

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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G.M. McALLISTER ALLISION WITH

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THE NGL ENERGY PARTNERS FACILITY

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CHESAPEAKE, VIRGINIA

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SEPTEMBER 23, 2019

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Interview of: DAVID M. PERRY

Docking Pilot

Norfolk Federal Building
Norfolk, VirginiaTuesday,
October 15, 2019

APPEARANCES:

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National Transportation Safety Board

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United States Coast Guard

CWO [REDACTED] [REDACTED] Investigating Officer
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I N T E R V I E W

(9:45 a.m.)

1 LT [REDACTED] So can we just start with your information, just
2 the --

3 MR. FURUKAWA: Why don't you do the date, time, we're here to
4 interview the captain?

5 LT [REDACTED] Okay. So good morning. It's October 15th,
6 approximately, probably 09- --

7 CWO [REDACTED] 45.

8 LT [REDACTED] -- 45. Interviewing here Captain Perry at U.S.
9 Coast Guard Norfolk Federal Building, downtown Norfolk. The
10 United States Coast Guard is present. Lieutenant [REDACTED] [REDACTED] Chief
11 Warrant Officer [REDACTED] [REDACTED] --

12 MR. FURUKAWA: Why don't we go around and -- you already did
13 your name and organization. We'll just kind of go around for
14 everybody.

15 LT [REDACTED] Okay.

16 CWO [REDACTED] So Chief Warrant Officer [REDACTED] [REDACTED]
17 investigating officer.

18 MR. STANCLIFF: Steve Stancliff with Crenshaw, Ware & Martin
19 on behalf here of Captain Green.

20 MR. VENTKER: Dave Ventker with Ventker-Henderson on behalf
21 of McAllister.

22 MR. BROGAN: Patrick Brogan with Davey & Brogan, and we
23 represent the ship interests.

1 MR. FURUKAWA: Okay. Captain?

2 MR. PERRY: David Perry, docking pilot, Association of
3 Virginia Docking Pilots.

4 MR. JACKSON: Brant Jackson, Association of Virginia Docking
5 Pilots.

6 MR. FURUKAWA: Jon Furukawa, NTSB.

7 MR. COBERLY: Mark Coberly with Vandeventer Black on behalf
8 of NGL Energy Partners.

9 MR. SALMON: Daniel Salmon with Vandeventer Black.

10 MR. JOHNSEN: And James Johnsen with Crenshaw, Ware & Martin
11 for Captain Green.

12 LT [REDACTED] Okay.

13 MR. FURUKAWA: Go ahead, [REDACTED]

14 INTERVIEW OF DAVID M. PERRY

15 BY LT [REDACTED]

16 Q. All right, sir, so we're just going to start really, really
17 broad picture here. Can you give us some background information
18 on how long you've been on the water just in general, beginning of
19 your maritime experience?

20 A. Began in 1971 as a deckhand on a tugboat. I worked my way up
21 to mate, captain, then docking pilot. I docked my first ship in
22 1980. I've been with the Association of Virginia Docking Pilots
23 since 1987.

24 Q. Okay. And is that all in the Hampton Roads area?

25 A. Yes.

1 Q. Okay. And how many different companies or -- which different
2 companies have you worked for in that time?

3 A. I started out with the C&O Railroad. Then I went to work for
4 the R.B. Klater (ph.), which was a tugboat owned by Norfolk
5 Southern and crewed by Moran Towing. And then I went to -- from
6 there to Moran Towing.

7 Q. Okay. And approximately when did you go to Moran?

8 A. 1985, working out of the hall, but actually employed by Moran
9 in '86.

10 Q. Okay. And then -- sorry. At what point did you start
11 shifting over to docking pilot?

12 A. Well, I docked my first ship in 1980 at the C&O Railroad, so
13 that's, I guess, when I started, when I shifted.

14 Q. Okay. And have you been doing just docking ever since?

15 A. After '87, yes.

16 Q. After '87.

17 A. But in between '80 and '87, during that period where the C&O
18 shut down and the R.B. Klater shut down, there were periods where
19 I was, you know, working as mate and captain.

20 Q. Okay.

21 MR. JACKSON: 1987 changed the scope of when docking pilot
22 associations, as they're known today, came into existence, in
23 October of 1987. Prior to that, it was a different scenario,
24 where docking pilots were effectively tug captains.

25 MR. FURUKAWA: And when you're speaking, identify yourself

1 for the transcriber.

2 LT [REDACTED] So can you --

3 MR. JACKSON: That was Brant Jackson.

4 LT [REDACTED] Can you -- sorry, sir. Can you give me a little
5 more background information on that? Because I think I'm, at
6 least, a little unfamiliar with the docking pilot association
7 versus the state pilot association.

8 MR. JACKSON: This is Brant Jackson speaking. So in Norfolk,
9 there are two docking pilot associations: the Association of
10 Virginia Docking Pilots, which is affiliated with Moran Towing;
11 the Independent Docking Pilots of Virginia, which is affiliated
12 with McAllister Towing. When I say affiliated, we have an
13 agreement with the respective tug companies to provide pilotage
14 services to the customers of those tug companies. Part of the tug
15 companies' agreement with their shipping lines is that, in order
16 to receive tug services, they will receive docking pilot services,
17 in an effort to keep the tug and the vessel safe.

18 LT [REDACTED] Okay.

19 MR. VENTKER: I think what he's trying to get at, though, is
20 the difference between branch pilots --

21 MR. FURUKAWA: Can you --

22 MR. VENTKER: -- and docking pilots. State pilots.

23 MR. FURUKAWA: Can you state your name?

24 MR. VENTKER: Dave Ventker.

25 MR. JACKSON: So docking pilots are not compulsory, first and

1 foremost. We work for the captain of the ship when we're on board
2 the ship, as advisors. And the compulsory part is basically the
3 biggest difference between the branch pilots and the docking
4 pilots. We're responsible for maneuvering the vessels when the
5 vessels require tug assistance to safely maneuver.

6 LT [REDACTED] Okay.

7 MR. VENTKER: When I -- this is Dave Ventker again. When I
8 try to explain that to some of my folks -- you tell me whether you
9 disagree -- the docking pilots basically have the last mile in and
10 the first mile out, and the state pilots have everything else.

11 MR. JACKSON: Roughly speaking. The general definition that
12 I tell people is the Virginia Pilot Association is responsible for
13 the entire transit as compulsory pilots; however, their actual
14 role in handling the vessel is when the vessel is capable of
15 maneuvering safely under its own power, is when the Virginia
16 pilots are conning the vessels. When the vessels require tug
17 assistance, either actively or inactively, to safely maneuver,
18 that's when the docking pilot is generally on the con.

19 LT [REDACTED] Okay. And so you mentioned how whenever -- the
20 agreement is that, whenever tugs are required, the docking pilot
21 basically goes with the tug. Is there ever a situation where the
22 docking pilot would not be advising in that navigation role with
23 the tugs assisting, or is it just every single time the tugs are
24 being used the docking pilot's always establishing that
25 communication?

1 MR. JACKSON: There are occasions that tug assistance is
2 required, maybe by a captain of the port order, in which a docking
3 pilot may not be provided. Something that's not necessarily a
4 maneuvering issue, like missing radar on a vessel, may require a
5 captain of the port order for a tug escort. We may not send a
6 docking pilot in that instance because the chances of using the
7 tug are very minimal. And in the event that something did change
8 and the tug was utilized, it would be under the control of the
9 Virginia state pilot.

10 LT [REDACTED] Okay.

11 BY LT [REDACTED]

12 Q. So, Captain Perry, kind of going back to your experience in
13 Hampton Roads and your history with the vessels, can you give me a
14 really, really rough idea of how often you've conducted this
15 transit, either bringing vessels into the section basically
16 between Money Point and the Gilmerton or undocking ships from
17 those berths down there?

18 A. Hundreds. Hundreds of times. Over the span of my career, I
19 have no idea how many. I mean, I might have five jobs down there
20 in a week, and then I might not go down there for a month. But
21 over the span of my career, it's been hundreds. I really don't
22 know.

23 Q. Okay. And during those evolutions, do you work primarily
24 with Moran vessels? Do you work sometimes with McAllister --

25 A. No. Always with Moran.

1 Q. Always with Moran? Okay. Sorry, sir. Not necessarily who
2 you're contracted with, but in this case there were two McAllister
3 tugs.

4 A. Correct.

5 Q. Have you worked with McAllister towing vessels in the past?

6 A. Yes. Quite often.

7 Q. Okay. Is it more Moran than McAllister, more McAllister than
8 Moran?

9 A. Well, the reason that there was two McAllister tugs there
10 that morning was because Moran had more jobs going than they had
11 tugboats to facilitate those jobs, so they had to hire McAllister
12 to help me on that job. So the answer to that question is most of
13 the time I have Moran tugs assisting.

14 Q. Okay. And can you describe the normal, I guess -- the
15 general idea of or the evolution of how, start to finish, an
16 unmooring would typically play out from that area?

17 A. Typically you would back the ship off 100 to 150 feet till
18 you're well in the established channel. Then you start going
19 astern, and you use your tugboat or tugboats to keep the ship in
20 shape or in position as you're backing down the river. And you
21 back down to the turning basin there off DCP terminal. And
22 normally, you would put your stern slightly in the terminal
23 because it's a tight turn and -- well, that ship you could
24 theoretically turn without going outside of the turning basin, but
25 it's -- generally the way we do it is to stick your stern up

1 inside -- or outside of the turning basin slightly to give
2 yourself plenty of room on the bow to swing clear of the buoys up
3 there. Then you swing the bow to the port, and once you get her
4 lined up, she's going out.

5 Q. Okay. Do the tugs usually stay with the ship after that turn
6 is made?

7 A. Yes.

8 Q. Okay. At what point do -- are the tugs usually released, or
9 when --

10 A. At Town Point.

11 Q. Okay. And then at that point, is there essentially a pass-
12 over to the Virginia state pilot?

13 A. Yes.

14 Q. Okay. And can you describe what that usually looks like?

15 A. When we get down into the Town Point area, I'll ask the state
16 pilot if he's okay with the ship, the speed, and the -- you know,
17 where the ship is in the channel. He'll say yeah; he'll say yes,
18 I've got her. And I'll say, okay, she's yours. And that's
19 basically it.

20 Q. Okay. Do you ride the ship out with the pilot or --

21 A. No. I get off at Town Point. I go down the pilot ladder
22 onto the tugboat.

23 Q. Okay. And is, basically, the situation reversed for bringing
24 a ship into one of those facilities?

25 A. Yeah.

1 Q. Okay. So the tugs meet the vessel --

2 A. We meet it a little bit on inbound. We'll go out a little
3 bit further, usually somewhere between PMT and Buoy 36, somewhere
4 in that -- usually before Buoy 36, I'll go up and look things
5 over. And he'll tell me what the ship's doing -- dead slow ahead,
6 he's got starboard 5, bringing her around to line up for the
7 branch. And he'll say -- I'll tell him, I'll say, it looks good;
8 I've got her, got her. And he'll say okay.

9 Q. Okay. So I'm familiar with the situation that -- I guess the
10 towing vessel situation, where the lines were on the morning of
11 the incident. Can you describe generally where the tugs are when
12 the ship's getting pulled off and then as it transits up the
13 river?

14 A. Well, it depends on what type of tugs you have. If you have
15 a tractor tug, for instance, you would -- I would put him -- a
16 tractor tug, I'd have him in the center lead aft. But with a twin
17 screw tugboat, which I had that morning, you'd put him on the
18 starboard quarter.

19 Q. Okay. And by center lead aft, you mean basically a line
20 straight off the stern --

21 A. Correct.

22 Q. -- to the bow of the tractor tug?

23 A. Correct.

24 Q. Okay. And then --

25 A. Because the tractor tug is capable of swinging -- working

1 either direction back there. The twin screw tug is not capable of
2 doing that.

3 Q. Okay. And then up on the bow?

4 A. There, again, with a tractor boat, I would have had him on
5 the starboard shoulder with a line. But with the twin screw boat,
6 I had him through the bullnose, center lead forward.

7 Q. Okay.

8 CWO [REDACTED] And Captain, I just want to be clear. That day,
9 you had -- you did not have a tractor tug?

10 MR. PERRY: I did not. It was two twin screw tugboats.

11 CWO [REDACTED] Two twin screw. And the positions that you
12 placed them were, again --

13 MR. PERRY: One on the starboard quarter with a line, one
14 through the bullnose with a line.

15 CWO [REDACTED] Roger.

16 BY LT [REDACTED]

17 Q. And after that turn is made, you said that you usually
18 disembark around Town Point?

19 A. Correct.

20 Q. Do those towing vessels stay --

21 A. No, that's the --

22 Q. -- in line on the ship?

23 A. No, that's the end of their responsibility for the ship.
24 Their passage or whatever you want to call it at that point is
25 finished. The job is finished at that point.

1 Q. Okay. But between the -- basically, between the turn at
2 Money Point and reaching Town Point, do the tugs keep lines on the
3 whole time or --

4 A. The forward tug, if he's through the bullnose, I will
5 transfer him back to the starboard shoulder, which is what I did
6 that morning. With the aft tug, you wouldn't leave him on the
7 starboard quarter, but if you had him in the center lead, you
8 would leave him there. Center lead aft.

9 That morning, I did not re-tether him in -- the twin screw
10 tug in the center lead. I just told him to follow me out. He
11 could work either side of the, what we call the rumble. He could
12 put his nose up to it. This is the rumble of the ship. He could
13 put his nose up to either side, and if I needed a push, he could
14 have pushed me either way I wanted to go.

15 Q. Okay. All right. So sir, can you walk us through, I guess,
16 this specific morning in question on the 23rd, generally what
17 happened, in your words?

18 A. I pulled the ship off. Went dead slow astern on the ship's
19 engines. I used the *G.M.* to push the stern and get her lined up
20 the way I wanted her, the correct angle to proceed down the river,
21 and stopped him. I used the *Nancy McAllister* -- he informed me --
22 the captain informed me that he could work across the bow of the
23 ship in either direction, that he wouldn't have to actually push
24 on the bow; he could work against his line in either direction.
25 So that's what I did. I used the *Nancy* to basically steer the

1 ship from the bow as we backed down the river.

2 When I was abeam or roughly abeam of IMTT, I stopped the
3 engine at that point. The stern was, in my opinion, a little too
4 far to the south. So I, instead of pushing the bow -- I didn't
5 want to actually get the bow to the south, which I would've had to
6 push the bow to the south to get the stern to go to the north. So
7 instead of doing that, I came ahead on the *G.M.* to push the stern
8 towards the north.

9 When I got I don't know how far past IMTT, I put the ship
10 dead slow ahead, which is what I would normally do to start
11 bleeding off the speed to make the turn at the turning basin. A
12 little further along, I noticed that we weren't slowing down as
13 much as what I would like, so I put the ship slow ahead. We were
14 still not slowing down after another 30 seconds or a minute; I
15 realized we still weren't slowing down. That's when I walked out
16 to the extreme starboard side and looked down at the *G.M.* and
17 realized he was almost flat alongside pushing full. He was full
18 ahead like I had ordered, but he was nowhere near up on a 90 or
19 anywhere close to it. He was maybe at a 30-degree angle at most.
20 Basically pushing me straight astern. That's why the speed wasn't
21 bleeding off like I expected.

22 At that point, I put the ship half ahead and ordered the *G.M.*
23 to stop and back full flat alongside the ship. He did stop, but I
24 never noticed any quickwater. I was looking straight down at him.
25 I never noticed any quickwater coming out from under the tugboat.

1 I then ordered the *Nancy* to go out on his line straight ahead of
2 the ship and back full. He did that. And by that point, we were
3 passing the offshore dolphin of DCP, and I had ordered the ship
4 full ahead. I think at the same time, if I remember right, when I
5 put the *Nancy* backing full in the bullnose, I put the ship full
6 ahead. And using the rudder, she was -- the ship was taking a
7 dive slightly towards the pier. So I used the rudder, put a hard
8 right on the rudder to lift her off the pier some. Once she
9 lifted, I put the rudder back midship.

10 As we went past the offshore dolphin, everything was fairly
11 good. I mean, I was pretty certain she was going to stop in time;
12 she wasn't going to hit anything. She did stop, and by that time,
13 the *G.M.* was completely inside the offshore dolphin at DCP. And
14 when she -- the ship came to a stop, I stopped the *Nancy*, and I
15 noticed that the *G.M.*'s stern was starting to swing away from the
16 ship. And I told them, I said, watch your stern. I told them on
17 the radio, watch your stern. I said, *G.M.*, watch your stern. And
18 his reply was garbled somewhat, but it -- I think he was saying,
19 I'm trying to but you've got too much headway. And I didn't have
20 any headway on the ship. There was zero headway.

21 By the time they got the engine stopped, we did build up a
22 little bit of headway, about half a knot, maybe, coming out of
23 there. Once the stern of the ship -- well, then the *G.M.*'s stern
24 kept swinging. I never saw him -- I never saw any quickwater to
25 indicate to me that he was doing anything with the engines, but

1 the stern swung up, and at about a 45-degree angle from the ship
2 he contacted the wooden part of the pier.

3 (Cell phone toning)

4 MR. PERRY: Sorry about that, guys.

5 CWO [REDACTED] It is duck hunting season.

6 MR. PERRY: I guess I should turn that off.

7 MR. FURUKAWA: You don't have to identify yourself, I guess.

8 MR. PERRY: That was a duck, by the way.

9 That's -- about a 45-degree angle from the ship he contacted
10 the wooden part of the structure, and the stern continued swinging
11 until he was approximately at a 90-degree angle to the ship. And
12 then he continued to swing as we -- as the ship came out of the
13 slip, with the slight amount of headway we have, his tug swung
14 around till he was head to head with the ship. And when the stern
15 of the ship came out past the end of the dolphin, I backed the
16 ship dead slow astern just to kill the -- what little headway we
17 had. And when she was dead in the water, I swung the bow to the
18 port and then proceeded on out the river.

19 BY LT [REDACTED]

20 Q. Okay. So I'm going to back up, sir, and go -- kind of go
21 through some of the, I guess, procedural steps and some amplifying
22 questions on, I guess, where you were. So when you first boarded
23 the ship, I understand you came from the *Nancy*? How did you get
24 to the --

25 A. I did board off -- I got on the *Nancy*, I guess, at the

1 Norfolk Southern coal pier. They picked me up there. And I
2 boarded the ship off the *Nancy*.

3 Q. Okay. Once you boarded the ship, what kind of, I guess,
4 steps did you go through or process did you go through?

5 A. As to what?

6 Q. Well, so I understand that you did sign the master-pilot
7 exchange card. So was that conducted? How did you establish
8 radio communications with the towing vessels?

9 A. Basically turned my radio on, told them which channel. I was
10 Channel 65, which is Moran's main operating channel. Then I told
11 the tugs, both tugs to shift to Channel 80 Alpha, which is our
12 ship docking channel. And basically, you know, I looked things
13 over. I told Than it looked good to me. And that was -- back up.
14 I'm thinking about an inbound job.

15 We went down to Town -- I mean, well, ERT on the tug. I went
16 down to ERT on the *Nancy*. I boarded the ship via pilot lighter on
17 the starboard side. Went up to the bridge, met the captain. Than
18 showed up a few minutes later, and he and I, you know, greeted
19 each other. I got the tugs on the right channel, 80 Alpha. Told
20 them where to make fast. And once everybody was ready, I told the
21 captain to let go all of his head lines and all of his stern
22 lines, and then the spring lines. And from there on, we proceeded
23 with the job.

24 Q. Okay.

25 CWO [REDACTED] Just a point of clarification. This is Chief

1 Warrant Officer [REDACTED] When you said you met Van, who --

2 MR. PERRY: Than.

3 CWO [REDACTED] Than?

4 MR. PERRY: Than Green, the state pilot.

5 CWO [REDACTED] Than Green. And he was -- he's the Virginia
6 state pilot?

7 MR. PERRY: Correct.

8 CWO [REDACTED] Roger. Thank you.

9 BY LT [REDACTED]

10 Q. And so when you established radio contact on 65 and then
11 switched to 80, was that on the ship's radios? Did you --

12 A. That's on my walkie-talkie.

13 Q. Okay. Okay. Do you -- how many radios do you carry with
14 you?

15 A. Two.

16 Q. Two? Okay. So once you began the unmooring evolution, where
17 was your location on the vessel?

18 A. I generally roam from side to side, depending on what I need
19 to look at, at the moment. As I'm leaving the dock, I'll be on
20 the port wing. In this particular job, I was on the port wing.
21 Once I get in the middle of the river, I generally go inside, and
22 I'm somewhere around the midship area so I can watch the bow. If
23 I need to see where my stern is, I'll walk out and look out the --
24 you know, walk outside and look at the stern, see am I going to
25 starboard side, am I going to port side. So I'm basically going

1 from side to side, just looking at what I need to look at.

2 Q. Roger. Do you have any personal navigation equipment? I
3 know the state pilots have PPUs. Do you have anything that you
4 use?

5 A. No.

6 Q. Is there any ship's equipment that you generally use to
7 navigate?

8 A. The radar, the chart navigator. And I also, with the state
9 pilot's direction, can use their PPU sometimes, which is what I
10 normally do.

11 Q. Okay. So on this incident or on the day in question, can
12 you, I guess, provide a little bit more information of where you
13 were on the bridge of the vessel? So you said that you started on
14 the port side, then you were in the house. Did you transit at all
15 to the starboard bridge wing?

16 A. I don't believe I did until we got somewhere around the IMTT
17 area, then I would have walked out on that side. And I know I
18 walked out when I realized that she wasn't bleeding her speed off
19 like I thought. And I know for a fact then I went over to the
20 starboard wing and looked down at the tugboat.

21 Q. At the G.M. So during your portion of the transit, while
22 you're in the pilothouse of the ship, do you have established
23 lookouts that you talk to at all?

24 A. No.

25 Q. Okay. Just communicate with the towing vessels?

1 A. Um-hum.

2 Q. Okay.

3 A. The towing vessels generally are my lookouts. If they see
4 something that's not right, they'll notify me or alert me to it.

5 Q. Okay. Can you, I guess, describe a little bit more of what
6 that might look like? I guess in previous situations, have you --

7 A. It could be a small boat, a small vessel, sailboat, a small
8 vessel approaching. Debris in the water. Anything they see
9 that's not normal, they'll alert me to.

10 Q. Right. Roger. So during your transit between the facility
11 and Money Point -- so I understand the engine commands, but can
12 you tell me where the rudder was at for the deep draft ship?

13 A. It was -- rudder was midship the whole transit until I was --
14 I put her hard right to facilitate lifting her off away from the
15 DCP dock. Other than that, the rudder was midship.

16 MR. VENTKER: This is Dave Ventker. I just want to make sure
17 DCP dock and the NGL dock are the same dock.

18 MR. PERRY: Yes.

19 MR. FURUKAWA: DCP is the same as NGL? (Indiscernible).

20 LT [REDACTED] Formerly it was DCP Midstream, and now it's NGL
21 Energy Partners.

22 MR. JACKSON: It's changed names again?

23 UNIDENTIFIED SPEAKER: Yeah, in March. I think -- yeah, in
24 March they bought it.

25 BY LT [REDACTED]

1 Q. So sir, you said that you were directing the *G.M.* to push you
2 astern. Do you typically --

3 A. I was directing him to push me towards the north, not astern.

4 Q. Roger. Roger. Do you typically give the towing vessel helm
5 commands? Because I understand that there's, you know, backing
6 full, pushing full.

7 A. Not normally. But there are cases when I will tell the tug
8 operator to give me a hard right rudder, to put -- if I want to
9 push a ship down the pier, if I'm alongside a pier, I'll tell them
10 either right rudder or left rudder. There might be a case where I
11 would tell hard right and give me a full twist on your engines.
12 That would indicate which engines to twist which way. A capable
13 tug operator would know what I'm talking about. If I didn't think
14 he was capable, I might even go further detail and tell him which
15 engine to put ahead, which engine to put astern. But all of our
16 operators are knowledgeable enough to know if I say hard right and
17 a full twist, they know which engines that I want twisted in which
18 direction.

19 Q. So on this, on this -- the morning of this incident, do you
20 recall giving any rudder commands to either of the towing vessels?

21 A. I did not.

22 Q. Okay. So during the transit -- and this is kind of going
23 back to a general scenario -- between Gilmerton and Money Point,
24 is there, I guess, a normal transit speed that the deep draft
25 vessels will back up the river until they reach Money Point?

1 A. Each ship is different. Depending on the power of the ship,
2 the size of the wheel, it all varies. It's just something that
3 you feel. It's something that you learn over time. That's part
4 of our training when we learn to do the job. That's why you ride
5 the ships. You learn how to, you know, you learn how to do it.
6 And part of it is recognizing the speed at which you need to do
7 certain things.

8 Q. Okay.

9 A. And part of it also depends on the direction, the speed of
10 the current too. That would affect your speed.

11 Q. Okay. Do you recall, I guess, the current situation, the
12 current situation --

13 A. It was ebb current. I don't recall exactly what point in the
14 evolution of the current we were at, but it was -- I think it was
15 just about mid-ebb tide. Mid, I think. Right offhand, that's
16 what I'm going to say, anyway. I might be off it a little bit on
17 the actual time of the -- or the strength of the current. But it
18 was, it was definitely ebb current.

19 Q. Roger. And can you walk me through again, sir, the situation
20 basically between IMTT and once the vessel is coming forward
21 again? So I understand that the vessel was -- the deep draft
22 vessel was astern propulsion. The *G.M. McAllister* was trying to
23 push astern, and then the *Nancy* was working the bow. Can you walk
24 me through again some of the commands that you gave to the *G.M.*
25 and to the *Nancy*? That way I can kind of understand this, kind

1 of, order of events where all of these different vessels were
2 maneuvering?

3 A. Can I read from what I've written to --

4 Q. Yeah. Yeah, sure.

5 A. -- jog my memory?

6 Q. Yeah.

7 A. All right.

8 Q. Yeah, I understand it was 3 weeks ago, so things can
9 definitely get lost with time.

10 MR. FURUKAWA: Can we have a copy of that also?

11 MR. PERRY: You can.

12 MR. FURUKAWA: Okay.

13 LT [REDACTED] There you go.

14 MR. FURUKAWA: Put it the --

15 LT [REDACTED] Yeah.

16 MR. STANCLIFF: This is Steve Stancliff. Before we go on, is
17 it possible for all of us to get copies so we can follow along?

18 LT [REDACTED] Once it's provided to the Coast Guard, we're not
19 necessarily going to give out copies. It's up to you if you would
20 like to give them, but the Coast Guard is not going to disseminate
21 it.

22 MR. PERRY: At this time I don't think I'm going to do that.

23 LT [REDACTED] Okay, yeah. That's fine.

24 MR. PERRY: All right. At some point just off ERT Number 1,
25 I stopped the G.M. This is when we were positioning the ship.

1 And was able to steer the ship downriver using the *Nancy* to push
2 the bow both to port and to starboard. As we were going by IMTT,
3 I thought that the stern of the ship was a little too far to the
4 south. Since my bow was where I wanted it to be, I told the *G.M.*
5 to come ahead full on the starboard quarter in order to push the
6 stern of the ship to the north.

7 As we passed IMTT, I stopped the engine on the ship. When
8 the stern of the ship was approximately halfway between IMTT and
9 DCP Mid-Atlantic, I put the ship's engine dead slow ahead. Thirty
10 seconds to a minute later, and then the -- of course, the
11 timeline, I'm not 100 percent sure of it.

12 LT [REDACTED] Right. Yes, sir.

13 MR. PERRY: Thirty seconds to a minute later, I noticed we
14 were not slowing down as much as I would have expected, so I
15 increased the ship's engine to slow ahead. Another 30 seconds to
16 a minute, I noticed that we were now approaching the DCP terminal
17 at a faster speed than we should and realized something was wrong.
18 I increased the ship's engine to half ahead and ran over to the
19 extreme starboard side of the bridge wing where I could see the
20 *G.M.* He was full ahead like I had ordered, but he was at such a
21 shallow angle to the keel of the ship that he was basically
22 pushing me astern as hard as he could.

23 I immediately ordered the ship to go full ahead on its engine
24 and ordered the *G.M.* to stop and back full flat alongside the ship
25 in order to help slow down the ship. The *G.M.* stopped its

1 engines, but I never saw any quickwater from beneath his tug
2 indicating that he was backing. At this point, the stern of the
3 ship had passed the outermost concrete dolphin at DCP Mid-
4 Atlantic. I ordered the *Nancy* to fall out ahead of the ship and
5 to back full to also help stop the ship. I looked down at the
6 *G.M.*, and as she was passing the outermost concrete dolphin, and
7 seemed to be just laying there all stopped -- as she was passing
8 the outermost concrete dolphin, and she seemed to be just laying
9 there all stopped. It is to be noted here that the *G.M.* was
10 laying with her starboard side to the ship and her bow pointed
11 towards the stern of the ship.

12 As the ship came to a stop, I noticed that the *G.M.*'s stern
13 was starting to swing outward away from the hull of the ship. I
14 told the *G.M.* to watch your stern. I think his reply was that he
15 was trying to but my forward motion was hurting him. We had no
16 forward motion; we were stopped. I stopped the ship's engine and
17 stopped the *Nancy*. By the time they got the engines -- the ship's
18 engines stopped, we had very minimal headway, less than half a
19 knot.

20 The *G.M.*'s stern kept swinging out away from the side of the
21 ship until it was approximately a 45-degree angle to the ship,
22 where it then made contact with the wooden finger pier portion of
23 the DCP Mid-Atlantic dock. His stern kept swinging unchecked
24 until it reached an approximate 90-degree angle and had taken out
25 a portion of the wooden pier and finally came to a stop.

1 I kicked the ship's engines dead slow astern for about 15
2 seconds in order to stop the headway that we had. The state
3 pilot, Than Green, immediately notified the Coast Guard by radio
4 and received permission to proceed by sea -- to sea. By this
5 time, the *G.M.*'s stern had come clear of the pier. I told him to
6 take in his line and follow me out the branch.

7 CWO [REDACTED] This is Chief Warrant Officer [REDACTED]

8 BY CWO [REDACTED]

9 Q. You used the term quickwater a couple times in there, and I
10 think you're referring to the screw discharge; is that --

11 A. Correct.

12 Q. Is that correct?

13 A. Correct.

14 Q. Okay.

15 A. Wheel wash.

16 Q. Yeah. Yeah, I just want to clarify that for --

17 A. And I was approximately, I'm guessing, 30 feet above him
18 looking straight down at him. So he was directly below my
19 position.

20 Q. I understand.

21 BY LT [REDACTED]

22 Q. So, Captain, from your towing vessel experience, you
23 mentioned how the vessel was not stopping as quickly as you
24 expected it to, and then when you came on the bridge when you saw
25 the position of the *G.M. McAllister*. From your experience on

1 towing vessels, is that -- was that unusual in that, if the vessel
2 was moving astern, the *G.M.* would not be able to be pushing at a
3 90? Or was that angle, between 30 or 45, is that to be expected
4 with a twin screw tug?

5 A. Depending on the rudder power of the individual tug, it could
6 vary. Some tugs might have gotten up on a greater angle than the
7 *G.M.* was. It's hard to -- from my experience, I will say a twin
8 screw tug is not going to get up on a 90-degree angle.

9 Q. Okay. And then a little bit -- once you told the *G.M.* to --
10 (indiscernible). Once you told the *G.M.* to back full, the *G.M.*
11 stopped. You said the *G.M.* stopped its engines. Can you tell me
12 where the line was leading from the ship to the *G.M.* and, I guess,
13 what the strain or load on the line was?

14 A. I can't talk as to the strain. Because once it's tight, it's
15 tight, and, you know, as far as I'm -- I don't have a tension
16 meter. I don't know if he does or not on that tug. His line was
17 leading from his -- the tugboat's bow, aft, slightly to the chock
18 on the -- in other words, he had a strain -- the tug -- the ship
19 was basically pulling the tug along.

20 Q. Okay. So at that point the tug was not pushing the ship
21 towards the facility; it was leading aft -- well, forward along
22 the deep draft?

23 A. Before I stopped the tugboat, he was pushing me towards the
24 facility. He was pushing me aft because of the angle he was on.
25 He was pushing me more aft than he was to the -- I wanted him to

1 push me to the side. He was not pushing me to the side at all.

2 Q. And then you told him all stop.

3 A. Told him to stop and back full flat alongside the ship to
4 help stop the sternway.

5 Q. Okay. And at that point, the line was -- the ship -- the
6 *Confidence* was basically pulling the *G.M.* down?

7 A. Correct. But the line was tight. I don't know if you'd say
8 he was pulling him, but she was --

9 Q. It was tight?

10 A. The line was tight at that point, yeah.

11 Q. Okay. Did you see the point when the *G.M.* came and -- I
12 guess the closest point that the *G.M.* came to that concrete
13 dolphin? Did you observe that point?

14 A. I was looking at everything. I did not see how close he
15 came. I mean, I didn't see him -- if he contacted it at all, the
16 tug -- I never saw the tug jerk or move any. I'm not going to say
17 he didn't contact it, but if he did, I didn't see it.

18 Q. So when the tug came past that point, was the *G.M.* flat along
19 the *Confidence*, or was it at some sort of degree leading --

20 A. When we went by the dolphin?

21 Q. Yes, sir.

22 A. He was pretty flat alongside the ship.

23 Q. So after the -- after you gave him the back full direction
24 and then came past the concrete dolphin, did you give him any
25 further commands from that point? Because you mentioned that he

1 swung out and basically --

2 A. Yeah. The only other command I gave him was, *G.M.*, watch
3 your stern.

4 Q. Okay. Did you have any expectation for him to do anything?
5 Like, I know you didn't communicate anything to him. But I guess,
6 what would you have expected him to -- the tug vessel operator to
7 do in that situation?

8 A. I would have expected him to twin screw with hard left rudder
9 to keep his stern pinned to the side of the ship.

10 Q. Okay. And then once the vessel started forward movement,
11 what would you have expected him to do?

12 A. I would have still expected him to keep his stern pinned to
13 the side of the ship till we got out past that dolphin.

14 Q. Okay.

15 BY CWO [REDACTED]

16 Q. Captain, earlier you said that -- this is Chief Warrant
17 Officer [REDACTED] Earlier you said that any capable tug operator
18 would know specific helm commands that you would give.

19 A. Correct.

20 Q. You remember that?

21 A. Um-hum.

22 Q. So on this day with these two tug operators, were they
23 capable?

24 A. I can only assume they are because they work for McAllister.
25 I don't know that I've ever worked with these two guys. I may

1 have. I just -- I don't know the guys at McAllister like I know
2 the guys at Moran, so I can't speak as to whether I have ever
3 worked with these two before. I probably have. And I assume
4 they're capable.

5 Q. Okay. Let me follow up on that then, okay? Because whenever
6 we make assumptions, right, things -- it's not concrete, right?
7 What steps did you take this day, if any, to determine their
8 capability of operating those tugs in a manner that you would want
9 them to operate?

10 A. I didn't take any steps. I assumed that because they were a
11 captain from McAllister they were capable of operating the
12 tugboat.

13 Q. Okay. Let me ask you this, then. We had twin screw vessels,
14 tugs, this day. And you mentioned prior to, there's tractor tugs.
15 And the tractor tug -- what's the difference between those tugs?

16 A. A tractor tug has twin azimuthing pods underneath it, contain
17 the propeller. And that's also their means of steering. They can
18 turn that azipod any direction they want to steer that tugboat.
19 It also makes the tug very, very maneuverable, way over and above
20 what you can do with a twin screw tug.

21 Q. Okay. And so I just want to -- you know, I'll turn it back
22 to my partner, but I just want to clarify this. So you got on
23 this vessel, right, with two operators who you might know or might
24 have worked with; not really sure.

25 A. Correct.

1 Q. And you were using tugs that were -- and clarify me if I'm
2 putting words in your mouth -- using tugs that primarily are not
3 as maneuverable and efficient as a tractor tug. And I'm just
4 trying to say, like, what steps did you take as the docking pilot,
5 right, the person to overcome those kind of barriers, right? You
6 have a tug that's not as maneuverable.

7 A. I relied on my experience. I've docked -- done that job
8 many, many, many times using twin screw tugs over the years before
9 we ever got a tractor tug in this harbor. That's all we used for
10 years was twin screw, even single screw tugboats. I've done it
11 with single screw tugs.

12 Q. Do you recall the last time you did it?

13 A. I don't.

14 Q. Would you say it's a week, a month, a year?

15 A. I have no idea.

16 Q. You primarily work with which company again? Moran?

17 A. Moran. Moran Towing.

18 Q. Moran? Moran. How many twin screw vessels do they have?

19 A. In this port? In this town?

20 Q. In the -- in their fleet.

21 A. None.

22 Q. So primarily you work for Moran with tractor tugs?

23 A. Correct.

24 Q. Okay.

25 BY LT [REDACTED]

1 Q. So sir, during the whole maneuvering evolution up to Money
2 Point, can you describe to me what the Virginia state pilot was
3 doing? From what I understand, he was on the bridge as well.

4 A. I wasn't watching him. I know he contacted Coast Guard Group
5 Hampton Roads to get permission, as they always do, permission for
6 the ship to sail. Other than that, he was doing his business and
7 I was busy doing my business. I wasn't watching him.

8 Q. Okay. I guess, what exactly do you mean "he was doing his
9 business"?

10 A. Well, he's getting his computer set up, make sure the radars
11 and everything were to his satisfaction, the radios on the channel
12 he wanted them on.

13 Q. Was he doing that during the transit or before the vessel
14 departed the pier?

15 A. I have no idea.

16 Q. Okay. During general, you know, undocking and transiting
17 situations, you said that you usually transfer the command or
18 direction of the vessel to the Virginia state pilot around Town
19 Point.

20 A. Correct.

21 Q. Does he provide any navigation input before that point?

22 A. He can. Normally he wouldn't. But if there's something that
23 he sees that isn't correct or he thinks is not right, he'll say
24 something to me.

25 Q. Can you give me an example of what that might look like?

1 A. No, because it very, very, very rarely would happen. I mean,
2 it's -- it would have to be an extreme situation for them to say
3 something like that. I mean, it's -- I'm trying to think. If
4 there was a -- some vessel that all of a sudden appeared somewhere
5 that we weren't aware of, he might jump in and say, you see that?
6 Or, you know, he'd say -- it could be a vessel backing out of a
7 slip somewhere, and he'll say, Dave, you see that tug coming out?
8 And he'll then contact -- he pretty much runs the ship's radio at
9 that, at -- you know, during the transit. So he'll try to
10 contact, if it's a tug and a barge or whoever, and make sure that
11 we are on the same page, we have passing agreement agreed to and
12 all like that.

13 But normally during our -- a normal job, I will not get any
14 input from the state pilot. They trust in our judgement, you
15 know, to do the job. We've done it for years. And they pretty
16 much don't -- unless there's something they see very wrong, they
17 generally don't interfere with us.

18 Q. Okay. On the morning of the incident, did the Virginia state
19 pilot say anything to you during the transit up to Money Point?

20 A. Not until the very end, and he came out to look. And when I
21 asked the captain if he was sure the ship's engine was full ahead,
22 Than went inside to look at the telegraph and make sure it was
23 rung up full ahead, and he came out and told me it was.

24 Q. Okay. So did he provide any sort of navigational input or
25 advice or anything?

1 A. No.

2 Q. Okay.

3 MR. JACKSON: I'm going to -- this is Brant Jackson. I want
4 to speak to the navigational input of the Virginia pilot.
5 Generally on the Southern Branch or the Eastern Branch, very tight
6 quarters. The most important role the branch pilot plays for us
7 is -- when we're on the bridge wings maneuvering the vessel, it's
8 very hectic. There's a lot going on, and there's generally the
9 language barrier with the foreign crews. And the largest role
10 that the Virginia pilot will play in that is he'll be inside the
11 wheelhouse ensuring that the commands he hears us give -- dead
12 slow ahead, rudder commands, whatever -- are actually being
13 followed by the ship.

14 And it's very common for rudders to go the wrong direction.
15 It's very common for the engines to go the wrong direction. It's
16 very common for them to give the command correct and the mechanics
17 not work correctly. So they're watching the tachometer of the
18 vessel, the rudder angle indicator, things of that nature to make
19 sure. And it comes up quite often, actually, where a command is
20 missed. So that's the most important role they play for us on the
21 Southern Branch and the Eastern Branch, is to ensure that our
22 commands are being followed, because we don't necessarily have the
23 time to talk to the tugboats and watch the tachometer with every
24 single move that's going on when we're in proximity to the docks.

25 LT [REDACTED] Okay.

1 BY CWO [REDACTED]

2 Q. So, Captain, with everything the president just said, did any
3 situation resembling that, where there was wrong helm commands,
4 wrong speed, anything communicated between the pilot and yourself
5 on this trip, this particular trip?

6 A. Between the pilot and me?

7 Q. Yes.

8 A. No, sir.

9 Q. So all the things that he just explained, right, are not
10 applicable in this particular instance, right? All the commands
11 that you gave the ship and the speed changes that you gave the
12 ship were accurate, or at least weren't observed inaccurate by the
13 pilot.

14 A. Correct.

15 Q. Okay. Let me -- and if I could clarify something else too,
16 because docking pilots have always -- it's a weird relationship.
17 Because the pilot's compulsory, right? Regulatorily, he has to be
18 there.

19 A. Right.

20 Q. He's responsible for that vessel's transit as a guide, right,
21 from point A to point B, right? When he's alongside the dock,
22 he's still responsible. Just because he has assistance from you,
23 right -- but you don't work for the pilots, right?

24 A. No.

25 Q. You work for who?

1 A. I work for the ship.

2 Q. You work for the ship. So the ship hires you.

3 A. Correct.

4 Q. Is that correct? And the ship hires you through what
5 process? How did -- how does the ship know to say, I want this
6 docking pilot?

7 A. They don't. They hire Moran tugboats, and whichever docking
8 pilot is on duty at that time is assigned to that job.

9 Q. Okay. So they have to have tugs, and they have to have a
10 pilot, right? And then as a part of that package, the towing
11 package for Moran, you're hired by them.

12 A. Correct.

13 Q. And then the ship pays you directly, or does Moran --

14 A. No, the ship pays us directly.

15 Q. The ship pays you directly. All right. So just kind of for
16 the docking pilots -- now you said you've been doing this for a
17 while and you have an extensive amount of experience. And so the
18 docking pilots, when they come on a boat, right, they get -- the
19 Moran tugs come or whoever they hire, and you come on that boat.
20 Do you have a standard operating procedure prior to getting
21 underway that you go through, like a checklist? Say, hey, I want
22 to make sure the radar works, I want to make sure the radios --

23 A. On the tug or the ship?

24 Q. On the ship, right. Because that's where you're working.

25 A. I don't have a checklist of my own, but I'll make sure that

1 any equipment that I'm going to be using during that transit is
2 working before I leave the dock.

3 Q. And on this day, did you do that?

4 A. Yes.

5 Q. And was all the equipment working?

6 A. Everything was working.

7 Q. When you --

8 MR. JACKSON: Can I --

9 CWO [REDACTED] Sure.

10 MR. JACKSON: This is Brant Jackson again. We don't have a
11 checklist that's written down, but I would say there is a
12 checklist of things that are done.

13 CWO [REDACTED] What is that checklist?

14 MR. JACKSON: It's the same things that he, that he's done.
15 I speak to that as someone who apprenticed under Captain Perry.
16 You know, the same things are done all the time. You board a
17 vessel, you enter it -- and again, depending on the geographic
18 location that you're going and the situation, it could be a little
19 bit different everywhere, but let's use the Southern Branch, for
20 example.

21 CWO [REDACTED] Sure.

22 MR. JACKSON: In or outbound, two biggest things on your
23 mind: the draft of the vessel, because of the shallow water down
24 there and the banks and suction and cushion and all of that; the
25 height of the vessel, because of the bridges. So those are things

1 that are going to naturally be checked before the transit starts
2 in or out.

3 A conversation with the captain about the equipment on the
4 vessel: Is everything working properly, yes or no? Any
5 characteristics of the vessel, the captain will generally bring to
6 mention. If it's not a standard right-handed fixed propeller, he
7 may mention that, you know, it's a controllable pitch propeller.
8 I have, you know, a slow rudder; I have a fast rudder response.
9 Things of that nature, you know, he's going to -- he knows his
10 vessel and he's going to kind of give you the broad strokes of it
11 right away.

12 MR. PERRY: Becker rudders. Some of them have Becker
13 rudders, he'll notify me of that.

14 MR. JACKSON: And, you know, one of the things nowadays with
15 the tractor tugs is the strength of the bollards and the bits on
16 the ships. So that's part of the checklist too before we're
17 getting going, making fast the tugs appropriate location on the
18 ship that can handle the tugs or -- you know, so that we can know
19 this is our limiting factor and whatnot. So it's not necessarily
20 a written checklist, but there is kind of a turnover process in
21 our mind that gets done every time. We're not necessarily going
22 through -- so when he said there's -- he doesn't have a checklist,
23 he's going through the same steps on every vessel. It's just
24 mental and not physical.

25 CWO [REDACTED] I got you. I got you.

1 BY CWO [REDACTED]

2 Q. On this day, right, did the captain provide you with any
3 amplifying information?

4 A. No. He said everything was working in correct order.

5 Q. He didn't discuss the bollards or any of the --

6 A. I asked him the strength of the bollards. I don't remember
7 what it was now. But the tugs I had were probably not capable of
8 pulling them out. It's the tractor tugs that we're more concerned
9 of with the bollard strength. The twin screw tugboats, we never
10 had that problem. When Moran had twin screw tugboats here in this
11 harbor, we never had that problem. So it's just the advent of the
12 tractor tugs that you -- has brought on that part of the checklist
13 where you have to make sure the bollards are strong enough.

14 Q. What about the draft? Did you know the draft?

15 A. Draft was 32 feet, I want to say 7 or 8 inches. I'm not
16 exactly sure. If I remember correctly, it's 32 and either 7 or 8.
17 But less than 33 feet.

18 Q. Okay.

19 CWO [REDACTED] And going back to you, sir, Mr. Jackson, is there
20 a particular reason why there's not a checklist? I mean, because
21 we just identified multiple things that could be different. The
22 propellers could be different, you know, the bollard might not be
23 -- the strength might not be important. So every ship has its own
24 different characteristics. And to avoid missing something --
25 we're all tired; there's a lot of things that could go wrong. Is

1 there a particular reason why the Association of Virginia Docking
2 Pilots doesn't have some type of checklist?

3 MR. JACKSON: Well, the checklist that you're referring to is
4 inherently on every vessel, the master-pilot exchange with the
5 pilot card.

6 BY CWO [REDACTED]

7 Q. And did you participate in that?

8 A. I believe I did. At this particular point I don't really
9 remember, but I normally do. I'm going to assume I did that
10 morning.

11 Q. Okay. So you don't know for sure, fact, you know --

12 A. For a fact, I cannot say, no.

13 CWO [REDACTED] Okay.

14 LT [REDACTED] We have a copy of it here.

15 CWO [REDACTED] So you signed it.

16 MR. PERRY: If I signed it, then I participated.

17 CWO [REDACTED] Okay. And that's what you use?

18 MR. JACKSON: Yeah, that would be the standard bearer for
19 identifying the differences in every vessel that we do handle.
20 Because we do handle a different vessel every hour, every 2 hours
21 or whatever. They all have different characteristics, rudder
22 speeds, engine speeds. Dead slow ahead may be anywhere from 3
23 knots on a really slow, sluggish ship, to as much as -- I've seen
24 container ships that have 11 knots dead slow ahead engine speeds.
25 So you know, there -- you get those variations.

1 Generally speaking, you know, there are some assumptions that
2 you can make. You can assume that a ship is going to do about 6
3 knots on average on dead slow ahead. If you do come across a
4 vessel that is, say, an 8, 10-knot dead slow ahead vessel, that's
5 going to be one of the things that the captain of the vessel is
6 going to point out to you inherently when you're doing your
7 master-pilot exchange. He's going to be aware that that's above
8 the norm.

9 CWO [REDACTED] I got you.

10 MR. JACKSON: Things of that nature. The same thing with
11 backing power. A vessel's astern power with a right-handed fixed
12 propeller or even a controllable pitch propeller can be anywhere
13 from 20 to 90 percent of its available ahead power. So the
14 captains that know their vessel is underpower -- you know,
15 generally, you bank on about 40 or 50 percent. If they know their
16 vessel runs 20 percent astern power, they're going to tell you,
17 hey, dead slow astern might as well be stopped engine; you know,
18 use slow or half to start out with. That's something that they're
19 going to discuss. But all of the inherent differences in the
20 vessel will be discussed in each individual pilot card.

21 CWO [REDACTED] Okay.

22 LT [REDACTED] So, kind of, while we're on the subject of, you
23 know, checklists and things like that, does -- is there, either
24 Association of Virginia Docking Pilots or Moran pilots, is there
25 any sort of SMS or SOP that, you know, anything -- a loose

1 structure system for policy for the pilots?

2 MR. PERRY: Not as far as I know. Each pilot is an
3 independent operator. There's -- am I correct in --

4 MR. JACKSON: Well, the association does not regulate how the
5 pilots handle vessels.

6 LT [REDACTED] Okay. Does the association have any sort of, like,
7 MOA or agreement or anything with the State of Virginia pilots?

8 MR. PERRY: No.

9 LT [REDACTED] Okay. There's nothing in writing that says you're
10 operating the vessel up to a certain point?

11 MR. JACKSON: No, there's -- so between the docking pilot and
12 the branch pilots, there's no geographic locations. We can handle
13 a vessel that is being -- you know, utilizing tug assistance at
14 Cape Henry, just as easily as they can drive a vessel down the
15 Southern Branch with no tug assistance being utilized. So there's
16 no geographic definition. The best separation would be they drive
17 when tugs are not necessary for safe navigation, and we drive when
18 they are.

19 LT [REDACTED] Okay. And that's not written down anywhere?
20 There's no -- any sort of agreement to any extent between the two
21 organizations?

22 MR. JACKSON: Uh-uh.

23 CWO [REDACTED] So for my own knowledge here, how does one become
24 -- go from a tug operator to a docking pilot? There's no
25 endorsement on your license, right?

1 MR. PERRY: I'll let Captain Jackson answer that.

2 CWO [REDACTED] Is there an endorsement on the credential?

3 MR. PERRY: I have a first-class pilot's license. That's
4 first and foremost.

5 CWO [REDACTED] That's the first part.

6 MR. PERRY: Without a first-class pilot's license, you're not
7 going to be a docking pilot.

8 MR. JACKSON: That being said, you don't need the first-class
9 pilot endorsement to be a docking pilot. It's just a -- the
10 Association of Virginia Docking Pilots operating agreement
11 requires that you have first-class pilotage to be a member of the
12 association. But that is our operating agreement, and it doesn't
13 specify which piece of license you have to have. It just
14 specifies that you have to have that.

15 CWO [REDACTED] I got you.

16 MR. JACKSON: That does not translate, though, into the
17 requirement on the vessel as an advisor to the master, that you
18 have to have -- there is nothing in the law that dictates that we
19 have to be licensed in any capacity to advise the master of what
20 the vessel should be doing.

21 So to become a member of the association, you work your way
22 through the tug company. At the time that we need a new pilot, we
23 will choose an apprentice, hire them on. We run them through a
24 training program that we have set up. And time and experience
25 dictates where they go through that training program.

1 CWO [REDACTED] Okay. So there is an established training
2 program?

3 MR. JACKSON: We have a training program that we tailor to
4 each individual apprentice at the time that we hire them. And
5 it's very similar for the last several guys, but there are some
6 slight changes based on what your experience is and what your
7 skillset is.

8 CWO [REDACTED] Is there different categories of pilots? Like do
9 they say, okay, I'm a pilot; I'm going to use specific type tugs?
10 Is there any kind of clarification, or it's just kind of one --

11 MR. JACKSON: Everybody in the group is capable of doing
12 whatever the group is tasked to do.

13 CWO [REDACTED] And then you mentioned an agreement. You said
14 there's an agreement. Who's that agreement with? What is that?

15 MR. JACKSON: What agreement?

16 CWO [REDACTED] When you said it's a part of our agreement that
17 every person in our association is a first-class pilot?

18 MR. JACKSON: So the Association of Virginia Docking Pilots
19 is an LLC, so we have an operating agreement between the partners.

20 CWO [REDACTED] Between the pilots and the association?

21 MR. JACKSON: The association is a partnership of nine
22 pilots.

23 CWO [REDACTED] Okay. And so that's who the agreement is with?

24 MR. JACKSON: Correct. It's the operating agreement. You
25 know, any LLC, any company has to have an operating agreement to

1 be formed as a company. So we have an agreement amongst the
2 partners to form the company.

3 CWO [REDACTED] Is there -- Virginia state pilots have, like, a
4 board. They evaluate things; it may have been accidents or
5 behavior or -- does the Association of Virginia Docking Pilots
6 have such a board that evaluates performance, evaluates the
7 standards to make sure that the docking pilots are operating
8 within their agreement?

9 MR. JACKSON: Yes and no. So we do not have a board. I'm
10 the president of the group. We have a vice president. When it
11 comes to junior pilots and apprentices, the two of us make most of
12 the evaluations and decisions. A lot of that's based on input
13 from the other senior pilots that have been training the
14 apprentice. And we make recommendations based on those
15 evaluations throughout an apprenticeship until a person becomes a
16 full-share partner in the association. Once we have full-share
17 partners, we do not do any kind of evaluating process. If the
18 need arises for something to be looked at or action to be taken on
19 something, that would be a decision that would be made amongst all
20 the partners with an equal vote.

21 CWO [REDACTED] Okay.

22 MR. SALMON: Can I ask a question? This is Daniel Salmon
23 from Vandeventer. When your -- are you using the term "partner"
24 interchangeable with the senior pilots?

25 MR. JACKSON: Correct.

1 MR. SALMON: Okay. And then the junior pilots are not
2 members?

3 MR. JACKSON: They are members. Everyone is an owner, has an
4 ownership interest in the association. The senior partners have
5 what we call a full-share interest in that association and the
6 junior partners have a smaller percentage of that.

7 MR. SALMON: So the juniors are included in that nine that
8 you mentioned?

9 MR. JACKSON: Correct.

10 MR. SALMON: Okay. Thank you.

11 MR. JACKSON: Currently there's eight full partners and one
12 junior partner.

13 MR. FURUKAWA: What'd you say about the junior partners? The
14 last part? They're included with a vote?

15 MR. JACKSON: They do not necessarily have a vote, but they
16 do have an ownership interest in the Association of Virginia
17 Docking Pilots.

18 MR. PERRY: They have a say in meetings, but they don't have
19 a vote.

20 MR. VENTKER: This is Dave Ventker. I'm going to assume that
21 -- I do a lot of work for McAllister and McAllister's pilots. The
22 ultimate trump card over all of this is if the towing company says
23 yeah, no --

24 MR. JACKSON: Correct.

25 MR. VENTKER: -- somebody's not going to be a pilot.

1 CWO [REDACTED] And the reason why I asked those questions,
2 Captain, is so we can understand the process, right, for these
3 docking pilots. Docking pilots are unique to specific coasts,
4 right? They're not on the West Coast. The pilot takes the boat
5 out, pilot brings the boat in. So it's unique. We've had
6 multiple cases with docking pilots in the past, and I'm just kind
7 of seeing everything -- so I can understand that partnership and
8 how you acquire that position on that boat. That's the purpose of
9 that question.

10 MR. VENTKER: And again, there's one other point I want to
11 make sure is not confusing, and it's based out of something
12 Mr. Jackson said at the beginning. Docking pilots did not
13 suddenly appear in 1987.

14 MR. JACKSON: Correct.

15 MR. VENTKER: Docking pilots have been operating on the East
16 Coast since before the country was a country. What happened in --
17 it used to be that you'd send two or three tugboats out to meet a
18 ship. The senior tugboat captain boarded the ship as the docking
19 pilot. In 1987, there was a strike. And so everything changed,
20 and the docking pilots became independent contractors as opposed
21 to employees of the tugboat company. But docking pilots have been
22 docking ships for 250 years basically under the same terms. Did I
23 get that right?

24 MR. JACKSON: Yes, sir.

25 CWO [REDACTED] On the East Coast.

1 MR. VENTKER: And in the Gulf.

2 CWO [REDACTED] And in the Gulf.

3 MR. JACKSON: And that's what I was trying to convey earlier
4 with, you know -- when he says that he started with the
5 association in 1987, that was not the start of the docking career.
6 That was just -- that was when the association was formed. And it
7 was the same thing for the Independent Docking Pilots of Virginia,
8 which are affiliated with McAllister.

9 LT [REDACTED] Okay. So, Mr. Jackson, just going back to your
10 comment about the operating agreement with the pilots, does that
11 operating agreement require the pilots to have a first-class pilot
12 endorsement on their credential?

13 MR. JACKSON: It does. But not necessarily a specific first-
14 class endorsement.

15 MR. FURUKAWA: Oh, the waters that you're sailing on?

16 MR. JACKSON: So we require first-class pilotage for this
17 area, but I don't require a specific piece as a condition of
18 employment. So, for example, Captain Perry is licensed for the
19 Southern Branch of the Elizabeth River. But it's not required by
20 the association that he be licensed for the Southern Branch of the
21 Elizabeth River as a condition of his employment.

22 MR. FURUKAWA: Okay.

23 LT [REDACTED] And that -- and if he only had Southern Branch
24 pilotage, first-class pilotage endorsement, he would still be able
25 to take ships out of the Eastern Branch or out of Newport News or

1 somewhere else like that; is that -- so what you're saying is that
2 the Southern Branch first-class pilotage endorsement doesn't
3 restrict him to the Southern Branch.

4 MR. JACKSON: That is correct.

5 BY LT [REDACTED]

6 Q. Okay. So going back to -- kind of taking a step back from
7 that portion, going back to the interaction between the docking
8 pilot and the towing vessels, Captain, you said that the last
9 command that you gave was back full and then the vessel stopped,
10 came forward again. You said what you would have expected the
11 towing vessel operator to do. Is there -- have you seen any, I
12 guess, ambiguity in the commands you give to the towing vessels
13 versus what they actually do, or do they deviate from the
14 direction of the docking pilot?

15 A. No.

16 MR. STANCLIFF: Was that -- can I -- I'm sorry. This is
17 Steve Stancliff. I just want to be careful here. I think you
18 said that he said his last command was back full?

19 LT [REDACTED] Yes.

20 MR. STANCLIFF: Was that your last command to the tug?

21 MR. PERRY: My last command to the tugboat was stop and back
22 full flat alongside the ship.

23 MR. STANCLIFF: Thank you. I'm sorry. I misunderstood.

24 BY LT [REDACTED]

25 Q. So sir, going back to the question, do you see any ambiguity?

1 Is there any, I guess, leeway that the towing vessel operators
2 have based on what they're seeing or based on what their vessel's
3 doing once you give -- pass the docking pilot direction to the
4 towing vessel, is there any deviation from that?

5 A. Not unless there is a reason that the tugboat operator can't
6 do what I'm telling him to do. And he will alert me to that fact.

7 Q. Okay. Does that occur on a somewhat routine basis?

8 A. No.

9 Q. Okay. Did you reach back down to the *G.M. McAllister* once
10 you were on the bridge wing and saw what the tug vessel was doing?
11 You know, I understand that the last command that you gave him --
12 was there any more radio contact at all between yourself and the
13 *G.M.*?

14 A. Not until I told him to watch his stern.

15 LT [REDACTED] I think that's all the general questions I have
16 from the day of the incident. I know there's some, you know,
17 medical and stuff like that.

18 MR. FURUKAWA: Okay.

19 UNIDENTIFIED SPEAKER: Can I ask a few, or are you still --

20 MR. FURUKAWA: Why don't you -- see. We're going to ask
21 first. Do you want to go ahead with the medical questions or --

22 LT [REDACTED] Yeah. Yes, sir.

23 BY LT [REDACTED]

24 Q. So Captain, we're just going to go -- just a couple generic
25 questions as far as, you know, Coast Guard credential, medical

1 certificate and things like that. Are there -- do you have any
2 medical issues that are identified on your --

3 A. None.

4 Q. -- medical certificate? Okay. Captain, were you using any
5 sort of electronic devices or anything like that during your
6 transit that would have -- were separate from the maneuvering
7 evolution?

8 A. No.

9 LT [REDACTED] Questions, sir? Okay.

10 BY CWO [REDACTED]

11 Q. I just want to follow up on something. So I want to go back,
12 because you're directing these tugs, two tugs, and so it's a
13 pretty coordinated effort. So I just want to kind of understand.

14 Is there any kind of communication that you established on
15 this day with these tug operators to say, hey, this is what I'm
16 going to do, this is where I want you, this is how this is going
17 to play out? Like a safety brief, to say.

18 A. I believe just before we started the job I did tell the tugs
19 my basic plan of action so they were aware of what I was going to
20 do, which is what I would normally do. And I generally will tell
21 the tugs -- you know, especially in this case, the twin screw as
22 opposed to a tractor, I told -- I did tell them I was going to
23 back them into the middle of the river before I started going
24 astern. Other than that, there was no -- I mean, I didn't lay out
25 my entire plan, because things change. Anybody tells you they

1 know exactly what they're going to do when they dock a ship is
2 lying to you. Because the situation, anything can change it, and
3 you've got to adjust to that situation.

4 Q. It's a fluid environment.

5 A. Right.

6 Q. And were there any communication errors, like, where --
7 because you mentioned, when you were talking you couldn't really
8 comprehend what the person was saying.

9 A. There were several instances during the evolution where I had
10 trouble understanding the *G.M.* and where I had to tell him twice
11 to do something. I'm not sure if there was a radio problem on the
12 tug or what the situation on the tug was. But I did have to
13 repeat orders to that tug several times.

14 Q. Several times. Give me a ballpark figure. How many -- like,
15 five or six times?

16 A. Not that many. Maybe twice --

17 Q. Twice.

18 A. -- I had to repeat orders.

19 Q. Repeat specific orders to them.

20 A. Um-hum.

21 Q. And when they communicated back to you -- you know, like I
22 don't know how it works. In the military, like in the Coast
23 Guard, when we give a command, the person repeats the command
24 back. You know --

25 A. Generally they'll just toot the whistle one time, which tells

1 me they've heard --

2 Q. They got what you said.

3 A. Either that, or they will repeat the command into the -- into
4 their mic and I'll hear it on the radio.

5 Q. Okay. Did that occur on this day?

6 A. I believe the times that I repeated the orders, I didn't hear
7 either. And then I repeated it, and he would come on the mic and
8 repeat it back to me.

9 Q. Okay. All right. So there was some delay.

10 A. Yes.

11 Q. I got you. And those are important things because a lot of
12 times, you know, communication is key for you, right? If you --
13 on this day, when the vessel made contact with the -- was there
14 any other communications after the fact? We know the pilot called
15 the Coast Guard, but what was going on as far as communicating
16 with the tugs, assessing what had happened?

17 A. There was no communication assessing -- you mean damage or
18 anything?

19 Q. Um-hum.

20 A. There was no communication.

21 Q. And so how did the pilot -- was it visually you could see
22 that there was --

23 A. Absolutely yes.

24 Q. All right, and so -- but the tugs didn't say, hey -- they
25 didn't say -- discuss why it happened or --

1 A. No.

2 Q. -- what had happened or I didn't hear you; none of that?

3 A. No.

4 Q. Kind of just continued on.

5 A. Um-hum.

6 Q. Okay. You said you communicate with the handheld, and you
7 have two of them --

8 A. Yes.

9 Q. -- as a backup. The tugs, were they communicating with
10 handhelds, or were they communicating --

11 A. No, they have a --

12 Q. Their radio VHF?

13 A. -- hardwired radio.

14 Q. Yeah, yeah. So they were in the pilothouse communicating
15 that way.

16 A. Um-hum.

17 CWO [REDACTED] Okay. All right. Yeah, I just wanted to kind of
18 clarify that communication thing and see how it was working. And
19 so thank you.

20 MR. FURUKAWA: Okay. Jon Furukawa, NTSB.

21 BY MR. FURUKAWA:

22 Q. Captain Perry -- so let's see. How old are you?

23 A. 67.

24 Q. 67.

25 MR. JACKSON: Not for long.

1 BY MR. FURUKAWA:

2 Q. And you've been in the industry for about 48 years --

3 A. Correct.

4 Q. -- starting in 1971. You've been in the docking pilots
5 association for about 32 years, since '87. And you've been
6 working for Moran for about 34 years, since '85. Okay. When the
7 *G.M.* was next to the ship, was its bow pointed toward the ship's
8 bow or was its bow pointed to stern?

9 A. The bow was pointed towards the stern of the ship.

10 Q. Bow was pointed towards the stern of the ship. Okay. Okay.
11 Let's see. You said that for a -- if you're doing tractor tugs,
12 the aft tug would be -- you'd have him in the center and lead aft?

13 A. Right. He would be more through the center lead of the
14 ship's center lead aft chock.

15 Q. Okay. Or what did you -- where would you have positioned the
16 forward tug?

17 A. On the starboard shoulder. If it was a -- you mean if it was
18 a tractor boat?

19 Q. Um-hum.

20 A. On the starboard shoulder.

21 Q. Okay. Where's the starboard shoulder?

22 A. Where is the starboard shoulder?

23 Q. Right. Is that on the bow?

24 A. Generally just aft of the fo'c'sle, the neighborhood of the
25 number 1 hatch. Usually maybe just forward of number 1.

1 Somewhere in the area of forward of number 1 hatch in the
2 fo'c'sle.

3 Q. Okay. So when the hull starts straightening out?

4 A. Where it starts to curve on the bow usually is where the --
5 there's a, usually a chock up on the deck and a set of bits.

6 Q. Okay. Would you say it's easier to do this job with tractor
7 tugs than with conventional twin screw tugs?

8 A. In my opinion, yes.

9 Q. Okay. Other people would say it's easier with tractor or
10 with --

11 A. I don't know what other people would say.

12 Q. Okay. But for you -- okay. And let's see. And for your
13 experience, which kind of tugs have -- which ones have you
14 operated before? Twin screw, single screw, tractor tugs, Voith
15 Schneider --

16 A. My personal experience?

17 Q. Uh-huh.

18 A. Single screw, twin screw. I've never operated a tractor tug.
19 All my experience on tugs was single screw or twin screw.

20 Q. Okay. Never operated a tractor tug, but you know how to
21 pilot --

22 A. Yes.

23 Q. -- using one. Okay. Voith Schneider?

24 A. No.

25 Q. No? Do you guys have any Voith Schneider here? Okay.

1 Okay. So that -- you'll at times use the state pilot's PPU?

2 A. Um-hum.

3 Q. Did you use his PPU in this case?

4 A. I was not.

5 Q. Okay. Would it have helped if you had your own PPU? If
6 you --

7 A. I don't think so.

8 Q. But you borrow the -- or do you use these other pilots' PPU?

9 A. We ask. If I need to look at a PPU, I'll ask the state pilot
10 if I can use his or look at his PPU, and they always allow us to
11 use it.

12 Q. Was it set up this time, was it --

13 A. It was set up in the center of the wheelhouse.

14 Q. Okay. But you don't think having your own PPU would have --

15 A. No, because you're in such tight quarters up here, everything
16 is pretty much by sight and by -- you know, you're -- whether I
17 feel something needs to be done. I'm looking at the ship. I'm
18 looking at where I am in the river. A PPU I don't think would
19 have helped in that -- in this situation.

20 Q. Okay. During this accident voyage, what do you estimate the
21 speed of the current was? The river current?

22 A. I would estimate a half knot.

23 Q. Okay. And what do you estimate your speed was when you were
24 going, when you were going to stern?

25 A. At which point?

1 Q. You're pretty much out in the middle of the river going
2 towards the turning basin.

3 A. Anywhere from 0 to 2½ to -- 2½ knots when I stopped. I was
4 about 2½ knots when I started the engine coming ahead on the ship.

5 Q. Okay. Okay. So for -- let's see. For tides and currents --
6 well, it was -- does the flood current affect the Southern Branch
7 of the Elizabeth River?

8 A. It does.

9 Q. Okay. So it'll slow down the current.

10 A. Well, the flood current is moving inbound. The ebb current
11 is moving outbound. But you do have current down there.

12 Q. Okay. So you said that you -- well, you had a master-pilot
13 exchange, and you kind of said that there was kind of a pilot-tug
14 operator exchange. And you told them the plan was to back into
15 the middle of the river. And then what was it?

16 A. Then proceed astern. I mean, I can't tell you exactly what
17 orders I'm going to give, but, you know, going astern -- all I
18 know, I'm going to move the ship astern down the river to the
19 turning basin, then I'm going to turn her and then go outbound.

20 Q. Okay.

21 A. And I'm going to use the tugboats however I need to, to
22 accomplish that, you know.

23 LT [REDACTED] And when you're pulling away from the facilities
24 down there on the Southern Branch, do -- is it, I guess, normal to
25 try to have the stern come out more into the river and then begin

1 backing up, or bow more into the river and then kind of twist and
2 go up, or kind of basically straight parallel from the dock?

3 MR. PERRY: I like to have the stern further away than the
4 bow, just because that's the angle that you need to be at to go
5 down the river.

6 LT [REDACTED] Okay. So when you said you were about 100 to 150
7 feet off the dock, the stern was further away from the dock than
8 the bow was?

9 MR. PERRY: Yes.

10 LT [REDACTED] Okay. And then at that point, you went backing
11 bell on the ship?

12 MR. PERRY: Um-hum.

13 BY MR. FURUKAWA:

14 Q. Okay. You said that the -- one of the things that the state
15 pilots will do is to check on the rudder angle, indicating that
16 the crew is following your rudder commands and also following
17 your speed commands?

18 A. Well, that's a statement Captain Jackson gave, but that is
19 correct.

20 Q. Okay. Was he doing that that day?

21 A. Yes.

22 Q. Okay. Let's see.

23 A. Well, let me, let me back up. I assume he was doing that.
24 He was in the wheelhouse. I wasn't watching him, so I'm not --
25 you know, I can't state for sure he was doing that, but they

1 always do when -- that's what they do. They're in the wheelhouse
2 watching, listening to my commands and making sure it's done.

3 Q. Okay. So there's nothing written, like an MOU or anything
4 that the state pilots will -- basically act like a helm safety?

5 MR. JACKSON: There's nothing written. No, sir.

6 BY MR. FURUKAWA:

7 Q. Okay. Okay. You got off your key wharf. You got into the
8 river. And then you're proceeding with the stern -- with
9 sternway. Did you have a lookout? Was there a lookout --

10 A. There is.

11 Q. -- on the stern? Okay, who was on it?

12 A. The ship's crew.

13 Q. Okay. Did you get any reports from the ship's crew?

14 A. No.

15 Q. The lookout?

16 A. No.

17 Q. What was the nationality of the crew? Like --

18 A. I don't know at this time.

19 Q. Like, English as a second -- was their first language
20 English?

21 A. No.

22 Q. No? Okay. How was their English? How was their English?

23 A. The captain who I communicated, his English was very good. I
24 don't speak to the crew members generally, so I wouldn't be able
25 to answer that question in regards to the crew members.

1 Q. Okay.

2 LT [REDACTED] If the -- sorry, sir. If the ship's crew is on the
3 stern as a lookout, would they be communicating with you directly
4 or --

5 MR. PERRY: No. Communicating with the captain.

6 LT [REDACTED] Okay. Roger that. And then the captain would
7 communicate with you?

8 MR. PERRY: Correct.

9 LT [REDACTED] Okay. Did he communicate with you at all --

10 MR. PERRY: No.

11 LT [REDACTED] -- up to the transit? Okay.

12 BY MR. FURUKAWA:

13 Q. So no time did they say, pilot, you're getting too far --

14 A. No.

15 Q. -- in the South Channel? Okay. So you said that there's no
16 written SOP, but you guys kind of do have an informal SOP, I
17 guess, right? Would it help you guys to have an SOP or an SMS?

18 MR. JACKSON: I don't believe there'd be any benefit to
19 having a written SOP for it. It's been an understanding in this
20 port since before 1987 when the associations were formed. It's
21 how our apprentices are trained; it's how their apprentices are
22 trained. Everybody's trained together on that, and it's -- so I
23 don't know that a written SOP would benefit anybody because it's
24 inherent in that -- the only time that that's deviated from is if
25 there's a special circumstance in which we ask the state pilot to

1 assist us in another way.

2 Maybe going through a bridge that's tight, like the Gilmerton
3 Bridge, there may be, you know, cause to ask him to watch the
4 bridge wing that we're not on or something like that, in which
5 case he still doesn't have quite as much going on as we do, giving
6 the commands to the tugs and the engine commands and all that. So
7 generally, he's able to continue that function as long as the
8 equipment on the bridge wing of the ship is working correctly, the
9 angle indicator for the rudder and the engine tachometer and all
10 of that. So they're still generally following that command, you
11 know, that operating procedure, so to speak.

12 MR. FURUKAWA: Okay. Do the docking pilots and the bar
13 pilots, do they have any BRM classes together?

14 MR. JACKSON: We do.

15 MR. PERRY: Any what?

16 MR. FURUKAWA: BRM classes together. Bridge resource
17 management.

18 MR. JACKSON: Bridge resource management.

19 We do do a lot of cross-training. We do meet extensively
20 several times a year to discuss any kind of navigation issues in
21 the harbor, navigation issues between us, things of that nature.
22 We have done a lot of studies in the last few years for the Port
23 of Virginia in conjunction with each other and the simulators in
24 Baltimore. And so we do do a lot of training together from time
25 to time.

1 MR. FURUKAWA: Okay. When was the last time that you had a
2 BRM class with the bar pilots? Is it an annual thing, or once
3 every 5 years?

4 MR. JACKSON: It's nothing on a set schedule. Generally it
5 comes up in things like if we're doing research for the Port of
6 Virginia or another customer, or you know, the dredging of Thimble
7 Channel. Anything along those lines. Whenever one of those
8 situations arise, we generally work together on that. And so we
9 don't have anything on a set schedule. It could be several times
10 this year and maybe only once next year or something like that. I
11 can't recall the last time we were -- I guess it was -- I think it
12 was March or April the last time we were up in Baltimore together
13 in the simulator.

14 MR. FURUKAWA: Okay. Will every Moran or Moran docking pilot
15 have a BRM course with the state bar pilots?

16 MR. JACKSON: Not necessarily. Most will, but of course,
17 it's easier for me to get my 9 guys up to the simulator, but I
18 can't get them with each of the 45 state pilots. So -- right.

19 MR. FURUKAWA: But just, you know, with a bar pilot.

20 MR. JACKSON: Generally speaking, yes. In the last couple --
21 in the last 3 years, I think seven of our nine have participated
22 in some sort of simulator training or bridge resource management
23 training with the state pilots, and in conjunction with the
24 Independent Docking Pilots of Virginia as well.

25 MR. FURUKAWA: Were you one of those pilots that --

1 MR. PERRY: Yes.

2 MR. FURUKAWA: -- had BRM, okay, with them? So you basically
3 said that having something written down like an SMS or checklist
4 is self-evident or -- okay.

5 Let's see. We're talking about the individual vessels and
6 all that. Do you guys have, like, your own database of the
7 vessels that you guys have handled before and any special --
8 anything special about the vessels?

9 MR. JACKSON: No, sir. We don't keep notes on the vessels in
10 that regard because it'll be different next trip anyway. All of
11 these things change. I mean, there's some things that are
12 inherent to the vessel. If it's a fast vessel on dead slow,
13 that's about all you can say, is it's a fast vessel. But the way
14 it handles next time is going to be different based on its draft,
15 based on the current conditions at the time. You know, might even
16 be different terminals that you're handling it to, things of that
17 nature.

18 Especially when it comes to the Southern Branch ships. You
19 can have a Southern -- you have that vessel that he took to ERT.
20 That can go to ERT, it can go to Perdue, it can go it Enviva, it
21 can go to SeaGate, all of those on the Southern Branch. It can go
22 to the coal piers. It can go to Pier 9, you know, Pier 10 for
23 cement. You know, there's a million things it could do. It could
24 go to one of the state terminals for bulk cargo in general, you
25 know, so --

1 BY MR. FURUKAWA:

2 Q. Okay. Captain Perry, how did the *Ijssel Confidence* handle?
3 What was your opinion about how it handled?

4 A. For her draft, I would say she was a little sluggish.

5 Q. Anything else?

6 A. No, that's --

7 Q. Okay. And that's because she was -- she had a full load of
8 scrap iron? Or scrap steel?

9 A. I don't know. I don't know what was on -- I have no idea
10 what was on it, to be honest with you.

11 Q. Okay. But during the master-pilot exchange, you were told
12 that -- were you told that she was loaded with cargo?

13 A. I was told her draft.

14 Q. Okay. Told draft.

15 A. And generally it doesn't matter how she's down that deep. If
16 she's that deep, that's how deep she is.

17 Q. Okay. But with that draft, she was fully laden?

18 A. Well, the controlling draft in the Southern Branch is 35
19 feet.

20 Q. Okay. Okay. And she was less than 33. Okay.

21 Okay, let's see. There's nine pilots or docking pilots.
22 What's you guys' working schedule for days on/days off?

23 A. Two days on, 2 days off. During the 2 days I'm on, we have a
24 rotating -- we have three men rotating 8-hour shifts where you're
25 either number 1, number 2 or number 3 callout. And you work that

1 schedule for approximately 2 weeks, then you go on an extended off
2 period, which could be anywhere from 6 days off to 14 days off.
3 Or it's either 6, 10 or 14. Put it that way. It's one of those
4 three.

5 Q. Six, 10 or 14 days off?

6 A. Um-hum.

7 Q. Okay. I guess you try to rotate it so --

8 A. So -- the rotation is written in stone. I mean, it's -- I
9 can tell you 10 years from now when I -- what day I'll be working,
10 what day I'll be off.

11 Q. So your first off period will be 6 days, the next time 10
12 days, the next time 14 days?

13 MR. JACKSON: So rotation schedule, it's based on 128 days'
14 rotation. I don't know how in depth you want me to get with it,
15 or if you want me to tell it to the recorder and then you all can
16 transcribe it later. She won't be able to keep up with it. And
17 I'll be happy to, you know, impart it to you.

18 BY MR. FURUKAWA:

19 Q. Well, let's see. So for the 2 days on/2 days off, where were
20 you in your work schedule? Was that the first day or the second
21 day?

22 MR. PERRY: Do you remember which day I was --

23 MR. JACKSON: It was our first morning.

24 MR. PERRY: First morning on.

25 BY MR. FURUKAWA:

1 Q. First morning. So I guess you had the -- see, the three men,
2 8-hour shifts. So what was your shift?

3 A. I was number 1 man that morning.

4 Q. Okay. So was that midnight to 8 o'clock or --

5 A. That's from 7 a.m. to 3 p.m.

6 MR. JACKSON: I take that back. It was the 23rd, right?

7 MR. PERRY: 23rd.

8 MR. JACKSON: It was our second day on.

9 MR. PERRY: Second.

10 MR. FURUKAWA: Second day on.

11 UNIDENTIFIED SPEAKER: Can we take a break? Do you have much
12 more?

13 MR. FURUKAWA: Got a little more.

14 UNIDENTIFIED SPEAKER: You need to --

15 UNIDENTIFIED SPEAKER: It's all right by me if I just leave,
16 but --

17 MR. FURUKAWA: Okay.

18 LT [REDACTED] Yeah.

19 MR. JACKSON: I wouldn't mind some water.

20 LT [REDACTED] Yeah, we can take a break.

21 MR. FURUKAWA: Okay. When we take a break, why don't you do
22 the time and all that?

23 LT [REDACTED] Okay. [REDACTED], you have the time?

24 CWO [REDACTED] Time is 11:30.

25 LT [REDACTED] All right. Time is 11:30. We're taking a break.

1 (Off the record from 11:30 a.m. to 11:40 a.m.)

2 LT [REDACTED] It's about 11:40. So we're resuming the interview
3 with Captain Perry, the Moran docking pilot.

4 MR. FURUKAWA: Yeah. And this is Jon Furukawa again with the
5 NTSB. Let's see. Your name was Captain --

6 MR. JACKSON: Brant Jackson.

7 MR. FURUKAWA: Captain Jackson. Okay.

8 So Captain Jackson, you're the president of the associated --

9 MR. JACKSON: Association of Virginia Docking Pilots.

10 MR. FURUKAWA: Virginia Docking Pilots. Okay.

11 MR. JACKSON: LLC.

12 MR. FURUKAWA: Okay. And you said when people are full-
13 time -- you have a full-share partner and a junior partner. Right
14 now, you have eight full-share and one junior. But when you hire
15 on somebody, are they an apprentice, a probationary? What do you
16 call it?

17 MR. JACKSON: We call them an apprentice.

18 MR. FURUKAWA: Apprentice? Okay. And you said the training
19 program is tailored to each individual's training or skill.

20 MR. JACKSON: Correct.

21 MR. FURUKAWA: Okay, but how many -- do they have to do a
22 certain number of moves at night, at day?

23 MR. JACKSON: We don't do a certain number as a requirement.
24 They apprentice directly underneath of a senior pilot for anywhere
25 from 3 to 6 months. Based on an evaluation by myself, the vice

1 president and the other members of the group determines during
2 that time period, at which point they start handling limited
3 vessels on their own. And we continue that over the next couple
4 of years, determining what vessels they'll handle and what
5 situations they'll handle by themselves. When they're not
6 handling vessels by themselves, they will continue to apprentice
7 underneath of one of us directly onboard a vessel.

8 MR. FURUKAWA: Okay. So you said apprenticeship goes about 3
9 to 6 months?

10 MR. JACKSON: The total apprenticeship is 6½ years from start
11 to full-share pilot.

12 MR. FURUKAWA: Okay, so the one junior's on his way to -- on
13 a timeline to become a full-share pilot?

14 MR. JACKSON: Correct. He's 5 years into it.

15 MR. FURUKAWA: He's 5 years into it? And okay, so a year and
16 a half is when he's going to become a full-share?

17 MR. JACKSON: Correct.

18 MR. FURUKAWA: Okay. So he starts off as an apprentice or --
19 you said the whole 6½ years as an apprentice.

20 MR. JACKSON: Apprentice, junior pilot, whatever terminology
21 you'd like to use.

22 MR. FURUKAWA: Well, what terminology do you use?

23 MR. JACKSON: We use apprentice.

24 MR. FURUKAWA: Okay, for the whole thing. But it goes from 3
25 to 6 months under the direct supervision of a senior pilot, and

1 then you said he starts doing limited tonnage vessels on his own?

2 MR. PERRY: Can I clarify that?

3 MR. FURUKAWA: Sure.

4 MR. PERRY: He's always under the direct supervision of a
5 senior pilot. But he may be on a vessel on his own during that
6 time who needs -- when he's not on a vessel handling it by himself
7 that we've determined he could handle, then he is riding ships
8 with the senior pilots and apprenticing directly under them for
9 that entire time.

10 BY MR. FURUKAWA:

11 Q. And the apprentice is under one --

12 A. Under all of us.

13 Q. -- particular senior pilot?

14 A. Under all of us.

15 Q. Under all you guys? Okay. So one of the senior guys doesn't
16 have, like, the head mentor for the apprentice.

17 A. No, it depends who's on watch that day.

18 Q. Okay. So the apprentice is being supervised by all the --

19 A. Correct.

20 Q. -- junior and the full pilots, full-share pilots. Okay. Do
21 you have any apprentices right now?

22 MR. JACKSON: We have one apprentice right this minute.

23 MR. FURUKAWA: Okay. Okay. So you guys normally have about,
24 I guess, ten docking pilots?

25 MR. JACKSON: No, sir.

1 MR. FURUKAWA: Is that what you try to have?

2 MR. JACKSON: Our standard right now is nine.

3 MR. FURUKAWA: Okay. So with the one apprentice, I guess one
4 of the full pilots is going to be retiring soon or something?

5 MR. JACKSON: No, he's the ninth.

6 MR. FURUKAWA: The junior pilot is the apprentice.

7 MR. JACKSON: Correct.

8 MR. FURUKAWA: Okay. Okay.

9 BY MR. FURUKAWA:

10 Q. So nine is your -- what you guys try to have. Okay. The
11 lookout on the stern was the ship's company. And as far as you
12 know, the lookout on the stern didn't tell the captain that you
13 guys were too far to the south of the channel?

14 A. No. Not that I heard.

15 Q. You were -- were you guys going in and out of the bridge
16 wings and the --

17 A. Well, I was, but generally the captain will stay right beside
18 me or in the near vicinity to me. He's not going to get too far
19 away from me.

20 Q. Okay. So you guys were sternway. How much time did you
21 spend out on the starboard bridge wing?

22 A. I don't remember.

23 Q. Okay. When did you realize that you were too close to the
24 southern side of the channel?

25 A. As I went by IMTT, I realized I was a little bit -- the angle

1 wasn't quite where -- the way I wanted it, with my stern being
2 closer to the south side of the channel than where I would like it
3 to be.

4 Q. Okay. That's right, you said that before. Okay. You guys
5 mentioned the date 1987. Was that a significant date?

6 MR. VENTKER: There was a strike.

7 MR. FURUKAWA: There was a strike.

8 MR. PERRY: There was a big tug strike. And the end result
9 of that strike was the docking pilots got separated from the tug
10 companies. We formed the Association of Virginia Docking Pilots
11 at that point. Prior to that, the docking pilots were always the
12 captains of the tugboat. They performed the docking service
13 outside of their scope of duties for the tugboat company.

14 MR. FURUKAWA: Okay. But the tugboat companies still have a
15 big say in who's a docking pilot, even with --

16 MR. PERRY: Back then?

17 MR. FURUKAWA: Or even now.

18 MR. JACKSON: The associations pick and choose their next
19 docking pilot. The tug companies do have a veto power over that,
20 effectively, but it's not something that would really be called
21 into question because we're picking and choosing from the
22 employees of the tug company, the mates and the captains of the
23 tug company. So they would have to come up with a really, really
24 good argument as to why this guy yesterday was capable of being
25 their captain and employed by the company, and then tomorrow he's

1 not capable of being a docking pilot utilizing their tugs for
2 docking ships.

3 MR. FURUKAWA: And a senior captain or --

4 MR. JACKSON: It doesn't even have to be, but you know, it is
5 generally an employee of the tug company that's going to come to
6 be our partner. And the purpose that we serve the tug company is
7 to direct their tugs in a safe manner so that the tugs don't get
8 torn up. It would be a very hard thing for them to say he can
9 drive the tug and not tear it up, but he can't direct it after
10 he's been trained to do so.

11 MR. FURUKAWA: Do you guys -- do the docking pilots look at
12 people and choose them, or do they apply? Do they apply? So you
13 know, put in a résumé or something, say, this is my application to
14 be a docking pilot next time there's an opening?

15 MR. JACKSON: There's a self-motivating apprenticeship, so to
16 speak, while guys work for the tug company where, if you have an
17 interest in docking ships, becoming a docking pilot, you will
18 utilize your off time from the tugboats and ride ships with us
19 informally. During that time, you'll get your trips required for
20 the Coast Guard first-class pilot endorsement. You'll draw charts
21 and take that test and can potentially be licensed. There's
22 different degrees that guys become licensed.

23 We've taken guys in the past -- going back to 1987, we've
24 taken guys in the past that had one piece of the six pieces of
25 pilotage for this area. The day I started as a docking pilot, I

1 had all of the license already completed. Guys can have anywhere
2 from, say, 100 trips that they've ridden with the docking pilots
3 to -- again, myself, I had over 1000 before I actually started my
4 apprenticeship. And that's why I was saying, you know, we tailor
5 the apprenticeship to different skillsets and different skill
6 levels at the time. So we choose our guys. There's no
7 application process, but I know these are the four guys that are
8 interested, these are the four guys that are capable, these are
9 the four guys that meet our qualifications. When we need
10 somebody, the association will vote on that person and then we'll
11 hire him.

12 MR. FURUKAWA: Okay. You said that the -- to be hired, they
13 have to have pilotage. Any pilotage, not specifically for the
14 area. But people that you hire pretty much have pilotage for some
15 part of this Norfolk area?

16 MR. JACKSON: Correct.

17 MR. FURUKAWA: Okay. So there's six areas in Norfolk?

18 MR. JACKSON: Roughly speaking. You have Old Point to Cape
19 Henry. Or Sea to (indiscernible). Sea to Old Point, Old Point to
20 the James River Bridge, James River Bridge to the James River
21 Reserve Fleet, Old Point Comfort to Lambert's Bend, Lambert's Bend
22 to the Gilmerton turning basin, and then also Town Point to the
23 Campostella Bridge.

24 UNIDENTIFIED SPEAKER: And Yorktown.

25 MR. JACKSON: And then York River. So there's seven.

1 MR. FURUKAWA: The turning basin, is that the one that this
2 all happened in?

3 MR. PERRY: No.

4 MR. FURUKAWA: No, that was a different one? Okay.

5 MR. PERRY: This is Money Point turning basin.

6 MR. FURUKAWA: Money Point. Okay. Okay. So the one
7 apprentice that you have now, how many of the six areas does he
8 have?

9 MR. JACKSON: He has all of the license except for the James
10 River Bridge to the James River Reserve Fleet.

11 MR. FURUKAWA: He has five of six?

12 MR. JACKSON: It's actually six of seven, because I forgot
13 about the York River.

14 MR. FURUKAWA: Okay. Okay. Okay. Who made the first report
15 to the Coast Guard by radio?

16 MR. PERRY: It was. Who did?

17 MR. FURUKAWA: Right.

18 MR. JACKSON: The state pilot.

19 MR. FURUKAWA: Okay. Okay. Do you have anything?

20 LT [REDACTED] I don't know if I didn't ask enough
21 (indiscernible).

22 UNIDENTIFIED SPEAKER: Let the lawyers go at it, I guess.

23 LT [REDACTED] Yeah. We're going to open up questions to some of
24 the lawyers, but again, the Coast Guard is going to kind of step
25 in and direct the line of questioning if things get too off topic.

1 BY MR. VENTKER:

2 Q. A couple questions if you don't mind, Captain. Dave Ventker.
3 Which way does the wheel rotate on the *Confidence* ship that you
4 were backing out?

5 A. She's right-handed.

6 Q. Okay. So when you're going astern, which way is her prop
7 wash moving? She coming up the starboard side of the ship?

8 A. Normally speaking, I would say yes. I don't know that I
9 walked out and looked down to see specifically, but yeah.

10 Q. Normally that's the way it would --

11 A. I would expect that, yes.

12 Q. -- with the ship rotating. Okay. Have you docked these
13 *Confidence* ships before?

14 A. I have no idea. I've docked so many ships over the years I
15 have -- I can't tell you.

16 Q. Okay. This ship is, what, 590 feet and 33 --

17 A. I've docked a thousand ships 590 feet long.

18 Q. On the Southern Branch.

19 A. Everywhere.

20 Q. Okay. What's too fast to back out of the Southern Branch
21 with 590, 600 feet and 33 draft?

22 A. Depends on the job.

23 Q. Okay. What's the minimum you can do it at, say, ebb tide?

24 A. The speed of the current.

25 Q. So half a knot, in this case? Okay.

1 A. You could even do it less than the speed of the current if
2 you were coming ahead on the ship's engine all the time.

3 Q. All right. There was a question about are tugs -- you know,
4 using tugs as lookouts a little bit. I want to make sure
5 everything I've ever been told -- because I don't drive tugboats.
6 But the *Nancy's* working the stem. Her ability to see is basically
7 limited to the port and starboard bow of the ship, right?

8 A. Negative.

9 Q. What can she see?

10 A. She can see anywhere out of her wheelhouse -- well not 360
11 degrees, because she does have the ship --

12 Q. But her forward view is blocked by the ship.

13 A. Depends, again, what she is doing at the time. Because if
14 she's turned -- in this situation, the captain informed me he
15 could work across the bow of the ship. Normally the tug up there
16 would push on either bow. This captain informed me that he could
17 actually maneuver quicker and give me a better push by laying
18 across the bow of the ship and pushing and coming back and, in
19 other words, working into his line across the bow of the ship,
20 which is what he did.

21 Q. Was he working on the port side or the starboard side?

22 A. He was working on both sides.

23 Q. So he's bouncing around back and forth.

24 A. Yes.

25 Q. But he couldn't see astern of the ship, certainly.

1 A. He could not see astern of the ship.

2 Q. Okay. And if he's working on the port side, he can't see
3 starboard side.

4 A. Correct.

5 Q. And vice versa.

6 A. He can see around the bow somewhat on other side. If he's
7 working on the port side of the stem, he could see around the bow
8 to wherever he lost view. Of course, working the way he was
9 working, he could probably see better on the -- if I was shoving
10 the bow to the starboard, he could probably see better on the
11 starboard side than he could on the port side.

12 Q. Okay. So he doesn't have a perfect 360 view.

13 A. He does not.

14 Q. And same with the *G.M.* I mean, when she's coming ahead --

15 A. Correct.

16 Q. -- she's pushing against a brick wall --

17 A. His vision --

18 UNIDENTIFIED SPEAKER: Stop. Can we, can we get one rule?
19 You do not talk over him, and he does not talk over you. So wait
20 till he finishes his question before you answer it so that we all
21 can figure out what you're talking about.

22 MR. PERRY: Okay.

23 UNIDENTIFIED SPEAKER: Thank you. Sorry.

24 BY MR. VENTKER:

25 Q. You know what I'm talking about, Captain?

1 A. I do.

2 Q. Okay.

3 A. His vision would have been limited to about 180 degrees,
4 because he's got a big metal wall in front of him.

5 Q. And he's paying attention to that if he's doing his job.

6 A. Paying attention to what?

7 Q. The big metal wall in front of him, if he's doing his job
8 right.

9 A. He should be paying attention to everything around him. That
10 metal wall is not going anywhere.

11 Q. Okay. Did you ever get to 3 knots, do you know? Astern?

12 A. I don't know.

13 Q. Were you doing anything to check your speed, or just what
14 seemed comfortable at the time because you've been doing this a
15 long time?

16 A. It seemed comfortable until I realized it wasn't comfortable.
17 And then I came ahead on the ship to try and make it comfortable.
18 Let me back up there. I was coming ahead on the ship before I
19 became uncomfortable. The dead slow ahead bell on the ship was
20 given when I would normally give it to start slowing the sternway
21 down. I didn't become uncomfortable until later.

22 Q. With the dead slow ahead, was that after IMTT and before --

23 A. I don't remember exactly. It was in the vicinity of IMTT.
24 Somewhere. I don't remember exactly where.

25 Q. And you didn't -- where were you as the *G.M.* approached the

1 concrete pylon or the concrete dolphin?

2 A. I was on the starboard wing of the bridge.

3 Q. Okay, and you didn't see the tug hit the dolphin.

4 A. I did not.

5 Q. And I think you made a comment before. You didn't see any
6 motion. Would you have expected it to bounce or something? What
7 did you mean?

8 A. Well, I would expect, if the tugboat contacted the concrete
9 dolphin, the tugboat would have, you know, jerked or laid over. I
10 mean, that's a solid structure. And that, you know, tugboat
11 hitting basically an unmovable structure, it's going to -- you're
12 going to see the tugboat jerk or move or roll up or do something.

13 Q. So you didn't see enough of it --

14 A. I didn't see anything like that.

15 Q. Okay. And how many feet of walkway got knocked down,
16 ballpark?

17 A. Ballpark, 30, 35.

18 Q. Yeah. Wasn't 400 or --

19 A. No, no, no. Less -- yeah. Somewhere between 30 and probably
20 50, maybe.

21 Q. Okay, you've been sailing the Southern Branch since when?

22 A. 1987.

23 Q. Okay. Has that structure remained as it is now since 1987?
24 To the best you can recall.

25 A. To the best of my knowledge, yes.

1 Q. There's been no improvements, modifications.

2 A. No.

3 Q. The dolphin hasn't been rebuilt.

4 A. No.

5 Q. So that dolphin's been there at least that long.

6 A. Yeah, I don't know if it's been rebuilt. It may have been.
7 I don't know. But there has been a dolphin there in some fashion
8 since 1987.

9 Q. Okay.

10 MR. VENTKER: That's about all I have.

11 UNIDENTIFIED SPEAKER: I don't have anything. I think that
12 was a good job.

13 MR. STANCLIFF: If I may, Steve Stancliff. I represent
14 Captain Green.

15 BY MR. STANCLIFF:

16 Q. Captain, thank you for being here. I just wanted to rewind
17 to the time earlier today when you talked about when Captain Green
18 went in to confirm the status of the helm, rudder and the engine
19 order. Why did he do that on that occasion?

20 A. Because he -- I mean, that's what they normally do. They
21 make sure the helmsman are doing -- or the telegraph operator is
22 doing what we tell them. And he had come out -- when I gave the
23 half ahead bell, he came out to look around and see the situation.
24 Because half ahead is -- while it's not unnormal down there, if I
25 put the ship half ahead, he would want to know why. And so when I

1 put her half ahead, he came out on the wing of the bridge and was
2 looking around. And when I gave the full ahead order, he went
3 back in to make sure they did it.

4 Q. Did you ask him to look and confirm the ahead bell --

5 A. No.

6 Q. -- and the rudder?

7 A. I did not.

8 Q. So he did that just out of --

9 A. On his own, yeah.

10 MR. STANCLIFF: Thank you. That's all the questions I had.
11 Thank you.

12 UNIDENTIFIED SPEAKER: I got one. One more question.

13 UNIDENTIFIED SPEAKER: All right. You got to let me open my
14 notebook.

15 BY UNIDENTIFIED SPEAKER:

16 Q. Captain, hindsight 20/20, we always know, you know -- is
17 there anything that you think now that you would have changed to
18 avoid this, or is there not?

19 A. I mean, in hindsight, yeah. Put the ship full ahead sooner
20 than I did to stop that sternway.

21 Q. Okay. Anything else? Not pressuring. I mean, you don't
22 have to. I just --

23 A. No.

24 Q. You've been doing this for a long time, right? So you've
25 probably seen things like this, similar situations. And so we

1 always kind of try to learn from these situations, right? And so
2 I mean, you probably evaluated this a hundred times in your head.
3 So did you come up with something to say, when I go to this
4 facility or when I move this, I'm going to do this a lot
5 differently.

6 A. I wish I had known that the *G.M.* was at the angle he was at,
7 at the shallow angle, and pushing me astern. Because I think
8 that's what caused the ship to not bleed off her speed like I
9 expected it to. So in hindsight, I wish I had known that he was
10 not -- or that he was at as shallow angle as he was. I wish he
11 had said, Captain Perry -- on the radio, Captain Perry, and I
12 can't work my stern; I can't work up to anywhere close to a 90. I
13 would have then changed what I was doing. I would have stopped
14 him and come ahead stronger on the engine, the ship's engine.

15 UNIDENTIFIED SPEAKER: Anything else?

16 MR. FURUKAWA: Yes. Let's see. Jon Furukawa, NTSB.

17 BY MR. FURUKAWA:

18 Q. Captain Perry, you said that it was a couple of times that --
19 for repeating orders. You had to ask him for the order to repeat
20 from the *G.M. McAllister*. Was that around the time when things
21 were getting urgent or --

22 A. No. Now like I said before, when I told him to stop and back
23 full, I never saw any quickwater. So I don't -- I have no idea if
24 he got that command or not. The times -- and the only reason I
25 repeated myself is because I didn't get confirmation from him,

1 either through a whistle or voice confirmation that he had
2 received my transmission. So that's why I repeated -- I think it
3 was maybe two commands earlier in the job because of the lack of,
4 you know, confirmation. I don't know if he got them and did them
5 and just didn't, you know, confirm the oral order. That does
6 sometimes happen even with our tugboats. The guys will do what I
7 tell them and they'll -- and I'll repeat the command and then they
8 say, well, we already -- they just forget to do the confirmation.

9 Q. Okay. So when you told the *G.M. McAllister* to stop and back
10 full, you weren't at the urgent situation?

11 A. Oh, I was -- yeah. It was at the point where it was urgent
12 at that point.

13 Q. Okay. And you said two times before. That was before --

14 A. I'm thinking it was two times. I don't really recall 100
15 percent. But I think approximately two times I had to repeat the
16 order to him and so he would confirm it.

17 Q. Was that when -- but it wasn't urgent at that time?

18 A. No.

19 Q. Were you on the southern side of the -- was that after the
20 MITT [sic] dock?

21 A. I don't remember exactly at what point. I just remember
22 having to repeat several times to the guy.

23 Q. Okay. Okay.

24 MR. FURUKAWA: And Captain, do you guys have training records
25 for your pilots? You keep training records?

1 MR. JACKSON: No training records so to speak. I mean,
2 obviously I have our billing records of what vessels he's been on.

3 MR. FURUKAWA: Okay, so --

4 MR. JACKSON: Captain Perry was an apprentice long before I
5 was in charge of the billing, though.

6 MR. FURUKAWA: But you have, like, a -- do you have a
7 printout of work records, I guess? With last year's worth of, you
8 know, the ships that Captain Perry was going in and out on?

9 MR. JACKSON: I know which vessels he was on in the last
10 year.

11 MR. FURUKAWA: Okay. Could we get a printout of that?

12 MR. JACKSON: Not sure about that.

13 MR. FURUKAWA: Okay. We'll request it. And --

14 CWO [REDACTED] You're not sure because you don't have that
15 capability, or you're not sure that you can share that
16 information?

17 MR. JACKSON: I've got it. I'm not sure I can share that
18 information. You know, there's partners to be protected, and I
19 just have to check on that.

20 MR. FURUKAWA: Okay.

21 MR. JACKSON: I can certainly produce what vessels he handled
22 last year.

23 CWO [REDACTED] No, we get it. Yeah, I got it, I got it.

24 MR. FURUKAWA: Okay. And do you have training records,
25 though? Because even when you're a full pilot, I guess you're

1 going to MITAGS and doing other things, right, that would be
2 considered training?

3 MR. JACKSON: I mean, I could tell you the dates that Captain
4 Perry was in the simulator last.

5 MR. FURUKAWA: Okay. Any other kind of training that you
6 guys do?

7 MR. JACKSON: We don't, we don't really do any --

8 MR. PERRY: Every time you do a job, you learn.

9 MR. JACKSON: -- formal training. That's --

10 MR. PERRY: It's a continual learning experience, because
11 ships don't do the same thing every time you do it. When you
12 first go on a ship, you start learning that ship at the moment you
13 start moving that ship.

14 MR. FURUKAWA: Okay. But other than on-the-job training,
15 what kind of professional development, you know, for, like, maybe
16 a pilot that was doing twin screw and single screw vessels, where
17 do you start learning about tractor tugs and all that? Is that
18 just on the job or --

19 MR. JACKSON: That's all on the job.

20 MR. FURUKAWA: It's all on the job? Okay. Okay. But you
21 don't have any per se training records, though.

22 MR. JACKSON: No. Like I said, I can produce the dates of
23 the last time Captain Perry was in a simulator. But we don't do
24 any formal -- we don't, we don't take advanced learning classes or
25 studies, so to speak, in that regard. Everything is basically on-

1 the-job training. Other than that, (indiscernible).

2 MR. PERRY: And to renew your license, you have to take radar
3 again, which, you know -- thankfully, I think we don't have to do
4 that anymore. But up till this point, every 5 years, you had to
5 take a radar renewal course.

6 MR. JACKSON: But there are no formal classes or schedules
7 for advanced training.

8 BY MR. FURUKAWA:

9 Q. Okay. And Captain Perry, out of the seven -- how many of
10 these geographic areas do you have here in the Norfolk area? For
11 first-class pilotage?

12 A. How many areas are there?

13 Q. Right. Well, there's, I guess, seven areas, right?

14 A. Um-hum.

15 Q. And how many areas do you have for first-class pilotage?

16 A. Five.

17 Q. Five? Okay. And how senior are you with the eight full
18 partners?

19 A. I'm the senior-most pilot, age-wise. No, not age-wise.
20 Timewise.

21 Q. Timewise.

22 A. We do have a pilot that is 6 months, age-wise, older than I
23 am.

24 Q. And I bet you always remind him of that.

25 A. Yeah.

1 MR. JACKSON: We can remind him of a lot of things.

2 MR. FURUKAWA: Okay. Okay. And --

3 LT [REDACTED] I think I got a couple -- I'm sorry. I got a
4 couple more questions.

5 MR. FURUKAWA: Okay.

6 LT [REDACTED] So Captain, you told the *G.M. McAllister* to back
7 full. And then you said you didn't see any quickwater.

8 MR. PERRY: I did not see any.

9 LT [REDACTED] Okay. Would the *G.M.* have been able to back full
10 while also staying laid up against the ship, like, just -- I don't
11 understand, you know, the dynamics of the vessels.

12 MR. PERRY: The momentum of the ship would have allowed that.
13 The momentum -- this is the ship. This is the tugboat. The
14 momentum of the ship moving astern is going to hold him flat
15 alongside. Even if he's backing full to try and stop that
16 sternway, he's going to lay right tight on that ship.

17 LT [REDACTED] Okay. And if the *G.M.* was backing full, would that
18 have pulled the stern in either direction as its transiting?

19 MR. PERRY: Not at that draft. If it was a light draft ship,
20 yes, it might have pulled the ship to the starboard. But at that
21 draft, it's not going to.

22 MR. FURUKAWA: At that draft. Okay. You want to ask him
23 something?

24 CWO [REDACTED] No, no. I'm going to eat.

25 MR. FURUKAWA: Okay. Captain Perry, have you been involved

1 with any other accidents, I guess it would be a half-million
2 dollars or more for damages?

3 MR. PERRY: No.

4 MR. FURUKAWA: No? Okay. And --

5 MR. PERRY: I can't even spell a half-million dollars.

6 MR. FURUKAWA: And do you want me to do the last things that
7 we -- what we like to do at NTSB?

8 LT [REDACTED] Yeah, you can do that.

9 MR. FURUKAWA: Okay. Captain Perry, for the -- for an NTSB
10 interview, at the end what we'd like to ask you is, is there
11 anything that you'd like to add or change?

12 MR. PERRY: No.

13 MR. FURUKAWA: Okay. Are there any questions that we should
14 have asked you but did not?

15 MR. PERRY: No.

16 MR. FURUKAWA: Okay. Do you have any suggestions for
17 preventing a recurrence of an accident like this?

18 MR. PERRY: No.

19 MR. FURUKAWA: Okay. Is there anybody else that we should
20 interview?

21 MR. PERRY: No, I don't think so.

22 MR. FURUKAWA: Okay. That's it.

23 LT [REDACTED] Okay. All right, well --

24 MR. PERRY: I assume the captain of the ship is somewhere in
25 Europe or Asia or something.

1 LT [REDACTED] Well, we're -- Captain, I think that concludes the
2 interview with Coast Guard and NTSB. You know, we really
3 appreciate your time coming down here. Time is approximately
4 12 --

5 CWO [REDACTED] -- 10.

6 LT [REDACTED] 12:10-ish. And yeah, this concludes the interview.
7 (Whereupon, at 12:10 p.m., 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: *G.M. McALLISTER* ALLISION WITH
THE NGL ENERGY PARTNERS FACILITY
CHESAPEAKE, VIRGINIA
SEPTEMBER 23, 2019
Interview of David M. Perry

ACCIDENT NO.: DCA19FM053

PLACE: Norfolk, Virginia

DATE: October 15, 2019

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.


Eileen Gonzalez
Transcriber