

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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TOWING VESSEL BARGE STRUCK LOCK

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GATE NEAR MILE 88 ON THE LOWER

*

Accident No.: DCA23FM038

MISSISSIPPI RIVER ON JULY 4, 2023

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Interview of: BREK FALCON, Night Shift Lock Hand
Army Corps of Engineers

New Orleans, Louisiana

Friday,
July 7, 2023

APPEARANCES:

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

CAPT [REDACTED] [REDACTED] Investigator, NCOE
U.S. Coast Guard

LT [REDACTED] [REDACTED] Investigator
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I N T E R V I E W

(2:31 p.m.)

LT [REDACTED] It is July 7th, time on deck is 14:31. Coast Guard and NTSB are conducting a joint investigation into the allision between the *ITV Kitty* and the Algiers Lock portside gate which took place at approximately 19:30 on 04 July, which resulted in an estimated 500,000 or more in damages.

Before we get started, I just want to confirm again everybody's okay if we record this interview?

MR. FALCON: Yes.

LT [REDACTED] Thank you. We're going to go ahead and do introductions now. This is Lieutenant [REDACTED] [REDACTED] U.S. Coast Guard investigating officer.

MR. [REDACTED] [REDACTED] U.S. Coast Guard, I-NCOE.

MR. TUCKER: Adam Tucker with the National Transportation Safety Board. Thanks for talking with us, Brek.

LT [REDACTED] [REDACTED] [REDACTED] Lieutenant, Sector New Orleans.

MR. JOHNSON: Jeff Johnson, Enterprise Marine.

MR. ULFERS: Chris Ulfers with Jones Walker, as counsel for Enterprise.

MR. FALCON: Brek Falcon, Army Corps Locks --

(Cross-talk.)

LT [REDACTED] Thank you. Appreciate that. So yeah, I just want to confirm your contact information at this time. Cell phone

1 [REDACTED].

2 MR. FALCON: Correct.

3 LT [REDACTED] Perfect. And address is [REDACTED]

4 [REDACTED].

5 MR. FALCON: Correct.

6 LT [REDACTED] Awesome. Thank you so much.

7 INTERVIEW OF BREK FALCON

8 BY LT [REDACTED]

9 Q. So at this time we're just going to ask that you kind of walk
10 us through what happened, we won't interrupt you, but at the end
11 we'll probably have some questions.

12 A. Okay. Yeah, so I was working night shift and came to work,
13 let's see, 1800, and upon arriving, I seen -- one of the other
14 guys we work with is Clark and he was out by the red pin, so --
15 and I went upstairs, put all my stuff up and then went down to
16 relieve him and we did our turnover out there and he was telling
17 me that the motor vessel *Kitty* was in the chamber.

18 He was -- I guess the *Kitty* was probably halfway in the
19 chamber and he was standing by the red pin, that's where you stand
20 at as a boat's coming in, he was on -- standing on the port side,
21 the *Kitty* was coming in from the river and he was on the red pin,
22 he told me where it caught as it was coming to red pin, you know,
23 telling me the name of the vessel and all of that. So Clark left
24 and I stood there and I was waiting and the *Kitty* was approaching,
25 and at a normal speed from what I could see at halfway in the

1 chamber, and as he started getting closer to the green pin, you
2 know, he started picking up speed and so I was like man, he's
3 going a little faster than normal, so he caught -- so he was
4 getting close to the red pin, so I called the captain, told the
5 captain you need to start backing down, that he was getting close
6 to the red pin and closer to the gate and he never did answer me.
7 So I told the deckhand, I said you need to call your captain and
8 tell him that he's getting close, he needs to back down, he's
9 getting close to the gates. And so I heard the captain say he is
10 backing down, that he's getting sucked out by the ship.

11 And so then at that time I started telling him, Captain, you
12 need to back down, you need to back down, and I said it several
13 times and he looked like he was like coming faster, but I could
14 hear the -- his motors running, you know, like he was backing down
15 but he was still coming, you know, and then bam, he hit the gate
16 and I said Cap, I said you just hit the gate.

17 I said I told you, you need to back down and he said I was
18 trying to back down, and I said well, I said evidently, you must
19 not have been backing down because you hit the gate. And then he
20 said well, you -- evidently, I don't know with the -- with the --
21 with a ship passing, it's sucking him out and that's basically
22 about it, so -- so, all right, so then we told him that he needs
23 to back out, back up and catch a line to where we can do some
24 paperwork, so he kept trying to back up, but he never could like
25 catch a line, that the deckhand kept -- he popped three lines and

1 I was -- so the deckhand seemed like he was getting aggravated and
2 he was like Captain, what's going on, I don't understand what's
3 going on, and he said man, the ships keep sucking me out. Now, I
4 seen the one ship that passed by, that caused it all, but then
5 once he kept popping lines, I didn't see -- they didn't have any
6 other ships coming by, you know, so I couldn't understand why he
7 was popping the lines. And so -- all right. So then he never
8 could catch a line, so the captain said he didn't feel comfortable
9 sitting in the chamber with them ships passing and stuff, so he
10 said he was going to back out.

11 So he backed out and they had the motor vessel *Pamela Ann* was
12 out by the short dolphin and we said that we was going to exchange
13 paperwork. So I went to bring out the paperwork to the *Kitty*, one
14 of the deckhands grabbed it and brought it to the -- to the
15 captain and then I brought some paperwork out to the -- I mean, to
16 the *Pamela Ann*, the *Pamela Ann* couldn't get close to me because
17 the *Kitty* was by the long wall.

18 So I waited a while and then the captain said that he wasn't
19 going to sign the paperwork and Mike told him no, we need that
20 paperwork and the guy said that he wasn't signing it, that his
21 people told him to leave, that they'll be here in the morning and
22 then Mike said well, you don't have to, you can just put that
23 you're not signing it, but we -- we're going to get the paperwork
24 back. So the *Pamela Ann* got on to the *Kitty* and got the paperwork
25 for us and then the *Kitty* -- I mean the *Pamela Ann* helped the

1 Kitty push out, back out into the forebay and then -- and then I
2 gave the *Pamela Ann* the paperwork to sign, got it back from them
3 and that was basically it.

4 Q. All right, thank you. How long have you worked here?

5 A. Two and a half years.

6 Q. And it's been the same position the whole time?

7 A. Yes.

8 Q. Okay. And you primarily work the -- this gate over here?

9 A. Yes, I work the A check.

10 Q. A check, okay.

11 A. And that's Gate C and D.

12 Q. Okay, Gates C and D. And then previously or previous to
13 taking this job, what did you do?

14 A. Truck driver.

15 Q. Okay. How long did you do that for?

16 A. Twenty years.

17 Q. Wow, awesome. So you mentioned that you saw him trying to
18 back down, but he wasn't backing out, is that kind of what I'm
19 hearing?

20 A. No. Well, he said he was backing down, but I could hear the
21 -- his motors roaring, but like he steady was coming forward.

22 Q. And you're down there so you can't really see the prop wash,
23 right, at that point?

24 A. No, I mean --

25 Q. You could hear it, but you can't really see what's happening?

1 A. Right. I mean, you could see like some stuff from behind,
2 but I mean --

3 Q. Yeah.

4 A. -- at that point I was looking --

5 Q. Right.

6 A. -- where -- what was about to happen.

7 Q. Yeah.

8 A. You know, I was trying to get him to stay away from the
9 gate --

10 Q. Right.

11 A. -- as much as possible.

12 Q. And you mentioned the deckhand was frustrated, the lines were
13 popping, was that -- you couldn't tell what the cause of that was?
14 If there's those ships that are pulling him out, was he doing
15 anything with his --

16 (Cross-talk.)

17 MR. FALCON: No, because it was like the chamber water, they
18 didn't have no wash or nothing in there, it was like -- like, just
19 like level, you know, it wasn't like -- like he was -- like a
20 bathtub or like whooshing back and forth.

21 LT [REDACTED] Yeah.

22 MR. FALCON: It wasn't like that. He just -- it was like he
23 was coming forward and I could hear "roarr" (ph.), you know, like
24 he was trying to back up but he's steady --

25 LT [REDACTED] Just kept going.

1 MR. FALCON: -- increasing, yeah, coming fast.

2 BY LT [REDACTED]

3 Q. And then when you all told him to tie up, how -- were you
4 communicating with him at that time or was that somebody else?

5 A. No, Mike was.

6 Q. Mike was communicating with him.

7 A. Right.

8 Q. Did you have -- what all communications did you have with
9 them, other than obviously the paperwork deal?

10 A. That's it.

11 Q. Okay.

12 A. Just telling him to -- Captain, you need to back down.

13 Q. Okay.

14 A. And then, like I said, he didn't answer me and --

15 Q. Okay.

16 A. -- once I heard his deckhand, he was communicating with his
17 deckhand, then I told him --

18 Q. You worked through the deckhand?

19 A. Yeah.

20 Q. Okay, got you. So your main communication was just with the
21 deckhand, not the captain?

22 A. With the deckhand and then just telling him to back down and
23 then --

24 Q. Yeah.

25 A. -- after the incident or accident, then that's whenever me

1 and him talked a little bit, but that was about it.

2 Q. Got you, okay. I mean, in your opinion, what do you think
3 caused that?

4 A. Man, really, I really don't know, you know.

5 Q. Yeah.

6 A. To be honest, I don't know. I mean, I never seen nothing
7 like that before.

8 Q. Right.

9 A. You know.

10 Q. In two and a half years, have you -- so you've never seen --
11 I guess let me rephrase that. Do you oftentimes see surges like
12 that?

13 A. No.

14 Q. Do you see surges at all?

15 A. Not really, no.

16 Q. Not really, okay. What about the weather on that day?

17 A. It was about like this, nothing out of the ordinary, it
18 wasn't -- it wasn't raining or no bad conditions or nothing.

19 Q. Okay. Water level?

20 A. Water level was -- the river's low, I want to say probably a
21 2-foot river and maybe, you know, 1, 1.8 something on the canal.
22 Basically almost, you know, level.

23 Q. Okay. Do you guys ever talk about just doing -- opening the
24 gates up at that level?

25 A. No. The only one that can make that call is David, the

1 lockmaster.

2 Q. Okay. And who typically recommends that to him? Because
3 he's not here all the time, right?

4 A. Right. It would be the 9.

5 Q. The 9, okay.

6 A. Yeah.

7 Q. Got you. All right. Let's see. Have you ever seen the
8 river that low before?

9 A. Yes, sir.

10 Q. Okay, how often?

11 A. Probably around this time last year.

12 Q. Pretty rarely, though?

13 A. Not -- I mean, certain times of the year --

14 Q. Okay.

15 A. -- you know, it's, you know -- yeah, certain times of the
16 year.

17 Q. Okay. Do you feel like that surge is worse when it's lower
18 or high water or --

19 A. Like I say, I mean, I really never seen that before --

20 Q. Okay.

21 A. -- and I really never seen like a -- like a surge.

22 Q. Okay.

23 A. Like he -- like, I guess the captain was saying, you know,
24 like he was like getting sucked out or sucked in, but I mean, I
25 really didn't see like a surge or nothing. I mean, to me,

1 everything looked normal.

2 Q. Right.

3 A. But he just -- he kept coming, but I know he was -- said he's
4 backing, he was backing down.

5 Q. Um-hum.

6 A. But to me, he kept coming forward.

7 Q. Right.

8 A. You know.

9 Q. Have you ever worked with that ship before?

10 A. What --

11 Q. The *Kitty*.

12 A. Yes.

13 Q. Ever have any previous issues?

14 A. No, no issues.

15 Q. Ever have any communication issues?

16 A. Never.

17 Q. Okay.

18 A. No.

19 Q. And do you know if you've worked with that captain or do you
20 not?

21 A. I don't know.

22 Q. Okay, got you. Were you able to see any ships coming
23 southbound or northbound in the river?

24 A. Yes, they had a ship that was northbound.

25 Q. Okay.

1 A. And he had said that he had some more ships or whatever, but
2 after that accident, I mean, I wasn't focusing on --

3 Q. I got you.

4 A. -- out there, but -- because that's what he said, he said the
5 ships keep sucking him in and out and that's why he couldn't catch
6 the line.

7 Q. Got you.

8 A. But I only seen that one ship.

9 Q. Have you heard of the Army Corps implementing anything new
10 based on this?

11 A. No.

12 Q. No. Even if ships are still making that same speed on a day
13 like today, nothing's changing that you know of?

14 A. Not that I know of, no.

15 LT [REDACTED] Okay. All right. Let me make sure I'm not missing
16 anything here. Yeah, I think I will pass it off.

17 MR. TUCKER: Hi, Brek, thanks again for talking with us. My
18 name is Adam Tucker, I'm with the National Transportation Safety
19 Board, and just a little -- a little bit of the reason why I'm
20 here, we work together with the Coast Guard in this case because
21 the damage met a certain monetary threshold.

22 MR. FALCON: Right.

23 MR. TUCKER: That's why I show up here. So the Coast Guard
24 is leading this investigation, however, we carry -- we collect the
25 same facts, the same information, the same evidence --

1 MR. FALCON: Um-hum.

2 MR. TUCKER: -- and all of that stuff and we generate a
3 report. They usually come out within a year and that's usually
4 like a 10- to 14-days report and that's usually it. I'll also
5 caution that I'm not familiar, this is my first time at a lock at
6 a canal, so I may ask a couple dumb questions and I'll start it
7 off with one of the questions.

8 BY MR. TUCKER:

9 Q. You mentioned the red pin --

10 A. Um-hum.

11 Q. -- and standing at the red pin and I guess, I'm wondering
12 where the red pin is.

13 A. The red pin, it's down towards the end. So standing up right
14 here, you can see, if you look at the port wall, you see a green
15 block painted on the wall.

16 Q. Green block.

17 A. And then the red block.

18 Q. Great, okay. We'll take a walk after or I'll just get you to
19 show me after then, but I see where you're on this side, right,
20 on --

21 A. No, I'm the port side.

22 Q. Oh, you're on the port side, okay.

23 A. Right.

24 Q. All right, so I'm looking in the wrong -- I see blue.

25 A. Yeah, you see -- okay. So I mean, it's just like this on the

1 other end.

2 Q. Okay, all right. So you were -- the red pin is the closest
3 to the wall.

4 A. To the wall, right.

5 Q. Understood, okay.

6 A. Right.

7 Q. That clarifies. So you were on the port side or the south
8 side.

9 A. Right.

10 Q. And the red pin is on this, closest to the thing, to the
11 gate, to the gate.

12 A. Right.

13 Q. I'm sorry. Yeah, yeah. Okay, that clarifies it.

14 A. Yeah.

15 Q. Thank you.

16 A. No problem.

17 Q. So from there you were able to talk, talk back and forth with
18 the deckhand and --

19 A. So the deckhands we don't communicate with on -- by radio --

20 Q. Uh-huh.

21 A. -- but we can talk to them and we -- we pretty much like
22 instructed to talk straight to the captain, so I talked to the
23 captain and by him not answering me and by him approaching the
24 gates, I told the deckhand to relay that and that's whenever the
25 deckhand said that he was backing down, that he was getting sucked

1 out, but -- yeah.

2 Q. Okay. So just a point of clarification, you were asked this
3 earlier, you never saw a surge, meaning a rise in the water or
4 fall of the water inside the chamber.

5 A. No, I never seen that.

6 Q. You didn't see it because that wasn't in your purview or --

7 A. No, I didn't see it because I don't think it happened like
8 that.

9 Q. Okay. All right, so understood. And from where you were
10 standing at that red pin on the port side, would you have seen it
11 from your purview?

12 A. Oh, yeah.

13 Q. Or your viewpoint?

14 A. Yeah, yeah.

15 Q. Okay.

16 A. I would be able to see it. Yeah. Um-hum.

17 Q. Okay. We talked about the weather, just want to clarify,
18 there was no -- no visibility issues or no -- nothing like that,
19 that day?

20 A. Uh-uh.

21 Q. Okay. I ask this question of everyone, I usually get the
22 same answer, did you take any pictures or video with your phone?

23 A. No.

24 Q. Okay. I understand you're two and a half years here, so in
25 your tenure here, had you ever seen a similar type event happen

1 before?

2 A. No.

3 Q. Okay.

4 A. I've seen lines popping like that, but I mean, not like --
5 not that many --

6 Q. Um-hum.

7 A. -- but I've seen them, you know, pop a line here, there, you
8 know, but nothing to that caliber.

9 Q. Okay. And that was going to be one of the questions, so
10 since we're on that subject, the lines, you mentioned three lines
11 popped.

12 A. Right.

13 Q. You probably heard them, you probably saw it.

14 A. I seen them, yeah.

15 Q. Okay.

16 A. Seen them and heard them.

17 Q. Are they lines that you provide or were they from the barge?

18 A. No, the barge.

19 Q. Okay.

20 A. We don't provide lines or any --

21 Q. Okay, understood. You mentioned seeing a ship that was
22 passing by, you mentioned specifically it was a northbound ship.
23 Do you remember any other things about that ship, from color, if
24 he was deep in the water, if he was in ballast or high out of the
25 water?

1 A. I think it was an orange ship.
2 Q. Okay. Any cranes?
3 A. No.
4 Q. What do you -- what -- again, I don't know if you know what
5 the ships are, did he look like a tanker, a bulker, anything?
6 A. It's like a ship, I mean, I don't know what they're called.
7 Q. Okay, that's fine.
8 A. Yeah.
9 Q. Just orange. Okay, so you're the night shift guy and you
10 worked the same shift as Mike.
11 A. Right.
12 Q. Okay. And you mentioned the A shack, what's the A shack?
13 A. A shack is on the canal, but --
14 Q. Okay.
15 A. -- that's where we control, see, the house --
16 Q. On the port side?
17 A. On the starboard side.
18 Q. On the starboard side, okay.
19 A. Right. It's like a two-story.
20 Q. Yeah, yeah.
21 A. So underneath there is the motors and all that to run the
22 gate and we control the gates from the top.
23 Q. Okay, so on the bottom is the motors and control is from the
24 top.
25 A. Right.

1 Q. Okay. And so the port gate is -- that's going to be D gate?

2 A. That's D gate and that's -- the house that you see over there
3 is -- they have motors and stuff in there. Nothing's controlled
4 from there.

5 Q. Okay. So that's D gate and that's the one that was hit.

6 A. Right.

7 Q. And then the C gate is the one on the starboard side and that
8 wasn't hit.

9 A. Correct.

10 Q. Okay. Did you have any problems with those gates? No, you
11 just started your shift, didn't you? Yeah.

12 A. Yeah, yeah.

13 Q. So were there any --

14 A. So the guy that -- when we was doing our turnover, he
15 would've told me if they had any problems and everything went as
16 planned that day and so he had no issues, no.

17 Q. Okay. And during your time, your turnover, those gates were
18 not operated at all at the time you were showing up --

19 A. No.

20 Q. -- or you had showed up.

21 A. Right, right.

22 Q. I understand that, okay. You mentioned, just to clarify, you
23 said -- you said a ship caused it all, you saw the ship. Are you
24 saying that or you're saying that because that's what the captain
25 of the *Kitty* said?

1 A. No. That's what the captain of the *Kitty* said.

2 Q. Okay, I understand. I just wanted to clarify that.

3 A. Right.

4 Q. Let's see. Do you have any -- from the shack, do you have
5 any security camera or CCTV footage or anything up there?

6 A. No, I don't.

7 Q. Nothing, okay.

8 A. No.

9 Q. And the radio you used, is that just a handheld or --

10 A. We got two, we got a -- whenever we go out on the wall, we
11 have a handheld and whenever we are inside, they have a stationary
12 one.

13 Q. Okay. And again, this is probably the last question I have,
14 actually, before moving on, is it normal procedure that you or
15 your counterpart always have to be on the wall or -- I'm using
16 wrong verbiage -- have to be around when there's a vessel in the
17 chamber, is that right?

18 A. Yes.

19 Q. Okay. Is there ever an event where you don't have to be?

20 A. They really -- like once you go out there, like for -- like
21 if a light boat comes in --

22 Q. Uh-huh.

23 A. -- no.

24 Q. Okay.

25 A. But we usually go out just like on the -- on the top where

1 the house is --

2 Q. Um-hum.

3 A. -- we stand out there, but on the wall means down below. But
4 when there's barges coming in, we go stand wherever the 9 tells
5 them to bring them on the red pin.

6 Q. Okay.

7 A. You know, just in case, you know -- so like if they throw the
8 line up or whatever and they can't get it or whatever, we'll put
9 it around there --

10 Q. Okay.

11 A. -- you know.

12 Q. Yeah, understood. So the last question, is there a distance,
13 a known distance, because I'm looking here at the green and the
14 red pin right now, but we're on the -- we're sitting on the what,
15 east end of the wall, is there a distance of the red pin from the
16 gate?

17 A. It's about 20 -- from red pin to green pin is 50 foot. On
18 this end.

19 Q. Okay.

20 A. On that end, from green pin to red pin is 25 foot.

21 Q. So green to red, 25 foot.

22 A. Twenty-five foot on the canal end.

23 Q. On the canal, okay.

24 A. Over here it would be 50.

25 Q. Got it, okay. How do you refer to that, that's the canal and

1 this is the river end or --

2 A. Yeah, this is the river, river side.

3 Q. Yeah.

4 A. That's the canal side.

5 Q. River side, canal side, okay.

6 A. Yeah.

7 Q. So how far is the red pin from the actual gate itself?

8 A. Let's see, it's probably maybe 50 foot.

9 MR. TUCKER: Okay. All right, I think I've used all my last
10 questions, so I will have one on the back end, but -- yeah, [REDACTED]

11 BY MR. [REDACTED]

12 Q. [REDACTED] U.S. Coast Guard. So Brek, when you started two
13 and a half years ago, what type of training did you go through?

14 A. We had a bunch of like -- we had a book that we had to --
15 it's a test we had to take, the -- in the marine transportation
16 system book, we had to fill it out, you know, do testing in that,
17 stuff like that and then when you start out, you're a 5.

18 Once you do all those chapters, I think it's like 52 or 54
19 chapters that we have to just study up and take tests, once you
20 pass that, then you become an 8. That's what we refer to as an 8
21 and a 9.

22 Q. Besides the book and the testing, was there on-the-job
23 training?

24 A. Yes.

25 Q. What did that involve?

1 A. Sitting down, sitting down there with another 8 and they're
2 just going through the -- you know, procedures, SOPs and stuff
3 like that.

4 Q. How about actual practical locking?

5 A. Yes. Yes, we had this.

6 Q. You got that, as well?

7 A. Yes.

8 Q. Okay. Have you ever had any -- did you do any type of
9 training or have you ever run a towboat like that or push a barge?

10 A. No.

11 Q. Okay. So how did you develop your -- your skill as far as
12 when you're telling someone, a captain on a tow, that they need to
13 start backing down, how did you develop that?

14 A. Just like whenever you -- it's coming -- I mean, you could
15 watch them, you can see that they, you know, approaching, as
16 you're approaching, they usually start slowing down a good bit
17 back to where once they are abreast with whatever pin we telling
18 them to, I mean, the deckhand just throws it on a pin and that's
19 about it, but I mean, he was proceeding, to me, faster than
20 normal.

21 Q. Okay.

22 A. And so I mean, by common sense, you could see that the speed
23 and where he's at, he's about to collide, so I mean, you want to
24 start telling them a little bit ways back hey, Captain, you start
25 backing down, and so that's how I came to that.

1 Q. Typically, when you're giving that information, right,
2 because it's not really a directive, you're telling him what to
3 do, you're just informing him.

4 A. Right.

5 Q. Am I right?

6 A. Right.

7 Q. Do they typically take your advice?

8 A. Yes.

9 Q. Can you hear the conversation or any conversation between the
10 deckhand that's tending the line and talking to the bridge also?

11 A. Sometimes. Not from my radio but just from being out there
12 on the wall --

13 Q. Yeah.

14 A. -- see, because like when I told him to back down, I couldn't
15 -- he didn't answer me and then when about -- whenever I told the
16 deckhand, tell your captain to start backing down, then I heard
17 what he was saying to his deckhand.

18 Q. Would you say the majority of the time your assessment of
19 when he should start backing down is in agreement with the
20 deckhand's, as well?

21 A. Yes.

22 Q. Or do they ever -- you all differ quite a bit?

23 A. Well, we just -- we just monitor them and --

24 Q. Okay.

25 A. -- it's not a lot of times that we have to tell them to back

1 down because their deckhands is telling them, communicating with
2 them, right, and so there's not a lot of times that we tell a
3 captain what to do, their deckhands is telling them what to do.

4 Q. Yeah.

5 A. You know, we just there and I guess -- I don't guess, I know
6 we there for -- to where they don't run into the gate, so we'll
7 start telling them hey, you need to back down, you're getting
8 close, you know.

9 Q. Right, got you. Okay. In two and a half years, all the
10 lockings that you've seen, experienced, gone through, do you ever
11 recall locking any vessel, any size vessel, light boat, rec boat,
12 recreational boat, towboat, tow, anything, that they did not catch
13 a line? Put a line out on a pin?

14 A. No.

15 Q. Never?

16 A. No. I mean, except light boats, the light boat, they could
17 float, they got the option.

18 Q. Okay, so light boats don't have to catch a line, right?

19 A. No. They have the option, if they want to float, they could
20 float in the middle of the chamber, that's where we tell them, or
21 not us, but the 9 will tell them bring it on in, down the middle
22 of the chamber, you can catch the line or float.

23 Q. Got you. And is that -- is there a specific -- does it
24 matter if it's high river or low river?

25 A. No.

1 Q. It doesn't matter?

2 A. No.

3 Q. Either one, a light boat can just come in, float behind a tow
4 or float in the chamber by himself?

5 A. No, no. If the light boat is in the chamber with a tow --

6 Q. Yeah.

7 A. -- they tie up.

8 Q. They have to.

9 A. Yeah.

10 Q. If it's just the light boat by himself, he can --

11 A. Or he can float.

12 Q. -- throw a line.

13 A. Yeah.

14 MR. [REDACTED] Okay. Okay, I don't think I have anything else,
15 thank you.

16 MR. FALCON: Thank you.

17 BY LT [REDACTED]

18 Q. This is Lieutenant [REDACTED] with the Coast Guard. I think the
19 last question that I'll have is just -- so you mentioned you
20 didn't think it happened that way, when we're talking about, you
21 know, the surging, you didn't notice any surge, so I've got to
22 ask, I mean, what is your best guess that happened?

23 A. Really, I mean, I'm not a captain, the only reason why I'm
24 saying I don't think it happened that way is because, I mean, we
25 -- I mean, they're instructed where to go to, right, and their

1 deckhand is communicating back and forth with them in enough of
2 time to stop, right? So once you're passing that green pin, I
3 mean, you should be slowing down before you even get to the green
4 pin --

5 Q. Um-hum.

6 A. -- abreast with it and he was steady coming, so -- but like I
7 say, I could hear the motors, but he was still coming. So I mean
8 -- I mean, I ain't -- I ain't an expert.

9 Q. Um-hum.

10 A. You know, I mean, I don't know -- I don't know, I don't know.

11 Q. Okay. Now, so you were at the red pin, correct, when this
12 was going on?

13 A. Right.

14 Q. So did you hear the deckhand calling distance at all?

15 A. Yes.

16 Q. You could hear him communicate with the captain?

17 A. Yes. Yeah.

18 Q. Okay. Was the captain responding or did you not hear that?

19 A. Yes.

20 Q. Okay. What did the captain say, do you remember that at all?

21 A. He was just -- so the deckhand was telling him how wide he
22 was and that he was just okay, you know.

23 Q. He copied whenever --

24 A. Yeah, he copy. Yeah, right.

25 Q. So he was aware that he was getting close, the distances were

1 being called, the captain was acknowledging the distances, so --
2 and you could hear the engines. So assumingly, he was trying to
3 reverse, slow it down, right?

4 A. Right.

5 Q. But you don't know, you don't know why he was still coming
6 forward?

7 A. I don't know why he kept coming.

8 LT [REDACTED] Okay. Okay. Anything else?

9 MR. [REDACTED] I have a couple more questions and I know Adam's
10 going to close us out, but [REDACTED] [REDACTED] U.S. Coast Guard.

11 BY MR. [REDACTED]

12 Q. So after the incident happened and things kind of settled
13 down --

14 A. Right.

15 Q. -- were you able to discuss this or did you guys have a
16 conversation amongst yourselves, the lock workers, right, about
17 what maybe happened or what anybody thought, possibly?

18 A. I mean, we had talked and they just -- because I told the
19 captain that he wasn't backing down and it was like -- and it was
20 like he was backing down, you heard the motors, and I was like
21 yeah, I heard it, but I said, but he kept coming. So I didn't
22 know why he kept coming, you know. Like I said, from before you
23 abreast with the green pin, you should be pretty much slowed down
24 to where all you got to do is throw the line and then secure it,
25 you know, and -- but he started picking up speed a little bit

1 before the green pin.

2 Q. So try to recall for me sound and vision, if you saw him
3 speeding up but still with headway, can you recall hearing the
4 engines revved up or at high pitch?

5 A. Yeah, they was like -- like "roarrrr," you know.

6 Q. What do you recall or do you recall what happened first, did
7 you hear the high pitch of the engines or his surge forward?

8 A. No, the high pitch and just he kept coming.

9 Q. Did his headway increase at all, did you notice that?

10 A. I don't recall.

11 Q. Steady headway is what you --

12 A. Steady, yeah.

13 Q. Got you, okay.

14 A. I mean, steady enough to where I started telling him, I
15 started telling him you need to back down, you're -- you know,
16 you're about to hit the gates, you know, and then he didn't answer
17 and then, you know, you know the rest, I started telling the
18 deckhand.

19 Q. Okay. Two and a half years as a -- is there a procedure
20 that's called running the locks, that you know of?

21 A. Running the locks?

22 Q. Yeah.

23 A. What do you mean, like?

24 Q. Do you know what that is? Does that sound familiar, like you
25 open up both lock and both gate ends --

1 A. Oh.

2 Q. -- and just let them run?

3 A. Well, I've never heard it called running the locks, it's
4 called an open pass.

5 Q. Open pass, okay. Has that ever happened in your two and a
6 half years?

7 A. Yes, once.

8 Q. Once?

9 A. Once.

10 Q. When does that normally get put into play, when would that
11 happen?

12 A. When both sides, when the river side and the canal side
13 levels are equal.

14 Q. Do they have to be exactly equal or can one be -- can there
15 be a little differential in there?

16 A. I think there could be a little differential. Not much.

17 Q. Do you know what it is?

18 A. I don't know.

19 Q. Okay. Do you know who makes that call?

20 A. The lockmaster.

21 Q. Okay. And is he -- he makes the call, is that like he makes
22 the determining decision, but someone requests to do it, like an
23 operator would request to the lockmaster or the lockmaster will do
24 it or the lockmaster just comes out and says hey, we're going open
25 pass?

1 A. He has the authority to do that, but I'm sure an operator
2 could tell them hey, you know, everything's equal on each side, so
3 do you want to do an open -- I mean, it's up to him --

4 Q. Got you.

5 A. -- to make the call. I mean, I'm sure the 9 could suggest
6 it.

7 Q. If I had a differential of say, 6 inches, would that be
8 enough to do it, do you think or --

9 A. Yeah.

10 Q. That would?

11 A. I think so.

12 MR. [REDACTED] Okay. Okay. That's all I have, thanks.

13 BY MR. TUCKER:

14 Q. Yeah, Adam Tucker with the NTSB again. You mentioned the
15 *Pamela Ann*. Did you have any -- besides handing out paperwork,
16 any conversation with the folks on the *Pamela Ann*, and about what
17 happened?

18 A. No.

19 Q. Okay. Did they ever discuss with you anything that happened
20 to them?

21 A. No.

22 Q. Okay. Well, you know why we're here, it's, of course, an
23 investigation, a joint investigation to explain all that. We got
24 a lot of pieces of this puzzle to put together. Like I said,
25 we're in the fact-gathering phase right now. So the question to

1 you is, is there anything that I or we have not asked you that you
2 might feel is important or relevant to pass on to us to kind of
3 help us put this puzzle together?

4 A. No, I think you all covered it.

5 MR. TUCKER: All right. Well, in that case, again, a big
6 thank you for talking with us, we do appreciate it.

7 MR. FALCON: Thank you.

8 LT [REDACTED] This is Lieutenant [REDACTED] with the Coast Guard, I just
9 want to open it up for any last questions, does anybody have
10 anything?

11 (No response.)

12 LT [REDACTED] Okay. We're going to go ahead and conclude the
13 interview, the time on deck is 15:10.

14 (Whereupon, at 3:10 p.m., the interview concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: TOWING VESSEL BARGE STRUCK LOCK
GATE IN NEW ORLEANS, LOUISIANA
NEAR MILE 88 ON THE LOWER
MISSISSIPPI RIVER ON JULY 4, 2023
Interview of Brek Falcon

ACCIDENT NO.: DCA23FM038

PLACE: New Orleans, Louisiana

DATE: July 7, 2023

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.

A solid black rectangular box used to redact the signature of the transcriber.

David A. Martini
Transcriber