

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

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Accident No.: DCA23FM038

MISSISSIPPI RIVER ON JULY 4, 2023

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Interview of: MAX LESNAK, Steersman/Tankerman of the *Kitty*
Enterprise Marine Services, LLC

New Orleans, Louisiana

Thursday,
July 6, 2023

APPEARANCES:

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

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

ADAM TUCKER
National Transportation Safety Board

JEFF JOHNSON, Manager, Compliance and Investigations
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I N T E R V I E W

(2:34 p.m.)

LT [REDACTED] All right, it is July 6th, 2023, time on deck is 14:34. The Coast Guard and the 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.

Just to confirm, is everybody okay if we record this interview?

MR. LESNAK: Yes.

LT [REDACTED] Okay, great. Thank you. We're going to go ahead and do introductions, we'll start with me. This is Lieutenant [REDACTED] with the United States Coast Guard, I'm an investigating officer.

MR. TUCKER: Hi, Max. My name is Adam Tucker, I'm with the National Transportation Safety Board.

MR. [REDACTED] [REDACTED] Coast Guard investigator, NCOE.

MR. JOHNSON: Jeff Johnson, Enterprise Marine Services.

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

MR. LESNAK: Do you want me to introduce myself?

LT [REDACTED] Please.

MR. LESNAK: My name is Max Lesnak, I work for Enterprise Marine, steersman/tankerman.

LT [REDACTED] Awesome. Thank you very much. Just to confirm,

1 your phone number is [REDACTED]?

2 MR. LESNAK: Yes.

3 LT [REDACTED] Okay, address: [REDACTED]

4 [REDACTED].

5 MR. LESNAK: Yes.

6 LT [REDACTED] Okay, great. Thank you very much.

7 INTERVIEW OF MAX LESNAK

8 BY LT [REDACTED]

9 Q. So yeah, I think at this time we're just going to let you go
10 ahead and walk us through what happened, we won't interrupt or
11 anything. We'll have questions at the end, but please, go ahead.

12 A. All right. Where would you like me to pick it up from,
13 before the locks, as we're entering the locks?

14 Q. We'll start when you came on to duty that day.

15 A. All right. We had just pulled off of the west bank side of
16 the up, above -- I mean, below the Algiers locks, on the west bank
17 side, we entered, we began our enter into the Algiers locks.
18 Captain was maintaining the average speed that our SOP requires
19 entering any type of dock or critical position area.

20 Once we started to enter the locks, we had men already out on
21 the head, as the locks require us to do with bumpers and hand
22 lines ready. As we entered the locks, once the first cut -- we
23 were strung out 600 foot and once the first cut made the lock
24 gates, one man came back to the stern. We were just about all the
25 way inside the locks, past the lock gates, the vessel itself was

1 almost inside the lock gates. By that time, the captain had
2 already slowed down to like under 1, .1 miles per hour to make up
3 to the other end, he had decreased speed the whole way coming in,
4 as required by our SOP for our company.

5 Once we got in, everything was normal and we noticed -- well,
6 the captain noticed, as I noticed, that he had to shove on it a
7 little bit harder because it felt like we were being pulled, so he
8 had to shove on it a little bit harder. We didn't gain speed, but
9 he did have to shove on it. He observed, as I observed, a ship
10 passing behind us and he seen it coming because he was looking on
11 Rosepoint, so he knew the ship was coming, he knew what was going
12 on, so he adjusted to it. Didn't have any problems with adjusting
13 to it. It was a little stronger than, I guess, the average ship
14 passing pulling water out and pushing back in.

15 He came back in, he was straightening back out to put the
16 stern back to the port wall when we observed another ship coming
17 by, which was a deep draft ship, it was also northbound and when
18 that one passed by, it started pulling us out at a larger rate of
19 speed and you could actually see the water and feel the water
20 pulling out. He came ahead full because we were picking up speed
21 pretty good in reverse before the -- before we actually went to a
22 forward momentum, my captain went full reverse because he knew
23 that it was going to do a bathtub effect, that that water was
24 going to be pushed back in. At this time we were communicating
25 with the guys on the head and the stern to try to catch any type

1 of line that they could. The man on the head was able to catch a
2 line, but as we started coming ahead, it blew that line. He was
3 able to hold it a little bit longer and it actually blew two lines
4 up on the head. We were roughly a hundred or so feet away from
5 the gate and we just kept picking up speed and I mean, you could
6 just -- it just kept on picking up speed until we touched up on
7 the gate wall.

8 The guys on the -- the guys on the deck were communicating
9 with us the whole time, telling us what was going on, even though
10 we saw, the captain saw, I saw, the lockmaster once we started
11 coming ahead and we were -- he seen -- you could see us moving
12 pretty good, so I'm assuming that's why the lockmaster started
13 hollering at us to stop coming ahead, but I mean, there was no --
14 we were already well into our reverse, full astern well before we
15 even came ahead, started moving ahead.

16 And we -- after that, we tried to -- they wanted us -- they
17 wanted us to stay into the locks and at that point I went out on
18 deck to try to help catch line because it was still kind of trying
19 to do it again. In case of another ship passing by, I wanted to
20 try to help them get tied up and it started to do it again, but it
21 was like the original first one, it was a light push in and out
22 and it pushed -- we were kind of going to starboard side, so we
23 were going to try to catch something on the starboard side and at
24 that point my captain decided to back out. The locks wanted us to
25 tie up on the outside short wall, where there was one line right

1 there. Me and the man on deck actually caught a four port so he
2 could pull back into it and that, I guess, at that point, my
3 captain told us to take it off, I wasn't in the wheelhouse at that
4 time, he told us to take it off. He was leading us when we went
5 back to Star Fleet and they said the reason that we left was in
6 case another ship comes by, even a four port ain't going to -- if
7 that happens again with a -- either the four port, rip the pin off
8 or rip the timberhead off because it was -- there's a lot of
9 tonnage --

10 Q. Yeah.

11 A. -- on barges, but we did have -- we have loads, so it was
12 approximately 70,000 --

13 Q. Um-hum.

14 A. -- something apiece.

15 Q. Okay. How long have -- how long have you been in the -- in
16 your position, your current position?

17 A. As a tankerman or a steersman?

18 Q. So yeah, I guess both, yeah.

19 A. Okay. I've been a tankerman with the company since I came
20 here, I actually had my -- I just worked, just got my second, so
21 I've been a tankerman right under 10 years and I've been steersman
22 program since November of 2019.

23 Q. How long does that program typically take?

24 A. It varies between people, some people --

25 Q. Yeah.

1 A. -- shoot through it, they grew up on the water on their --
2 Q. Yeah.
3 A. -- johnboats.
4 Q. Just depends.
5 A. I didn't have that luxury and --
6 Q. No.
7 A. -- our S-O -- our standards are you have to -- we have to
8 have our license, I know it's like that with every company, but --
9 Q. Yeah.
10 A. -- the guys that's been doing it for --
11 Q. Sure.
12 A. -- 20, 30 years, they grew up in wheelhouses and stuff, so --
13 Q. I got you. What about in the industry as a whole?
14 A. In the whole, I've -- well, about 10 years --
15 Q. About 10 years.
16 A. -- on the water. Well, no, about 12 years on the water.
17 Q. Okay. Great. Anything abnormal that day, at all, whether
18 that's with the vessel, with the weather?
19 A. No. I was about to say weather was perfect conditions. Sun
20 wasn't to any effect of it because it was -- it was to the east of
21 us.
22 Q. River condition?
23 A. The only thing we -- the only thing that was abnormal with
24 the river conditions is that it was low, as -- a very low river
25 stage right now.

1 Q. Right. Have you seen it that low before or is this the
2 lowest you've seen it?

3 A. No, this is the lowest I've ever seen. I've seen it when it
4 was in high stages.

5 Q. Yeah.

6 A. Two times --

7 Q. Right.

8 A. -- since I've been on the water --

9 Q. Okay.

10 A. -- I've seen very high stages.

11 Q. Got you. Tell me about the crew, the dynamics, relationship.

12 A. Again, our SOP --

13 Q. Um-hum.

14 A. -- requires us to do smart cards, talk about what's going to
15 go on, what's going to happen. Of course, the greener someone may
16 be, that hasn't been on deck, whether it be a deckhand or
17 something like that, which would probably be green hands, we'll go
18 more in depth with it, we'll watch him more, we'll, you know,
19 instruct him more, put him in safer areas, like in this position,
20 if it was a green deckhand or something, we'd probably have him
21 come to the stern, that way the captain, the wheelhouse can watch
22 him and observe him from getting hurt or doing anything wrong.
23 Keep the experienced guys on the head. In this case, everybody
24 was experienced.

25 Q. Okay.

1 A. Everybody had knowledge. We still talked about it because, I
2 mean, that's what we do.

3 Q. Cool. Taking some notes here. How many times have you been
4 through the locks, roughly?

5 A. I've been through the Algiers locks a dozen times.

6 Q. Okay.

7 A. At them.

8 Q. And nothing abnormal that day with those, other than the low
9 water?

10 A. No.

11 Q. Okay.

12 A. Nothing wrong with the locks, no, I mean --

13 Q. So you said the captain noticed -- noticed the southbound
14 ship coming, which is obviously a common occurrence, but once he
15 realized that something was abnormal, did you guys try to make any
16 radio calls to any of those ships and say hey, hold up, we're
17 having an issue?

18 A. No.

19 Q. And I don't even know if they could have maybe done much, you
20 know.

21 A. And the thing is I've never heard of it, I haven't been in
22 the industry --

23 Q. Yeah.

24 A. -- in the wheelhouse as long as a lot of these captains,
25 these experienced -- but I've never even heard stories of where

1 they've had to talk to them --

2 Q. Right.

3 A. -- unless they're actually meeting each other, they're on a
4 dock or something like that and they're just going, you know,
5 absolutely.

6 Q. Right.

7 A. But like going into the locks or something like that, I've
8 never heard of --

9 Q. Right.

10 A. -- anybody ever have to actually communicating with them, the
11 ship.

12 Q. Yeah. So you said the -- your captain made the call to go
13 ahead and get out of the locks, just so to steer clear of
14 everything and I'm just asking, basically, rather than sitting in
15 there and potentially hitting --

16 A. It happening again.

17 Q. -- the gate again, no, it's just -- I was just curious if any
18 radio calls were made, hey, slow down a little bit because we're
19 having this issue, but none to your knowledge, okay.

20 A. No, not to my knowledge. Like I said, at that point I was on
21 the head until we backed out --

22 Q. Right.

23 A. -- to start going to Star Fleet.

24 Q. Okay. And then you had mentioned the captain went full
25 ahead, as the water was coming out of the lock, the captain went

1 full ahead and then he kind of went full astern once he realized,
2 you know, the water was flushing back in. Did that full ahead
3 motion, do you think that had anything to do with him hitting
4 that?

5 A. Oh, absolutely not.

6 Q. Yeah.

7 A. He was still backing, he was still backing up and when he was
8 coming full ahead, he was still pulling back. He went full astern
9 before he even started going ahead --

10 Q. Right.

11 A. -- because he knew what was about to happen.

12 Q. Okay.

13 A. We started, he started realizing the -- the first one was
14 basically a warning --

15 Q. Right.

16 A. -- to him, I guess, you know.

17 Q. Um-hum.

18 A. He knew what was going on, but the way -- I'm assuming the
19 way it was pulling out so much more, he knew it was going to be
20 worse, so he actually reacted ahead of time, which, my personal
21 opinion, I think did --

22 Q. Yeah.

23 A. -- help do less damage.

24 Q. Sure. Yeah, okay. And then tell me about the debrief, you
25 guys did a debrief afterwards of everything? Did you do any type

1 of debrief with the crew after this happened or anything?

2 A. Well, just to -- you know, just to make sure everybody was,
3 you know, on point with everything, everybody was -- everybody had
4 -- you know, was basically safe and --

5 Q. Right.

6 A. -- any type of damage to be checked, the barges and
7 everything like them. I mean, of course, we couldn't --

8 Q. Right.

9 A. -- do nothing with the lock, but we did our basic routines of
10 checking the barges, doing assessments and stuff like that and
11 then getting back into the fleet. Once we got back into the
12 fleet, did more assessments, maintained visual on the front
13 compartment where it struck, just in case there was some type of
14 damage --

15 Q. Okay.

16 A. -- to allow water to come into.

17 Q. Got you. You mentioned SOP, as well, is that -- is that like
18 the one-page document? Was it that, exactly?

19 A. Our SOP, it's pretty thick.

20 Q. Are you talking about your full company policy?

21 A. Right, yes, yes.

22 Q. Okay, so I got you. How often are you guys reviewing that?

23 A. We're all supposed to know it --

24 Q. Um-hum.

25 A. -- by hand, but our company is always -- you know, during

1 crew changes, they're usually targeting certain things.

2 Q. Got you.

3 A. We have an app that they give us, you know, and they'll -- if
4 something happens throughout the fleet or something -- as a matter
5 of fact, we got one on low river current and stuff that I'm
6 assuming they might've just made up, you know, that they just put
7 towards the SOP, something like that. But yeah, they -- we review
8 bits and pieces of it throughout the year, for every -- they'll
9 pick something, unless something happens.

10 Q. I got you.

11 A. If something happens, they'll usually target that one.

12 Q. Right, okay. It sounds good. And then how would you, I
13 guess, rate or explain the captain's experience level, in your
14 opinion.

15 A. He's one of the top captains I've worked with, he knows how
16 to handle a boat.

17 Q. Okay. Ever had any issues in the past with anything with him
18 or any marine casualties or anything like that?

19 A. No.

20 LT [REDACTED] No, okay. All right, I think I'm going to pass it
21 off to my counterpart here.

22 MR. TUCKER: All right. Max, thanks again for talking with
23 us.

24 MR. LESNAK: Not a problem.

25 MR. TUCKER: As I mentioned, my name is Adam Tucker, I'm with

1 the National Transportation Safety Board and we work together with
2 the Coast Guard when there's a casualty, an accident, for a wide
3 variance of reasons, but for this one it's monetary damage.

4 MR. LESNAK: Um-hum.

5 MR. TUCKER: That's why we're here.

6 MR. LESNAK: Right.

7 MR. TUCKER: There's no such thing as a good accident, but if
8 there is, the fact that you emphasized that everyone got their 10
9 fingers and 10 toes --

10 MR. LESNAK: Right.

11 MR. TUCKER: -- in this one and --

12 MR. LESNAK: Can always be worse.

13 MR. TUCKER: And sometimes sitting on this side of the table
14 is not -- people are not always that lucky, so good you're okay,
15 good the crew's okay and, you know, it's a good outcome. So
16 that's my role, we gather the same facts, the same material. I
17 generate a report, the report usually comes out within a year and
18 it's a very small, concise report, it's usually 10 -- the target
19 is 10 pages, sometimes it gets to 14 pages, so -- so I'm just
20 going to go back, I just wanted to -- as you saw, I did take a lot
21 of notes.

22 MR. LESNAK: Um-hum.

23 MR. TUCKER: That's just for me to verify that I captured
24 things correctly and I heard things correctly, as well. And a
25 caution again, everyone, I'm a blue water guy, so I might ask you

1 a dumb question or two, just because I'm not totally familiar,
2 I've been working in this for a long time, but I'm not totally
3 familiar with all the lingo and the language here, so --

4 MR. LESNAK: Okay, that's fine.

5 BY MR. TUCKER:

6 Q. Yeah. So you pulled off the -- below Algiers and you guys
7 were on the west bank at that time.

8 A. Yes, we were on the -- we were setting up in the west bank,
9 we had taken on fuel during me and my captain's off launch, right
10 before 1800 they had taken on fuel because we're -- we're heading
11 west to Beaumont and we needed fuel.

12 Q. Okay.

13 A. So they took on fuel and then we departed from the west bank
14 below Algiers and that's when we went up into the locks.

15 Q. Okay.

16 A. We were below the Algiers locks, not Algiers Point, below
17 Algiers locks.

18 Q. Understood. Okay, below the locks. And you mentioned -- so
19 you work the same watch as the captain?

20 A. Yes.

21 Q. Okay.

22 A. Yes, sir.

23 Q. And steersman, I'm a little bit familiar with steersman.
24 Good luck in your endeavors and --

25 A. Thank you.

1 Q. -- I wish you well on that and I'm kind of envious, it sounds
2 like it's a pretty cool gig, so --

3 A. I hope so.

4 Q. So anyway, you got into Algiers Lock, you worked the same
5 watch with the captain and you mentioned the captain made speed
6 and entered the locks. You had some men on the head, I understand
7 that. Let's see. And then once the -- I just wanted to verify,
8 so once the -- you made the locks, you said another -- one man on
9 the head went to the stern, did I understand that right?

10 A. Yes. Once the head -- usually it's the head of the tow and
11 what it is, is the locks usually wants a man on each side --

12 Q. Okay.

13 A. -- because the doors are the important ones, so they want a
14 guy on each side to talk the vessel in and make sure that you're
15 not closing in. Plus, we have bumpers to where we don't -- you
16 know, because if you hit it, you wind up digging into to it, so
17 they want to make sure that there's bumpers out and everything.
18 But once the head is clear of the doors, one man usually walks to
19 the back because we have to catch a bumper, we have to catch a
20 line on the stern also, so the locks usually allows a man to come
21 back to the stern once the head has cleared, is inside the
22 chamber.

23 Q. Oh, okay, all right. And that was one of the guys that was
24 forward.

25 A. Yes, sir.

1 Q. Okay. Because you were still in the wheelhouse at that time.

2 A. Yes, sir.

3 Q. Okay. I'm curious, in the wheelhouse, were you -- you were
4 just there as an observer or were you operating or manipulating --

5 A. No, I was there as an observer, I was observing the -- I
6 didn't take the wheel at that -- I didn't take the wheel going in
7 because of the low river and how we were entering and everything
8 like that, I never really made the locks myself, so --

9 Q. Understood, okay. And what's interesting is I find myself
10 here more for high river events.

11 A. Right.

12 Q. So this is my first low river event --

13 A. Right.

14 Q. -- so I'm learning a lot.

15 A. And that's the big thing about this, is kind of like
16 lightning striking in the same place twice, I think --

17 Q. Yeah.

18 A. -- because I mean, nobody that I know of has ever heard of
19 something like this happening.

20 Q. No. So everything was normal, got in there, captain -- you
21 mentioned the captain noticed a ship coming down. He had to shove
22 in a little harder. The ship passed. Let's see. And he adjusted
23 for it, no problems. Okay, I understood that. You mentioned that
24 there was a northbound ship.

25 A. Yes.

1 Q. And can you tell me what the northbound -- you said it was a
2 deep draft?

3 A. Yes, sir. That's the one -- I don't know if you all seen the
4 footage, but right before the impact, when we started really
5 moving fast before the impact, you'll see me and both the captain,
6 we'll keep looking back and that's what we're looking at, we're
7 looking at that deep draft coming back because that's when he's
8 like, you know, I have nothing, I'm coming -- you know, I'm giving
9 it all I got, even actually to look back and see if we had wheel
10 wash to make sure we were -- we actually had any type of
11 propulsion because there was no -- we were pulling out back.

12 And then when we started coming, we started coming ahead, I
13 mean, it was instantly, almost. And that's what we were looking
14 at, we were looking at that northbound ship and I'm assuming
15 that's the one that did us in, that's the one that pulled all the
16 water and pulled it back in.

17 Q. Okay.

18 A. From what I understand, he was moving pretty good by that
19 time. By the time everybody was talking about that, I was out on
20 the barge and taking care of stuff and working with everybody on
21 the -- while we were docking and everything in Star Fleet.

22 Q. Just back to the wheel wash, did you see -- did you see wheel
23 wash?

24 A. Yeah. When he came ahead, when we were being pulled out --

25 Q. Um-hum.

1 A. -- and he came ahead, we had full wheel wash.

2 Q. Okay.

3 A. And like I said, before we even started moving ahead, when he
4 was astern, when his backing motion started to slow down --

5 Q. Um-hum.

6 A. -- he automatically came full ahead.

7 Q. Right, okay.

8 A. I mean full astern, I'm sorry. He started --

9 Q. Okay.

10 A. -- coming full astern because he knew he was about to go in,
11 so he was trying to counteract it before we even started going
12 ahead.

13 Q. Understood, okay.

14 A. But he asked that because there was no motion, coming full
15 ahead, coming full astern, and you're not moving at all, you're
16 going the opposite way --

17 Q. Yeah.

18 A. -- I mean, it was kind like a -- you know, I can't believe
19 this is not happening, do I have wheel wash --

20 Q. So you mentioned the propulsion. Any manipulation of the
21 sticks, did you notice anything that stood out?

22 A. Not unusual, he -- just a control, just any type of control
23 movements that he needed to make, which was mostly done as we were
24 initially coming in and the first time that we had that little --
25 the first ship that passed, that it was a minor --

1 Q. Um-hum.

2 A. -- pull then push, he was able to control that one. That
3 one, it was manipulation of the sticks because it moved us off the
4 wall a little bit. So he was trying to get it back, he was doing
5 with -- once the back and forth stopped, he was trying to get her
6 back to the wall so we can get set on the wall, so we can go ahead
7 and start throwing lines and tie up, but by the time he got back
8 to that, it started happening again, it started pulling us out and
9 then pushed us back in.

10 Q. I understand. Okay. Let's see. You mentioned someone
11 caught a line, one of the men caught a line forward. But then
12 right after -- and this might be lingo or language here on the
13 river -- blew two lines. Were lines broken or --

14 A. Yes.

15 Q. Okay.

16 A. That's what that -- that's what that means when we say blow a
17 line, pop a line, blow a line.

18 Q. Okay. And they were forward on the forward timberheads
19 or --

20 A. Yes, they were on a forward port timberhead. And actually,
21 they were two different types, one was a poly and one was a nylon.
22 And nylon's -- I like nylon and its friction.

23 Q. Okay. Here's another question, then, for -- while we're on
24 the same subject, the line, you mentioned the four point.

25 A. Four port.

1 Q. Four port?

2 A. Yeah. It's how many ports that you -- ports that you have.

3 Q. Okay.

4 A. So like a one port, like if you just throw the line --

5 Q. Yeah.

6 A. -- just that's a single line, that's a one port.

7 Q. Okay.

8 A. If you take the eye and wrap it around and you throw the

9 bite, it's a two port.

10 Q. Oh, okay, all right.

11 A. So --

12 Q. Yeah.

13 A. And so on. But all they had up there was a two port. The

14 four port was when everything was over and done and I was out on

15 deck, I caught the four port when we were out on the port short

16 wall.

17 Q. Okay.

18 A. I caught, you know -- just in case it started happening

19 again, it would give them a little bit of help, we weren't moving,

20 you know, but if it came into it and like I said, if it would've

21 went down that bad and come back up, I don't think that four port

22 would've held even being at a still momentum.

23 Q. Yeah. Okay. You mentioned, as well, no wind, not a factor,

24 okay.

25 A. Nothing.

1 Q. Nice day, I guess, good visibility.

2 A. Yeah, it was a beautiful day, actually.

3 Q. Okay.

4 A. And it was a clear day. Nothing out of the ordinary. Can't
5 really tell you about the heat because it's always hot in your
6 uniform and your --

7 (Laughter.)

8 MR. LESNAK: And at that point, everybody's -- everybody's in
9 that -- you know, we were all in our "do the job" type mode, you
10 know.

11 MR. TUCKER: Yeah.

12 MR. LESNAK: You get that -- don't want to say tunnel vision,
13 but you know, you respond. I mean, that's what we're trained,
14 that's how they train us.

15 BY MR. TUCKER:

16 Q. Um-hum. The guys were communicating, okay, you mentioned
17 that, and then you said the lockmaster started hollering. What do
18 you recall of that and where were you at that time when you heard
19 that?

20 A. I was still in the wheelhouse.

21 Q. Okay.

22 A. When we started coming forward, we were -- I mean, he was
23 well into it before we even started coming forward and we started
24 coming forward and I guess as we're picking up speed, the guys on
25 the deck are, you know -- you know, slow it down, slow it down,

1 slow it down coming in -- and, you know, you could hear a little
2 bit of excitement in their voice because they see what's
3 happening.

4 Q. Um-hum.

5 A. And I'm assuming the lockmaster, I don't know which tower he
6 was in, but he was just saying, you know, slow it down, you're
7 coming in, you know, stop, stop. And then when we hit, he was
8 like Captain, you hit my doors, I seen you were coming ahead, and
9 we weren't, we were full astern. He seen the tow coming in.

10 Q. Right, yeah.

11 A. You know, we weren't -- he assumed that we were driving ahead
12 and I don't -- I mean, I'm -- I'm not big on that many vessels out
13 there, but I don't know any vessel that can pick up that much
14 speed that quick.

15 Q. Yeah.

16 A. I mean, it was that fast.

17 Q. Okay. You mentioned, I think maybe referencing the camera,
18 you can see the water surge.

19 A. Yes. Yeah.

20 Q. Can you explain what you meant by that again?

21 A. When the water is pulled out, there's a waterline and when
22 that waterline's -- when it's -- when the water's pulled out, you
23 see the waterline.

24 Q. Okay.

25 A. The first time, that's when we recognized -- and I'm assuming

1 that helped my captain realize the second time --

2 Q. Um-hum.

3 A. -- what was about to happen, but worse, because you see the
4 waterline come down, I think you can even see it on the camera,
5 he's explaining to me, you know, we're looking at the ships,
6 explaining to me about the -- how it's pulling the water out and
7 everything and on the first one, you can see come out and that's
8 when he got -- regained control of it on the first one --

9 Q. Yeah.

10 A. -- you know, because it pulls him out a little bit and then
11 pushes him back in, but he's able to maintain on that one and
12 while we're trying to get back up on the wall, we're just about
13 back up on the wall, starting to tie up when the next one comes
14 out and he's full ahead and you just see the water fall. And
15 then, before it even starts coming back up or the water comes back
16 in, that's when he goes full astern and it's just -- there's
17 nothing you could do about it. You're at the mercy of Mother
18 Nature at that point.

19 Q. Thank you for clarifying that. Let's see. I think that
20 captured -- you've got a good memory, by the way, so --

21 A. Thank you. I was up there -- when events like that happen,
22 it kind of sticks with you a little bit.

23 Q. Yeah. Still in the wheelhouse when the lockmaster started
24 hollering. Just for clarification, because I didn't capture that,
25 when did you go down?

1 A. Once the -- once everything was done, the lockmaster was
2 asking us to stay into the -- in the chamber, I'm assuming that
3 we're going to try to close the doors behind us and isolate the
4 situation. At that point I went down because it was still --
5 still kind of coming back before the captain was kind of -- still
6 kind of in the process of recovering from the initial hit --

7 Q. Yeah.

8 A. -- and coming back off of it and I think there was still a
9 little bit of a washtub effect going on, but you know, a minor
10 one, so he's still -- and we were starting to drift to the
11 starboard, starboard side, so I immediately went down and tried
12 to, you know, help the guys on deck catch a center line, start
13 catching lines all the way down as much as possible so we can get
14 stable inside the locks.

15 But as we started catching the lines, we backed out, that's
16 when we started backing out. The captain decided, made the
17 decision to back out of the locks because he didn't want to -- in
18 case something would happen before them doors would've closed
19 behind us, we'd take the other side.

20 Q. Understood. Just from what you witnessed on watch, were
21 there any problems with propulsion, machinery, navigation
22 equipment, anything that you noticed?

23 A. No. We do hourly inspections, which we do hourly inspections
24 throughout the boat, the rudders, the engines, and whatnot and
25 once we -- once we were starting to go back to Star Fleet, I went

1 back -- well, actually, while we were backing up to go to Star
2 Fleet out of -- not out of the chamber but out of the forebay --
3 Q. Um-hum.

4 A. -- once we were backing up out of there, I went back there
5 and I laid on the back deck and I sat there and watched them work
6 the rudders just to see if there's something somebody might've
7 missed. So I personally checked the whole steering system, made
8 sure there wasn't no loose pins or nothing was vibrating unusual.
9 Everything was solid.

10 Q. Everything was fine, okay.

11 A. Everything was solid, no lines were dragging, no kind of
12 leaks, no kind of unusual vibrations or anything like that, so --

13 Q. And so you make a good point, that was further down, but
14 anything mechanical after the fact or anything --

15 A. Nothing.

16 Q. -- navigational, communicational, that would've been --

17 A. No. Radios, all radios were good, there wasn't no radios
18 that were down or miscommunicate -- not miscommunicate, but no
19 like shutting off of radios or anything like that. Radio
20 communications were good. Propulsion was good, steering was good.
21 I mean, communication between the crew and the wheelhouse was
22 good. There was absolutely nothing that played a factor into it,
23 the weather was good, there was absolutely nothing other than
24 those ships passing by, it was the only thing that I can see that
25 played a factor in it.

1 Q. Okay. The -- no, you said the weather's good. I always got
2 to ask this question, wind, any --

3 A. Not that I know of. We really don't pay as much mind to the
4 wind when we're pushing loads as we do when we're on empties --

5 Q. Okay.

6 A. -- because empties are big sail loads, are more of water
7 control where like river current --

8 Q. Um-hum.

9 A. -- or if you're in the sounds, we have to watch when we go
10 through the open, open areas --

11 Q. Okay.

12 A. -- because it will -- big waves --

13 Q. Yeah.

14 A. -- where we can go through that same with empties and just
15 ride over them, it would be a little bumpy, but --

16 Q. Yeah.

17 A. -- you don't have the ground swells. Ground swells you can't
18 go through, but that's in the sounds. So empties, you're more
19 concerned about the weather, wind-wise, and loads, it's more about
20 current, ground swells, depending on where you're at.

21 Q. Okay. And speaking of current, do you remember what the
22 current was that day in that area?

23 A. Very low. There was barely any current. I mean, the river
24 is very low right now, it's -- it's actually playing hard for some
25 people, that I understand, for where they use the current to help

1 | them get to certain docks and stuff like that, where -- but like
2 | usually I'm backing on it or got to push on it, they're just the
3 | opposite because the river's not helping them, so --

4 | Q. Um-hum.

5 | A. -- but once you get inside the forebay, once you get
6 | inside --

7 | Q. Um-hum.

8 | A. -- to the locks and everything, you're not really dealing
9 | with the river unless a ship passes by.

10 | Q. Okay. Do you happen -- so you spoke of the ships, I
11 | understand that. Was there any other vessel traffic that you were
12 | aware of?

13 | A. Not that I remember. I think I did see one tow, but he
14 | wouldn't have pulled a draft, he was like towards the middle of
15 | the river, he wouldn't have really pulled -- and I'm just thinking
16 | I saw one.

17 | Q. Um-hum.

18 | A. If I'm not mistaken, I think I saw a northbounder.

19 | Q. Okay.

20 | A. And that was, I think, before everything started happening.

21 | Q. It sounds like we have a lot of good information, especially
22 | with cameras and everything --

23 | A. Right.

24 | Q. -- on board and the -- are there any times that stand out in
25 | your head, maybe you looked at your watch, at your phone,

1 whatever, understanding of the puzzle we have to put together on
2 this, any times, speeds, anything just relevant that you might
3 feel helpful?

4 A. Mostly, not really times, but the speeds --

5 Q. Um-hum.

6 A. -- while we were in the locks.

7 Q. Okay.

8 A. That's why I can -- I can justify he was coming ahead and
9 going forward before the vessel actually started doing the
10 opposite. We were doing like .6 back, which -- and he came, he
11 came ahead on them and when he started coming ahead on them is
12 when -- then he came full astern once he -- once it started coming
13 up from .6 in reverse is when he came full astern, actually.

14 So that's how I can -- I know he was actually going against
15 the opposite way of the way the water was going, because I was
16 watching his speed, I seen it, I actually seen his speed.

17 Q. And you saw it on Rosepoint or --

18 A. The AIS.

19 Q. AIS, okay.

20 A. And I think, as a matter of fact, when we hit, I actually
21 looked at the AIS, it said 1.7 and I think they had said it was
22 like over 2 that we actually hit, so we picked up speed faster
23 than the AIS, either that or I looked at it right before we hit or
24 whatnot, but I remember right before we hit I seen like 1.7.

25 Q. So he's hooked up astern --

1 A. Yeah, he was going, he was going --

2 Q. -- and you're going ahead.

3 A. Yeah, he was going backwards like .6 and when it stopped
4 gaining speed going backwards is when he came full astern. He was
5 coming ahead because he was being pulled out.

6 Q. Right.

7 A. Once it got to .6 coming backwards and it didn't gain up any
8 more speed, that's when he pulled them from all ahead to full
9 astern and it just started picking up and went from .5 backwards,
10 .4 backwards to .3 ahead, .7 ahead and I mean, it just -- I've
11 never seen the speed pick up that fast before.

12 Q. Yeah, especially with two loads.

13 A. Yeah. I mean, you basically rode that wave is what happened
14 and it was an actual wave that picked us up.

15 Q. Okay. Just because you mentioned you're a
16 steersman/tankerman, are you with this crew all the time, are you
17 assigned to this boat all the time or do you bounce around or how
18 does that work?

19 A. Actually, this is my second hitch with this boat because I am
20 being bounced around because I have to get my --

21 Q. Yeah.

22 A. -- my western, I have to do the west, the ICW west and
23 everything. I started out in the east, did a year going north up
24 to Juliette, and now I'm getting my close quarters and everything
25 in the canal on the west, Houston, and doing lots of dockings and

1 stuff like that and this boat does a lot of west tripping, so --

2 Q. Okay. So you worked with all of these guys before.

3 A. No. Actually, Thomas is the only one I've known before, I
4 worked with him in Star Fleet down here years and years ago, so me
5 and him know each other. The other guys I don't know, so --

6 Q. Okay.

7 A. -- it's pretty much all a new crew but everybody's
8 experienced, this whole crew is an experienced crew, so it's
9 easier for everybody to fit and know their jobs and their places.

10 Q. Okay. Because you were an observer at the time and I ask
11 this of everybody, but any pictures, any video, did you take
12 anything?

13 A. No.

14 Q. No.

15 A. I don't think they really want us doing any of that and at
16 the time, I mean, everything's going on, so --

17 Q. Yeah.

18 A. -- I mean --

19 Q. Okay.

20 A. -- you don't really want to be out there taking pictures, you
21 know. There's a lot more, yeah, a lot more important things going
22 on at the time.

23 MR. TUCKER: Yeah. I always have a couple follow-up
24 questions, but I'll catch up with my notes, so I'll leave you to
25 it and let [REDACTED] take the sticks.

1 BY MR. [REDACTED]

2 Q. [REDACTED] U.S. Coast Guard. Thank you, Max, for coming in.
3 How did you get -- initially, how did you get involved into the
4 steersman's program?

5 A. I worked, like I said, I worked on the river right here and
6 seen what kind of money them captains were knocking down and I
7 didn't want to be building tow for the rest of my life, but I
8 couldn't get -- if I got trained down here, I'd only be good from
9 Huey P. Long to, I think, Port Sulphur.

10 Q. Um-hum.

11 A. So I turned in my -- you know, 2 weeks or whatever and I
12 actually went back to Fourchon, they had boats out there from a
13 company that I worked with, I was going to start getting in a
14 wheelman's program with them, worked 2 years with them and I
15 started -- actually was able to get a little bit of stick time in
16 and they sold the boats.

17 Well, one of my captains that was over there was working at
18 Enterprise and he's the one that told me about Enterprise, I came
19 over here and I just did my time over here until I was able to be
20 qualified to get in the steersman's program and I had a handful of
21 people that were more than happy to put me into the program, that,
22 you know, my captains and all that would sign off, because you
23 have to have -- I think it's two DEs and you have to have three
24 signatures and they all have to be captains and you basically got
25 to be asked to be put into it. So I did that and they sent me to

1 school, they nominated me and they sent me to school, they picked
2 me, I went in to interview with the port captains and, you know, I
3 did my interview with them and they picked me and I went to --
4 they sent me to Delgado to do my schooling.

5 Q. Okay.

6 A. And that's how I got in.

7 Q. So what license do you hold today?

8 A. I'm still the steersman, but I also hold my tankerman's
9 license, also.

10 Q. Do you still perform tankerman's duties?

11 A. Right now, they want me to do my criticals and everything, so
12 they're trying to take me off, they're trying to take me off the
13 deck to see if I'm ready for my 9E (ph.). So this last hitch I
14 actually did go out and perform it, but for the last month or so
15 they've been kind of -- 2 months they've been kind of jumping me
16 from boat to boat, trying to find me a good fit to where I can
17 fit, either the captains or moving to other vessels or they're
18 going somewheres else or something like that, so that's how I
19 wound up on this boat.

20 Q. Okay. You ever been in the locks and they've held you in the
21 locks, closed gates, for a short period of time --

22 A. Yes.

23 Q. -- for any reason?

24 A. Yes.

25 Q. Do you know what the reasons were?

1 A. Weather.
2 Q. Weather?
3 A. Yes, sir.
4 Q. Okay.
5 A. It was industrial.
6 Q. Do you recall any times when you were restricted from
7 entering locks?
8 A. Yes.
9 Q. For what reasons?
10 A. Weather.
11 Q. Weather again?
12 A. Yes, sir.
13 Q. This had nothing to do with weather, that you feel?
14 A. Absolutely not.
15 Q. Mechanical?
16 A. Absolutely not.
17 Q. Professional qualifications as far as the captain?
18 A. One hundred percent not. No. Everybody acted professional,
19 they did their jobs 100 percent that I seen and heard. When
20 everything was going down at the very end, before the initial hit,
21 everybody's tone kind of picked up, you know, you could hear it in
22 everybody's voice, but as far as like freaking out or anything
23 like that --
24 Q. Operator error?
25 A. No.

1 Q. Current?

2 A. Well, the ship, I mean, the ship created current.

3 Q. Natural current?

4 A. No, absolutely not.

5 Q. So you think this -- what do you think this was caused by?

6 A. I believe it was caused by the ships passing by, pulling the
7 water out and then shoving it back in. That's the only -- that's
8 the only thing that I can look at, because even when we were
9 backing out of the locks, you could look right past the wooden
10 gate on the long wall and there's little like ditches and
11 everything and just by us passing by, it was just yanking that
12 water out of them and we were barely moving.

13 Q. Have you ever gone into a lock forebay or the locks and had
14 ships pass by before?

15 A. I'm sure. Not that I've really paid attention to, because
16 usually when I'm on the deck, going through the locks, I'm -- you
17 know, calling out directions and it's on the back end of the --
18 but I know there has been.

19 Q. How about coming out of a lock, have you ever come out of a
20 lock and had ships pass the forebay?

21 A. Yeah.

22 Q. Maybe you had to hold up or wait for the traffic to clear?

23 A. Oh, yeah. Yes.

24 Q. Have you seen any type of dynamics like you saw this time?

25 A. No. If it was, it was very minimal to where we would barely

1 notice it and the only reason I would notice it is because, in the
2 position that I'm in now, being a steersman, I'm looking for stuff
3 like that now. As a deckhand, I probably wouldn't. That's how
4 minimal.

5 Q. So now that you've experienced something like this that you
6 never experienced before, right, but you've seen other situations
7 like this before, what would you say -- if you had the ability to
8 change whatever you think it was that took place, what would you
9 change?

10 A. There's so many things that could have gone either way,
11 regardless of what we did, if we have to hold up for ships, it
12 takes so long for us to creep in there because the ships ain't
13 going to stop for us. I don't know if tripping them even would've
14 helped. I mean, like I said, this is like lightning striking in
15 the same place twice, I mean, I've never seen or heard of anything
16 like this. I know the mechanics of it, you know, what actually
17 happened, I understand the mechanics of what happened --

18 Q. Um-hum.

19 A. -- but I've never seen it on a scale like this.

20 MR. [REDACTED] Okay, fair enough. No further.

21 BY LT [REDACTED]

22 Q. So Lieutenant [REDACTED] with the Coast Guard. So I mean, if those
23 two vessels or three vessels were transiting slower, would it have
24 made a difference, do you think?

25 A. Maybe.

1 Q. Yeah.

2 A. It all goes down to the mechanics --

3 Q. Um-hum.

4 A. -- low river, water displacement, speed, the direction they
5 were going in, even. So I mean --

6 Q. Potentially, though.

7 A. -- there's so many factors, it was just the wrong thing
8 happened at the wrong time.

9 LT [REDACTED] Got you. I don't have any further questions.

10 BY MR. TUCKER:

11 Q. One clarification, when you say -- you were talking just of
12 tripping them, what does "tripping them" mean?

13 A. Meaning that during high river we're required, again, by our
14 SOP, to get with our port captains and they will make a decision
15 on critical areas, normally during high river. Tripping means
16 that we'll get an assist boat, one of the -- a fleet boat or one
17 of our own boats that is available, they'll come over and they'll
18 grab one of them, that way we each have one barge. Instead of
19 dealing with two barges, we're dealing with one barge apiece.

20 Q. Understood.

21 A. It's just another safety --

22 BY MR. [REDACTED]

23 Q. [REDACTED] [REDACTED] One follow-up. You mentioned the safe speed,
24 what does that mean to you? What's your interpretation of safe
25 speed?

1 A. As far as the ships or as far as us?

2 Q. As far as you, as an operator.

3 A. Well, from when we go by our SOP which, from what I
4 understand is one of the highest, you know, cautionary ones, so
5 when we're in critical areas, whether it be coming into locks,
6 docks, or coming up to a bank or something like that where we have
7 to stop, we have to be going no faster than .3.

8 And that, again, is where our assist boats come in. If we're
9 in high river, you're not going to be able to dock at .3, pushing
10 into a dock, so we'll have to get an assist boat to come in, hold
11 on to us and help us in so we still come in at a safe speed.

12 Q. So safe speed, in your definition or your understanding,
13 according to your SOP, right, actually has a numeric value to it?
14 Like how fast, miles per hour you should go?

15 A. Yes, sir. So I think they call it the 3-2-1.

16 Q. Okay.

17 A. It's a standard that you got to be going less than 3 miles an
18 hour at -- I'm lost now. It's at -- you have to be going less
19 than 3 miles an hour at over a mile away from where you're going
20 to dock, under 2 miles at a quarter of a mile, I think it is, and
21 under a mile an hour within -- I forgot how many feet it is. We
22 have it on all the boats, actually, and I'm kind of -- I don't
23 remember.

24 Q. Got you.

25 A. It's a sticker. But yes, we -- we actually have it in our

1 SOP for like landing, that we're supposed to be doing .3.

2 Q. Okay. So according to rules of the road of the U.S. Coast
3 Guard, what is safe speed? What's the definition of safe speed or
4 what's your interpretation of safe speed there?

5 A. Speed that can be controlled by -- that you can control and
6 the definition, when I'm coming up to something, it can be
7 controlled to where I won't do damage or so forth.

8 Q. Okay. Did you say, and I may have misunderstood, that there
9 was a required speed when entering the locks, according to an SOP?

10 A. No, I might've --

11 Q. I misunderstood.

12 A. Okay, yeah, I might have said that wrong, too. There's not a
13 required speed, it's just a speed that they -- you know, it's a
14 speed that they want us going to a safe speed, it's considered a
15 safe speed, it's not -- I don't think there's an actual required
16 speed for entering the locks.

17 Q. So there's no numeric --

18 A. I don't believe so.

19 Q. Okay. Not like other, the other safe speed we were talking
20 about.

21 A. Yes, sir.

22 MR. [REDACTED] That's awesome, got you. Okay. Nothing more,
23 thank you.

24 LT [REDACTED] This is Lieutenant [REDACTED] You said that 3-2-1 rule, I
25 was on another vessel not that long ago, I know exactly that

1 sticker you're talking about --

2 MR. LESNAK: Yeah.

3 LT [REDACTED] -- and I thought I had a picture of it, but I was
4 just looking for it, but I thought that was a great thing to have
5 on a ship.

6 MR. LESNAK: Yeah.

7 LT [REDACTED] And I do recall seeing that. I don't remember if
8 everybody --

9 MR. LESNAK: Yes, it's in all of our wheelhouses --

10 LT [REDACTED] Yeah.

11 MR. LESNAK: -- and that's one of the things that --

12 LT [REDACTED] Yeah.

13 MR. LESNAK: -- they try to drill in, especially me being a
14 steersman, that's what they try to drill into you. When you're
15 coming up on something, don't forget your 3-2-1.

16 LT [REDACTED] Yeah, that's great.

17 MR. LESNAK: They try to drill that into you, 3-2-1, 3-2-1.
18 Now, there again, depending on conditions --

19 LT [REDACTED] Um-hum.

20 MR. LESNAK: -- sometimes it ain't viable that you can go by
21 that because it actually might make it more dangerous to try to --
22 that's where an assist boat comes in.

23 BY MR. TUCKER:

24 Q. Adam Tucker. I always end it off with this, is there -- you
25 know why we're here, we got a lot of pieces of the puzzle to put

1 together.

2 A. Right.

3 Q. Is there anything that I or we have not asked you or that you
4 can think that you might feel is relevant to provide to us to kind
5 of help us put this together?

6 A. No. I mean, I understand this has all got to be done because
7 of the situation, but I mean, from especially the position that I
8 was in, being up there in the wheelhouse seeing from that view and
9 able to see Rosepoint, the speed, how the water was reacting, what
10 was going on, it's a pretty much telltale story, I mean, it's -- I
11 mean, like I said, nobody did nothing wrong, everything worked,
12 all of our equipment was working properly, communication was good,
13 weather was good, I mean, the only factor that was left in it is
14 what actually happened.

15 MR. TUCKER: Good. Well, we're thankful you guys are here,
16 thankful no one was hurt, and thankful you're able to talk to us,
17 so we appreciate that.

18 MR. LESNAK: Thank you.

19 LT [REDACTED] So Lieutenant [REDACTED] Coast Guard. If nobody else has
20 any further questions, we're going to go ahead and conclude the
21 interview.

22 (No response.)

23 LT [REDACTED] All right, the time on deck is 15:29 and we are
24 concluding the interview, thank you.

25 (Whereupon, at 4:15 p.m., the interview concluded.)

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 Max Lesnak

ACCIDENT NO.: DCA23FM038

PLACE: New Orleans, Louisiana

DATE: July 6, 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.



David A. Martini
Transcriber