

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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CONTACT OF TOWING VESSEL *

JOHN 3:16 WITH IMTT TERMINAL * Accident No.: DCA23FM049

DOCK IN ST. ROSE, LOUISIANA *

ON SEPTEMBER 12, 2023 *

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Interview of: HARVEY MABILE, JR., Port Captain
Marquette Transportation

via Microsoft Teams

Thursday,
October 5, 2023

APPEARANCES:


United States Coast Guard
Sector New Orleans

DEREK JOHNSTON, Marine Accident Investigator
National Transportation Safety Board

MARTIN McLEOD, ESQ.
Attorney representing Captain Boudreaux and
Marquette Transportation

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I N T E R V I E W

(1:00 p.m.)

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2
3 [REDACTED] -- October 5th, 2022 [sic] at 1300. We're
4 conducting an interview of Harvey Mabile to -- in regards to the
5 contact made between the *John 3:16* and the dock at IMTT St. Rose
6 on September 12th, 2023.

7 Harvey, could you just go ahead and spell your first and last
8 name?

9 MR. MABILE: First name's Harvey, H-a-r-v-e-y. Last name's
10 Mabile, M-a-b-i-l-e.

11 [REDACTED] Okay.

12 MR. MABILE: And I am a J-R.

13 [REDACTED] Okay. Great. Thank you. And then I'm

14 [REDACTED] with the United States Coast Guard.

15 MR. JOHNSTON: This is Derek Johnston, marine accident
16 investigator, National Transportation Safety Board.

17 MR. McLEOD: Yes. And Martin McLeod for Captain Boudreaux
18 (ph.) and Marquette.

19 [REDACTED] Okay. Great. Thank you.

20 INTERVIEW OF HARVEY MABILE, JR.

21 BY [REDACTED]

22 Q. And so, Harvey, if you could just start out, just describe
23 what your role is with the company, what are your responsibilities
24 and then how long have you been working for Marquette, all those
25 details.

1 A. Well, I started off with Marquette on the boats as a captain
2 about 12 years ago. Basically about 2 years running the boats for
3 Marquette, pushing Kirby (ph.) contracts. We pushed a lot of
4 product really. Basically other than that, a little over 9 years
5 in the office as a port captain. So my role as a port captain is
6 to give the boats what they need as far as supplies and going over
7 safety issues and making sure that everything on the boat went
8 well as far as what they're supposed to do as a captain and the
9 crewmembers and whatnot, safety meetings.

10 Q. Okay. Great. And how many boats do you have oversight of as
11 a port captain?

12 A. Eleven.

13 Q. And the *John 3:16* is one of those 11?

14 A. Yes.

15 Q. Okay. And, are those pretty consistent? Like how long have
16 you been managing those 11 boats for?

17 A. Well, it depends on the time of the year. Like when the
18 harvest slows down, it probably drops down to eight. Three of
19 those eleven are live-on boats. They was two until a couple
20 months ago, but -- yeah, about three live-on boats right now. And
21 the other ones are fleet boats. Those guys go home every night
22 and every day.

23 Q. Okay. And, Captain Boudreaux, how long have you known him
24 for? How long has he been --

25 A. A couple months maybe, 3 or 4 months since he started in my

1 VMT. I'm going to turn this volume down. I'm sorry. So, yeah,
2 Boudreaux was already working for the company, and then he filled
3 a spot on one of my boats, and I never really had a problem with
4 him at all really.

5 Q. And you said VMT, BMT? You just used an acronym.

6 A. Vessel management team. VMT is vessel management team. Each
7 port captain has a team.

8 Q. Okay. And, so could you kind of just describe your role and
9 recollection of the incident on the 12th?

10 A. Basically hardly nothing. I got a telephone call from
11 Captain Boudreaux saying that he had an allision with the dock,
12 and I was on another job at the time, and I couldn't help him or
13 talk to him or, you know, I had to concentrate on doing what I was
14 doing. So I told him I was going to call Andrew McIntyre. And
15 after I talked to Andrew, probably 3 minutes after that, I called
16 back Captain Boudreaux and told him that Andrew's going to be
17 calling, that somebody else was going to be handling everything.
18 And I was completely out of it really. I was on another job. I
19 couldn't concentrate on what happened to him really.

20 Q. Do you know how soon after the incident did he call you?

21 A. The discussion we had was very brief. So when he called me,
22 it was probably maybe a quarter to 7 maybe, and then I called up
23 to Andrew like a minute after that and told him I can't -- I got
24 too much going on and I had to concentrate on this job, and Andrew
25 said, concentrate on the job that you're on. We're going to take

1 care of this. And that's basically what happened.

2 Q. Okay. And, then you said you called Captain Boudreaux back
3 again a second time.

4 A. Yes. Yeah, I told him that I wasn't going to be handling or
5 helping him out. Andrew McIntyre was going to be calling him and
6 talking to him.

7 Q. And what Captain Boudreaux tell you when he -- during that
8 initial phone call?

9 A. The first time he called he said that he was -- he spilled
10 milk and when he looked up, it was too late and he collided with
11 the IMTT St. Rose Dock. And I basically told him, I said, you've
12 got to be kidding me. And he says, no, I did. I kind of, I kind
13 of did damage to the boat and he just went on about -- he was
14 apologizing. I said, look, I really don't have time. I really
15 have to watch what I'm doing. And I said, let me give you a call
16 back. So that's when I called Andrew. That was probably a 2
17 minute conversation. Well, when I called Andrew and talked to
18 Andrew, that was like less than a minute conversation. And I
19 called Boudreaux right back and told him. I said, look, it won't
20 be me. Andrew McIntyre is going be getting in touch with you.
21 And that was basically about what happened.

22 Q. Okay.

23 A. Less than 5 minutes was the total conversation between the
24 three of us, right.

25 Q. Gotcha. And did you, did you have any further conversation

1 with Captain Boudreaux after that, that day?

2 A. No, my hands was full. I didn't have -- I didn't talk to him
3 at all that day after that.

4 MR. McLEOD: Yeah, I think, Harvey, you need to clarify what
5 he told you in that second conversation.

6 MR. MABILE: Oh, on the second -- okay. When I, when I
7 talked to him the second time, when I told him that Andrew was
8 going to get in touch with him, he said that -- he said, look,
9 Harvey, I'm just going to go ahead and tell you. I, you know, I'm
10 just going to be straight up with you. I fell asleep at the
11 sticks. I went, you got to be kidding me. I said, Boudreaux,
12 look. You really, you really upset me. I really have to
13 concentrate doing what I'm doing. I said, Andrew's going to take
14 it over from here. Make sure you tell him that to Andrew.

15 BY [REDACTED]

16 Q. Do you know after that -- after that, did you make any other
17 phone calls either back to Andrew and let him know? Did you make
18 any other phone calls after that?

19 A. I don't think it was -- it was all about the job I was on.
20 He said, not to worry about that. He said, just concentrate on
21 doing what you're doing, and we got this covered. I said, all
22 right.

23 Q. So it was the second phone call with Captain Boudreaux that
24 he said he fell asleep. Did you call back? You didn't -- did you
25 call anybody else and tell them that information?

1 A. No.

2 Q. And why not?

3 A. Because he was -- Andrew was going to handle it all. Andrew,
4 Andrew got everything.

5 Q. Okay. Do you know, do you know why, why was it first that he
6 spilled milk and then he slept? Do you -- I mean do you know why
7 he did that?

8 A. Well, because when I first talked to him, I said, I said, you
9 spilled milk. And he said -- I said, you've got to be kidding me.
10 And he said, yeah, man, I said it not to down -- I kind of, you
11 know, I was, I was pissed really. I think I made him look kind of
12 small, and he knew I was pissed, and I think he just came up with
13 the truth and -- because it really upsetted me.

14 Q. Can you clarify again -- so do you think, do you think that
15 this initial, him telling you that he spilled milk was not, was
16 not actually what happened and that he later came and told you?
17 Is that what you're describing?

18 A. I think -- so 3 days, about 3 or 4 days prior to that, he
19 spilled milk on the dash and it messed up the radar. And I got on
20 him because of that. Then all of a sudden, 3 days after that, he
21 just said, I spilled milk and he hit the dock. I was pretty, I
22 was pretty straightforward with him, and I was -- and he knew I
23 was upset.

24 Q. So do you think in the instance that he fell asleep or that
25 he was distracted and spilled milk?

1 A. You know what, I, I ran this through my head and I really
2 don't know what he was thinking of. I really don't. I never had
3 a problem with this guy. I never did. He was always on key with
4 everything, and he was still learning more Marquette's ways on the
5 computer because he was an elderly guy, that it takes him a while
6 to learn the computer, but he was doing great. He was doing fine.
7 This is the first time I really had a problem with him.

8 Q. Okay. But you said a couple days prior, he had spilled milk
9 on the dash?

10 A. Yeah, I heard that he spilled milk on the dash. I wasn't on
11 call. It was during the weekend. So another port captain was on
12 call, and he took the call and he said, yeah, we had to get
13 somebody out to fix the radar, to replace a piece in the radar
14 because it got wet. I said, what do you mean it got wet? And he
15 said, yeah, I think Boudreaux said he spilled milk or spilled a
16 drink on the, on the dash and it went down through the dash.

17 Q. I think I closed out of the Teams meeting. Can you still
18 hear me?

19 A. Yes.

20 Q. Okay. Give me one second. The mouse dropped. So, besides
21 that, I mean he -- had there been any other instances of him
22 feeling tired or any other issues with how he was operating the
23 vessels?

24 A. No. You know, and he knows to give me a call if he's not --
25 yeah, he knows to give me a call. I mean he, he knows the policy.

1 If anything should go on, he called me for, you know, he knew that
2 I was the one to reach out to if he needed anything.

3 Q. Okay. I'm sorry. I'm just getting this back up so I can --

4 A. That's fine.

5 Q. Okay. Thank you. Okay. And, did he ever mention anything
6 about not getting adequate rest or anything like that because he
7 works a 12 on, 12 off cycle?

8 A. Correct.

9 Q. Okay. And do you know just from your experience as a port
10 captain for these vessels, are -- how much do these captains get?

11 A. So in a period of 12, when they're working at 12 hours, they
12 got 12 hours off. So they are responsible for -- after they get
13 off of watch is to go ahead and grab something to eat and go to
14 bed, get their rest and get something to eat. I manage, I manage
15 with overtime for a deck crew in case of an emergency come up. I
16 tell, I tell a deckhand to work but never captains. Captains
17 don't work over their 12 hour period.

18 Q. Do you -- in terms of them logging their activity on their
19 off time, do you require anything like that?

20 A. Well, when they make watch change, they're supposed to put
21 such and such a captain on, such and such a captain off. That
22 would determine what time they got on watch because I have, I have
23 multiple boats. Some boats make a 5 o'clock crew change, a 1700
24 and some of them are live on. A lot of them are live on boats
25 like the 12 -- like the midnight to noon schedule. So they'll log

1 on that whenever they're making their crew change.

2 Q. Okay. What about cell phone policy? What's the cell phone
3 policy for your captains?

4 A. Whenever they're navigating, they aren't supposed to be on
5 it. They're not supposed to be texting. As far as the captains,
6 the company phone is supposed to be used for company business
7 only. I don't even know what phone he was on. I really don't
8 know. I can't tell you what phone he was even on, but personal
9 use, their personal phones, when he's navigating, he's not
10 supposed to be on the phone.

11 Q. When you say you can't tell what phone he was on, what do you
12 mean?

13 A. Well, he has a personal phone, and we have a company phone.
14 So the company phone, the company iPhone is for business only.
15 He's not supposed to be talking to anybody on it except for
16 business. So his, his personal phone is what he does with his
17 phone. I have no idea what he was using his phone for.

18 MR. McLEOD: She's confused, Harvey. She's thinking that you
19 think that he was on his phone. You don't know whether he was on
20 his phone at all, do you?

21 MR. MABILE: No. No.

22 MR. McLEOD: That's --

23 MR. MABILE: But I'm going, I'm going through policy. I'm
24 going by, you know, the company policy is the captains are not
25 supposed to use their phone.

1 BY [REDACTED]

2 Q. Gotcha. I think, yeah, I was just a little bit confused when
3 you said I don't know what he phone he was using. I didn't know
4 what you -- in the context of you using, you know, what that
5 meant. When he called you, did he call from the company phone or
6 from his personal phone?

7 A. I can't remember. I know it's -- I think it was the business
8 phone, the *John 3:16*.

9 Q. Okay. And when you said they're not allowed to use their
10 phones when they're navigating or it's against company policy,
11 what about if they're just sitting, you know, they're on watch,
12 and they're just sitting waiting for orders?

13 A. Yeah, they'll use it then. Even the deckhands. The
14 deckhands, they will use the phone, but whenever they go out on
15 deck, they're not supposed to have it. No earbuds, not watch, no
16 nothing like that, when they go out on tow. Captains, when
17 they're sitting waiting for orders, they can use the phone, not
18 our company phone for business. It's only for business use.
19 Yeah, they'll text and talk to their family and whatnot, but
20 they're navigating, they have to hang it up.

21 Q. So have you ever observed or known Captain Boudreaux to use
22 his phone at unauthorized times?

23 A. No, this never came up really, no.

24 Q. And, do you know of Captain Boudreaux having any sort of
25 health or medical issues?

1 A. No.

2 [REDACTED] I'm just going to look back in the notes if
3 you want to jump in with any questions that you have.

4 MR. JOHNSTON: Sure.

5 BY MR. JOHNSTON:

6 Q. Harvey, thanks again for being with us. Just following up on
7 the phone, the phone questions. So if I understand it, Captain
8 Boudreaux, he -- when he's piloting the vessel or when they're
9 underway, he's allowed to -- on company policy, he can have his
10 personal phone up in the bridge with him. He just can't be
11 actively using it.

12 A. Correct. It's like -- yeah, it's like driving a car, you
13 know.

14 Q. Right.

15 A. It's not good to use a phone in the car. It's the same way
16 as navigating, concentrating on what you're doing, concentrating
17 on the crew. Now, if they get an emergency telephone call, and
18 they have to attend to business, they more than -- they'll go to
19 the bank, shoving into the bank, take care of what you got to do,
20 call me, do whatever they need to do, but they know not to
21 navigate with their phone.

22 Q. Okay. And so going back to the initial -- how you were
23 initially notified of this. So you initially got a phone call
24 from Captain Boudreaux, and he stated that he had spilled, he had
25 spilled milk.

1 A. Yes.

2 Q. And then he revised his story kind of after you, you said,
3 oh, no, like why did you do that? He revised it to say that he
4 had fallen asleep. Is that correct?

5 A. Yeah, he -- yeah, after I got off the phone with Andrew and
6 called him back and told him that Andrew was going to get in touch
7 with him, that I don't have nothing to do with it, he said, man,
8 let me just come up straight, he said, I fell, I fell asleep. I
9 said, well, that's bad on you, brother, because that just made
10 things worse. And I said, look, just let Andrew talk to you, let
11 them work out, Boudreaux, and I kept -- I can't -- I've got to
12 concentrate on doing what I'm doing.

13 Q. Why do you, why do you think he would change his story? I'm
14 just trying to figure that out.

15 A. All right. So the first time he told me he spilled milk, I
16 went, and I don't want to curse, but I told him, I said, you've
17 got to be f'ing kidding me right now, man. Are you serious? I
18 kind of belittled the guy. I really did because I was chewing --
19 not really chewing his ass out, but I couldn't believe that this
20 happened, you know. This is something that you don't, you don't
21 do it just -- especially since 4 days ago, you spilled something
22 else on the radar. So I was kind of livid on that, you know.
23 It's just -- dumbfounded. I, I, you know. I kind of belittled
24 him. He just might as well just come up with the truth. I think
25 that's how he felt, you know.

1 Q. When you talked to him on the phone, how did he sound? Did
2 he sound like groggy or was there anything abnormal about it?

3 A. No, no. He just sounded the same, you know, well, I kind of
4 messed up, you know. At that point, I didn't know anything --

5 Q. Right.

6 A. -- you know.

7 Q. Do you think he was, do you think he was embarrassed that he,
8 that he fell asleep and he --

9 A. Oh, yeah.

10 Q. -- that he changed. So do you think he was embarrassed that
11 he fell asleep and he said, well, I'll just say I spilled milk
12 because it's happened before and then he, then he came out with
13 the truth.

14 A. I think that's what happened. After I scolded him a little
15 bit, he just, he just knew that I was pissed, and he said, man,
16 let me just, let me just -- there ain't too many things that I
17 know as a captain as -- 30 years as a captain, that I know that if
18 I spilled milk that I'm going to be paying attention to what I'm
19 doing, or I'll call somebody up and say, hey, can you come clean
20 this milk. I had an accident, you know. I'm not stupid. It's
21 just something that you can work around. You don't defer going to
22 clean up milk while you (indiscernible) next to a chemical deck
23 but, you know.

24 Q. Did you --

25 A. That's all.

1 Q. Did you aboard the *John 3:16* after the incident?

2 A. I went to bring it to another shipyard. That was the only --
3 I've been real busy with -- like I said, I've got 11 boats. Once
4 that happened in the yard, once it got to the shipyard, it sat. I
5 put it on shore power a little while, and then I brought it to
6 another -- I'm the one that navigated it to another yard.

7 Q. When you were on the bridge, did you see anything? Was there
8 anything -- you said last time there was an incident that he
9 spilled milk and he damaged a radar component. Was there anything
10 on the bridge that was -- basically was there any evidence that
11 there was spilled milk on the bridge?

12 A. No.

13 Q. Was there, was there dried milk or damaged electronics or
14 anything like that?

15 A. No, the electronics was a week prior of that, the weekend,
16 and they had all that fixed --

17 Q. Okay.

18 A. -- you know. And they, they clean the boat all the time.
19 So.

20 Q. Okay. And I've got one last question here. Can you describe
21 the watch alarm system on the *John 3:16*?

22 A. The capacitator (ph.) alarm?

23 Q. Yeah. Yeah.

24 A. All right. So, it works to where it's engaged when -- it's
25 two ways. You have the steering pumps on or you're in gear. So

1 once you get it in gear, your steering pump on, if you're not
2 moving, it's going to go off. You'd have to wave or it's going to
3 catch a motion, and then it's going to go off lie in 2 minutes I
4 believe it is. So for it not to ring, and you walk -- like if you
5 knuckling in and you want to go outside to talk to your deckhands
6 and correct them and teach them something, then there's a button
7 that you press so it won't ring downstairs, and you outside but
8 that only lasts for so long, and then it's going to, you know,
9 you've got to come right back inside.

10 Q. So is there, is there a way for the captain to disable the
11 alarm while he's in the wheelhouse?

12 A. Disable? No. You can silence it, but it's going to come
13 right back on.

14 Q. And so it would, it would reset on rudder commands, right?

15 A. Yes.

16 Q. And so if there was a rudder command, it would start that 2
17 minute again.

18 A. Right.

19 Q. So if there's a rudder command and the system --

20 A. Either a rudder command or a motion.

21 Q. Right.

22 A. So -- and actually if you moving them, if you're moving the
23 sticks, it's going to catch your motion also.

24 Q. Right. So if it -- so for a way for it hypothetically to go
25 off, there would be a rudder command and there would have to be no

1 other inputs to the rudder and no motion detected on the bridge
2 and then it would sound the alarm?

3 A. Right.

4 Q. And the intent is to either get the attention or if the
5 operator who is falling asleep, it would wake them up?

6 A. Correct.

7 Q. Okay. Thank you.

8 MR. JOHNSTON: That's all the questions I have.

9 [REDACTED] I think that that's all the questions I had
10 also. Yeah, I think that's everything I had.

11 So, Harvey, thank you. We really appreciate your time and,
12 you know, you speaking with us.

13 We're going to end the interview here.

14 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: CONTACT OF TOWING VESSEL
JOHN 3:16 WITH IMTT TERMINAL
DOCK IN ST. ROSE, LOUISIANA
ON SEPTEMBER 12, 2023
Interview of Harvey Mabile, Jr.

ACCIDENT NO.: DCA23FM049

PLACE: via Microsoft Teams

DATE: October 5, 2023

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Kathryn A. Mirfin
Transcriber