

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

\*

SINKING OF THE *PROASSIST III* \*

NEAR YABUCOA, PUERTO RICO, \*

Accident No.: DCA21FM011

ON DECEMBER 24, 2020 \*

\*

\* \* \* \* \*

Interview of: RUBBIE HERNANDEZ, Seaman  
*Proassist III*

Via telephone

Saturday,  
December 26, 2020

APPEARANCES:

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National Transportation Safety Board

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I N T E R V I E W

1  
2 LT [REDACTED] -- 2020. The purpose of this recording is  
3 going to be for the marine casualty that happened on the *Proassist*  
4 *III*. Could you please state your name? And do you agree that we  
5 record this and everything?

6 MR. HERNANDEZ: Rubbie Hernandez. And I agree to have this  
7 conversation.

8 LT [REDACTED] Thank you, sir.

INTERVIEW OF RUBBIE HERNANDEZ

9  
10 BY LT [REDACTED]

11 Q. So Mr. Hernandez, could you describe to us the operation that  
12 day and how it all began? Just the description being we were in  
13 Guayama -- well, you were in Yabucoa.

14 A. Yabucoa.

15 Q. The time of departure, you got to Guayama, you did this, time  
16 of departure from Guayama, the processes, everything that you did  
17 through all that process up to the point of the marine casualty.

18 A. Okay. We left Yabucoa to Guayama for the cruise ship  
19 docking. We (indiscernible). We arrive Guayama. We have to wait  
20 for the sailing of a barge (indiscernible) at 1:00, 1:30 within  
21 the docking for the cruise ship. Then we started sailing back to  
22 Guayama. Everything was normal. Engine is running okay.  
23 (Indiscernible) my shift around the tug, the deck. I believe he  
24 did the same, the (indiscernible) do the same.

25 Around probably, I guess around 6:00 (indiscernible) time,

1 but around 6:00 he told me that the (indiscernible) deck the  
2 tugboat, it wasn't looking normal. We were running little bit low  
3 into the water. We pulled the hatch to see how (indiscernible)  
4 was, and it had some water inside. So we proceed to put  
5 (indiscernible) water.

6 We set the pump to pull the water out, but it was -- we  
7 started having more water going in through the (indiscernible)  
8 that we pulled out than what we could handle. The towing started  
9 getting (indiscernible) the water. We pulled the hose out to make  
10 sure that we don't have any obstructions.

11 The pump levers -- the flow of the water wasn't the same, was  
12 weaker. The amount (indiscernible). The flow of the water was in  
13 that area (indiscernible).

14 Q. So the pump wasn't as strong in the end as it was when you  
15 turned it on in the beginning? So the flow was cut down.

16 A. So at that time, the water that we have inside the  
17 compartment also to the (indiscernible). So the pump wasn't doing  
18 anything, and the water started getting close, so we decided not  
19 to do anymore. There was nothing else we could do. So we went  
20 with the captain and (indiscernible) inside the compartments, they  
21 started hearing more water. Somehow they cracked (ph.). They  
22 said, we have to put on the life jackets. We get the life raft  
23 ready and wait.

24 UNIDENTIFIED SPEAKER: You say when you opened the hatch you  
25 guys saw some water; like how much water can you see?

1 MR. HERNANDEZ: Probably like 3 feet.

2 UNIDENTIFIED SPEAKER: Then you mentioned that you pulled the  
3 hose to check there weren't any obstructions. Did it have a  
4 strainer at the end? Or was it just like an open hose?

5 MR. HERNANDEZ: It was an open hose.

6 UNIDENTIFIED SPEAKER: No strainer?

7 MR. HERNANDEZ: No. There was no strainer.

8 BY UNIDENTIFIED SPEAKER:

9 Q. Was there any bilge piping, hard bilge piping --

10 A. Yes.

11 Q. -- to that compartment? Were the pumps in that  
12 (indiscernible) pumping -- piping down in the engine room?

13 A. The pumps, we have three different compartments. This is the  
14 picture of the --

15 Q. Yes.

16 A. There are three different compartments. We have the  
17 (indiscernible) compartments (indiscernible) and then the engine  
18 room.

19 Q. Okay.

20 A. So the pump is in this (indiscernible) spot.

21 Q. Yeah, the fixed (ph.) pump.

22 A. It's in the compartment before the other compartments.

23 (Simultaneous speaking.)

24 Q. (Indiscernible) engine --

25 A. Where -- no, the engine room is over there.

1 Q. Okay. So you have --

2 A. We have three compartments -- two compartments inside, and  
3 the other compartment.

4 Q. So this is the number 2 compartment?

5 UNIDENTIFIED SPEAKER: Can you give him the pen and just have  
6 him draw it on the picture?

7 BY UNIDENTIFIED SPEAKER:

8 Q. Can you just draw lines where the compartments are?

9 A. (Indiscernible) compartment. This compartment will go to  
10 here.

11 Q. Okay.

12 A. The engine compartment goes probably from here to here. Let  
13 me see. It's in there to here as far as the engine compartment.  
14 Down here -- from here the engines come to about there at the  
15 engine room. And there are two compartments in here. We have the  
16 fresh water pump and then we have the (indiscernible) compartments  
17 where the pumps are, the steam (ph.) pumps. But we have some  
18 (indiscernible) over here. And this is another compartment  
19 (indiscernible). So the fixed pump --

20 Q. So that fixed pump is not in the (indiscernible) --

21 A. It's not in the --

22 Q. So was this pump working?

23 A. Yeah.

24 Q. Okay, Wait, is this the same pump that you used to de-water  
25 the space?

1 A. What do you mean, de-water the space?

2 (Simultaneous speaking.)

3 UNIDENTIFIED SPEAKER: (Indiscernible).

4 MR. HERNANDEZ: The pump that is installed was  
5 (indiscernible) because you get water coming in from the  
6 (indiscernible). So that pump takes care of that water, but then  
7 we have to -- so we used a three-inch pump, diesel pump with a  
8 hose over the hatch that is over here (indiscernible).

9 BY UNIDENTIFIED SPEAKER:

10 Q. In addition --

11 A. Through that pump. That pump is (indiscernible) --

12 Q. What size line is this? What size piping?

13 A. About an inch and a half.

14 Q. Inch and a half?

15 UNIDENTIFIED SPEAKER: You know what the output of that pump  
16 is?

17 MR. HERNANDEZ: (Indiscernible).

18 UNIDENTIFIED SPEAKER: And then, for the water coming through  
19 the pipeline, how much water would normally come through that  
20 pipeline?

21 (Simultaneous speaking.)

22 MR. HERNANDEZ: (Indiscernible). We are to check the piping  
23 after every (indiscernible). We just tie it up, and then we do  
24 the -- we have to put the packing materials (indiscernible).

25 UNIDENTIFIED SPEAKER: How many gallons per hour, do you



1 know, per --

2 MR. HERNANDEZ: (Indiscernible).

3 BY UNIDENTIFIED SPEAKER:

4 Q. Inch and a half though?

5 A. Yes.

6 Q. Inch and a half? Okay.

7 A. That's always -- it's always -- it's automatic.

8 (Indiscernible) small flow the hose (indiscernible).

9 Q. It's automatic. So --

10 A. It has a pro (ph.) switch.

11 Q. Okay. So it's not --

12 A. If you're using (indiscernible) you can --

13 Q. Hard pipe?

14 A. Yeah, hard pipe. Steel. (Indiscernible) 3 inches  
15 (indiscernible) it's a 3-inch hose, probably 20 feet.

16 Q. It's a --

17 (Simultaneous speaking.)

18 MR. HERNANDEZ: (Indiscernible) 3 inches pump and the diesel  
19 pump that we have outside that we put over here.

20 UNIDENTIFIED SPEAKER: Okay.

21 UNIDENTIFIED SPEAKER: You have any bilge alarms in the  
22 engine room?

23 MR. HERNANDEZ: Engine room should have a bilge alarm.

24 UNIDENTIFIED SPEAKER: And in that space do you have in the  
25 steering gear room?

1 MR. HERNANDEZ: We don't have (indiscernible).

2 UNIDENTIFIED SPEAKER: You don't have a (indiscernible)? Did  
3 you saw any water in the engine room? Did you open the hatch to  
4 the engine room? Or did you --

5 MR. HERNANDEZ: The engine room is an open space.

6 UNIDENTIFIED SPEAKER: Right. But the -- (indiscernible) did  
7 you saw any water go into the engine room?

8 MR. HERNANDEZ: (Indiscernible) because we have three  
9 compartments, and the towboat was going like this. The engine  
10 room, the water goes (indiscernible) after we (indiscernible), you  
11 know. I'm sorry that I --

12 UNIDENTIFIED SPEAKER: No, no, no. Don't worry about it.

13 MR. HERNANDEZ: But when we started taking water, that  
14 towboat start going like this.

15 UNIDENTIFIED SPEAKER: Yeah.

16 MR. HERNANDEZ: You have to rush from this compartment to  
17 this one, to this one, to this one. So the engine room was the  
18 last compartment that (indiscernible).

19 UNIDENTIFIED SPEAKER: So in the towboat, you didn't stop  
20 (indiscernible) in the engine room?

21 MR. HERNANDEZ: (Indiscernible).

22 UNIDENTIFIED SPEAKER: In what compartment?

23 MR. HERNANDEZ: In the engine room. I'm not assigned to this  
24 one. This is a towboat that I -- the towboat I usually run is in  
25 Colombia, so I run to where they need me. So this was

1 (indiscernible).

2 LT [REDACTED] So, for the sake of clarity to those on the  
3 phone, Mr. Hernandez just marked in the picture all the  
4 compartment positions in the vessel -- approximately, compartment  
5 positions in the vessel for our understanding of the vessel  
6 design.

7 BY LT [REDACTED]

8 Q. So I would like to back up a little bit, right? Because I  
9 heard you mention that this is not usually your vessel and  
10 whatnot. So just to understand your background and the time that  
11 you've been with the company and everything, let's go back to you  
12 as an engineer in this company. How many people were onboard the  
13 vessel that day?

14 A. I think three.

15 Q. Okay. And how long have you been working in the maritime  
16 industry as an engineer?

17 A. With this company, I've been in 23 years.

18 Q. 23 years? And how long have you been working on this  
19 specific vessel?

20 A. Just for the last two weeks.

21 Q. Two weeks?

22 A. I've been in the company on this tugboat and (indiscernible)  
23 all the tugboats I have.

24 Q. So does this vessel have a permanent crew?

25 A. Yes.

- 1 Q. And you're not part of it?
- 2 A. No. Because the guy was on vacation and he say  
3 (indiscernible) tugboat.
- 4 Q. Oh. Okay. So you've been working on this vessel for two  
5 weeks, approximately?
- 6 A. This time, two weeks.
- 7 Q. Okay.
- 8 A. (Indiscernible) move different tugboat --
- 9 Q. Okay, okay, okay. (Indiscernible), okay. So on this vessel  
10 what were your duties -- what were the duties that you were  
11 involved with? Responsibilities.
- 12 A. In this tugboat or any tugboat, we do the same on all the  
13 tugboats.
- 14 Q. So what are --
- 15 A. We take care of the engines and basically see if everything  
16 is okay. (Indiscernible).
- 17 Q. Okay.
- 18 A. I don't know how to explain, but that's what we do.
- 19 Q. Okay. No, that's fine. You're explaining it. So from this  
20 particular trip from Guayama to Yabucoa, were your duties the same  
21 or were they different? Were you doing something additional?
- 22 A. No. Duties are the same.
- 23 Q. Okay.
- 24 A. You check your (indiscernible), you check everything around,  
25 (indiscernible) go to engine room. (Indiscernible) time, usually

1 I go every two hours. I check the engine room. It's an open  
2 space, but you can see there is any problem with the engines, like  
3 (indiscernible) you leak water, temperatures (indiscernible) with  
4 the engines, and you check everything in there. That's all we do.

5 Q. Okay. And after you complete checking everything, do you  
6 tell anyone about this? Or do you log it yourself? How is this  
7 captured?

8 A. I have a log book and there is a log on the tugboat.

9 Q. Do you put everything in the log book?

10 A. Um-hum.

11 Q. Okay. Excellent. At the time of the incident that it is  
12 discovered that the water is coming in, how is this discovered?

13 Who discovers it?

14 A. Alfredo (ph.) was the one who told me, the deckhand.

15 Q. Deckhand discovers it? So immediately after that, what were  
16 you doing?

17 A. Radio the captain.

18 Q. Okay.

19 A. And we tell him that we proceed to open the hatch. But we  
20 see the water, then we went ahead to the pump.

21 Q. Okay. And you assisted him with the pumps?

22 A. Yes. We did.

23 Q. Okay.

24 A. (Indiscernible).

25 Q. Okay. Excellent. So that morning, how will you say you were

1 feeling? You were feeling fine? Everything was good?

2 A. Yeah.

3 Q. Like physically? Okay. And how did the crew appear?

4 Everybody good? You saw anything that they looked tired?

5 A. No. Everybody was good.

6 Q. Everybody was good? Okay. Have you worked with them in

7 other platforms? Have you worked with them for a long time?

8 A. Yes.

9 Q. How long?

10 A. I think Jose has probably like 3 years working with us. And

11 the captain (indiscernible).

12 Q. That's fine. Several years.

13 A. Yeah.

14 Q. Okay. How was your relationship with him?

15 A. Oh, fine.

16 Q. It was good?

17 A. Yeah.

18 Q. Okay. And the communications were good? Open?

19 A. (No audible response.)

20 Q. Okay. Excellent. And was there anything out of the ordinary

21 that morning when you went to (indiscernible)?

22 A. No.

23 Q. No? So whenever you depart Yabucoa to go to Guayama, how was

24 the weather that morning?

25 A. It wasn't rough, but it was probably like 2 to 4 feet.

- 1 Q. Two to four feet?
- 2 A. Yeah. Also a little bit choppy when we head to Guayama.
- 3 Q. Okay. Would you say this is normal for this trip?
- 4 A. Yes. Ordinary (indiscernible) for that area, yes.
- 5 (Indiscernible) but --
- 6 Q. No, no, no. This is just --
- 7 (Simultaneous speaking.)
- 8 A. (Indiscernible).
- 9 Q. -- your experience.
- 10 A. (Indiscernible).
- 11 Q. Okay. And why would the -- so the weather was fine. You get
- 12 to Guayama. Whenever you depart Guayama, was the weather the
- 13 same?
- 14 A. It was all the same.
- 15 Q. Same?
- 16 A. Yeah.
- 17 Q. At what point did you see -- was there ever a change in
- 18 weather?
- 19 A. (Indiscernible) getting (indiscernible) with the lighthouses.
- 20 Q. Okay.
- 21 A. Lighthouse (indiscernible) very close to Yabucoa, so I'd say
- 22 they changed.
- 23 Q. So if it's changed there, how would you describe this change
- 24 in the weather?
- 25 A. That's when the waves started coming from everywhere.

- 1 Q. The waves?
- 2 A. Yeah.
- 3 Q. So if you could put a number or a size, right, for the  
4 (indiscernible) how would you describe it?
- 5 A. About 6 feet.
- 6 Q. About 6 feet?
- 7 A. Windy.
- 8 Q. Windy, okay. So compared to other -- how often do you do  
9 this trip?
- 10 A. Almost every week we have to move tugboats from Yabucoa to  
11 Guayama.
- 12 Q. Almost every week?
- 13 A. Yeah, because we have some tugboats in Yabucoa, some in  
14 Guayama. (Indiscernible) to move around (indiscernible).
- 15 Q. So you do this on a weekly basis roughly, right, to put a  
16 number to it. So would you say the sea conditions --
- 17 A. I don't go on the tugboat --
- 18 Q. No, no. But that's the operation, the normal operation. Not  
19 the (indiscernible). Normal operation, okay. So when we compare  
20 this weather change and this incident that happened with the  
21 weather changes and everything, would you say you have experienced  
22 this before?
- 23 A. That weather? Yes.
- 24 Q. That type of weather you've experienced before?
- 25 A. Yes.



1 UNIDENTIFIED SPEAKER: One quick question just for  
2 background. Is this tugboat the one that normally gets used down  
3 there? Or is this tugboat because the other one is in Colombia  
4 got --

5 MR. HERNANDEZ: No, this tugboat is in Yabucoa, also  
6 (indiscernible).

7 UNIDENTIFIED SPEAKER: All right.

8 MR. HERNANDEZ: (Indiscernible).

9 (Simultaneous speaking.)

10 UNIDENTIFIED SPEAKER: So it's not as common for this tugboat  
11 to go to --

12 MR. HERNANDEZ: Yes.

13 UNIDENTIFIED SPEAKER: -- route.

14 LT [REDACTED] And does it only goes to Guayama? Or does it go  
15 to other parts?

16 MR. HERNANDEZ: Sometimes (indiscernible) sometimes.

17 LT [REDACTED] So it doesn't just do that trip only?

18 MR. HERNANDEZ: No.

19 UNIDENTIFIED SPEAKER: (Indiscernible) Guayama  
20 (indiscernible).

21 (Simultaneous speaking.)

22 BY LT [REDACTED]

23 Q. Have you been onboard and experienced this weather changes  
24 like similar to the one you experienced the other day?

25 A. Yes. Probably rougher than that.

1 Q. Rougher than that, probably? Okay. And what could you see  
2 was different this day than the other days that you have  
3 experienced worse weather conditions?

4 A. The wind is coming from everywhere. But for the time you go  
5 straight, but everything was normal, so it was (indiscernible) --

6 Q. Okay.

7 A. -- of the water (indiscernible) but this time everything was  
8 going from everywhere.

9 Q. So it wasn't as normal?

10 A. No, wasn't normal at all. The waves --

11 (Simultaneous speaking.)

12 Q. (Indiscernible) --

13 A. Yeah.

14 Q. So would you say these conditions were unusual?

15 A. At that moment, for me, yes.

16 Q. Okay. So when you're operating the vessel, do you have any  
17 policies that the company has established for like maintenance or  
18 verifications before you depart from one place to the other?

19 A. (Indiscernible) inspection for what I do.

20 Q. Okay.

21 A. I make sure that the engine is running and (indiscernible)  
22 pressure, everything is running okay, and make sure that there is  
23 nothing around the deck.

24 Q. Okay. So going back to the initial inspection that you're  
25 conducting, you're verifying everything, you mentioned it earlier

1 a little bit, so what are the things that you're actually looking  
2 for before, whenever you do these?

3 A. What are the things that I look for?

4 Q. Um-hum.

5 A. Make sure that the pumps are running.

6 Q. Okay.

7 A. So we did the pumps, hooked up pump (indiscernible) water  
8 that comes from the other side (indiscernible) water  
9 (indiscernible), so that pump (indiscernible), that area  
10 (indiscernible) boxes, that's where the (indiscernible) comes into  
11 the hole (indiscernible) to make sure that they are not  
12 (indiscernible) completely and that the pumps are running.

13 Q. Okay.

14 A. I go inside and close the doors of the hatch, the compartment  
15 outdoors so I can get close -- it should be closed like  
16 (indiscernible).

17 Q. Okay. And were they?

18 A. (Indiscernible) compartments inside.

19 Q. Okay. There isn't --

20 A. There is not a -- I know what you're going to ask. There is  
21 not a (indiscernible) compartment over here. There is one here,  
22 one here, and one here.

23 Q. They're isolated, correct?

24 A. Yes. It is.

25 Q. And how often do you have to do these verifications?

- 1 A. I do it probably -- before leaving the tug, I will  
2 (indiscernible).
- 3 Q. Okay. So --
- 4 A. Right here through this hatch, we pull it out, we look  
5 inside, and put it back in.
- 6 Q. So when you open the hatch in the steering -- that's the  
7 steering area, right?
- 8 A. This is the rudder compartment.
- 9 Q. The rudder compartment?
- 10 A. Yeah. We call the steering compartment with the steering  
11 pumps.
- 12 Q. Okay. So that's the rudder compartment. And you have the  
13 shaft and everything in there, right?
- 14 A. No. You can see the shaft from here to over here.
- 15 Q. Okay.
- 16 A. This is already out of -- the propellers are over here.
- 17 Q. Where's your piping line (ph.) at?
- 18 A. We have piping (indiscernible) --
- 19 Q. For your shaft?
- 20 A. For the shaft in this (indiscernible) here.
- 21 Q. And then your (indiscernible)?
- 22 A. Flanking gears (ph.) for the rudders are back here. We have  
23 flanking rudders and main rudders. And we have -- so four, four  
24 of them.
- 25 Q. Okay. So the flanking that's in the rudder area, right -- so

1 prior to departure from Guayama, do you verify things?

2 A. Yeah, we take the inside -- I do, I take (indiscernible) the  
3 compartment (indiscernible) little bit of water because it seeps.

4 Q. And how was it? Was it normal?

5 A. It was normal. All the way down.

6 Q. Okay. Would you say there was any indicator that something  
7 was wrong in that area?

8 A. No.

9 Q. No? More water than usual?

10 A. No. Just when we opened the hatch. We open the -- we try to  
11 (indiscernible) out. There was like 3 feet of water.

12 Q. Three feet?

13 A. About 3 feet of water.

14 Q. Okay. So I don't (indiscernible) your vessel, but  
15 historically, have there been any issues with water coming in  
16 through that area? This vessel or any other similar vessel that  
17 you have? It's something normal that happens?

18 A. No.

19 UNIDENTIFIED SPEAKER: Any multiple places that you can think  
20 of that water has come in through?

21 MR. HERNANDEZ: In through the rudders.

22 (Simultaneous speaking.)

23 MR. HERNANDEZ: (Indiscernible) in through the rudders  
24 (indiscernible). That's why we have that pump inside, to take  
25 care of the water that moves through the rudders.

1 BY UNIDENTIFIED SPEAKER:

2 Q. Would you say there's leaking? Was there water -- in the  
3 day-to-day operations of the rudders, is there constant flow of  
4 water?

5 A. Yes, it is.

6 Q. How much does each one (indiscernible).

7 A. I cannot (indiscernible).

8 Q. Would you say -- is it a steady stream? Is it like a  
9 constant flow? Or is it like a couple drips?

10 A. No. It is a constant flow.

11 Q. Constant flow?

12 A. Yeah. Yeah, because you're out there moving.

13 Q. Right. No, I understand. What would you say the condition  
14 of this hatch was?

15 A. It's not a new one, but it was -- it's okay.

16 Q. From your recollection, did it have --

17 (Simultaneous speaking.)

18 Q. From your recollection, did it have all its dogs to close it?

19 A. There's only one (indiscernible).

20 Q. Okay. From your recollection --

21 A. (Indiscernible).

22 Q. Okay. So it's like a eight-sided tool to open it up? It's a  
23 -- what's it called?

24 A. Oh, no, no. It's (indiscernible) the hatch on the  
25 (indiscernible) small -- do you have a picture of the --

- 1 Q. (Indiscernible)?
- 2 A. No, no, no. It was a (indiscernible).
- 3 (Simultaneous speaking.)
- 4 A. You have something like this inside.
- 5 Q. Okay. Got you.
- 6 A. And you just go like --
- 7 (Simultaneous speaking.)
- 8 Q. -- you lift it up, right. So it's like a (indiscernible) top
- 9 open. Okay. Got you. And from your recollection, the edges of
- 10 the hatch, were they corroded, were they rusted?
- 11 A. No.
- 12 Q. No? So you would say that the hatch was in good condition --
- 13 A. In good condition.
- 14 Q. -- for the most part? Okay. Now, was there -- what kind of
- 15 through holes did you have from this compartment to this
- 16 compartment?
- 17 A. Through what?
- 18 Q. Through -- I guess not through hole, but just fittings that
- 19 go from this compartment to this compartment. Any like air, any
- 20 like wiring? Bolts on the bulkhead?
- 21 A. Yeah. There should be some for the, I believe for the
- 22 hands (ph.) that move the autopilot and the steering -- not hands
- 23 but the (indiscernible) but --
- 24 Q. The linkage?
- 25 A. Yes.

1 Q. And the pilot -- okay. So there's openings between this  
2 compartment and this compartment for wire?

3 A. (Indiscernible) openings up high on the --

4 Q. How high would you think?

5 A. About 8 feet.

6 Q. Eight feet?

7 A. Yeah, because they are on the top.

8 UNIDENTIFIED SPEAKER: And how would you describe the overall  
9 condition of the vessel?

10 MR. HERNANDEZ: I would say fair.

11 UNIDENTIFIED SPEAKER: You'd say fair?

12 MR. HERNANDEZ: (Indiscernible) new tugboat.

13 UNIDENTIFIED SPEAKER: Definitely not. Yeah, yeah, we know  
14 that. But would you say it was safe to operate?

15 MR. HERNANDEZ: It was.

16 UNIDENTIFIED SPEAKER: Okay.

17 BY UNIDENTIFIED SPEAKER:

18 Q. So it met your standard of operations?

19 A. My standard?

20 Q. Yes.

21 A. I work on it.

22 Q. I know. So you felt safe working it?

23 A. (Indiscernible).

24 Q. Okay. Is this the configuration of your glands (ph.) and  
25 your rudder stop? Does this -- you said there's four, right? You



1 have four (indiscernible)?

2 A. No. This is -- where is this?

3 Q. This is one in here right?

4 A. Yeah. But we have the cylinders.

5 Q. Yeah.

6 A. But the -- it is different because we have a pipe coming

7 through.

8 Q. So you have two flanking rudders?

9 A. Yes.

10 Q. And --

11 A. One for the front and one for the -- but what is this over

12 here?

13 Q. That's the --

14 (Simultaneous speaking.)

15 A. (Indiscernible)?

16 Q. Yeah. So it's not -- this is -- you have the opposite. You

17 have two flanking rudders and two (indiscernible) rudders, right?

18 A. Yeah. So we have two glands and the (indiscernible) the same

19 over here.

20 Q. Okay.

21 A. The same over here. (Indiscernible) compartment.

22 Q. No. (Indiscernible) look at that.

23 A. (Indiscernible).

24 Q. That's just a single rudder that (indiscernible) if the setup

25 was similar.

- 1 A. Only two -- instead of four ramps, we have like two moving  
2 ramps (ph.) (indiscernible).
- 3 Q. Okay. And what kind of propeller do you have?
- 4 A. (Indiscernible) this one (indiscernible).
- 5 Q. When was the last time you guys had maintenance on that area?  
6 On those --
- 7 A. Which area? The (indiscernible)?
- 8 Q. (Indiscernible) like when was the last time they were --  
9 (Simultaneous speaking.)
- 10 A. We got started in like a week ago before the (indiscernible)  
11 went out.
- 12 Q. They were replaced?
- 13 A. (Indiscernible) material.
- 14 Q. Yeah, like (indiscernible) lines to it. Like just  
15 (indiscernible) material? Essentially old (indiscernible)?  
16 (Simultaneous speaking.)
- 17 A. (Indiscernible) yeah.
- 18 Q. About a week ago?
- 19 A. About a week ago when (indiscernible) went out.
- 20 Q. Anything before then?
- 21 A. I know that on the (indiscernible), yes, I know the  
22 rudders -- the flanking rudders (indiscernible). You can see the  
23 rudders on the front are brand new material from inside.
- 24 Q. Yeah.
- 25 A. (Indiscernible).

1 Q. So when you said it was higher, was there enough room for the  
2 nuts? Were the nuts (indiscernible) --

3 (Simultaneous speaking.)

4 A. (Indiscernible).

5 Q. -- properly? Okay.

6 UNIDENTIFIED SPEAKER: So what are your roles and  
7 responsibilities in case of an incident, if anything happens?

8 MR. HERNANDEZ: If anything happens, (indiscernible) this  
9 incident, I took care of the boat, was in communication with the  
10 captain. (Indiscernible).

11 I have a question. I don't want to be (indiscernible). Any  
12 one of you guys have been in an incident like this?

13 UNIDENTIFIED SPEAKER: Onboard?

14 MR. HERNANDEZ: Uh-huh. Anybody have emergency like this?  
15 (Indiscernible) something.

16 UNIDENTIFIED SPEAKER: I have (indiscernible) yes.

17 MR. HERNANDEZ: I don't think that, at that time, you can go  
18 by the book --

19 (Simultaneous speaking.)

20 UNIDENTIFIED SPEAKER: Right, right --

21 UNIDENTIFIED SPEAKER: Definitely, yeah, definitely.

22 UNIDENTIFIED SPEAKER: No, no, no --

23 MR. HERNANDEZ: No, right. If I don't remember something --

24 UNIDENTIFIED SPEAKER: No, no, no. It's completely  
25 understandable. We're just trying to get -- we don't -- we're

1 just trying to know what you know.

2 MR. HERNANDEZ: I know, but I just want to -- if I say  
3 something --

4 (Simultaneous speaking.)

5 UNIDENTIFIED SPEAKER: Oh, no, no. That's completely fine --

6 MR. HERNANDEZ: (Indiscernible) every rule in the book, but  
7 when something happens, you have to --

8 UNIDENTIFIED SPEAKER: Right.

9 (Simultaneous speaking.)

10 MR. HERNANDEZ: (Indiscernible) over here and do this. You  
11 have to --

12 UNIDENTIFIED SPEAKER: Yeah. And we understand. What we  
13 want to do is, by asking you these questions --

14 MR. HERNANDEZ: Oh, you say (indiscernible). If I ask  
15 somebody at that moment, I don't think (indiscernible).

16 BY UNIDENTIFIED SPEAKER:

17 Q. Exactly. And my next question was, what did you do?

18 A. We (indiscernible) on the phone -- I talk on the phone with  
19 (indiscernible), and we try to right our wrongs. We lose  
20 function, so we try to get the (indiscernible) do whatever to get  
21 it running. We had a boat, so no function, we keep pumping out  
22 water coming in, but the incident happened.

23 Q. Okay. And that's completely --

24 A. When we talk to the captain, we decide to throw the life raft  
25 and just wait to see what happened.

1 Q. Completely understandable. Have you ever done a drill that  
2 is similar to this scenario?

3 A. Yeah, I've done drills.

4 Q. Similar to this?

5 A. Yes. (Indiscernible) overboard, we have to throw the life  
6 raft. That's why it's (indiscernible) drill.

7 Q. Have you ever done a drill like the vessel is taking in  
8 water; what do you do? Procedures or something?

9 A. (No audible response.)

10 Q. No? Okay. That's fine.

11 A. I don't think that it was much, what (indiscernible) to do.

12 Q. No, no, no. I'm just saying like a random drill for  
13 something similar.

14 A. No. We do man overboard, we have -- I think we have some  
15 (indiscernible) inspection. We have something new with the  
16 inspection from the tugboats --

17 Q. Okay.

18 A. -- that we have to keep on deck. And we have a new way to  
19 rescue people.

20 Q. Okay.

21 A. We have drills (indiscernible).

22 Q. And how often do you do drills?

23 A. (Indiscernible).

24 Q. And compared to --

25 A. (Indiscernible) on board.

1 Q. Of course, of course. And comparing to the drills, I know a  
2 drill is just a drill --

3 A. (Indiscernible).

4 Q. -- but if you could say this is perfect, this drill was  
5 perfect, and this is what happened. This is what we had to do,  
6 regardless of sea conditions and everything --

7 A. The drills helped me out.

8 Q. Okay.

9 A. Because I knew what I was going to do.

10 Q. Okay.

11 A. (Indiscernible) of the same --

12 (Simultaneous speaking.)

13 A. -- going to help. It helped me out to know what we have to  
14 do.

15 Q. And that is the purpose of drills.

16 A. Yeah. I know. I know. Sorry if I (indiscernible).

17 Q. No, no, no. That's fine. That's fine. So how would you  
18 compare drills to the actual event? Would you say it felt  
19 similar? Would you feel like, you know what, drills are good, but  
20 if something like this would happen would be better? How would  
21 you compare it?

22 A. Oh, I compare fantastic to the drills.

23 Q. Okay.

24 A. And this would be a lot of things (indiscernible) everyone,  
25 situations on (indiscernible).

1 Q. So you see (indiscernible) the water, right? (Indiscernible)  
2 lets you and the captain know.

3 A. No, what I'm saying is (indiscernible) something different  
4 with the tugboat. Actually the level of (indiscernible) to the  
5 water was low.

6 Q. Okay. So they see that; he calls you and the captain, right?

7 A. He (indiscernible) because I saw him come in --

8 Q. Okay.

9 A. -- go in through the (indiscernible) and then he called the  
10 captain and we proceeded to open the port.

11 Q. Okay. So Jose makes the call, and then go and help him?

12 A. Yes.

13 Q. Okay. Then you're helping him, and you're doing the pumping  
14 bilge to try to pump water, and you're having issues with the  
15 pump. At the time that you have issues with the pump, how was the  
16 water hitting the vessel? Was it a lot of water in the deck and  
17 forward?

18 A. There was a lot of water on the deck.

19 Q. How much would be a lot of water? In inches.

20 A. Probably (indiscernible) at my ankles.

21 Q. At your ankles?

22 A. Yeah.

23 Q. So around 6 inches probably.

24 A. Probably, yeah, 4 to 6 inches.

25 UNIDENTIFIED SPEAKER: How much time did you recall -- I know

1 like in the middle of this evolution, it's hard to keep track of  
2 time, but how much time do you think went by from the moment you  
3 opened the hatch for the first time and you saw the 3 feet of  
4 water to the moment that the water was all the way to the deck?

5 MR. HERNANDEZ: A half-hour.

6 UNIDENTIFIED SPEAKER: Half-hour?

7 MR. HERNANDEZ: (Indiscernible) I can't recall the time.

8 UNIDENTIFIED SPEAKER: No, no --

9 (Simultaneous speaking.)

10 BY UNIDENTIFIED SPEAKER:

11 Q. So if you have water coming in from the waves, right, and  
12 everything, you're trying to pump it out. When the pump gives out  
13 and it's not working, do you look back into the steering area  
14 again to see how much water is in there?

15 A. (Indiscernible).

16 Q. So it was already flooded?

17 A. (No audible response.)

18 Q. Okay. And that's the 30 minutes that you said like a  
19 half-hour --

20 A. By the time we had the pump running and dealing with the  
21 hose --

22 Q. Yeah.

23 A. -- probably a half-hour.

24 Q. Okay. So would it be safe to say that this space flooded  
25 completely in a period of 35 minutes? Around approximately?



1 A. (No audible response.)

2 Q. Okay. So this happens. Vessel takes on this water. What do  
3 you do next?

4 A. I was (indiscernible) up to the bridge.

5 Q. Went up to the bridge. So you're at the bridge, and what do  
6 you do on the bridge? You, Jose and the captain, whoever is in  
7 there. What do you do?

8 A. The captain asked me if everything was (indiscernible)  
9 because I think it's flooded already. Asked me if the  
10 compartments were closed. I said yeah, the compartments are  
11 closed. And then he says let's get the life jackets, and we tried  
12 to keep going with the engines, the (indiscernible).

13 Q. Did you lose -- when this is happening, you stay in the  
14 bridge, right? With the captain?

15 A. Uh-huh.

16 Q. Did you lose steering at any given time?

17 A. Yes, we lose steering.

18 Q. Lost steering. Would it be around this area of the deck is  
19 where this happened?

20 A. Where it happened (indiscernible).

21 Q. No, but would it be on the (indiscernible) that happened when  
22 you lost steering?

23 A. Probably, yes.

24 Q. Okay.

25 BY UNIDENTIFIED SPEAKER:

1 Q. I have a question. So when you come onto the bridge  
2 (indiscernible) do you hear anything? You hear any alarms on the  
3 bridge?

4 A. Yeah. The fire alarm was running. We have a fire alarm too.

5 Q. And then, to your understanding, at that point the fixed  
6 bilge system (ph.) is running, too, right?

7 A. It is.

8 Q. The fixed pump.

9 A. The pump?

10 Q. Yes.

11 A. Yeah. It should be running. I didn't look (indiscernible)  
12 it is outside. It is outside --

13 Q. (Indiscernible)?

14 A. (Indiscernible) yeah, but I never look out there.

15 Q. Yeah.

16 A. I never went close to it.

17 Q. Yeah. At that point -- if you recollect anything, at that  
18 point that we can see the maneuver -- let me get the map. Was the  
19 captain trying to intentionally come into port or to like stop the  
20 boat into the ground?

21 A. (Indiscernible) talk to the captain. I don't know.

22 Q. That's fine. That's fine. So --

23 A. If we lose steering, then the rudders are already  
24 (indiscernible) angle or something.

25 Q. Okay. So the vessel lost steering. You're in the bridge

- 1 with the captain. Sea conditions are rough. What happens next?
- 2 A. We proceed to throw the life raft.
- 3 Q. The life raft?
- 4 A. We throw it in the water and we keep it alongside us.
- 5 Q. Okay. Whenever the life raft hit the water, did it open
- 6 immediately, perfectly fine?
- 7 A. No, we pulled the --
- 8 Q. The (indiscernible)?
- 9 A. Yeah.
- 10 Q. And did it open fine?
- 11 A. No.
- 12 Q. It didn't?
- 13 A. It didn't open completely.
- 14 Q. And what happened then?
- 15 A. The captain jumped into the water with a knife, cut the --
- 16 (indiscernible) we have one of the -- so there's (indiscernible),
- 17 it's like a plastic piece on the (indiscernible) that was stuck.
- 18 He have to (indiscernible).
- 19 Q. Okay.
- 20 A. And then we keep the life raft -- we pulled him back in, and
- 21 we keep the life raft alongside us.
- 22 Q. Okay.
- 23 A. Never went into the life raft.
- 24 Q. You never went into the life raft?
- 25 A. No. I never went into the life raft. (Indiscernible).

- 1 Q. Okay. So the vessel is sinking, life raft is activated,  
2 captain jumps in the water, the captain is holding onto the life  
3 raft; the life raft is still tied to the vessel?
- 4 A. No, we have -- we're holding the life raft.
- 5 Q. You're still in the vessel?
- 6 A. Uh-huh.
- 7 Q. Okay, okay. What happens next?
- 8 A. The captain came to the vessel and we stayed together. He  
9 radioed the Coast Guard. He called the -- well, he called the  
10 company and (indiscernible). I guess the water was already too  
11 high. I would say probably --
- 12 Q. Half of the vessel was underwater?
- 13 A. Half was, yes.
- 14 Q. Okay.
- 15 A. We had decided to go into the life raft, and that's when the  
16 (indiscernible) fisher (indiscernible) came alongside.
- 17 Q. So you never left the vessel?
- 18 A. No. We were in the vessel.
- 19 Q. Okay.
- 20 A. We were in the vessel and --
- 21 Q. Holding the life raft.
- 22 A. Holding it.
- 23 Q. Just in case you could jump into it.
- 24 A. Yes.
- 25 Q. Okay.

- 1 A. Well, we cannot let it go. We opened it (indiscernible).
- 2 Q. Yeah, of course.
- 3 A. We have to keep (indiscernible).
- 4 Q. Okay. So you're there, you're holding the life raft, the  
5 vessel is coming up in the air, right, sinking. How much time did  
6 you spend in this condition? I know it probably feels like  
7 eternity, but --
- 8 A. Yes.
- 9 Q. How much time would you say, approximately, if you could put  
10 a number to it?
- 11 A. We throw the life raft in the water, at least about an hour.
- 12 Q. About an hour? Okay. So was it cold? Were you shaking?  
13 Was it really cold?
- 14 A. And I was wet from the rain, from the water. I don't recall  
15 feeling, but the water was cold --
- 16 (Simultaneous speaking.)
- 17 A. -- was splashing me from -- it was over 6 feet.
- 18 Q. Okay.
- 19 A. Because it was coming over the railing with the wind.  
20 (Indiscernible).
- 21 Q. Okay. So then the fisherman comes; do you remember the type  
22 of boat that came?
- 23 A. A very small boat.
- 24 Q. Like a (indiscernible)?
- 25 A. A (indiscernible).

1 Q. Okay.

2 A. Yeah.

3 Q. So they came, picked you up, jump into the boat --

4 A. We jumped into the water first.

5 Q. Into the water first? Okay. So tell me what happens next.

6 A. And then from the water, we get pulled up, then we left.

7 Q. So when you get on the fisherman's boat and you look back at  
8 the vessel that's sinking, what do you see? Do you see lights on?

9 A. No. Lights were out.

10 Q. Lights were out?

11 A. Yeah.

12 Q. Okay. Lights were out. So there was probably no power on  
13 the vessel. And how far down was she?

14 A. Probably to this part. Probably to here, about this. This  
15 is the bulkhead (indiscernible). This is (indiscernible). You  
16 walk to the galley and to the engine room, and this is from the  
17 door to the engine room. So the water probably was up to here.  
18 We were like this, I guess. Something like this. In the water.

19 Q. Can I take a picture of that real quick? Like the angle that  
20 you have? Just for my visual purposes only.

21 A. (Indiscernible) water like this.

22 Q. That's kind of how -- okay.

23 LT [REDACTED] Do you remember at any moment when you were still  
24 onboard when the power went off? Did you realize it --

25 MR. HERNANDEZ: (Indiscernible).

1 LT [REDACTED] Not until after when you left?

2 BY UNIDENTIFIED SPEAKER:

3 Q. Okay. You said -- I don't have the picture, but I'm looking.  
4 You've got the rudder (indiscernible), the shaft (indiscernible),  
5 and the (indiscernible), right?

6 A. No, the shaft wasn't -- (indiscernible) the shaft.  
7 (Indiscernible) two compartments.

8 Q. All right. Like right here?

9 A. Yeah, probably. Up (indiscernible). You have the shaft of  
10 the (indiscernible) boxes.

11 Q. You want to draw it here for me real quick? Just so I can  
12 get the picture in my head (indiscernible).

13 A. Okay. (Indiscernible). We had the fresh water  
14 (indiscernible).

15 Q. All right. And then you said that there's the linkage that  
16 goes between --

17 A. (Indiscernible) this one.

18 Q. From this one --

19 (Simultaneous speaking.)

20 A. Because the (indiscernible) goes out.

21 Q. All right. And then the linkage goes how high?

22 A. Close to the pump.

23 Q. Close to the pump? All right. And then, are there any  
24 through holes or any like doors or anything that go from this  
25 space to this space?

- 1 A. (Indiscernible) there's a door.
- 2 Q. There's a door? Is it a watertight door or a regular door?
- 3 A. (Indiscernible).
- 4 Q. All right. Do you know when was the last time that door was  
5 inspected? Or do you remember what the condition of that door is?
- 6 A. (Indiscernible).
- 7 Q. All right. And then is that door normally open or is that  
8 door normally closed or --
- 9 A. I don't (indiscernible), so it's my --
- 10 Q. (Indiscernible)?
- 11 A. I close the doors.
- 12 Q. All right.
- 13 A. When I check the (indiscernible) I close the door.
- 14 Q. All right. Do you know if that door was closed that night?
- 15 A. (Indiscernible).
- 16 Q. All right. I'm just saying where (indiscernible) --
- 17 A. (Indiscernible) compartments, it's over here.
- 18 Q. All right.
- 19 A. (Indiscernible) that door (indiscernible).
- 20 Q. There's another door right here?
- 21 A. Yes.
- 22 Q. And they were watertight doors?
- 23 A. (Indiscernible).
- 24 Q. (Indiscernible) or just one?
- 25 A. No. Two, four and two (indiscernible).



- 1 Q. All right.
- 2 A. (Indiscernible) like this.
- 3 Q. (Indiscernible) just have the door --
- 4 A. (Indiscernible) over here, four over here, and four over
- 5 here. Yes.
- 6 Q. Not here?
- 7 A. Two, two (indiscernible).
- 8 Q. All right. How high from the deck is this (indiscernible)?
- 9 A. About 2 feet. I keep it closed (indiscernible) when we are
- 10 running around. But at night when we go home, I close it.
- 11 Q. And then the opening that you used to throw the hose out for
- 12 the pump here, it goes straight to the rudder room?
- 13 A. (Indiscernible) yes.
- 14 Q. So it's like right here? I mean, it's about 8 feet from here
- 15 to the clock.
- 16 A. (Indiscernible).
- 17 Q. Got it. Thank you.
- 18 A. (Indiscernible) 8 feet because the fuel tanks, they have 9
- 19 feet, so it should be like 8 or 9 feet. And then the rudder that
- 20 goes -- the rudder goes through three bulkheads. The shaft.
- 21 Q. The shaft. Right. And then like is there any clamp that
- 22 goes through it? Or like how is that opening through the bulkhead
- 23 for the shaft?
- 24 A. I honestly never paid attention to it. But I think that is
- 25 open (indiscernible) but it's close to the shaft (indiscernible).

1 Q. Got it. All right. Thank you.

2 UNIDENTIFIED SPEAKER: So if you could -- I know this is a  
3 stretch, but if you could right now say, I think this is what  
4 caused the incident, what would you say could be a reason? What  
5 cause?

6 MR. HERNANDEZ: Probably water coming inside from the  
7 rudders.

8 UNIDENTIFIED SPEAKER: From the --

9 (Simultaneous speaking.)

10 MR. HERNANDEZ: (Indiscernible) that's why we had that pump  
11 on the rudder compartments, so (indiscernible).

12 UNIDENTIFIED SPEAKER: About how big is the rudder post?

13 MR. HERNANDEZ: The rudder?

14 UNIDENTIFIED SPEAKER: The rudder, right? So the clamp, how  
15 big is it? Six inches? Eight inches, maybe?

16 MR. HERNANDEZ: Probably like 10 inches.

17 UNIDENTIFIED SPEAKER: Ten inches? Okay.

18 MR. HERNANDEZ: (Indiscernible) measure from here to here,  
19 probably like 8, 10 inches (indiscernible) could be like this.

20 UNIDENTIFIED SPEAKER: Would there be anything that you feel  
21 could've been done differently that would've prevented this or  
22 mitigated this?

23 MR. HERNANDEZ: No, because there was nothing that we can do  
24 different to -- there is only one cover (ph.) to check the  
25 compartment.

1 UNIDENTIFIED SPEAKER: Okay.

2 MR. HERNANDEZ: Other than through the hose. That's all we  
3 can do differently.

4 UNIDENTIFIED SPEAKER: Okay.

5 MR. HERNANDEZ: And there was nothing different that we could  
6 do.

7 BY UNIDENTIFIED SPEAKER:

8 Q. In relations to the water line, where are the glands at?  
9 Like is there a water line, above the water line, below the water  
10 line?

11 A. In that tugboat probably I would say 18, 20 inches.

12 Q. Above the water line?

13 A. Above the water line.

14 Q. Above the water line. All right.

15 A. (Indiscernible).

16 Q. All right. Got it.

17 A. Different ones.

18 Q. And then, so roughly from the deck, how much would that be?

19 A. From the deck?

20 Q. Yeah. From the deck to the gland.

21 A. From the deck to the gland?

22 Q. Yeah.

23 A. Probably like six feet or eight feet.

24 Q. So it would be about two feet from the bottom of the vessel?

25 A. Sure, 20, 24 inches.

1 Q. Twenty-four inches from the bottom of the vessel to the  
2 gland --

3 (Simultaneous speaking.)

4 A. -- the sea level.

5 Q. Yeah.

6 A. It's not the water line.

7 Q. Yeah. Um-hum.

8 UNIDENTIFIED SPEAKER: On my side, I have no more questions  
9 as of right now.

10 UNIDENTIFIED SPEAKER: (Indiscernible) bilge alarms?

11 (No response.)

12 UNIDENTIFIED SPEAKER: So did you have a bilge alarm in that  
13 compartment?

14 MR. HERNANDEZ: We have what?

15 UNIDENTIFIED SPEAKER: A bilge alarm in the --

16 MR. HERNANDEZ: (Indiscernible)?

17 UNIDENTIFIED SPEAKER: Bilge alarm?

18 UNIDENTIFIED SPEAKER: (Indiscernible)?

19 UNIDENTIFIED SPEAKER: Alarm.

20 UNIDENTIFIED SPEAKER: Alarm.

21 MR. HERNANDEZ: No, no. (Indiscernible) the only one was the  
22 (indiscernible).

23 UNIDENTIFIED SPEAKER: How big is the shaft? What is the  
24 diameter of the shaft?

25 MR. HERNANDEZ: Probably like 10 inches too.

1 UNIDENTIFIED SPEAKER: Yeah.

2 MR. HERNANDEZ: You measure it from one side to the other,  
3 probably like 10 inches.

4 UNIDENTIFIED SPEAKER: Ten inches?

5 MR. HERNANDEZ: Right.

6 UNIDENTIFIED SPEAKER: And just to be clear, so the shaft  
7 goes through the bottom plating, right? Through the bottom  
8 plating of the boat.

9 MR. HERNANDEZ: Um-hum.

10 UNIDENTIFIED SPEAKER: And then goes through the rudder area,  
11 then through --

12 MR. HERNANDEZ: No. It goes through -- it doesn't go through  
13 the rudder compartment.

14 UNIDENTIFIED SPEAKER: Right.

15 MR. HERNANDEZ: It goes through the -- it just --

16 LT [REDACTED] (Indiscernible) compartment?

17 UNIDENTIFIED SPEAKER: So it goes through --

18 MR. HERNANDEZ: Right here, yeah.

19 UNIDENTIFIED SPEAKER: All right. So let me --

20 MR. HERNANDEZ: Yeah.

21 UNIDENTIFIED SPEAKER: (Indiscernible).

22 (Simultaneous speaking.)

23 MR. HERNANDEZ: (Indiscernible) bottom of the boat is like  
24 this. It's not a --

25 UNIDENTIFIED SPEAKER: So it goes to like that --

1 MR. HERNANDEZ: (Indiscernible) uh-huh.

2 UNIDENTIFIED SPEAKER: All right.

3 MR. HERNANDEZ: And the shaft goes here.

4 UNIDENTIFIED SPEAKER: Um-hum.

5 (Indiscernible conversation; simultaneous speaking;  
6 laughter.)

7 MR. HERNANDEZ: So it goes through the shaft (indiscernible).

8 UNIDENTIFIED SPEAKER: To this --

9 (Simultaneous speaking.)

10 MR. HERNANDEZ: That's where we have the fresh water tanks.

11 UNIDENTIFIED SPEAKER: Right here. Goes through this one and  
12 then through the other --

13 MR. HERNANDEZ: To the engine room, back to the gear boxes.

14 UNIDENTIFIED SPEAKER: All right. And then what's the height  
15 of the shaft in relation to the bottom plate?

16 MR. HERNANDEZ: Like (indiscernible) 2 feet.

17 UNIDENTIFIED SPEAKER: Two feet? All right. Got it.

18 MR. HERNANDEZ: Two feet and probably 10 inches where she  
19 goes through the --

20 UNIDENTIFIED SPEAKER: Through the bulkhead?

21 MR. HERNANDEZ: Yes.

22 UNIDENTIFIED SPEAKER: All right. Got it. So is the shaft  
23 like straight (indiscernible)?

24 MR. HERNANDEZ: Straight.

25 UNIDENTIFIED SPEAKER: All right.

1 MR. HERNANDEZ: (Indiscernible) --

2 UNIDENTIFIED SPEAKER: No, no, no --

3 (Indiscernible conversation; simultaneous speaking;  
4 laughter.)

5 UNIDENTIFIED SPEAKER: -- make jokes, because you guys have  
6 been through a rough time.

7 UNIDENTIFIED SPEAKER: Yeah.

8 BY UNIDENTIFIED SPEAKER:

9 Q. I have one last question. Does the company have plans for  
10 the vessel? (Indiscernible) retrofitted it, do you know if they  
11 have like plans of any modifications or the full (ph.) or anything  
12 like that?

13 A. I think that it was in line to go to Colombia  
14 (indiscernible).

15 Q. Okay. So there's no plans as far as you know?

16 A. What do you mean plans?

17 Q. Like plans, like the construction of the vessel, where each  
18 compartment is, what the (indiscernible) of the vessel is, you  
19 know, where --

20 A. (Indiscernible) the company (indiscernible).

21 Q. No? Okay.

22 A. But I believe it was one, the next in line to go to  
23 Colombia --

24 (Indiscernible conversation; simultaneous speaking.)

25 MR. HERNANDEZ: -- the owner. He does have it.

1 UNIDENTIFIED SPEAKER: Okay. Mr. Karr, do you have any  
2 questions?

3 MR. KARR: I do.

4 BY MR. KARR:

5 Q. So Mr. Hernandez, I've got a few questions for you. How many  
6 shafts are on -- how many propellers does the vessel have?

7 A. Two of them.

8 Q. Pardon?

9 A. Two propellers. Two shafts.

10 Q. Two shafts. And I wasn't -- the top of the rudder posts in  
11 the rudder room, how high above the bottom of the vessel do they  
12 come?

13 A. For me, approximately 28 inches.

14 Q. All right. Did you see the vessel sink?

15 A. I don't understand the question.

16 (Indiscernible conversation; simultaneous speaking.)

17 MR. HERNANDEZ: No. When we left, it was (indiscernible)  
18 out. When we look back, we (indiscernible). I never  
19 (indiscernible).

20 BY MR. KARR:

21 Q. All right. And when you were looking -- when you opened the  
22 rudder compartment, was there any evidence of how the water was  
23 coming in?

24 A. For me, the water was coming from the cover -- the water was  
25 inside. No, I cannot tell you which it was coming from.



- 1 Q. All right.
- 2 A. But that's when (indiscernible) the hose (indiscernible) you  
3 don't see (indiscernible).
- 4 Q. When you were on deck working with the pump, what kind of  
5 clothes were you wearing? You know, were you bundled up?
- 6 A. I had my jeans. I just wore a shirt like the one I have  
7 right now, you cannot see it. And my working shoes.
- 8 Q. Was it --
- 9 A. And my (indiscernible), my night jacket.
- 10 Q. Was it cold? I'm looking at the temperature, and it says  
11 it's about freezing.
- 12 A. (Indiscernible) no.
- 13 Q. Well, what was -- was the temperature warm?
- 14 A. The water was cold, but the weather temperature -- I really  
15 don't recall the weather temperature.
- 16 Q. All right. Did you see water in any other compartments  
17 besides the rudder room?
- 18 A. No. The two compartment door were closed, so I never went  
19 back there.
- 20 Q. All right. When was the last -- can you remember what time  
21 you were last in the engine room?
- 22 A. Probably around 5:00.
- 23 Q. Anything unusual? Did you notice anything unusual at that  
24 time in the engine room?
- 25 A. No. Everything was normal.

1 Q. All right. And how was -- or how many generators were  
2 running at the time of the sinking --

3 A. (Indiscernible).

4 Q. Pardon?

5 A. One generator.

6 Q. How many generators --

7 A. One.

8 Q. How many generators does the vessel have?

9 A. Two (ph.) of them.

10 Q. All right. When you said the vessel lost steering, can you  
11 describe what happened up on the bridge? How did the captain and  
12 you know that the vessel lost steering?

13 A. We tried to go forward and the tugboat just keep going in  
14 circles.

15 Q. Did the instruments -- what did you notice -- can you tell me  
16 anything else that the bridge equipment showed you?

17 A. No. I never looked at the instruments.

18 Q. Ah. So, for instance, when the captain was -- did you by  
19 chance look at the rudder angle indicator to see what it was  
20 showing?

21 A. No. I was standing behind the captain by the door.

22 Q. All right. And prior to getting underway for the trip back  
23 on Christmas Eve day, when was the last time you checked for water  
24 in the rudder room?

25 A. Before leaving Guayama.

- 1 Q. All right.
- 2 A. Actually, before (indiscernible).
- 3 Q. Did you actually go down into the compartment? Or did you  
4 look at it from the main deck?
- 5 A. No. I opened the cover, looked inside.
- 6 Q. And was there any water in there?
- 7 A. Probably 6 inches.
- 8 Q. Six inches --
- 9 A. Normal water (indiscernible).
- 10 Q. And --
- 11 A. (Indiscernible).
- 12 Q. About 6 inches of water? Was that normal?
- 13 A. Yes.
- 14 Q. So on your -- on the way down, when you sailed from Yabucoa  
15 to Guayama, was there 6 inches in there?
- 16 A. In the morning, yes.
- 17 Q. Did you ever try to pump that out to keep it dry?
- 18 A. We have an automatic pump to take care of it.
- 19 Q. And --
- 20 A. It goes a little bit (indiscernible) 8 inches, and the pump  
21 started and take care of the water.
- 22 Q. All right. So that pump was always running?
- 23 A. Automatic, yes. On and off.
- 24 Q. Pardon?
- 25 A. On and off. Automatic.

1 Q. All right. Was there any way for you to know if that  
2 automatic pump was working when you guys went to check on it, you  
3 know, when the stern was sinking?

4 A. No. I cannot tell you if it was working.

5 Q. All right. Was there any way to know -- was there any  
6 instrumentation on the bridge that would show that that pump was  
7 working?

8 A. No.

9 Q. Can you describe that automatic pump?

10 A. It's a one horse power pump with a flow switch.

11 Q. And --

12 A. (Indiscernible) piping steel. Can I explain something quick?

13 Q. Yes.

14 A. Where the pump is located, the suction, it flows back.  
15 That's why I say 6 inches because the compartment goes like this.  
16 It's like a hole. And that's where we have 6 inches like this.  
17 Not in the complete compartment.

18 UNIDENTIFIED SPEAKER: So if you were to describe the area  
19 where --

20 MR. HERNANDEZ: The (indiscernible)?

21 UNIDENTIFIED SPEAKER: Yeah.

22 MR. HERNANDEZ: I would say probably (indiscernible).

23 UNIDENTIFIED SPEAKER: So -- hold on.

24 BY UNIDENTIFIED SPEAKER:

25 Q. So if you were to look at either end, it has like 6 inches of

- 1 water, right? So you look at that --
- 2 A. Uh-huh.
- 3 Q. -- like what would you describe that area when it's like
- 4 sideways? Like from here to here.
- 5 A. (Indiscernible) that I say.
- 6 Q. Yeah?
- 7 A. But the bottom goes like this.
- 8 Q. Right. But the bottom, if you're looking down, right?
- 9 A. Uh-huh.
- 10 Q. And here is where the water is, right? How big --
- 11 technically (indiscernible) how big do you think it is?
- 12 A. Probably 6 inches.
- 13 Q. Yeah?
- 14 A. By probably a foot.
- 15 Q. So if I'm looking down, it could be about one feet, right?
- 16 So 12 inches.
- 17 A. Uh-huh.
- 18 Q. And then this way?
- 19 A. Does, does, does it --
- 20 Q. Looking forward?
- 21 A. Looking forward from where you're standing, probably another
- 22 6 feet down.
- 23 Q. All right.
- 24 A. Going forward.
- 25 Q. About 6 feet down?

- 1 A. Uh-huh.
- 2 Q. Okay. The puddle of water, for lack of a better term, would  
3 be about 6 inches high --
- 4 A. Uh-huh.
- 5 Q. -- about probably 12 inches --
- 6 A. Twelve inches wide because --
- 7 Q. -- wide, and then 6 inch -- and then 6 feet forward?
- 8 A. No, no, no. Not even --
- 9 (Indiscernible conversation; simultaneous speaking.)
- 10 A. -- six inches of water (indiscernible).
- 11 Q. Got it.
- 12 A. (Indiscernible) to me --
- 13 Q. So you've got 6 inches of water, right? So how far the water  
14 goes from that bulkhead to where the water -- all right, we've  
15 got --
- 16 A. (Indiscernible) over here. (Indiscernible) over here.
- 17 Q. Yeah.
- 18 A. Probably 12 inches because it's like this.
- 19 Q. Right.
- 20 A. From here (indiscernible).
- 21 Q. All right. So if I was here, let's pretend that like I'm  
22 looking down here, right? So I'm looking down, I would say that  
23 is a bit -- it would be a bit this way, and if I --
- 24 (Simultaneous speaking.)
- 25 A. (Indiscernible) 6 inches deep --

1 Q. Six inches deep --

2 A. From the top to --

3 Q. Yeah.

4 A. -- the bottom. And probably, probably --

5 Q. Ballpark. It doesn't have to be exact.

6 A. Probably 4 feet wide and an inch (indiscernible).

7 Q. So it would be -- so if I look at it, right, there would be a  
8 foot this way and then 4 feet to the side and then 6 inches.

9 A. And the water tank (indiscernible).

10 Q. Yeah.

11 A. (Indiscernible).

12 Q. All right.

13 A. (Indiscernible) this like over here (indiscernible).

14 Q. So this would be 12 inches, and then this would be, right,  
15 4 feet.

16 A. (Indiscernible). That's why we have the pumps  
17 (indiscernible).

18 UNIDENTIFIED SPEAKER: So Mr. Karr, just to get you a  
19 picture, the volume of the water that you're referring to, it's  
20 about 1 foot by 4 feet by 6 inches deep.

21 MR. KARR: All right.

22 (Indiscernible background conversation.)

23 MR. KARR: And what was the rating of that pump? How many  
24 gallons per minute did it pump out?

25 (No response.)

1 UNIDENTIFIED SPEAKER: Mr. Karr, he's currently making a  
2 quick drawing of the vessel diagram along with the rudders and the  
3 different compartments and everything for our visibility.

4 MR. KARR: Okay. Good.

5 (Pause.)

6 MR. KARR: As he's doing that, maybe I could -- I think this  
7 question was already asked, but about how much water was coming  
8 into the rudder packing glands? That's for the Coast Guard  
9 because I think he answered that, if you can recall.

10 UNIDENTIFIED SPEAKER: Mr. Karr, do you have any other  
11 questions?

12 MR. KARR: Oh. I had you on mute. The other question was,  
13 how much water was coming in through the rudder packing glands?  
14 And he may have already answered that, so if you can recall, let  
15 me know.

16 UNIDENTIFIED SPEAKER: Yeah. He answered. So we got the  
17 notes.

18 MR. KARR: All right.

19 UNIDENTIFIED SPEAKER: So he is not sure of how much water --

20 MR. HERNANDEZ: Water was going in.

21 UNIDENTIFIED SPEAKER: -- was coming in. So what he can say  
22 is, initially, when they looked at the compartment, it had around  
23 3 feet of water, and in a period of approximately 35 minutes, that  
24 the compartment was flooded.

25 MR. KARR: Oh.



1 UNIDENTIFIED SPEAKER: The compartment is approximately --  
2 7 feet tall?

3 MR. HERNANDEZ: About eight.

4 UNIDENTIFIED SPEAKER: About 8 feet tall?

5 MR. HERNANDEZ: Yeah. It was flooded completely when we  
6 opened the door.

7 UNIDENTIFIED SPEAKER: You opened the cargo door?

8 MR. HERNANDEZ: Yeah. That's when the water started going  
9 inside, and we tried to put it out with the pump.

10 UNIDENTIFIED SPEAKER: You get that, Mr. Karr?

11 MR. KARR: I did get that. But getting back to the -- for  
12 the reason for the automatic pump in the rudder room, how much  
13 water was coming in through the rudder glands? And then another  
14 question would be, what was the rating for that automatic pump?  
15 You know, how many gallons per minute?

16 UNIDENTIFIED SPEAKER: You don't know? He doesn't know.

17 MR. HERNANDEZ: It's a (indiscernible).

18 UNIDENTIFIED SPEAKER: Do you know what brand is the pump?

19 MR. HERNANDEZ: It's Goulds pump.

20 UNIDENTIFIED SPEAKER: Gold Standard?

21 MR. HERNANDEZ: No, Goulds pump. It's (indiscernible).

22 MR. KARR: Was that a Rule, R-u-l-e, pump?

23 UNIDENTIFIED SPEAKER: He's writing it down, Mr. Karr.

24 MR. KARR: All right.

25 UNIDENTIFIED SPEAKER: Goulds. G-o-u-l-d-s.

1 MR. KARR: All right.

2 UNIDENTIFIED SPEAKER: Goulds.

3 MR. KARR: And then --

4 MR. HERNANDEZ: (Indiscernible).

5 MR. KARR: Yeah. And why was the automatic pump installed in  
6 the rudder room?

7 MR. HERNANDEZ: It's been there for years. That's where the  
8 pumps (indiscernible) through the years, and we don't keep the --  
9 the packing glands are tied completely.

10 MR. KARR: Okay. That's all the questions I -- let me hold  
11 on one second.

12 UNIDENTIFIED SPEAKER: I have a question. Is there a main  
13 bilge line in addition to this pump and the other pump? Is there  
14 bilge piping that was pre-existing to the vessel prior to your  
15 company purchasing it?

16 MR. HERNANDEZ: I have no idea. I know the engine room and  
17 the shaft only.

18 UNIDENTIFIED SPEAKER: All right.

19 MR. HERNANDEZ: But I don't remember --

20 (Simultaneous speaking.)

21 UNIDENTIFIED SPEAKER: You don't remember?

22 MR. HERNANDEZ: (Indiscernible) going back to the --

23 UNIDENTIFIED SPEAKER: No? Okay.

24 MR. HERNANDEZ: -- the (indiscernible) compartment. I just  
25 try to picture the boat.

1 UNIDENTIFIED SPEAKER: Okay.

2 MR. HERNANDEZ: But I don't remember a line going back to the  
3 -- I know the shaft (indiscernible) shaft and the water tanks, but  
4 I don't remember a line going all the way back there.

5 UNIDENTIFIED SPEAKER: Well, sir, I think that's going to be  
6 it for our questions. Would you mind if we can call you if we  
7 have any further questions that you might be able to assist us  
8 with?

9 MR. HERNANDEZ: Sure.

10 UNIDENTIFIED SPEAKER: Can I get your phone number, please?

11 MR. HERNANDEZ: [REDACTED].

12 UNIDENTIFIED SPEAKER: All right.

13 UNIDENTIFIED SPEAKER: I've got one quick question just for  
14 (indiscernible) since you've been doing this for a while. Are you  
15 aware of any other boat that is similar to this one here in Puerto  
16 Rico or anywhere else?

17 MR. HERNANDEZ: (Indiscernible).

18 UNIDENTIFIED SPEAKER: A sister ship.

19 UNIDENTIFIED SPEAKER: A sister ship, yeah.

20 MR. HERNANDEZ: No.

21 UNIDENTIFIED SPEAKER: No? All right.

22 UNIDENTIFIED SPEAKER: (Indiscernible)?

23 MR. HERNANDEZ: No, no.

24 UNIDENTIFIED SPEAKER: So for --

25 MR. HERNANDEZ: I don't know the name, but it's an electric

1 pump. (Indiscernible). You know the pumps for like the horse  
2 power --

3 UNIDENTIFIED SPEAKER: A 220 (ph.) pump?

4 MR. HERNANDEZ: Yeah, 220, but it's a very (indiscernible)  
5 pump. It's a cast-iron -- no, this is (indiscernible) pump,  
6 something like that.

7 UNIDENTIFIED SPEAKER: Yeah. So you mean like a  
8 (indiscernible) for the water system.

9 MR. HERNANDEZ: Yeah. But it's a (indiscernible) with a  
10 cast-iron --

11 UNIDENTIFIED SPEAKER: Yeah, yeah, yeah. (Indiscernible).

12 MR. HERNANDEZ: Sort of like this. Sort of like this, but  
13 it's a horse power -- it's a bigger one. Like this one  
14 (indiscernible).

15 UNIDENTIFIED SPEAKER: So --

16 MR. HERNANDEZ: (Indiscernible).

17 UNIDENTIFIED SPEAKER: Is it like -- what color is the pump?

18 MR. HERNANDEZ: Blue.

19 UNIDENTIFIED SPEAKER: Blue? Is it similar to this one?

20 MR. HERNANDEZ: Similar to that one. (Indiscernible). We  
21 use that one for fresh water, for the fresh water tank.

22 UNIDENTIFIED SPEAKER: So sir, the only thing that I want to  
23 reiterate -- I know we talked about it before you walked in, but  
24 the purpose of this whole -- I didn't mention it at the beginning  
25 because we talked about it, but the purpose of this is to gather

1 the facts and understand the reason and cause of the incident  
2 itself. But this is called a Part 4 marine casualty investigation  
3 and this is completely separate from what a Part 5 suspension or  
4 revocation investigation would be. At this point, the way we're  
5 addressing it is as a marine casualty investigation. We're not  
6 looking into any other avenues or any other investigative efforts  
7 in addition to that.

8       And if you would be so kind as to give me a written statement  
9 really quick of basically everything that we talked about. Maybe  
10 as you're writing it down, describe to me what happened and  
11 everything. If you remember anything additional you can just  
12 write it in there. And put your name and phone number here. I  
13 would really appreciate it.

14       And that's going to be it for us. And if you could put a  
15 signature here, too, so we know it's yours.

16       (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

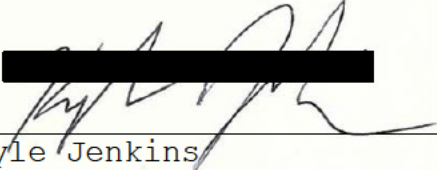
IN THE MATTER OF:           SINKING OF THE *PROASSIST III*  
NEAR YABUCOA, PUERTO RICO,  
ON DECEMBER 24, 2020  
Interview of Rubbie Hernandez

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.

  
\_\_\_\_\_  
Kyle Jenkins  
Transcriber