

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

MULTIPLE COAL BARGES BREAK FREE *

FROM TOWBOAT *AMBER BRITTANY* NEAR THE * Accident No.: DCA24FM025

McALPINE LOCKS AND DAM IN LOUISVILLE, *

KENTUCKY ON MARCH 8, 2024 *

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* * * * *

Interview of: MICHAEL PORTER, Port Captain
Imperial River Transport, LLC

via Microsoft Teams

Friday,
March 15, 2024

APPEARANCES:

■■■■ Investigator
United States Coast Guard

DANIEL McCLAY, Investigator-in-Charge
National Transportation Safety Board

MARCEL MUISE, Marine Accident Investigator
National Transportation Safety Board

DENNIS WATSON, Esq.
DEVON FERRIS, Esq.
Dickie, McCamey & Chilcote, P.C.
Representing Imperial River Transport, LLC

JAMES ENGLERT, Esq.
Rendigs, Fry, Kiely & Dennis, LLP
Representing Captain Whittington

TOM MILLER, Esq.
Whitlow, Roberts, Houston & Straub, PLLC
Representing Crounse Corporation

RANDY BOWLING, Port Captain
Crounse Corporation

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I N T E R V I E W

(10:00 a.m.)

MR. [REDACTED] Please introduce yourselves.

MR. MILLER: Tom Miller, I'm an attorney here for Crounse.

MR. BOWLING: Yes, I'm Randy Bowling, Port Captain for
Crounse Corporation.

MR. [REDACTED] NTSB.

MR. MUISE: This is Marcel Muise, investigator with the NTSB.

MR. McCLAY: Yeah, this is Daniel McClay, also with NTSB, I'm
the investigator-in-charge.

MR. [REDACTED] And representing the master of the *Amber
Brittany*.

MR. ENGLERT: James Englert representing Captain Greg
Whittington.

MR. [REDACTED] Okay. And my name is [REDACTED] [REDACTED] I'm the -- I'm
serving as the lead investigator currently. [REDACTED] and I are
sharing this duty, [REDACTED] had to go out of town midweek, so I took
over for him this week. I'm a senior investigating officer at
Sector Ohio Valley and I've been doing this for about 20 years,
been with the Coast Guard about 40.

The Coast Guard received a call on the afternoon of
March 8th about a marine casualty that occurred involving the
Towing Vessel *Amber Brittany* near mile marker 604 on the Ohio
River and we're investigating that in accordance with Title 46
U.S. Code Chapter 63, and guided by the federal regulations at

1 Title 46 Part 4. Because the damage is -- and it was only the
2 damage threshold that was met of \$500,000 or more, we contacted
3 the NTSB and the NTSB and the Coast Guard are conducting a joint
4 investigation as far as fact finding. After we gather our
5 documents, the facts, video, photographs, whatnot, damage
6 estimates, things like that, then we separate and each agency
7 writes their own findings, conclusions, reports, and whatnot.
8 We've asked that the port captain for Imperial River Transport be
9 interviewed this morning and he sought counsel and that's what
10 we're here for, is to interview him.

11 You all have asked for party-in-interest because the Coast
12 Guard -- the Coast Guard and the NTSB have to decide who should
13 take the lead and because the Coast Guard took the lead in this,
14 at headquarters you sought this contextually, we fall under the
15 Coast Guard regulations, so party-in-interests are allowed under
16 the Coast Guard regulations at Part 4, and you all have been
17 designated as parties-in-interest.

18 And when I say that, I mean Crounse is designated and IRT is
19 designated as parties-in-interest. By default, the Army Corps has
20 structure involvement in this, the NTSB and the Coast Guard, of
21 course, are. But you are designated in writing as parties-in-
22 interest. As a credentialed mariner, you might represent a
23 credentialed mariner who's involved in it, they are also a party-
24 in-interest. So I want to record this interview and we'll get
25 into it on Teams and it will be transcribed on Teams, but the

1 transcription, I've heard, is not always really good with Teams,
2 so the NTSB has volunteered to clean it up and I'm sure they'll be
3 in contact, and Don -- excuse me, Dan, correct me if I'm wrong,
4 you'll reach out and provide the transcript and then they can --
5 to the witness and they'll say no, that's not what I said, I meant
6 that or that's not the word that was -- is that how it works?

7 MR. McCLAY: What we'll do is we'll have the -- in essence,
8 yes, that's how it works, but --

9 MR. [REDACTED] Yeah.

10 MR. McCLAY: -- we'll take the audio and the -- or the video
11 and then send it to the transcriptionists, they'll clean it up and
12 you'll check for factual errors, you know, for instance, you know,
13 spellings of last names or stuff like that, but I don't think that
14 there's a -- there's not an opportunity at that time to say I
15 didn't mean to say that, what I wanted to say was -- it's not an
16 opportunity to change the message, but it's an opportunity to
17 clean up the verbiage, I guess is --

18 MR. [REDACTED] A word, yeah.

19 MR. McCLAY: Right.

20 MR. [REDACTED] All right, so --

21 MR. McCLAY: And I can --

22 MR. [REDACTED] -- with that said, I'm going to -- go ahead.

23 MR. McCLAY: And we can provide that to you and get that out
24 to the parties-in-interest, as well.

25 MR. [REDACTED] Right, okay. So that said, I'm going to start

1 the transcription -- the recording and then I'm going to introduce
2 the witness and I want to get into the record a Privacy Act
3 statement I need to give him so he knows what his rights are and
4 -- and you all understand that, too.

5 (Pause.)

6 MR. [REDACTED] Okay, I guess it's on. Good morning, this is [REDACTED]
7 [REDACTED] with the U.S. Coast Guard, lead investigator for the *Amber*
8 *Brittany* allision at mile -- at Ohio River mile 604 on the -- on
9 the Ohio River on March 8th, 2024. This morning we're
10 interviewing the port captain for the *Amber Brittany*, Mr. Michael
11 -- can you -- Mr. Porter, can you state your full name and your
12 place of work, please?

13 MR. PORTER: Michael Porter and I work for Imperial River
14 transportation.

15 MR. [REDACTED] Okay. Mr. Porter, I sent your counsel a Privacy
16 Act statement, but I need to make sure that you understand that,
17 what this is about and the authorities the Coast Guard is using,
18 the statutes and the regulations and that -- basically, what we're
19 doing here today.

20 So the authority under which we're conducting a marine
21 casualty investigation is Title 46 U.S. Code Chapter 63 and U.S.
22 -- or Title 46 Code of Federal Regulations Part 4. In order for
23 the Coast Guard to get information, interview witnesses, and try
24 to free up communication between parties, we just want you to know
25 that in order to develop full disclosure and facilitate

1 determinations as to the cause of the marine casualty, no
2 admissions made by a person during an investigation under Part 5
3 or 4 may be used against that person in the proceeding under this
4 part, except for impeachment under Part 5.101. So the purpose of
5 the investigation is to find out what happened, how it happened,
6 if there's any corrective actions that we can make collectively or
7 specifically, but -- and to prevent these -- prevent reoccurrence
8 of this and take all of this, write a civil or criminal
9 enforcement action required for a given incident and ensure the
10 collection and dissemination of the highest quality of information
11 on marine casualties, injuries, pollution, marine violations, and
12 personnel actions, to promote safety at sea or on the river in
13 this case, and to establish a record of the marine casualty
14 incident or event. And I would just ask that you sign that, just
15 that you're acknowledging that, that I sent to your counsel.

16 Can we take a roll call again or do you know if this -- Dan,
17 do you know if this takes roll call on the transcript or do I need
18 to introduce everyone again?

19 MR. McCLAY: Yeah, if you could just interview -- or
20 introduce everyone and then spell your last name or any unorthodox
21 first name, please, that would be great.

22 MR. [REDACTED] Okay. For Crounse.

23 MR. MILLER: Attorney Tom Miller here for Crounse.

24 MR. BOWLING: Randy Bowling, Port Captain for Crounse.

25 R-a-n-d-y B-o-w-l-i-n-g.

1 MR. [REDACTED] For NTSB.

2 MR. McCLAY: This is Daniel McClay, last name, M-c-C-l-a-y,
3 for NTSB, I'm the investigator-in-charge.

4 MR. MUISE: And this is Marcel Muise, M-u-i-s-e, also a
5 marine accident investigator with the NTSB.

6 MR. [REDACTED] [REDACTED] [REDACTED] for the Coast Guard, [REDACTED]
7 the master of the *Amber Brittany*.

8 MR. ENGLERT: This is James Englert, E-n-g-l-e-r-t.

9 MR. [REDACTED] And counsel for the witness.

10 MR. WATSON: Dennis Watson, D-e-n-n-i-s W-a-t-s-o-n.

11 MS. FERRIS: And Devon Ferris, D-e-v-o-n.

12 F as in Frank-e-r-r-i-s as in Sam.

13 MR. [REDACTED] Okay, thank you.

14 Okay, Captain Porter, this is [REDACTED] [REDACTED] and I think that
15 should pop up on the transcript, who's talking at any given time,
16 but I would ask that -- what our intentions are, is the Coast
17 Guard will go first, the NTSB will go second, and then we'll go
18 around to Crounse, the master's counsel, and then your counsel, if
19 he has any questions for you to clean up. And that's how we'll go
20 this morning.

21 INTERVIEW OF MICHAEL PORTER

22 BY MR. [REDACTED]

23 Q. Mr. Porter, can you tell us what your experience is on the
24 river and who you work for and what your current position is?

25 A. I started out on the river in '95, I went to Mon River Towing

1 for five years, I believe it was. Then I went to Campbell
2 Transportation up until about eight years ago, where I came here
3 and I've been here ever since, at Imperial.

4 Q. And your current position is what?

5 A. I'm port captain and --

6 Q. And what are your -- go ahead.

7 A. Yeah. As of September of last year.

8 Q. And as a port captain, what are your duties, you're ashore,
9 do you relieve -- do you go out on boats and relieve people?

10 A. I have, I have had to hop on a boat here and there, if a guy
11 had to get off for an emergency for a couple days. So yes, I have
12 hopped boats in the past.

13 Q. And have you -- did you stick in Upper Ohio or do you have
14 experience on the entire Ohio or --

15 A. Yeah, I ran the whole entire Ohio, I ran the upper, up to
16 Chester, I ran the Cumberland up to mile -- I think it was a
17 hundred up at the power plant, that's all further up the
18 Cumberland.

19 Q. Okay. And can you tell us, on March 8th, what were your
20 duties as port captain in response to the report of the allision
21 of the *Brittany* -- or *Amber Brittany*, I'm sorry.

22 A. We got -- as the report?

23 Q. Yeah, I mean, what --

24 (Crosstalk)

25 BY MR. [REDACTED]

1 Q. -- port captain?

2 MR. WATSON: Let Mr. [REDACTED] ask the question, then you start.

3 MR. PORTER: Yeah. Could you repeat it?

4 BY MR. [REDACTED]

5 Q. As a port captain, in your position what is your role, what
6 do you do as a port captain in response to that call?

7 A. In response to that call, I went and gathered up my stuff and
8 went down there to be a point of contact for the company. When
9 Gregory Whittington called me that night, he informed me of what
10 happened, said he had contacted -- already contacted the Coast
11 Guard and concerned parties, and there was a lot going on and I
12 told him when everything settled down go ahead and take care of
13 what they needed to do and call me back. In the meantime I
14 started contacting other people in the company, informing them of
15 what was going on, me and Stacy Davis and Dave Yekel.

16 And then when he did get back in contact with me, I informed
17 him to make sure that Patrick Springer had to take his urine or
18 his alcohol test, we had to get that done and not let it get lost
19 in the shuffle because it was two hours. And then I started
20 setting up a crew change to go down there so I can pull the guys
21 off the boat once everything settled down. Of course, we're six
22 hours away, so by the time they got there, it would be settled
23 down and I'd be able to take them off and have them urine tested.

24 Q. So you were serving as -- that's just something a port
25 captain does or is that part of a safety management system or --

1 A. Well, yeah, that's in our TSMS sheet, you know, if something
2 happens and that goes with our regulation, I mean, we have to have
3 everybody tested.

4 Q. But are you the designated person ashore?

5 A. Yes.

6 Q. Do you have any duties of hiring or any HR duties?

7 A. Yes, I do.

8 Q. Can you explain those?

9 A. I hire, I do most of the hiring.

10 Q. On the whole company or wheelhouse?

11 A. Wheelhouse. And I was in the process of taking over the
12 deckhand hiring, also.

13 Q. And have you -- how do you go about that, I mean,
14 credentialed people, how do you -- do you know how -- are you
15 verifying their credential or I mean, you look at their --

16 A. Yes, I verify their credentials. I have them send copies to
17 me, if possible. And most of it's word of mouth or I get phone
18 calls. A lot of times I've been out there long enough, I get --
19 find somebody who knows them, knows about them or somebody who
20 might know somebody who knows them and try to find out as much
21 information as I can.

22 Q. And in the case of this Patrick, did you -- did you hire him?

23 A. I did.

24 Q. And what was his -- what was his background, what was the
25 hiring process like for him?

1 A. Captain Whittington brought him to me.

2 Q. Okay, so he was referred?

3 A. Yes. There was a spot open on that boat.

4 Q. Um-hum.

5 A. Another guy wanted moved to another boat, so I moved him to a
6 spot (indiscernible). When he had suggested that he knew this
7 guy, he had his license for years, he worked with him for five of
8 them, he said he was a fantastic pilot and he would be a great fit
9 and he had already talked to him. He informed me that he gave him
10 my information, he reached out to me and I talked to him,
11 discussed where he's ran, what he's done, what horsepower boats
12 he's ran, and it's -- at the time, it seemed like a perfect fit.

13 Q. And when you say at the time, what time was -- how long had
14 he been with -- with Imperial River Transport?

15 A. That was his first trip.

16 Q. So he had been employed there --

17 A. He'd been employed for two weeks.

18 Q. Okay. So approximately the 28th or so of February or the --
19 no, I'm sorry. So around the 26th of February?

20 A. I'm guessing. I would have to go back to be sure, but it was
21 right around there.

22 Q. Is there any familiarization required of the -- of that hire,
23 in the mate/pilot position there, do they have to go through
24 vessel familiarizations and stuff as they -- I know they're
25 experienced folks, but do they have to go through training, you

1 know, that first day or week?

2 A. Yeah.

3 Q. With the vessel.

4 A. Yes, sir. The first day he got on there, he goes through all
5 the vessel orientation and vessel training and all that, with the
6 captain on board.

7 Q. Is that documented anywhere or is that recorded anywhere?

8 A. Yes, sir, it is.

9 Q. And where would that be?

10 A. On the boat and I have copies of it.

11 Q. Okay. As the designated person ashore, and I want to stick
12 to this incident, but I have a copy of Imperial River Transport's
13 TSMS that you provided in -- in or on or about February 22nd, do
14 you recall giving me that or do you recall providing that to me?

15 A. I do not.

16 Q. Okay. Would it be -- what I want to do is authenticate that
17 TSMS, I want to make sure that I'm not looking at another version.
18 Has the TSMS that you received, the TSMS certificate from iTow for
19 -- in mid-December, in December of 2023, has that changed as a
20 TSMS and amended, updated, changed?

21 A. Not as to iTow, not for this, but I thought it was --

22 Q. Yeah, that's it, that's my question. I mean, that is my
23 question, has it changed since iTow issued the certificate and --
24 yeah.

25 A. No.

1 Q. And this is what I'm talking about, I think the third page
2 in, it's like -- it's like a blue cover sheet and it's got a helm
3 to the left, in the upper left corner and it's got your name, I
4 mean, I think it says Mike Porter, designated person ashore on
5 that front page.

6 A. Yes.

7 Q. Is that -- okay, I just wanted to make sure I got the right
8 document. All right, I think -- so you said hiring, do you have
9 any firing authorities? And I'm going to step away for a second
10 to shut my door because it's getting a little noisy outside, but I
11 can still hear everybody.

12 A. Yes, I do.

13 Q. In this case, in the *Amber Brittany* allision, did you make
14 any termination decisions?

15 A. Oh, yeah, absolutely. Springer's no longer with us.

16 Q. Okay. And that was your call or collectively?

17 A. Absolutely.

18 Q. All right, so -- okay. And that was based on the allision
19 alone or is there -- was there something else to it?

20 A. He had told me he was familiar with the river and had been
21 clean up to Pittsburgh. It was later brought to my attention that
22 somebody over here kept saying that -- or tell the Coast Guard
23 investigators that he wasn't familiar with that area. In fact,
24 they'd been through that lock, that was their third trip through
25 that lock in that two-week period. And like I said, once I found

1 out that he had lied and I seen that, you know, the video the AIS
2 recorded and all that, it was pretty evident what I needed to do.

3 MR. [REDACTED] Understood. Okay, NTSB, Mr. McClay.

4 BY MR. McCLAY:

5 Q. Yes. So Captain Porter, I just have a few questions. I'm
6 not as familiar with the local waterways as Mr. [REDACTED] is, so
7 you'll have to humor me on some of the questions. But as far as
8 your background experience, I know you said you had been with
9 Imperial for eight years, what did you do before the port captain
10 position?

11 A. I was a boat captain.

12 Q. Boat captain?

13 A. And actually ran the *Amber Brittany* before I took this
14 position, one time.

15 Q. How many boats would you say you have?

16 A. At our company?

17 Q. Uh-huh.

18 A. Right now, I think we have eight.

19 Q. Eight boats. And --

20 A. On charter, yes, sir.

21 Q. And about how many wheelhouse personnel?

22 A. Twenty-four I want to say, because we have a couple dinged
23 for day boats and (indiscernible) a two for one.

24 Q. Okay. And the *Amber Brittany*, the *Amber Brittany* is a
25 24-hour boat?

1 A. A day-for-day wheelhouse, yes, sir.

2 Q. Okay.

3 A. So maybe 28 on, 28 off. So there's four pilots with that
4 boat.

5 Q. Okay. All right. And you said you're experienced with -- so
6 you just said that Captain Springer had been through the lock
7 three times that hitch?

8 A. That was the third time they were -- the boat was going
9 through there on that -- on that two-week period, yes, sir.

10 Q. With that crew. Do you know if he was -- do you know if he
11 was at the helm at the time or was he down below?

12 A. I don't know that for sure.

13 Q. Okay. And do you know, prior to his -- him coming aboard
14 with Imperial, did you say that he has had experience on the Ohio
15 River specifically and around that area?

16 A. He told me he's been on the Ohio all the way up to
17 Pittsburgh, which is the whole -- the whole Ohio River.

18 Q. He's been on it, no indication of like how long or how many
19 trips?

20 A. No. No.

21 Q. No. When you -- your crew, do you hire a part-time crew, do
22 you lay them off, do you hire people out for just one or two trips
23 and then lay them off or is everyone kind of full time on a
24 regular rotation?

25 A. They're meant to be full time, that's not to say we haven't

1 let go of people in maybe a trip or two.

2 Q. Okay.

3 A. If they don't work out or something, but --

4 Q. Sure. But when they're hired, with the understanding that
5 they're full time.

6 A. Yes, sir. Yes, sir.

7 Q. Has your relationship -- so as the DPA, you're kind of the
8 link -- what would you say your role with the office and the crew
9 are? On a day-to-day.

10 A. On a day-to-day. Of course, crewing boats, making sure the
11 boats are crewed. When the water's up, they'll call me about tow
12 sizes. And I'll reach out, I deal a lot with Campbell's when
13 they're dispatching and talk to them a lot, a lot more so than
14 Crounse.

15 Q. When they call you about -- when you say they call you about
16 tow sizing, are you referring to -- do you give them advice about
17 the size of the tows, do you tell them --

18 A. Yeah.

19 Q. -- what they're picking up?

20 A. Yeah, but ultimately it's their decision, I can't tell them
21 yes or no.

22 Q. Okay.

23 A. I mean, they're the captain, it's their decision ultimately.

24 Q. Final decision.

25 A. I can give my advice or my suggestion.

1 Q. Uh-huh.

2 A. But at the end of the day, you're responsible for that
3 vessel, you know, I can't tell you what to do with it.

4 Q. How do they contact you?

5 A. By phone.

6 Q. By phone?

7 A. Yeah.

8 Q. So does each boat have its own cell phone or are people using
9 their personal phones?

10 A. Yeah, it's a mix, it's a mix. I'm not going to lie, the boat
11 telephones aren't the best, they don't have great service.

12 Q. Uh-huh.

13 A. So they might have to have a personal phone, you know.
14 There's spots on the river, there are dead spots that Verizon
15 might not have service but AT&T does, so you know, there are
16 situations that come up like that.

17 Q. When you were working as a captain, did you ever work
18 directly with Captain Whittington?

19 A. No.

20 Q. No, not directly.

21 A. No.

22 Q. Has he been -- how long has he been a captain for?

23 A. How long?

24 Q. Yeah. I mean, not -- working as a captain, not necessarily
25 licensed, I'm talking about, you know, in the captain position.

1 A. Oh, my goodness. I know he's about ready to retire, I didn't
2 ask him how long he's been in the captain position. He's been
3 with us about a year, he was here when I took over the port
4 captain position.

5 Q. Okay. So he's been with Imperial for about a year, but
6 captaining a much longer time.

7 A. Close to a year, I guess.

8 Q. Okay. Is it typical to hire wheelhouse positions outside the
9 company? Do you have deckhands who are trying to get up or --

10 A. We don't have no steersman program.

11 Q. Okay. So all the wheelhouse positions --

12 A. Oh. Yeah, it's all -- I mean, if somebody goes and gets
13 their license on their own and they want a deck and steer on their
14 own time, but we got some DEs, some designated examiners, that can
15 sign off on those.

16 Q. Um-hum.

17 A. But we have no steersman program in our particular company.

18 Q. Okay. What's your experience as a captain working on that
19 part of the river, specifically right around Louisville and the
20 McAlpine Locks?

21 A. I've been through there many, many times, many stages of
22 water.

23 Q. Is there anything that sticks out to that part as opposed to
24 other parts of the river, is it harder, is it easier?

25 A. Yes, it can be very challenging.

1 Q. Okay. Would you say it's the -- as far as transiting the
2 river, would you say that's one of the more -- the more important,
3 the more difficult, challenging --

4 A. When the water's up, absolutely.

5 Q. And when you say the water's up, what --

6 (Crosstalk)

7 BY MR. McCLAY:

8 Q. What do you consider water up?

9 A. You get up above 13 feet, you know, it starts getting -- you
10 start getting that out-draft and --

11 Q. Do you know when the -- do you when the --

12 A. (Indiscernible).

13 Q. Do you know when the VTS activates on that part of the river?

14 A. I think it's 13 feet.

15 Q. At 13 feet. If you were a new hire, is there any requirement
16 for orientation to each individual lock, observation period,
17 anything like that?

18 A. No.

19 Q. So it's mostly just on the captain's judgment on whether or
20 not, practically, the new hires --

21 A. Yes.

22 Q. Okay. Okay. As far as your relationship with
23 representatives at iTow, is there any -- is there any, like, work
24 that you've done as far as customizing the TSMS or tailoring it,
25 do you tailor it to each individual boat or is it more of a

1 companywide document?

2 A. It's a companywide document.

3 Q. Okay.

4 A. And I have worked with Ron, the representative of iTow.

5 Q. Okay.

6 A. (Indiscernible) going to boats.

7 Q. I'm sorry, say that again.

8 A. Visiting boats.

9 Q. Okay.

10 A. We've had that gap analysis done and stuff like that and I
11 would attend those with him.

12 Q. How many times a year would you say you visit the *Amber*
13 *Brittany*?

14 A. It would be at least once or twice, unless something happens.
15 If it's a perfect year, nothing's going on, nothing happens, I'll
16 be on there at least once or twice.

17 Q. Okay.

18 A. If it's down south.

19 Q. Okay. And sorry, your company only operates on the Ohio
20 River or all over the inland rivers?

21 A. All over.

22 Q. All over.

23 A. Right now we're primarily on the Ohio, a little bit on the
24 Upper Miss.

25 Q. Okay. There is one -- in the TSMS, I didn't understand,

1 there's one acronym and I couldn't -- I don't know what it is,
2 LPH, they say that the DPA has authority within the -- the highest
3 authority within the LPH, do you know what LPH stands for or is?

4 A. Licensed pilothouse. Yeah, I don't.

5 Q. Okay.

6 A. No.

7 Q. All right.

8 A. (Indiscernible) right offhand. Licensed --

9 Q. Do you conduct internal audits during the yearly --

10 A. I don't, personally.

11 Q. Okay.

12 A. But we have them, yes.

13 Q. Okay. And then as far as crew management goes, what do you
14 say your -- your biggest challenges are? Do you have -- is it
15 difficult to find people or do you have kind of the word of mouth
16 is more than -- more than you need?

17 A. I haven't had any issues finding people, I've actually let
18 eight people go since I've been here since September, in the
19 wheelhouse alone. For different reasons. But trying to weed out,
20 you know, some of the bad apples, I guess, so to say.

21 Q. So you don't think there's a real shortage of personnel, is
22 that what you're saying?

23 A. Yeah, there's a shortage, but I've been pretty lucky.

24 Q. Uh-huh.

25 A. I haven't had no issues crewing the boats or hiring people.

1 I've had more phone calls, you know, reaching out to me than I've
2 ever had to reach out to anybody else.

3 Q. Okay, okay. The pilot that was on board with -- with the
4 captain before and you said he went to a different boat, is there
5 -- can you tell me why he went, wanted a change or --

6 A. He used to ride a boat with the captain he's with now and
7 they're buddies --

8 Q. Okay.

9 A. -- and they used to (indiscernible) each other.

10 MR. McCLAY: All right. I think that's all the questions I
11 have for you right now. Thank you.

12 MR. [REDACTED] Mr. Muise.

13 BY MR. MUISE:

14 Q. Hey, good morning, Captain.

15 A. Good morning.

16 Q. I just have a few follow-ups there. Is this particular point
17 on the river a problem for your other boats or your other
18 captains, as well?

19 A. This should not have been a problem. No, it hasn't been an
20 issue.

21 Q. Okay. Does the company -- like the captains on the boats,
22 are they authorized to get an assist boat when it's a certain
23 gauge or is there a point where they're required to get an assist
24 boat?

25 A. They are, absolutely, and that would go through Crounse or

1 whoever they're chartered to and I'm sure that they would be more
2 than happy, you know, if they felt they needed one.

3 MR. MUISE: Okay, all right. Thanks, that's all I had.

4 MR. [REDACTED] For Crounse.

5 BY MR. MILLER:

6 Q. Yes. Captain Porter, earlier you made a comment about --
7 something about interacting with companies in your role and you
8 said something to the effect of more so than Crounse, can you
9 clarify that? I couldn't quite hear what you said.

10 A. You mean --

11 Q. If you recall.

12 A. Yeah, I don't recall.

13 Q. Okay.

14 A. Say that again.

15 Q. All right. Did you have any comment about your interactions
16 with Crounse in your role as port captain?

17 A. It's been fantastic, I've reached out to Randy and even asked
18 him, after this settles down, if maybe I could meet him in person
19 and maybe see how they do some of their backgrounds, because I've
20 ran into some obstacles and you have to, to a certain extent, take
21 these guys for their words because when you have a western rivers
22 license, you can run the western rivers. And I don't know how
23 many times you've been through that lock or if you lie to me, I
24 mean, there's no way for me to prove it. We don't get no stickers
25 or bows when we go through there, you know, there's nothing

1 required. I mean, you have to take certain people for their word,
2 to a certain extent.

3 Q. And do you remember how many years' experience this pilot had
4 when he came to your company?

5 A. Yeah, he told me 20.

6 Q. Okay. And what's his full name?

7 A. Patrick Springer.

8 Q. And you said he was a mate/pilot, is that right?

9 A. I don't -- he was a pilot, yeah.

10 Q. I thought I heard somebody say mate.

11 (Crosstalk)

12 MR. PORTER: Yeah, he's a pilot.

13 BY MR. MILLER:

14 Q. Are the results back on the urine test, do you know?

15 A. Yes. And he was fine.

16 Q. I may have written this down wrong, but I thought you said
17 that you had -- had to let eight people go or just --

18 A. I have let eight people go, yeah.

19 Q. Okay.

20 A. Just in the wheelhouse, not the deck crew.

21 Q. And then the only other thing I had, what's the status as far
22 as preserving any evidence from the incident?

23 A. I've had Mr. Whittington send me all of the forms and safety
24 meetings. Plus, we have a helm system on there, that it's a
25 computer and it's saved on that, also, with their trip plans. I

1 also got copies of the trip plans, got them sent for me. I've got
2 a whole folder going, you know, just on different things on this
3 particular incident.

4 Q. Okay. And did you -- did you say that you spoke to the
5 pilot, Mr. Springer, on the day of the accident?

6 A. I did not.

7 Q. Okay.

8 A. I don't believe so.

9 Q. Okay.

10 A. He was working the boat and Mr. Whittington called me.

11 Q. Okay. And what did Mr. Whittington say about how it
12 happened?

13 A. He didn't know how it happened, none of us really knew until
14 later on.

15 MR. MILLER: Got it. That's all I had. Thank you, sir,
16 appreciate it.

17 MR. PORTER: Thank you.

18 MR. [REDACTED] Mr. Englert.

19 MR. ENGLERT: I don't have any questions for the witness.

20 MR. [REDACTED] Okay. Mr. Watson for Imperial.

21 MR. WATSON: [REDACTED] do you mind if we take a five-minute break
22 so I can just talk with Mr. Porter to see if there's any areas he
23 wants to have me address?

24 MR. [REDACTED] No, that will be fine, but I need to let you all
25 know one thing. My recording did not record my interview, so I'm

1 going to summarize it at the end and then we're going to have to
2 reintroduce ourselves for the record and if you think I'm missing
3 something in my summary, please let me know. Can you all see the
4 transcript to the right of the screen? Or is that just me --

5 UNIDENTIFIED SPEAKER: No.

6 MR. [REDACTED] -- that can see that? Okay, all right. Sorry,
7 my first time, but it did start when Dan -- as NTSB started, I did
8 get it corrected, but I will go back and summarize mine. So if
9 you want to take five minutes and -- that would be fine with me
10 and I'll stay online, but I am going to turn the recording off.

11 (Pause.)

12 MR. [REDACTED] Actually, I'm not going to turn the recording off
13 because I don't want to split the file up. If you all could just
14 mute your -- mute your mikes until we come back and then I'll put
15 a timer on it and I'll call us back, too.

16 MR. McCLAY: All right.

17 (Off the record at 10:44 a.m.)

18 (On the record at 10:49 a.m.)

19 MR. [REDACTED] Okay, that's five minutes.

20 Mr. Watson, are you online?

21 (No response.)

22 MR. [REDACTED] Can you all hear me?

23 UNIDENTIFIED SPEAKER: Yes.

24 MR. [REDACTED] Okay. Randy, do you have any questions?

25 MR. BOWLING: Let me get it off of mute here. No, I don't

1 have any questions.

2 (Pause.)

3 MR. WATSON: [REDACTED] we're ready when you are.

4 MR. [REDACTED] Okay. Did you have anything from the standpoint
5 of representing Imperial, Mr. Watson?

6 MR. WATSON: Yes. [REDACTED] right when we got started, Mr. Porter
7 signed the Privacy Act statement and we will e-mail this to you as
8 soon as the interview is done today.

9 MR. [REDACTED] Thank you.

10 MR. WATSON: Okay, I do have a couple questions for
11 Mr. Porter.

12 BY MR. WATSON:

13 Q. Mike, there were some questions asked about your ability to
14 attract personnel to the wheelhouse -- or I'm sorry, for Imperial,
15 is that correct?

16 A. Correct.

17 Q. Okay. And to the best of your knowledge, does Imperial have
18 any problem in attracting employees for the wheelhouse personnel,
19 deck personnel, or land personnel?

20 A. Not since I've been up there, I haven't had an issue.

21 Q. Okay. One other question. There was a question asked about
22 your contact with Crounse and you compared that with the other
23 company that Imperial works for, do you recall that?

24 A. Yeah, yeah.

25 Q. And you said -- I believe you said you had more contact with

1 the other company than you do with Crounse, do you recall that
2 testimony?

3 A. Yes.

4 Q. Can you explain why?

5 A. Campbell's charters eight boats through us, to where Crounse
6 has two.

7 Q. And is that the reason why you have more contact --

8 A. Yes, yes.

9 MR. WATSON: That's all I have. Thank you.

10 BY MR. [REDACTED]

11 Q. Okay, I'm going to try to clean up mine and summarize our
12 interview to ensure that it gets on the record because I'm not
13 sure I recorded my portion of the interview. So I'm going to try
14 to summarize, but I have one question, one follow-up from the
15 Coast Guard. Captain Porter, are you familiar with the acronym
16 WAP, W-A-P?

17 A. Water action plan.

18 Q. Okay. Do you have the -- do you -- it's a voluntary
19 document, it's not a requirement, but we do generate it annually
20 or every couple of years with -- with the industry partners, with
21 the Coast Guard, Army Corps of Engineers and whatnot. Do you know
22 what that document provides to the industry?

23 A. Yeah, absolutely. There should be a copy of it in *Amber* from
24 2021, I believe.

25 Q. Okay.

1 A. And yeah, it gives you information on what to expect, you
2 know, at certain stages of water or different places on the river.

3 Q. Do you know, is there any training on that or the usage of
4 that within the wheelhouse personnel that you know of?

5 A. Yes, they should've been shown where all that stuff was and
6 any chart books, any -- and it's all in that document and I was
7 referring to it earlier, to where he gets his boat training and
8 orientation. During the boat orientation, he should've been shown
9 where everything he might need is kept.

10 Q. Now, is that something that happens continuously, I mean,
11 from a voyage planning, how does that happen on your vessels, you
12 know, do they -- do they plan out for the whole trip and then do
13 they put that in the TVR, is that right, TVR, towing vessel
14 record? Yeah, TVR.

15 A. A TVR, we -- a TVR is done daily, every 24 hours, and it's
16 the towing vessel record. The trip planning they will do, I
17 think, once or twice a week, I think. I'm not a hundred percent
18 sure on that, because I looked on their helm just when I printed
19 up their trip plan. But they have a daily towing vessel record,
20 also.

21 Q. Okay. So if I want to see their trip plan, I might need to
22 ask for helm or --

23 A. Yes.

24 Q. -- towing records? Okay, all right.

25 A. Yes, sir, we can print that up, yeah.

1 Q. Okay. All right. Now I'm going to summarize the earlier
2 portion of my questioning. You explained you had worked on the
3 river since the mid-'90s and -- at what point did you get a
4 credential? The year --

5 A. Two thousand seven.

6 Q. Okay. And then you went to work for Campbell and then Mon
7 Towing and migrated to IRT in 2014-ish, in that time frame?

8 A. I'm going to guess, yes, it was eight years, roughly, because
9 my son was getting ready to be born, so it was roughly eight years
10 ago. Now, I did work at Murray for like six months, but decided
11 that wasn't for me and came here.

12 Q. And then during that time period after going to Imperial
13 River Transport, you at one point in time captained the *Amber*
14 *Brittany* and then took over the port captain position in September
15 of 2023.

16 A. I've captained more than the *Amber Brittany*, multiple boats,
17 but yes, pretty much.

18 Q. On or about February '22 the Coast Guard received a TSMS from
19 Imperial River Transport, that TSMS gives the existing TSMS
20 applicable to the *Amber Brittany* to take, is that a correct
21 statement?

22 A. Yes, sir.

23 MR. [REDACTED] And I think that summarizes my questioning. I
24 would just ask that everybody introduce themselves and spell their
25 last name again, so we ensure that it gets in the record because

1 I'm not positive, but I'm a little concerned that I missed it. So
2 I'll start with Crounse again.

3 MR. MILLER: Tom Miller, T-o-m M-i-l-l-e-r.

4 MR. BOWLING: Randy Bowling, R-a-n-d-y B-o-w-l-i-n-g, Port
5 Captain.

6 MR. [REDACTED] Master of the *Amber Brittany*.

7 MR. ENGLERT: James Englert, E-n-g-l-e-r-t.

8 MR. [REDACTED] NTSB.

9 MR. McCLAY: Daniel McClay, last name, M-c-C-l-a-y,
10 Investigator-in-Charge of the *Amber Brittany*.

11 MR. MUISE: And Marcel Muise, M-u-i-s-e, also an investigator
12 with the NTSB.

13 MR. [REDACTED] And [REDACTED] [REDACTED] with the U.S. Coast Guard, senior
14 investigating officer and lead investigator. And that concludes
15 our interview with Port Captain Mike Porter with Imperial River
16 Transport on March 15, 2024, it's approximately 11:00 a.m. Eastern
17 time. We started at 10:00.

18 (Whereupon, at 10:58 a.m., the interview concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

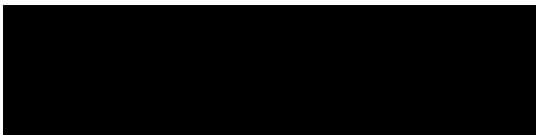
IN THE MATTER OF: MULTIPLE COAL BARGES BREAK FREE
FROM TOWBOAT *AMBER BRITTANY* NEAR
THE McALPINE LOCKS AND DAM
IN LOUISVILLE, KENTUCKY
ON MARCH 8, 2024
Interview of Michael Porter

ACCIDENT NO.: DCA24FM025

PLACE: via Microsoft Teams

DATE: March 15, 2024

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



David A. Martini
Transcriber