents are living documents. We can
21 add to --
- 22 (Crosstalk)
- 23 Q. -- correct?
- 24 A. Yeah.
- 25 Q. But as you see, you're completely -- those particular tasks

1 meet requirements for a mate try to promote into the role of a
2 captain?

3 A. Yes.

4 Q. Okay, fantastic. Now, tasks; how are they completed? In
5 other words, describe to me -- pick a number there and then let us
6 know which one it is and describe to me how someone, or more
7 particular, a mate, meets that criteria so that he can promote up
8 to captain.

9 A. Okay, so a senior captain --

10 Q. Pick, pick the number.

11 A. All right. So let's say understand and operate interceptor.

12 Q. What number is that?

13 A. That's number 4.

14 Q. Real quick. Let me have this real quick. Just for the
15 record, we are looking at Brian Costello's competency or matrix
16 training for a promotion at the time he was a mate, and we are
17 looking specific section D, number --

18 A. Four.

19 Q. Number 4, which is understand and operate interceptor. Okay
20 go ahead and explain like, how someone meets that criteria of
21 getting signed on?

22 A. So a captain, who has already been through it and signed off,
23 would sign off another captain. Now he's going to -- on this
24 interceptor, you're going to be under light and he's going to
25 operate it basically in front of the Captain.

- 1 Q. Okay, so can any captain?
- 2 A. We use a senior captain.
- 3 Q. Okay. So the roster, (indiscernible) senior -- I mean, in
4 the Coast Guard, we call them qualified individuals right? So
5 let's say Mr. [REDACTED] here is trying to obtain a qual (ph.) because
6 he doesn't have it, I have it; right?
- 7 A. Yes.
- 8 Q. All right. Same concept, right? Watch me perform,
9 demonstrate, then I, as a qualified individual, on a roster
10 verified can sign off, is that something similar you guys have,
11 or?
- 12 A. We don't have a roster set up. We just --
- 13 Q. I--
- 14 A. Basically if the guy signed off and he's been running the
15 boat for a few years --
- 16 Q. Okay.
- 17 A. -- then we use him as one of our senior captains.
- 18 Q. But there's no exact definition for -- it's like, more of a
19 comfort feel?
- 20 A. Yes. It's using (indiscernible) out there, like, it varies.
21 We get -- he signs off, we'll wipe that, yeah.
- 22 Q. Okay, but appointed by management? Just not -- explain that.
- 23 A. So we're not a very big company and our captains and our
24 mates are -- there's just not a lot.
- 25 Q. Okay.

1 A. So we keep a tight handle on things. It's not like send
2 somebody to the boat and all of a sudden they say hey, we
3 completed this paperwork, when am I going to start driving the
4 boat?

5 Q. You mentioned appointed, what is that -- what are -- like,
6 what were you referring to? Like, you assign a mentor or a coach
7 or?

8 A. No, we will assign who will be training the people and that
9 will come from myself, and Jack.

10 Q. And that's a policy?

11 A. No, we just -- it's what we do.

12 Q. Okay. Oh, keep going, I'm sorry, I'm just adding -- getting
13 details, that's all.

14 A. Oh, yeah, so I mean.

15 Q. Okay, so explain interceptor. I'm -- I want to promote
16 captain, I got -- I'm looking at Number 4.

17 A. Yeah, so you have on the back of the boat, there's like,
18 these aluminum things that go up and down on the boat that they --
19 basically, if you're on a (indiscernible) craft, it's your
20 (indiscernible).

21 Q. Yeah.

22 UNIDENTIFIED SPEAKER: So they're -- regardless of what you
23 call --

24 MR. PARK: You know what I mean?

25  Sure.

1 MR. PARK: So whatever boat you're on, you're going to show
2 us how to, how to operate this.

3 [REDACTED] Okay. Is there, is there a count? Is there an
4 amount?

5 MR. PARK: Yes -- like, of what, how much time or?

6 [REDACTED] Specifically, --

7 (Crosstalk)

8 UNIDENTIFIED SPEAKER: You're just -- we -- he's just going
9 to say that --

10 BY [REDACTED]

11 Q. Are you satisfied with a one-time demonstration of it?

12 A. For that one, yes. If we want to go with a different
13 example, it like -- might go further. We're -- we are trusting
14 the Captain that we put in charge to make that call.

15 Q. Okay. So like, what I'm getting into is like, beautiful
16 skies, FAC.

17 A. Yeah, right.

18 Q. You're running through rain storms, some choppy weather, are
19 there criterias for certain things where you -- they have -- or is
20 it always sunny, bright, flat.

21 A. Well, if there's a captain that's operated a boat in nothing
22 but perfect weather, we're not -- he's not going to be signed on.

23 Q. Okay.

24 A. So the criteria is not -- you'll see different conditions and
25 things like that listed on the days that they ran, but there's not

1 a criteria you have to run in every single -- which condition and
2 things like that.

3 Q. Okay, but basically what I'm saying to you is, does it make
4 sense? Like, in -- for the example I'm trying to get at?

5 A. Sure, and --

6 Q. (Indiscernible) signature.

7 A. Yeah, that makes sense for that.

8 Q. So I'm trying to get clarity here. Like, these sign-offs can
9 be multiple events but where it's one actual sign-off?

10 A. Yes.

11 Q. Okay. And is that just for anywhere or is it just like, an
12 understanding?

13 A. We're leaving it up to the trainer.

14 Q. Okay, the trainer, there you go, that's what I wanted. And
15 that's an assigned?

16 A. Yes.

17 Q. Individual or --

18 A. Yes, you got to have new training.

19 Q. Who assigns that -- who assigns a senior captain to a --

20 A. It'll be myself and Jack.

21 Q. There you go, now we're talking. Okay, so in Costello's
22 case, do you recall who he was assigned to with regards to
23 *Commodore*?

24 A. *Commodore*, it was Chris Poletis and Alex Landry (ph.).

25 Q. Okay and why those two?

1 A. They we're the ones that were operating the boat on the days.
2 Well, Chris Poletis, he was down in -- he was the first one
3 really with them, and he was the commissioning captain down in
4 Louisiana. He learned all the systems on the boat from -- between
5 the technicians, our technical manager, Jack was also down there.
6 He learned them from -- as soon as they came on the boat and he
7 was down there to make sure of everything. And when he came up,
8 he had to train people himself --

9 Q. Okay.

10 A. -- before they could drive the boat, so.

11 Q. But if they get her (ph.) training package, fully signed off
12 initials, and then that's it, they have the blessing to operate?
13 Or, it's followed up with a board? For instance, like -- and I'll
14 give you an example on how we do it. We sign off, sign off, sign
15 off. And at the end of that sign off for that package, we go a
16 little step further and then we'll run a panel and then they'll go
17 into like, addressing like, specifically a comfort feel for
18 whether or not they're truly competent through qualified, and in
19 your case, would be senior captain. So something similar to that,
20 or?

21 A. The first step is the senior captain's going to call us up.

22 Q. Okay.

23 A. And he's going to tell us that this guy is ready to go, or
24 he's not ready to go. We've had both instances take place.

25 Q. Sure.

1 A. A lot of this stuff, this -- it's not going to particularly
2 tell you how -- besides the couple like, operating and maneuver
3 and things like that. We're going to get our best feel besides
4 let's get all this stuff out and then we'll get a good feel from
5 the Captain that's training him, whether he's ready or not.

6 [REDACTED] Any questions? Mr. Wisniewski?

7 MR. WISNIEWSKI: Yes, this is Luke Wisniewski. I'd like to
8 -- yeah, continue on but it's going into the SMS procedure. Is
9 that a good time here for this?

10 MR. PARK: Sure.

11 MR. WISNIEWSKI: Well -- and I -- just backing up to the
12 procedure. You talked about the Ferry Safety Management System
13 and I just wanted to go to essentially, page -- where you would go
14 into -- I don't know if you have it in front of you, the emergency
15 procedures or starting, stopping the vessel, maneuvering controls?
16 It's on page 6 --

17 MR. FITZGERALD: Is there -- are you talking about the --
18 Luke, just so we're -- Dan Fitzgerald. Just so we're clear here,
19 are you referring to the SMS procedures?

20 MR. WISNIEWSKI: Well, yes. So I'm looking at the -- Section
21 A of *Commodore*, pages 8 -- basically, it goes from pages 6, 7, 8,
22 and 9 of Section A.

23 MR. FITZGERALD: And Luke, just so we're clear, you're
24 referring to the training work -- the training worksheet --
25 workbook, correct?

1 MR. WISNIEWSKI: No, not the training workbook, the Ferry
2 Safety Management System. I just specifically wanted to discuss
3 the emergency braking statute that's listed in the Ferry Safety
4 Management System.

5 MR. FITZGERALD: Okay. But then if you look to the right, it
6 says familiarization training workbook, F8 -- F08?

7 MR. WISNIEWSKI: Yeah, I understand where you're at. I'm
8 going back into the Ferry Safety Management System, it's called a
9 Pilot House Information Book, Section A.

10 MR. FITZGERALD: Look, you know what, (indiscernible), we
11 don't have that in front of us, but actually I think he might be
12 so familiar with the procedures that you are referring to and he
13 might be able to answer your questions.

14 BY MR. WISNIEWSKI:

15 Q. Okay, I -- and I'm just curious because I'm looking into
16 like, the braking section of the SMS because I've heard this
17 discussed about how it's laid out for the braking and emergency
18 braking. And in there on page 8 of 25, it talks about emergency
19 braking and what's listed is -- it's under -- like, the main
20 section is Braking and that's in bold print and then you have
21 right below it has Emergency Braking, and it just says set the
22 lever to fullest stern, maintain fullest stern position until the
23 vessel has slowed down, that's number 2, almost stopped and
24 gradually decrease the thrust so that the zero thrust is at order
25 when the vessel has stopped.

1 And so as I go through this -- and I know I -- I've looked
2 through the cam touch. I looked through the operating manual of
3 the water jets and so I wanted to see -- I don't see like, a
4 reference or -- so from a training perspective, I'm just
5 understanding -- trying to understand how this is demonstrated
6 that the trainee demonstrates this to the master or to the senior
7 captain that's onboard.

8 A. I mean, it's basically a crash stop (ph.) and what he's going
9 to do, he's going to go into the middle of you know, an area
10 that's a safe area, and get up to speed and then -- and do the
11 operation you're talking about there. Put the throttles in
12 reverse and you know, and slowly come off and things like that;
13 he's going to do that.

14 Q. So have you observed this being performed on the *Commodore*?

15 A. Yeah.

16 Q. For training?

17 A. Not particularly. I have not observed it -- I did -- I think
18 I did when we first got it.

19 Q. Do you remember when that occurred?

20 A. 2018.

21 Q. Do you remember who was the senior captain and who was the
22 trainee?

23 A. No.

24 Q. Okay, but what I'm trying to understand is, you have laid out
25 kind of the very high level of what to do and the slowing down,

1 the stopping procedure. And I'm just curious, I don't see any
2 reference to like, the Can Man Operating Manual listed in the
3 Safety Management System and I was just curious if I'm looking at
4 like, the correct one, but if you don't have it in front of you,
5 I'll lay these questions out. But I was looking for a reference
6 back because if you go into the operating manual, they -- in the
7 Rolls Royce Operating Manual, and now I'll refer to that one, it's
8 called the -- it's under Chapter 2.10. It goes into control
9 systems. The heading is Emergency Operating Procedures, it's --
10 and it goes through the -- like, the steps that you need to
11 perform, so I was just curious if there's a link to that? Do you
12 use that? Do you reference that when you go through this training
13 with the individual? And --

14 A. Do we reference the manual?

15 Q. Correct, the Rolls Royce Training Manual. In Chapter 12 it
16 goes to a lot of the emergency braking, back-up controls.

17 A. I'm trying to look there.

18 Q. They, they --

19 A. Well, we go through the training, do -- okay. I get what
20 you're asking. It's probably not listed in the F-8 sheet here.

21 Q. Yeah, I don't see that captured there, but I'm just curious
22 in practicality and you know, if you observed any of these. Do
23 they have this manual out? Are they looking at it? Are they
24 referring to it?

25 A. Yes, yes.

1 Q. Or is it just the --

2 A. The manual -- is out.

3 Q. -- senior captain talking about this? Because clearly, like,
4 I looked through this manual, I looked at chapter -- Chapter 2.9,
5 control system, the emergency operation procedures, crash stop.
6 You know, it's very detailed, there's a whole layout on the
7 operation; that's on page -- let's see here, that is page 1 of
8 Chapter 2.9. It just goes through the procedures on how to stop.
9 It starts on 2 -- like I said, page 1 and then continues on. It
10 lays out a procedure, the RPMs, the safety way to function it,
11 that's all. I'm just curious --

12 A. Yeah, they're going to do some reading of this manual before
13 they even get into the situation where they're in the training
14 situation. The train -- the manuals are readily available for
15 them right at the helm there, on either side the helm, as they're
16 doing this training. I can't say to whether they were referencing
17 the manual during the training though.

18 MR. FITZGERALD: And Luke, Dan Fitzgerald here.

19 Just to be clear, Justin, can you identify which manual
20 you're talking about right now?

21 MR. WISNIEWSKI: I believe he's talking about the Pilot House
22 Information Book.

23 [REDACTED] Well, there's --

24 MR. FITZGERALD: Um, Luke, I'm not sure if the Pilot House
25 Information Book; is that -- do you have that?

1 MR. WISNIEWSKI: I do, I have the Pilot Information Book and
2 that was the first one I referenced. And the second one I
3 referenced was the Rolls Royce, it's the Water Jet Operating and
4 Maintenance Manual and it's for this halt (ph.), the 491, and the
5 date issued of the manual was 07, tack (ph.), 09, tack, 2017.

6 MR. FITZGERALD: Thanks for confirming.

7 BY MR. WISNIEWSKI:

8 Q. And so yes, I'm just trying to match up what you have in your
9 SMS to what is in the manual, and I'm just curious while -- when
10 they're out there performing this evolution, this training
11 evolution and the crash stop, are they available to the master?
12 Are they available to -- the senior instructor? Do they walk them
13 through it or is it -- I -- just trying to build off the same
14 questions that [REDACTED] [REDACTED] Mercado's driving at. We want to try
15 to understand what else -- materials are available to them so they
16 are aware of what's -- what resources are available to them on the
17 bridge.

18 A. Yes, yes, so you --

19 Q. Obviously, you can't pull out a manual --

20 A. -- manuals are available.

21 Q. Yeah, obviously you can't pull out a manual when you got less
22 than a minute to make a decision and try to find the page number
23 of where you're looking at, but I just -- this -- in my view of
24 this, this has to be so engrained into you that you -- it's got to
25 be almost a muscle memory type of response. But I'm just curious

1 what -- from a training perspective, what's available to them?

2 A. Yes, and so the Pilot House Information Book is available to
3 them as well as the Rolls Royce Manual. On the top -- Pilot House
4 Information Book, I'm not sure if you have the full copy because
5 it was -- it's picked out in sections and then put on the vessel
6 in a binder. What you have is probably specific to the *Commodore*
7 and -- but there's also the FEMAs, that's part of that manual as
8 well, but I'm not sure which they have -- which is onboard the
9 vessel.

10 Q. Correct, so what I did was I took pictures of the actual one
11 that was onboard the *Commodore* and it has on the front page of the
12 manual, it -- for the Pilot House Information Book, it says
13 current revision is R, tack, zero, and the date of issue is 01 May
14 2018.

15 A. Okay, yes. Yes, so that's available to them and I -- when I
16 was training people on the vessels, years back, I would have
17 whatever we needed out there while we were going through a
18 training day, say. But I can't attest to how
19 Mr. Costello was trained and I'm not sure if that was the case.

20 Q. Okay, but the one that you observed; so they had the training
21 manual out, they have the familiarization, the sign-off sheet that
22 we've all been discussion [sic] about, the familiarization matrix.
23 And is there anything else that you have there, another checklist
24 or something, other than these three that we've identified so far?
25 The familiarization checklist, the operating manual of the water

1 jets from Rolls Royce, and the Pilot House booklet that was out;
2 is there anything else that they would have available to them?

3 A. Also, the FSMS (verbatim) manual is available at all times.

4 Q. And in the FSMS (verbatim) manual, is there any -- anything
5 other than what I saw -- what I discussed here about the Pilot
6 House Information Book? Does it -- is that --

7 A. (Indiscernible).

8 Q. I'm sorry, does that have a -- the SMS, does it have an
9 actual procedure laid out for stopping as well?

10 A. It has a procedure for avoiding collision or loss of
11 propulsion.

12 Q. Okay, so in loss of propulsion, you think it has a crash to
13 stern or, or a crash stop as well, listed in the --

14 A. It says -- well, to avoid collision, I think it has -- you're
15 going to slow it down. You're going to pull it back.

16 Q. But is it detailed like what I laid out with the Pilot House
17 Information Book, or is there more? Maybe because --

18 A. -- not going to tell you.

19 Q. -- maybe because I don't have that one in front of me, I
20 don't -- I'm trying to make the link of how that procedure is laid
21 into that. Because my understanding of the SMS is like, you have
22 a procedure then you develop a checklist or some type of sheet to
23 go through that. So like, the procedures you're overarching, what
24 you should do in generalities, and then you can maybe have a
25 checklist or a spreadsheet or some other identifier to kind of

1 help the operator go through that procedure, that checklist, of
2 what the company wants done.

3 A. Yeah, so what's -- you're not going -- in the SMS manual,
4 you're not going to get like, what exactly to do, like you do in
5 the Pilot House Information Book where it's vessel specific.

6 Q. Thank you, that -- that's what I wanted to clarify.
7 Appreciate it.

8 A. No problem.

9 Q. The only one -- other question that I have since I have the
10 floor is regarding the use of like, personal cellphones on the
11 bridge while underway; do you have a policy on that?

12 A. Yes, we do. It's no personal cellphone use besides company
13 business, if we have to get in touch with somebody or they have to
14 get in touch with us.

15 Q. Okay, so there's no personal use on the bridge. Are they
16 allowed to have it, I guess, just on them but they can't have it
17 out and -- or on their lap, looking at it while they're underway?

18 A. I mean, they can't be engaging with it, (indiscernible).

19 Q. Okay, engaging with it?

20 A. Like, checking, using it, unless it's for company business.
21 And we do have to get in touch with them at times, so.

22 Q. And that was my follow-up question. So if they can't use
23 their personal phone do they have a ship phone that they should
24 have up there or on their ready?

25 A. Yes, there's a ship phone. So we try the ship phone. If the

1 ship phone doesn't work, then we'll call their personal phone.

2 Q. And the policy for that personal cellphone use on the bridge,
3 what procedure -- can you direct me to the -- what procedure that
4 would be?

5 A. That is -- I don't know exactly where that -- but we have
6 something here so. I know we've had (indiscernible) of that over
7 time, I just want to see if we have something that's --

8 Q. But you're indicating that would be in the Ferry Safety
9 Management System, right? Your overarching procedures policy?

10 A. I'm thinking it's going to be in their 3.1, it's -- okay, so
11 this is how it reads in here: Vessel personnel will limit outside
12 distractions while performing their duties. Personal cellphones
13 or other similar devices will not be used while the vessel is
14 underway carrying passengers.

15 Q. And that's in your -- is that in the Pilot House Information
16 Book?

17 A. This is within our Ferry Safety Management System Manual.

18 Q. In your manual, okay.

19 A. And the section it's in is 3.1, the standing orders -- vessel
20 standing orders.

21 Q. All right, 3.1 standing orders. All right, thank you for
22 that clarification.

23 A. And since I have this in front of you, I (indiscernible) to
24 go back to the crash stop, what's in the manual, if you want I --
25 me to read that off to you.

1 Q. Absolutely.

2 A. I didn't realize we had --

3 Q. Yeah, I -- because I just want to request what that is, to
4 have that for record. So you don't have to read everything off,
5 but if you could just highlight the top points first? Like, where
6 -- what's the procedure, the number, the section?

7 A. So -- it's an emergency response section, 5.12, and it's
8 labeled Crash Stop. So basically, it's saying vessels operating
9 at high speeds may at times be required to issue a crash stop.
10 The captain will only initiate a crash stop when necessary. The
11 captain will set thrust the full stern, maintain full stern until
12 the vessel has slowed, almost stopped, gradually decrease the
13 stern thrust until zero thrust is ordered when the vessel has
14 stopped. Then it goes into some other things after that, but that
15 -- that's the main points there.

16 Q. Okay, and in there, does it talk about just loss of
17 propulsion, as well?

18 A. The one right before it, you've got emergency response to
19 loss of propulsion, so that's 5.11, it's an emergency response.
20 The loss of propulsion or steering, it's called.

21 Q. And is there a checklist or embedded link there, or is it
22 just to call it out step by step what to do?

23 A. You have a task list, they call it here.

24 Q. Okay.

25 A. And it says upon loss of propulsion or steering, the Captain

1 will notify the Coast Guard as well as any nearby (indiscernible)
2 the vessel traffic. In event of a steering failure, the Captain
3 will immediately reduce speed and engage back-up steering systems.
4 In the event of propulsion failure, the Captain and an engineer
5 will coordinate to restore propulsion systems. If the loss of
6 propulsion or steering occurs at a critical navigational maneuver
7 involvement, the Captain will implement collision and await
8 response procedures. At the Captain's command, crew members will
9 make ready for anchoring, depending on vessel traffic, and that
10 navigational concerns.

11 Q. Okay, and you said that was in Section 5.1?

12 A. Yeah, it's 5.1-1. It's 5.11.

13 Q. 5.11, okay, thank you.

14 A. No problem.

15 MR. WISNIEWSKI: [REDACTED] [REDACTED] [REDACTED] that's all I have at
16 this time, thank you.

17 [REDACTED] [REDACTED] We've got to take a quick timeout. Five
18 minutes, if you can time us out please?

19 (Off the record)

20 (On the record)

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] U.S. Coast Guard 1422 June 8th --
22 or, July 8th, 2021. Continuing our interview with Mr. Park, the
23 DPA for *Seastreak*, LLC. We do have some questions here.

24 BY [REDACTED] [REDACTED]

25 Q. I want to continue on with asking questions on your training

1 manual, and it won't be too much longer here. But in -- I'm going
2 to harp on this again. The guidance behind those tasks are
3 strictly from mirroring what's on the NavIC. Right or wrong?

4 Yes, or no?

5 A. I wouldn't say strictly. That's where we originally got them
6 from, but they're also just over time --

7 Q. So if it's not strictly, you -- can we say that there are
8 some things added outside of the NavIC into those checklists?

9 A. I'm not 100 percent.

10 Q. Okay, is there anything in particular that's specific to
11 *Commodore* or any other vessels from *Seastreak* added into that?

12 A. I don't believe so. I mean, all kinds of vessels are
13 different. You'll see places on here that say things about
14 specific -- or like, a jet system or things like that, but I think
15 they can be used for most ferry boats, I would say.

16 Q. Okay, so in creating this matrix, this learning package here,
17 the content that was put into it, SMS, LLC developed the contents
18 of it -- the tasking?

19 A. They took the contents out of an already existing crew
20 training manual and put it into a -- more of a checklist form.

21 Q. Okay, what -- which manual would it be? This -- was it a
22 *Seastreak* manual?

23 A. It was, between 2008 and 2010. It's basically
24 decommissioned, since we have the Ferry Safety Management Manual.

25 Q. Okay, so in 2008, 2010 --

- 1 A. Yeah, somewhere in there.
- 2 Q. Okay, and how many vessels do you have now that have this
3 Rolls Royce Pan Am System was operating back in 2008 and 2010?
- 4 A. Well, the specific system that you have on the *Commodore*,
5 zero.
- 6 Q. Any other jet propulsion systems on the other vessels?
- 7 A. The *Highlands*.
- 8 Q. Okay, so it should be applicable back in 2008 and 2010?
- 9 A. Well --
- 10 Q. When was the *Highland* commissioned?
- 11 A. 2004.
- 12 Q. 2004?
- 13 A. But -- yeah, so these -- it doesn't say specifically. When
14 you do -- when you use this workbook, whatever boat you're doing
15 it on, that's what it's specific to.
- 16 Q. Okay, but it's a (indiscernible), right? I mean, so one size
17 fits all, there's no specific tasking per a vessel, like the
18 *Commodore* in particular?
- 19 A. There's nothing separate, no but the --
- 20 Q. Right.
- 21 A. -- the tasks that are in here, if you're being trained on the
22 *Commodore* --
- 23 Q. I understand they're specific to the *Commodore*.
- 24 A. Right.
- 25 Q. So, so you just went through the Pilot House guide with

1 Mr. Wisniewski there.

2 A. Yes.

3 Q. You had mentioned some items, were they listed as well in
4 that training as part of the tasks?

5 A. He talked about crash stops, yes, it was in there.

6 Q. Okay, does it refer to (indiscernible) Pilot House for that,
7 or is that something they just basically, you --

8 A. No, it's basically -- it's what they do.

9 Q. Okay, and before -- after reading the Pilot House?

10 A. They're going to go through the Pilot House Information Book
11 prior to --

12 Q. How is that set up? Who ensures that they do that? Who is
13 keeping them honest in reading that material before they go ahead
14 and perform it out in the water way?

15 A. I -- when it's performed, it's performed in front of a
16 captain. So unless they came up with stuff on their own or they
17 were shown --

18 Q. Well, you see, that's what I'm getting at. Because I can
19 tell you me, in the Coast Guard, you ever hear of gun decking,
20 where you don't necessarily read, but someone else is guiding you
21 through it?

22 A. Yes.

23 Q. So how do you separate senior captain from coaching him,
24 showing them and then preventing -- at the same time, it prevents
25 them from actually reading the material. So how do you verify

1 that an individual is reading what they're supposed to read in the
2 SMS, in conjunction with performing it out on the field? How do
3 you verify that? How do you --

4 A. So, not specifically with the Pilot House Information Book,
5 what we do with the SMS, we've given out test sheets with the
6 manuals.

7 Q. Okay. You test -- they have a test?

8 A. Yeah.

9 Q. Okay, and that's something that was given to us so we can --
10 or something you can get me?

11 A. It's -- we have some in the files.

12 Q. Okay, so we would have one for Mr. Costello?

13 A. Yeah, at some point, but not for the Pilot House Information
14 Book, or not for -- it's strictly for Safety Management System
15 Manual questions, a general questionnaire.

16 Q. Okay. Just for history purposes, the times (indiscernible),
17 how is that run by -- or, describe to us that specific occasion.
18 When did you receive his completed package? How's that work? Did
19 he receive a package?

20 A. Yes, we will receive a package in the office.

21 Q. Who receives it?

22 A. It'll be sent in in a security envelope and that will be
23 brought up to our office there.

24 Q. Okay.

25 A. Put it on a desk.

1 Q. And who gets it?

2 A. I'll look at it myself so any of the sheets. So once that
3 comes upstairs, I see a finished product, a follow-up call to the
4 Captain, which -- that is the training captain, which most the
5 time we're in constant contact with anyway, and he's going to say
6 his paperwork is done, I feel he's ready to go on this boat, and
7 then another call will be done. After I talk to the training
8 captain, I will talk to Mr. Bevins here, and then also we'll call
9 the Captain himself. In this instance --

10 Q. Didn't you mean the trainee?

11 A. Right, so yeah, starting the training, yeah. So in this
12 situation, basically, he wasn't being promoted to a captain, he
13 was just familiarizing with a new vessel.

14 Q. Right.

15 A. And he was already an existing captain.

16 Q. Okay, I'm glad you brought that up. That segues perfectly
17 into what I wanted to (indiscernible). So you basically agree
18 with whatever the -- in your captain signature had you don't
19 really go into a betting (verbatim) -- you don't look at like, you
20 only performed for one month or he performed this, it took him 10
21 months.

22 A. Oh no, we look at everything.

23 Q. Okay.

24 A. Yeah, so we take everything --

25 Q. Do you recall Costello's package coming up? How long it took

1 him to get qualified?

2 A. For the *Commodore*?

3 Q. Yep.

4 A. I don't personally recall. I don't think it was that quick
5 but maybe a couple of months, but that was probably just to -- not
6 due to how he could run the boat or not, just he --

7 Q. Right, he's just trying to take his time and do it. Let me
8 ask you a question though. So you're a DPA and you should have
9 this experience, what's your expectation on how long the
10 qualification process should be?

11 A. We have an expectation where --

12 Q. What's your line in the sand when it comes to identifying
13 well this is -- I feel comfortable with this amount of time for
14 getting qualified?

15 A. (Indiscernible) the Captain.

16 Q. Or from --

17 (Crosstalk)

18 A. From -- in this situation on the *Commodore*, on the new
19 vessel, we would say, 60 hours of operating the vessel.

20 Q. 60 hours?

21 A. Yes, and that is -- that's tracking the record of helm time
22 and log books, things like that.

23 Q. Okay. So we're going to jump from Costello to Engelman
24 [sic]. Do you recall her timeframe from going to (indiscernible)?

25 A. No, not at all.

1 Q. Did you want to take a look at a package real quick?

2 A. I mean, I can.

3 Q. But do you want to?

4 A. I have an idea what the package looks like.

5 Q. Okay.

6 A. So she was a deck hand for many years. What you see in that
7 package, her original mark-offs on those sheets were from August
8 18th, which was 2020. Is this what we're referring to? That
9 sheet? Okay, so she was -- that was a refresher for a deck hand,
10 the place, that's when that August 13, 2020 was signed off for.

11 She then took her package and continued her training for a
12 mate's position, which she was probably most -- more than
13 probably. She was already in the process before she got --

14 Q. Right. So the difference between that is that Section 1 --

15 A. Yes. The added section, yeah, she just continued it.

16 Q. Okay.

17 A. So that was section D2 is the section that she --

18 Q. Which I hear that (indiscernible) Costello were guys who were
19 pretty good at making notes as to what you need to do. But when
20 it came to her, it got -- I mean, it's nothing, right?

21 But more importantly, and I just want to become familiar,
22 because Costello has a good record of the training and he's got
23 his -- he's versatile and he's been on pretty much a lot of the
24 vessels where Kristin, Ms. Engelken, in my eyes, I don't know
25 anything about operating a passenger ferry vessel, but more

1 importantly, it just -- it seems like it was rather quick. And I
2 just to me, explain the difference in how he -- based on two
3 vessels one month apart, did she become a mate?

4 A. So --

5 Q. In reference to Costello, I mean, if you want to go back, he
6 had I think -- (indiscernible) goes back quite a few double
7 digits.

8 A. So, so the sheet you're looking at, we're not talking one
9 month between. We're talking she was just completing a refresher,
10 a random refresher at this time. She also had one from August
11 19th and she has -- also has training prior to that. So she was a
12 deck hand for many years and in the process, this is just when she
13 completed her next step in training here, 9/15/2020.

14 Q. Right, but those dates are specific to her training for mate.

15 A. 9/15/2020, yes.

16 Q. Yeah, right. So there's two, if you look --

17 A. Yeah, right, yes.

18 Q. Okay, so -- in your argument, she's actually had less time.
19 She's only done one vessel then, according to that record. I'm
20 giving you the benefit that she had two based off of this. So
21 you're saying that 8/13 is a refresher --

22 A. I see what --

23 Q. -- and the 9/15 --

24 A. Where the sign-offs --

25 Q. -- where she trained to be a captain.

- 1 A. I understand what you're asking now.
- 2 Q. Yes.
- 3 A. I didn't understand. So she -- she's been learning this
4 stuff for all these years.
- 5 Q. I understand.
- 6 A. Yeah, but I understand where Costello comes in.
- 7 Q. You're talking to the Coast Guard and the NTSB where you're
8 proving to us that your mate, who has singular responsibilities as
9 a captain and master, had equal to or the same training as the
10 master and right now on the record and based on her interview, it
11 doesn't seem like she does.
- 12 A. So she has the training that's shown here, right?
- 13 Q. Well let's see why.
- 14 A. We high it to -- we hold this in a much higher standard for
15 somebody that's going to be a captain of the vessel.
- 16 Q. Because -- so --
- 17 A. We will let her be a captain of the vessel right now.
- 18 Q. Okay, so when she --
- 19 A. And she qualifies for a mate.
- 20 Q. When did she start the process for mate?
- 21 A. Well, it's been ongoing for a while. I don't have paperwork
22 to show you when that took place. I would have to look back. I
23 mean, I'm not sure. That's -- she probably started before and
24 went back through.
- 25 Q. But based on what I'm looking at, this is an official record,

1 right? Training record; how'd this present itself?

2 A. Where you see a lot of days on Brian Costello's and you see a
3 couple of days on Kristin Engelken's, but --

4 Q. I see one vessel, right? I mean, let's be honest.

5 A. Those are just the days they basically just sign off, not the
6 training days, though. So that -- I see where it's laxing a
7 little bit.

8 Q. A lot, quite honestly. And once you receive your credential
9 -- Coast Guard, which is not required for this vessel, right?

10 A. For them as part of the mate.

11 Q. No, but the U.S. Coast Guard, though.

12 A. If it's in their COI, but they require a stand mate.

13 Q. Yeah, but you -- I guess what I'm just trying to clarify is
14 that the U.S. Coast Guard certificate does not require the mate on
15 this particular vessel to have a Coast Guard license. It is -- is
16 it in their COI?

17 A. So it would be -- we have a senior deckhand, also.

18 Q. Right.

19 A. Also (indiscernible) --

20 Q. I'm just trying to clarify for the record that that's not --

21 A. Are we discussing the mate?

22 Q. The mate, right.

23 (Crosstalk)

24 A. The mate has a license that actually exceeds the manual
25 requirement, that's what I'm just trying to highlight.

1 Q. In the case here, the company requires the mate to have a
2 credential with an endorsement or a capacity the same as captain,
3 or more importantly, to match what the vessel (indiscernible),
4 indicated here where you see less than 99.

5 A. So it's -- the company, we require that we would have a
6 senior deck hand or a mate with this.

7 Q. With the credentials?

8 A. Yes.

9 Q. Okay.

10 UNIDENTIFIED SPEAKER: A licensed mate is -- has a
11 credential?

12 MR. PARK: Yes, yes.

13 UNIDENTIFIED SPEAKER: Right.

14 UNIDENTIFIED SPEAKER: Not only that --

15 UNIDENTIFIED SPEAKER: -- with the senior deckhand.

16 (Crosstalk)

17 UNIDENTIFIED SPEAKER: I'm not sure where the credential
18 requirement is coming from.

19 [REDACTED] [REDACTED] The credential requirement comes if something
20 happens to the master while they're operating the vessel, who
21 takes it over?

22 UNIDENTIFIED SPEAKER: The senior deckhand.

23 UNIDENTIFIED SPEAKER: The COI does not require -- the U.S.
24 Coast Guard, the COI, does not require a credentialed person to be
25 back-up.

1 [REDACTED] [REDACTED] She's a T-boat, A-boat, all vessels operated.

2 UNIDENTIFIED SPEAKER: I think the COI shows differently.

3 UNIDENTIFIED SPEAKER: Not required.

4 UNIDENTIFIED SPEAKER: Your decks are not required to have
5 credentials? They have to have training, not credentials?

6 MR. PARK: They (indiscernible) the training (indiscernible)
7 to operate a passenger vessel, subchapter T, K, whatever it may
8 be, they have to be licensed (indiscernible) if they're operating
9 the vessels with paying passengers.

10 UNIDENTIFIED SPEAKER: Do you have a copy of the COI?

11 UNIDENTIFIED SPEAKER: No (indiscernible).

12 [REDACTED] [REDACTED] I think we -- when we go offline, we can look
13 at the COI. But I think what we're confusing here is what
14 responsibilities are and versus expectations.

15 You had stated before that specifically with a mate, deck
16 hand, whatever, if something happens to the master, I -- one of
17 those should be able to take the helm and control the vessel and
18 I'm telling you, you cannot do that unless they are credentialed
19 mariners. You cannot operate a passenger for hire vessel.

20 UNIDENTIFIED SPEAKER: COI.

21 UNIDENTIFIED SPEAKER: The COI is not consistent with what
22 you just stated.

23 [REDACTED] [REDACTED] Okay, we'll, we'll figure that out. Because --
24 and then if that's something we need to take upstairs -- and maybe
25 just getting him to understand that. Do they know that if

1 something happens to the Captain, they take over?

2 MR. PARK: That's the senior deck hand.

3 UNIDENTIFIED SPEAKER: Where the senior deck hand falls.

4 [REDACTED] Okay, all right.

5 UNIDENTIFIED SPEAKER: We'll clarify that one because --

6 [REDACTED] All right, so in the case of the mate, right?

7 MR. WISNIEWSKI: The -- this is -- [REDACTED] if I could just weigh
8 in here on the COI. This is Luke, NTSB. On the COI, it does
9 state that if there's passengers from zero to 149, it only
10 requires a master. If the passengers go above 150, then you
11 require both a licensed master and a licensed mate.

12 UNIDENTIFIED SPEAKER: License --

13 UNIDENTIFIED SPEAKER: And then the licensed mate may be
14 substituted with a senior deck hand, as well.

15 MR. WISNIEWSKI: Correct, that is actually written on the top
16 of the top of the second page, yes. And it --

17 UNIDENTIFIED SPEAKER: So we have (indiscernible) licensed
18 senior deck hand.

19 UNIDENTIFIED SPEAKER: No.

20 UNIDENTIFIED SPEAKER: Is that your recommendation?

21 UNIDENTIFIED SPEAKER: We'll discuss it later.

22 UNIDENTIFIED SPEAKER: So I just want to -- there's two risk
23 criterias here. First that's only for passengers over 150 we even
24 engage in this discussion, and then it looks like the COI does
25 provide for non-credentialed senior deck hand.

1 UNIDENTIFIED SPEAKER: So in the case of the *Commodore* on the
2 NavIC, on the -- in the case of the *Commodore*, what are we
3 discussing here? Like, what is --

4 (Crosstalk)

5 UNIDENTIFIED SPEAKER: -- there were only 107 passengers
6 onboard so a licensed mate -- licensed mate wasn't even required.

7 MR. WISNIEWSKI: Correct, that is my interpretation of it as
8 well, based on both the NavIC and your COI, that only a licensed
9 mate was required because it fell under 149 passengers.

10 [REDACTED] Say that again?

11 MR. WISNIEWSKI: Because the vessel --

12 [REDACTED] Can you repeat that, Luke?

13 MR. WISNIEWSKI: -- only had 107 passengers, if you read the
14 COI on the top of the second page, they are only required to have
15 a licensed master. There is zero licensed mates required and
16 three deckhands. It's when you go over the 150 mark, then you
17 have to have a licensed master and the licensed mate, and then in
18 according with NavIC, Number 1, tack, 91, that a senior deck hand
19 is capable of directing an emergency response from the vessel and
20 can, can be substituted for the licensed mate.

21 [REDACTED] Okay, well, we'll keep that one on file.

22 Okay, bringing it back, so -- I'm sorry. The mate on record,
23 it looks like she did all her training on one vessel.

24 MR. PARK: On record, yes.

25 [REDACTED] Okay, on that vessel in particular on record.

1 Can you tell us which one it was?

2 MR. PARK: *Commodore*, the *Commodore*.

3 [REDACTED] Okay, and that's all I have.

4 Luke, do you have any more questions?

5 MR. WISNIEWSKI: Well, with that whole discussion, I
6 understand [REDACTED] your position or what you're viewing from their
7 recordkeeping. And so what I would ask and we'll make a formal
8 request in our document request to document the other occasions.
9 I mean, we have her interview. She talked about she was on
10 several different vessels, but if we could have some type of
11 documentation that lists her and most likely, that's just going to
12 be the ship logs. So if you provide that to us, that can show her
13 helm time, I think that would suffice for at least NTSB.

14 UNIDENTIFIED SPEAKER: Okay, everyone's in agreement with
15 that.

16 MR. WISNIEWSKI: The only other really area that I had was
17 just his involvement in operations of the day of the accident, but
18 I don't know if we're there yet, [REDACTED] so I don't want to take away
19 your thunder. That's all. Over.

20 [REDACTED] No, you can, I mean, I'll bring it up.

21 Were -- what was your role with regards to June 5, 2021
22 (indiscernible)?

23 MR. PARK: So I received the call, it was a missed call. I
24 called the vessel back. It came from the *Commodore*, and he had
25 already spoken with Jack Bevins, our VP of Operations, and Jack

1 was getting stuff rolling. So Jack called me like, one second
2 while I was talking to -- at the same time as I was talking to the
3 Captain, and he gave me the run down of what he had going on and
4 he already had some emergency response going on, so he already
5 took the lead on that.

6 Jack had asked me to find a ferry or a bus to get people to
7 where they were once they got off the vessel, so I started working
8 on that right away. And then after I started working on that, I
9 -- I stayed in touch with the Captain and the engineer, and the --
10 I think I just talked to the Captain for the most part, a few
11 different times just to make sure his head was in the right place
12 and give him support if he needed it.

13 [REDACTED] So with regards to this investigation, after
14 talking with Costello, is there an internal you would do with
15 regards to his actions following taking management systems
16 protocol and procedures?

17 MR. PARK: Yes, I mean, we're going to -- we're going to do a
18 whole -- we're going to look at everything and see if there's room
19 for improvement, to find a root cause to what happened and find
20 corrective actions if there's any to take, just any preventative
21 action going forward with the future.

22 [REDACTED] Mr. Wisniewski, I know you have some questions,
23 go ahead.

24 BY MR. WISNIEWSKI:

25 Q. Yeah, so as a DPA, are you conducting your own investigation

1 into this incident? Is that going on at this time?

2 A. Yes.

3 Q. And so when -- from your perspective or what your
4 (indiscernible) are, you will be developing a root cause, a --
5 something to send out to your fleet, is that some type of lessons
6 learned? Can you share a little bit more about what you're going
7 to broadcast to the other vessels?

8 A. We did come up with an immediate action for some -- just
9 quick, go and talk to the guys if they have a similar situation,
10 to make sure the boat goes right in the back-up. Our technical
11 manager went out and did some onboard training.

12 And then going forward, I'm just -- I'm going to be coming up
13 along with Jack and Brian and taking all the interviews in and
14 talking -- taking the whole thing in and coming up with a
15 -- we'll come up with a root cause. We'll do some root cause
16 analysis and then move forward with corrective and preventive
17 actions and then once that reports out, it will be shared with the
18 Captains and then it'll be shared also during the Captains meeting
19 with the Captains. We'll follow-up with a meeting even after --
20 there'll be an email going out first about it, and then a follow-
21 up conversation during the Captain meeting.

22 Q. Okay, thank you for that. Yeah, in NTSB, and I think Coast
23 Guard, we would like to have a copy of that when it does hit the
24 street, either your report or what you send out. I know from our
25 reports we normally put that in there, showing the proactive

1 approach by the operating company to address certain areas to --
2 of safety improvement.

3 In addition to that, the only really question I had was --
4 and it dealt some with -- of the training of this, 60 hours of
5 helm time. How is that something that you can verify and like,
6 sign off as the DPA that they've completed that? Are you taking
7 the word of that senior captain or are those that you discussed in
8 conjunction with approving? Let's -- for in particular, let's say
9 the mate.

10 A. So we use the 60 hours of helm time, is really for a sign-off
11 of -- to run the boat. That is outside of the training that we --
12 that's just the number that we utilize in this situation because
13 it was a new vessel, but it wasn't completely new. It was -- it
14 still had similar control systems and operationally, very similar
15 to our other vessels. So we came up with that 60 hour number for
16 guys to operate the vessel, like the Captains.

17 Q. And that's what I wanted to clarify. When you indicate, run
18 the boat, you're meaning being the master, the Captain of the
19 vessel?

20 A. Yes, yes.

21 Q. Okay, and how about for the mate, is there a helm time
22 required for the mate's position?

23 A. According to the training, what we do there is they just have
24 to prove they can maneuver and operate the boat.

25 Q. But no set --

1 A. So they have to do it at point -- yes.

2 Q. Okay, but no set hard and fast like, number of hours like you
3 have for a captain?

4 A. No.

5 Q. And is that standard throughout the fleet, or is that just
6 specific for the *Commodore*?

7 A. That's standard.

8 Q. Okay, so every new captain or everyone that gets promoted up
9 through the system has to show a helm time of 60 hours?

10 A. Yes, for the master, yes.

11 Q. For the master, the Captain, okay. But -- and also for the
12 other -- for the mate position or the senior deck hand, there's no
13 required time allotted?

14 A. So for a mate's position, there is no specific number
15 allotted, but for a senior deck hand position there is.

16 Q. And what's the senior deck hand?

17 A. It's 30 hours.

18 Q. And is that also helm time or what -- what's the requirement
19 for that?

20 A. That's helm time.

21 Q. Okay, so that is helm time.

22 A. Yes.

23 MR. BEVINS: Hey Luke, this is Jack here. So the -- when
24 they came out with the NavIC, the requirement set was 30 hours for
25 a master and 30 hours for a senior deck hand, and then *Seastreak*

1 implemented the 60 hours for the master.

2 UNIDENTIFIED SPEAKER: The high speed NavIC? The high speed
3 ferry NavIC?

4 MR. BEVINS: Yeah, by an additional one.

5 MR. WISNIEWSKI: Appreciate you for that clarification, thank
6 you, Jack.

7 BY MR. WISNIEWSKI:

8 Q. And then I guess finally, I see some of the pages that we
9 have from Ms. Engelken that use verification of completion. Some
10 of them you've signed, some of them are not signed, and I'm just
11 curious, is that for a refresher? Does it not have to be signed
12 by you, or what's the process?

13 A. Yes, that's -- certain sections will have to be refreshed.

14 Q. And what I'm referring to is --

15 A. And that does refer to different -- so. It's only --

16 Q. Yeah, I'm referring to the signature on the last page of the
17 Familiarization Training Workbook that we've been talking about,
18 the F, tack, 0-8 on page 10. There's -- I have one in front of
19 me, I need to just find it here on page 10 where it's not signed,
20 and so I was just curious -- is that because it's just
21 familiarization or a refresher?

22 A. Not everyone -- no, it just -- it gives them the sections
23 available for the dates that they were trained.

24 Q. Okay, because I'm looking at -- if we go to -- in particular,
25 the deck hand training that we were discussing on the November

- 1 19th, 2019, it's listed --
- 2 A. -- in front of us.
- 3 Q. It's listed as a refresher.
- 4 A. The other sheet.
- 5 Q. If you go to --
- 6 A. Yeah, so the refresher -- yeah, so you're talking about on
- 7 page 10 -- oh, okay.
- 8 Q. Page 10 there's, there's no signature by yourself, is that --
- 9 you don't need to -- is that something you don't need to sign?
- 10 A. (Indiscernible) 19-1. (Indiscernible) 19-1. 11/2019, yeah,
- 11 11/2019, is that what you're looking for?
- 12 Q. Correct, 11 -- November 19, 2019, on page 10. The copy we
- 13 received and it's under the .pdf file K. Engle -- Ken -- PD -- 1
- 14 pdf.
- 15 A. Okay. (Indiscernible) yes, we're missing a signature there.
- 16 Q. Okay, do you normally sign those?
- 17 A. Yeah, this is a refresher.
- 18 Q. But --
- 19 A. Yes, I do normally sign those.
- 20 Q. Okay, thank you for clarifying. That's all I have. The -- I
- 21 guess the only other question I -- really that we try to ask
- 22 people as far as -- we're looking in the various areas. Is there
- 23 anything that we haven't discussed today that you feel is relevant
- 24 that we should be looking into for this investigation?
- 25 A. No, I don't believe so.

1 UNIDENTIFIED SPEAKER: This is your shot. Anything else to
2 offer?

3 UNIDENTIFIED SPEAKER: That's a specific question, Luke, I
4 like that question at the end.

5 MR. WISNIEWSKI: Yeah, it just gives you an opportunity. I
6 mean, the floor is yours to kind of tell us, hey, you're missing a
7 boat; we're looking at all this training but you should be
8 concentrating on X, Y, Z.

9 MR. PARK: Ryan is a well trusted captain of ours for many
10 years on different vessels including this one. I really believe
11 his training was done the full extent of what he should have gone
12 to, personally. And I think he's a good captain and we trust him,
13 so.

14 UNIDENTIFIED SPEAKER: And yeah but you -- no one's saying
15 here that he was -- he's not a good captain.

16 MR. PARK: Yes, I know, just started out there.

17 UNIDENTIFIED SPEAKER: It's on the record.

18 MR. WISNIEWSKI: No, that -- that's great, your opinion of
19 the Captain's performance, the senior captain, is well warranted
20 and noted, thank you.

21 That's all I have, [REDACTED] [REDACTED]

22 UNIDENTIFIED SPEAKER: Question, if that's okay? How does
23 the promotion procedure start? Does somebody have to come in and
24 declare, look, I'm going for mate so I'm going to start the
25 training, or how does that work?

1 MR. PARK: So it -- there's a couple of different paths. So
2 if you're talking that somebody, when they're coming from within
3 the company and working their way up, which is basically the way
4 most do it. What they're going to do is they're going to bring it
5 up to the Captain, usually, or they can call myself or Jack and be
6 like, I'm really looking to move up the company here.

7 And then what we'll do is they're usually assigned to a
8 regular captain or a group of captains and we'll have a discussion
9 with them. This person, do you think this person has the
10 confidence? This isn't do you think has the drive, the -- to
11 learn the easy -- kind of get an understanding of what we do here
12 and would represent the company well as a captain. And then we'll
13 make that decision whether we want to move forward with them
14 moving up within the company.

15 UNIDENTIFIED SPEAKER: Is that beginning of the process, is
16 that documented anywhere? What I'm getting at is trying to figure
17 out how long somebody is training for this promotion, and
18 documentation for that.

19 MR. PARK: So our -- I mean, there's different circumstances.
20 You have Brian here who's already a captain for many years, he was
21 just familiarizing himself with the -- a vessel. We've already
22 gave him the keys to other vessels. That's going to be a
23 different process than somebody that was serving drinks down at
24 the bar, or -- so it's going to -- it could take a long time. It
25 could take a while, could take a couple of years, the process of

1 moving somebody from a deck hand to a captain.

2 UNIDENTIFIED SPEAKER: In looking at the familiar --
3 familiarization training workbook, section D2, Unit 2, the
4 (indiscernible)?

5 MR. PARK: Yes.

6 UNIDENTIFIED SPEAKER: What does that entail? How do you
7 demonstrate competence on that? What -- what's taught? What are
8 they trained on?

9 MR. PARK: You break it out. You break out the book and go
10 through it.

11 UNIDENTIFIED SPEAKER: And I'm sorry, which book is that?

12 MR. PARK: It's in the Pilot House Information Book, the
13 first section called FEMA, and they'll go through the process of
14 what it's asking for.

15 UNIDENTIFIED SPEAKER: And specifically, are the Captains
16 trained on how to respond to failure warnings that come up on the
17 screen?

18 MR. PARK: There's different failures that the FEMA goes over
19 -- goes through, yes.

20 UNIDENTIFIED SPEAKER: That's all I've got.

21 UNIDENTIFIED SPEAKER: Jack Bevins, (indiscernible) question.
22 Have you had a trainee that did not meet your expectations and did
23 not receive -- become a captain?

24 MR. BEVINS: Yes, I'm sure they have over there.

25 UNIDENTIFIED SPEAKER: Fine, just don't say who they were --

1 (Crosstalk)

2 MR. BEVINS: We have had -- we've had a few.

3 [REDACTED] [REDACTED] Anymore questions, Luke?

4 MR. WISNIEWSKI: No, I'm good, thank you.

5 Thanks everyone for their time, appreciate it.

6 [REDACTED] [REDACTED] Okay, so we'll go ahead and end this interview,

7 1500, July the 8th, 2021 with Mr. Park from *Seastreak*, designated
8 person ashore. Thank you, sir, for coming.

9 MR. PARK: Thank you.

10 (Whereupon, at 1500, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

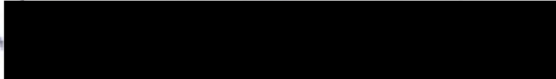
IN THE MATTER OF: ACCIDENT OF THE *COMMODORE* FERRY
IN BROOKLYN, NEW YORK
ON JUNE 5, 2021
Interview of Justin Park

ACCIDENT NO.: DCA21FM029

PLACE: Staten Island, New York

DATE: July 8, 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.


Jeanie Powell
Transcriber

