

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: JACK BEVINS, Vice President of Operations
Seastreak Commodore

Staten Island, New York

Thursday,
July 8, 2021

APPEARANCES:

LUKE WISNIEWSKI, Investigator
National Transportation Safety Board

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I N D E X

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██████████ ██████████ Commodore (indiscernible) for June 5th, 2021.
Present today we have Dan Fitzgerald with the law firm of
Freehill, Hogan and Mahar, on behalf of party of interest,
Seastreak.

MR. BEVINS: Jack Bevins, Vice President of *Seastreak* Ferry.

MR. MATTHEWS: Mark Matthews with the law firm Phelps Dunbar
on behalf of party of interest, Kahns Berkclery (ph.).

██████████ ██████████ And myself, ██████████ ██████████ with U.S. Coast Guard,
Sector New York.

MR. ██████████ ██████████ ██████████ U.S. Coast Guard, Sector New York.

INTERVIEW OF JACK BEVINS

BY ██████████ ██████████

Q. This morning we will interview Mr. Jack Bevins, Vice
President of Operations for *Seastreak* LLC, and we'll begin with
questioning specifically, Mr. Bevins can you please give us a
background of your knowledge -- or just your maritime background,
please?

A. Sure. Jack Bevins from *Seastreak*. I received my first issue
of my license; I believe I was 20 years old. So I currently
believe I'm on my sixth issue. I have 100 (indiscernible)
expired. QI certificate incident Command Qualifications I believe
has (indiscernible). I've been with *Seastreak* since 1999.

Q. Okay. I'm sorry, could you say that last part again? How
long have you been with *Seastreak*?

1 A. I've been with *Seastreak* since 1999.

2 Q. Your first position at *Seastreak*?

3 A. Unlicensed engineer.

4 Q. What is your educational background, Mr. Bevins?

5 A. Up to second year of college.

6 Q. When did you become Vice President of Operations for
7 *Seastreak*?

8 A. *Seastreak* changed hands in ownership a couple of times. When
9 I started with the company back in 1999, there was an American
10 management company called Hydrolines Express based out of Atlantic
11 *Highlands*, and then in, I believe it was '99, new ownership had
12 come in with sea containers, a company based out of the UK. And
13 then in 2001, there was a fleet of new vessels built and I was
14 selected to be a Senior Captain on one of those vessels. I ran
15 the boats for a couple of years -- for a few months, and then I
16 was moved to shoreside as an Operations Manager. And then in
17 2008, the company -- April of 2008, the company was sold again to
18 its current owner, and at that point, I was moved into the Vice
19 President position.

20 Q. Describe for me the responsibilities and duties of --

21 A. I oversee the day-to-day operations of the company; not only
22 the vessels, but the shoreside terminals and employees. I'm
23 actively involved in *the* Safety Management System of the company.
24 I oversee the Engineering Department. We have a couple different
25 positions beneath myself, our Core Engineer, or Fleet Technical

1 Director, Brian Achille. Our Training Officer -- we have a small
2 office, our DPA, Justin Park. I oversee the day-to-day operations
3 and I work with our finance departments on budgeting, developing
4 new routes, improving on routes, improving services and so forth.

5 Q. Specifically, safety management system, --

6 A. Yes.

7 Q. -- can you give me some more details with your
8 responsibilities on your SMS?

9 A. I mean, sure. I mean, the -- in safety management system, I
10 mean, there's two upper management level positions. One, myself,
11 the Vice President, and the second is our President, Jim Barker.
12 And our overall responsibility is to develop policies -- core
13 policies and procedures for the safety management.

14 Q. Such as?

15 A. It may be environmental policies. It may be safety,
16 emergency procedures, risk assessment, management reviews. I
17 mean, everything that's involved in the Safety Management System.

18 Q. Is there a specific title you hold with regards of safety
19 management systems, other than Vice President of Operations?

20 A. No, I'm the Vice President of the company.

21 Q. How long has *Seastreak* has an improved safety management
22 system?

23 A. We started laying the groundwork for it prior to an incident
24 we had with a vessel in 2013, and I would say it was 2015 or 2016.
25 I don't remember exactly the year, when we sought accreditation

1 from ADS.

2 Q. Does ADS continue to be the accreditation --

3 A. That's correct, yes.

4 Q. The last survey for safety management system?

5 A. I would have to go back and pull up the file. I'm not sure
6 what -- I know we -- the last vessel in it, I believe we had was
7 in May onboard the *Seastreak Commodore*.

8 Q. Any non-conformities that you can recall?

9 A. I believe there was one non-conformity for the *Seastreak*
10 *Commodore*, and it was PM servicing for the onboard generators.

11 Q. More specific.

12 A. So there was a 2000-hour service required for the generators.
13 It was essentially a (indiscernible) adjustment, and being that
14 the vessel was laid up at the time, we chose to postpone that
15 service until the vessel was ready to go back into service.

16 Q. Anything regarding the propulsion system?

17 A. No.

18 Q. We'll move right in to training. Describe your
19 responsibilities with training, specifically with the crew. How
20 they're managed, what they're responsible for.

21 A. Well, we developed a training matrix for our deck positions
22 from Captain to me. Engineer, whether it's licensed or
23 unlicensed, and deck hands. That training matrix was approved by
24 the Coast Guard, and then that matrix was inserted into our safety
25 management system. The matrix that we're currently using was

1 approved by the Coast Guard back in 2010 here at Sector New York,
2 and then we -- there have been some -- I'm sure there have been
3 some minor changes to it once it was integrated into the Safety
4 Management System.

5 Q. So, the training in particular, does it have to deal with
6 operating the vessel?

7 A. Yes.

8 Q. Can you elaborate a little more? Like, specifically to --
9 backing it up to the main -- up to the Captain?

10 A. Yeah, I mean, sure, like -- I mean, we all have the matrix
11 here.

12 Q. Sure.

13 A. But, I mean, if you want to go through it, I mean, obviously,
14 there's a section for the Captain, which is more in-depth on the
15 operation of the vessel going through the subsystems, the systems
16 onboard the vessel, emergency systems, emergency equipment that's
17 available, safety procedures, vessel construction, stability, and
18 then you'll step down. The Captain's Training Matrix is very
19 similar to the Mate or the Senior Deck Hand, and then you'll drop
20 down to an Engineering Matrix, and then obviously a Deck Hand
21 Matrix, which pertains more to deck safety with the passengers
22 onboard the vessel.

23 Q. Okay, and this was all approved back in 2010?

24 A. 2010, yes.

25 Q. Coast Guard?

1 A. Coast Guard, yes.

2 Q. Okay.

3 A. So, the matrix was developed off of the Coast Guard to come
4 out with a NavIC, I believe it was 5-01, for high speed, high
5 occupancy vessels, which was developed out of a working group with
6 the PVA and the Coast Guard. So, that NavIC was utilized to
7 develop a training matrix and then that matrix was submitted to
8 the Coast Guard in 2010 for approval.

9 Q. And you say Coast Guard, who specifically?

10 A. Roger Mulford (ph.).

11 Q. MFC?

12 A. No. Roger Mulford was stationed here in Sector New York,
13 he's now I believe up in Providence.

14 Q. Okay. And these training matrixes, one size fits all?

15 A. No, there's different vessels throughout the fleet, and in
16 the matrix itself, it'll have a qual for a T-boat and qual for a
17 K-boat as well.

18 Q. Are they regulatory specific, or are they vessel specific?
19 In other words, you can do --

20 A. Oh, I would say they're both.

21 Q. Well, what I mean, by that, the design of one vessel --

22 A. Mm-hmm.

23 Q. I'm assuming would be different from another vessel.

24 A. Yes, there are different -- we do have different K-vessels
25 within the fleet.

1 Q. So, is the matrix based on what regulation requires in Sub
2 Chapter K, or T? Or is the matrix specific on the design of the
3 vessel?

4 A. Oh, the matrix is specific to the design of the vessel, but
5 it's also --

6 (Crosstalk)

7 A. -- following the regulatory compliance.

8 Q. Okay. How often is this matrix reviewed?

9 A. Well, we do have a management review -- an annual management
10 review, but also the -- there is a required refresher, I believe
11 it's an annual refresher, for all of the personnel onboard the
12 vessels as well.

13 Q. Is it -- is there a regulatory review by the Coast Guard?

14 A. Not that I'm aware of.

15 Q. Any changes or amendments, does it occur in-house, is it
16 reviewed by the Coast Guard?

17 A. No, it's reviewed by ADS. I mean, the Coast Guard have been
18 present for some of our ADS (indiscernible) as well.

19 Q. Okay. So since 2010, any changes in amendments?

20 A. To the training matrix?

21 Q. Mm-hmm.

22 A. I'm sure there have been. Off the top of my head though, I
23 wouldn't be able to tell you what they were because we didn't have
24 a safety management system back then, we just had a training
25 matrix to satisfy the regulatory compliance with Coast Guard

1 (indiscernible) NavIC 5-01.

2 Q. So, your safety management system went into effect which
3 year?

4 A. I believe it was 2015 or 2016.

5 Q. And that's a result of a marine casualty?

6 A. We were actually working on that prior to developing a safety
7 management system, and then we had the casualty with the *Seastreak*
8 *Wallstreet*.

9 Q. Right, it was a recommendation.

10 A. Yeah, it was the recommendation, but we were already in the
11 process of developing it.

12 [REDACTED] Okay. Luke, can we get a time out?

13 MR. WISNIEWSKI: Sure, pushing pause on the recording.

14 (Off the record)

15 (On the record)

16 [REDACTED] Continuing on, it's [REDACTED] U.S. Coast
17 Guard. Just addressing some documents we'll then present here in
18 a few seconds. Does anyone have any questions at this time?

19 Mr. Luke?

20 MR. WISNIEWSKI: Yes, Luke Wisniewski, NTSB.

21 BY MR. WISNIEWSKI:

22 Q. Mr. Bevins, just wanted to go through a little bit. You
23 indicated that you were the Captain onboard; which vessels were
24 you on?

25 A. The 43-meter vessels. The *Seastreak New York*, *Seastreak New*

1 *Jersey, Seastreak Islands, and the Seastreak Wallstreet.*

2 Q. And in their propulsion system layout compared to *Seastreak*
3 *Commodore*, can you describe --

4 A. They're a quad-engine -- they're quad water jet vessels
5 similar to the *Seastreak Commodore*, just an older propulsion
6 control system. All systems were -- actually, I take that back.
7 The system, it is a Rolls Royce system -- or, was a Rolls Royce
8 system on the older vessels.

9 Q. And are they all four water jets, or?

10 A. At the time, yes, they were all quad water jet vessels.

11 Q. And how -- you indicated you were on and off those for two
12 years, was it?

13 A. No, I mean, it was longer -- a little longer than that. I -
14 - probably -- roughly two years of operating the vessels and then
15 I moved shoreside, but I was still operating the vessels from time
16 to time during that period.

17 Q. Okay, so I just wanted to quantify the amount of Captain-time
18 you had on these various vessels.

19 A. I -- yeah, I would say a solid two years from when the
20 vessels were first built, which was -- our launch which was April
21 of 2001, for a two year -- no, probably a three-year period, and
22 then after that I would say I probably had at least 100 days --
23 roughly 100 days per year onboard the vessels.

24 Q. And that is filling in as a Relief Captain, pretty --
25 primarily?

1 A. Yes, that's correct.

2 Q. Okay, appreciate that.

3 The other area that we went through a little bit was *the*
4 Safety Management System, and when we spoke to both the Captain
5 and the Mate aboard the *Commodore*, the day -- shortly after the
6 accident we discussed observations, non-conformities, they
7 referred to the Ferry's Safety Management System. In your review
8 of the Ferry Safety Management System, did you see any
9 observations or recorded discrepancies for these Rolls Royce
10 controls? These can-touch systems? Was there anything recorded
11 in that -- in there?

12 A. Are we talking post-incident, or?

13 Q. Prior to the accident on June 5th, was there any record or
14 anyone bringing to anyone's attention in the Ferry Safety
15 Management System, any observations of a loss of a screen -- a
16 touch screen, one of these can-touch screens onboard --

17 A. No, not that I can recall.

18 Q. Onboard any of these vessels, not just the *Commodore*, but
19 also the *Highlands*, or *New York*, any one of the vessels within
20 your fleet?

21 A. Not that I can recall, no.

22 Q. And would be it -- would it be appropriate to put the -- an
23 observation there, or is it appropriate to put it in some deck or
24 engine log to notify the engineer of this issue?

25 A. No, I mean, if they had a loss of a control system, it would

1 have been reported.

2 Q. And that would be reported to who?

3 A. That would have been reported to -- through the DPA, also to
4 our head of engineering, Brian Achille.

5 Q. And to your knowledge, was there any type of screens where
6 they went blank a part of the Rolls Royce?

7 A. No.

8 MR. WISNIEWSKI: All right, thank you, that's the only
9 questions I have.

10 [REDACTED] [REDACTED] Okay, any other questions? Rebuttal side?

11 BY [REDACTED] [REDACTED]

12 Q. Okay. Mr. Bevins, we're going to move on into the matrix.
13 We do have copies in front of us with the matrix, correct?

14 A. Yes.

15 Q. Okay, now -- and we're going to break them down real quick
16 here. What we're going to see is two specific individuals that
17 work for *Seastreak*, Mr. Costello, and Ms. Engelken; is that
18 correct?

19 A. That's correct.

20 Q. Okay. And what we have from Mr. Costello looks to be the
21 training matrixes, one for when he was Mate, two from when he went
22 from Mate to Captain, and also an additional promotion training
23 record for what looks to be the official (indiscernible)
24 management documentation as opposed to these older looking ones,
25 these ones here.

1 A. Okay.

2 Q. So, I'm going to -- just yes or no, we have two sets that are
3 dated back to 2015, are these part of *the* Safety Management System
4 prior to, or are these actually part of the current?

5 A. These are prior to *the* Safety Management System, I believe.

6 Q. Okay, so documents reading Annex 1, qualified and then has
7 options Captain, Mate, Senior Deck Hand Training Progress Matrix
8 are prior to the approved Safety Management System?

9 A. Just looking at the title -- or the heading on the page, I'd
10 say this was the original Training Matrix approved the by the
11 Coast Guard, which was in 2015. So this was -- this is what was
12 inserted into *the* Safety Management System.

13 Q. Okay. So -- and then we have documents that are -- I will
14 just say similar in nature but appear differently. More than
15 likely, it's coming directly out of *the* Safety Management System
16 modules, and they are titled Familiarization Training Workbook,
17 which are used primarily, it looks like, for two reasons: for a
18 hire, and for a promotion.

19 A. Right.

20 Q. Okay. So, what we'll do is we'll start with Mr. Costello,
21 and I just have a couple questions regarding what the matrix
22 contains and how Mr. Costello was trained with regards to the
23 requirements on these training matrixes. We'll use the new -- the
24 newer version of it.

25 Mr. Bevins, just take a look at the documents and kind of

1 describe to me the contents of what these documents contain. For
2 the record, it's the Familiarization Training Workbook dated back
3 to 2015.

4 A. All right. And we'll start with the cover sheet there. I
5 mean, it's an introduction to *Seastreak*, our safety and security
6 policies, introduction to our Safety Management System, and then
7 it breaks down into qualifications for positions onboard the
8 vessel, starting with the Captain and working its way on down to
9 the Deck Hands.

10 Q. Okay. Perfect. Is this a currently used document?

11 A. Yes, it is.

12 Q. So, a new hire or someone promoting would use this today?

13 A. That's correct.

14 Q. Okay. So, for the one we're looking at here, Mr. Brian
15 Costello, titled Mate, and then it has promotion checked.

16 A. Mm-hmm.

17 Q. Right? And then in the additional notes, is there an
18 inscription in there, can you read that please?

19 A. Complete all sections up to D-2, sections of D-2 shall be
20 checked and initialed by Captain as each competency is completed
21 for the type of vessel. Trainee shall retain the booklet while
22 training and return upon completion.

23 Q. Okay, and when it says, complete all sections up to D-2. D-
24 2, what are we looking at? Just so -- for context of what we're
25 staring at here. What's that in reference to?

1 A. So that's in reference to the position that they'll be
2 serving onboard the vessel.

3 Q. Okay. And just -- so we're looking at here, what's that on
4 the left side? Those selections there, is that what we're
5 referring to when we say D-2?

6 A. That's -- we're referring to D-2, yes.

7 Q. Okay. So, there -- sections up to D-2, just to clarify,
8 there is on that front page to the left, there's an indication
9 contents per chapter, or per section.

10 A. Per section.

11 Q. And in this case, we have a check for D-2, all sections up to
12 D-2, which would incorporate -- should incorporate Sections A, B,
13 C, D-1, and D-2, for a promotion to captain.

14 A. Correct.

15 Q. Okay. First page, a quick synopsis on what we're looking at.

16 A. A review of company policies, drug and alcohol,
17 organizational structure within the company, review of working
18 hours, verification of mariner's credentials, training
19 expectations related to the document, introduction to the VP of
20 Operations, introduction to the DPA of operations.

21 Q. Okay, and those are your items?

22 The trainee/trainer initials, explain how that works.

23 A. Okay, so it's usually the -- as far as the training goes,
24 it's done by a Senior Captain onboard the vessel. Adheres to --
25 I'm not sure who the initial signer is here, who this employee

1 was, I'd have to go back and look at a roster to pull that up.
2 But the -- as far as the training for the onboard crew, it's
3 conducted by a Senior First Captain -- is conducted by a Senior
4 Captain.

5 Q. Okay, now just for the sake of continuing on here, a Senior
6 Captain --

7 A. Yes.

8 Q. Okay. And having mentioned it, I need to know who would be a
9 Senior Captain that is --

10 A. A Senior Captain would be somebody that's been working full-
11 time operating the vessels for a minimum of five years.

12 Q. A vessel?

13 A. The particular vessel that this person is being trained on.

14 Q. Okay. And just so we clarify, what types of vessels can a
15 Captain, or someone promoting to Captain, train for?

16 A. Sure, we have Subchapter T, Subchapter K; we have twin engine
17 water jet vessels, quad engine water-jet vessels, and CP
18 propulsion vessels.

19 Q. And to clarify more deeply, just to summarize what you said,
20 a Senior Captain is an individual who may have operated for five
21 years, either a Subchapter T, or a Subchapter K vessel in order to
22 sign --

23 A. That's correct.

24 Q. -- one of these --

25 A. That's correct.

1 Q. -- modules here.

2 A. That's correct, but the five-hour window changed over the
3 years because we were doing repowers on the vessels.

4 Q. Five year?

5 A. The five -- yeah.

6 Q. Oh, you said five-hour.

7 A. I'm sorry, the five-year, yes.

8 Q. Five-hour --

9 A. Five-years, five year.

10 Q. Okay, so a quick synopsis again. So, Section A is basically
11 company review; specifically, it looks like policies, guidelines,
12 nothing too -- in specific with operating a vessel. It's more of
13 an understanding how an individual should -- who's employed with
14 *Seastreak* should behave, attitude, behaviors -- all right,
15 understood.

16 Section B?

17 A. Introduction to *the* Safety Management System, environmental
18 policies, job descriptions which are outlined in *the* Safety
19 Management System, safe working practices, pollution preventions,
20 safety and security awareness, which coincides with our ASP (ph.)
21 plans onboard the vessels, participation in drills, safety
22 meetings, passenger safety, passenger relation, event reporting,
23 and the role of the DPA.

24 Q. How does an individual, new hire or promoting, the material
25 used to become familiar with all of these things, where's it

1 located -- how do you get it to them?

2 A. Sure. It's located our -- in our Atlantic *Highlands* Office.
3 We have a training officer based in that office. His name is
4 Jeffery Yurig (ph.). So when employees are initially hired, they
5 spend a week in a classroom environment. They spend 40 hours
6 shoreside reviewing these documents, and then following the
7 completion of this review then they are moved onboard a vessel and
8 they spend another week onboard a vessel with a training officer.

9 Q. And that's -- doesn't matter whether they're a new hire or
10 it's a promotion?

11 A. No, if it's a promotion they're not going to spend 40 hours
12 shoreside in a classroom.

13 Q. Okay. Now, the reason why I'm asking is because if you look
14 at the front, it says here complete all sections.

15 A. Mm-hmm.

16 Q. So, if there's difference between new hire and promotion --

17 A. Yeah, I mean, if it's an exist -- if it's an existing hire,
18 for example, say Mr. Costello, who's been with us for about ten
19 years. He would already be familiar with *the* Safety Management
20 System, per se. He will just be working on a component of the
21 vessel qualification, not --

22 Q. So, no refresher?

23 A. There isn't any more refresher, but he wouldn't be required
24 to complete this document -- that section of the document again
25 before receiving his promotion.

1 Q. Okay. Is -- there is an additional training matrix specific
2 to refresher?

3 A. Yes.

4 Q. Okay. Regardless of a promotion -- and specifically what I
5 mean, is this: let's say Mr. Costello is promoting from Mate to
6 Captain.

7 A. Mm-hmm.

8 Q. October 2016. And December 2016, one year anniversary -- or,
9 due for his annual mandated fresher --

10 A. Refresher.

11 Q. So, he would have this refresher, despite maybe having it
12 before? So, I guess I'm not being very --

13 (Crosstalk)

14 Q. So, in October during a promotion he doesn't need it, right,
15 because it's promotion, he should be familiar. But annually,
16 there is a GMT, a Generally Mandated Training --

17 A. Yes.

18 Q. -- specifically, with this -- in this area.

19 A. Correct.

20 Q. Separate workbook?

21 A. The same, but yes. It's the same matrix.

22 Q. Same workbook, just a different --

23 A. Just a reassign.

24 Q. There we go, thank you. Okay.

25 So, now we get into the meat and potatoes here. Section C.

- 1 A. Yes.
- 2 Q. A quick description of what it is.
- 3 A. Section C started with emergency preparedness for vessel
4 personnel. (Indiscernible) duties, emergency situations, fire,
5 (indiscernible), drowning, flooding, loss of propulsion, crash
6 stop and then it continues to carry on through different sections.
7 Location and use of fire equipment, location of first aid
8 equipment onboard the vessel, vessel particulars, GA, vessel size,
9 passenger capacity, machinery, passenger safety and passenger
10 relations. And then we're onto D, so that's Section C.
- 11 Q. Okay. And all of these items shore-based on the vessel, or
12 they captured the training -- is it on the job, or is it --
- 13 A. It's on the job.
- 14 Q. On the vessel?
- 15 A. Yes, yes on the vessel.
- 16 Q. So --
- 17 A. Unless you can -- if you're a new hire, you're going to be
18 walked through this shoreside. If you're an existing employee
19 that's moving up and looking for a raise in grade, then it's going
20 to be on the vessel.
- 21 Q. Okay, and let's say it's Subchapter T.
- 22 A. Mm-hmm.
- 23 Q. How many times, how many vessels?
- 24 A. We have three Subchapter T vessels.
- 25 Q. Okay. So, how many times would that training have to be

1 conducted on each vessel? Or, when's it enough?

2 A. There would be two separate times. One of the vessels is a
3 smaller T vessel, the *Ocean State*, and the other two vessels are
4 sister ships.

5 Q. So they would need that training for each vessel?

6 A. Yes.

7 Q. Okay. How is that documented on this particular page?

8 A. I see T-boat 1, and T-boat 2.

9 Q. Okay.

10 A. So, T-boat -- I'm not sure what one or two would reference,
11 but T-boat 1 maybe the smaller Subchapter T vessel and T-boat 2
12 may be the two sister ships, or vice versa. Have to clarify that
13 with my DPA.

14 Q. Okay, so in this case here, when it happened it was Mate was
15 one Captain for T (ph.), correct?

16 A. Correct.

17 Q. So, for Subchapter K, which he initially goes for promotion
18 on that one as well, what is the requirement for that? How many
19 vessels and how many trainings should he, Mr. Costello, had had?

20 A. Well, let's -- we have five K-boats, but we're only listing
21 one K-boat on the -- in the workbook here.

22 Q. Okay. So, for Subchapter T, and more specifically, on the
23 bottom of Section C, in the asterisk below the Number 8, what does
24 it say? Just below Number 8.

25 A. Oh, must be completed upon initial reporting aboard the

1 vessel. Number 1, *Martha's Vineyard Express, Whaling City*
2 *Express*, which are the two sister ships, and then Number 2, the
3 *Seastreak Ocean State*.

4 Q. So, what -- just to clarify, must be completed upon initial
5 reporting aboard vessel. What is -- what are we talking about
6 here?

7 A. Must be completed upon initial reporting to vessel. That's
8 referencing new hires, most likely with the classroom training,
9 shoreside training.

10 Q. So, specifically for an individual who's a Mate promoting to
11 Captain, there's no criteria to complete?

12 A. And what -- say your question one more time, please?

13 Q. Promotion wise, -- or, I'm sorry, new hire wise, it says you
14 must complete upon initial report. Is that -- I'm going to
15 assume, which I really don't want to do, is that -- that means for
16 each time you're on one of these boats, you have to do what's
17 required, one through eight.

18 A. Yes.

19 Q. Okay?

20 A. Yes.

21 Q. Can you say the same for when you're promoting -- from when
22 you're going to Mate to Captain?

23 A. Yes.

24 Q. Okay. So, the question, to bring it back, Subchapter K --

25 A. Yes.

1 Q. -- stated you have five Subchapter K vessels.

2 A. Yes.

3 Q. Which means from what you just said, that during the
4 training, someone promoting from Mate to Captain should have gone
5 through Section C one through eight a minimum of five times, one
6 for each vessel that you have.

7 A. Correct.

8 [REDACTED] Okay.

9 MR. FITZGERALD: Dan Fitzgerald here to clarify. That must
10 be completed upon initial reporting aboard vessel? I see that
11 asterisk next to one through five -- one through four.

12 MR. BEVINS: One through four.

13 MR. FITZGERALD: I don't see it for five, six, seven, and
14 eight. And your question was positing that it was required for
15 one through eight, I just want to highlight --

16 [REDACTED] Okay, one through four.

17 MR. BEVINS: One through four.

18 [REDACTED] One through four, agree with that. My point
19 being is that for Subchapter K, one through four should be listed
20 at least five times, for each individual promoting.

21 UNIDENTIFIED SPEAKER: Listed or performed?

22 MR. BEVINS: Performed.

23 UNIDENTIFIED SPEAKER: Performed, okay.

24 [REDACTED] Agreed?

25 UNIDENTIFIED SPEAKER: Okay, thank you very much.

1 BY [REDACTED]

2 Q. So, I want to switch on the matrix documents from when
3 Costello promoted from Mate to Subchapter T to I would assume
4 Captain to operate Subchapter K, or help me identify. Would he
5 still be considered a Mate --

6 A. Are you say --

7 Q. -- attempting to become a Captain on a Subchapter K, or is he
8 considered a Captain?

9 A. He would have been coming off as a Captain from a T-boat
10 moving into a Captain onboard of a K-boat.

11 Q. I understood the -- his second promotion from T to K, and I'm
12 having problems locating this here because I'm not sure if the
13 correct box was utilized or checked. The one I do have, it is a
14 2017, specifically, August 13th. It's in color with additional
15 notes, some are in blue, others in black with -- highlighted in
16 yellow, and if you look where it states employee's name, title,
17 date, and then the three options: promotion, new -- I'm sorry, new
18 hire, promotion, refresher. So, just for the sake of identifying
19 what this particular matrix is, is this an annual refresher that
20 you talked about that occurs or was this his promotion matrix used
21 to go from Subchapter T to Subchapter K?

22 A. No, looking at the timeline of this, this is when the
23 *Seastreak New York* was re-towered, so this was probably both.
24 This was probably, most likely a refresher and a promotion for
25 operating that vessel.

1 Q. Okay.

2 A. And to go back, if I could just back up a second.

3 Q. Sure.

4 A. With the questioning before, looking at the two workbooks; so
5 you were asking there should be five separate checkoffs for the K-
6 boat vessels.

7 Q. Yes.

8 A. In the workbook was dated June of 2014 --

9 Q. Mm-hmm.

10 A. In 2014, all -- we only had four 43-meter ferries at that
11 time, and they were all sister ships with identical machinery and
12 propulsion. That's why in 2014, you see one column for K-boat
13 check-off lists.

14 Q. But it seems here, and quote me -- I mean, let me know if I'm
15 wrong, it -- Mr. Costello didn't go from T to K until 2017.

16 A. No, I didn't see a (indiscernible) one his workbooks here for
17 2016. (Indiscernible) promotion in 2016 (ph.) for the record,
18 (indiscernible) before -- I don't see that. I don't think I have
19 that.

20 UNIDENTIFIED SPEAKER: It would be in the --

21 MR. BEVINS: Oh, it's in the (indiscernible) okay.

22 UNIDENTIFIED SPEAKER: He finished the (indiscernible).

23 UNIDENTIFIED SPEAKER: Do you have another copy of that?

24 UNIDENTIFIED SPEAKER: I do.

25 UNIDENTIFIED SPEAKER: I thought I printed --

1 [REDACTED] [REDACTED] I'll follow-up, I'll get that later.

2 UNIDENTIFIED SPEAKER: (Indiscernible) printer -- to the
3 printer. And they printed out copies for everybody
4 (indiscernible)

5 This isn't -- working at all.

6 UNIDENTIFIED SPEAKER: Okay.

7 UNIDENTIFIED SPEAKER: I -- you have to log in. So, I
8 figured once we go (indiscernible).

9 MR. BEVINS: I would have to clarify refresher versus
10 promotion with the DPA.

11 [REDACTED] [REDACTED] Okay.

12 MR. BEVINS: On the -- located on the document.

13 [REDACTED] [REDACTED] Now, we -- you would agree that some of that is
14 confusing. It looks like he's promoting while also taking
15 refreshers.

16 MR. BEVINS: Yes.

17 [REDACTED] [REDACTED] So, in this case here, we'll go back to -- and
18 I'll ask Luke a question just to reference something.

19 Luke, are you there?

20 MR. WISNIEWSKI: Yes, loud and clear.

21 [REDACTED] [REDACTED] Can I ask you a question, if you know, please
22 answer. If not, then we -- then I'll have to look back. In the
23 interview with Mr. Costello, do you recall when he stated he
24 started operating K?

25 MR. WISNIEWSKI: I don't have that. I can look that up, but

1 I don't I don't have that off the top of my head. I'll look it up
2 for you.

3 [REDACTED] [REDACTED] Okay. Okay, thank you.

4 BY [REDACTED] [REDACTED]

5 Q. How many vessels did you have (indiscernible) Chapter K,
6 2016?

7 A. Four.

8 Q. Four. Okay. With *Commodore* being the fifth coming online in
9 2018?

10 A. 2018, yes.

11 Q. Okay, so we'll go back to the point of -- you -- even in this
12 newer 2017, we'll call it refresher/promotion matrix thing here,
13 you have a segment where it identifies initialing to your -- both
14 your T-boats, kind of meeting the mandates of what was said with
15 the initial -- the little asterisk.

16 A. Yes.

17 Q. Okay. Now, does Section C in this part require the same?

18 A. Does it require the asterisk for the different vessels as
19 noted in Subchapter (indiscernible) section for the T-boats, is
20 that what you're referring to?

21 Q. For -- if you -- go back I'm sorry.

22 A. Go to section C, yup.

23 Q. Yup. Let's go to section C.

24 A. Mm-hmm.

25 Q. The question is what we discussed with Subchapter T, and the

1 actual matrix containing two sections for each T-boat you have,
2 which identified that you do have two T's.

3 A. Mm-hmm.

4 Q. And therefore, the asterisk one through four, you can prove
5 that they were -- they completed initial reporting onboard vessel.

6 A. Right.

7 Q. Which means they met requirements of one, two, three, and
8 four. You can identify because there's two different signatures
9 or initials for each one. For a K-boat it's just one.

10 A. Correct, and that did not change until 2018 when the
11 *Commodore* came in because even though the vessels were re-powered,
12 if you look in section one through four, (indiscernible) never
13 changed, the only thing that changed onboard the vessel was
14 propulsion and if you look at one through four, it doesn't
15 identify propulsion, it's all related to safety.

16 Q. Right, but questions I have, you have four. Are they sister
17 vessels?

18 A. They're sister ships.

19 Q. All of them --

20 A. All identical, yes.

21 Q. Okay, so if you're one location of a firehose or fire station
22 is the same on one as it would be on four?

23 A. Correct.

24 Q. Okay. So, the only difference would be the *Commodore*, which
25 is a completely different design.

1 A. It's not a sister ship to the 43-meter vessels.

2 Q. Okay, so in the case of Mr. Costello becoming familiar with
3 the *Commodore*, what should -- what -- according to this matrix --

4 A. The matrix would be the same, it's still identifying all the
5 key components.

6 Q. But, how do I know? I'm auditing you, I'm looking at this,
7 how do I know that he went through the must be completed section
8 of one through four?

9 A. We have a document of his helm time onboard the vessel.

10 Q. That doesn't tell me how much time he was on the -- it
11 doesn't tell me specifically that he did one through four,
12 correct?

13 A. Correct.

14 Q. Okay. So, we'll continue on.

15 A. Actually, here, I'm looking at -- here's the *Commodore's*
16 Captain sheet right here for new vessels. There's the training
17 record for the *Commodore* listed right on top -- the box, new
18 vessel, *Seastreak Commodore*.

19 Q. Okay. So, go to Section C, and you did it, correct?

20 A. Correct.

21 Q. Okay. So, let me ask you a question though. This is what --
22 this is why this is super confusing to me, right? So, if you look
23 at a paragraph right here.

24 A. Mm-hmm.

25 Q. First paragraph, what's the last sentence?

- 1 A. (Indiscernible).
- 2 Q. No, I do too.
- 3 A. The DPA will facilitate completions of Section A and B of
4 this form for all newly hired personnel prior to proceeding with
5 any additional familiarization training. (Indiscernible) this
6 form for all new hired personnel parties needing additional
7 training.
- 8 Q. That sentence in bold.
- 9 A. Oh, print name and -- clearly on each page.
- 10 Q. All right. So, I'm looking at this, it doesn't tell me it's
11 Costello, it doesn't tell me anything. It doesn't tell me when it
12 was dated, just has some initials on there, right?
- 13 A. Correct. That's Brian, and that was his training Captain,
14 Chris Poletis.
- 15 Q. So moving forward, we'll utilize the *Commodore* refresher,
16 would you call it promotion? What would you call it?
- 17 A. -- it says, it states new vessel and additional notes.
- 18 Q. Okay.
- 19 A. So, that would have been promotion to the *Commodore*.
- 20 Q. Okay, so the box issues in check here should have been
21 promotion?
- 22 A. Correct.
- 23 Q. Okay. Anything with refresher?
- 24 A. No. (Indiscernible).
- 25 Q. Okay, in this case you listed out he had C, T-1, T-2.

1 A. C, T-1, T-2, correct.

2 Q. Okay, who makes these notes?

3 A. This would have been the DPA or the training officer.

4 Q. Does he -- do you give any input any feedback into what's
5 happening with this, with these notes in particular?

6 A. I mean, from time to time when we hold our meetings, but I'm
7 not present for all of the --

8 Q. So, when Costello -- and I don't know how this works for you,
9 I know in the Coast Guard it's based on ambition. If I want to
10 promote to W4, I had to do what I had to do to -- if I don't want
11 to promote to W4 then it is what it is. What's the process for
12 promoting an individual in your company?

13 A. I mean, we encourage promotion, we encourage our employees to
14 work towards qualifications, whether it maybe AB, maybe it would
15 be towards an engineering license or a Mate or a Captain. So, we
16 try to encourage our employees, we send them off to school, we
17 send them to engineer -- we send them to MCU school, we send them
18 to captain's school.

19 Q. Okay. So, Mr. Costello, can you recall what his situation
20 was with promotion, was it a --

21 A. Mr. Costello was self-motivated.

22 Q. Okay. Fantastic. And how does that work? Like, I'm self-
23 motivated, that's not going to make me a captain.

24 A. No, it's not going to make you a captain. An employee may
25 come into one of the managers and may come in and talk to the DTA

1 or the training officer and say you know what, I'd really like to
2 possibly run a boat one day at *Seastreak*, so, you know you'd sit
3 down and have a talk with them, discuss what is required to obtain
4 a credential, one before you can even begin operating the vessel,
5 and then what you need to know and what you need to learn before
6 you can operate one of the vessels.

7 Q. Okay, so Mr. Costello when he came to promoting, or -- at the
8 time was he already a Subchapter K?

9 A. Yes, and various Subchapters (indiscernible).

10 Q. So, was there a selection process on who gets to operate the
11 *Commodore*?

12 A. No, every captain in the fleet would eventually have to be
13 able to -- would have to be capable of operating the *Commodore*.

14 Q. So, when it came to Costello and the *Commodore*, was there
15 anything discussed? The process the same when making a decision
16 to promote someone from T to K? Can you recall the conversation
17 with Costello?

18 A. No. I never had a conversation with Brian Costello in
19 reference to him wanting to run the *Commodore*.

20 Q. So, in particular, there's no you work K, you can work any
21 vessel as long as -- I'm just trying to become familiar, like --
22 you can't --

23 (Crosstalk)

24 A. -- signed off on that particular vessel.

25 Q. Right, but. Is there a vetting process outside of this?

1 Since, you've got four that are sisters, *Commodore* being
2 completely different, and being completely different because
3 operations she just has engineering system where she's just
4 different than the other four?

5 MR. FITZGERALD: Sam Fitzgerald. Can I just -- is it fair to
6 say, is it accurate to say that the *Commodore* is completely
7 different than the other four K vessels?

8 MR. BEVINS: No.

9 MR. FITZGERALD: I didn't think so. I just wanted to clarify
10 that.

11 MR. BEVINS: No, so --

12 BY [REDACTED]

13 Q. But is it different?

14 A. It's a newer vessel, but it's still a quad water jet vessel
15 and we had four quad water jet vessels prior to the commission of
16 the *Commodore*.

17 Q. So, what are the distinctions?

18 A. Distinctions would be one the (indiscernible) of the vessel
19 is a little bit bigger and holds more passengers, and it has a
20 newer Rolls Royce designed control system on it.

21 Q. Okay, and that right there, is that add any additional
22 perhaps decision making on who gets to operate the vessel?

23 A. No, I mean, it's -- you would go with -- as far as promotions
24 and who would be capable of operating the vessel, it would be
25 based off of who is qualified operating the existing K-boat

1 vessels, so if I had two other captains within the fleet that were
2 qualified K-boat guys, they would be first on the list to move on
3 to the next vessel.

4 Q. Okay.

5 A. So it wouldn't -- you would not have a guy from a T-vessel,
6 per se, just going straight from T straight to the *Commodore*.
7 They would most likely go between the T, between the 43-meter
8 vessel, and then to the *Commodore*.

9 Q. So in this case, *Commodore*, seems like this particular
10 training, I can't make out when he actually took it.

11 A. His training started on the *Commodore* and not -- on June
12 16th, of 2018, when the vessel first -- that was within the first
13 month or so, but that's all arriving from the Gulf.

14 Q. Okay. So, referring to the record of helm-time?

15 A. Helm-time.

16 UNIDENTIFIED SPEAKER: There you go.

17 MR. BEVINS: Correct.

18 BY [REDACTED]

19 Q. Okay. With that, Subchapter K verified credential mariner
20 for your company, right? How long does it take them to train?
21 Like for a K-boat, on average?

22 A. For a new hire, or for an existing?

23 Q. For an existing.

24 A. For an existing Captain?

25 Q. Mm-hmm.

1 A. It may be a month, it could be a year.

2 Q. Okay. And can you recall how long it took Dan to go from one
3 of the four sisters to the *Commodore* qualification wise?

4 A. Dan? Brian?

5 Q. Brian. Mr. Costello.

6 A. No, I can't recall, I'd have to go back through training
7 records and logs.

8 Q. Okay, now is that different from what we have here, what
9 you're referring to, is there more specific detail on what his
10 training was, his hours logged in, or? I'm --

11 A. Yes, it will be different because he served -- this is his
12 actual, this is training time, record of helm-time, and I know
13 that he's going to have additional helm-time onboard the vessels
14 throughout the fleet when he was working onboard. So, the ship's
15 logs will actually document more time than what he actually served
16 onboard versus what's just in the record of helm-time.

17 Q. Okay, so is that something you use? Or is that something you
18 have?

19 A. I mean, we can provide copies of logs, of ship's logs.

20 Q. Sure. What I'm trying to do here, just so you have an
21 understanding. I can't tell when you did any of this, there's no
22 case in correlation to more specifically, the verification of
23 completion, right? So, I don't know he's spent an hour --

24 A. Well, I know by looking at his helm-time he started in June
25 of 2016 and went all the way up to February -- or March of 2019.

1 Right? For his record of helm-time.

2 Q. But we're looking for record of training time, correct? The
3 matrix should be specific --

4 A. Well, helm-time is training time, right?

5 Q. Okay? I don't know, is it?

6 A. Yes.

7 Q. Okay.

8 A. Since you're operating the vessel.

9 Q. Okay.

10 A. Documented helm-time.

11 Q. That's a good guesstimate for how many hours he was onboard,
12 but it's not specific to what he did.

13 A. Mm-hmm.

14 Q. Would you agree? Spend, I don't know -- participate in a
15 fire drill, understand and able to implement control plans, I
16 mean, these are things basically that he's done before, but when
17 it comes to Section D-2, right? Understand, operate, operate --
18 you know -- am I assuming, and I don't want to assume -- just
19 explain to me how, like.

20 A. I know that this --

21 Q. (Indiscernible) helm-time, and then initialing of the
22 qualifications works.

23 A. I know that the Senior Captain signed off, Chris Poletis, had
24 signed off on Brian Costello's training. The training workbook is
25 obviously missing information as far as dates. I would have to

1 ask the DTA if he has any records on this, and then possibly go
2 back to the ship's logs to look for additional documentation.

3 Q. Give me your take on section D-2, and let's look at
4 specifically, let's go with Number 2.

5 A. Understand and operate propulsion and drive systems.

6 Q. What are we talking about here?

7 A. So, the Senior Captain, Chris Poletis he was the
8 commissioning Captain for the *Commodore* when the vessel was built,
9 that's why he received the Senior Captain title onboard that
10 vessel, he was on site for commissioning and sea trials with
11 engine manufacturer, propulsion -- propulsion technicians for
12 Rolls Royce, he was walked through the system prior to conducting
13 sea trials, conducted the sea trials for the vessel, demonstrated
14 that he was fully competent on utilizing the system and its
15 functions. And then he would be the training officer for the next
16 person looking to get qualified onboard the *Commodore*.

17 Q. And you may or may not know this, CP --

18 A. Chris, his last name is Poletis, P-O-L-E-T-I-S.

19 Q. Does he still work for you?

20 A. Yes, he does.

21 Q. And he meets your definition of --

22 UNIDENTIFIED SPEAKER: Senior Captain.

23 [REDACTED] Yes.

24 MR. BEVINS: Yes.

25 BY [REDACTED]

- 1 Q. Okay, which is? No more definition?
- 2 A. It was a minimum of five years.
- 3 Q. Okay, very good.
- 4 A. (Indiscernible).
- 5 Q. Okay, very good. So, in addition to that you just mentioned
6 he went off to specific schools to learn the system.
- 7 A. He didn't go to school. He didn't go to a specific school
8 with Rolls Royce, he was on -- he was working in the shipyard for
9 commissioning and sea trials of the vessel.
- 10 Q. Okay, and what's happening there in regard to him obtaining
11 the competency to operate the *Commodore*?
- 12 A. He's spending the time with the technician that's
13 commissioning the vessel, whether it's engine side or propulsion
14 side, or control side.
- 15 Q. How long was that process between dry dock to actually
16 getting that (indiscernible) in the water?
- 17 A. For the *Commodore*?
- 18 Q. Yes.
- 19 A. I would say roughly three weeks.
- 20 Q. Three weeks?
- 21 A. Three to four weeks.
- 22 Q. So, am I accurate to say that Chris, his knowledge of the
23 Rolls Royce jet propulsion system was a three-week training
24 session?
- 25 A. No, no because we have similar systems on the *Seastreak New*

1 York and the *Seastreak New Jersey*, and he was involved in the
2 commissioning of those vessels.

3 Q. Okay. So, in all what do you think, I mean, specifically
4 with the Rolls Royce system?

5 A. Goes back to 2017 because that's when we installed the first
6 can man-touch system for our fleet.

7 Q. For all five?

8 A. No, we have three vessels have can man-touch.

9 Q. Okay, for three?

10 A. Yes.

11 Q. So, I'm confused here. I thought you had four sister
12 vessels?

13 A. We do.

14 Q. So, sister would be --
15 (Crosstalk)

16 A. We had four sister vessels.

17 Q. Okay.

18 A. And then we re-powered and if you go back and look at that --

19 Q. Yes, I saw the page.

20 A. We went back, and we repowered -- the first vessel was
21 actually repowered in 2013, was the *Seastreak Wallstreet* that went
22 to (indiscernible) that one is completely separate. The
23 propulsion changed onboard the vessel and the control system
24 changed onboard the vessel, everything else remained the same
25 onboard. So as far as you had asked before, is your fire station

1 in the same place? Yes. Is your light --

2 Q. Yes.

3 A. -- in the right place, yes.

4 Q. Okay.

5 A. All the same. The *Seastreak New York* repowered from a four-
6 engine motor vessel to a twin-engine motor jet vessel in 2017 to a
7 can man-touch system.

8 [REDACTED] Mr. Wisniewski?

9 MR. WISNIEWSKI: Yes?

10 [REDACTED] My apology, do you have anything to ask? Any
11 questions?

12 MR. WISNIEWSKI: I would, yes. Can I have the opportunity to
13 weigh in here?

14 [REDACTED] Yes, absolutely.

15 BY MR. WISNIEWSKI:

16 Q. Okay, Luke Wisniewski, NTSB.

17 So going through -- and I just want to go back up through and
18 identify the pages correctly. It's the Familiarization Training
19 for Mr. Costello, and that was the date -- it's not dated, it's
20 the one that we're talking about that has in the additional notes
21 section, the new vessel.

22 A. Yes.

23 Q. That says *Commodore*?

24 A. Correct.

25 Q. And so, I'd like to go -- there's pages 1 of 10. I'd like to

1 go down to page number 6, please. And that falls under Section D,
2 Tack 2, the Captain-Mate. And I'm --

3 A. Yeah.

4 Q. I want to know a little bit more about the Unit 2 under the
5 FMEA. Under that one that has a Number 1, it says utilize failure
6 mode, effects analysis manual for the vessel. Can you describe
7 what you are aware of with how -- what training goes on for that
8 section of the training?

9 A. Oh, Unit 2. So, the failure, the FMEA is included in the
10 pilot house information booklet onboard the bridge. And that is
11 to be reviewed and conducted with the training with the Senior
12 Captain.

13 Q. Now, so they just go through that manual is there anything
14 that they have to demonstrate or, do they sign off anywhere else,
15 like the ship's logbook or with a Captain, or is it just all
16 captured here on this form? With the Senior Captain?

17 A. Oh, it's noted in here but then it would also be included in
18 the drills as well. If they're conducting a loss of propulsion,
19 loss steering, loss of machinery.

20 Q. And that's what I want to get into next her is that under the
21 next page, so page 7 of 10, the -- what you're talking about under
22 Number 2 for that Unit 2 Number 2, which talks about the
23 implementation and operation of failure modes, in particular, you
24 know loss of control, steering, or propulsion systems. Can you go
25 into a little bit more on your understanding of what is taught by

1 the Senior Captain, Chris Poletis, for that evolution?

2 A. Yeah, it would be loss -- if you had a loss of control,
3 whether it was helm-control would be operating the vessel and
4 backup.

5 Q. And to go into a little bit of the backup system, is that
6 something that the individual has to demonstrate for --

7 A. Yes.

8 Q. -- to the Senior Captain?

9 A. Yes.

10 Q. And how often would that be?

11 A. I would think the backup would coincide with this particular
12 drill of steering and loss of propulsion which are assigned, I
13 believe, quarterly.

14 Q. And so far, and I assume that we're going to have to speak to
15 your Senior Captain to get a little more understanding of what he
16 actually teaches everyone, but how much timeframe is probably left
17 -- is dedicated to this area where loss of propulsion?

18 A. I mean, that would be based upon the Senior Captain until he
19 felt that the Junior Captain, or the Captain to be promoted was
20 comfortable or confident in utilizing the system.

21 Q. Okay, thank you -- no, thank you for the clarification, yeah.
22 I just want to understand this is it you have to do this --
23 perform this three times successfully on your own, if you master
24 it on your first time, you're good to go? So it's up to the
25 discretion of your Senior Captain; is that correct?

1 A. Yes. That's correct.

2 Q. Were you present for any of the sea trials or acceptance
3 trials?

4 A. Yes.

5 Q. In the shipyard?

6 A. Yes, I was.

7 Q. Can you go through a little bit, like what modes that they
8 went through with the Senior Captain, Chris Poletis regarding loss
9 of propulsion with this can-man-touch system?

10 A. Specifically, I don't recall any specific instruction that
11 was given by the technician, but I remember the technician with
12 Chris Poletis, with the Captain, with the Senior Captain.

13 Q. And did the Rolls Royce rep at the time, did they have like a
14 sign off sheet that they utilized? Or how was that formalized or
15 recorded?

16 A. There was acceptance sheet. I believe there was actually
17 two, I think one was the -- they call that the hack (ph.), the
18 harbor acceptance test, and there's another one. I don't remember
19 the name of it. But, yes, there were acceptance tests that had to
20 be signed off on.

21 Q. Okay, great, we'll go back and ask for those, you know,
22 request of those harbor acceptance tests just to understand what's
23 in there. In addition to this failure modes effects analysis, and
24 we're referring to a -- and we received the document from Rolls
25 Royce, and I have it open here and just for reference, it's the

1 Gulf Craft Hull 491, the FMEA Report and it's dated October 14th,
2 2017, and it looks like it -- the original issue date shoes
3 10/20/17, is the issue date.

4 A. Right, that was approved by MSC, correct?

5 Q. Yeah, I'm asking is that the current revision in issue that
6 you utilize onboard.

7 A. Yes, correct.

8 Q. Okay, thank you.

9 A. So, going back to that training and that section is there
10 anything else that you can share like, what went on, I know you're
11 going back now a few years, but did they black out the plant, or
12 what was the type of tests that was performed? Was there anything
13 that was similar to what occurred on the day of the accident on
14 June 5th, regarding a black-out of the can-man-touchscreen for
15 either the A or B Unit?

16 A. There was DBTT performed at -- in the shipyard while secured
17 to the dock.

18 Q. Can you elaborate more on that on what you remember -- on
19 what you recall from that, and I know you're going back a few
20 years.

21 A. Design verification testing procedures which was a -- which
22 essentially were the failure effects of the system, how to be
23 demonstrated and witnessed by the Coast Guard.

24 Q. And that's what I was going to ask, who was all present for
25 that. So, you indicated the Coast Guard, do you --

1 A. Coast Guard, Rolls Royce, and the Captain of the vessel --
2 (Crosstalk)

3 A. -- that is from the shipyard there as well.

4 Q. Great. And that would be recorded in some type of log or
5 sheet for that day of that verification tests that you're aware
6 of?

7 A. I mean, I'm sure the Coast Guard and Lafayette or Morgan City
8 would have a record of that. At that time that that was conducted
9 *Seastreak* -- the yard still owned the vessel. It did not belong
10 to *Seastreak* at that time, so the best source for a record on that
11 would be through the Coast Guard out of Morgan City.

12 Q. All right, thank you. Is there a point of contact that you
13 can recall from that for Coast Guard that was present or someone
14 that we can follow-up with?

15 A. Not that I can recall.

16 Q. Okay, we'll request that and try to formalize -- so that was
17 prior to acceptance trials, that was -- you said that was done in-
18 harbor at the dock?

19 A. Yes, and then when the vessel reached -- when the vessel
20 finally made it to New Jersey, that COTP was also reconducted with
21 sector -- with inspector from Sector New York.

22 Q. And what date, roughly, was that performed in New York?

23 A. The vessel was delivered in April of 2018, so it would have
24 been somewhere between April and early May of 2018.

25 Q. And were you present for that as well?

1 A. Not for the entire test, no.

2 Q. Okay. Who was present, or who was their Senior Rep onboard,
3 was it the Senior Captain, Chris Poletis?

4 A. I know there was a (indiscernible) onboard, I know our Fleet
5 Director Brian Achille was onboard, and that Rolls Royce tech
6 along with the Coast Guard inspectors, but I do not remember who
7 the inspectors were that day.

8 Q. All right. And during that, was there anything that was
9 brought up to you that something that didn't work, or something
10 that you wanted to go back on to get clarification. Or did
11 everything check out on the day in New York?

12 A. To my knowledge everything checked out because the vessel was
13 cleared for service.

14 Q. Excellent, appreciate that. Want to go back a little bit
15 more into Senior Captain, Chris Poletis. So, if he's down there
16 and essentially, he was what we refer to as the plank owner,
17 right? Someone who has seen it being built, designed, worked with
18 the technicians, for this propulsion control system in particular
19 this can-man-touch, was -- did Rolls Royce or anyone put together
20 -- they trained him on it but is there anything like hey, like
21 train the trainer. I don't know if you're heard that term where,
22 yes, we can verify that you've been trained on this and here's
23 like a training -- do you know if Mr. Poletis received any type of
24 certificated or anything other than that sign off sheet that said
25 yes he's good to train other people on this system?

1 A. No, there was no formal documentation between *Seastreak* and
2 *Rolls Royce* as far as training.

3 Q. Was there anything --

4 A. The only documentation would be in our contract agreement
5 with *Rolls Royce* is that upon commissioning they walk the operator
6 through the system.

7 Q. Okay, and yes, that's what I'm driving at. So -- okay you
8 did have a contract between *Rolls Royce*. How about with the
9 shipyard and *Rolls Royce*, was that between them?

10 A. Between the shipyard and *Rolls Royce*? No.

11 Q. Okay, so when you -- when they handed it over to you, when
12 they handed the acceptance trials and everything the contract was
13 with you and *Rolls Royce*?

14 A. No, well with the shipyard, but I think just to clarify this
15 here, the shipyard did not purchase and supply the propulsion
16 system for the vessels. *Seastreak* purchased the propulsion system
17 and supplied it to the shipyard for the vessel.

18 Q. Oh, okay. That's what I -- I wondered and said, okay. So,
19 yeah take me through that a little bit then. So, *Seastreak* --
20 because they wanted to, what, build how many of these vessels?
21 You have two right now, right? For this system?

22 A. There's a second *Commodore* class nearing completion now,
23 correct.

24 Q. And that's what it's for, just a two-vessel contract?

25 A. We have the same system, the same control system on two other

1 vessels, the *Seastreak New York* and the *Seastreak New Jersey*.
2 They also have the can-man-touch. And they have the same series
3 of water jets except they're a little bit smaller -- or, I'm sorry
4 they're a little bit bigger on the *New York* and *New Jersey*, we
5 have F74s on the *New York* and *New Jersey*, and we have F63s on the
6 *Commodore* and the *Courageous*, the new vessel being constructed.

7 Q. And I know we don't have that in front of us, but in that
8 contract, you indicated that there's a level of training that's
9 required to be performed, is that just on delivery?

10 A. I don't believe notated as training, it's all part of the
11 commissioning.

12 Q. Commissioning familiarization? Okay.

13 A. Correct.

14 Q. Are you aware of any type of training that Kongsberg offers?
15 Whether it's a simulator someone coming out to train people on the
16 can-man-touch system?

17 A. No, I'm not aware.

18 Q. And then just to clarify, you indicated -- you said the can-
19 man-touch was on three sister vessels, and I think you had -- the
20 *New York*, the *Highlands*, was it? And what was the other one?

21 A. No, the -- all the vessels were originally built with a can-
22 man system. They were all quad water jets which were built
23 between 2001 and 2004, and then we converted, starting with
24 *Seastreak New York* in 2017, followed by the *Seastreak New Jersey*
25 in 2018, to the newer Rolls Royce propulsion package which

1 included the can man-touch system.

2 Q. Okay, so it's just a New York, New Jersey and the *Commodore*
3 that have the can-man-touch?

4 A. Can-man-touch, the older vessels had can-man, not can-man-
5 touch.

6 MR. WISNIEWSKI: And that's all I have for questions right
7 now, thank you so much.

8 [REDACTED] [REDACTED] We are going to take a ten-minute break. You
9 can follow us, and we'll start up in ten minutes.

10 (Off the record)

11 (On the record)

12 MR. WISNIEWSKI: Recording started.

13 [REDACTED] [REDACTED] Okay, continuing on, it's 12:15, the last
14 conversation piece was discussing the matrix, Mr. NTSB -- or,
15 Mr. Luke Wisniewski was asking Mr. Jack Bevins some questions, and
16 I understand you still have a few more to ask, please go ahead.

17 BY MR WISNIEWSKI:

18 Q. Thank you. Luke Wisniewski NTSB. Just real quick; the page
19 8 of 10 of that same Familiarization Training Workbook for
20 Mr. Costello, the captain. In there on page -- on Unit 5, under
21 emergency actions, it talks about understanding and able to
22 implement a crash stop. Can you talk about the aspect of that,
23 from what your understanding of what's training for that
24 evolution?

25 A. As far as a crash stop of the vessel? I mean, it's

1 essentially stopping the vessel in a short distance, which is
2 usually proceeded by an announcement to the passengers and the
3 crew onboard the vessel, and then initiating full astern onboard
4 and primary control and then also in backup control.

5 Q. All right, so both the backup control is exercise is harbor
6 mode exercise for the crash stop? Or what's the sequence of the
7 --

8 A. Crash stop would be one function would be in primary control
9 which would be your sea-mode.

10 Q. Okay, so sea-mode is what exercise, do you know if it's
11 exercise or demonstrated in the harbor mode or the backup?

12 A. I know it's been input -- it's been exercise in backup, to my
13 knowledge not in harbor mode, but I don't know.

14 Q. And then -- thank you, and the next one is just the Number 8,
15 the one follows behind that is understanding a build to, and I'm
16 particularly interested in just the anchoring arrangement for the
17 *Commodore*. Is that something that would be done in an emergency
18 situation as another option? How's that implemented?

19 A. Anchoring, could -- should -- sure anchoring could be done in
20 an emergency situation depending on the -- I guess the variables
21 at the time of the occurrence.

22 Q. So was the anchor, is it just on the bow ready to be paid
23 out, how's that --

24 A. The anchor is fixed on the exterior bow rail of the vessel
25 attached to the road, which could be deployed very quickly.

1 Q. Okay. And so that's also just demonstrated or is that able
2 to understand implementation -- I'm trying to understand the
3 wording here is it something that is demonstrated or is it
4 something is just talked about, and do they have to show that as a
5 demonstration for anchoring?

6 A. Tabletop and a walkthrough.

7 Q. Okay, so what's a tabletop?

8 A. It's basically how to release the anchor and make sure that
9 the line stays out, but not deploying the anchor.

10 MR. WISNIEWSKI: Okay. Thank you. That's all I have, [REDACTED]

11 BY [REDACTED] [REDACTED]

12 Q. [REDACTED] U.S. Coastguard. Jack, to continue on with
13 Number 8; is there a procedure written out for this?

14 A. Yes, there's an (indiscernible) procedure in the safety
15 manifest.

16 Q. Okay. And also, with regards to the full-stop.

17 A. Crash-stop.

18 Q. The crash-stop, I'm sorry. Number 7?

19 A. Yes. So, crash-stops are demonstrated at each Coast Guard
20 inspection of the vessel, annual inspection of the vessel.

21 Q. Okay.

22 A. We demonstrate crash-stops with the Coast Guard in attendance
23 onboard.

24 Q. And what procedure is used?

25 A. Crash-stop?

1 Q. Right, is that through the design verification test
2 procedure, is that --

3 A. Crash-stop is full head to full stern.

4 Q. So, there's no -- and that's regulatory or is that --

5 A. Yes. If the Coast -- the Coast Guard requires a crash-stop
6 when they come down and the vessel has to get underway.

7 Q. What environment is this happening in during your annual?

8 A. It could be the wintertime, it could be the summertime?

9 Q. More specifically, waterway characteristics. What are we
10 talking here?

11 A. Depending upon where the vessel is located it could be -0-
12 the inspection could be taking place in the East River and 35th
13 street, or it could be taking place on the Atlantic *Highlands*
14 facility or *Highlands's* facility down in Jersey, so somewhere
15 within the New York Harbor area.

16 Q. And you witness some of these?

17 A. Yes.

18 Q. Are you onboard every annual?

19 A. No.

20 Q. Were onboard for last annual?

21 A. I don't remember.

22 Q. These annual examination inspections (indiscernible) for
23 whether it's an annual COI or renewal, do you tend to use the same
24 crew. Do you switch them up?

25 A. They're switched.

1 Q. Okay.

2 A. Crews are switched.

3 Q. I'm going to ask you questions you may or may not know. Mr.
4 Costello, his involvement with the annual *Commodore* --

5 A. I'm sure he would have served as a master for an annual. He
6 may have served as a Mate for an annual. I -- there's no set
7 schedule, it all depends if you have an inspection on the first
8 and that happens to be your shift, you're the captain for the
9 inspection that day.

10 Q. Is there -- do you guys' document who may have been involved
11 in the annual inspection?

12 A. I mean, it would be in the ship's log, they would write it in
13 the logbook, because you know, obviously that's when they had the
14 Coast Guard onboard for an annual inspection, but it doesn't --
15 there's no assignment. We don't have a dedicated, if you would
16 call it, inspection team. Whoever's on -- working onboard the
17 vessel, the day of the inspection, you're the crew.

18 Q. I gotcha. I'm reading it back real quickly here just to kind
19 of summarize with some of your shared responsibilities with the
20 DPA. This particular matrix, in its development, how is it
21 developed? Who is involved and who -- how do you agree with what
22 will be utilized as a check-in, or as a qualification process? Is
23 there a template?

24 A. For the training matrix?

25 Q. Yes. For this document right here.

1 A. the training matrix is all based off the NavIC 5-01. That's
2 where the training matrix was developed from.

3 Q. Okay, I understand that, so -- but is it specific to the
4 vessels themselves?

5 A. Well it would be specific to a vessel?

6 Q. It's specific to a class of vessels?

7 A. Yes.

8 Q. Right.

9 A. Yeah.

10 Q. It's not specific to the vessels you have.

11 A. It's specific to the vessels (inaudible 1:23:40) --

12 Q. In other words --

13 A. -- being signed off on.

14 Q. Can you augment this -- these seem to be what's required, can
15 you augment -- add to, (indiscernible)?

16 A. You can add to it, sure.

17 Q. Okay. Does that ever come up?

18 A. Not that I can recall. But, when we -- when this matrix was
19 developed, this was developed in conjunction with our Captains,
20 not only with the Coast Guard but also feedback from the Masters
21 that operate the vessels.

22 [REDACTED] [REDACTED] There we go, that's what I wanted. Any
23 questions?

24 UNIDENTIFIED SPEAKER: No.

25 [REDACTED] [REDACTED] Mr. Wisniewski?

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

2 BY [REDACTED]

3 Q. Okay, so, I think we kind of touched pretty nicely on
4 Mr. Costello here.

5 I'd like to move on to Ms. Engelken. I won't get too far
6 into it. She's -- her processes were not as complex as
7 Mr. Costello, but I do have some questions, and more specifically
8 -- yes. You mind -- put them all in here into one? Oh, Costello
9 --

10 So, in particular, we have two sets of documents again, can
11 we say that Annex 2 described as Qualified Deckhand training
12 Progress Matrix is similar to what we discussed earlier? This is
13 the older training method, prior to your implantation of the
14 Safety Management System?

15 A. Yes, it's right -- I believe it's right on the cusp. I'd
16 have to go back and confirm the date. But I believe this is right
17 on the -- right at that tipping point where everything rolls fully
18 into the SMS.

19 Q. His form, is it utilized today?

20 A. Yes, in the SMS.

21 Q. Okay. What's the difference between each one here? What's
22 the difference between this particular form you're using for
23 matrix, and this one here? When it comes to me.

24 A. There may have been some small changes to it. I'd have to go
25 through it line by line.

1 Q. So, what we'll do is we'll go into the newer version, the one
2 that's with the handwritten November 2017 on the top right-hand
3 corner. Take a minute to review it please. Okay. So, similar
4 form for promotion to Mr. Costello, but in this case, we're
5 talking about Ms. Engelken. Again, is it a promotion or is it a
6 refresher pertaining to this one here?

7 A. This one is checked off and it says refresher.

8 Q. Okay. She is a qualified Mate, would you agree?

9 A. Correct.

10 Q. Okay. As the Vice President of Operations for *Seastreak*,
11 give me your understanding of the responsibilities, the duties of
12 a Mate? A qualified Mate. Requirements, also.

13 A. Well, a Mate should be able to operate the vessel in the
14 event that the Master becomes incapacitated. They should have a
15 thorough knowledge of the vessel and the systems onboard.

16 Q. Okay, and just right off the bat, you feel comfortable with
17 Ms. Engelken, reading that?

18 A. Yes.

19 Q. Here's another matrix form for Ms. Engelken. Can you tell me
20 the difference between the form from 2017, to what we're looking
21 at, the one I just handed to you?

22 A. Yes, sir. The checkbox for T-2, (indescribable) had made
23 Senior Deckhand.

24 Q. And the first one?

25 A. Yeah, these boxes checked A for introduction to *Seastreak*.

1 Q. So, why would there be two different matrix forms?

2 A. Confirm this with the DTA, but this is listed as a refresher,
3 and she came back to work in August of 2020, and the company was
4 shut down due to COVID. But she was out of work during that time-
5 period, so it's possible that she checked her pressure and
6 included that box.

7 Q. Okay.

8 A. DTA should be able to confirm hat.

9 Q. So, in regard to this it was dated 19 -- or, 2019, and
10 another one for 2020, both under Deck Hand and both refreshers as
11 checked.

12 A. Yes.

13 Q. So, which one of these is promotion from Deck Hand to Mate?

14 A. I don't see a promotion sheet here.

15 Q. Okay.

16 A. I don't see that in this documentation.

17 Q. Is there documentation with her doing promotion matrix?

18 A. There has to be, there has to be. Got it. Dan has it.
19 Somebody has it.

20 [REDACTED] Luke? In your files in front of you, Costello
21 -- or I'm sorry, Engelken, 1, 2, and 3. I believe 3 is just
22 certifications, certificates, documents, like LMLB and some
23 training she had? Can you verify 1 and 2 and which training
24 matrixes are there in that file?

25 MR. WISNIEWSKI: Yeah, I can confirm that we received

1 Engelken 1, 2, and 3 PDFs, and none of them show a Mate
2 familiarization training workbook. That was one of my first
3 questions is I don't see it in the folder. I don't think we
4 received a copy. I have the one that -- the latest I have was the
5 August 13th, of 2020, and it's dated refresher.

6 MR. BEVINS: Dan has it, and Eric (ph.) has it because I know
7 I sent them over.

8 [REDACTED] [REDACTED] Do you have the name of the file that you
9 shared with us that it would be in?

10 UNIDENTIFIED SPEAKER: Let me check.

11 [REDACTED] [REDACTED] You probably can find it faster than I can.

12 MR. BEVINS: Here's the files, they were sent on 6/8, but
13 it's not loading on the --

14 UNIDENTIFIED SPEAKER: Do you have the Wi-Fi on?

15 MR. BEVINS: No.

16 UNIDENTIFIED SPEAKER: Yeah.

17 UNIDENTIFIED SPEAKER: He's not --

18 MR. BEVINS: I'm not connected.

19 UNIDENTIFIED SPEAKER: No more --

20 UNIDENTIFIED SPEAKER: [REDACTED]

21 MR. BEVINS: ATT?

22 UNIDENTIFIED SPEAKER: Yes.

23 [REDACTED] [REDACTED] If you haven't been provided -- and it sounds
24 like you can barely identify --

25 UNIDENTIFIED SPEAKER: Right.

1 UNIDENTIFIED SPEAKER: Well, get --

2 UNIDENTIFIED SPEAKER: Absolutely

3 UNIDENTIFIED SPEAKER: Yes.

4 MR. BEVINS: Yeah, okay.

5 UNIDENTIFIED SPEAKER: I think the premise behind the
6 questioning was, it should be documented --

7 MR. BEVINS: Right.

8 UNIDENTIFIED SPEAKER: Was it documented or not?

9 MR. BEVINS: I have it.

10 (Crosstalk)

11 UNIDENTIFIED SPEAKER: More importantly, got to go step by
12 step in it with regards to her deckhand training and --

13 (Crosstalk)

14 MR. BEVINS: Sequencing, yeah.

15 UNIDENTIFIED SPEAKER: Right.

16 MR. BEVINS: Right, okay.

17 UNIDENTIFIED SPEAKER: So, we're going to --

18 UNIDENTIFIED SPEAKER: Follow up --

19 UNIDENTIFIED SPEAKER: -- look we're going to either provide
20 it if we didn't provide it, or we'll identify where it is in the
21 records we gave you.

22 MR. FITZGERALD: Okay, yeah is there a date that we can
23 reference if, or -- for a request to you or a -- you know --

24 [REDACTED] Jack, do you know if it's -- a date where she
25 would have been promoted to Mate?

1 MR. BEVINS: I think she was fairly new. I can look back at
2 her notes when she was interviewed. Was pretty recent, Luke.

3 MR. WISNIEWSKI: Yes, we have a rough timeframe, but she
4 indicated it was done shortly after the winter, and it's -- I
5 believe that -- from what we learned during the Mate's interview,
6 that this was her first trip as a Mate.

7 MR. BEVINS: Yeah, some are -- she said she was promoted. My
8 notes, summer 2020 Mate promotion. All right, well we'll look for
9 that record, we'll get it.

10 MR. WISNIEWSKI: Okay, thank you.

11 UNIDENTIFIED SPEAKER: Seems pretty confident --

12 MR. BEVINS: I know we have it.

13 UNIDENTIFIED SPEAKER: He's sees --

14 MR. BEVINS: I have it.

15 [REDACTED] All right Luke, moving on.

16 MR. WISNIEWSKI: Well, I -- the whole premise of the
17 interview was based on that, so we'll have to reschedule that but,
18 okay.

19 [REDACTED] Luke, is there anything you'd like to add until
20 we get the actual training matrix or promotion matrix for --

21 MR. WISNIEWSKI: Well, I think --

22 [REDACTED] -- Ms. Engelken, because I don't have anything
23 right now.

24 BY MR. WISNIEWSKI:

25 Q. Sure. Well, I can go into it then, yes, because I'd like to

1 just understand if there is a difference between the Master or the
2 Mate's training. And I want a particularly reference the previous
3 interview we had with the Mate.

4 The Mate indicated when we talked about the can-man-touch
5 system and we asked her if she had to demonstrate it or -- and she
6 indicated that all she had to do to sign off in her -- for her
7 training was witness that being done there was no performance, it
8 was just observation. No demonstration to the individual, so I
9 just wanted to go into that type of discussion and with the same
10 note of the, you know the training matrix, the Unit 2, the FMEA,
11 both the familiarization with the manual as well as the
12 implementation of the failure modes, propulsion, that's my line of
13 questioning so Mr. Bevin's if you could just give us -- should it
14 be the same? Or is it a different type of training for the Mate?

15 A. No, it should be the same, the Mate should demonstrate that
16 they're capable of operating the vessel to be signed off on the
17 procedure.

18 Q. And the same goes with the failure modes analysis to manual,
19 they have to go through it? And that should be signed in the
20 logbook?

21 A. That's correct.

22 Q. And I would assume, but I want to make sure I get this from
23 you, same thing with when going through the -- Unit 5, which is
24 one page 8 of 10 again, the type of understanding of the crash-
25 stop and anchoring they would have to demonstrate that? Or, is

1 that something that they would just observe?

2 A. As far as the anchoring that would be tabletop, as far as the
3 crash-stop that should be conducted.

4 Q. So, that should be demonstrated to the Senior Captain, and
5 based on his discretion how many times he needs to prove that the
6 individual is competent to do that?

7 A. Right.

8 Q. Okay. Thank you.

9 MR. WISNIEWSKI: And that's all, [REDACTED] really, I have
10 regarding that aspect. I assume that you're going now into the
11 day of the incident, to the accident on June 5th, and go from
12 there?

13 BY [REDACTED]

14 Q. Yes, but I do want to add something real quick here. When he
15 goes back, just so we have an idea. If this -- what we do have
16 for Ms. Engelken, except the box for promotion would be checked,
17 correct?

18 A. Yes.

19 Q. So, in looking at the one specific area in T-2, again just
20 overall in the whole training matrix, three sister vessels and the
21 *Commodore*.

22 A. Currently? Yes. *New York* and *New Jersey* have the propulsion
23 system as the *Seastreak Commodore*.

24 Q. So, in that, and I'll go back to this, the K-box, or the K-
25 column.

1 A. Yes.

2 Q. Was she required to have in addition to New York, one for the
3 *Commodore*?

4 A. One for the *Commodore*.

5 Q. Okay.

6 A. Yes.

7 Q. So --

8 A. And I have that one for the *Commodore*.

9 [REDACTED] Okay. I'll -- Mr. Wisniewski, you can be in --
10 correct me if I'm wrong, but it was my understanding that
11 Ms. Engelken first appearance on the *Commodore* was the date she
12 was actually -- the day of the accident.

13 MR. WISNIEWSKI: Well, serving as a Mate, that was the first
14 time that she actually voyaged as a -- in the Mate capacity. Not
15 first time on the *Commodore*.

16 [REDACTED] Okay. Thank you.

17 So, Mr. Bevins, we're going to move on from the actual
18 documentation with the knowledge that we'll continue back once we
19 have the promotion matrix for Ms. Engelken. But, right now let's
20 go back to June 5th, and kind of run us through the day.

21 MR. BEVINS: Sure, I was having a memorial service for my
22 late mother-in-law at my house on that particular day it was a
23 Saturday. Saturday, June 5th. I was in my pool with my kids and
24 my wife came out and gave me her phone and it was our in-house
25 counsel Tom Winn (ph.) had called me and said there had been an

1 incident onboard the vessel *Seastreak Commodore*.

2 So, I immediately ran inside and grabbed my phone and saw
3 that I had a bunch of missed calls from Mr. -- not Mr. Patel (ph.)
4 but from the Mate, Ms. Engelken. I pulled her up, she immediately
5 put Brian on the phone, and he filled me in that they had a loss
6 on the control system and ended up in Bushwick Cove (ph.), off of
7 East River. That the vessel was aground, the amount of passengers
8 he had onboard. He specified that there were no injuries -- no
9 noted injuries at the time, and that the vessel did have brief
10 communication with the sea on the porthole.

11 [REDACTED] Luke, can we take a time out real quick?

12 MR. WISNIEWSKI: Sure, I'll pause the video.

13 [REDACTED] About five minutes, I'm sorry.

14 MR. WISNIEWSKI: I'll pause the recording.

15 (Off the record)

16 (On the record)

17 MR. WISNIEWSKI: Started recording.

18 BY MR [REDACTED]

19 Q. A continuation for Mr. Bevin's account from the day of the
20 marine casualty onboard the *Commodore*. You last left off with
21 passenger count, and Mr. Costello kind of running --

22 A. Yes, give me (indiscernible) of the vessel, they mentioned
23 they had a brief communication with the fleet and the Number 3
24 compartment and the engine room. He informed me that the FDNY was
25 on the scene. They had pumps deployed on the vessel, and they

1 were assisting evacuating the passengers, originally via ladder
2 off the bow to the shoreline and then also off the stern of the
3 vessel onto NYPD vessels.

4 Q. At which point in time, or how long until did you decide to
5 come on scene?

6 A. Immediately. I grabbed my bag, I phoned our Fleet Director
7 Brian Achille, he met me at the office in Atlantic Highlands
8 within about 15 minutes. We looked at the traffic on the GPS, it
9 was about a 3.5 drive into the city at the time, and we had a
10 vessel departing from New Jersey to East 35th Street, and I think
11 it was within 20 minutes of our arrival at the office. So we
12 jumped onboard the ferry. While in route, we contracted our
13 (indiscernible) launch, I reached out to commercial dive service
14 called Grand Dive based out of (indiscernible) New Jersey a lot of
15 work in the New York Harbor area, and had instructed them to
16 contact Miller so they can link up to get out to the vessel.

17 We arrived -- our departure time was -- I think the incident
18 was at what, 16:20? 16:25? I would say we were onboarding the
19 *Commodore* roughly 17:30? Miller's launch picked us up at 8 35th
20 street, at the time we boarded the vessel all the passengers had
21 already been evacuated. FDNY and Coast Guard were onboard helping
22 assist with the dewatering, and at that point I did a quick
23 assessment of the vessel. FDNY, they had a Chief on scene, he was
24 fulfilling the role of Incident Command for the dewatering of the
25 vessel, and then at that time I proceeded to help the whole

1 (indiscernible) test the crew.

2 Q. Your assessment, can you be a little more descriptive as far
3 as what were you were assessing?

4 A. Well, I mean, my first assessment I mean, obviously the
5 passengers were already off of the vessel. I wanted to make sure
6 the existing crew members onboard were okay. The second one was
7 the condition of the vessel. I knew the vessel was aground there
8 was -- there were hull penetrations, but the vessel was not going
9 to full sink because it was on the bottom. But there really
10 wasn't too much that we were able to do at that time, it was
11 basically secure the -- try to get the hulls water-tight and stop
12 the flooding.

13 Q. So, and which point in time did you have a discussion with
14 Costello on what occurred, what happened?

15 A. Probably within 15 minutes of being onboard the vessel. I
16 did instruct the crew and told them I didn't want anybody up in
17 the pilothouse at the time because I wanted everything preserved
18 as it was when the boat initially grounded.

19 Q. Did you have a discussion on what occurred specifically?

20 A. Yes. I did ask Mr. Costello what happened. He said that the
21 Control Station A went blank on him or blacked out on him and he
22 said he tried to move over to the wing station to reconnect the
23 water jet, which failed to reconnect. He told me that he had
24 tried reversing on the joystick. He said -- well we -- back up on
25 that. He tried reversing on the primary D-tents (ph.) tried

1 reversing on the joystick, then he tried to reconnect on the port
2 wing station, and then he tried the backup system, and he said at
3 that point he was in the cove.

4 Q. Okay. Describe the primary, or the first control. What are
5 you referring to --

6 A. Control Station A. The A side of the room, of the can-man-
7 touch system.

8 Q. Where is that located?

9 A. Center hull of the pilot's chair.

10 Q. On his chair?

11 A. On the port side.

12 Q. And kind of describe the function of that, in this case we'll
13 just call it the joystick.

14 A. The joystick? Or the control station?

15 Q. The primary control on the chair.

16 A. Well, there's a steering tiller on the chair, and there's two
17 D-tents on the console in front of the helm-chair.

18 Q. According to Mr. Costello, his first action was to try the
19 controller --

20 A. His first action was to slow boat was to stop the vessel.

21 So, he brought the D-tents back to zero position. And he said the
22 boat was still traveling ahead at that point.

23 Q. Zero-zero. Is there a reason for that you may know of? Why
24 would he keep going?

25 A. Well, we know now the control panel failed to make Station A.

1 Q. So, it was an unsuccessful attempt to stop, correct

2 A. Yes.

3 Q. What was his secondary action?

4 A. Moving to the port wing station to see if he was able to gain
5 function of the porter jets, Number 1 and Number 2.

6 Q. And how would he have done that?

7 A. If the panel was active, he would went in transferred command
8 to that station and then hit the reconnect on the panel.

9 Q. And unsuccessful?

10 A. Unsuccessful.

11 Q. And his third action from there?

12 A. He went back to the center helm-station and tried reversing
13 on the joystick. He went into joy-stick mode or Harbor Mode and
14 tried reversing on the joystick. The vessel still proceeded to go
15 starboard, and his last attempt was backup control.

16 Q. Back up a second, the vessel continued to go to starboard?

17 A. Correct.

18 Q. Okay. What was -- what would cause that?

19 A. Because the portside engine and waterjets, when the main
20 Control Station A failed. They failed at the current RPM and
21 stuck in position and nozzle position, so they were in East River
22 prior to the failure doing 35 knots.

23 Q. So, in the starboard --

24 A. The starboard side had full function, and when the vessel
25 reversed --

1 Q. Which means?

2 A. When he put the vessel in -- when he tried to stop the vessel
3 and go in reverse to slow the vessel down, the vessel made a hard
4 windscrew (ph.) to starboard.

5 Q. Which mode was that action performed on?

6 A. Primary and joystick.

7 Q. So, he was able to control starboard right off the bat, is
8 that what you're saying?

9 A. Yes.

10 Q. Helm-control --

11 A. Helm-control never lost control of the starboard water jets.

12 Q. His fourth action was --

13 A. Back up, what specifically --

14 Q. Which functions of backup?

15 A. He would engage backup with the two backup buttons on and you
16 have multiple functions. One is RPM, the other is steering nozzle
17 and the other is reversing bucket.

18 Q. Okay. Do you know if it was successful, did it work for him?

19 A. He said that he did not get a change when he engaged the
20 backup system.

21 Q. And the methodology on what you would use as a backup,
22 describe that for me.

23 A. What would you use backup?

24 Q. How you would switch from the third option, the harbor,
25 leading to your fourth which was backup.

1 A. Backup is a -- there's two buttons -- there's a button for
2 each backup control system for each water jet. Then you click the
3 backup button on, and your backup system is engaged.

4 Q. And --

5 A. For -- each water jet has to be activated.

6 Q. So, do we know which one?

7 A. I don't know.

8 Q. Okay. Do we know if his backup worked? Was it successful
9 and can tell --

10 A. The only thing I can go by I the statement from Mr. Costello
11 that he tried to stop the vessel and back up and he said he was
12 unsuccessful.

13 Q. Is there a way to verify backup test or mode when in use, is
14 there a leader, is there something that tells you backup was used?
15 Utilized?

16 A. Well, the button -- the light indicator would be on if backup
17 was on.

18 Q. Does it send a log?

19 A. I'm not sure if that's recorded in the log for backup on that
20 (indiscernible).

21 [REDACTED] Is there any additional questions while we are
22 here at this stage?

23 UNIDENTIFIED SPEAKER: Hi, this is Chris (indiscernible) with
24 (indiscernible) through Mark's cell phone sitting on the table.

25 I've just got a question if I may.

1 [REDACTED] Yes, absolutely.

2 UNIDENTIFIED SPEAKER: Yeah, so, one of the questions I have
3 is do we know how much time passed between being the captain knew
4 there was an issue and the grounding itself?

5 MR. BEVINS: About 30 seconds, can be a little less than
6 that.

7 UNIDENTIFIED SPEAKER: And then another question I have, and
8 I wasn't quite sure when to raise it, but you had mentioned before
9 regarding the matrix and the safety matrix and how captains and
10 other personnel were trained onboard the vessel. In anywhere in
11 that material, and I apologize I have been -- I don't have a copy
12 to review, but is there anywhere in that material layout a process
13 on how alerts or codes or alarms are treated, acknowledged, and
14 acted upon?

15 MR. BEVINS: I would have to go back and look at the FMEA.

16 UNIDENTIFIED SPEAKER: Okay, thank you.

17 [REDACTED] Mr. Wisniewski, anything?

18 BY MR. WISNIEWSKI:

19 Q. At this time, I just -- I know we received the CCTV, the
20 closed circuit TV footage and it yes, it shows approximately 30,
21 35 seconds of an indication from the initial, initiating -- from
22 the captain. But, I'm just curious, I'm -- I looked at both the
23 port and starboard playback through the VS player, and I -- I just
24 wanted to state that I don't see his hands going -- maybe Jack, I
25 know you don't have it right in front of you to maybe have the

1 times, but, that's why I was looking to do this through Teams
2 because I just wanted to show everyone his hand positions and the
3 levers that he does use, meaning both the main tiller, joystick,
4 and also the harbor, but I just don't see his hands up near the
5 backup mode. But, if you could point that out to us, I'd
6 appreciate it.

7 A. Yeah, I mean, I've watched the video, obviously look and you
8 cannot see his left hand because the camera is showing you the
9 console off the starboard side is blocked by the right side of his
10 body.

11 Q. Yeah, I understood, that's my question. I don't see anything
12 from his right hand going on the starboard joysticks, which my
13 question revolves is; if you go to backup mode, do you have
14 control or you can individually control them from the port side
15 and the starboard side independently?

16 A. The backup for that, for the port side is on the port side
17 below, in front of you. In front of the master, below main
18 station A, it would have been by his left hand, and you cannot,
19 the current video and camera configuration you cannot see what his
20 left hand was doing at that time.

21 Q. Understood, but I'm just -- what I'm -- my -- maybe I need to
22 rephrase my question is, so if you're in -- if you go to backup
23 mode, can you individually just do backup mode for the portside?

24 A. Yes.

25 Q. And so, you would leave the starboard side in -- whether it's

1 harbor mode or the primary mode?

2 A. Correct.

3 MR. WISNIEWSKI: Okay, yeah, so you can't see in any of the
4 videos, his left hand. You do see him going to the touch screen,
5 but yes he does not touch the starboard controls at all in the
6 backup mode. You can see his hand placement for the harbor mode
7 as well as the main primary mode being the throttles and the
8 joystick, or the tiller that's on the chair. But -- okay. So,
9 thanks for clarifying that, that portion of it for me.

10 I do have a couple others, [REDACTED] but it deals a little more in
11 generality, so I don't want to de-track from what you're going
12 right now on. So, I'll hold those.

13 [REDACTED] [REDACTED] Go ahead and ask.

14 BY MR. WISNIEWSKI:

15 Q. Okay. So, the ones that in particular is the question of why
16 not just hit the emergency stops on both engines, on all four
17 engines and coast? Now, I know they were doing approximately 38.5
18 knots at the time, so Mr. Bevins could you go in to just discuss a
19 little bit of that. What you believe would happen if he did hit
20 all stops on all four engines?

21 A. In the current position that he was heading? He -- I think
22 he was looking at two dinner boats moored on a barge, and a steel
23 bulkhead.

24 Q. Okay, so he would have continued -- if you stop all the water
25 jets you would just continue the glide just like a jet ski, right?

1 You wouldn't have control of your propulsion, steering, there's no
2 per se tiller that you can then navigate, right? So, you're --

3 A. No.

4 Q. So, you're gliding on the same position.

5 A. Correct.

6 Q. And for my understanding of that, was any -- something
7 scenario like that performed where you just lost propulsion at
8 full ahead? Because I'm just curious of the -- if you killed all
9 engines, the just the distance traveled at a sea trial. Do you
10 know if that was performed if there's data that we can look at for
11 that one?

12 A. Not to my knowledge, no.

13 Q. Are you familiar at all? I mean, have you had to just
14 perform any tests, or any type of -- to understand the distance
15 that it would travel if you just had to kill -- like if you just
16 went completely black ship on full ahead?

17 A. I've never witnessed that performed.

18 MR. WISNIEWSKI: Okay, and the only other questions I had
19 would -- dealt with the ship's logs for that, but -- can I go into
20 that now, [REDACTED]

21 [REDACTED] Yeah, absolutely.

22 MR. WISNIEWSKI: Okay, so the ship logs for the day of the
23 incident, I know we received several of the records, but I don't
24 see one and maybe --

25 UNIDENTIFIED SPEAKER: (Indiscernible).

1 MR. BEVINS: -- we didn't receive that or, it's --

2 [REDACTED] [REDACTED] I'll answer that, [REDACTED] [REDACTED] from the Coast
3 Guard. One of the last correspondences from Freehill was that
4 the, I believe the smoothlaw (ph.) was too big for -- to fit into
5 a disc and they will get us that within a reasonable amount of
6 time. So, I'm kind of going off the top of my head, I can look at
7 the email specifically, but it does address the logbook and that
8 it was something that was going to be hand delivered to us.

9 MR. WISNIEWSKI: Okay, because there is a file and I just
10 want to make sure this one is for the *Commodore*. We received one
11 and I assume it is, but I just want to verify it. So, it's -- in
12 the documents we received at 05' logbook, and it goes
13 _06282021132346.pdf and it looks like in the top left-hand corner,
14 I mean, it has page number 130, and it has MV *Seastreak Commodore*
15 and then on the following page it has Saturday June 5th, so I
16 think that's it. But I just wanted to verify it's page 131, and
17 it looks like departures and arrival times, I -- so I believe we
18 have it but I just want to verify that this is the correct one.

19 [REDACTED] [REDACTED] Yes, that sounds like that would be it.

20 BY MR. WISNIEWSKI:

21 Q. And just to clarify the people that were onboard, I know that
22 in a logbook it says 107, I know there was some discussion about
23 105. Can we have clarification on what was the final count? Head
24 count for the -- onboard that day?

25 A. 107 I believe, because that included two shore-side *Seastreak*

1 personnel that were working in the city that were transiting back
2 to New Jersey, or vice versa.

3 Q. Oh, okay. All right, okay so that -- okay so the two
4 additional made up the 107 were *Seastreak* personnel, all right,
5 great, thank you for that clarification. And then the -- oh and
6 the other one that I have is dropping, like an anchor in that
7 section of the river, and just based on your experience, now I
8 know that didn't happen. But is that advisable, is that a
9 practice that you've done -- performed in the past, or is that
10 ill-advisable based on traffic in that section of the river?

11 A. We have anchored vessels in that particular scenario at that
12 speed. It really wouldn't be the proper procedure.

13 Q. And that's just what I want to go into and understand right.
14 I mean, this happened -- this evolved very quickly but let's say
15 they did hit the stop is it advisable? The emergency stops, and
16 they did glide, could they deploy their anchor in that section of
17 the river?

18 A. I think if the vessel was at a speed where it was safe to
19 deploy the anchor, yes. But, if the speed that the vessel was
20 operating at, I think even at the -- when they were in
21 displacement mode, according the (indiscernible) he was still
22 watering I think 14 to 16 knots before they entered the cove, but
23 there's no way the vessel would have gripped on.

24 Q. And looking through a couple pictures that I received the
25 other day from -- it appears that the *Commodore* is equipped with

1 an electronic chart system display?

2 A. Correct, there's a Rose Point system onboard.

3 Q. Oh, there's Rose Point? Okay, so -- we're going to request
4 for that track history, so we have that playback, that
5 (indescribable) file.

6 A. There is no track history, the system -- it's not set up to
7 record.

8 Q. Oh, it's not set up to record, okay.

9 A. No.

10 Q. And is that because you know it's not set up for -- it would
11 be recorded on a VDR, correct? So, it doesn't have its own
12 independent flash drive or recording software?

13 A. That's if it has a built-in track feature within Rose Point,
14 but obviously with the amount of trips that we make in that area,
15 your track lines start to deteriorate with you on the chart.

16 Q. So, you don't use that feature?

17 A. We don't use it.

18 Q. Understood, got it.

19 A. Buoys disappear on the chart.

20 MR. WISNIEWSKI: Understood, thanks for the clarification
21 there. All right. That's all I have, [REDACTED] Warren [REDACTED]

22 [REDACTED] [REDACTED] We're going to take a quick five-minute break,
23 then we'll come right back on. You can pause please.

24 MR. WISNIEWSKI: Pausing the recording.

25 (Off the record)

1 (On the record)

2 MR. WISNIEWSKI: Recording started.

3 [REDACTED] So, the discussion what -- I think if it's okay
4 with everyone, we'll continue at a later time, discussion with Mr.
5 Bevins the -- some details of the night of the incident in
6 particular, just asking questions with regards to some documents
7 and some photos that the Coast Guard would like to ask questions
8 with. Any objections?

9 UNIDENTIFIED SPEAKER: Objections.

10 [REDACTED] Okay, at this time we're going to move into --
11 Luke, and if you're okay with this, we're going to move into
12 speaking with Mr. Park.

13 MR. PARK: Justin Park.

14 [REDACTED] Justin Park, *Seastreak* DPA.

15 MR. PARK: Yes, you've got that right.

16 MR. MATTHEWS: Then -- I'm sorry, Mark Matthews here. Before
17 we do that, I've just got one question for Mr. Bevins.

18 [REDACTED] Absolutely.

19 MR. MATTHEWS: Is there a passenger manifest for the -- you
20 can identify by name the passengers who were onboard, or is it
21 just a headcount?

22 MR. BEVINS: It's a combination of both, so we have commuters
23 and then we also have a reservation system. So, there were people
24 that were onboard the vessels that were booked through the
25 reservation system, and then there were commuters as well. So,

1 we've identified all passengers that were onboard that day.

2 MR. MATTHEWS: Okay, thank you.

3 [REDACTED] [REDACTED] Okay, so we'll go ahead and start with an
4 interview with Mr. Justin Park.

5 MR. WISNIEWSKI: Let me stop the recording so I can make
6 another pdf, or another mp3 file. So --

7 [REDACTED] [REDACTED] Did you -- did you want to repeat what you
8 initiated -- initially started with Mr. Parks here?

9 MR. WISNIEWSKI: Yeah, I just -- I want to stop this
10 recording.

11 The time is 1:14 p.m. Eastern Daylight Time. Recording with
12 Captain Bevins, VP of Operations has concluded.

13 (Whereupon, at 1:14 p.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


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

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.



Brittany Hay
Transcriber



National Transportation Safety Board

Washington, D.C. 20594


Transcript Errata

TABLE OF CORRECTIONS FOR TRANSCRIPT INTERVIEW WITH: JACK BEVINS
RECORDED ON JULY 8, 2021

PAGE NUMBER	LINE NUMBER	CURRENT WORDING	CORRECTED WORDING
4	21	Indiscernable	100 Ton because NE Radar cert exp
4	23	" "	ISSUED 2010
5	17	-- --	sold
7	2	ADS	ABS
7	13	indiscernable	Value
10	17	ADS	ABS
10	18	ADS	ABS
11	1	indiscernable	associated
18	20	ASP	Alternate security Plan
26	23	re-powered	Re-Powered
33	17	MTO	MTU
33	25	ATA	APA
44	2	---	of propulsion
45	17	huck	HAT
46	16	DBTT	DVTP
47	20	CDTP	DVTP

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

John J Bevins
Printed Name of Person providing the above information


Signature of person providing the above information

9/10/21
Date



National Transportation Safety Board

Washington, D.C. 20594

Transcript Errata

TABLE OF CORRECTIONS FOR TRANSCRIPT INTERVIEW WITH: JACK BEVINS
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PAGE NUMBER	LINE NUMBER	CURRENT WORDING	CORRECTED WORDING
50	5	F74 FG3	S74 SG3
52	25	Lead	Lead
59	2	ATA	DPA
66	23	First and	SEA in
67	13	Indiscernable	DSEA Miller's hauler
67	14	Grand Drive	Ran-Drive
67	19	8	East 35 th
68	1	Indiscernable	Alcohol
68	11	-- --	Vessel
71	4	wind screws	Twin Screws
78	11	have anchored	have not anchored

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.

[Handwritten signature]
Initials

[Handwritten signature: John J. Bevin]
Printed Name of Person providing the above information

[Redacted signature]
Signature of Person providing the above information

[Handwritten date: 9/10/21]
Date