

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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SINKING OF THE *PROASSIST III* *

NEAR YABUCOA, PUERTO RICO, *

Accident No.: DCA21FM011

ON DECEMBER 24, 2020 *

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Interview of: JAVIER FIGUEROA SOSA, Master
Proassist III

Via telephone

Saturday,

December 26, 2020

APPEARANCES:

MICHAEL KARR, Senior Marine Accident Investigator
National Transportation Safety Board

LT [REDACTED] [REDACTED] Senior Investigating Officer
U.S. Coast Guard

CDR [REDACTED] [REDACTED] Chief of Prevention
U.S. Coast Guard

LCDR [REDACTED] [REDACTED], Chief of Inspections
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LT [REDACTED] [REDACTED]
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LTJG [REDACTED] [REDACTED]
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I N T E R V I E W

(1:27 p.m.)

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2
3 LT [REDACTED] Today is December 26th. It's approximately
4 1327. We're here with the master of the *Proassist III*, Javier
5 Figueroa Sosa. We are recording this conversation for the purpose
6 of the marine casualty that occurred when the vessel sank.

7 If you agree with this recording, sir, please say your full
8 name and that you agree with it.

9 MR. FIGUEROA SOSA: My name is Javier Figueroa Sosa, and yes,
10 I agree to the recording of this interview.

11 LT [REDACTED] Excellent. Thank you very much, sir.

12 So, just so you know who's here present, we have
13 Mr. [REDACTED] -- he's one of our inspectors -- also is going to be
14 coming back later if we need one.

15 MR. FIGUEROA SOSA: Okay.

16 LT [REDACTED] We've got Lieutenant Commander [REDACTED]. He's
17 going to be the chief of inspections here at Sector San Juan.
18 Lieutenant [REDACTED] she's going to -- she's one of the investigators
19 here. You have Commander [REDACTED] He's the chief of prevention.
20 Lieutenant Junior Grade [REDACTED] he is our subject matter expert
21 for towing vessels. You've got myself as the lead investigator,
22 senior investigating officer. And we have Mr. Mike Karr. He is
23 one of the investigators from the NTSB, and he's on the line.

24 MR. KARR: Hello, Captain.

25 MR. FIGUEROA SOSA: Good evening, sir.

1 I don't know if he can hear me right.

2 MR. KARR: Oh, yes, I can.

3 MR. FIGUEROA SOSA: Okay, great.

4 INTERVIEW OF JAVIER FIGUEROA SOSA

5 BY LT [REDACTED]

6 Q. Okay. So like Commander [REDACTED] was saying, Captain, what I
7 would like to do is, I would like to start the interview just by
8 establishing who you are, your credentials, your experience and
9 all that, and then we build it up from there and get to like the
10 attack -- to what happened and story and everything else.

11 A. Okay.

12 Q. So how many people were on board the vessel that day?

13 A. With myself, it was three people.

14 Q. Three? Okay.

15 And how long have you been a master?

16 A. I think it was in 20- -- maybe like 2012.

17 Q. 2012?

18 A. Yeah, something like that.

19 Q. Okay.

20 A. I'm bad with times and dates, so --

21 Q. No, no, but approximately years. You can say approximately.

22 A. Yeah, sometime -- 2012, I guess.

23 Q. Okay. So 8 years then. And how long have you been a master
24 on this vessel?

25 A. On this vessel, on and off, maybe 6 years, 7 years, something

1 like that.

2 Q. And how long have you been working with this company?

3 A. I started working in 2009. I left I think it was in 2012 to
4 go and work on ships. Then I came back after a year and a half,
5 something like that, and then I came back and I left to work for
6 another tugboat company. So on and off from 2009. I would say
7 maybe 9 years. Is that right? Yeah, 9, 8 years.

8 LT [REDACTED] Anybody have any other questions, feel free to
9 jump in.

10 BY LT [REDACTED]

11 Q. So, obviously, you're a graduate of universidad, all your
12 years of experience and everything. So on this day you were
13 serving in what capacity?

14 A. Captain.

15 Q. Captain. And when the casualty occurred you were -- where
16 were you located?

17 A. What do you want to know? The physical position of the
18 vessel or --

19 Q. What you were doing.

20 A. I was on the bridge.

21 Q. On the bridge?

22 A. Yes.

23 Q. And now is when we start going into the actual motions of
24 that day. Could you walk us through the moment that -- that whole
25 day operations, from the time that you left Yabucoa, if you

1 remember the times and everything, to Guayama, when you get there,
2 and then on your way back, just so we can have a feel of --

3 A. So I started my day around 0700. I think we left the dock at
4 0720 from Yabucoa to Guayama. We left because we had a job going
5 on, a four-tug job, of the coal ship coming in Guayama, in Las
6 Mareas. And so I started that day and the plan was to go from
7 Yabucoa to Guayama and then come back to Yabucoa, because we had a
8 standby vessel to take it out most likely that day, so we had to
9 move our equipment from one port to the other.

10 Q. Okay. So once you get to Guayama, can you elaborate a little
11 bit on procedures or things that you do before your departure back
12 to Yabucoa?

13 A. Okay. So what happens is that initially when I get to
14 Yabucoa, I do my procedures, my forms, and all that stuff. And
15 then I go into Guayama. I then finish the forms that we do for
16 the job specifically, like times alongside and all that stuff, and
17 then I come back. So if -- based on that question if anything
18 that was done, forms or anything, it's when I go out, the pre-
19 voyage and all that stuff.

20 Q. Okay. Okay. So you would fill out the pre-voyage from
21 Yabucoa?

22 A. From Yabucoa.

23 Q. And what does that include?

24 A. Pre-voyage will include anything that has to do with my
25 general alarms, my systems, my rudders. You know, I have two

1 pumps on it, so I have to check both of them. What else? All my
2 electronic equipment, if it's working. I have to make sure that
3 before we leave they have all the hatches and everything closed,
4 all the watertight doors and all that stuff, and that we're ready
5 for sea basically. My -- also -- there's two. There's one pre-
6 voyage and then there's a navigational assessment. All this is --
7 this is all based on regulations, so it's basically from that that
8 we had a checklist. Yeah.

9 Q. Okay.

10 BY UNIDENTIFIED SPEAKER 1:

11 Q. I have a question real quick. What was the -- so what was
12 the -- you guys were planning to go there, do the job and come
13 back?

14 A. Yes.

15 Q. What was the estimated time of return?

16 A. Usually it takes 3 hours and a half. And when I'm coming
17 from Yabucoa -- I mean from Guayama -- because we have normally
18 those easterly winds and current, so we do a little bit more speed
19 when we're going to the west, right, we have all that easterly --

20 Q. Yeah.

21 A. -- on our stern. And then when we come back, it will take a
22 little bit, maybe like 4 hours. Yeah.

23 Q. And then what time were you guys planning to be back in
24 Yabucoa?

25 A. I was thinking that before 1730 I was going to be able to get

1 there.

2 Q. All right.

3 A. And I'm just throwing out numbers because I really -- I have
4 to go and check and --

5 Q. Yeah, I understand.

6 A. -- the times and all that stuff. But I -- you know, for to
7 be precise on time, what I say you at this moment with all the
8 physical evidence and all that, it's not the best, but I'm just
9 throwing that out.

10 Q. All right.

11 A. All -- it's all estimating approximate numbers.

12 Q. Yeah. And then, so you say you had a crew of three --

13 A. Yes.

14 Q. -- on board the vessel. Is that normal?

15 A. Yes.

16 Q. All right. Got it. And then what is the -- like we
17 understand like what each person does, but what are their
18 responsibilities to you personally?

19 A. For me?

20 Q. No, what is their responsibility or what is their role that
21 they play for you, right?

22 A. Oh, they're basically my eyes. Anything they see out of
23 place or anything. I do a round and I check, and I check the
24 systems. If I see that something's bad, I go and talk to him,
25 like why is this not working? Unless that happens, we just have a

1 normal conversation, we're going to do this job. Usually they
2 know the day, but I always talk to them. Tell we're going to
3 Guayama, we're going to do this and this and this, and then we're
4 coming back. They know that. And anything that they find out of
5 place, based on their experience, then they tell me, you know.

6 Q. All right.

7 A. And but it was -- all the system was working and everything
8 was right.

9 Q. What role do they fill for you? Like are they --

10 A. They do not fill any forms. They do not do that.

11 Q. All right. And then are they both ABs or are they sort of
12 like a (indiscernible) --

13 A. No, they're an ordinary seaman, both of them. The deckhand
14 went to the course for AB and he has to go and take the test. So
15 we're waiting for him to go back and take the test.

16 Q. All right. But they both -- for you, they're both OS
17 basically?

18 A. Yes, yes. Or for -- unless he gets that, they're just OS.

19 Q. Yeah. Got it. Thank you.

20 BY LT [REDACTED]

21 Q. Okay. So back to the timeline, right. We have 0700
22 departure. 0- --

23 A. Yeah. 7:20, yeah.

24 Q. -- 0720, 0730 departure. And then you -- 3 hours later you
25 arrive --

1 A. Three hours and a half, something like that, yeah.

2 Q. So you -- okay. Three hours you arrive there. And then you
3 conduct your whole operation?

4 A. Yes. Yes.

5 Q. As soon as you're done -- how long did this operation take?
6 At what time were you looking at coming back?

7 A. Usually I think it was -- we started the job at 1250 because
8 they had to take out a barge out of -- a coal barge out of
9 Guayama, and they had delays on it, so I had to wait a little bit
10 on that. And they usually take an hour, an hour and 20, 30
11 minutes to all the evolutions from coming in and securing the
12 vessel.

13 Q. Okay. So you were looking at 1400 return time, around that?

14 A. I would say -- yeah, 1420, something like that.

15 Q. So prior to the vessel's return, is there any company policy
16 or anything that you would follow like -- or checks or pre-
17 departure again or anything that you will verify?

18 A. So they're established by 24 hours, like all systems to be
19 checked by 24 hours. So 24 hours had not passed, everything was
20 working, so I keep doing what I had previously.

21 Q. Okay. Okay. So at the time of your return there were no
22 indicators that anything was out of the normal for the vessel?

23 A. With the vessel, no. The only thing that was out of the
24 normal was all the bad time weather we were getting into. You
25 know, it was evolutions of bad weather. So that was -- that will

1 be the other thing I would put in my report. So I usually start
2 writing on scrap paper because I got the computer on my back. So
3 I don't -- I want to be looking what I'm doing. So when I go to
4 port, back, then as a matter of fact I do my -- I put that in my
5 return report if it's something out of the normal. The 24th was
6 out of the normal. It was weather all coming, squalls, all that
7 stuff. So that I would -- because it was evolution, different
8 evolutions of weather. So that I would, yeah.

9 Q. Okay. So we're talking about the weather. Let's, before we
10 focus on the vessel or anything, let's talk about the weather a
11 little bit. On your departure from Yabucoa, how would you
12 describe the weather?

13 A. To the best of what I remember, right?

14 Q. Yeah.

15 A. I -- this is what we do. We usually take -- we use a system
16 called Caicos (ph.), right? And we use Caicos and we see it.
17 Because once I get to the tugboat, one thing is what the system
18 tells me and one thing is once we go outside, because we're in the
19 harbor. So I saw that, you know, it was a low visibility day.
20 One of the things that we had -- I think I wrote it; I'm not sure
21 -- it was northwesterly seas and wind, and that's not normal.
22 That is not normal in that area. Usually it's easterly. And I
23 think I had waves from 5 to 6, but that's what the system says.
24 When you got outside it's different. You know, you'll find
25 different conditions.

1 UNIDENTIFIED SPEAKER 1: What are you -- one quick question.
2 What do you mean by low visibility?

3 MR. FIGUEROA SOSA: Low visibility, because usually if I can
4 see -- I know this. If I can see the buoy, like fender buoys when
5 I'm there or I can hardly see them, I know I have low visibility.
6 But it was raining that day. It was a rainy day and all that
7 stuff, so that's going to lower my visibility. And it was pockets
8 of regular visibility, low, fair. You know, anything over 9 is
9 really good. But -- and I establish that by using the radar.
10 Because if I see something and I can see it with my eye and I see
11 it and I mark -- okay, I know we're this amount of miles away from
12 it, so I know my visibility.

13 UNIDENTIFIED SPEAKER 1: All right. Okay.

14 BY LT [REDACTED]

15 Q. Okay. So on your departure you would call it abnormal winds,
16 right, atypical?

17 A. It was not -- it was a little bit rowdy going --

18 Q. Okay.

19 A. -- to Guayama, but it was nothing out of the norm. At this
20 time of the year, you have to go a little bit --

21 Q. (Indiscernible)

22 A. Yeah. So it was like, oh, it's a little bit rowdy, da-da-da,
23 you know. And it was pockets of good weather, a little bit fair,
24 you know, and blah, blah. But it wasn't so bad going to Guayama.
25 You know, it was just -- it was shitty, but it wasn't, you know, I

1 wouldn't say something out of -- too much. It was bad weather but
2 it wasn't really, really, really bad weather.

3 Q. Okay. Okay. And the sea state you say is 5 to 6?

4 A. Five to 6.

5 Q. This is on your departure from Yabucoa?

6 A. From Yabucoa to Guayama, yes.

7 Q. Okay. Okay.

8 UNIDENTIFIED SPEAKER 1: Was this the first time you
9 encountered this type of weather in that area?

10 MR. FIGUEROA SOSA: No. No, no going down there, no. This
11 is a bad season for weather. Usually Christmas and all that
12 stuff, December, we have all these cold fronts coming in. And
13 that's the thing, that a day can start a way and you finish in
14 another kind of weather because you have everything coming in at a
15 single -- yeah. So you can't forecast to the future.

16 UNIDENTIFIED SPEAKER 1: Right.

17 MR. FIGUEROA SOSA: Yeah.

18 UNIDENTIFIED SPEAKER 1: We understand.

19 BY LT [REDACTED]

20 Q. So that's the kind of weather. It's kind of, like you said,
21 kind of choppy, kind of -- not perfect weather, but it's normal
22 weather, right?

23 How often do you do this trip down to Yabucoa?

24 A. I've been doing it for years. It really depends on the
25 amount of vessels we have. Usually if we have enough vessels we

1 use the ones in port that we have and we don't move tugboats.

2 Q. Okay.

3 A. It's going to depend on what equipment we have, what the jobs
4 we're doing. So I can't say a specific numbers or time per month
5 or anything like that. It depend on what's happening.

6 Q. Okay. Okay.

7 A. Yeah.

8 Q. But you've done it before with this tug?

9 A. Yes, yes. I've done it a couple times with the weather
10 coming down from -- from Yabucoa to Guayama, I would say I've been
11 in that weather before.

12 Q. Okay. Okay. So once you do your ride to Guayama, you're
13 doing your -- you do your operation there. On your way back at
14 what point do you notice the inclement weather?

15 A. So I go out of Guayama, and it was practically the same
16 weather I had coming into the port. But then maybe half an hour
17 later, it started getting a lot of seas, right? And I'm pitching.
18 I'm pitching, rolling. And we had moments of bad weather and
19 moments of really bad weather. Because we had like little squalls
20 coming in and all that stuff. So it was like that all the trip,
21 you know, all the trip.

22 Q. At what point were you -- if you were to put it in the chart,
23 put it in your chart, at what point would you say --

24 I have this one, too.

25 A. Okay. So I make a turn here, right, then I go straight. So

1 I can say something around here. And everything from here to
2 here, it was changing from bad to really bad. Bad to really bad.
3 And one of the things that is not normal is that usually I have
4 all the waves breaking in front of me and this time I had a lot of
5 following waves. That is not normal. That's not normal on that
6 route. And it was for moments. Some moments I go and look at the
7 steering and the movement of the ship and I have a lot of water
8 breaking in front of me, and then suddenly it stopped and then it
9 got -- so it was different type of weathers at the moment. It was
10 something -- that was not normal. I don't remember getting in
11 that type of weather down here unless we knew that was a storm or
12 something like that. But there was nothing around us, you know,
13 so -- so, no, that was not our typical day and by my experience it
14 was not a typical weather.

15 BY UNIDENTIFIED SPEAKER 1:

16 Q. Are you typically assigned to this -- are you guys assigned
17 to the vessel, to any --

18 A. No, we're not. We're not. One other thing is that -- and we
19 were going to talk about like, a little bit about myself and all
20 that stuff, and I'm just going to add this. I'm not assigned to a
21 specific tugboat. I can operate any kind of tugboat: ASD, single
22 screw, twin screw. And we jump from different tugboats to
23 tugboats. It's depending on what is is the need of the business
24 at the time and who we have available. So --

25 And also, I am a little bit more in the office also. I do a

1 little bit of personnel and -- so I don't -- I get called but I'm
2 not the first calls they make when we have to do jobs. I do COIs.
3 I'll be like -- [REDACTED] and I, last time, remember doing that.

4 UNIDENTIFIED SPEAKER: Yeah, (indiscernible).

5 MR. FIGUEROA SOSA: Yeah.

6 BY UNIDENTIFIED SPEAKER 1:

7 Q. All right. So how many, roughly how many like trips you do a
8 month?

9 A. Like that?

10 Q. Like any trip. You say like you spend some time in the
11 office so you don't get that many calls, right?

12 A. Yeah.

13 UNIDENTIFIED SPEAKER: How many jobs?

14 MR. FIGUEROA SOSA: How many jobs?

15 BY UNIDENTIFIED SPEAKER 1:

16 Q. Jobs.

17 A. I would say like three a week.

18 Q. Three a week?

19 A. Yeah. We don't have a lot of ships coming in and out of
20 those ports. Coal ship sometimes comes weekly, sometimes every 2
21 weeks. So we don't -- it's not moving that much. And Yabucoa
22 also it's -- it fluctuates. So it depends, you know. But I
23 don't -- three to four jobs a week maybe.

24 Q. Are those typically done with this vessel or with the other
25 vessels?

1 A. Any vessels. Not with that vessel specifically. I -- we use
2 any of them. And I get tossed around different tugboats because
3 about -- I've been on almost all of them or all of them, so I
4 drive them all.

5 Q. All right.

6 BY LT [REDACTED]

7 Q. Do you have any kind of policies in place for in terms of
8 weathers and operating, whether you go out or you don't?

9 A. To be honest, that's one call for the captain, right? If I
10 feel that it's going to put us in danger, anything like that, I
11 call it off. I say, look, I'm not going out in that weather,
12 right? But policies per se, you know, that's something a call
13 from the captain and I don't think the office should dictate, you
14 know --

15 Q. No, I'm just asking --

16 A. Yeah.

17 Q. -- if there's anything in place?

18 A. No, no, no. Well, other than -- and also we use -- we are in
19 constant communication with the pilots. And if they understand
20 that the weather is really bad and they're not going to do the
21 evolution of doing the job, then we follow what they need and then
22 we stop also. So it's depending on what's happening at the moment
23 and also we talk to the pilots. So that's basically what we do.

24 BY UNIDENTIFIED SPEAKER 1:

25 Q. So the evolution then was with a pilot on the other boat? Or

1 no, for this one? On the coal ships?

2 A. Yes. They use a pilot. They use a pilot.

3 Q. All right. Who was the pilot? Do you remember?

4 A. Porhencia Navidad (ph.).

5 Q. All right. All right.

6 A. Hencia Navidad.

7 BY LT [REDACTED]

8 Q. Okay. So going back to it. You face the really rough
9 weather at that point, correct?

10 A. It started on and off, right. It starts on and off. And
11 there was moments that it was normal. You know, it was bad
12 weather but it wasn't something out of this world, you know. And
13 I felt that, you know, we can go ahead and do it. So, you know --
14 but yeah, it was nothing that I felt, judgment calling me that I
15 would say we're turning back. Or the closest port I have really
16 is Yabucoa-Guayama, that's pretty much what I have right there.
17 And that was pretty much it.

18 But where it started getting really bad -- really, really bad
19 was when I was -- like after Punta Tuna in Yabucoa, that's where,
20 if I remember, I wrote down on a paper when I passed Punta Tuna,
21 because that's a landmark we use, right? And I said, okay, it's
22 time -- Punta Tuna, midships, you know, pass it. And then maybe
23 25 -- 20 minutes after that it started getting really -- we had
24 the squalls coming in. So that's -- I don't have any options
25 there. I just have to keep going and try to make a course where I

1 get less swells on the stern. So that was basically what we were
2 doing at the time. And it's not really big changes in what I
3 think. I just look at it and say, okay, we're going to hold this
4 for a while or come back and -- but it was coming on and off, you
5 know, on and off.

6 Q. Yeah. At what point were you either notified or did you
7 notice that you were in trouble or that something was going on?

8 A. I will say about 15 to 20 minutes after we passed Punta Tuna.
9 Because I remember that I checked Punta Tuna, and usually I check
10 it because that's a really nice lighthouse and we usually want to
11 see if it's lighter or something like that. So I looked at it. I
12 look around. And it was raining also. There was a lot of rain, a
13 lot of rain. And that's where the engineer comes up and -- no, it
14 was the deckhand. The deckhand, he called me by radio. He has a
15 radio. He says, hey, we have problems here, we have a lot of
16 water. And I was like, come up here, I need to talk -- because I
17 couldn't understand what he was saying clearly.

18 And he comes up and he tell me, hey, Cap, we're taking water.
19 I'm like where? He said, back there. And I was like, okay, so
20 it's raining. We had waves coming in and out but it wasn't really
21 that horrible. And I was like, so turn on the pump. And they
22 started throwing the 3-inch pump, right? And they start doing
23 their evolution of trying to turn on that pump and all that stuff
24 at the diesel.

25 UNIDENTIFIED SPEAKER 1: Which of the deckhands is the one

1 that notify you?

2 MR. FIGUEROA SOSA: Jose, the skinny tall one. That one.

3 UNIDENTIFIED SPEAKER 1: All right.

4 BY LT [REDACTED]

5 Q. So, sorry, to back up a little bit. At what time
6 approximately would you say you were at Punta Tuna?

7 A. I'd have to go back and see. I mean, the best thing we can
8 check is the time of the AIS.

9 Q. AIS, yeah.

10 A. Yeah. But I would say if you really need a time and don't --
11 I really can't recall.

12 Q. I won't hold you to a time. It's just an approximate.

13 A. Maybe 1640, something like that. Maybe.

14 BY UNIDENTIFIED SPEAKER 2:

15 Q. Is there an indicator on the bridge when the bilge pump is
16 running inside a space?

17 A. The bilge pump?

18 Q. The one that's built into the --

19 A. They're separate compartments.

20 UNIDENTIFIED SPEAKER 1: Right. How many bilge pumps are on
21 the boat?

22 MR. FIGUEROA SOSA: There's one bilge pump, right? That
23 would be in super emergency I take it out, right, water that's
24 inside. But it's different compartments. So the compartments
25 from the steering are not connected to the bilge. That's what I

1 understand.

2 BY UNIDENTIFIED SPEAKER 2:

3 Q. What about inch and a half line? Mr. -- what's his name? The
4 person -- Rubio? Mr. Hernandez said that there was a pump in the
5 steering room that had about an inch and a half line.

6 A. That's ecology, I think.

7 Q. It's what?

8 A. An ecology pump.

9 Q. Okay.

10 A. Yeah.

11 Q. But you have no indication on the bridge when that's running
12 though?

13 A. No. They were not on the -- I would have an alarm for the
14 bilge, right? But for steering rooms and all that stuff, no.

15 Q. There's no alarm in the steering room?

16 A. No. There's no -- I mean, I understand, based on
17 (indiscernible) that that is not a requirement. So it would be a
18 bit (indiscernible) mainly, but --

19 UNIDENTIFIED SPEAKER 1: Yeah, the only one that has an alarm
20 is the one that is in the engine room?

21 MR. FIGUEROA SOSA: And the bilge, there should be.

22 UNIDENTIFIED SPEAKER 1: Bilge.

23 MR. FIGUEROA SOSA: Yeah. Yeah, that would be -- yeah.

24 UNIDENTIFIED SPEAKER 2: Okay.

25 BY LT XXXXXXXXXX

1 Q. So after the Punta Tuna, 1640 -- I'm not holding you to that
2 time, just an approximation.

3 A. Yeah.

4 Q. You said like 20 minutes later is when the deckhand comes
5 over approximately.

6 A. Yeah, something like that.

7 Q. Approximately.

8 A. Something like that, yeah. Twenty minutes, yeah.

9 Q. So he tells you about the water, you call him up, and then
10 you tell him to go back and --

11 A. So I momentarily leave the bridge.

12 Q. Okay.

13 A. See, because from that deck -- if you see the picture here --
14 can we go to the picture?

15 Q. Yeah, of course.

16 A. So I go from here and I walk the second deck and I can see
17 what happening here, right?

18 Q. Okay.

19 A. So one of the first things, you know, I check is, are all my
20 manholes, man-covers closed. And they were all closed, you know,
21 so -- and I knew that, but I was like maybe pitching and rolling
22 and all that stuff, so I was like maybe something opened.

23 Everything was secured. And I look at it and then I tell him,
24 well, start the engine -- I mean start the pump. And this is on
25 me running back and forth real quick because --

1 Q. Of course, of course, of course. Right.

2 A. -- because I have to be on the bridge. You know, I'm the
3 only one -- I'm the only operator there at the moment, so I have
4 to be on the bridge. And I go back and look at what they're doing
5 and they start pump and tried to pump out the water when they did
6 it. But do you see all these scoopers [sic] and all that stuff?
7 All this, right? So I got scoopers in here. I got from the
8 stern, pretty sure. And I had water just coming all over this,
9 like water and water and water and water. And when they open it,
10 I look and I couldn't tell from up here how much water we had
11 because I cannot go down there and check it. So --

12 Q. Okay. The water was running over the deck?

13 A. It was running. It was running pretty bad, yeah.

14 Q. Okay. So how much time did they spend approximately working
15 on the pumps?

16 A. I would say that between the time they turn it on and the
17 time I saw that our stern was taking just too much water and it
18 was already up here, it might -- it may have taken 30, 40 minutes.
19 Right here.

20 Q. That's by the time that the water was on deck level?

21 A. It was up there, you know, really up there and I can see the
22 level of the water from up here. So when I see that, I know
23 it's -- you know, we're compromised to a point where I have too
24 much water.

25 And you're not asking this, but I think one of the biggest

1 things that was a big factor in this was that when -- I don't know
2 why the pump started [sic] pumping water. It was on. It was
3 working. It was running, the engine, I could hear it, but it was
4 not pumping any more water. And they're trying to make it suck
5 water and suck water, and they're trying and they're trying and
6 they're trying. And I had that hatch open, and I -- and that's
7 where I started having all that massive water like coming in and
8 coming in and coming in. But I had the pump on. So as long as I
9 have the pump on, I was like, well, maybe it's a bucket or flare,
10 or maybe it's a rag. Anything that could -- you know, and they
11 took out anything running back and forth.

12 He took out the hose, the hose that goes inside, and they
13 checked it. Just -- I saw that and was like did you see anything?
14 Is it blocked by anything? I'll run and check. Okay, go and
15 check. And they couldn't find anything why the pump start -- stop
16 working. We didn't have any rags. We didn't have anything
17 inside. It was running but it was not sucking out the water. It
18 was not pumping out.

19 BY UNIDENTIFIED SPEAKER 1:

20 Q. Did it suck water at any point?

21 A. It did. It started working really good, but I think maybe
22 for 3 or 4 minutes, you know, so -- and it's a 3-inch pump, so
23 that is a lot of water coming out. A lot, a lot, a lot of water.
24 So I felt, you know, I felt at that point, I was like we're going
25 to make it, right? We have time. We're going to start taking out

1 the water. But once we lost that pump and they started -- and I
2 had all that massive water coming in, coming in, coming in, coming
3 in, you know, that was pretty much it.

4 Q. But it was working -- you guys got it out, got everything set
5 up, it was working, and then 3 or 4 minutes later it stopped
6 working?

7 A. I think it was like 3 or 4 minutes later, yeah.

8 Q. Got it.

9 A. I don't know exactly, but it was something like that, yeah.

10 Q. Do you recall if they every like run that pump before --

11 A. Yes.

12 Q. -- like a drill?

13 A. As a matter of fact, there's a drill for it. And the other
14 engineer that's assigned to that vessel, he personally and him had
15 run drills on it, how to turn it on and all that stuff. And we
16 did an inspection sheet based on the manufacturer's specifications
17 on how to do an inspection of that. So I asked them to run it
18 every month. And I had in our system, in Helm, a checklist that I
19 personally made with that engineer that was assigned to that
20 vessel -- he was not there that day because he was going on
21 another trip -- how we were going to go with maintenance and all
22 that stuff. And I personally did that with him.

23 Q. All right. Is that pump on every vessel or it's just for
24 that --

25 A. It's different pumps on different vessels, different brands.

1 I -- it depends. You know, they buy them, three or four of them,
2 and then we replace them. That one I had it inside this hatch
3 because I didn't want it outside taking all the elements. So
4 specifically I had asked them to go inside and put it inside,
5 because that hatch was big enough and we have space. It's
6 depending on the tugboat. Some tugboats you can do it, some
7 tugboats you can't do it.

8 Q. Can we make a note so that we can get a copy of that
9 procedure?

10 And is that pump self-priming?

11 A. No. No, you have to prime it with whatever you have. And
12 once you start it running, once you run it, it works real good.
13 But of course all these things are done when you are -- there's no
14 fear and it's different conditions. You know, I don't know if the
15 rolling or the pitching had any effect on it or something like
16 that. It -- and I can't say that I saw this, but when I asked the
17 guys, I was like, why it's not working? He's like, oh, we got hit
18 by a big wave, blah, blah, blah. And I was like, okay, well -- I
19 don't know if that did anything, but it stopped working, so --
20 maybe the angle it fell. I don't know. I don't know.

21 BY LT [REDACTED]

22 Q. So you were running your pump at 1740. Like approximately
23 1750 --

24 A. The 3-inch pump, yeah.

25 Q. The 3-inch?

- 1 A. Yes.
- 2 Q. Handheld portable?
- 3 A. Yeah. Portable one, yeah.
- 4 Q. So at 1750, like about 5 to 10 minutes later --
- 5 A. It stalled, yeah. And you know, like I tried -- this looks
6 like it, I guess, where the (indiscernible).
- 7 Q. Okay. The pump stalls, what happens next?
- 8 A. So they tell me it stops, right? And stops -- didn't turn
9 off, it just stopped working. And I start looking, and then --
10 you know, this is all -- I have really, really, really bad
11 weather, really limited visibility. It started, the squalls
12 coming in really bad. So I go back to the bridge, right, and I
13 see my course and all that stuff. And check my radar to see if I
14 can adjust a little bit for weather and all that. And between me
15 doing that and coming back to see and talk to them, I see the
16 stern, and I was like, we have too much water; we're not going to
17 make it, right? And I asked him did you put back the man-cover?
18 And I don't remember getting a straight answer on that because it
19 was just your eyes -- we're all afraid, we're all afraid. We knew
20 what was happening --
- 21 Q. No, no. Yeah, yeah.
- 22 A. -- (indiscernible), you know. And I don't -- I can't recall
23 after that, you know, what was said. But it was already under,
24 so --
- 25 Q. The stern was under?

1 A. Yeah, it was under to a point where I think it was already
2 filled to capacity. So it was like already to a point that they
3 had it on a (indiscernible).

4 Q. So this pump -- okay. So this -- at what -- so this happens,
5 you see the vessel going under. You feel like it's filled to
6 capacity, like you said. What do you do next?

7 A. So what I do next is I call the Coast Guard by radio.

8 Q. What time was this?

9 A. I don't know. I don't -- I -- that one I can't --

10 Q. Like 1800, would put you at 15 more minutes?

11 A. No, that was like 17, 17-something. Let's put 1710,
12 something like that, maybe. 1710, 1720.

13 Q. So you called the Coast Guard before all this happened?

14 A. No. No, after.

15 Q. Okay. Because I have it like the deckhand at 1700 told you
16 this.

17 A. Yeah. Yeah.

18 Q. So then --

19 A. Something like that, yeah.

20 Q. So between 1700 and 1710 all this happened? Okay.

21 Okay.

22 A. I mean once I see that there's no way -- I'm dealing with the
23 emergency first, right? And after I deal with the emergency, I do
24 my calls. But once I saw that the emergency went to a possible
25 abandon ship, you know, I call it in quick, you know.

1 Q. Okay.

2 A. But in under normal conditions, what I would do is I deal
3 with it first, then I make my calls, because --

4 Q. That's fine. That's fine. That's fine.

5 A. Yeah.

6 Q. So you notify the Coast Guard. After you notify the Coast
7 Guard to let them know what's going on, at what point do you make
8 the determination to abandon ship?

9 A. So one of the things is, is one thing is that we do the
10 evolutions of an abandon ship. And I got my crew, everyone's up
11 there. We did the EPIRB. We did the handheld radios, the flares,
12 all that stuff. And then I tell them, all right, look, if this
13 continues like this, we're going to have to abandon ship. I'm
14 going to call out like an abandon ship because I don't know what's
15 going to happen, and that we're going down. And after that, I
16 just throw out the life raft.

17 Q. Okay. So at what point -- how much time do you think
18 happened, went by between that after you --

19 A. I can't recall.

20 Q. You can't recall?

21 A. I can't recall.

22 Q. Okay. That's fine. So you have the life raft. You have
23 everything, you're going to the life raft. What happens when you
24 get to the life raft?

25 A. So we throw the life raft. It clears the main deck. Start

1 pulling on the painter. It pops and it doesn't pop completely.
2 So I basically tell them to, you know, to secure it to the vessel
3 because I don't want it running that much. And the weather was so
4 bad that eventually it came a little bit loose and we -- maybe
5 like 20 feet of painter, and to get it between (indiscernible)
6 back, it was almost impossible, because all we had. But I asked
7 them -- let's go back to your question, please.

8 Q. So what happened?

9 A. Oh, what happened? So I go and I pull the painter and it
10 doesn't completely go off. And you're not going to see it here,
11 but usually these have like two or four straps like on it, right?
12 And there was one strap -- two strap in the middle holding it,
13 right? So I asked them to -- we didn't pay out that much painter,
14 so I had it close. And I had to do a little determination to see
15 if I could open it.

16 So I go in the vessel, and I have to go to the fiddley there.
17 And we were taking a little bit of angle but it wasn't that bad.
18 And I look, and one of the things I did when I went to get a
19 knife, because I didn't have a knife on me, I had to go inside.
20 So you got the fiddley here, and then you got your quarters here
21 in the room and all that stuff and the scullery. And I looked
22 down and I was like, we're not taking water yet on the engine room
23 or anything like that. You know, it was -- we didn't have any
24 water down there. They have different compartments and they were
25 closed, right? Because the engineer that was -- he's a really

1 good engineer and he knows that he needs to close all that. You
2 know, like we don't have the water inside, so we're not that bad.
3 I just have it in that compartment, right?

4 And I take the knife. I tell one of the guys to make it fast
5 really short to the vessel, and I jump into the water. And I was
6 like -- once I'm in the water, I'm like, this is a big mistake,
7 right? Because you got -- you're already wet because it's raining
8 and you got your life jacket and you got everything, and your
9 shoes are wet and your jeans. And I tried to go and I start
10 trying to cut it where I don't do damage to the plastic or
11 anything like that, like the rubber. And I'm able to cut both of
12 them, and then it pops, right, and it open.

13 It open. I get on the -- I don't even know how I got on that
14 life raft. I got in the life raft. I get pretty close to the
15 vessel and then I jump back to the tugboat. Because at that point
16 I see that we're taking still water but we're still afloat. And
17 I'll take any day on the tugboat with some water than be in a life
18 raft in those conditions, because it was really bad. So I was
19 like, I'm staying on the tugboat. Last minute, then we jump to
20 the life raft. That's the (indiscernible). So that was going
21 through my mind at that time.

22 Q. Okay. As the vessel was taking on water in those
23 compartments, did you lose steering or power or anything at any
24 time?

25 A. So once we -- once I deploy, I still had the engines going,

1 right? And I was like maybe I can get closer to the port. So I
2 start -- I try to start going ahead. And in those compartments
3 where the steering is, I'm pretty sure that's -- we have these
4 electronic fuses and all that stuff. And it looks like I lost my
5 steering because the level goes so -- got so high in those
6 compartments that my electric component started [sic] working, and
7 I had my rudder maybe 8 to 10 degrees to starboard.

8 Q. At what point would you say, if we you use this one? Would
9 it be right here?

10 A. Yes. Absolutely. Because when I noticed that I had -- I was
11 still on the engines and everything was working, so I started
12 going ahead. Because I want to try to get a little bit away from
13 land, right? Remember my mind is that I can still go ahead; I
14 still have the vessel even though it has a lot of water in that
15 compartment, I'm getting closer, right? And I'm like, I'm going
16 to play this for us, see how close we can get to shore, right?
17 And that was basically -- so that's where you see that I do the
18 steering because there's no way you can cover in the tugboat with
19 that rudder. And I was like, I'm just going out, I'm going out,
20 and I'm like, oh, my God, no, I don't want to go out, I don't want
21 to go out. And then I -- and I start turning around. And once I
22 stop here, around here, what you can see is the current just
23 basically pushing me to the rocks, right? And I didn't want that.

24 But the steering, I lost it maybe at this point, that's where
25 you see that I do the turnaround for to play -- we have better

1 percentage of what we're doing is to come out of this, I felt, if
2 we were closer to land. So that was pretty much it.

3 LT [REDACTED] All right. Anyone have any questions? Feel
4 free to jump in.

5 BY LT [REDACTED]

6 Q. So when an incident like this occurs, as the master, what are
7 your roles in it and what are the things that you do? I know you
8 mentioned a lot of them, but just --

9 A. That's a really broad question.

10 Q. I know.

11 A. You need to be more specific because we're going to be on
12 this, you know, like --

13 Q. In a situation like this, an emergency, what are your
14 responsibilities as a master for like the abandon ship?

15 A. So actually the abandon ship, I'm in charge of
16 communications, right? So I communicate to the Coast Guard what
17 we're doing. I had my cell phone, a little bit wet, but I can
18 make a call. So I call the company. I let them know what's
19 happening, right?

20 Q. Okay.

21 A. And after that, I do the sounds, emergency sounds and all
22 that that comes with an emergency. And then I gather my EPIRB, my
23 flares, my handheld radios, and I make a count of all my
24 personnel, right? And it's basically once you get to that point,
25 it's like we are not dealing with the tugboat anymore, we're not

1 doing anything. I stopped my engines because the things I was
2 thinking is that even though they were still on -- they were on
3 because I didn't have water inside the engine room. They ran. I
4 think even when we got saved, they were still running. Ah, maybe.
5 But it's just what I can do for us and not the tugboat or anything
6 like that. It's just us.

7 UNIDENTIFIED SPEAKER 1: So you said you called the company.
8 So how did that conversation went? Do you remember, you know,
9 what information you told them?

10 MR. FIGUEROA SOSA: So I told Pedro that we're taking water,
11 that it was really bad, and that I had called the Coast Guard and
12 I called to them. I tell my company we're (indiscernible) water,
13 she's a goner. And that's pretty much it. I make it short. You
14 know, I just inform them what's happening and -- because I don't
15 need to make calls and all that stuff, and everything I'm going to
16 do that other than communications with the radio and the Coast
17 Guard. And so that was.

18 And the other thing -- you know, you asked me what I do.
19 We're on the deck trying to throw the flares and all that stuff.
20 I'm going up and down trying to talk to the Coast Guard, because
21 even though I had the handheld radio, there was so much shitty
22 water and rain that I had to go inside and check, and also check
23 my position. Because there was a point where I could not see the
24 shore anymore. And that was not happening -- we have bad weather
25 around here and all that stuff, but when we had those really bad

1 squalls coming in and coming in and coming in, I lost track
2 visually of the land, but I had it with my radar. So I can see it
3 with the radar.

4 BY LT [REDACTED]

5 Q. So in your opinion -- this is like your opinion. I'm not
6 saying that this will happen. What do you think caused this
7 incident?

8 A. I can't speculate on that. I can tell you that I think that
9 one of the things that -- when I started to take water initially
10 and it got us to a point where I have to do the 3-inch pump where
11 I have never had to use that pump -- I had never had to use a 3-
12 inch water pump on any tow. The first time it ever happened.
13 What brought us to that point, I don't know.

14 I can tell you that after we opened that hatch and we were
15 getting the water out and it stopped, what caused a lot of us
16 finishing to sink and taking just too much water on and we lost
17 that -- those compartments, was having that open trying to suck
18 out maybe the air bubble or something that had the hose, and
19 eventually we could not, you know. Because these kind of pumps,
20 if you don't -- if it doesn't have water, they won't pump. So I
21 have to keep and keep and keep and keep, in other instance, you
22 know, depending on which type of pump it is. But this one you
23 have to be there and try to take out and -- so I think all the
24 water I was taking in at that moment when we were trying that,
25 that just threw us off. Because I still had -- I think I was

1 around -- I'm going to show you.

2 You see all this -- you see this line here, right? And you
3 see the scoopers here, right? So I had water -- when we decided
4 to take out the pump, I was inside these fenders, our wheels, they
5 were a little bit under the water, you know. So I know I'm here
6 based on how I saw the -- I was right here. So it wasn't bad,
7 right? It was bad, it was bad because I -- but once I get to this
8 level and I have all those seas coming in and coming in, coming
9 in, coming in. And when it stop and they kept trying and trying
10 and trying and trying, I could see that we were just going under,
11 under, under, under, right?

12 And once it gets to this point up here, the level is under
13 the sea and that's it. I can't --

14 Q. Yeah.

15 A. -- I can't really do -- and it was just water and water and
16 water from the stern, and water from the stern. And that's the
17 other thing. When you see that I'm trying to go up here, I'm
18 trying to play for our numbers, because I know that instead of
19 taking all that water on the stern, I start going a little bit
20 more south, I can change the course of the vessel. So it was
21 multiple things happening at the same time.

22 Q. Yeah. Of course, of course. Totally understandable. Okay.
23 Okay. Just for --

24 BY UNIDENTIFIED SPEAKER 1:

25 Q. Like how many compartments you know that have water in?

1 A. At that point the only one that I can take out of the
2 equation is the bilge and the engine room. That one doesn't have
3 any water, right? The last time I was able to see, right, the
4 last that I was able to see, and then I went in to get the knife,
5 I get a visual of that. And I remember, I went down the stairs,
6 look at it, I check if everything was closed, those compartments.
7 Because they got one -- they got two compartments and then they
8 have the other compartment that is where it goes down here, right?
9 So he has different compartments coming from all the way here down
10 here, right?

11 Q. How many compartments is that?

12 A. Maybe two or three. Maybe three compartments.

13 Q. Not including the engine room or including the engine room?

14 A. Not including the engine room. The engine room is a whole
15 set different, right? I will say from this door to this door, I
16 have the engine room.

17 Q. All right.

18 A. Everything from back here to back here would be different
19 compartments for the steering.

20 Q. All right.

21 A. (Indiscernible) and the gears and all that stuff.

22 Q. But the engine room, the last time you went there, there was
23 no water --

24 A. No water in the engine room --

25 Q. -- (indiscernible) toward the opening.

1 A. -- water in the engine room. No water in the engine room.

2 Q. Right. But the other spaces we don't -- you don't know.

3 A. I don't know because they were closed and I was not going to
4 open them.

5 Q. Well, no. No, no, yeah, that's a good call. That's a good
6 call.

7 Now if you know if there is like -- is there like watertight
8 bulkheads in between those other compartments?

9 A. So I know that the last door -- I may be wrong on this. The
10 last door that goes -- that door goes from the engine room to down
11 here, there is a watertight. That one was closed. So I can't see
12 anything that's going around here because that one is closed. All
13 the other ones are -- I don't know -- I'm not going -- I was not
14 even going to open that one, so --

15 Q. No, but in your experience do you know if there is -- are
16 those watertight doors back down there between the engine room,
17 bulkhead, and the steering room area?

18 A. Um-hum.

19 Q. You know, is that -- those three compartments that you
20 mentioned, are those divided by watertight bulkheads?

21 A. I can't say that it was or not. I do not know if they -- if
22 the bulkheads were watertight or not. I remember that we got that
23 shaft running around, so it will go, it will go and I -- maybe
24 when different compartments started running, you got all that
25 water. I don't know.

1 Q. All right. No, no, just for our knowledge until we --

2 A. Yeah, yeah.

3 Q. Do you know if there's any drawings for that vessel?

4 A. We can get them. I'm pretty sure (indiscernible) can get you
5 that.

6 Q. All right.

7 A. Yeah.

8 Q. And then another question I have here is going a little bit
9 back. Do you guys do roving patrols? Like I know you were on the
10 bridge and like everybody is doing like their own thing when you
11 guys are navigating. Are you all typically on the bridge or do
12 you have, you know, on the bridge and then some people doing --

13 A. So usually what's going to happen is that we have a
14 compartment inside this bridge, and I have a hatch and they open
15 up and down. So once we start for sea, then the deckhand is with
16 me, right? And he starts going up and down and he asks the
17 engineer anything like -- anything that happens, I will get
18 notification if they see anything that's going wrong, right? So,
19 yes, they go downstairs and -- and this engineer has been a lot of
20 time with us and he is really meticulous. Like he will go, and I
21 trust him a lot, right, and he checks his temperatures and all
22 that stuff. And he sees, all right, go a little bit down rpms.
23 You know, he's been around so he knows. I mean, I'm glad that at
24 that moment I had him.

25 Q. How many engineers do you guys have in the company; do you

1 know?

2 A. So it will be around one per tugboat. There are more
3 deckhands than -- we call them engineers, right, but they don't
4 hold the license of engineer, right? So this is lingo that we
5 use, right?

6 Q. Yeah, yeah.

7 A. They're usually OS, but they have enough experience on these
8 tugboats that we just call engineers. I would think we have -- 1,
9 2, 3 -- six or seven engineers.

10 Q. Six or seven?

11 A. Yeah, yeah. That's on the -- in the harbor maybe five, and
12 depending if we go out, six, seven. Depending on what -- well,
13 depending what's happening. Sometimes we don't have any tugboats
14 moving, then we don't have the personnel that -- you know, it's on
15 contract anyhow.

16 Q. All right. And then captain, how many do you guys have?

17 A. We have -- we can have anything from nine to seven tug
18 captains at any given time depending on the contracts and what's
19 moving around.

20 Q. And all of them are like fairly permanent employees with the
21 company?

22 A. Like seven of them, yes. Seven, eight of them, yes.

23 Q. And then the other one is just --

24 A. It depends on the contract, but they come back and, you
25 know -- but I would say a fair number is seven to nine. Yeah.

1 Q. All right.

2 BY LT [REDACTED]

3 Q. So we're talking about the vessel, we're covering a lot of
4 things here. But I would also like to know the physical aspects
5 of you and the crew, you know. How were you feeling that morning
6 like physically or mentally or whatnot?

7 A. We were good.

8 Q. Everything was fine?

9 A. We were good. We were good.

10 Q. Okay.

11 A. I mean --

12 Q. And the crew, how did the crew appear to be?

13 A. They were good, too. Good. I mean we -- they even cook
14 something first to eat. It was smoked rice because we left a
15 little bit more time. We were joking about that. We were joking
16 about (indiscernible), right?

17 Q. Who's the one that did it?

18 A. Jose.

19 Q. Yeah.

20 A. I imagine. Yeah, because Rubbie, he doesn't know how to
21 cook. He's a good engineer but he sucks at cooking.

22 Q. (Indiscernible) says who can eat it.

23 (Laughter)

24 A. He has his moments. He has his moments, you know. But it
25 was edible.

1 Q. Okay.

2 A. It was edible. And then I brought them breakfast from like
3 my son. So we ate some things before we went, and -- and we were
4 in a good mood. You know, it was -- we're used to working the
5 holiday. I mean, that doesn't make any difference to us and
6 that's not going defeat our mood or anything like that. It's the
7 industry. But when I'm home --

8 UNIDENTIFIED SPEAKER 1: (Indiscernible).

9 MR. FIGUEROA SOSA: That's pretty much it.

10 UNIDENTIFIED SPEAKER 1: Yeah.

11 BY LT [REDACTED]

12 Q. Yeah. And how long have you worked with them?

13 A. What, with them two?

14 Q. Um-hum.

15 A. For Rubbie, different tugboats and all that stuff, maybe 9
16 years. And with Jose, maybe the last year and a half, something
17 like that.

18 Q. And how would you rate their judgment and their ability to do
19 their job and everything?

20 A. Well, before this emergency, a little bit difficult to get a
21 specific answer, right, because when you do drills, you go by
22 evolutions and all that stuff. I had Jose for COI, and it's
23 really critical because when we do the COIs, we doing drills, one
24 of the things we like to do is not repeat people that are doing
25 COIs so we move people. And I asked Mr. (indiscernible) and he

1 did pretty good.

2 That day that we had the emergency, he responded really good.
3 And with everything else going on. It was hectic but I didn't
4 have anyone, you know, losing their mind or anything like that,
5 you know. And they got properly trained. They have their videos
6 that we give them and we bring people from the outside also for
7 training purposes. And we do the drills. And I run a little bit
8 of what is the drills sometimes with the guys, and I know that,
9 you know, everything had been practiced before when they was not
10 on a mission. They did it good. I'm proud, yeah.

11 Q. Okay.

12 A. I'm proud. They maintained their composure. They did what
13 they had to do, and it was -- I feel that based on what they did
14 and what I was able to maybe drill either in some time ago or
15 something like that, it went good. And we immediately act. Get
16 our EPIRB, with the flares, do the radios. We did our
17 communications. We can tie -- you know, we had a plan where I
18 knew I was floating still in the tugboat and I had that life raft
19 there just in case, you know. We threw a life ring and around
20 the -- we use a line to attach it.

21 Q. Right, right.

22 A. Right? And there's (indiscernible) sea painter, we put them
23 there just in case we need it. And we stayed on the tugboat. I
24 tell them we're going to stay on the tugboat if it's still
25 floating. And they didn't hesitate to take, you know, my

1 instructions. And it was -- you know, you saw that -- you know,
2 you have a problem when they start, I don't know what to this; no,
3 let's go abandon. No, they weren't -- so it was good. I felt,
4 you know -- yes.

5 Q. And how would you rate the relationship and culture between
6 the master with your crew of the vessel and management in the
7 company? I know you say you assume a role of management, too.
8 But how would you rate that?

9 A. Good. Very good. Communications with them, especially with
10 the deckhand, I will use him more than -- I have done more jobs
11 lately this year with him than with the other engineer. And he is
12 cultural, you know, and I use him for communications a lot. You
13 know, that's why I give him a radio. You know, like, hey, we're
14 doing the ops and (indiscernible). So excellent communication
15 with him. With the engineer, also excellent. I can say if he
16 sees -- and these engineers, about engineers, they're not
17 engineers by papers, but they hear a sound and they're like, hmm,
18 there's something happen. That's how connected they are to this
19 vessel, and that engineer knew this vessel up and down.

20 Q. Um-hum.

21 A. He was good. And with management also good. I mean, I feel
22 that, you know, they're going to respond to anything I ask them
23 about. So yes, it is good; it's good management.

24 Q. I don't have a lot of more questions, but I do have one more
25 before I pass it on to Mr. Karr. When we started the interview

1 you made a comment that was very interesting, and it was like the
2 separation, that you wanted to be here by yourself, you didn't
3 want him to be here with you. Is there a particular reason for
4 that or you just --

5 A. I feel that the same reason why he told us initially, it
6 effects how you --

7 Q. It effects it.

8 A. -- how you interview, right?

9 Q. Okay.

10 A. And I'm not going to hold back if I feel that I had -- the
11 only way we can get through this, and maybe someone out there to
12 never go what we through -- we go through, is when we state the
13 facts, right?

14 Q. Exactly.

15 A. And maybe we can get some things that happened wrong that in
16 the future someone can repeat, and I want to ask honestly to it.
17 I know I have in the moment I was making these decisions, I have a
18 responsibility with my crew direct, right? And I will make the
19 decisions based on the crew and not the interest of the company.
20 So I think it's better for me to be like that. It's not -- I got
21 a really good relationship with him and all that stuff, but it
22 will change the tone. It's the same if I was here with the
23 engineer or that. It's just different.

24 Q. Yeah, yeah. For sure.

25 A. And then you made a comment before that, that Mr. -- or Pedro

1 was going to be around, and I was like, what? Didn't we say that
2 it was going to -- so that's why I (indiscernible).

3 Q. Yeah, yeah, yeah. Okay, okay.

4 A. So you steered me on the wrong course and I wanted to
5 (indiscernible) --

6 (Laughter)

7 Q. That is my fault. I'll take the hit.

8 UNIDENTIFIED SPEAKER 1: Well, and just for -- you know, he
9 is not even out here. So he's in another office so that way there
10 is no issue with the door here. That's why we step out, just make
11 sure nobody walked in --

12 MR. FIGUEROA SOSA: Okay.

13 UNIDENTIFIED SPEAKER 1: -- on the other side, because based
14 on the narrative --

15 MR. FIGUEROA SOSA: Yeah, yeah.

16 UNIDENTIFIED SPEAKER 1: -- (indiscernible) we heard.

17 BY LT [REDACTED]

18 Q. Is there anything else you would like to tell us? Anything
19 that you think we missed, anything you would like to share with us
20 that you would feel it would be critical for us?

21 A. In the future -- and I know we're going through
22 (indiscernible) and we're getting a lot of that concern and all
23 this stuff, but I think the regulations should have more strict
24 specifications of what type of emergency portable pump you may
25 have. I feel that even though I don't know why we started taking

1 on water like that, what really put us down was when we started
2 taking -- trying to take out the water and the pump failed on us.
3 And they should have really strict regulations on the portable
4 pumps because I feel that those ones that you have to prime them
5 are horrible. They're really good when you're doing a drill, you
6 have all the time in the world.

7 Q. And it's (indiscernible).

8 A. And it's going to be Murphy Law, and it happened exactly like
9 that. Everything that was going wrong, weather bad and seas on --
10 following seas on the stern. I mean it was something, and it
11 change in seconds. You know, it was one moment I'm bad weather
12 and this is done, and suddenly it's just something out of this
13 world. And then we have to deal with the pump.

14 So if I could do something and steer based on this casualty,
15 something for the future, is that we need specific regulations
16 with portable pumps and how they're going to work, and they have
17 to be a way basically idiot proof, anyone can do it, right? I
18 can't have a trained engineer or someone that has turned it on 10
19 times and he's the only one. I can't depend on that, right?
20 Because this type of pump I don't -- there's no regulations. I
21 try to look up before they bought them, and there wasn't anything
22 that said it had to be a specific one. And we need to address
23 that as soon as possible. This will give everyone out there a
24 better chance. If I had that pump, I know that this one's just
25 going to be a 2692, where I took on water and I got to port, not

1 this. I'm pretty sure about that.

2 UNIDENTIFIED SPEAKER 1: I got a couple of questions.

3 BY UNIDENTIFIED SPEAKER 1:

4 Q. One is, can you tell me like how much time went by from the
5 moment that you were notified that you were taking on water to the
6 moment that that space was basically full of water?

7 A. Thirty to 40 minutes. But this is the thing. I don't know
8 how much water, based on (indiscernible) what is a lot of water.
9 Because I'm up there, right?

10 Q. Yeah.

11 A. And from this point here to this one -- this one here, this
12 one here, this other one here, right? I think there's one here.
13 I think this one. So we had a couple of them. But from this
14 point here to here, and all -- and it was raining. It was really
15 raining really bad. I really can't assess how much water I have,
16 what is the level of water.

17 Q. Yeah.

18 A. So that one I can't tell you how much water, what is a lot of
19 water.

20 Q. Well, I'm just trying to gauge from like from the moment you
21 were notified to the point --

22 A. Yeah, yeah. Yeah, yeah.

23 Q. -- it got to like the space is full.

24 A. I mean, if you got -- if I got 2 or 3 feet of water, that's a
25 lot of water, right?

1 Q. Right.

2 A. But this, this, this -- the compartment is maybe taller than
3 me when I go in. It's maybe like 6 or 7 feet, right? And if I'm
4 2 feet of only water to get to the deck, that is a lot of water,
5 right? So I can't say -- I really can't say. And then the other
6 option is, well, let me go down and check. But it was really bad.
7 Yeah, I can't risk fall in there or anything so I have to go by
8 their judgment what is a lot of water.

9 Q. So on the chart -- I know [REDACTED] LT [REDACTED] did that
10 already, but on the chart, can you mark at what point in that
11 chart, you know, roughly when you notify that it -- you know, they
12 had water in the space?

13 A. So we got Punta -- we got Punta Tuna, and from Punta Tuna --
14 Punta Tuna -- this is facing -- this is Punta Tuna, right? Do you
15 have another color? I don't -- that way -- I'll use the
16 (indiscernible). Don't worry, I can --

17 UNIDENTIFIED SPEAKER 2: I don't think it'll mark on that.
18 Cover it up.

19 UNIDENTIFIED SPEAKER 1:

20 Q. Where's the Sharpie? Here we go.

21 A. So I got -- there we go. So we got space in the -- this is
22 Punta Tuna, and if I had a little bit more of expanded -- I mean,
23 this is (indiscernible) --

24 Q. The other one is a little bit better, or do you want
25 (indiscernible)?

1 A. That one there? Oh, okay. I got it. This is Puerto
2 Maunabo, Punta Yeguas. Let me check. That one is better.

3 Q. Yeah.

4 A. This is (indiscernible). I don't know is that one --

5 Q. Yeah, yeah. Is that the blue one?

6 A. Yeah.

7 Q. Yeah, the blue one is. But it's not helping. We'll put
8 (indiscernible).

9 A. This one here is Punta Tuna, right?

10 Q. Yeah.

11 A. And down here, I was telling you guys that we go out from
12 here. This is that (indiscernible). But we had bad weather going
13 in, going in, going out. You know, nothing out of the ordinary.
14 A little bit sometimes bad, but, you know, nothing that I would
15 say that traumatic or let's head back to -- but once I reach this
16 point, and it was weird because I saw Punta Tuna pretty good. But
17 once I sway through that (indiscernible), it was really bad, bad,
18 bad, bad, bad weather. And I think maybe from here, Punta Yeguas,
19 it could have been -- I don't know. But I got all the way up here
20 and it was maybe (indiscernible).

21 Q. So just for -- so I can get up to speed on this, you know, so
22 I can try to touch base on it --

23 A. That's the thing. I don't -- I do not know what the level of
24 flooding was, right? It's a judgment call based on the engineer.
25 So I couldn't assess going down because then I risk falling or

1 anything like that because it was bad weather.

2 Q. Yeah.

3 A. So I can't say -- I can't say, yeah, I know if I -- I imagine
4 I went down there and it's over my nose, I have 5 foot and
5 something inches.

6 Q. No, we -- for our purposes, we can use -- we can just talk
7 from basically, you know, (indiscernible) to say let's just
8 pretend that there's just saltwater down there, right?

9 A. Yeah, yeah.

10 Q. But the worst case or how much (indiscernible) from no water
11 to flooding --

12 A. Yeah. I mean, from having water -- if I remember, when I --
13 when we started taking water, I was a little bit over like --
14 UNIDENTIFIED SPEAKER 1: Give him the markers. There's a
15 couple of other colors behind you, [REDACTED] Could you give it to
16 him so he can mark --

17 MR. FIGUEROA SOSA: Like beyond the office.

18 That's (indiscernible). I don't know. I'll take red.

19 So I have water and maybe first it was -- because I could
20 see. I remember seeing the fenders, right? And I was like, okay,
21 so how much water? How deep are we without opening that hatch,
22 right? I was like, eh, well -- so I could still see that maybe it
23 was down here. It's not up here. It was maybe like here, up
24 here. Maybe something like that.

25 So I still have water coming in, right, but I'm up here. And

1 when the pump completely stops and everything starts
2 (indiscernible), I see -- I had a little barbecue back here, and
3 it was floating, right? So the only thing that I can -- comes to
4 my mind was all the water we took in when we opened the
5 compartment and we keep trying to suck -- to take the water out
6 with the pump. And the pump was on. That's the incredible thing,
7 but it was not taking any water. And that amount of water -- I'm
8 talking seas and seas and seas and really bad, maybe that was --
9 that just took all our chances out.

10 BY UNIDENTIFIED SPEAKER 1:

11 Q. Yeah.

12 A. I mean that was pretty much it.

13 Q. And then after you guys abandon ship, right, you got into the
14 fishing boat that --

15 A. Fishing boat.

16 Q. -- (indiscernible), right? What type of fishing boat was
17 that?

18 A. It was a little fishing boat. It was called *Syf Afuera*
19 (ph.). Because I asked the captain exactly the name. Because one
20 of the things that when I was on the radio, I remember -- I think
21 I remember that the Coast Guard asked us what type of vessel save
22 us and the name. And I asked him. I was like, Captain, what is
23 the name of the vessel? And I don't know why the name stood, but
24 it was *Syf Afuera*.

25 Q. All right. Was that like a home-built type of boat or like a

1 fiberglass --

2 A. I think it was one of those (indiscernible), down here
3 fiberglass, 15 feet, single engine, you know, outboard --

4 Q. (Indiscernible)?

5 A. No, outboard. It was an outboard (indiscernible), yeah. And
6 it's a small one, you know.

7 Q. Do you remember the name of the captain of that boat?

8 A. I think -- I don't know the name of the cap, but I remember
9 that I asked him and they have the same name of one of the crews
10 on one of the tugboats, and it was Henry Attuse (ph.). That's the
11 only way I remember, because he was saying Henry Attuse, something
12 like that. It can be be Harry or something.

13 Q. All right.

14 A. Or Hector.

15 Q. And then once you got into the fishing boat and you looked
16 back -- you know, assuming you looked back at the boat, you see
17 what --

18 A. Oh, yes, I did.

19 Q. -- (indiscernible) was. What did you see? Like what strike
20 you -- what struck when you could see?

21 A. When I saw it, it was basically this.

22 LT [REDACTED] You can use this if you want with the table.

23 MR. FIGUEROA SOSA: Okay. So -- yeah. So -- okay. So it
24 was something like this. It was going by the stern. It was
25 completely going by the stern.

1 BY UNIDENTIFIED SPEAKER 1:

2 Q. All right.

3 A. I mean, I know that all the water we took was from the stern.
4 So it was just doing like this, and I could see the bottom and
5 everything, so --

6 Q. All right. Is that a watertight door on the back there?

7 A. Yes. All of them are watertight door and they were closed.

8 Q. All right. So was it to the level of that? Just for
9 reference, you know, was it like the watertight door to it --

10 UNIDENTIFIED SPEAKER 2: The second door? Middle door?

11 MR. FIGUEROA SOSA: I know that at some point -- because
12 there was a point where I was looking for the knife that I got,
13 right? And before I board back again, and once I cut it open, I
14 threw it back to the tugboat because I didn't want to have any
15 sharp objects with me when I jumped on the life raft again. And I
16 remember that I threw it. And I could not go through past this
17 door because we had all the waves already like hitting really
18 hard, hitting really hard all the way through here. So -- and
19 when we did the abandon ship, per se, that we had the vessel, the
20 little small fishing boat come, they went on our starboard side, I
21 remember, and -- it was on sea side. And I'm not going to tell
22 them to go to the lee side because I want to get out, you know.
23 And it was slamming against the tug, you know, and the waves put
24 it back and then slam back again. It was tough. So --

25 UNIDENTIFIED SPEAKER 2: So is that like a second door, you

1 would say?

2 MR. FIGUEROA SOSA: I would say that when we abandon ship,
3 when we did abandon the ship, it would have been roughly already
4 here. And remember this is a long tugboat.

5 BY UNIDENTIFIED SPEAKER 1:

6 Q. Yeah.

7 A. This is a long tugboat. So this amount -- all this with
8 water, it's going to -- I mean, that -- it's a lot of --

9 Q. And you guys left right away, right? You guys did not stay
10 in the area? Like you guys (indiscernible) left?

11 A. Yeah.

12 Q. All right.

13 A. It was the longest trip we had from there to back to the
14 port.

15 Q. How long was that trip?

16 A. That was forever for -- I don't know. I don't know. I don't
17 think -- what time we got back? I think at 18- -- before 1900 we
18 were back.

19 Q. Before 1900?

20 A. Before 1900.

21 Q. And to what port you guys went back to?

22 A. To Yabucoa right there in harbor where we put our tugboats.

23 Q. Right.

24 A. Right there. Yes.

25 Q. And I imagine it was (indiscernible) on the tugboat. I

1 imagine --

2 A. I don't know, but they go inside. They can go inside, and
3 they go really close to the coastline, and that's a different
4 ballgame there, you know. It's different. But going out, I
5 remember that (indiscernible) --

6 (Crosstalk)

7 MR. FIGUEROA SOSA: They start running and they go inside.
8 And I remember that, they told me, oh, get comfortable. I'm like,
9 no, I'm staying down here. This time I'll stay on the boat. And
10 then when we got in, you know -- they got the speed. We don't
11 have speed. We make maybe 9 knots if we're lucky. These tugboats
12 are not made for speed.

13 BY UNIDENTIFIED SPEAKER 1:

14 Q. What speed were you making on the way back?

15 A. It was fluctuating, I remember, because the deckhand asked
16 me. And it was fluctuating between 5 knots and 6 knots, something
17 like that, right? Because I had all that weather that was bad.
18 And usually when we come up -- we say come up. When we go Guayama
19 to Yabucoa we go slower because of the weather and also like -- it
20 was, you know, (indiscernible) weather.

21 LT [REDACTED] Mr. Karr, do you have any questions, sir?

22 MR. KARR: I do. So here they are.

23 BY MR. KARR:

24 Q. So Captain, what was the name of the vessel you assisted?

25 A. It was the -- the coal ship that I did in Guayama, that's

1 what you're referring to?

2 Q. Yes.

3 A. It's called the -- I've done that ship so many times.
4 Because we have to turn it around when it comes in. What's the
5 name of that vessel? I don't remember. I don't remember. I
6 don't know. I can't remember.

7 UNIDENTIFIED SPEAKER 1: We can get you the name.

8 MR. FIGUEROA SOSA: Yeah.

9 MR. KARR: All right.

10 UNIDENTIFIED SPEAKER 1: We got the name. We can get it.

11 BY MR. KARR:

12 Q. And how many tugboats besides yours was helping it?

13 A. Four tugboats.

14 Q. And what was your role?

15 A. No, it's a four-tug job. So besides me it's three.

16 Q. So what was your role? Where were you situated during that
17 entire evolution?

18 A. So in the entire evolution I was on the starboard side on the
19 quarter, right, of the vessel. And that's where I was. No line.

20 Q. At any time during that evolution could anything have
21 happened to your after part of your ship, to either the rudder
22 compartment or the rudders?

23 A. No. No. And if I had noticed anything, I am -- I'm
24 basically in the home port of where we have all the assistants and
25 everyone, so I would have not gone out. So no. It was just a

1 normal job, any other day doing the job, right? That part of the
2 job, no, I did not have anything happening that I could say, you
3 know -- no, normal.

4 Q. All right. Do you know the capacity of that 3-inch pump that
5 the crew used to pump out the rudder compartment?

6 A. It's a 3-inch pump. The capacity, I have to go to the specs,
7 but I don't know how much is the -- how much water it pumps out.
8 No, I can't -- I don't have -- I don't know that.

9 Q. All right. And when you -- can you describe how high the
10 water was on the afterdeck when you told us that, you know, you
11 said things were not looking good and it was time to think about
12 launching a life raft?

13 A. Maybe a foot, a foot and a half all the way around.

14 Q. Was it down --

15 A. Maybe -- yeah, maybe like a foot, yeah.

16 Q. A foot. And was it down by the stern?

17 A. It wasn't that much down by the stern like -- but, yeah, it
18 was going down. You know, it was -- if I have to say what
19 dominated the angle, it was by the stern, yes.

20 Q. Well, let me follow up on that. When you say it was a foot
21 all the way around, I mean were -- was there a foot of water
22 alongside the main deckhouse in addition to being a foot of water
23 on the stern?

24 A. Well, it's not going to be all even because we have an angle.
25 So I think in the deepest part I could have a foot and then maybe

1 with the angle in other places it was less. But, yeah, it was
2 already underwater. When I saw and we lost that pump, we were --
3 that deck was underwater, yeah.

4 Q. So I'm looking at the photograph of the vessel -- I'm going
5 to ask you a question about the photograph I'm looking at. Where
6 the pump was -- there's an X over the door where the pump was
7 stored.

8 A. Um-hum.

9 Q. Was there water on the main deck by that door?

10 A. On that -- no. When I saw that deck, the water did not go
11 all the way to that door. Maybe 2 or 3 feet a little bit more
12 back, but not all the way to the door.

13 Q. All right.

14 A. I can't really -- I mean, it's just guesstimating because I
15 really -- there are some things I remember clearly, but
16 something -- but that I know there was water and that was pretty
17 much it.

18 Q. Okay. Did anyone help you throw the life raft into the
19 water?

20 A. So I used Jose, the deckhand. And we took it out of the --
21 of where it was positioned, stored, and we just threw it and it
22 cleared the deck down. And yes, he helped me.

23 Q. All right. And when you were in the water, how did you get
24 back on board the tugboat? Be as descriptive as possible as you
25 can.

1 A. So we had the life raft really close to the tugboat. And
2 what I did was that I was on the life raft and I started crawling,
3 crawling, crawling to get to the fender that's right there, one of
4 the fenders. And from the fender, I put I think a knee and the
5 guys helped me go up.

6 Q. All right. And would you say that that was on the quarter,
7 you know, back on the fantail where the deck was open that you got
8 up?

9 A. It was maybe that -- that one was maybe like midships. Yeah,
10 it was midships.

11 Q. Midships. All right.

12 A. Yeah. Yeah, because I want it close to place -- not close to
13 the stern. I was adamant about that. I was like nothing close to
14 the stern because I didn't know how fast it was going to go or
15 not. So, yeah, it was close to the midships.

16 Q. Yeah. Did your life raft have a canopy?

17 A. It did, yes.

18 Q. So were you on top of the canopy?

19 A. I was on the entrance and the canopy was a little bit farther
20 back. I don't recall the canopy opening completely because I
21 would remember like a little cave, right? But no, it was a little
22 bit flat, the canopy, yes.

23 Q. Well, how did -- can you describe, so I can visualize it.
24 You said you paddled to get back to the boat. So how are you
25 positioned --

1 A. No, no, I couldn't paddle because we had the sea painter
2 attached to one of the bits of the tugboat, and I was next to the
3 tugboat when I jumped. And then when I did everything, I was
4 not -- the life raft at that moment was not far away. I think the
5 angle that I had in the water, it maintained the life raft next to
6 my vessel. So, no, no, I didn't have to paddle or anything like
7 that. There was no paddling in those weather -- in that weather.
8 I was not going to do anything.

9 Q. All right. So you were right -- so you were right next -- so
10 when you jumped in the water you were next to the boat. You
11 cut --

12 A. Yes.

13 Q. -- cut the straps on the canopy.

14 A. Yup.

15 Q. The raft inflated. You got on the entrance ramp and then you
16 were able to get right back on the tugboat?

17 A. Yes.

18 Q. Okay.

19 A. Yes. How I did all that, I don't know.

20 Q. In the picture of your AIS position, that righthand circle,
21 was that when your rudder was stuck and you lost steering?

22 A. I think it was, because when I started going ahead the only
23 thing I saw that I could do was do a round turn, because my
24 steering got stuck. So if you see, there's a little change before
25 of course, and then it goes straight, straight, straight, and then

1 it's just a circle. And that's where I just decided to maybe stop
2 engines and -- because we were just going to keep doing circles.
3 That was it. There was no way of dominating -- I tried going one
4 and one. Like there's some maneuvers we can do, and I was just
5 not doing anything. I was like, I'm going to stop it. Yeah.

6 Q. So, and how did -- describe how you and -- how you got from
7 the tugboat to the fishing vessel. You know, what part of the
8 boat were you on? Was your tugboat listing? You know, give me
9 a --

10 A. Yeah. So it was listing, and I know you can't see, but it
11 was on the starboard side, and we were -- from where it says
12 *Proassist III*, if you have a picture, down there on the bow -- do
13 you see that where it says -- do you have that picture or not?

14 UNIDENTIFIED SPEAKER: He has the picture.

15 MR. FIGUEROA SOSA: Okay. So on the one that you see the
16 tugboat with all the other tugboats, in the *Proassist III*, that
17 one there --

18 BY MR. KARR:

19 Q. Right.

20 A. -- we jumped on the starboard side from maybe that -- okay,
21 from that (indiscernible) to the water. And to the water, they
22 picked us up to the fishing vessel.

23 Q. Okay. And so where -- there was a beep on the phone. So
24 where on the boat were you when you jumped?

25 A. Where it says the name of the vessel on the side.

1 Q. Okay. You were on the --

2 A. Forward.

3 Q. You were on the starboard side, then?

4 A. Yes. We were on the starboard side because that's where the
5 fishermen came and we were going to take them from wherever they
6 came. We just wanted to get out.

7 Q. All right. And how far -- that looks like a pretty high
8 freeboard. So how much of a list -- you know, how high above the
9 water were you?

10 A. At that point I knew that the water -- that the tires were
11 outside of the water. They're pretty high anyway, but I don't
12 remember -- well, we had the life jacket, so I don't remember
13 falling that high, because if not, I would had gone down
14 completely and up. And I just -- we just jumped -- I jumped from
15 the -- to the water, because we -- I didn't want to break anything
16 trying to jump to the vessel, and I was going to get hit really
17 hard. So we jumped -- I jumped to the water and then they got me
18 up. So I don't -- the list or the amount or -- I don't know. I
19 don't know.

20 Q. You described scoopers. What are the --

21 A. Yeah.

22 Q. Give me -- can you -- you know, since I can't see anything,
23 so can you give me an idea of what you're describing by scoopers?

24 LT [REDACTED] I think scuppers.

25 MR. FIGUEROA SOSA: Scuppers. Yeah, scuppers. This is --

1 yeah, scuppers.

2 BY MR. KARR:

3 Q. The scuppers. Were the -- and I'm looking at the picture and
4 I see openings in the bulwark. Is that what you're describing?

5 A. Yup.

6 Q. All right.

7 A. Yes.

8 Q. And were they closed or open during all of this?

9 A. They have to be open all the time because the purpose of them
10 is to let water go and out, and all tugboats and vessels have
11 those. So, yeah, that -- they are open all the time.

12 Q. All right. Okay.

13 A. That's the way they work, you know. If I get a lot of water
14 on board, I got a lot of seas, you need that because then the
15 water's going to go out so it's going to drain.

16 Q. All right. So, well, you know, talking about that, so you
17 still had a bunch of water on your deck, as you were describing,
18 even though you had the scuppers. So the vessel was definite --
19 well, so -- you know what, never mind. I'm not asking a question.
20 I'm making an observation. So let's get on to the next question.
21 And that --

22 What's your job title with the company?

23 A. I'm captain.

24 Q. Well, you said you worked in the office. So do you have a
25 shoreside title?

1 A. I usually work with regulations and I help them out whenever
2 we have COIs to do inspection of the things for the tugboats.
3 Like anything that's -- life jackets, flashlights, anything that
4 has expirations and all that stuff, I usually help them out with
5 that.

6 Q. All right. Thank you. And can you give me a -- you know,
7 before you launched the life raft, you know, as you're sailing,
8 you know about the water in the compartment, can you give me a
9 feel for the rolling and pitching by describing what it was like
10 to, you know, keep your balance, to, you know, move about the
11 wheelhouse, go out on deck? Can you give me an idea of what it --
12 you know, how badly your body was affected by all the rolling and
13 pitching?

14 A. Well, once we decide to launch that life raft, I wanted to
15 stop forward movement on the vessel so I stopped the engine. And,
16 you know, once we stopped the tugboat and I had to make that
17 decision, because I didn't want that getting far away from me with
18 the sea painter and all that stuff, I would say it got really bad.
19 Because I remember trying to get out of the tugboat and I hit
20 myself with one of the -- with the entrance of the door, and my
21 shoulder hurts a lot right now. You know, I can move and all that
22 stuff, but I know I got banged up pretty good, maybe the
23 adrenaline and all that stuff. So that's how bad it was. And
24 then going out, this -- you're going to see a little step that's
25 right between the stackhouses. Do you see it?

1 Q. Yes.

2 A. Okay. So when I got on that step right there, on that one, I
3 basically had to jump because we pitched so bad at that moment
4 that it just threw me off on that deck. And I was standing but I
5 was like, oh-ho, this is really rowdy. But it was moving all
6 kinds. You know, we had pitching and rolling. We had all of
7 the -- the whole nine yards at that moment.

8 Q. All right. Did you have a heel indicator on the bridge that
9 you could observe?

10 A. No. I don't recall ever seeing one on the tugboat. No.

11 Q. All right. And here's my -- the last question on my list of
12 things I had for you was, as the captain, what did you -- you
13 know, what were you made aware of as far as the rudder compartment
14 taking on any water before -- you know, when you got underway on
15 Christmas Eve day?

16 A. None. None. Because if I had seen that we're taking water,
17 I would had not gone out.

18 Q. Well, like any, you know, oh, hey, the rudder stocks are
19 seeping a little bit, you know, anything like that?

20 A. Well, the ecology pump and the packing glands are made for
21 the shaft to move, and they -- and it's normal for our tugboats
22 and most vessels to take a little bit of water because there's no
23 way you can make that work or it's going to have a lot of
24 friction. So they move and they take a little bit of water. And
25 with the ecology pump that we have back there, it's enough to take

1 it out and I don't have problems with water levels.

2 Q. Yeah. Thanks. Can you describe any changes to the rudder
3 compartment? Were there any repairs recently?

4 A. I think they -- I don't know if they put like a other crown
5 on it or not. I'm not sure. I may be confusing the tugboats
6 because we jump from tugboat to tugboats. But I don't remember
7 anything done to it or anything like that. I can't -- I can
8 get -- I mean that's going to be a question that someone else is
9 going to have to answer because I don't remember specifically it
10 was on that tugboat. We have like seven or eight tugboats, so
11 it's a lot to keep up track, you know, on a daily basis.

12 Q. Were you the captain that did the Subchapter M inspection
13 with the Coast Guard? Were you the captain of the *Proassist III*
14 when they did the Subchapter M inspection?

15 A. No, that one has not been through Subchapter M. Other
16 tugboats have been through Subchapter M. So we're going by the
17 percentages, and that tugboat had not been through a COI.

18 Q. Okay. All right. I have no more questions. Thanks,
19 Captain.

20 A. Yes, sir.

21 LT [REDACTED] Thank you, Mr. Karr.

22 What we'll do is, we'll finalize, and we will take a
23 10-minute break and then continue with Mr. Rivera, which is the --
24 (Whereupon, the interview was concluded.)

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

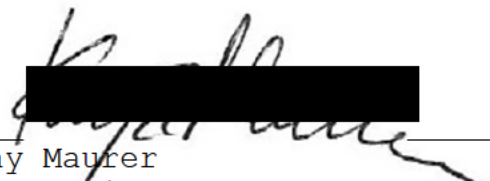

IN THE MATTER OF: SINKING OF THE *PROASSIST III*
NEAR YABUCOA, PUERTO RICO,
ON DECEMBER 24, 2020
Interview of Javier Figueroa Sosa

ACCIDENT NO.: DCA21FM011

PLACE: Via telephone

DATE: December 26, 2020

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.

Kay Maurer
Transcriber