



NTSB Investigation No. DCA23FM025

Date of Accident: March 28, 2023

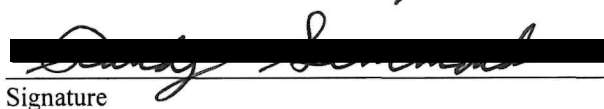
Accident Location: Coast Guard Lifesavers Memorial Light,  
Louisville, Kentucky

### CERTIFICATION OF PARTY REPRESENTATIVE<sup>1</sup>

I acknowledge that I am participating in the above-referenced accident or incident investigation, on behalf of my employer who has been named a party to the National Transportation Safety Board (NTSB) safety investigation, for the purpose of providing technical assistance to the NTSB's evidence documentation and fact-finding activities. I understand that as a party participant, I and my organization shall be responsive to the direction of NTSB personnel and may lose party status for conduct that is prejudicial to the investigation or inconsistent with NTSB policies or instructions. No information pertaining to the accident, or in any manner relevant to the investigation, may be withheld from the NTSB by any party or party participant.

I further acknowledge that I have familiarized myself with the attached copies of the NTSB Accident/Incident Investigation Procedures (49 C.F.R. Part 831) and "Information and Guidance for Parties to NTSB Accident and Incident Investigations," and will comply, and, if the party coordinator for my party, take all reasonable steps to ensure that the employees and participants of my organization comply, with these requirements. This includes, but is not limited to, the provisions of 49 C.F.R. §§ 831.11 and 831.13, which, respectively, specify certain criteria for participation in NTSB investigations and limitations on the dissemination of investigation information.

No party coordinator or representative may occupy a legal position or be a person who also represents claimants or insurers. I certify that my participation is not on behalf of either claimants or insurers, and that, although factual information obtained as a result of participating in the NTSB investigation may ultimately be used in litigation (at the appropriate time, and in a manner that is not inconsistent with the provisions of 49 C.F.R. § 831.13 and 49 U.S.C. § 1154), my participation is to assist the NTSB safety investigation and not for the purposes of preparing for litigation. I also certify that, after the NTSB Investigator-in-Charge (IIC) releases the parties and party participants from the restrictions on dissemination of investigative information specified in 49 C.F.R. § 831.13, neither I nor my party's organization will in any way assert in civil litigation arising out of the accident any claim of privilege for information or records received as a result of my participation in the NTSB investigation.

  
Signature

2/28/24  
Date

Randy Simmonds VP Operations  
Name & Title

C & B Marine  
Party Organization/Employer

<sup>1</sup> In aviation investigations this form may also be referred to as "Statement of Party Representatives to NTSB Investigation."

# National Transportation Safety Board

Office of the Marine Safety

Washington, DC 20594



February 27, 2024

Mr. Randy Simmonds  
Vice President Operations  
C&B Marine Equipment LLC

By email to: [REDACTED]

Re: Contact of the *Queen City* Tow with the Vane Dike, March 28, 2023, in Louisville, Kentucky

Dear Mr. Simmonds:

Enclosed is a copy of the Investigator-in-charge technical review copy of the draft NTSB report in the above-referenced investigation, for your technical review and comment. The deadline for submitting comments is March 8, 2024. I will review all factual comments and provide the parties with a written summary of the disposition of those comments, including whether any changes have been or will be made to my draft report. In addition to any comments you may have, please also indicate whether you believe any additional investigation is needed to complete the factual record.

The purpose of a technical review is to verify the accuracy and completeness of the factual information on which the analysis will be based. We are inviting factual comments only, not analytical comments. After the technical review, you will have an opportunity to submit a party submission in which you may offer your analysis, including proposed conclusions, probable cause, and recommendations. If you wish to provide a party submission, please provide it to me by March 12, 2024.

Please remember that draft copy of the report you received is for official use only until released in the public docket, and NTSB regulations prohibit the release of investigative information that has not been released by the NTSB without prior consultation and approval of the IIC.

Sincerely,

[REDACTED]  
Michael B. Karr  
Investigator-In-Charge

Enclosure