

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD


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Investigation of: *

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CATHLAMET FERRY COLLISION *

NEAR WEST SEATTLE FAUNTLEROY *

Accident No.: 

DOCK IN SEATTLE, WASHINGTON *

ON JULY 28, 2022 *

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Interview of: DAVID COLE, Captain
Cathlamet

Tuesday
August 30, 2022

APPEARANCES:

██████████, Lieutenant
United States Coast Guard

BILL MICHAEL
Washington State Ferry's Liaison

██████████, Chief Warrant Officer
United States Coast Guard

COLLIN FINEMAN, Federal Public Defender
Western District of Washington

TOM WALLER, Attorney
(Representing Mr. Cole)

ABIGAIL GELLMAN, Intern
Federal Defender

JONAH HASELEY, Intern
Federal Defender

██████████, Marine Casualty Investigator
United States Coast Guard

DAVID FLAHERTY
National Transportation Safety Board

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I N T E R V I E W

(1:12 p.m.)

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3 LT [REDACTED]: Good afternoon. This is Lieutenant Morgan
4 Kingston. I'm with Coast Guard Sector Peugeot Sound. Today's
5 date is the 30th of August 2022. The time is 1312. We are here
6 today to discuss the collision of the Washington State Ferry
7 *Cathlamet* with the Fauntleroy Ferry Terminal on the 28th of July
8 2022. In the room is myself, Lieutenant [REDACTED]. Last
9 name is [REDACTED].

10 MR. MICHAEL: Bill Michael, the Washington State --
11 M-i-c-h-a-e-l, the Washington State Ferry's liaison.

12 CWO [REDACTED]: Chief Warrant Officer [REDACTED]
13 assistant Lieutenant [REDACTED] in investigation.

14 MR. FINEMAN: Colin Fineman, F-i-e-m-a-n, Federal Public
15 Defender, Western District of Washington.

16 David, you can state your name.

17 MR. COLE: David Cole, C-o-l-e, Captain.

18 MR. WALLER: Tom Waller, attorney, W-a-l-l-e-r, attorney for
19 Mr. Cole.

20 LT [REDACTED]: And then if you guys can also introduce
21 yourselves.

22 MS. GELLMAN: Abigail Gellman.

23 LT [REDACTED]: Can you speak up a little?

24 MS. GELLMAN: Yes. Sorry. Abigail Gellman, intern with the
25 Federal Defender. Gellman is G-e-l-l-m-a-n.

1 MR. HASELEY: Jonah Haseley, Intern with the Federal
2 Defender. Haseley is H-a-s-e-l-e-y.

3 LT [REDACTED]: Lieutenant JG [REDACTED], you want to --

4 LTJG [REDACTED]: This is Lieutenant [REDACTED],
5 [REDACTED], Marine Casualty Investigator, joining via
6 Teams.

7 MR. FLAHERTY: Dave -- F-l-a-h-e-r-t-y.

8 LT [REDACTED]: Okay. Great. So before we get started I did
9 just want to reiterate the purpose of my specific investigation
10 and marine casualty investigation in general are just to determine
11 the cause of what happened to hopefully prevent things from
12 happening again in the future, and just improve safety of life at
13 sea. And so really my job is to not point any blame. It's not --
14 nothing is criminal. It's all administrative for my purposes. So
15 I just really wanted to reiterate that today. And what I'd like
16 to do now is just play the video of the footage we have of the
17 *Cathlamet* collision. And so if there is anything that you would
18 like to add that you think could assist me, I would, I would
19 really appreciate it. Because regardless of whether any
20 statements are made today, I still am going to publish a report
21 with the causal analysis based on the evidence that I have. That
22 report is releasable to the public as well as the NTSB's report as
23 well. So it's just basically me deducing what I have based on the
24 evidence. So anything else that you can provide that would be
25 helpful is really appreciated from my end.

1 Q. How about your chief mate?

2 A. The what?

3 Q. Your chief mate. I'm sorry.

4 A. Once again the same answer.

5 MR. MICHAEL: Thank you.

6 LT [REDACTED]: Mr. Flaherty, did you have anything that you'd
7 like to ask?

8 MR. FLAHERTY: Yes.

9 BY MR. FLAHERTY:

10 Q. Sir, as -- I'm the investigator for the NTSB, and I just want
11 to pass to you again that our goal is to find and determine the
12 probable cause or causes of the casualty. And in addition, I was
13 a licensed mariner. I sailed on my license as an engineer awhile
14 back. So I understand the situation you're in to a certain sense.
15 So I hope you can help us determine by answering a few of the
16 questions I have, and have a better idea what occurred that day
17 for the NTSB's investigation would be very helpful seeing you are
18 one of the two people that were on the bridge at the time. So
19 with that I'll start with my -- a couple of questions. Sir, how
20 long have you sailed with the ferry company?

21 A. Once again same answer.

22 Q. I believe you have to say the entire --

23 A. Okay. On the advice of my attorney I assert my Fifth
24 Amendment right not to answer.

25 Q. How long have you had your current license?

1 A. Once again on the advice of my attorney I assert my Fifth
2 Amendment right not to answer.

3 Q. When you were underway on the bridge of the vessel at the
4 time did you find that the helm was responding to your commands as
5 you would expect?

6 A. Once again on the advice of my attorney I assert my Fifth
7 Amendment right not to answer.

8 Q. Prior to the casualty do you recall if your throttle control
9 was operating as you would expect it to be?

10 A. Once again on the advice of my attorney I assert my Fifth
11 Amendment right not to answer.

12 Q. Do you as the -- one of the persons who was at the bridge at
13 the time were you at the helm when the vessel had hit the dolphin?

14 A. Once again on the advice of my attorney I assert my Fifth
15 Amendment right not to answer.

16 Q. Were there any vessels crossing in your path prior to the
17 casualty?

18 A. Once again on the advice of my attorney I assert my Fifth
19 Amendment right not to answer.

20 Q. Do you have any theories as to -- that would help me with my
21 investigation as well as the Coast Guard do you have any theories
22 as to why the vessel went off-course to starboard and hit the
23 dolphin outside of the ferry terminal on its port side?

24 A. Once again on the advice of my attorney I assert my Fifth
25 Amendment right not to answer.

1 MR. FLAHERTY: All right, thank you. That's all the
2 questions I have.

3 LT [REDACTED]: Okay. Unless anybody has any final comments, I
4 think we can conclude the --

5 LT [REDACTED]: Lieutenant [REDACTED] --

6 LT [REDACTED]: Oh.

7 LT [REDACTED]: This is Lieutenant [REDACTED]. I have a
8 couple of questions as well.

9 LT [REDACTED]: Go ahead.

10 BY LT [REDACTED]:

11 Q. Mr. Cole, were you distracted in any way while you were on
12 the bridge during that transit?

13 A. On the advice of my attorney I assert my Fifth Amendment
14 right not to answer.

15 Q. Mr. Cole, did you use your phone at all during the transit
16 over to the ferry terminal?

17 A. Once again, sir, on the advice of my attorney I assert my
18 Fifth Amendment right not to answer.

19 Q. Mr. Cole, did you at any point fall asleep during the
20 transit?

21 A. And once again on the advice of my attorney I assert my Fifth
22 Amendment right not to answer.

23 Q. And, Mr. Cole, did you have any sort of medical issue that
24 day that may have impacted your ability to operate the vessel
25 safety?

1 A. And once again, sir, on the advice of my attorney I assert my
2 Fifth Amendment right not to answer.

3 LT [REDACTED]: Thank you, sir. I have no further questions.

4 MR. FLAHERTY: This is David Flaherty again. Just one
5 follow-up question.

6 BY MR. FLAHERTY:

7 Q. Sir, if you could explain your -- the purpose of why you're
8 surrendering your license.

9 A. Once again on the advice of my attorney, I assert my Fifth
10 Amendment right not to answer.

11 MR. FLAHERTY: All right, thank you.

12 UNIDENTIFIED SPEAKER: And I would be happy to note that this
13 whole experience has obviously been very traumatic for David.
14 He's 65, approaching retirement age. For an incident like this to
15 happen after his career, it's obviously taken an emotional toll.
16 So I'm sure you can see that's a factor in why he's surrendering
17 his license at this time.

18 UNIDENTIFIED SPEAKER: I just have one thing. Can you play
19 that first video, just the first 15 seconds, the very first, the
20 first three or four -- just the very, very first one.

21 LT [REDACTED]: Sure.

22 UNIDENTIFIED SPEAKER: If you could, please.

23 LT [REDACTED]: Yeah.

24 UNIDENTIFIED SPEAKER: Is this from the car deck?

25 LT [REDACTED]: I am not exactly sure.

1 (Video playing)

2 LT [REDACTED]: Just let me know when --

3 UNIDENTIFIED SPEAKER: Thank you. I just have to see the
4 first few -- I'm sorry.

5 UNIDENTIFIED SPEAKER: Captain, thanks for coming in today.
6 Really appreciate it. You talked to us on the day of the
7 incident. We really appreciate that. I can tell that it's
8 affecting you. I just want to -- you and your attorneys to, you
9 know, when we, when we do our investigations we're going to be
10 jumping to conclusions by not getting any assistance. So that
11 report will be coming out as what we assume happened that day, and
12 that, you know, I get there could be civil litigations and all
13 this other stuff out there too, but just like Lieutenant [REDACTED]
14 said, the NTSB will be submitting their report. We'll be
15 submitting our report, which ours you have to FOIA to get. NTSB
16 they, by law they release that. So that's just going to be out
17 there. I get it, the attorneys and that, but I, you know, it's --
18 really would help us down the road or something or whatever to
19 tell us --

20 UNIDENTIFIED SPEAKER: I totally understand you guys have a
21 job to do. I can't tell you how much I respect the Coast Guard.
22 Any type of quasi-law enforcement agencies are usually in my black
23 list in the line of work that I do, and I really appreciate
24 everything the Coast Guard does. All I can say is that normally
25 when people jump to conclusions they're the wrong conclusions.

1 And if I have to disprove them, I will. But I think we're
2 probably done for today.

3 UNIDENTIFIED SPEAKER: Thanks for coming in.

4 UNIDENTIFIED SPEAKER: All right. Thank you very much.

5 UNIDENTIFIED SPEAKER: The time is --

6 LT [REDACTED]: 1331. This is Lieutenant [REDACTED]. I'm
7 stopping the recording.

8 (Whereupon, 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: *CATHLAMET* FERRY COLLISION
NEAR WEST SEATTLE FAUNTLEROY
DOCK IN SEATTLE, WASHINGTON
ON JULY 28, 2022
Interview of David Cole

ACCIDENT NO.: 

DATE: August 30, 2022

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.



Katherine Motley
Transcriber