

Under 46 U.S. Code §6308, no part of a report of a marine casualty investigation shall be admissible as evidence in any civil or administrative proceeding, other than an administrative proceeding initiated by the United States.

1 U.S. Coast Guard Marine Board Investigation ICO the sinking of SS El Faro held in

2 Jacksonville, Florida held

3 16 May 2016

4 Volume 11

5 **CAPT Neubauer:** The hearing is now in session. Good morning ladies and gentlemen.

6 I'm Captain Jason Neubauer, United States Coast Guard, Chief of the Coast Guard

7 Office of Investigations and analysis, Washington D.C. I'm the Chairman of the Coast

8 Guard Marine Board of Investigation and the presiding officer over these proceedings.

9 The Commandant of the Coast Guard has convened this board under the authority of

10 Title 46, United States Code, Section 6301 and Title 46 Code of Federal Regulations

11 Part IV to investigate the circumstances surrounding the sinking of the SS El Faro with

12 the loss of 33 lives on October 1st, 2015 while transiting East of the Bahamas. I would

13 like to take this opportunity to once again express my condolences to the family and

14 friends of the 33 crew members who were lost at sea. I note that many of you are

15 attending today's session and we appreciate your presence at the proceedings. Other

16 than myself, the members of this board include Commander Matt Denning and Mr. Keith

17 Fawcett. The legal counsel to this board is Commander Jeff Bray. The Recorder is

18 Lieutenant Commander Damian Yemma. Coast Guard Technical Advisors to this board

19 are Commander Mike Odom, Lieutenant Commander Mike Venturella, Doctor Jeff

20 Stettler and Lieutenant Mike Comerford. And the board's media liaison is Ms. Alana

21 Ingram. All board members have previously sworn to faithfully perform their duties

22 without partiality.

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1 Upon completion of the investigation this marine board will submit its report of
2 findings, conclusions and recommendations to the Commandant of the United States
3 Coast Guard. The National Transportation Safety Board (NTSB) is participating in this
4 hearing. Mr. Thomas Roth-Roffy, Investigator in Charge for the NTSB's El Faro
5 investigation is seated to my left. I would like to request the cooperation of all persons
6 present to minimize any disruptive influence on the proceedings in general and on the
7 witnesses in particular. Witnesses are appearing before the board to provide valuable
8 information that will assist this investigation. We request that all members of the public
9 be courteous to the witnesses and respect their right to privacy. I ask that you silence
10 all cell phones at this time and please exit the hearing room to make or receive phone
11 calls. With the exception of the pool cameras, photography including television
12 cameras will only be permitted during this opening statement and during recess periods.
13 The members of the press are welcome, and an area has been set aside for your use
14 during the proceedings. The news media may question witnesses concerning their
15 testimony they have given after I have released them from these proceedings. I ask
16 that any such interviews be conducted outside the room. The investigation will
17 determine as closely as possible the factors that contributed to the incident so that
18 proper recommendations for the prevention of similar casualties may be made.
19 Whether there is evidence that any act of misconduct, inattention to duty, negligence or
20 willful violation of the law on the part of any licensed and certificated person contributed
21 to this casualty and whether there is evidence that any Coast Guard personnel or any
22 representative or employee of any other Government agency or any other person
23 caused or contributed to the casualty. This is the second investigation hearing session

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1 and it's scheduled to last until May 27th. This session will focus on shipboard operations
2 and cargo loading, lashing and stowage operations for the accident voyage. We'll also
3 examine the vessel's stability and weather conditions forecasted and encountered. In
4 addition the regulatory oversight for the El Faro will be examined to determine any
5 potential implications on the accident voyage. A third hearing session is anticipated at a
6 date to be determined to examine additional elements including prior crew witnesses,
7 Tote company officials and contents of the El Faro's voyage data recorder if it can be
8 recovered and analyzed. The Coast Guard has designated parties in interest to this
9 investigation. In Coast Guard Marine casualty investigations a party in interest is an
10 individual, organization or other entity that under the existing evidence, or because of
11 his or her position may have been responsible for or contributed to the casualty. A party
12 in interest may also be an individual, organization or other entity having a direct interest
13 in the investigation in demonstrating the potential for contributing significantly to the
14 completeness of the investigation or otherwise enhancing the safety of life and property
15 at sea through participation as party in interest. All parties in interest have a statutory
16 right to employ counsel to represent them, to cross-examine witnesses and have
17 witnesses called on their behalf. Witnesses who are not designated as parties in
18 interest may be assisted by counsel for the purpose of advising them concerning their
19 rights. However, such counsel are not permitted to examine or cross-examine other
20 witnesses or otherwise participate in the investigation. I will now read the list of those
21 organizations and individuals whom I've previously designated as parties in interest.
22 After I read the name of each organization or individual I ask that counsel announce
23 their appearance on behalf of their client. Tote, Incorporated.

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1 **Tote Inc:** Luke Reid from K&L Gates on behalf Tote.

2 **CAPT Neubauer:** And just to clarify these are lead counsel for each party in interest.

3 **Tote Inc:** Yes, sir.

4 **CAPT Neubauer:** ABS.

5 **ABS:** Jerry White, from Hill Rivkins, LLP for ABS.

6 **CAPT Neubauer:** Herbert Engineering Corporation.

7 **HEC:** Willa France, esquire.

8 **CAPT Neubauer:** And Mrs. Teresa Davidson, as next of Kin for Captain Michael
9 Davidson, Master of the SS El Faro.

10 **Ms. Davidson:** William Bennett, from Blank Rome.

11 **CAPT Neubauer:** Thank you. The marine board will place all witnesses under oath.

12 When testifying under oath, a witness is subject to the Federal Laws and penalties for
13 perjury for making false statements under Title 18, United States Code, Section 1001.

14 Penalties include – include a fine of up to \$250,000 or imprisonment up to five years or

15 both. The sources of information to which this investigation will inquire are many and

16 varied. Since the date of the casualty the NTSB and Coast Guard have conducted

17 substantial evidence collection activities. And some of that previously collected

18 evidence will be considered during these hearings. Should any person have or believe

19 he or she has information not brought forth, but which might be of direct significance

20 that person is urged to bring that information to my attention by emailing

21 elfaro@uscg.mil. Mr. Roth-Roffy will now say a few words on behalf of the NTSB.

22 **Mr. Roth-Roffy:** Good Morning. I am Tom Roth-Roffy, Investigator in Charge for the

23 National Transportation Safety Board's investigation of this accident. The safety board

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1 is an independent Federal agency which under the Independent Safety Board Act of
2 1974 is required to determine the cause or probable cause of this accident to issue a
3 report of the facts, conditions, and circumstances relating to it and may make
4 recommendations for measures to prevent similar accidents. The Safety Board has
5 joined this hearing to avoid duplicating a development of facts. Nevertheless, I do wish
6 to point out that this did not preclude the safety board from developing additional
7 information separately from this proceeding if that becomes necessary. At the
8 conclusion of these hearings the Safety Board will analyze the facts of this accident and
9 determine a probable cause independently of the Coast Guard. At a future date a
10 separate report of the NTSB's findings will be issued that will include our official
11 determination of the probable cause of this accident. If appropriate the Safety Board
12 will issue recommendations to correct safety problems discovered during this
13 investigation. These recommendations may be made in advanced of the report. Thank
14 you Captain.

15 **CAPT Neubauer:** Thank you. This concludes the opening statement. At this time I
16 would like to ask that everyone present stand for a moment of silence in respect to
17 those persons who have been lost at sea as a result of this casualty. [All persons
18 stand].

19 **LCDR Yemma:** Thank you ladies and gentlemen, you can be seated now.

20 **CAPT Neubauer:** For the parties in interest who are on the microphone today, we have
21 a new set of microphones for this round. To speak just press down and your
22 microphone will turn red if it's active. We will now take a 10 minute recess before
23 calling the first witness, Captain James Frudaker. The board is now in recess.

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1 *The hearing recessed at 0910, 16 May 2016*

2 *The hearing was called to order at 0920, 16 May 2016*

3 **CAPT Neubauer:** The hearing is now back in session. The board now calls Mr. James
4 Frudaker. Please come forward, sir.

5 **LCDR Yemma:** Sir, could you please raise your right hand. A false statement given to
6 an agency of the United States is punishable by fine and or imprisonment under 18
7 United States Code Section 1001. Knowing this do you solemnly swear that the
8 testimony you're about to give will be the truth, the whole truth and nothing but the truth,
9 so help you God?

10 **WIT:** I do.

11 **LCDR Yemma:** Thanks you can be seated. Sir, if you press the button on your
12 microphone there it will activate it and you can probably just leave it activated the whole
13 time.

14 **WIT:** Okay.

15 **LCDR Yemma:** So I would like to start, please, sir, could you state your full name and
16 spell your last name for the record?

17 **WIT:** James Frudaker, spelling is F-R-U-D-A-K-E-R.

18 **LCDR Yemma:** Thank you. Mr. Frudaker. And can you please tell the board where
19 you're currently employed and what your position is?

20 **WIT:** I am a Federal Pilot acting as a docking master of the Port of Jacksonville. We
21 are self-employed. The name of the organization that we're affiliated with is Florida
22 Docking Master's Association.

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1 **LCDR Yemma:** Thanks, sir. And can you describe some of your prior relevant work
2 experience?

3 **WIT:** I went to sea for 24 years, mainly tug and barge work.

4 **LCDR Yemma:** And what's your highest level of education completed?

5 **WIT:** High school.

6 **LCDR Yemma:** Thank you Mr. Frudaker, Mr. Fawcett is going to have some questions
7 for you now.

8 **WIT:** All right.

9 **Mr. Fawcett:** Good morning Captain.

10 **WIT:** Good morning.

11 **Mr. Fawcett:** All of my questions will be related to the time frame before the accident
12 voyage leading up to the day of the accident, October 1st, 2015 unless I state that
13 otherwise. And your testimony is very relevant today because yourself and Captain
14 Bryson, the bar pilot were the last shore side personnel that interacted with the El Faro
15 on the accident voyage. So we'll cover a couple broad topic areas. The first will be
16 your experience in actually piloting the – or providing docking Master services for the El
17 Faro on the accident voyage, the start of the accident voyage. And then secondly, your
18 general experience with the El Faro and the El Yunque. So we may move back and
19 forth, but anytime you would like to take a break we can stop. Also the way this works
20 is the Coast Guard will ask you a round of questions and then we'll move to the National
21 Transportation Safety Board representative and then the parties in interest. As we
22 move through these topics they'll get their opportunity to ask some questions and then
23 we'll move on to the next topic.

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1 **WIT:** Very good.

2 **Mr. Fawcett:** So with that I'd like to talk about the Docking Master service that you
3 provided for the accident voyage, the start of the accident voyage. And if you would you
4 mentioned Federal Pilot. Would you elaborate a little more on what the term Federal
5 Pilot means?

6 **WIT:** Federal Pilot is licensed through the United States Coast Guard. It's specific to a
7 certain route in each port. It entitles the person that passes the exam to maneuver U.S.
8 flagged vessels of any gross tons or length.

9 **Mr. Fawcett:** All right. And then talking about the term Docking Master, could you go
10 into some detail as to what the Docking Master's actually do aboard ships?

11 **WIT:** Docking Masters are – what we do is we do the actual maneuvering of the
12 docking and un-docking of ships in the port. We do shifting of U.S. flagged ships within
13 the port, or tug and barges, whatever needs to be shifted with tug boat assist.

14 **Mr. Fawcett:** So how long have you served as a Docking Master in the Port of
15 Jacksonville?

16 **WIT:** 15 ½ years.

17 **Mr. Fawcett:** And during that time could you give me the approximate number of
18 Docking Master services you provided for El Faro?

19 **WIT:** Specifically no. More than 50 I would say.

20 **Mr. Fawcett:** Okay. So how many Docking Masters are there?

21 **WIT:** There are 6 in our group.

22 **Mr. Fawcett:** Okay. So when the rotation comes up on the board you will get the El
23 Faro job?

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1 **WIT:** Yes.

2 **Mr. Fawcett:** And how much notice do you normally get before you get called out to do
3 the Docking Master job?

4 **WIT:** Two hours.

5 **Mr. Fawcett:** And do you know approximately how many times you've provided the
6 same service to the El Yunque?

7 **WIT:** The El Yunque has been here for 15 years, so hundreds.

8 **Mr. Fawcett:** And you mentioned tug and barges. Tote uses contracted tugs and
9 contracted barges to move their cargo to and from Jacksonville to San Juan. Do you
10 handle or have you handled those tugs and barges?

11 **WIT:** We did – my association did all the docking and un-docking of those barges.

12 **Mr. Fawcett:** And could you give a rough idea how many of those jobs you handled?
13 Countless?

14 **WIT:** Well no. They were only in service I think for a year, so roughly 50.

15 **Mr. Fawcett:** All right. So if you would so we could understand, you're at home and
16 does someone call you to tell you where you are on the board so that you know what
17 the upcoming job is? Could you describe that process for us?

18 **WIT:** Florida Docking Master's is a subcontractor to Moran Towing. So we work with
19 Moran Towing. Their dispatchers will send out a worksheet of the jobs, movements,
20 ship movements we have you know during that 24 hour period and we're on call. And
21 so the dispatcher will call us as I said 2 hours before a maneuver will happen.

22 **Mr. Fawcett:** All right. So you go to the vessel and how do you board the vessel?

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1 **WIT:** If the vessel is in berth we will board from the shore side up the accommodation
2 ladder.

3 **Mr. Fawcett:** And looking at the – looking at the job, do you have specific work rules
4 where if the ship is late for sailing you get signed off or do you stay until the ship
5 eventually sails? How does that work?

6 **WIT:** We work a 4 hour on 8 hour off rotation. So when I'm called out for a job I'm
7 there for 4 hours. So if she's delayed I'll stay there my entire 4 hours if need be.

8 **Mr. Fawcett:** So looking at the El Faro in the last say the year of 2015, do you recall
9 being dispatched to the job, arriving at the job and finding that the ship was late in their
10 departure?

11 **WIT:** Cargo operations are not an exact science, so yes. Not only with the El Faro but
12 all shipping, I mean it's an estimated time of departure.

13 **Mr. Fawcett:** All right. So go on board with your own gear, you've got your – you've
14 got your brief case and carry bag or backpack and you've got your own radios and so
15 forth?

16 **WIT:** Yes.

17 **Mr. Fawcett:** So if you arrive on the bridge the normal departure time for the El Faro
18 sailing out of Jacksonville would be what time?

19 **WIT:** They generally set the board for 18 or 1900.

20 **Mr. Fawcett:** If they know they're going to be late, do you get a later call? In other
21 words would you typically be geared up ready to go so that you were aboard let's say at
22 1800 or sometime like that? Or do you get a later call?

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1 **WIT:** Our association generally boards the vessel 30 minutes before the actual sailing
2 time.

3 **Mr. Fawcett:** Okay. So the board, at Moran, the dispatcher they get the sailing time
4 and do they track what's going to actually happen so that you don't sort of come aboard
5 the ship and waste time or spin your wheels waiting for the ship to finish up?

6 **WIT:** I really don't know how to answer that to be honest with you. I mean the agent
7 generally will contact the St. John's Pilot Association and also the tug boat company.
8 And they will say okay the ship is now set to sail at 1900.

9 **Mr. Fawcett:** Okay. So it's fine tuned before you go the ship?

10 **WIT:** Yes.

11 **Mr. Fawcett:** So to speak.

12 **WIT:** Yes.

13 **Mr. Fawcett:** Do you recall – did you – do you remember if you provided the docking
14 master service in early August? For the El Yunque there was a late departure with
15 some cargo issues, do you recall that?

16 **WIT:** I can't – that's probably 400 movements ago for me, sir.

17 **Mr. Fawcett:** Okay, thank you. And how about the, I know I'm asking the same type of
18 question, but do you remember if the El Faro on September 9th, she was delayed
19 sailing? Do you recall that?

20 **WIT:** Not specifically, no.

21 **Mr. Fawcett:** Okay. In the months proceeding the accident date, were the on time
22 departures typical? Close to 8 – to 1900 or were they running late, do you recall?

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1 **WIT:** They generally go on time. What generally may cause a delay is the refrigerated
2 boxes. You may have one of the refrigeration units may have trouble and they would
3 have to call a technician in to get it online or remove the box.

4 **Mr. Fawcett:** So once you – once you come aboard the ship and you're shown up to
5 the bridge, where do you wait waiting for things to happen? In other words, this
6 refrigerated box has a problem, are you on the bridge?

7 **WIT:** Yes.

8 **Mr. Fawcett:** Have you ever had the occasion where you know they said hey it's going
9 to be a little longer than we expect and you can wait in the pilot cabin or go down to the
10 galley or something like that?

11 **WIT:** I generally stay on the bridge.

12 **Mr. Fawcett:** So let's turn to the day of departure for the accident voyage, September
13 29th. Can you walk us through that day as best as you recall?

14 **WIT:** One moment.

15 **Mr. Fawcett:** And if you're going to refer to a document we may ask for that document
16 at a later time.

17 **WIT:** It's a – I can give this to you. It's a – just for time reference. It's a copy of our
18 ticket. This is the ticket, a copy for ticket for that date. Looking at the ticket here my
19 arrival time, I always put 15 minutes before, but I generally am there 30 minutes before.
20 So I have on my arrive time 1945. We started the job of letting lines goes at 1955. I
21 show a finish time of 2025. I can give this to you if you like.

22 **Mr. Fawcett:** We'll get that later. Do you recall if that was – how many tugs you used?

23 **WIT:** Those jobs always – we use two tugs.

1 **Mr. Fawcett:** Okay. For the purposes of those who don't know what you do, turning to
2 that voyage and that departure, can you give us a description of what transpires once
3 you come aboard and greet the bridge officers?

4 **WIT:** I come on board, speak with the Master of the vessel and I generally find out from
5 him how his cargo operations are going, whether it's going to be an on time sailing. I'll
6 review the pilot card if it's ready at that time. Then I'll have a Pilot Master conference to
7 let him know what the tide and the weather conditions are doing at the time and that
8 predicates how I will turn the vessel. At that point when the gangway is up I'll call the
9 tugs over, I'll put them in place for the maneuvering.

10 **Mr. Fawcett:** Okay. And continue if you will, sir.

11 **WIT:** Okay. On that particular day it was an ebb tide sailing. So we turned the ship to
12 the left. She's starboard to, so the Ebb tide is – you're stemming it while you're
13 alongside the dock. So we turned the ship to the left, try to use Mother Nature to your
14 best advantage. So you put a tug on the bow with a tug line, put a tug on the stern, on
15 the port quarter with a tug line, you lift the vessel off the dock until you have adequate
16 stern clearance and then you rotate the ship around.

17 **Mr. Fawcett:** And then what happened, sir?

18 **WIT:** Once I have the ship safely in stream I'll release the tugs and make sure they are
19 clear of the vessel. And then I would turn the ship over to the State Pilot.

20 **Mr. Fawcett:** Did the State Pilot board with you at the dock?

21 **WIT:** I can't say that we went up the ladder at the same time, but he did board the –
22 you know within minutes of when I did.

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1 **Mr. Fawcett:** Okay. So now you have the ship shaped down the channel, what
2 happens after that?

3 **WIT:** I inform the State Pilot as to the condition of the ship and that the tugs are clear,
4 let him know what bell I have the ship on, what the rudder's angle is at, see if he's
5 comfortable with it, once he's comfortable with it I transfer the conn to him.

6 **Mr. Fawcett:** And then what happens?

7 **WIT:** Then I depart.

8 **Mr. Fawcett:** And how do you do that?

9 **WIT:** I go down and go down the Jacob's ladder onto the tug boat and then we pull off
10 the ship and I go to shore.

11 **Mr. Fawcett:** Is that typically rigged on the port side?

12 **WIT:** We use the same side as the weather conditions are outside for the State Pilot.
13 So if the State Pilots are using a port side out we set up a port side ladder so there's not
14 – so the crew's not having to rig it from one side to the other.

15 **Mr. Fawcett:** And so you get on the tug and you return to where?

16 **WIT:** I return to the dock.

17 **Mr. Fawcett:** Okay. So turning your attention to the September 29th departure, do you
18 recall anything based on your experience on the El Faro, anything out of the ordinary
19 that day?

20 **WIT:** No, sir, there was nothing out of the ordinary.

21 **Mr. Fawcett:** And so if you would describe in a little detail what the pilot card, that was
22 one of the tools you mentioned that the ship provides you and you mentioned if it's

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1 ready, so would you elaborate a little on the pilot card and what that means to you as a
2 docking master?

3 **WIT:** The pilot card is a checklist of electronics and machinery. Also it gives the draft of
4 the vessel for departure. I guess that's the best way to sum it up, is a checklist of all
5 your electronics, required equipment for sailing. And they – so that there's – so you
6 know there's no deficiencies with the vessel.

7 **Mr. Fawcett:** And then you mentioned in your conversation if it's ready. You expect it
8 to be ready when you're ready to have this discussion, is that correct?

9 **WIT:** In saying that what I meant by that, sometimes you get on board and the cargo
10 operations are not completed so the drafts are not logged in until cargo operations are
11 completed. So that's what I meant by that, so.

12 **Mr. Fawcett:** So turning your attention to that – that day I know it's in the distant past,
13 but do you recall if they presented you with the pilot card, it was all – all the cargo, the
14 drafts were filled in to the pilot card and it was presented and ready to go?

15 **WIT:** Uh yes.

16 **Mr. Fawcett:** How about ship's electronic equipment? Do you recall if everything was
17 operable?

18 **WIT:** There was no deficiencies that I remember.

19 **Mr. Fawcett:** And that covers machinery, steering, propulsion?

20 **WIT:** Yes.

21 **Mr. Fawcett:** Had you had experience in the past where there were issues with
22 electronics or the propulsion or steering systems?

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1 **WIT:** If there were deficiencies of that nature it would have to be reported to the
2 Captain of the Port and the vessel could not sail until a waiver was given.

3 **Mr. Fawcett:** Okay. But do you recall any of those instances aboard the El Faro?

4 **WIT:** No I do not.

5 **Mr. Fawcett:** How about the El Yunque, sir?

6 **WIT:** No I do not.

7 **Mr. Fawcett:** Okay. Since – since you both board together, yourself and the bar pilot,
8 do all of you participate in the Pilot/Master exchange?

9 **WIT:** Yes we do.

10 **Mr. Fawcett:** Could you walk us through what that is?

11 **WIT:** The Master of the vessel will, and I and the State Pilot will review the pilot card.
12 We'll discuss as I said before the maneuver that I will be doing with the Master, the
13 State Pilot will inform the Master what traffic to be expected, the tidal state will be
14 discussed with him, the side of the ladder to be rigged for my departure and the State
15 Pilot's departure will be discussed. And at the same time the Master will inform us,
16 pardon me, any deficiencies.

17 **Mr. Fawcett:** During that time on that day, the day of departure on September 29th, do
18 you recall any discussion about any issues whatsoever related to cargo or loading of
19 cargo?

20 **WIT:** None whatsoever.

21 **Mr. Fawcett:** You mentioned the pilot card contains draft marks and draft readings.
22 Can you elaborate on what that is? Not in the general terms, but related to the El Faro
23 what the drafts were.

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1 **WIT:** I can't tell you exactly what her draft was, but I know it was around 32 feet. I don't
2 – we don't list the drafts on our billing ticket because we don't use that as a formula for
3 billing.

4 **Mr. Fawcett:** Do you recall if there was a clinometer used to measure the angle of the
5 ship's list on the bridge or in the wheelhouse?

6 **WIT:** Yes there is one there.

7 **Mr. Fawcett:** And was that frequently checked to compare the calculated drafts with
8 the actual trim and list of the vessel?

9 **WIT:** That would be something the mate of the vessel would be doing. I will glance at it
10 myself, you know to see if there is a slight list, but on vessels of this size if there is a,
11 even half a degree list it's noticeable.

12 **Mr. Fawcett:** And have you noticed a list on board the El Faro at any time?

13 **WIT:** Oh yes I've seen her while she's loading cargo, you know, she'll have a list.

14 **Mr. Fawcett:** And do you have an idea of how many degrees of list she may have?

15 **WIT:** Specifically no.

16 **Mr. Fawcett:** Okay. But would you say a slight list to port, slight list to port, minimal
17 list, could you put it into some ----

18 **WIT:** As I said before while they are loading cargo, these boxes are very heavy as
19 everyone should be aware of. So they would load the boxes, generally from one side to
20 the other, so while they're loading the ship will list and generally by the time they finish
21 cargo operations she's sitting trim.

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1 **Mr. Fawcett:** So while you were on the bridge getting ready to sail, do you observe in
2 any fashion the taking of the drafts by the ship's crew, either shore side or on board the
3 ship?

4 **WIT:** I did not observe that. The general operation is one of the mates will go ashore at
5 the end of cargo operations, he will check the forward and aft draft markings.

6 **Mr. Fawcett:** Do you know how they get the draft or observe the Plimsoll mark or the
7 waterline on the offshore, generally I guess the port side?

8 **WIT:** There's draft markings, bow, mid-ship and stern.

9 **Mr. Fawcett:** Right. Have you ever seen them observe those draft markings on the off
10 shore side?

11 **WIT:** No I have not.

12 **Mr. Fawcett:** Have you ever, going to and from the ship, other ships on a tug coming
13 back for a job for example, observed the El Faro or the El Yunque loaded past her
14 marks or waterline submerged?

15 **WIT:** I can't speak to the, you know the stability of that. If you're speaking about the
16 Plimsoll mark, no I've never observed her being below her Plimsoll mark.

17 **Mr. Fawcett:** Have you ever heard one of the mates or shipboard personnel inquire to
18 one of the tugs standing by to get the draft marks for them by radio?

19 **WIT:** On that particular ship no.

20 **Mr. Fawcett:** Looking at, you know you coming aboard the ship do you recall if you've
21 served with – provided this service while Captain Davidson was aboard on numerous
22 occasions or infrequently? How many times have you, in general worked with Captain
23 Davidson?

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1 **WIT:** Frequently.

2 **Mr. Fawcett:** Can you give us your assessment and observations about how the crew
3 functioned on the bridge, we're talking about the mates, the helmsman, how they did
4 their jobs?

5 **WIT:** I felt the entire crew was very professional.

6 **Mr. Fawcett:** How about while you on board the bridge did you ever see the shipboard
7 officers, particularly the deck officers conduct what would be like a pre-departure
8 meeting where, one of the elements of bridge resource management they discuss the
9 risks of the voyage, the risks of departure like weather that's on the horizon, anticipated
10 weather and discuss how the ship's officers together were going to reduce the
11 consequences from that risk?

12 **WIT:** I never observed that.

13 **Mr. Fawcett:** Who was on, to the best of your recollection, do you recall who the bridge
14 officers were on the day of departure? You don't have to give their names, but do you
15 recall if Ms. Randolph was one of the mates?

16 **WIT:** Mr. Irons was on the bridge during that day. Ms. Randolph was on deck doing
17 her duties.

18 **Mr. Fawcett:** So on that day of departure as you're getting ready to depart, do you
19 recall if there was a conversation between yourself and anybody aboard about the
20 potential consequences from the storm that was building out in the Caribbean, Joaquin?

21 **WIT:** There was no conversation with me concerning that.

1 **Mr. Fawcett:** Did you overhear anyone discussing preparing the ship or the
2 consequences of Hurricane Joaquin, or Tropical Storm Joaquin building out in the
3 Caribbean?

4 **WIT:** No, sir.

5 **Mr. Fawcett:** Do you recall looking, you know standing in the bridge doing your job,
6 and I know you move to the wings from time to time, did the ship's anemometer and the
7 ship's – that measures wind direction and wind speed, do you recall if it functioned
8 properly?

9 **WIT:** Quite honestly I don't remember an anemometer being on board. I know there
10 was one, but the day of sailing I don't – I have no recollection of glancing at it.

11 **Mr. Fawcett:** Okay. So you don't know – you don't know right now if the El Faro had
12 an anemometer aboard that worked or didn't work?

13 **WIT:** I can't say that, no.

14 **Mr. Fawcett:** How about the El Yunque?

15 **WIT:** I can't say that either, sir.

16 **Mr. Fawcett:** Okay. Is that part of the checklist for the Pilot/Master card as one of the
17 required items?

18 **WIT:** No, sir. Not to my knowledge.

19 **Mr. Fawcett:** So how long on that day from the time you boarded to the time she
20 casted off lines, approximately, how long were you actually on the bridge providing that
21 docking master service?

22 **WIT:** I would have arrived at 1930 by my ticket here. And the job was completed at
23 2025.

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1 **Mr. Fawcett:** Do you recall any other subjects of conversation that might have come up
2 during the course of unmooring the vessel?

3 **WIT:** What type of conversation, sir?

4 **Mr. Fawcett:** Anything other than the maneuvering characteristics of the ship and the
5 instructions you might be giving to the tugs and the ship's crew. Like non-
6 maneuverable maneuverability discussions?

7 **WIT:** No, sir.

8 **Mr. Fawcett:** How was the discipline on the ship's bridge?

9 **WIT:** It's always very good discipline, sir.

10 **Mr. Fawcett:** Helm commands, answered smartly?

11 **WIT:** Yes they were, sir.

12 **Mr. Fawcett:** Same with engine?

13 **WIT:** Yes, sir.

14 **Mr. Fawcett:** So a seemingly minor point, but do you recall as the ship moves away
15 from the dock bridge chatters taking place over the VHF radio, one of the officers of the
16 ship is always standing with you, correct?

17 **WIT:** The Master's always standing with me.

18 **Mr. Fawcett:** And does he have a radio?

19 **WIT:** He does.

20 **Mr. Fawcett:** Do you recall any discussions about the securing of mooring lines like
21 forecastle head calling saying all secured forward or calling from aft all secure aft?

22 **WIT:** That's standard procedure.

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1 **Mr. Fawcett:** Okay. Do you have any idea how those mooring lines on board El Faro
2 are secured?

3 **WIT:** I've not looked at them specifically, but my understanding they're on tension
4 winches. So they are picked up on reels.

5 **Mr. Fawcett:** So you have wires?

6 **WIT:** Yes.

7 **Mr. Fawcett:** And they also use line, is that correct?

8 **WIT:** Yes. The spring lines are wires, the head and stern lines are soft lines.

9 **Mr. Fawcett:** And before I move on to a different topic and let other people take an
10 opportunity to ask you some questions, my final question is, do you recall with the El
11 Faro while you were aboard any propulsion issues or steering or electronic failures
12 while you were aboard the ship at any time?

13 **WIT:** No I do not recall.

14 **Mr. Fawcett:** Okay. Thank you very much Captain. I'll pass it to the board.

15 **WIT:** All right.

16 **CAPT Neubauer:** Commander Denning.

17 **CDR Denning:** Good morning Captain.

18 **WIT:** Good morning.

19 **CDR Denning:** I do have just a few follow on questions to those topics. You
20 mentioned specifically the exact times of departure for this particular voyage. Thinking
21 more in generalities, on not only this ship, but other ships, how often are ships on time
22 from, you know you mentioned the estimate time, how often are they within say 10
23 minutes of that after you're on board?

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1 **WIT:** I really can't answer that. I would just be speculating. You know that's a very
2 general question. I really can't answer that.

3 **CDR Denning:** So you can't estimate how often there's a delay outside that window,
4 just in general?

5 **WIT:** Now that's variable, sir. That'll have something to do – it could do with anything.
6 As I stated earlier you may have a reefer box go down and they may have to repair that.

7 **CDR Denning:** Could you give a percentage perhaps? Is it as low as 1 percent, or as
8 high as 20 percent, 50 percent?

9 **WIT:** Of on time sailings?

10 **CDR Denning:** Yes, sir.

11 **WIT:** I would say on time sailings are, you know in the high 90's.

12 **CDR Denning:** And does that vary from company to company?

13 **WIT:** Yes it does.

14 **CDR Denning:** Does it – and can you explain that a little bit?

15 **WIT:** Car ships are more punctual then container ships. They're the – stevedores are
16 able to judge the loading time much better. Container ships I mean you've got a lot of
17 moving parts going on out there. You've got to get the container boxes out of the yard
18 or off the train and onto a truck and then it has to be brought down underneath the
19 crane, picked up, put on board the ship. So it's, yeah.

20 **CDR Denning:** Okay. Thank you. And when – so you speak in terms of car ships
21 versus container ships, this particular vessel had ro-ro cargo, some was cars, some was
22 containers on chassis. Is that effected more – more in the container ship category or
23 the car category as far as punctuality?

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1 **WIT:** Would you repeat that again. You're losing me on this.

2 **CDR Denning:** You spoke, certainly, you spoke in generalities that car ships are more
3 punctual than container ships. Do you mean that ships that carry exclusively?

4 **WIT:** Pure car ships.

5 **CDR Denning:** Pure cars. And when you say cars you're not referring containers on
6 chassis, strictly cars?

7 **WIT:** Yes.

8 **CDR Denning:** Automobiles. You said that on time departures are typically in the high
9 90's in terms of percentages. When they're delayed approximately how much time are
10 they typically delayed on a given ship? Depends on the circumstances I know.

11 **WIT:** It depends on the circumstances, sir.

12 **CDR Denning:** What's the most you've ever seen in terms of a delay?

13 **WIT:** A couple of hours.

14 **CDR Denning:** You spoke about the pilot card.

15 **WIT:** Yes, sir.

16 **CDR Denning:** And you said if it's ready. Is that not a standard document for each
17 ship? How much does it change from time to time?

18 **WIT:** I guess I added confusion to this. When I come aboard I'm there before cargo
19 operations are completed, generally. So when I first come aboard is what I was saying,
20 I will look at it immediately if it is ready.

21 **CDR Denning:** And by that ----

22 **WIT:** As I stated earlier the pilot card is not completely filled out with drafts until all
23 cargo is finished.

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1 **CDR Denning:** So the only thing that typically changes on a pilot card is the draft?

2 **WIT:** Is the draft.

3 **CDR Denning:** Do you ever keep them?

4 **WIT:** Sorry?

5 **CDR Denning:** Do you ever keep a copy of them?

6 **WIT:** No, sir. We sign them as receipt.

7 **CDR Denning:** You stated when the vessel is not ready to go the action that needs to
8 be taken is to notify the Captain of the Port. Whose responsibility is that? Do you do
9 that or does someone else?

10 **WIT:** That would be left up to the Master of the vessel if he has a deficiency and they
11 would know that prior to sailing. Because if you have to go to the Captain of the Port to
12 get a waiver that's going to take some time. If something goes awry at sailing, yes I
13 mean it will have to be reported and then you would have to get a waiver from the
14 Captain of the Port to sail. For instance if a radar goes down and they only have one
15 radar. So that has to be reported to the Captain of the Port, he will issue a waiver,
16 possibly mandate a tug escort, something to that effect.

17 **CDR Denning:** Have you ever experience a situation where a Master was reluctant to
18 report a deficiency like that to the Coast Guard?

19 **WIT:** No, sir.

20 **CDR Denning:** You stated – regarding draft readings, you stated that on this particular
21 ship you didn't hear the mates talking on the radio about the drafts. Do you typically
22 hear that on other ships?

23 **WIT:** I don't believe I said that, sir.

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1 **CDR Denning:** Unless I wrote it down wrong, Mr. Fawcett asked you if you ever hear
2 the mates talking on the radio about draft. And you said on that particular ship, no.

3 **WIT:** Well then maybe I misunderstood the conversation, because they generally radio
4 the drafts after they're ashore. They'll take a radio with them, they'll call in the drafts
5 forward and aft.

6 **CDR Denning:** So you do hear that discussion on the radio?

7 **WIT:** If I'm standing by someone with a radio, yes.

8 **CDR Denning:** Do you recall if you heard it on that particular voyage?

9 **WIT:** I can't say that I heard that.

10 **CDR Denning:** Was that because you were not standing next to someone with a radio,
11 or some other reason?

12 **WIT:** I'm just saying I can't recall hearing that.

13 **CDR Denning:** So that's draft readings. Did you ever hear discussions on regarding
14 cargo lashing on the radio?

15 **WIT:** Only if we're waiting for the stevedores to finish lashing so that they can depart. I
16 mean the mate on deck will generally say well they're still doing lashing, because we
17 have to leave the gangway down until they finish the lashing and then go ashore.

18 **CDR Denning:** Did you ever hear any discussion on challenges with lashing or
19 equipment not functioning properly, or anything like that?

20 **WIT:** No, sir.

21 **CDR Denning:** That concludes my questions. Thank you.

22 **WIT:** All right, thank you.

23 **CAPT Neubauer:** Good morning, sir.

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1 **WIT:** Good morning.

2 **CAPT Neubauer:** On the date, on the September 29th departure for the accident
3 voyage, do you remember if the El Faro had a list at all for that voyage?

4 **WIT:** No she did not have a list.

5 **CAPT Neubauer:** It was even keel?

6 **WIT:** It was, sir.

7 **CAPT Neubauer:** Is there a maximum list that you would depart with, like a limitation
8 on which you would allow to get underway?

9 **WIT:** I don't have anything specifically, but you know if she's – that would be something
10 that the docking master and the pilot and the Master of the vessel would discuss. I
11 mean certainly if she had a 10 degree list or something to that nature she's not going
12 anywhere.

13 **CAPT Neubauer:** Do you remember a maximum list that you departed with on either
14 the El Faro or El Yunque? Does any situations stand out to you?

15 **WIT:** I can't remember anything specifically, no, sir.

16 **CAPT Neubauer:** I believe you said that you arrived at 1930?

17 **WIT:** That's generally when I arrive, yes. Thirty minutes before sailing.

18 **CAPT Neubauer:** But the general departure time for the El Faro is 1900, is that
19 correct?

20 **WIT:** It varies. Generally it's 18 to 1900.

21 **CAPT Neubauer:** So the night of the September 29th, the accident departure, that was
22 later than normal?

23 **WIT:** No she was set for a 1900 sailing.

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1 **CAPT Neubauer:** But you said the actual lines let go at 1955, is that correct?

2 **WIT:** Started letting go at 1955, yes, sir.

3 **CAPT Neubauer:** So is that, for a standard 1900 departure, is 195 – around 2000 ----

4 **WIT:** So she left 5 minutes, we started 5 minutes early. I'm sorry. I think I'm, I'm sorry.

5 You know I'm confusing myself here on this. I'm looking at it wrong. Okay. I arrived at

6 1930, that would have been 2000 sailing. Okay. So she was set to sail at 2000. Sorry,

7 that's my mistake. We started letting lines go at 1955. The maneuver was completed

8 at 2025. Sorry I was looking at that wrong.

9 **CAPT Neubauer:** No problem, sir. So but that 2000 sailing that's an hour later than
10 the usual 1900 departure for that vessel, is that correct?

11 **WIT:** I can't say it's usual or unusual, it depends on how much cargo they are getting.

12 If memory serves me correctly, Horizon Lines had gone out of business so they were

13 picking up more cargo for Puerto Rico. So they generally went a little later than the 18

14 or 1900 due to they were, you know they had more cargo.

15 **CAPT Neubauer:** So after the Horizon Lines had departed from Jacksonville, you
16 noticed that the cargo ops went later, is that a fair statement for the El Faro and El
17 Yunque?

18 **WIT:** I would say that's a fair statement, yes.

19 **CAPT Neubauer:** Did you ever have an occasion, sir, where you were called out to do
20 the El Faro or El Yunque and then had to go home because you exceeded your time
21 limit before you could perform the job?

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1 **WIT:** No, I've never had to leave, no. Not that I can recall. Something in the back of
2 my memory is telling me that there might have been a mechanical issue, either the El
3 Moro or El Yunque that the board was set later until it was corrected.

4 **CAPT Neubauer:** But there was no docking pilot called out, they just delayed you
5 coming out in that case, can you recall?

6 **WIT:** Not specifically, no.

7 **CAPT Neubauer:** Okay, thank you. Those are all the questions I have at this time. I
8 would like to go to the parties in interest. Tote?

9 **Tote Inc:** Thank you Captain. Jeff King of K&L Gates for Tote. Captain Frudaker, from
10 your work on the El Faro would you say that she was well maintained vessel?

11 **WIT:** Yes I thought she was well maintained.

12 **Tote Inc:** Thank you. Nothing further Captain.

13 **CAPT Neubauer:** Thank you. ABS?

14 **ABS:** No questions.

15 **CAPT Neubauer:** Mrs. Davidson?

16 **Ms. Davidson:** No questions.

17 **CAPT Neubauer:** Herbert Engineering?

18 **HEC:** No questions.

19 **CAPT Neubauer:** At this time I would like to ask if there are any final questions for Mr.
20 Frudaker. Okay. Mr. Fawcett.

21 **Mr. Fawcett:** Captain I would like to talk in a more general sense about your
22 experiences with the El Faro and the El Yunque. And could you talk about how the El

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1 Faro and the El Yunque were as ships to handle looking at your job that you do as a
2 docking mater?

3 **WIT:** Well of course everybody knows those were steam ships and they were excellent
4 handling ships. Actually I prefer the old steam ships to a lot of the ships of today. I
5 mean you don't – if you need a good bell out of them you know you're not waiting for air
6 or anything of that nature, I mean you've got steam there.

7 **Mr. Fawcett:** So you mentioned that you are a Federal pilot. Can you pilot as a
8 Federal pilot the El Faro?

9 **WIT:** Yes.

10 **Mr. Fawcett:** So why do they use – why do they use the other pilots to – the State
11 Commissioned pilots to do the job?

12 **WIT:** Umm on the East Coast of the United States is where you have docking masters.
13 My association came in here about 140 years ago. And the reason it transpired like that
14 was due to shipping, they had an increase of shipping and the sea pilots started
15 handing the ships over to the tug boat masters so that they could get in a timely manner
16 back out to sea to catch the next inbound ship. So that's just the norm of how the
17 operation works. I'm searching for the word that – it just seems to make things flow
18 better.

19 **Mr. Fawcett:** And the reason I ask you that is because when you mentioned that you
20 were a Federal pilot I was wondering if you've had any occasion to ride out to the sea
21 buoy for any reason on the El Faro or the El Yunque just for training, background. Have
22 you ever had that opportunity?

23 **WIT:** No I have not.

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1 **Mr. Fawcett:** Would you characterize the El Faro as a tender ship?

2 **WIT:** No she was not.

3 **Mr. Fawcett:** So when you were pulling her out in the stream and you had good ebb
4 running, meaning an outgoing tide in the St. Johns River, did you ever feel significant
5 heel where the ship heeled over at any time during that maneuver?

6 **WIT:** No, sir.

7 **Mr. Fawcett:** Did you ever feel her while you were maneuvering the vessel take a heel
8 on?

9 **WIT:** No, sir.

10 **Mr. Fawcett:** Do you keep a personal record, I know you have your ticket there, but do
11 you keep a record or log book of the idiosyncrasies of a ship or her crew since they're
12 frequent visitors to the port?

13 **WIT:** I do not keep a record, no, sir.

14 **Mr. Fawcett:** Do you talk with your fellow docking masters about the ship? I know
15 you've handled that ship many times, but do you share with them your experience if you
16 have the opportunity?

17 **WIT:** Yes. We speak about the different ships that come in and out of port. Especially
18 if she has quirks to her.

19 **Mr. Fawcett:** And does the – does your group maintain files on ships that have those
20 idiosyncrasies or quirks?

21 **WIT:** No, sir.

22 **Mr. Fawcett:** So I think we covered it, but the sailing time of the ship is one thing where
23 it's established with what the company expects, then there's the actual orders that you

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1 received. Just for clarity the sailing time the agent calls in and he says this is the sailing
2 time, correct?

3 **WIT:** Correct.

4 **Mr. Fawcett:** And that's tweaked based on cargo operations ashore that may ultimately
5 been established the sailing time?

6 **WIT:** Yes it's an estimated time of departure.

7 **Mr. Fawcett:** Have the ship's officers on board El Faro or the El Yunque ever talked
8 about the commercial pressure to meet the schedule?

9 **WIT:** I've never had conversations like that with them.

10 **Mr. Fawcett:** Did they ever share with you any comments related to, you know we're
11 going to be late this time or any – anything that would indicate that a delayed departure
12 causes problems for the shipboard officers?

13 **WIT:** No, sir.

14 **Mr. Fawcett:** Trying to understand in particular of Captain Davidson, I asked you about
15 the other ships officers briefly, but you served with, or your provided service for Captain
16 Axelsson, is that correct?

17 **WIT:** Yes, that was Captain Davidson's relief.

18 **Mr. Fawcett:** And then Captain Lofffield?

19 **WIT:** Yes.

20 **Mr. Fawcett:** And Captain Thompson, do you recall?

21 **WIT:** I don't remember Captain Thompson.

22 **Mr. Fawcett:** Okay. He filled in for a brief period as Master so you might not have
23 been on turn with him. And then there's Captain Richie, does that name ring a bell?

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1 **WIT:** Mike Richie?

2 **Mr. Fawcett:** Correct.

3 **WIT:** Yes.

4 **Mr. Fawcett:** Is there, I've been aboard the El Yunque and I've – as I walked the decks
5 of the ship I observed the condition of the ship and so forth. Did you note as docking
6 master a difference between the El Faro and the El Yunque in terms of how the ships
7 were run? I'll first ask how the ships were run from a leadership perspective of the
8 Master.

9 **WIT:** I didn't notice that, sir.

10 **Mr. Fawcett:** Did you notice anything with the conditions of the ship? In other words
11 you board the accommodation ladder, you come up onto the bridge, you walk the deck,
12 you go up to the bridge, anything there?

13 **WIT:** No, sir, nothing that come – I mean they had surface rust on them, but all ships
14 do.

15 **Mr. Fawcett:** Okay. How about the seamanship, the pure seamanship skills of the
16 ship's crew? In other words the way operations were carried out, the efficiency of the
17 operations? Did you notice a difference between the El Yunque and I'm saying that the
18 ship has a culture the way it does things? Anything different between the El Yunque
19 and the El Faro in how operations were conducted?

20 **WIT:** No actually the crews are very similar as far as – the only thing I can speak to on
21 that is the letting go and the tying up times. And they let go very quickly, it all came
22 aboard very quickly, very professionally. Tie – tying up they tied up very quickly. So as
23 I said before they were professional crews.

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1 **Mr. Fawcett:** Do you recall when you were providing the service as the docking
2 master, did you meet a new Chief Mate Captain Stith?

3 **WIT:** The name doesn't ring a bell.

4 **Mr. Fawcett:** Kevin Stith?

5 **WIT:** Doesn't ring a bell, sir.

6 **Mr. Fawcett:** At any point, you know in late August the vessel took a what we call the
7 deviation voyage, they went down through the Old Bahama Channel. Do you recall if
8 you were the docking master during that departure? It would be late August,
9 approximately the – I think it was the 25th or 26th?

10 **WIT:** I would – no, I can't recall that, sir.

11 **Mr. Fawcett:** Okay.

12 **WIT:** In fact I wouldn't even know – once I get off of them I couldn't tell you what course
13 line they take.

14 **Mr. Fawcett:** Do you recall the ship ever at the last minute delaying for cargo reasons?

15 **WIT:** Only if there was a, as I said before you know a reefer box failing or something
16 like that.

17 **Mr. Fawcett:** On the bridge did you ever hear any reports to the Master, in general, not
18 on the accident voyage, but a discussion about stability issues, trim, list or any other
19 factor such as that?

20 **WIT:** No, sir.

21 **Mr. Fawcett:** Now this question refers to the fact that you work around the waterfront.
22 You might be coming back from a job on another ship. This would be things that you
23 observed. Did you ever observe the El Faro or the El Yunque coming back to the dock

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1 as a result of a problem with cargo? In other words they depart, they have some kind of
2 problem and they turn around and come back to rectify a cargo problem?

3 **WIT:** No, sir.

4 **Mr. Fawcett:** That's all the questions I have for you Captain. Thank you.

5 **WIT:** All right, sir.

6 **CAPT Neubauer:** We'll go to the parties in interest. Tote do you have any follow up
7 questions?

8 **Tote Inc:** No questions Captain.

9 **CAPT Neubauer:** ABS?

10 **ABS:** No questions Captain.

11 **CAPT Neubauer:** Mrs. Davidson?

12 **Ms. Davidson:** No questions.

13 **CAPT Neubauer:** And Herbert Engineering?

14 **HEC:** No questions.

15 **CAPT Neubauer:** Are there any final questions for Captain Frudaker? Captain
16 Frudaker.

17 **WIT:** Yes, sir.

18 **CAPT Neubauer:** We are now complete with your testimony for today.

19 **WIT:** All right, thank you.

20 **CAPT Neubauer:** You are now released as a witness at this Marine Board of
21 Investigation. Thank you for your testimony and cooperation. If I later determine this
22 board needs additional information from you I will contact you through your counsel. If

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1 you have any questions about this investigation you may contact the Marine Board
2 Recorder, Lieutenant Commander Damian Yemma. Thank you, sir.

3 **WIT:** All right, thank you gentlemen.

4 **CAPT Neubauer:** The hearing will now recess and reconvene at 1025.

5 *The hearing recessed at 1014, 16 May 2016*

6 *The hearing was called to order at 1026, 16 May 2016*

7 **CAPT Neubauer:** The hearing is now back in session. The board now calls Captain
8 Eric Bryson, St. Johns Bar Pilot Association. Mr. Bryson if you could come forward
9 please.

10 **LCDR Yemma:** Please raise your right hand, sir. A false statement given to an agency
11 of the United States is punishable by fine and or imprisonment under 18 United States
12 Code Section 1001. Knowing this do you solemnly swear that the testimony you're
13 about to give will be the truth, the whole truth and nothing but the truth, so help you
14 God?

15 **WIT:** I do.

16 **LCDR Yemma:** Thanks, please have a seat. Sir, could you start by stating your full
17 name and spelling your last name for the record?

18 **WIT:** Eric Bryson, B-R-Y-S-O-N.

19 **LCDR Yemma:** Thank you Captain. Can you also tell the board where you're currently
20 employed and what your position is?

21 **WIT:** I'm a State and Federal Pilot with the St. Johns Bar Pilot's Association. I am an
22 independent contractor. My business and scheduling is organized by the St. Johns Bar
23 Pilot Association.

1 **LCDR Yemma:** And can you describe for me your prior relevant work experience
2 please?

3 **WIT:** Other than being a pilot?

4 **LCDR Yemma:** Yes please.

5 **WIT:** Yes. I graduated from Kings Point in 1977. I sailed in various deck officers
6 ratings. I became a Master unlimited tonnage vessels at the age of 26. Unlimited
7 tonnage vessels at the age of 28 and ocean going vessels at the age of 30. I sailed as
8 Master until I secured the position here in 1991.

9 **CAPT Neubauer:** Captain Bryson could you talk a little bit into the microphone?

10 **WIT:** Oh I beg your pardon.

11 **CAPT Neubauer:** Some people in back are having trouble hearing you. Thank you.

12 **LCDR Yemma:** And Captain what's your highest level of education completed?

13 **WIT:** A bachelor of science.

14 **LCDR Yemma:** Thank you Captain. Mr. Fawcett will have questions for you now.

15 **Mr. Fawcett:** Good morning Captain Bryson, nice to see you again, sir.

16 **WIT:** Good morning, sir.

17 **Mr. Fawcett:** All of my questions will relate to the time frame leading up to the accident
18 that occurred on October 1st. And you've been sitting here so you've seen the scheme
19 of how we conduct the questioning.

20 **WIT:** Yes, sir.

21 **Mr. Fawcett:** Also most of these questions we've asked the previous witness so they're
22 very similar in nature so that may help also for clarity. So we're going to talk about your
23 prior experience when you piloted the El Faro and the El Yunque over the span of time.

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1 And then in the same vain we're going to talk about the piloting you performed on the
2 day that the ship sailed on September 29th, 2015. If you would like to take a break at
3 any time please let us know, sir. And if you have any documents that we discuss we
4 may ask for them as evidence for the investigation. So we'll make that clear at the time.

5 **WIT:** Understood.

6 **Mr. Fawcett:** So looking at your job, could you elaborate a little on what your job entails
7 for a ship like the El Faro?

8 **WIT:** I board the vessel either at the sea buoy or at the pier. And when the docking
9 master is complete with his job or when I get on at the sea buoy I then direct and control
10 the movement of the vessel through the Port of Jacksonville through the section of the
11 river that they require to transit to get to their berth.

12 **Mr. Fawcett:** So just in very brief terms can you talk about the unique skills that you
13 need to be – to have to be a pilot for the area where you provide the service?

14 **WIT:** It requires a fairly thorough maritime background. Once you've achieved a
15 certain level of maritime expertise and certification you are examined to become a pilot,
16 it's a competitive examination of the State of Florida. Then you go through an extensive
17 apprenticeship or deputyship and you're examined a various levels and observed by the
18 other pilots in the association. Upon completion on that program you take another
19 examination to be a licensed State pilot. It requires a certain amount of stamina and
20 understanding of shipboard procedures and the ability to think quickly and react.

21 **Mr. Fawcett:** Okay. So you need to have unique understanding of the geography and
22 the waterway characteristics of Jacksonville, is that correct?

23 **WIT:** That is correct.

1 **Mr. Fawcett:** So I'm familiar with at least two of the particularly challenging aspects of
2 the waters of Jacksonville. One is the current. Can you talk about that for a minute?

3 **WIT:** Surely. The current can be quite strong in the river. It goes in both directions,
4 unlike the Mississippi where it goes in one direction almost all the time unless you're
5 down in the lower river. It – it does different things to different vessels depending on
6 their loading, their hull configuration. It is something that you have to be aware of at all
7 times when you're maneuvering the vessel as it impacts directly what the vessel is
8 going to do in response to your commands.

9 **Mr. Fawcett:** Okay. Could you also speak about the salinity of the river? Does that
10 have an effect on operations within the river from your point of view?

11 **WIT:** Only the more extreme drafts. The salinity is quite variable in the river. It can go
12 – I have seen readings at less than 1 which are similar to the Panama Canal to of
13 course full salt throughout the whole range of our route. The vessel – if the vessel is on
14 an even keel and the water becomes less saline they'll tend to go down by the head,
15 which of course impacts the way they handle. Anything more specific you'd like?

16 **Mr. Fawcett:** Well you mentioned in your reply extreme drafts. Could you elaborate a
17 little bit on that please?

18 **WIT:** As you're at a limiting draft, 40 feet somewhere between 38 and 40 feet while we
19 require that all drafts be given in freshwater draft to eliminate the risk associated with
20 this. You are now approaching an under keel clearance situation that could be of note.

21 **Mr. Fawcett:** Okay. So you're talking about heavy loads and the extreme drafts being
22 relation to the depth of the water available in certain portions of the St. John River, is
23 that correct?

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1 **WIT:** That's correct.

2 **Mr. Fawcett:** So the term extreme draft would not be associated with the El Faro or the
3 El Yunque?

4 **WIT:** No.

5 **Mr. Fawcett:** So in the case of those ships does the salinity or the drafts – are they of
6 concern to you?

7 **WIT:** No.

8 **Mr. Fawcett:** All right. Just for clarity. Some pilots keep a green book in their back
9 pocket where they jot down notes about ships and more than a ticket. Do you keep any
10 kind of personal document for your piloting jobs?

11 **WIT:** I do not. Not on a routine basis.

12 **Mr. Fawcett:** Okay. Have you ever kept one for the El Faro or the El Yunque?

13 **WIT:** No.

14 **Mr. Fawcett:** And I know it's difficult based on you know the number of years the ships
15 have been there, but do you have an idea approximately how many times you've piloted
16 the El Faro?

17 **WIT:** 14.

18 **Mr. Fawcett:** And how many times have you piloted the El Yunque? Just a ----

19 **WIT:** I mean maybe 6 or 7 times, that amount.

20 **Mr. Fawcett:** Okay. So the number of times you piloted the El Faro, you've narrowed it
21 down to 14. How many times would you say in the year 2015? Do you have that
22 number?

23 **WIT:** No.

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1 **Mr. Fawcett:** Okay. Typical sailing time, we've discussed it with the previous witness.

2 What for you is – would be the sailing time of the El Faro or the El Yunque?

3 **WIT:** Typically they sail sometime between 18 and 2000.

4 **Mr. Fawcett:** Have you experienced times where you, before I go there, let's talk about
5 how you're dispatched. Would you talk to me about how that works?

6 **WIT:** The company through their agent would give an approximate sailing time to the
7 dispatcher. That time will show up on our schedule. At a time 2 hours prior to the
8 estimate time they will firm that time up and make that a confirmed sailing time.

9 **Mr. Fawcett:** Okay. So if I looked at the Jacksonville pilots board so to speak, they
10 would have a consistently a sailing time that was predicted like 1900 or whatever, and
11 then the agent or someone would validate the actual sailing time and update you via cell
12 phone or text message? How would that come to you?

13 **WIT:** Usually telephone.

14 **Mr. Fawcett:** All right. So if you would walk us through the accident voyage departure
15 date which would be September 29th, how that job unfolded if you would, sir.

16 **WIT:** Okay. She was confirmed for 2000. I would have been called for the job at 1830.
17 I prepare for the job, left my home, went to the job, arrived at 1930 and the vessel was –
18 the cargo was complete, the vessel was ready to get underway. The crew had been
19 called and we commenced undocking operations at approximately 2000, 1955 by
20 Captain Frudaker's recollection, that suits me. And subsequent to that the vessel was
21 turned off the berth, we were fair and at 2025 we were underway.

22 **Mr. Fawcett:** Okay ----

23 **WIT:** And I was at the con at 2025.

1 **Mr. Fawcett:** Okay. I'm going to hold that story line right there because I have a few
2 questions. So you come aboard the vessel, greeted at the gangway, you're shown to
3 the bridge, what happens next? I would like to go into a little more detail of that
4 evening.

5 **WIT:** Well the vessel was ready, the pilot card as was discussed earlier would have
6 been ready. I would have known what the draft was, which by the way was 32.08. And
7 would have noted any deficiencies, these are familiar vessels to us. I don't recall that
8 the Master was on the bridge immediately. The Third Mate Jeremy Rhieme was there.
9 Jack Jackson who was the Quartermaster I think was there at that time. And we
10 engaged in general conversation, probably had a cup of coffee until the Master arrived
11 and we went through some of the specifics of the Master/Pilot exchange.

12 **Mr. Fawcett:** Okay. If you could, you know it's – that departure setting is very
13 important, so if you could take a minute to reflect on that Master/Pilot exchange and
14 give us as much detail as you recall.

15 **WIT:** It would have been a very routine exchange. Specifically I cannot recall what the
16 conversation was with Captain Davidson. The – we would have discussed the draft, the
17 traffic, any notable condition of the vessel or the river that required specific attention to
18 it.

19 **Mr. Fawcett:** How long does that usually take?

20 **WIT:** Routinely, perhaps a minute. Really unless there's something extraordinary it
21 doesn't require a whole lot of conversation.

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1 **Mr. Fawcett:** And the pilot card which has the draft on it you explained what the draft
2 was. Is that an average of the drafts port and starboard? What's your understanding of
3 what draft means?

4 **WIT:** The draft 32.08 would have been their draft aft which was their deepest draft.
5 And that being the closest point to the ground is the one that is the most important to us.

6 **Mr. Fawcett:** How do they convey to you the status of the navigational instruments and
7 the bridge electronics radar, steering, helm, AIS, that type of information? How do they
8 convey that?

9 **WIT:** The only thing that would be discussed specifically would be something that was
10 not working. In the absence of that everything is working correctly, meant that
11 everything was working correctly.

12 **Mr. Fawcett:** Do you recall if in the bridge there was an anemometer and wind
13 direction speed instrument that you had looked at, at any time?

14 **WIT:** I do not. I've never referred to that instrument on that vessel.

15 **Mr. Fawcett:** And do you recall if the bridge wing controls for the ship so that – is there
16 a cabinet on the ship that's got some equipment out there that they can open the
17 cabinet and ----

18 **WIT:** There is not.

19 **Mr. Fawcett:** Okay. So the Master, is he the one who walks with you out to the wings
20 when you're doing your pilot job?

21 **WIT:** Typically I'm not on the wing of the bridge when I'm piloting, that would be the
22 docking master. I typically pilot, on those vessels I would stand on the port side of the
23 wheelhouse to the left of the Quartermaster looking out the window forward.

1 **Mr. Fawcett:** Okay. So when you got on board the vessel everything was more or less
2 ready to go, it was pretty smooth the Pilot/Master exchange?

3 **WIT:** Yes.

4 **Mr. Fawcett:** The ship got ready to unmoor?

5 **WIT:** Yes.

6 **Mr. Fawcett:** Were there any conversations that you recall about cargo, stability, trim?

7 **WIT:** No.

8 **Mr. Fawcett:** As we've discussed previously there was building tropical weather out in
9 the Caribbean. Was there any conversation during the piloting of the ship about
10 Joaquin or any weather?

11 **WIT:** Yes. And as I told the NTSB I don't recall what I said to elicit this comment, you
12 know something in general about the storm and Captain Davidson replied I'm just going
13 to – we're just going to go out and shoot under it.

14 **Mr. Fawcett:** Did – okay. So during the times you've piloted the El Faro did you
15 interact with these other bridge officers before?

16 **WIT:** Yes.

17 **Mr. Fawcett:** When the Captain said that they were going to go out and go under it was
18 it just kind of you and him having a conversation, or did the entire bridge sort of – was it
19 part of that conversation?

20 **WIT:** I would think it was audible to everybody.

21 **Mr. Fawcett:** Did anyone on the bridge react to that comment in any way?

22 **WIT:** They did not.

23 **Mr. Fawcett:** Were there any follow up comments from bridge officers?

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1 **WIT:** No.

2 **Mr. Fawcett:** Unlicensed personnel?

3 **WIT:** No.

4 **Mr. Fawcett:** So now we are at the point where the ship comes away from the dock
5 and you're getting ready to take the ship once it's in the stream, it turned out on a port
6 wheel. Did you find that the ship was tender in any way?

7 **WIT:** No.

8 **Mr. Fawcett:** Now in speaking in generalities have you found at any time that the El
9 Faro or the El Yunque were tender?

10 **WIT:** No. Not in any way that was notable to me.

11 **Mr. Fawcett:** Any idiosyncrasies in those ships compared to any other general cargo
12 ships in terms of how they handled? I know they're steam ships and we talked about
13 that.

14 **WIT:** They're relatively fine hulls, but they're a hull shape moving through the water.
15 What type of vessel it is really has no significant bearing on that in my mind. It's just
16 whatever the hull shape is moving through the water and the draft.

17 **CAPT Neubauer:** Mr. Bryson if you could get a little closer to the microphone, they're
18 just in back -- they're having trouble.

19 **WIT:** I beg your pardon.

20 **Mr. Fawcett:** All right. So now – so now the docking master is away, take us down the
21 river if you would, sir. And just in a brief description of that evening as you recall it.

22 **WIT:** Okay. Now this is sometime in the past, I have reviewed the NTSB transcript of
23 their interview with me to refresh my memory. Shortly after getting underway the

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1 CMACGM, hold on just a second here. CMACGM King Fish was inbound. We met that
2 vessel port to port just down river of the high wires, that is to the East of the high wires
3 which you will note on the charts that you review for the incident. Other than that we
4 were going into the flood current for the rest of the voyage. It took approximately an
5 hour, hour and ten minutes and we went through the various turns. The vessel handled
6 well, the crew responded well. We were outside, as I say in approximately an hour,
7 hour and ten minutes and I departed East of the entrance buoys.

8 **Mr. Fawcett:** So the crew's demeanor, and we ask these questions because you were
9 one of the last people to see the crew. The crew's demeanor, could you – can you, as
10 best as you can reflect on what side conversation – I know there's piloting the ship, very
11 professional, but there's usually some side conversation. Do you have any idea?

12 **WIT:** Specifically what we talked about, no. All of these people are people that I have
13 worked with before and was very familiar with. We talked about a broad range of things
14 outside of what was specifically required to pilot the vessel. Nothing in that
15 conversation that evening stands out as remarkable to me.

16 **Mr. Fawcett:** So you get out to the sea buoy and the pilot boat comes out. Can you
17 talk about what happens then?

18 **WIT:** The vessel will make a lee, that is turn it's side to the wind and sea allowing a
19 smooth area on the lee side where the pilot ladder is allowing me to get off safely onto
20 the pilot boat.

21 **Mr. Fawcett:** And so someone in the ship's crew walks you down to the ladder ----

22 **WIT:** That is correct.

23 **Mr. Fawcett:** You know they supervise the safety of the ladder operations.

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1 **WIT:** Yes they do.

2 **Mr. Fawcett:** Any final comments that may be related to the accident that someone
3 might have shared about weather or?

4 **WIT:** No. There was not. Everybody that I saw, you know it was just hello, how are
5 you, or some small bit of general conversation.

6 **Mr. Fawcett:** So looking back on generalities, others may have questions about the
7 accident voyage, but do you recall how many times the El Faro sailed late after you had
8 been called out?

9 **WIT:** They were sometimes delayed. Sometimes they were – they had long delays
10 whether it was specifically the El Faro, the El Moro, or the El Yunque. I don't recall. It is
11 the nature of a cargo operation to have things occur that require you to wait for them to
12 depart.

13 **Mr. Fawcett:** And what are your organization's rules in terms of, you know you've
14 come aboard, how long do you stay before they bring another pilot aboard if they're
15 delayed?

16 **WIT:** At the 2 hour level it would – the job would be considered cancelled. And the
17 company would then have to determine whether or not they were going to sail in some
18 reasonable amount of time subsequent to that. And we would either remain on as a
19 second job or another pilot would be dispatched.

20 **Mr. Fawcett:** And do you recall a canceled job for the El Faro or the El Yunque in the
21 recent times?

22 **WIT:** No I cannot.

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1 **Mr. Fawcett:** Do you know if you piloted the El Yunque or the El Faro in early August,
2 outbound?

3 **WIT:** I don't recall.

4 **Mr. Fawcett:** Does September 9th ring a bell for the El Faro departure?

5 **WIT:** It does not.

6 **Mr. Fawcett:** On that particular day there was a later departure, and that's the reason I
7 was asking you that.

8 **WIT:** Okay. I don't recall it.

9 **Mr. Fawcett:** So ----

10 **WIT:** September 9th you say?

11 **Mr. Fawcett:** Correct, sir.

12 **WIT:** Hold on a second. I was not on watch.

13 **Mr. Fawcett:** Okay. How about conversations on the bridge where the Chief Mate
14 might come up, now this is not the accident voyage these are in general, have you ever
15 heard a conversation on the bridge where the Chief Mate's come up to the bridge and is
16 discussing issues with cargo loading, stability, cargo loading calculations or
17 discrepancies with the Mater that you might have overheard?

18 **WIT:** I do not.

19 **Mr. Fawcett:** Have you ever seen the waterline of the El Moro, the El Faro, or the El
20 Yunque submerged?

21 **WIT:** You're speaking of the Plimsoll, correct?

22 **Mr. Fawcett:** Well the waterline itself or the Plimsoll.

23 **WIT:** No.

1 **Mr. Fawcett:** How about unusual trim or list of the vessel once you come aboard the
2 ship, you know cargo ops are still perhaps going on and now we're getting ready to sail,
3 we're talking about the position when the last line comes off, after that point have you
4 seen list of the vessel?

5 **WIT:** No.

6 **Mr. Fawcett:** Do you know if – have you observed the clinometer in the course of your
7 duties?

8 **WIT:** Yes.

9 **Mr. Fawcett:** So you would be able to verify if the list was – there was some list or not?

10 **WIT:** Yes.

11 **Mr. Fawcett:** Okay. Looking at the – looking at the number of times you piloted the El
12 Yunque and the El Faro, I asked the previous witness, did you notice any differences
13 aboard the ship in the way the ship's operations were conducted? And the reason I'm
14 going there looking at different cultures of ships. No two ships are the same. How
15 about in operation between the El Yunque and El Faro in terms of the ship board
16 operation?

17 **WIT:** I did not note any significant differences between the vessels in terms of their
18 operation. The crews are pretty interchangeable. The unlicensed I think going back
19 and forth between the vessels. The licensed officers, while they're pretty steady on the
20 ships all performed very well.

21 **Mr. Fawcett:** So looking at the El Yunque and the times you've been on there with
22 either Captain Lofffield or Captain Richie in command of those ships, did you ever see
23 those gentlemen call the bridge officers together prior to a voyage when they're getting

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1 ready to get underway and discuss the upcoming voyage, what the risks of the voyage
2 are and how they're going handle those risks?

3 **WIT:** I don't recall ever having seen that.

4 **Mr. Fawcett:** Okay. How about on the El Faro under Captain Davidson?

5 **WIT:** I don't recall ever having seen that there either.

6 **Mr. Fawcett:** Okay. And that would extend to Captain Axelsson?

7 **WIT:** That's correct.

8 **Mr. Fawcett:** Any conversations that came up with the El Faro or the El Yunque where
9 the discussion centered around the difficulties of meeting a schedule or commercial
10 pressure to make arrivals, departures, any conversations that you recall?

11 **WIT:** None that was ever related to me. And no, is the answer.

12 **Mr. Fawcett:** Okay. So that would include off handed conversations of which you were
13 not part?

14 **WIT:** That's correct.

15 **Mr. Fawcett:** Did you ever hear the VHF hand held radio conversations about taking
16 draft readings?

17 **WIT:** Perhaps, but it's – that's such a normal part of the departure routine that I couldn't
18 speak specifically to it.

19 **Mr. Fawcett:** As part of that departure routine did you ever hear anybody, and we're
20 trying to validate some information, did you ever hear anybody discuss taking the off
21 shore drafts at any point for the El Faro?

22 **WIT:** No.

23 **Mr. Fawcett:** How about for the El Yunque?

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1 **WIT:** No.

2 **Mr. Fawcett:** The officer on watch was he logging what was going on prior to
3 departure?

4 **WIT:** Yes.

5 **Mr. Fawcett:** So that would include steering gear test and so forth. Did you ever
6 overhear that kind of conversation?

7 **WIT:** The gear test would typically have been performed prior to my arrival on board
8 the vessel both inbound and outbound on American ships. It's typically an hour before
9 departure and I would arrive on the vessel a half an hour before departure.

10 **Mr. Fawcett:** In the background did you ever hear any conversations about like ship's
11 officers calling up to the bridge so they could log the official drafts in a log book by
12 radio?

13 **WIT:** Most likely. I mean as I say I can't specifically recall that, but it's a very much a
14 part of the shipboard routine and I assume that I have.

15 **Mr. Fawcett:** So this is kind of a broad question based on your being all over the Port
16 of Jacksonville, not just piloting the El Faro or the El Yunque, but talk with other pilots,
17 talk with other tug boat Captains, do you know if the El Faro or the El Yunque ever
18 came back to Jacksonville after they sailed to adjust cargo, adjust trim or list?

19 **WIT:** I do not know that.

20 **Mr. Fawcett:** Have you ever observed that?

21 **WIT:** Observe it having happened?

22 **Mr. Fawcett:** Yeah.

23 **WIT:** No.

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1 **Mr. Fawcett:** How about for weather?

2 **WIT:** No.

3 **Mr. Fawcett:** On that 29th of September Pilot/Master exchange was there a discussion
4 about the effects of weather, and I'm not talking about Joaquin, I'm talking about
5 weather in port that would effect sailing? In other words you've talked about the ebb
6 tide and you talked about the state of the water itself. Do you usually as part of the El
7 Faro routine talk about a check for weather, check for wind velocity, that, you know
8 check the radar for ----

9 **WIT:** We might would be the answer to that if there was some significant weather in the
10 area that would directly impact the operation of that vessel while it was in pilotage
11 waters, we would certainly discuss it.

12 **Mr. Fawcett:** Have you ever had occasion as pilot for a Tote vessel, and I wanted to
13 ask this question, do you also pilot the chartered tugs and barges that carry Tote cargo?

14 **WIT:** I don't think we did. I'm not certain of that. Although we do pilot very similar tugs
15 and barges in and out Blount Island all of the time.

16 **Mr. Fawcett:** So have you ever heard when you piloted the El Faro or the El Yunque a
17 discussion about the effects of weather as you're getting ready to sail as part of an
18 evaluation of risk? In other words does the ship say hey we've looked at the weather
19 and we're clear from the ship's point of view we're good to go?

20 **WIT:** I'm certain at sometime within the years that Sea Star and Tote have been calling
21 on Jacksonville that we have looked at the weather and held the vessel at the pier until
22 the weather was sufficiently clear. That primarily being due to heavy thunder storms.

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1 When they would clear we would sail. It's just very likely to have happened.

2 Specifically when I cannot tell you.

3 **Mr. Fawcett:** And so you've been a pilot in the Port of Jacksonville for how many
4 years?

5 **WIT:** This is my 25th year.

6 **Mr. Fawcett:** Congratulations.

7 **WIT:** Thanks.

8 **Mr. Fawcett:** So let's move backwards a little bit. You mentioned Sea Star line. So
9 Sea Star line has become Tote and back in 2013, looking at that time frame, do you
10 have a some kind of person in your organization that deals with Tote or Sea Star about
11 the conduct of operations? Like someone in a port safety committee, someone that
12 looks at the safety of operations?

13 **WIT:** Specifically dealing with Tote about those?

14 **Mr. Fawcett:** Well that would reach out to your customers and talk about the safety of
15 piloting operations, if there problems on the ship that – for you for example.

16 **WIT:** That would typically fall to the President of the association. If there was a specific
17 incident that required attention.

18 **Mr. Fawcett:** And do you know at the present time if – let's say for example you came
19 aboard the ship and things were not done on the El Faro to your expectations, you
20 would bring it up to the Master I'm sure and you'd probably, and I don't want to put
21 words in your mouth, but you would mention this to your management, the President of
22 pilots, is that correct?

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1 **WIT:** If it was significant enough to warrant his attention and his interaction with Tote on
2 an issue I would certainly bring it up. But that has not happened.

3 **Mr. Fawcett:** Okay. Do you know who the person that, at Tote like – like at the present
4 time is there somebody that you know of at Tote that's the keeper of the nautical
5 operations? The person that is responsible for the nautical operations?

6 **WIT:** I don't know who that person is.

7 **Mr. Fawcett:** Prior to 2013 do you know who that person might have been?

8 **WIT:** I do not.

9 **Mr. Fawcett:** Okay. I thank you very much. That's all the questions I have Captain.

10 **CAPT Neubauer:** Commander Denning.

11 **CDR Denning:** Good morning Captain Bryson.

12 **WIT:** Good morning.

13 **CDR Denning:** Just a few follow up questions real quickly. You mentioned the draft of
14 El Faro as, you phrased it 32.08, just to clarify for the record by that you meant 32 feet 8
15 inches, correct?

16 **WIT:** That's correct.

17 **CDR Denning:** How much does the draft of a ship like the El Faro or El Yunque
18 change based on salinity from completely fresh water to salt, sea water?

19 **WIT:** At a guess on that vessel maybe 14 to 16 inches.

20 **CDR Denning:** How much does that change effect ship handling?

21 **WIT:** If she has some trim – well typically as the water becomes less saline may ships
22 will go down by the head more and that does effect the handling of the vessels. But
23 specific to these vessels not sufficient to warrant any comment.

1 **CDR Denning:** What about stability? How much does it affect stability?

2 **WIT:** Well as you go in the salt water you have more free board. The more free board
3 you have the more reserve stability you have. If they were operating in fresh water they
4 would have less free board and consequently less reserve stability.

5 **CDR Denning:** What about a roll period and such?

6 **WIT:** Commander, I'm sorry I answered that question and really you're asking me
7 questions that I think are outside of the field of expertise that I'm here to represent. Do
8 you want to continue? I mean I'll do my best, but I'm not sure that I'm the person that's
9 giving you the best information on that.

10 **CDR Denning:** Whatever you feel comfortable providing.

11 **WIT:** I – I – I think we probably strayed a little further afield then perhaps we need to.

12 **CDR Denning:** Why do you say that?

13 **WIT:** We're not talking about piloting now, we're talking about you know things that
14 typically I don't experience as a pilot. And that's what I would prefer to talk about.
15 You're talking about roll period and things like that. And you know I just happened to
16 broach the subject of reserve stability which is something through my maritime career I
17 am aware of. But this is now many years in the past for me and outside of the field of
18 piloting.

19 **CDR Denning:** You obviously record the – back to the drafts, general draft discussion,
20 you record the after draft because that's the most important to you in terms of under
21 keel clearance?

22 **WIT:** If it's the deepest draft.

23 **CDR Denning:** Certainly. Do you also – do you record the forward draft at all?

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1 **WIT:** Only if it's the deepest draft which is sometimes the case.

2 **CDR Denning:** So you only record one draft?

3 **WIT:** That's correct.

4 **CDR Denning:** That's all my questions, thank you.

5 **CAPT Neubauer:** Mr. Roth-Roffy.

6 **Mr. Roth-Roffy:** Good afternoon Captain. Tom Roth-Roffy, National Transportation
7 Safety Board.

8 **WIT:** Good afternoon, sir.

9 **Mr. Roth-Roffy:** I would just like to revisit briefly the issue of stability, and if you again
10 don't feel comfortable by going in the direction I'm asking please just say so. But I
11 would like to go back to a question you responded to regarding tenderness of the
12 vessel.

13 **WIT:** Yes.

14 **Mr. Roth-Roffy:** If you would describe what it means for a ship to be tender?

15 **WIT:** If it was easily inclined by whatever force. Say the force generated by a turn and
16 the different pressures on the hull as you went through the turn. Wind force, the force of
17 the tugs pulling on their lines. Whether a vessel was tender or not would be apparent.

18 **Mr. Roth-Roffy:** Okay. And as I recall you responded that you did not observe any
19 tenderness with the El Faro or the El Yunque.

20 **WIT:** Nothing remarkable.

21 **Mr. Roth-Roffy:** And did you feel that during your outbound or inbound pilotage that
22 you do expose the vessel to conditions that would reveal tenderness in the vessel?

23 **WIT:** Yes.

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1 **Mr. Roth-Roffy:** So that's through sea conditions or turns at a certain speed that would
2 heel the vessel?

3 **WIT:** Yes.

4 **Mr. Roth-Roffy:** And do you have experience with other vessels that you would
5 perhaps describe as being tender?

6 **WIT:** Oh yes. I mean I've piloted vessels that I have remarked to the Master, pretty
7 tender Captain, you know. So yes.

8 **Mr. Roth-Roffy:** Great. Thank you very much. That's all I have.

9 **CAPT Neubauer:** We'll go to the parties in interest. Tote do you have questions?

10 **Tote Inc:** Thank you Captain. Captain Bryson, on September 29th, September 30th and
11 October 1st of 2015, was there any change in vessel arrivals and departures or was it
12 was pretty much business as usual in the Port of Jacksonville?

13 **WIT:** I did not, and I have the schedule in front of me that I've referred to several times,
14 I don't not anything that's remarkably different there.

15 **Tote Inc:** And on those same dates, September 29th, September 30 and October 1 of
16 2015 were there any deep draft vessels that departed from Jacksonville?

17 **WIT:** Yes.

18 **Tote Inc:** Thank you.

19 **WIT:** I don't have October 1st in front of me, but in my recollection, no.

20 **Tote Inc:** So the question was there any deep draft vessels that departed on those 3
21 days?

22 **WIT:** Yes.

23 **Tote Inc:** Okay. Thank you. Nothing further.

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1 **CAPT Neubauer:** ABS?

2 **ABS:** No questions.

3 **CAPT Neubauer:** Mrs. Davidson?

4 **Ms. Davidson:** No questions.

5 **CAPT Neubauer:** Herbert Engineering?

6 **HEC:** No questions.

7 **CAPT Neubauer:** Are there any final questions for Captain Bryson? Mr. Fawcett.

8 **Mr. Fawcett:** Captain Bryson just to close the loop, El Faro or the El Yunque, were
9 there any conversations that you heard in the transit down the river particularly going to
10 sea about the securing of cargo or problems with lashings of cargo in particular?

11 **WIT:** No.

12 **Mr. Fawcett:** And for the accident voyage you don't recall any conversations of the
13 like?

14 **WIT:** No.

15 **Mr. Fawcett:** Okay. And this could be coming up by radio, it doesn't necessarily ----

16 **WIT:** I have no recollection of this.

17 **Mr. Fawcett:** Thank you very much, sir.

18 **CAPT Neubauer:** Are there any other questions at this time? Captain Bryson we are
19 now complete with your testimony for the day.

20 **WIT:** Thank you.

21 **CAPT Neubauer:** You are now released as a witness at this Marine Board of
22 Investigation. Thank you for your testimony and cooperation. If I later determine this
23 board needs additional information from you I will contact you through your counsel. Or

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1 contact you directly in this case. If you have any questions about this investigation you
2 may contact the Marine Board Recorder, Lieutenant Commander Damian Yemma. And
3 before we conclude. Do any of the PII's have any issues with the testimony that we just
4 received? (no responses) The hearing is now recessed and we'll reconvene at 1230.

5 *The hearing recessed at 1108, 16 May 2016*

6 *The hearing was called to order at 1238, 16 May 2016*

7 **CAPT Neubauer:** The hearing is now back in session. The board will now hear from
8 Captain Eric Axelsson.

9 **LCDR Yemma:** Captain would you please raise your right hand. A false statement
10 given to an agency of the United States is punishable by fine and or imprisonment
11 under 18 United States Code Section 1001. Knowing this do you solemnly swear that
12 the testimony you're about to give will be the truth, the whole truth and nothing but the
13 truth, so help you God?

14 **WIT:** Yes.

15 **LCDR Yemma:** Thank you, sir. Be seated please.

16 **Tote Inc:** Red mic is good?

17 **LCDR Yemma:** Red is, yeah red is live.

18 **Tote Inc:** Got it.

19 **LCDR Yemma:** Captain could you please start by stating your full name and spelling
20 your last name for the record?

21 **WIT:** My first name is Bror, that's B-R-O-R, middle name is Eric, E-R-I-C, and last
22 name is Axelsson, A-X-E-L-S-S-O-N.

1 **LCDR Yemma:** Thank you Captain. And can you please state for the board your
2 current employment and your position?

3 **WIT:** I'm Chief Mate on the Flickertail [sic] State in Newport News. That's in the ROS
4 fleet.

5 **LCDR Yemma:** Can you describe for the board some of your prior maritime experience
6 please?

7 **WIT:** You want the history?

8 **LCDR Yemma:** Sure, please.

9 **WIT:** Well I started in 1980 when I came out of Fort Schuyler I was on a combination
10 break bulk container ships running the East Coast of North America down to South
11 American. Then there was a lull. And around '84 and I stopped sailing, I went back into
12 the fishing industry with my family as we were all commercial fishermen. And about '89,
13 '90 I started sailing again, the industry opened up and about that same time the first
14 Persian Gulf war started and I was working for uh, let me see I was back on a container
15 ship, I started with Crowley, I made a trip with Crowley then the Persian Gulf war started
16 out and I ended up with IUM. And then I stayed there for quite a few years. I was on
17 their tankers, the UST Pacific. And then later when that was sold I went to the Brooks
18 Range. And then that was laid up and I was out of work temporarily and then I went to
19 work for Maersk on container ships. So I was on a C class and the G class. And then I
20 tried my hand at car carriers back in around, that was around 2005 I guess, I stayed
21 there I guess 4 years. I can't totally recall. And then I – let me see from there I guess I
22 went back to work for Maersk, I was back on the G class, about 4300 TEU. And then I
23 came over to the – back with Tote and I was on the El Faro.

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1 **LCDR Yemma:** Thank you, sir. And please state the highest level education
2 completed please?

3 **WIT:** I got my bachelor of science out of Fort Schuyler, State University in New York.

4 **LCDR Yemma:** Thank you, sir. And Counsel, I'm sorry, could you please also state
5 your name and spell your last for the record?

6 **Counsel:** Robert Birthisel, Hamilton, Miller and Birthisel, B-I-R-T-H-I-S-E-L.

7 **LCDR Yemma:** Thank you, sir.

8 **Tote Inc:** You're welcome.

9 **LCDR Yemma:** Captain Axelsson, Commander Denning will have questions for you
10 now.

11 **CDR Denning:** Good afternoon Captain.

12 **WIT:** Yes, sir.

13 **CDR Denning:** Before we get started I just want to verify can everybody in the back
14 hear Captain Axelsson. If at any time, you know sometime we may need you to move
15 the mic a little bit closer, but I think you're – I think everybody can hear you for now.
16 Court Reporters can you hear okay? Okay Captain Axelsson if you could just make
17 sure you speak clearly into the mic. So Captain we have a lot of ground to cover with
18 you this afternoon. So if you need to take a break at any time please do let us know.
19 Some of the topic areas we're going to discuss are vessel orientation, stability in
20 general and then more specifically the cargo – some of the CargoMax stability software,
21 cargo carriage and securing, lashing of the cargo, weather information while under way
22 and route planning, a little bit on standing orders, some engineering and structural
23 topics and then general safety and culture from a Master's perspective. So as I said a

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1 lot of ground to cover so at any time please do let us know if you need to take a break.
2 We'll take some natural breaks during that time and pass the questioning around for the
3 board and the parties in interest. But I just wanted everybody to be aware this is going
4 to be a pretty in depth – some pretty in depth testimony today. You briefly described
5 your maritime background and we appreciate that. When you came to work for Tote did
6 you go directly to the El Faro or did you also do sometime on the El Morro?

7 **WIT:** I did a short spell on the El Moro.

8 **CDR Denning:** Can you describe that spell for us?

9 **WIT:** Well I did one trip, was probably about 10 weeks, maybe 9 weeks at the time.
10 And then I – in December I took the El Faro to the shipyard in Freeport, Bahamas. And
11 then I alternated briefly between the El Faro and the El Morro. And I guess all tolled I
12 don't know if I, maybe a total of 17 weeks maybe on the El Morro.

13 **CDR Denning:** On the El Morro did you go directly on board as Captain?

14 **WIT:** Yes, sir.

15 **CDR Denning:** Did you do any type of orientation when you came on board the El
16 Morro?

17 **WIT:** I sailed – I made a round trip with Captain Davidson.

18 **CDR Denning:** Can you describe that for us?

19 **WIT:** How so?

20 **CDR Denning:** Anything you can recall about – I'll go into some specific questions, but
21 before I do I would like your general observations on that round trip.

22 **WIT:** Well basically it was – I made the trip from Jacksonville to San Juan and back to
23 Jacksonville just to get acclimated with the paperwork and acclimated with the ship.

1 **CDR Denning:** So you only served on El Morro and El Faro, you did not at any time
2 serve on El Yunque, is that correct?

3 **WIT:** No, sir.

4 **CDR Denning:** No, sir, that's not?

5 **WIT:** I did not serve on the El Yunque.

6 **CDR Denning:** Okay. Thank you. During your tenure on these vessels was it
7 exclusively on the Jacksonville to San Juan run?

8 **WIT:** Yes, sir.

9 **CDR Denning:** Did you do any port calls in Fort Lauderdale?

10 **WIT:** Oh, yes, sir, briefly. I made the, yeah. I did. That was shortly after I got here. I
11 think Lauderdale was taken off the run. So I did make some brief trips into there.

12 **CDR Denning:** And when you first came aboard with this operations the company was
13 known as Interocean that you were working for at the time?

14 **WIT:** When I initially joined the company? That was back in the '90s so it was, it was
15 Interocean.

16 **CDR Denning:** Later that became known as?

17 **WIT:** Interocean Hoodlin [sic] and then I think it was Interocean American Shipping,
18 and then it went to Tote Services.

19 **CDR Denning:** So through that especially when you came to work for Tote most
20 recently, that was 2013 initially with the El Morro, correct?

21 **WIT:** September of 2013.

1 **CDR Denning:** Can you describe for us please how in general management, in general
2 or specifics, as much as you can recall, how management of the company
3 communicated their expectations with you as the Master?

4 **WIT:** Well I really don't recall anything specific. It was pretty cut and dry. I mean we
5 were loading cargo in Jacksonville and taking down to San Juan and Northbound we go
6 into Fort Lauderdale and do the same thing coming back with empties from San Juan.
7 But there was nothing specific.

8 **CDR Denning:** How about regarding safety, did you – can you recall any specifics
9 about discussions with management about safety?

10 **WIT:** Well there was a good safety culture there. I mean everybody adhered to it. The
11 main thing was that everybody was to be comfortable with what they're doing. Because
12 as long as they were comfortable with what they were doing we wouldn't have any
13 injuries. And it was definitely promoted. PPE gear was definitely required and if it
14 wasn't there was, I think in their ISM there was – you could be terminated. So the
15 safety culture was very good.

16 **CDR Denning:** How about timeliness?

17 **WIT:** Pardon?

18 **CDR Denning:** Timeliness as far as keeping the vessel on schedule, any
19 communications there?

20 **WIT:** Uh actually, sir, the – that I never heard anything coming back to me regarding
21 keeping a tight schedule. The way it was presented to me to – once we sailed let us
22 know your ETA. And about what time you will be there. And if I was going to be an

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1 hour late there was no backlash, there was nothing about the why. I wasn't questioned.

2 So I didn't see the ETA as a – as being pushed or forced.

3 **CDR Denning:** How about management expectations about stability?

4 **WIT:** Well they – we maintained the stability of the vessel in regard to being in
5 compliant.

6 **CDR Denning:** Did you receive any specific training or orientation on the vessel or the
7 company safety management system?

8 **WIT:** Not that I recall.

9 **CDR Denning:** Were you instructed to read it in it's entirety?

10 **WIT:** Yes, sir.

11 **CDR Denning:** Did you do that?

12 **WIT:** We had to.

13 **CDR Denning:** Feel like you had ----

14 **WIT:** You had ----

15 **CDR Denning:** It's a very thick manual.

16 **WIT:** There's, you know, you were constantly referring to it.

17 **CDR Denning:** So did you refer to it when you needed to for specific topics, or did you
18 ever have an opportunity to sit down and read it in it's entirety? Did you have time to do
19 that?

20 **WIT:** There was – it's quite large. But it was a good tool. We used it as a tool and I
21 imagine my tenure there I'm sure I did read it cover to cover. But I can't – it's kind of
22 difficult to recall all that. I mean it's quite large. So it's a tool you have to refer to.

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1 **CDR Denning:** Did you receive any specific training or orientation regarding heavy
2 weather procedures within the SMS?

3 **WIT:** You mean from the company or just their manual?

4 **CDR Denning:** Both.

5 **WIT:** I do recall there was section I guess on heavy weather. But I can't remember all
6 of the specifics.

7 **CDR Denning:** A section within the SMS?

8 **WIT:** I believe so.

9 **CDR Denning:** On your round trip that you stated that you did with Captain Davidson,
10 did he do or say anything to prepare you for the vessels or working for this particular
11 company?

12 **WIT:** He pretty much just went through the paperwork and I just picked up where he left
13 off.

14 **CDR Denning:** How do you – where do you feel he left off?

15 **WIT:** What do you mean?

16 **CDR Denning:** You said you picked where he left off.

17 **WIT:** Oh he had it, he was there, I don't know sometime before me. And then I came
18 along and I tried to get in sync with him as to what was going on and how we were
19 going to proceed so we're both on the same page. So we weren't changing things, to
20 have some kind of consistency.

21 **CDR Denning:** So I'm going to mention a few broad, several actually, broad
22 categories. And I would like for you to tell me if during that trip on the El Moro Captain
23 Davidson expressed any concerns to you regarding that particular area. Later in your

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1 testimony we'll go through many of these same areas again in more detail. So if
2 anything comes to mind later in your testimony regarding these areas feel – please do
3 feel free to come back to them if you don't specifically remember them right now. But
4 I'm going to ask you in general about a few specific areas. Now to the best of your
5 recollection from your initial trip with Captain Davidson. Does that makes sense, do you
6 understand?

7 **WIT:** I believe so.

8 **CDR Denning:** So did Captain Davidson express any concerns to you regarding the
9 stability of the vessels?

10 **WIT:** No.

11 **CDR Denning:** Did he express any concerns to you regarding the stability calculation
12 process itself?

13 **WIT:** No, sir.

14 **CDR Denning:** Did he express to you any concerns about cargo?

15 **WIT:** No, sir, nothing comes to mind.

16 **CDR Denning:** Or cargo securing?

17 **WIT:** Nothing comes to mind, no, sir.

18 **CDR Denning:** How about ship handling?

19 **WIT:** No, sir.

20 **CDR Denning:** Did he express any concerns to you about engineering?

21 **WIT:** Not that I recall.

22 **CDR Denning:** What about structural integrity?

23 **WIT:** No, sir.

1 **CDR Denning:** Maintenance of the vessel?

2 **WIT:** You mean – no.

3 **CDR Denning:** Did he express any concerns to you about the personnel who served
4 on board?

5 **WIT:** Not that I can recall, no.

6 **CDR Denning:** Did he express, I'm sorry.

7 **WIT:** I don't recall him ever having any kind, like you say concern.

8 **CDR Denning:** Would you use a different word?

9 **WIT:** Well I honestly don't know. I mean there wasn't – we talked, but there wasn't any
10 issue that would – that nothing jumped out that he would be talking about that he had
11 any concern about anything.

12 **CDR Denning:** So you ----

13 **WIT:** That I can recall.

14 **CDR Denning:** You said the word talk, maybe concern is a little strong. Any
15 apprehension whatsoever?

16 **WIT:** No.

17 **CDR Denning:** So when I say concern I'm using it in it's broadest sense.

18 **WIT:** No.

19 **CDR Denning:** Does that make sense? How about fatigue or rest for himself or other
20 crew members? Did he mention any apprehension?

21 **WIT:** No he did not. No, sir.

22 **CDR Denning:** How about any category at sea?

23 **WIT:** No.

1 **CDR Denning:** Did he express to you – so that’s my final specific category. Did he
2 express to you any concerns or apprehension about anything whatsoever that you can
3 recall?

4 **WIT:** Not that I can recall, no, sir.

5 **CDR Denning:** Did anyone else on board express any concerns in those areas?

6 **WIT:** No, sir.

7 **CDR Denning:** So like I said we’re going to go into some of those areas in more
8 specifics, so if at any time you recall something please do feel free to double back. So
9 were you considered a permanent Master on these vessels or some other category,
10 more temporary status?

11 **WIT:** No, sir. I was – when I went – when I joined the El Moro I was told that I was a
12 temporary employee and that, you know there was no guarantees. And I said well
13 okay, I accepted it and to try the run out. I’ve never been in the domestic trade, I’ve
14 been foreign my whole life. And it was just an opportunity that I wanted to try.

15 **CDR Denning:** And you did that one trip on El Morro and then you transitioned to El
16 Faro, correct?

17 **WIT:** Yes, sir.

18 **CDR Denning:** And since then ----

19 **WIT:** Well actually it’s not – I took the El Faro to the shipyard in the Bahamas. And
20 then when I came back I laid it up in North Florida shipyard sometime in January. And
21 then I went home for a brief spell and then I came back to the El Morro and then shortly
22 after I returned to the El Morro I was taken off, flown back to Jacksonville and I went
23 over I took the El Faro out because she was going to run for about 3 weeks. And I

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1 operated her for 3 weeks. And then later – El Yunque was in yard. And then I was
2 taken off, laid up the El Faro in North Florida shipyard again and when I got a cab and
3 drove over and joined the El Morro again. I went back there so Captain Davidson could
4 go home. So that – and then that was it for the El Morro for me. I never returned. I
5 went back to the El Faro. I did another few weeks and I never returned to it.

6 **CDR Denning:** The first time you took the El Faro to the Freeport, Bahamas shipyard,
7 do you know what type – what time – let's start with what time frame that was?

8 **WIT:** That would have been in December, December 1st.

9 **CDR Denning:** Of?

10 **WIT:** I drove down to Baltimore.

11 **CDR Denning:** December of what year?

12 **WIT:** It would have been 2013.

13 **CDR Denning:** Do you recall what type of work was being done in that shipyard?

14 **WIT:** Down at Freeport? Well she went into dry dock and the usual, they did the
15 bottom. There was inspections on it, ABS was there, they did inspections in the tanks
16 up forward. And she – I think they, if I remember correctly, they took gauging and one
17 to two tanks, I can't remember exactly which one. And I know they pulled the propeller,
18 the shaft. And I don't – it was a typical shipyard. The anchors, I know they took the
19 anchors, we stretched the anchors out. But they had already been gauged previously.
20 And I think the rest was down below in the engine room.

21 **CDR Denning:** To the best of your knowledge was all the work being done in that
22 shipyard at that time scheduled maintenance?

23 **WIT:** Yes, sir.

1 **CDR Denning:** There was nothing that was related to anything unexpected?

2 **WIT:** No, sir.

3 **CDR Denning:** How about the same questions for the North Florida shipyard time
4 period?

5 **WIT:** I wasn't even there for that. No there was nobody there. We laid her up there
6 and tied her up and all the crew was gone.

7 **CDR Denning:** Back to the discussion about Masters and permanency. You were on
8 board as a temporary fill. Is there a – would you say there's seniority of one Master
9 over another?

10 **WIT:** I didn't feel that way, no.

11 **CDR Denning:** Were some Masters considered permanent?

12 **WIT:** I couldn't tell you that because I never asked.

13 **CDR Denning:** Did you receive any type of orientation as you switched from one
14 vessel to another or were they pretty much seamless operations from – between El
15 Morro and El Faro?

16 **WIT:** No they're pretty much the same.

17 **CDR Denning:** Would you say that additional orientation from – is not necessary from
18 one vessel to another because they're similar enough?

19 **WIT:** I didn't expect any.

20 **CDR Denning:** So I'm going to move on to the topic of stability in general. We're going
21 to go into more specifics about CargoMax later, so don't feel the need to dive into
22 CargoMax specifically as a topic. So these stability related questions I'm going to ask
23 now are just general in nature. So we understand from other witnesses that the typical

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1 GM margin for the El Faro and the El Yunque has been 6 inches more than the required
2 GM, usually referred to as 0.5 feet. Is that your understanding?

3 **WIT:** Yes, sir.

4 **CDR Denning:** Is that a requirement or is it some form of a guideline?

5 **WIT:** It wasn't a requirement, no. It wasn't written anywhere.

6 **CDR Denning:** Who set that particular guideline?

7 **WIT:** Well, sir, I don't know anybody who actually said it. I can't answer to that. But I
8 know what I used it for. I can answer for that.

9 **CDR Denning:** Would you please?

10 **WIT:** That was my burn off with the fuel. And I would never fall below my required nor
11 would I approach my required. I knew there was a fuel burn off.

12 **CDR Denning:** As you're transiting from Jacksonville to San Juan, fuel burn off weight
13 down below becomes lighter?

14 **WIT:** Yes, sir.

15 **CDR Denning:** So your GM is reduced during the transit?

16 **WIT:** Correct.

17 **CDR Denning:** So that's – that – you would start at .5, what would it typically – what
18 would your GM be for a typical arrival in Jacksonville?

19 **WIT:** Over the margin?

20 **CDR Denning:** Correct.

21 **WIT:** I would be about .2, .25 more.

22 **CDR Denning:** And to correct it, not over the margin, but your margin would be how
23 much over the required the GM?

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1 **WIT:** .2, .25 above. So I never approached my required or fell below it.

2 **CDR Denning:** Right. I just want to make sure the record was clear on terminology.

3 **WIT:** Yes, sir.

4 **CDR Denning:** So I know that the Chief Mate does a lot of the work on stability for the
5 vessel as far as calculations and things, what specifically is the Master's responsibility in
6 terms of stability?

7 **WIT:** I relied on the Chief Mate to handle the stability. That was his function and I
8 relied on him.

9 **CDR Denning:** So what are the Master's responsibilities though?

10 **WIT:** I would ask him how everything was. Did everything check out? Did you go
11 through all the paperwork? Did everything check? And he would tell me yeah.

12 **CDR Denning:** Were you ever asked to sail below the .5 margin?

13 **WIT:** No, sir.

14 **CDR Denning:** Nobody with shore side ever ask you to go below .5?

15 **WIT:** Well, I imagine it may have been asked, but I wouldn't because I needed – I knew
16 what I needed for my fuel burn off. And then I wanted a little extra for me. If I had my
17 fuel burn off and I had Eric. And Eric wanted some for him. And I knew what I could do.

18 **CDR Denning:** How much did Eric typically want for him?

19 **WIT:** Well I took the .2, .25 and I knew what my burn off was going to be. I knew if I
20 could take ballast on I could bring my stability back up.

21 **CDR Denning:** So are you saying that you would try to sail at a .7 margin?

22 **WIT:** No. I said I took the .5, I would be over the .5 or at the .5 thereabouts and I knew
23 I would burn .3. So when I arrived I was still above my required by .2 or sometimes .25.

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1 And if I had more because they didn't have that much more cargo well then I had more
2 stability.

3 **CDR Denning:** Did I hear you say that requests had perhaps come in to sail below that
4 and you ----

5 **WIT:** Well he might have the question. You're going to be around .45 or .47, is that
6 alright with you, and I would say no, I want my .5.

7 **CDR Denning:** And who would ask?

8 **WIT:** Don Matthews. And he wouldn't argue.

9 **CDR Denning:** But he would ask?

10 **WIT:** Yeah he would call and ask, he would say you know I just have to ask, and he
11 said I didn't think you would.

12 **CDR Denning:** Did he -- did this conversation take place often?

13 **WIT:** No. No, sir.

14 **CDR Denning:** About how many times can you recall?

15 **WIT:** Oh geez. It wasn't very often.

16 **CDR Denning:** And he said he had to ask.

17 **WIT:** Yeah they would ask. I mean if you're point -- .4, you know .45, you know, no. I
18 wanted the .5. And he wouldn't argue, he said okay.

19 **CDR Denning:** He didn't indicate why he wanted to ask?

20 **WIT:** He might want to put a couple extra boxes on. But it never became an issue,
21 never became an argument.

22 **CDR Denning:** Did he ever indicate why he wanted to put another extra box on?

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1 **WIT:** That's why we're in the business for to move cargo. So maybe he had a box he
2 wanted to put on, or two boxes, I mean I don't know. But I mean that's what you do.

3 **CDR Denning:** Did he ever discuss with you pressures from externals to him to ----

4 **WIT:** Not at all.

5 **CDR Denning:** Did you ever hear from anyone else, shore side about the GM margin
6 and trying to ask you to sail below it?

7 **WIT:** Not at all.

8 **CDR Denning:** Did Ron Rodriguez ever discuss stability with you?

9 **WIT:** No. He pretty much dealt with the Chief Mate. But the topic never came up.

10 **CDR Denning:** Do you recall how frequently Mr. Rodriguez would fill in for Mr.
11 Matthews?

12 **WIT:** I have no insight into that.

13 **CDR Denning:** Do you recall it ever happening at all?

14 **WIT:** It happened a few times, I don't think it was very often.

15 **CDR Denning:** When the request would come in to sail below the .5, you said no I
16 want my .5, did that request come directly to you personally or through the Chief Mate?

17 **WIT:** I think when that happened I think the Chief Mate was sitting probably with Don
18 Matthews in his office. And he would say you have to ask the Captain and I would get a
19 phone call. You know we talk. And it was never an issue.

20 **CDR Denning:** Did the Chief Mate typically spend a lot of time in the office with Don
21 Matthews?

22 **WIT:** No, but he would periodically go up there just to check on how things were going.

23 **CDR Denning:** Is that consistent from one Chief Mate to another?

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1 **WIT:** Yes it was.

2 **CDR Denning:** Did you ever have a reason to remove cargo to get back to a .5?

3 **WIT:** No. The – you mean it was physically on the ship?

4 **CDR Denning:** Right.

5 **WIT:** No.

6 **CDR Denning:** So they always asked you before they ----

7 **WIT:** Right, it was in the load program.

8 **CDR Denning:** Sure.

9 **WIT:** You take it off the – up the load through the load program.

10 **CDR Denning:** Do you know how any other Masters handled the GM margin?

11 **WIT:** No I don't.

12 **CDR Denning:** So you're not sure if it was the exact same margin for the El Morro, El
13 Yunque and El Faro?

14 **WIT:** I understood they did the same, .5. But I didn't have any direct conversations with
15 them, no.

16 **CDR Denning:** What margin – so you spoke of your long career earlier. What was the
17 typical GM margin for other vessels that you've sailed on throughout your career?

18 **WIT:** Well it depends on where we're sailing. It's kind of apples and oranges. I mean
19 this was a – that was a much different ship compared to this one. You know versus, let
20 me think now, versus – they burn at 165 ton a day versus 30 ton a day. When I was on
21 the Big G's we burned 165 ton a day on a full bell. So you would need a little more
22 margin. But then you had to compensate with the fuel burn off. This was a little bit

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1 different. This was only, geez 30, 40 ton a day, maybe less. So it's like apples and
2 oranges.

3 **CDR Denning:** Vessel specifics aside, so I understand that vessels have different
4 characteristics, different fuel burn offs, but besides the fuel burn off and some of the
5 other vessel specific criteria, what else – what other considerations do you use to
6 determine appropriate margin?

7 **WIT:** Well pretty much just the fuel burn off.

8 **CDR Denning:** You said where you're sailing. What did you mean by that?

9 **WIT:** Yeah. Well we leave New York and the first stop is Dubai. You're going to burn
10 maybe 2100 tons of fuel versus the El Faro which is only about, what would it be, 300
11 ton, 200 ton. It's a big difference.

12 **CDR Denning:** When you said where – it depends on where you're sailing ----

13 **WIT:** Well it depends on how much fuel you're going to burn.

14 **CDR Denning:** And that's all you were referring to?

15 **WIT:** Well, and that I could keep it in – keep it within the required GM.

16 **CDR Denning:** How about weather? How about sailing between Jacksonville and San
17 Juan versus sailing in Alaskan waters when you have rough seas and high winds?

18 **WIT:** Well I would probably be asking for more. I have never been in that situation.

19 **CDR Denning:** Have you been in other parts of the world, other waters that had
20 significant seas and wind?

21 **WIT:** Uh, winter North Atlantic.

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1 **CDR Denning:** What type of – how did that – let’s say winter North Atlantic versus
2 summer North Atlantic where the water is calm? What was it – on the same vessel,
3 what difference in GM margin ----

4 **WIT:** Probably we had coming across the winter North Atlantic probably about a meter
5 of GM and the required probably around .6. So you’re about 40 centimeters.

6 **CDR Denning:** And that’s in the winter? How would that change if you’re ----

7 **WIT:** It’s about the same.

8 **CDR Denning:** In calmer weather?

9 **WIT:** Running about the same.

10 **CDR Denning:** You’d run it the same year round?

11 **WIT:** Yeah. Sometimes you’d be down to 85 centimeters.

12 **CDR Denning:** Sorry.

13 **WIT:** I should say .85 meters. Everything was metric.

14 **CDR Denning:** Did you ever have any concerns yourself or apprehension about the .5
15 margin on this particular run?

16 **WIT:** No, sir.

17 **CDR Denning:** Did you experience any heavy weather on this run?

18 **WIT:** No, sir, I did not. I didn’t see any significant weather on this run.

19 **CDR Denning:** Have you ever, besides your little something extra for Eric, did you ever
20 require additional GM above the .5 margin?

21 **WIT:** No, sir.

22 **CDR Denning:** For any reason?

23 **WIT:** I haven’t had to.

1 **CDR Denning:** And what -- what might make you consider an additional margin?

2 **WIT:** Well how's the weather, might ask.

3 **CDR Denning:** And if you wanted an additional margin how would that go? Who would
4 you discuss that with?

5 **WIT:** With Don Matthews.

6 **CDR Denning:** So would you have to make a request?

7 **WIT:** I would talk to him about it. But I never had to.

8 **CDR Denning:** And how would he accomplish that for you if you desired that?

9 **WIT:** Well I never had the conversation with him, because I never had to, but that
10 would be the man I would talk to, I would approach.

11 **CDR Denning:** Certainly. If he -- if you did approach him how would he accomplish
12 that for you?

13 **WIT:** I'm sure we would work out the details and work out the load plan.

14 **CDR Denning:** So it would require less cargo?

15 **WIT:** If need be.

16 **CDR Denning:** Are there other ways he could accomplish that for you?

17 **WIT:** Get as much heavy weight as you can down below.

18 **CDR Denning:** Do you feel that if you were to request additional GM that you would
19 have received any push back?

20 **WIT:** I don't believe so.

21 **CDR Denning:** And why don't you believe that you wouldn't?

22 **WIT:** Because I didn't see that in their culture.

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1 **CDR Denning:** How did you and other vessel officers use ballast tanks to address
2 stability?

3 **WIT:** Well we kept the fore peak was always at 150 ton. And we had number 1 double
4 bottoms. They were full and number 2 double bottoms were empty, I do remember that.

5 **CDR Denning:** Do you recall any other ballast tanks that were available to you?

6 **WIT:** Yeah, they had 1A, I think it was 1A centerline and there was 1D. And like I said
7 two double bottoms was empty.

8 **CDR Denning:** And wing tanks or ----

9 **WIT:** No, sir. Oh, one, 1B was a wing tank I guess you could say.

10 **CDR Denning:** Is it also known as a ramp tank?

11 **WIT:** No, the ramp tanks are back aft.

12 **CDR Denning:** It's something different.

13 **WIT:** Yes, sir.

14 **CDR Denning:** Were ballast tanks always pressed up when they're used?

15 **WIT:** No.

16 **CDR Denning:** So how did you address – how did you account for a free surface
17 effect?

18 **WIT:** Well it was in the sta – the CargoMax, it was accounted for. The only, let me see
19 it would be the fore peak and two ramp tanks that would be slack. And the ramp tanks
20 were used as like an anti-heeling.

21 **CDR Denning:** Were they commonly slack?

22 **WIT:** Well the anti – the fore peak was and the ramp tanks, yes. Because they
23 alternated back and forth for the heel tanks.

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1 **CDR Denning:** Back to the fuel burn off topic. During your transit from Jacksonville to
2 San Juan, how did the roll period of the vessel change throughout the transit?

3 **WIT:** I thought it was a nice easy roll. It wasn't a snap roll.

4 **CDR Denning:** So was it more stiff in the beginning of the voyage, more tender
5 towards the end?

6 **WIT:** No. No, sir.

7 **CDR Denning:** Did you or anyone else ever time the roll?

8 **WIT:** Yes.

9 **CDR Denning:** Do you recall any of those figures?

10 **WIT:** It would be anywhere between I guess 12 to 15 seconds maybe.

11 **CDR Denning:** Was that logged anywhere?

12 **WIT:** No, sir.

13 **CDR Denning:** Why did you – what was the purpose of timing the roll period?

14 **WIT:** Just for knowledge.

15 **CDR Denning:** What would you do with that knowledge? Did it change your decision
16 making in any way?

17 **WIT:** No, sir. But it was just part of character of the ship and I wanted to know how she
18 was riding.

19 **CDR Denning:** Just to reiterate did you say that the vessel did not become more
20 tender as it would transit?

21 **WIT:** No I wouldn't say it did, no. I do know tender and she was not tender.

22 **CDR Denning:** So as you -----

23 **WIT:** She's not a tender ship.

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1 **CDR Denning:** As your GM changed from let's say .5 to .2.

2 **WIT:** No, sir. There wasn't anything dramatic.

3 **CDR Denning:** How did that – how did any – whatever change you did experience,
4 how did it affect ship handling?

5 **WIT:** In what regard?

6 **CDR Denning:** Any regard.

7 **WIT:** How did it affect ship handling?

8 **CDR Denning:** Did the ship handle in different ways depending on the change ----

9 **WIT:** No, she actually – she handled very well.

10 **CDR Denning:** Is there any minimum amount of fuel that would be required for the
11 transit from Jacksonville to San Juan?

12 **WIT:** We used to carry I think, we used to maintain about 8500 barrels.

13 **CDR Denning:** And what considerations were there for how much fuel to carry?

14 **WIT:** It's my understanding that, especially during hurricane season you carry, if I recall
15 and extra 3 day steam.

16 **CDR Denning:** And the purpose of that extra fuel?

17 **WIT:** Weather.

18 **CDR Denning:** For?

19 **WIT:** If you deviate, slow down, you got to speed up, so you had the fuel.

20 **CDR Denning:** Carry and extra 3 days of fuel you said?

21 **WIT:** I believe that was part of the, as I recall, I do believe that was part of the
22 procedure. Was to have an extra 3 days during hurricane season.

23 **CDR Denning:** Where is that procedure documented?

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1 **WIT:** I believe it was in their manual.

2 **CDR Denning:** The safety management system?

3 **WIT:** Yes, sir. If I recall correctly. I mean I haven't read it in quite a while.

4 **CDR Denning:** And if we don't find it there is there anywhere else you can think of that
5 we might find that particular procedure?

6 **WIT:** No, sir, I don't.

7 **CDR Denning:** How often did the vessels take on fuel?

8 **WIT:** Every Jacksonville port call.

9 **CDR Denning:** Did you ever take on fuel in San Juan?

10 **WIT:** A couple of times.

11 **CDR Denning:** And what drove that change?

12 **WIT:** Well it runs in my mind, I think the price of the fuel. It was less expensive. But I
13 don't think they – that runs in my mind. But it was only briefly and but the for the most
14 part it was all done in Jacksonville.

15 **CDR Denning:** Were you ever asked to favor one port or another for bunkers?

16 **WIT:** No, sir.

17 **CDR Denning:** Were you ever asked to take on less fuel so that additional cargo could
18 be carried?

19 **WIT:** No, sir.

20 **CDR Denning:** Were you ever asked to take on less fuel for any other reason, cost or
21 otherwise?

22 **WIT:** No, sir.

23 **CDR Denning:** Did you have any limitations on ship stresses or bending moments?

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1 **WIT:** That's all part of the stability calculations.

2 **CDR Denning:** Do you recall any of the limitations?

3 **WIT:** Well I think ----

4 **CDR Denning:** Or considerations?

5 **WIT:** Well if I remember correctly the bending moment was probably around 55, 60
6 percent, if that's what you're asking. That was pretty consistent.

7 **CDR Denning:** Are there any circumstances when you as the Master might require
8 redistribution of cargo to reduce bending moments on the vessel as it's being loaded?

9 **WIT:** Not on the El Faro. I have never run into that circumstance, no. That was pretty
10 consistent. I don't recall it ever being much higher.

11 **CDR Denning:** Were there any other limitations that you required that you can recall?

12 **WIT:** Not that I, no, not that I can recall, no.

13 **CDR Denning:** Where are the dead weight limitations for the vessel listed?

14 **WIT:** Well it was available to them in CargoMax. And the -- you had the dead weight
15 scale in the stability booklet.

16 **CDR Denning:** Have you ever seen loading that would exceed the dead weight
17 limitation in the trim and stability booklet, but not -- so it actually to submerge the load
18 line?

19 **WIT:** No, sir, I have not. Nothing -- I don't recall anything like that, no. It was always
20 available dead weight.

21 **CDR Denning:** So I'm going to transition now into more CargoMax specific questions.
22 We discussed CargoMax program in depth with several other witnesses. So we're not
23 going to -- we'll go into it more with several more witnesses throughout the hearing. So

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1 rather than have you describe the process again I would like to start by summarizing
2 some of the testimony we've heard from other witnesses and then ask you some follow
3 up questions. And as I describe this process as it's been presented to us please do
4 stop me at any time if anything I say is not consistent with your understanding. Or if
5 there is anything else that you would like to interject. Do you understand?

6 **WIT:** Yes, sir.

7 **CDR Denning:** We've heard from other witnesses that shore side folks, you mentioned
8 Don Matthews, we've talked about Ronald Rodriguez from Tote Maritime Puerto Rico,
9 formerly call Sea Star, they use the CargoMax program on a shore side computer and
10 continually update the information throughout the day as the loading operations are
11 ongoing. Does that sound accurate to you?

12 **WIT:** Yes, sir.

13 **CDR Denning:** We've also heard from other witnesses that prior to sailing either Don
14 Matthews or Ron Rodriguez will bring the stability calculations to the vessel and provide
15 them to the Chief Mate in both printed form and some other electronic media such as a
16 thumb drive. Does that sound accurate to you?

17 **WIT:** Yes, sir.

18 **CDR Denning:** We've also heard from other witnesses that the Chief Mate then uses
19 that thumb drive or electronic media to put the load case in to the ship board computer.

20 **WIT:** Sounds right, yes, sir.

21 **CDR Denning:** So with that background I'm going to ask some specific questions. And
22 if at any time your answer to any of those questions change, please do let me know.

23 **WIT:** Yes, sir.

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1 **CDR Denning:** Was any of that process, any part of that process done differently
2 during your tenure as Master?

3 **WIT:** Not that I recall, no.

4 **CDR Denning:** Just to confirm are you certain that a memory stick was given to the
5 Chief Mate?

6 **WIT:** To the best of my knowledge, yes.

7 **CDR Denning:** And do you recall who provided that to the Chief Mate?

8 **WIT:** Well as I recall it was either Don Matthews or Ron Rodriguez.

9 **CDR Denning:** Did the Chief Mate ever have a need to enter the stabil – the weights
10 into the ship board computer himself without receiving media? Did that ever occur? In
11 other words taking the printed form?

12 **WIT:** Yeah. Not that I recall, no.

13 **CDR Denning:** How much contact did shore side personnel have with ship board
14 personnel regarding stability throughout the day? You mentioned earlier the Chief Mate
15 would periodically go to the office. How much contact was there typically throughout the
16 day?

17 **WIT:** I think he was continually keeping on top of it as to what's going on around the
18 ship. And periodically I know he would drive up to, or Don Matthews would come down
19 and pick him up and he would go up to the office to check the load plan up there.

20 **CDR Denning:** Besides that in person interaction did they ever use any other means to
21 communicate?

22 **WIT:** Not that I – not to my knowledge.

23 **CDR Denning:** They didn't use hand held radios, cell phones?

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1 **WIT:** Oh they might have used the – yeah, they might have used that. But I don't think
2 it was – it was mostly about talking about cargo, containers, reefer, if one was down or
3 something of that nature, but not the – I don't think they talked about stability.

4 **CDR Denning:** So they would speak about ----

5 **WIT:** Just cargo.

6 **CDR Denning:** Reefer, refrigerated cargo.

7 **WIT:** Yeah.

8 **CDR Denning:** And cargo in general?

9 **WIT:** Hazardous cargo, something got added, something's going to be taken off, this
10 got cancel. I imagine it was along those lines.

11 **CDR Denning:** HAZMAT segregation, scheduling?

12 **WIT:** Yes, sir.

13 **CDR Denning:** Those types of things. What are the Chief Mate's typical
14 responsibilities in port besides cargo? You know obviously he does a lot with stability,
15 but does he also stand cargo watch?

16 **WIT:** The Second and Third Mate were 6 and 6. And that freed up the Chief Mate to
17 pay attention to cargo. It gave him the opportunity to go up there and check the load
18 plan. Gave him the opportunity, if we had stores he ran the deck gang as well, stores
19 were coming. That was only every other week. But it freed him up to get around the
20 ship and see how the load's going. As far as lashings, stowage, or if he went up to the
21 office to check the load plan and how things were progressing.

22 **CDR Denning:** How much rest does the Chief Mate typically get in a typical port call?

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1 **WIT:** Well with the – we stayed in compliance with the STCW work hours. So during
2 the course of the day with the Second Mate and Third Mate standing 6 and 6, he was
3 able to lay down in the afternoon.

4 **CDR Denning:** So you mentioned STCW. How do you – how was it ensured that not
5 only the Chief Mate, but all of the crew, the deck officers, engineering officers,
6 unlicensed crew, how specifically was it ensured that everyone stayed within the STCW
7 standards?

8 **WIT:** Well we had a – actually we figured out a plan before we even arrived on how the
9 day was going to go, who could work, who did we have to knock off and we also had a
10 computer program that you could add these hours in. So we actually had a plan with
11 names on it, how many hours this man can work and who has to lay down. We stuck to
12 that. We actually had a plan before arriving. It's really the only way you can do it.

13 **CDR Denning:** You mentioned a computer program for STCW. Can you describe that
14 for us please?

15 **WIT:** Well it was just an excel program. And I think it was provided by the office. It was
16 actually in their ISM book under forms.

17 **CDR Denning:** So it wasn't a standalone program, a proprietary program, it was a ----

18 **WIT:** No, it wasn't anything we developed. It came with the ISM in their forms CD.

19 **CDR Denning:** It was in excel – an excel format?

20 **WIT:** As I recall it was an excel format, yeah.

21 **CDR Denning:** Did you ever serve on board any vessel at all with Steven Schultz, the
22 Chief Mate during the accident voyage?

23 **WIT:** No, sir.

1 **CDR Denning:** You said that you typically worked with Don Matthews, or not you
2 working with him, but he was the one that typically worked on the stability calculations
3 shore side. Every now and then Ron Rodriguez would fill in for him rarely I think you
4 said. Whenever anyone else did to fill in for Don Matthews working on stability, was it
5 done the exact same way?

6 **WIT:** Other than Ron I don't know of anybody else who did.

7 **CDR Denning:** So when Ron did it, did he handle it exactly the same way as Don
8 Matthews?

9 **WIT:** To my knowledge he did. That was consistent, I mean. I had never heard
10 anything otherwise.

11 **CDR Denning:** So in terms of ship board personnel most of the stability work is done
12 by the Chief Mate. What does he do, walk us through what he does with the information
13 provided to him by shore side and for specifically how he verifies the information and
14 what he does with it then?

15 **WIT:** Well he gets a – gets the manifest and he goes through the manifest hold by hold
16 and box by box to make sure everything is plugged into the CargoMax.

17 **CDR Denning:** How long does that process take?

18 **WIT:** I want to say, you know, I uh, I don't have it. Maybe 30, 45 minutes. 30, 40
19 minutes I guess.

20 **CDR Denning:** And the manifest, is that provided to him from shore side or does he
21 have to print that himself?

22 **WIT:** No, that's – that's uh, to my knowledge it's presented to him from shore side.

23 **CDR Denning:** And that's separate from the CargoMax printouts, correct?

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1 **WIT:** Uh yes.

2 **CDR Denning:** The manifest?

3 **WIT:** To my knowledge it was a, yeah it's a schematic.

4 **CDR Denning:** And does that occur – he obtains all that information prior to sailing.

5 How much of a review did you do of that information as the Master?

6 **WIT:** Most of – it was mostly just through conversation with the Chief Mate after he did
7 the load. I would ask him if everything checked out, is everything well and any issues.

8 And typically he would say no, didn't have any.

9 **CDR Denning:** How long prior to sailing did he typically receive the information from
10 Don Matthews or Ron Rodriguez?

11 **WIT:** I don't totally recall the time frame.

12 **CDR Denning:** We've heard from other ----

13 **WIT:** But it would, go ahead.

14 **CDR Denning:** No, no, please.

15 **WIT:** I want to say it could be up to 30 minutes to you know towards the end of cargo
16 prior to sailing.

17 **CDR Denning:** We've heard from other witnesses that it was sometimes as little as 15
18 minutes.

19 **WIT:** Yes, sir.

20 **CDR Denning:** And when that occurred how did that change the next steps?

21 **WIT:** Well he would verify it and everything was well. He'd check the drafts and I'm not
22 sure what you're asking.

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1 **CDR Denning:** If the Chief Mate received the stability information 15 minutes prior to
2 sailing and it takes him, you said, I believe you said 40 minutes ----

3 **WIT:** 30 to 40.

4 **CDR Denning:** 30 to 40 minutes to review it, does that mean that the vessel would
5 have gotten underway before the verification was complete?

6 **WIT:** He would verify everything from the manifest with the CargoMax going down the
7 river, yes.

8 **CDR Denning:** During the transit the pilot is on board.

9 **WIT:** Yes, sir.

10 **CDR Denning:** Was it always complete prior to hitting the sea buoy?

11 **WIT:** Prior to when?

12 **CDR Denning:** Prior to the sea buoy?

13 **WIT:** Oh yes, sir. To my knowledge it was, yeah. As far as I can recollect.

14 **CDR Denning:** And if any – did you ever recall any errors being found by the Chief
15 Mate?

16 **WIT:** If anything he found it wasn't significant, because he said it was all rectified and it
17 wasn't anything that changed the stability. It wasn't significant enough.

18 **CDR Denning:** So it never caused it to go below the .5 margin?

19 **WIT:** Not that I recall, no.

20 **CDR Denning:** How much of a review did you actually conduct as the Master?

21 **WIT:** Well I relied on the Chief Mate to handle it.

22 **CDR Denning:** Did you have to sign the stability printout?

23 **WIT:** I initialed it, yes.

1 **CDR Denning:** Did you look at any of the other information that CargoMax printout
2 provides, besides GM?

3 **WIT:** No, sir. I would pretty much talk to the Chief Mate. How much available dead
4 weight did I have, what did you do with the ballast tanks, where they at, so I had that
5 knowledge. What the GM margin was and if everything checked out.

6 **CDR Denning:** Did you ever look at the CargoMax printouts for the stresses on the
7 vessel?

8 **WIT:** I would ask him. And I believe it was there on the form. They were typically
9 around 55 to 60 percent on the bending moment. I don't recall it – I don't recall it being
10 more.

11 **CDR Denning:** Would it indicate if it was out of parameters?

12 **WIT:** I can't – if CargoMax gave a warning?

13 **CDR Denning:** Were the numbers color codes in anyway?

14 **WIT:** I can't answer that, sir. I wasn't the – I didn't use CargoMax.

15 **CDR Denning:** You've never ----

16 **WIT:** I relied on the Chief Mate. He was the most familiar with the CargoMax.

17 **CDR Denning:** How about cargo stack weight limits? Is that indicated on the
18 CargoMax?

19 **WIT:** Yes, sir. That I do recall. I remember him mentioning it.

20 **CDR Denning:** And during your trip that you took with Captain Davidson, did he – what
21 process did he follow regarding CargoMax?

22 **WIT:** Pretty much the same, same way.

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1 **CDR Denning:** So he reviewed the CargoMax printout. Did you ever observe him
2 asking questions of the Chief Mate?

3 **WIT:** No, sir.

4 **Tote Inc:** Can we take 5?

5 **CAPT Neubauer:** Yes. The hearing will recess and reconvene at 1:45.

6 *The hearing recessed at 1337, 16 May 2016*

7 *The hearing was called to order at 1348, 16 May 2016*

8 **CAPT Neubauer:** The hearing is now back in session. Commander Denning please
9 continue with your line.

10 **CDR Denning:** So Captain Axelsson we just have a few more questions on this
11 particular topic and then we'll pass it around for other MBI members and parties in
12 interest. So regarding the rolling stock, the ro-ro cargo below deck, containers on
13 chassis, cars, any of the rolling stock, was the weight of that, to your knowledge, the
14 weight of that – each piece of cargo, the weight of each piece of cargo separately
15 accounted for in CargoMax?

16 **WIT:** We're talking – we're talking the ro-ro stock below deck. Is that what you're
17 saying?

18 **CDR Denning:** Yes.

19 **WIT:** Individual weights?

20 **CDR Denning:** Correct.

21 **WIT:** I can't attest to that.

22 **CDR Denning:** So how is that weight accounted for in CargoMax?

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1 **WIT:** To the best of my knowledge it was an accumulated total of the total tonnage in
2 that hold, in that particular hold. I think and it's my belief that that's the value that was
3 entered into CargoMax.

4 **CDR Denning:** So each individual piece of cargo is not individually entered into
5 CargoMax. How do you – how does the process account for changes in weights,
6 transversely fore and aft as far as the center of gravity of that hold consistent when
7 weights change within it?

8 **WIT:** Well to my knowledge it's not – it's unlike a container ship where each – each
9 container has it's own cell. This is a – there was accumulated total in the hold and there
10 was a value from what I understand. It's a – that is applied to that. As to where the
11 weight is centrally located as far as the LCG or the – any transverse member is
12 transverse center of gravity, those numbers are applied through the CargoMax.

13 **CDR Denning:** For each ----

14 **WIT:** No.

15 **CDR Denning:** Piece of cargo.

16 **WIT:** To my knowledge that there was an accumulated total of that hold. So you had to
17 add up all the weights in other words and then apply that weight into that cargo hold.

18 **CDR Denning:** Correct. So does that fact concern you in any way as a vessel
19 operator? As a Master?

20 **WIT:** Well it's something different for me, because it was – but was there any concern?
21 No, the weight was being applied. And it was consistent with the stability booklet. And
22 to alleviate that we took the 4 test conditions that were in the stability booklet, ran them
23 through CargoMax and then checked the – let it calculate each thing and then we

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1 compared the answered what CargoMax had versus what the stability booklet, on 4 test
2 conditions that were in there and they matched up right down to the 10th or to the 100th.

3 **CDR Denning:** How often did that occur?

4 **WIT:** We did it the one time. And that was shortly after we – shortly after she went on
5 the run and the El Morro was gone. That would have been in June, June or July.

6 **CDR Denning:** Of what year?

7 **WIT:** I believe 2014. So when you're in the CargoMax was calculating in compliance
8 with the stability booklet.

9 **CDR Denning:** So we understand that draft and list are also calculated within
10 CargoMax and that they're sometimes different than the observed draft and list on the
11 vessel. Have you observed that fact?

12 **WIT:** Just from what the Chief Mate would tell me. But there's also I would say 1500,
13 2000 variables you're adding there too.

14 **CDR Denning:** Can you name a few, not all of them.

15 **WIT:** Sure man, all the cargo.

16 **CDR Denning:** Besides cargo, what other variables?

17 **WIT:** Well that would be – that would be about it. Everything else is known. Your fuel's
18 known, your ballast is a known. Your variables would be the cargo.

19 **CDR Denning:** How much of a difference do you recall occurring on drafts and lists?

20 **WIT:** I honestly don't have the ---

21 **CDR Denning:** And trim.

22 **WIT:** I don't have any recollection as to nothing specific comes to mind.

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1 **CDR Denning:** Did you ever have any discussion with anyone regarding what could
2 have been done to make the figures more – if you don't recall the specific differences,
3 did you ever have any conversations on how that could be tightened up?

4 **WIT:** Well the one thing when you walk down there is the – you look at all those
5 chassis. Where is it? Is it a little bit forward or is it a little bit aft. It's all – all these
6 weights have an effect that you're plugging into – into your CargoMax, but where
7 actually is the chassis? Is it in a specific area or a specific cell? Well that was not, to
8 my recall that's not – that's not accounted for in CargoMax in that fashion. But it's
9 where it's at physically. I don't care about the machine, but where is it physically. Is it
10 10 feet forward, is it 10 feet aft then the CargoMax is saying is. Is it 5 feet to the side, or
11 is to port. You know that all – the actuality, the reality part of it is, where is the –
12 where's it physically?

13 **CDR Denning:** So are you saying that was concerning to you?

14 **WIT:** I wouldn't say it was an overriding issue, no. But it was the way that the, I think to
15 my recollection the stability booklet was the same way. It counted for the weight in the
16 same fashion.

17 **CDR Denning:** Do you feel like it was accurate?

18 **WIT:** I thought it was yeah. But like I said I've dealt with container ships a long time.
19 Each box has it's own particular cell.

20 **CDR Denning:** So you know exactly where the center of gravity on that box?

21 **WIT:** As long as they put that box in the same spot.

22 **CDR Denning:** And then there's less of a variable within the stability?

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1 **WIT:** Sure you had your – you had your plan. You know is that box actually in that
2 slot? Is that where the longshoreman put it? Is it there? You've got 2500 of them.

3 **CDR Denning:** And my final question is did you ever observe the salinity accounted –
4 how it's accounted for in CargoMax?

5 **WIT:** Did I physically look, no. Chief Mate would get the salinity, he would tell me,
6 because I always asked. And he would put it in CargoMax.

7 **CDR Denning:** And it would be listed on the copy of CargoMax that you would sign?

8 **WIT:** Yes, sir.

9 **CDR Denning:** Did you – how was that verified to be accurate? You don't have to go
10 into all the details on how they lowered the bucket and all of that, but how was it
11 verified? How was the salinity verified? Who verified the salinity on board? How did
12 you as Master specifically ensure that it was accurate?

13 **WIT:** Well I did the – took the freshwater allowance, I took the salinity he had, I
14 deducted the salinity from 1.025, multiplied it by the freshwater allowance and divided it
15 by 25. And it would give me what the – my fresh water allowance would be for that
16 specific gravity, if that's what you're asking me.

17 **CDR Denning:** So you would do that calculation for every voyage?

18 **WIT:** Sure. I have.

19 **CDR Denning:** You have or you did regularly?

20 **WIT:** I did.

21 **CDR Denning:** Regularly?

22 **WIT:** Pretty much, yes, sir.

23 **CDR Denning:** I'm trying to get at 100 percent, or some other?

1 **WIT:** I would say pretty dog gone close, yeah to 100 percent.

2 **Tote Inc:** I think that's about 80. Dog gone.

3 **CDR Denning:** Ish. Thank you Captain, that's my final question on this topic.

4 **WIT:** Yes, sir.

5 **CAPT Neubauer:** Mr. Kucharski.

6 **Mr. Kucharski:** Good afternoon Captain Axelsson.

7 **WIT:** Good afternoon.

8 **Mr. Kucharski:** Earlier you were asked about heavy weather, encountering heavy
9 weather on the Ponce class vessels. I believe you said you had not, is that correct?

10 **WIT:** That is correct. I never experienced any significant weather on that ship, no.

11 **Mr. Kucharski:** You earlier stated that the Chief Mate mentioned something to you
12 about stack weights, containers on the stack weights, is that correct?

13 **WIT:** He would make a comment that – but it wasn't anything that was a problem. It
14 was something that they caught and they would correct it. He said – I asked him I think,
15 does it give you error on the stack weight, he say yeah. Which is – now the stack
16 weight is concerned by the deck load capacity. So yes it did.

17 **Mr. Kucharski:** And this was related to the CargoMax program?

18 **WIT:** Correct.

19 **Mr. Kucharski:** Did you consult the stability manual from time to time?

20 **WIT:** Occasionally.

21 **Mr. Kucharski:** And for what purpose?

22 **WIT:** Well for one thing when we did all the – ran all the test conditions from the
23 stability booklet and it required GM. That the auto wind heel was correct.

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1 **Mr. Kucharski:** Is there auto – are there auto wind heel calculations in the stability
2 manual?

3 **WIT:** There's a page there I'm almost certain that the required GM whether or not you
4 had a, if we were 3 high, 4 high or 5 high you had to be in compliance with. I'm certain
5 that was in the stability booklet. And it was being applied in CargoMax.

6 **Mr. Kucharski:** Would you look at Exhibit 25 please, section 5.7, page 130? Second
7 complete paragraph from the top, starting off dry cargo ships. Actually let's start at the
8 very, very top of that page. It should say operations manual vessel, deck department.

9 **WIT:** Okay.

10 **Mr. Kucharski:** At the very top it says vessel stability has been verified, it has been
11 found safe for sea prior to the departure from the loading port. So that was the stability
12 was verified before departure from the loading port.

13 **WIT:** Yes, sir.

14 **Mr. Kucharski:** Two paragraphs down it says dry cargo ships, do you see that
15 paragraph?

16 **WIT:** Yes, sir.

17 **Mr. Kucharski:** It says dry cargo ships, ro-ro's, containers ships shall contain the
18 stevedore's report as soon as possible for review. The Chief Mate shall do a
19 preliminary stress and stability calculation. The Chief Mate shall have this calculation
20 verified by the Master as soon as possible as noted above. How did you verify that?

21 **WIT:** The Chief Mate verified all the stability calculations. He and I would have a
22 discussion.

23 **Mr. Kucharski:** Sticking with stability, do you know what a wind heel calculations are?

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1 **WIT:** You mean do I know the formula?

2 **Mr. Kucharski:** No. Specifically did you ever see any wind heel calculations for the EI
3 Faro or any of the Ponce class vessels?

4 **WIT:** Can you repeat that question?

5 **Mr. Kucharski:** Specifically did you ever see wind heel calculations for the EI Faro or
6 any of the Ponce class vessels?

7 **WIT:** Not that I recall, no.

8 **Mr. Kucharski:** Was there any sea state or wind condition you would have avoided on
9 the Ponce class vessels?

10 **WIT:** Nothing specific.

11 **Mr. Kucharski:** Were the fire dampers on the second deck normally kept opened or
12 closed at sea?

13 **WIT:** Actually they were above second deck, is running through my mind, but yes.

14 **Mr. Kucharski:** Were they kept open?

15 **WIT:** They were – yes open, I'm sorry.

16 **Mr. Kucharski:** Okay, kept open, okay. And these fire dampers, they went into
17 ventilation trunks, is that correct?

18 **WIT:** Correct.

19 **Mr. Kucharski:** And where do the ventilation trunks end up?

20 **WIT:** Some of them reached all the way down to the lower hold.

21 **Mr. Kucharski:** When you were Master, especially towards the end, did you notice if
22 the ship was falling down or close to her marks?

23 **WIT:** Close, yes, sir.

1 **Mr. Kucharski:** Do you have any idea what the angle of heel would be to retain down
2 flooding through those vents?

3 **WIT:** The down flooding angle?

4 **Mr. Kucharski:** Yes.

5 **WIT:** I can't tell you off hand, no.

6 **Mr. Kucharski:** In the loaded condition, when she's falling down like that.

7 **WIT:** I can say – I can't tell the figure off the top of my head, no.

8 **Mr. Kucharski:** Do you ever recall seeing anywhere in any paperwork the down
9 flooding point?

10 **WIT:** Through CargoMax.

11 **Mr. Kucharski:** In your mind do you have any idea what would happen if down flooding
12 occurred through those vents?

13 **WIT:** If you heeled that far, well it will be going to the hold.

14 **Mr. Kucharski:** I'm sorry?

15 **WIT:** Water could go to the cargo hold.

16 **Mr. Kucharski:** And once it gets in the cargo hold do you have any idea what would
17 happen to the GM of the vessel?

18 **WIT:** Well you would definitely have free communication down there. And he would
19 have – you would definitely have a free surface component which you could calculate
20 and have a reduction in your GM. But at the same time with that water going down into
21 the cargo hold it can work in your favor where you can – you have water going down
22 below, it can actually at times work in your favor where you have more GM. Because
23 It's down low.

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1 **Mr. Kucharski:** There's a section in CargoMax which allows you to calculate damage
2 stability. Did you ever use that section?

3 **WIT:** I don't recall it being there. No, I did not use it.

4 **Mr. Kucharski:** Were there any instructions or warnings or guidance related to the
5 closing of these dampers at sea?

6 **WIT:** Not that I recall, no. They weren't watertight uh – they were not watertight as I
7 recall.

8 **Mr. Kucharski:** Captain Neubauer, that's it on my stability questions. Thank you
9 Captain.

10 **WIT:** Yes, sir.

11 **CAPT Neubauer:** I would like to go to the PII's at this time. Tote?

12 **Tote Inc:** No questions, sir.

13 **CAPT Neubauer:** ABS do you have any questions?

14 **ABS:** No questions, sir.

15 **CAPT Neubauer:** Mrs. Davidson, do you have any questions?

16 **Ms. Davidson:** No questions, sir.

17 **CAPT Neubauer:** And Herbert Engineering, do you have any questions?

18 **HEC:** No questions.

19 **CAPT Neubauer:** Captain Axelsson are you – can we continue on with the next line or
20 would you like to take another break?

21 **WIT:** I'm fine, thank you.

22 **CAPT Neubauer:** Okay.

23 **WIT:** Yes, sir.

1 **CAPT Neubauer:** Mr. Fawcett.

2 **Mr. Fawcett:** Good afternoon Captain.

3 **WIT:** Yes, sir.

4 **Mr. Fawcett:** I have a couple – couple of follow ups on the line of questioning that just
5 took place.

6 **WIT:** Yes, sir.

7 **Mr. Fawcett:** How many Chief Mates served under you when you were the Master of
8 the El Faro?

9 **WIT:** Two.

10 **Mr. Fawcett:** And who were they?

11 **WIT:** Jamie Torres and Ray Thompson.

12 **Mr. Fawcett:** Towards the time where the accident voyage took place when they
13 departed on September 29th there had been a number of new Chief Mates come
14 aboard. Mr. Vagts, Mr. Stith, Mr. Schultz. You had stated that you relied on the position
15 of the Chief Mate. What would be your expectations if you were the Master and had a
16 new Chief Mate come aboard? What would you do to make sure they were –
17 considering you put so much responsibility on them for stability and cargo loading, how
18 would you make sure they were adequate to do the job?

19 **WIT:** I would certainly be watching. I would be – let me put it to you this way, I've been
20 in that position and I actually did it, I did the stability.

21 **Mr. Fawcett:** And so you'd be watching?

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1 **WIT:** I actually did it. Yes, I was right there when it was calculated. This is not on the
2 El Faro nor is this on the El Moro, this is past experience. Until I got to know who I had I
3 was there.

4 **Mr. Fawcett:** Okay. So towards the accident time frame there had been 3 new Chief
5 Mates serving aboard. Two from – that hadn't served previously on a Ponce class ship
6 and one that had. So how would you as Master evaluate that they were competent to
7 perform their job?

8 **WIT:** Well, sir, first off I don't even know these gentlemen. I've never sailed with them.

9 **Mr. Fawcett:** Okay. So a new Chief Mate, any new Chief Mate.

10 **WIT:** I would do the stability with them.

11 **Mr. Fawcett:** Okay. And what would that – what would that process be like?

12 **WIT:** Well I would be doing my job and his job, because I would be – I had to sit there
13 and I'd watch him and I would see what his habits were and what he would be doing.
14 Are they good habits, are they habits? I mean I would take all of that into consideration.
15 Is he doing it properly?

16 **Mr. Fawcett:** Okay. And in response to Commander Denning's questions about
17 validating the cargo loading as you're proceeding down the St. Johns river, there was a
18 discussion about any impact that it would have on the GM. How would you be sure that
19 there was no adverse – adverse impact based on the discrepancies that were noted in
20 the load out?

21 **WIT:** Well as he verifies the numbers if there was ever an issue I would turn around
22 and go right back to the dock. I never had a problem with that.

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1 **Mr. Fawcett:** Okay. So based on your experience any deficiencies or errors in cargo
2 loading were validated to the point where you felt you could continue the voyage without
3 compromising the safety of the vessel?

4 **WIT:** Yes. Because in my experience there was never – there was never anything that
5 was significant and nothing would hamper the vessel or the safety of the vessel at all.

6 **Mr. Fawcett:** So turning around a couple of things. Is there any policy that Tote had in
7 place, or Sea Star Line that said that if an error is discovered on the outbound leg of a
8 voyage with an issue with cargo loading or stability, these are the policies, procedures
9 or practices you are to follow?

10 **WIT:** In my conversation with Don Matthews it was always understood that if I ever had
11 any issue, he said you just turn around and come right back here. You just call me and
12 we'll take care of it.

13 **Mr. Fawcett:** Okay. But that's a conversation. Was there any policy, plan or
14 procedure, written documentation that explained ----

15 **WIT:** Not that I recall, no.

16 **Mr. Fawcett:** Okay, thank you. How about you were asked some personal
17 observations on the GM margin that you chose to ensure the safety of the vessel. And I
18 believe Commander Denning, we talked about adverse weather and different places
19 that different ships have operated during your career. Has Tote ever said to you, or Sea
20 Star Line that in anticipation of adverse weather you will increase your GM margin to a
21 preset area to promote the safety of the vessel?

22 **WIT:** No, I don't recall anything like that.

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1 **Mr. Fawcett:** And then, you know we've talked about in this particular section, stability,
2 cargo loading, CargoMax, talked about the different ships you've worked on. How did
3 Tote communicate their expectations to you as a Master on how they expected you to
4 run the ship?

5 **WIT:** I don't recall anything specific. I figured if I didn't hear anything then things are
6 progressing very well.

7 **Mr. Fawcett:** So other than say payroll, policies and sign off, sign on procedures, were
8 there any procedures that were given to you for the nautical operation of the vessel?
9 Such as how you'll conduct the quality of a drill or anchoring procedures or stowage of
10 gear in heavy weather?

11 **WIT:** I think I recall those topics discussed in the ISM, yeah.

12 **Mr. Fawcett:** Because adverse weather is contained in 3 paragraphs. Do you know if
13 they communicated with you, for example, any expectations related to cargo stowing
14 and cargo – and ship's stability ----

15 **WIT:** I never had that conversation with them because I never – I never experienced
16 anything nor was there anything out there that concerned me, nor – I didn't have any
17 adverse weather. So we just never had that conversation.

18 **Mr. Fawcett:** Thank you, sir.

19 **CDR Denning:** So before I go to another line, just one quick clarification. When Mr.
20 Kucharski was speaking to you about the fire dampers, ventilation trunk, you said the
21 word free communication. What did you mean by that when you answered his
22 question?

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1 **WIT:** Well heel that far and you had – he’s talking about, if I understood him correctly,
2 the down flooding angle. Maximum list, correct? Down flooding angle?

3 **Mr. Kucharski:** The angle to where ----

4 **WIT:** Water ----

5 **Mr. Kucharski:** Sorry, the angle to where down flooding would occur through those
6 vents.

7 **WIT:** Yeah.

8 **CDR Denning:** So you were ----

9 **WIT:** Hmm.

10 **CDR Denning:** Go ahead.

11 **WIT:** Well your – you reached your, pretty max the maximum list and that water pours
12 into those vents, well, it can go to the cargo hold and if you do have free water down
13 there it creates a free surface effect.

14 **CDR Denning:** So you’re talking free communication with the sea?

15 **WIT:** Yes.

16 **CDR Denning:** I’m going to move on to the next topic is, we’re moving to underway,
17 you know routing and standing orders. What support for Captain’s is available from the
18 company shore side? We talked a bit about the stability work that’s done ashore, but
19 what other support is used more for the nautical operation side?

20 **WIT:** Well any kind of repairs that were going to take place, or that discussion was
21 always there and we would get the – they would provide gangs to come down to take
22 care of – to help us out to take care of any issues. They wouldn’t necessarily provide
23 any gangs, there would be day gangs when we got into Jacksonville.

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1 **CDR Denning:** Support for?

2 **WIT:** Support for the ship.

3 **CDR Denning:** Repairs.

4 **WIT:** Any kind of repair. Uh, yeah pretty much about it.

5 **CDR Denning:** What about operational and navigational support?

6 **WIT:** In what regard?

7 **CDR Denning:** In any regard. Did – was there anyone in the shore side office,
8 management, that you spoke with about voyage planning?

9 **WIT:** Uh no, sir.

10 **CDR Denning:** What means of communication did you typically have with shore side
11 management as the Master?

12 **WIT:** Well I was in the conversation when the Port Engineers would come down to the
13 ship every time at Jacksonville. I was part of that conversation.

14 **CDR Denning:** What about when you're underway?

15 **WIT:** You mean like talking to the office?

16 **CDR Denning:** Correct.

17 **WIT:** Well it's just the daily reports going in. And if there was – if anything came up I
18 had no problem contacting the Port Engineers myself. Regarding, you know in the way
19 of emails.

20 **CDR Denning:** Were the Port Engineers the only folks in management that you
21 typically interacted with?

22 **WIT:** They were pretty much my point of contact, yes.

23 **CDR Denning:** You said you would use email as the primary communication?

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1 **WIT:** At sea, yes.

2 **CDR Denning:** Did you ever use any secondary sources of communications such as
3 SAT phone?

4 **WIT:** Yes, sir. But that was rare. Typically that would have been about the, in my
5 experience, it was cargo related. Like if we go into a reefer they wanted to know about.

6 **CDR Denning:** During your tenure when you would send an email shore side did,
7 when you press send in the email system, did that email transmit from the vessel
8 immediately?

9 **WIT:** Uh yeah, we're connected to satellite. I could do that through my office. I could
10 connect to the satellite and I could make sure all the traffic went out.

11 **CDR Denning:** What about another crew member? Let's say another crew member is
12 using one of the crew computers, not in your cabin, sends an email, what happens to
13 that email?

14 **WIT:** That would sit in the outbox until I connected. The Chief Engineer, to my
15 understanding, I don't think he ever used it, he could connect and send as well. To the
16 best of knowledge. But if there was anything pertinent to go out, whether it was from
17 the engine department or it was from, geez I've done it for the crew, I would connect
18 and make sure it went out.

19 **CDR Denning:** Can you describe that process of connecting? How do you do that?

20 **WIT:** Yeah I click on an icon and you know drop down window that runs them. Mine
21 would come and I would hit connect and it would connect to the satellite and whatever
22 was in the outbox que would go automatically. And then it would give you a, at the very
23 end that everything – all the messages were transmitted.

1 **CDR Denning:** So if both the Captain and the Chief Engineer are asleep no emails
2 leave the ship until one of them wakes up and presses that icon?

3 **WIT:** No they would go out automatically at certain times as well.

4 **CDR Denning:** Could you describe that for us please?

5 **WIT:** Well what the time frame was I – the times that were actually set I don't recall.
6 But there was certain times of the day that emails would connect automatically and go
7 out. And a lot of would have to do with revocations of being missed or revocations of
8 payroll, typically that was on the night hours. But it would automatically connect during
9 the course of the day.

10 **CDR Denning:** Could those intervals, I don't want to use the word frequency to
11 confuse the other definition of that word, but the intervals, could those be adjusted by
12 settings?

13 **WIT:** That would have been done by the IT department. There was a gentleman that
14 would come down every time in Jacksonville and just check – he would check the
15 system to make sure if there was any updates. But for me to go in there and physically
16 do it, no. If there was something that had to go out and it was pertinent I would just
17 connect.

18 **CDR Denning:** And the IT department is that – that's a department within ----

19 **WIT:** It's not within Tote. It was, I don't quite remember the company name, but he
20 would come down weekly in Jacksonville and check out communication system. Check
21 the computers as well.

22 **CDR Denning:** So I want to move now to your personal observations, you know of how
23 ships would take alternate routes for storms. You're no doubt with the various routes

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1 available between Jacksonville and San Juan, Straits of Florida, Old Bahama Channel,
2 Northwest Providence Channel, Southwest Providence – Northeast Providence
3 Channel, Crooked Island passage. We could pull up a chart if you'd like, but we're not
4 going to ask too specific of questions besides in general terms how you would handle
5 voyage planning when you know there's a hurricane out – take Hurricane Joaquin out of
6 it, you weren't involved with that particular storm, but any other storm. We have an
7 exhibit for a storm, Hurricane Sandy is Exhibit 150, we could use that one as an
8 example. We would like to hear from you how you would plan a voyage from
9 Jacksonville to San Juan.

10 **WIT:** Well consider my options. I had the – we had the Bon Voyage, you obviously all
11 know about. But for certain I would check it with the weather forecast, the high seas
12 forecast coming through the SAT C and that would come through regular. And just
13 about every six hours. But typically when there's a hurricane out there that would come
14 in – any kind of alert would come in within, you know sometimes 2 hours, sometimes 3
15 hours. But they would come in quite regular and I would definitely confirm position to
16 that – to make sure that the Bon Voyage and the high seas forecast and the alerts
17 coming through coincide it. So I was getting a good picture of what was going on. And
18 if we were in Jacksonville, I would even turn the weather channel on which I did. I
19 watched the weather channel faithfully in Jacksonville, see anything that was coming up
20 because it was available. But for the most part it was the Bon Voyage system and it
21 was the SAT C just to confirm to everybody that's on the same page. And I would
22 consider my options at that point as to what I'm going to do. Whether or not I would just

1 – I might just heave to, wait it out instead of just steaming. I mean that was always an
2 option for me.

3 **CDR Denning:** When you say heave to, could you describe that for us please?

4 **WIT:** Yes, sir. I could come out and just lay up, do about 10 knots until I got a good
5 handle of which way this storm was going to go, what track it was actually going to take
6 before I actually committed myself.

7 **CDR Denning:** So simply slow down?

8 **WIT:** Sure.

9 **CDR Denning:** Asses?

10 **WIT:** It's not unusual to do. It's a common way of handling weather.

11 **CDR Denning:** Did you have – what discussions – can you tell us what discussion you
12 would have with the bridge team?

13 **WIT:** Yes, sir. I would meet with the Chief Mate and the Second Mate and evaluate
14 with what I know and what my plan is. And then I would ask them, does anybody else
15 have any concerns? This is what I'm going to propose that we do. What are we
16 missing? Who – anybody have any objection to what we're going to do? And what are
17 your concerns?

18 **CDR Denning:** What about the engineers, did you have discussions with the
19 engineers?

20 **WIT:** I would. I would call – I did call the Chief Engineer up and – I'm talking to him
21 throughout the day irregardless, even on a good day. I'm talking to the Chief Engineer
22 as to how things are going and how things – any concerns. Is everything running –

1 everything running smooth? Do you have any issues? We talked periodically through
2 the whole day every day. Even on a good day.

3 **CDR Denning:** What considerations would the engineers need to take regarding
4 weather and rolling?

5 **WIT:** Honestly, sir, I couldn't answer that. I'm really not an engineer. I do defer to the
6 Chief and if he has any concerns as to – right on down to the speed and what we can
7 do, what's available. But to give you specifics, I couldn't.

8 **CDR Denning:** So you don't recall any specific considerations for a steam ship
9 particularly?

10 **WIT:** No, sir.

11 **CDR Denning:** That may have been ----

12 **WIT:** And I never – I never experienced anything – any significant weather on those
13 ships at all. But the load up on the – from the boiler would definitely be a concern.

14 **CDR Denning:** Can you elaborate on that please?

15 **WIT:** Well, just that. There's a certain load on there and I know from experience, this
16 even stems over to diesel ships, that there's a certain amount of torque in the load
17 program when you have to slow down and what speeds are available. That type of
18 thing. So you're not, you know – you're not overstressing things. I would always have
19 that conversation with him. That was a typical conversation on a good day. It didn't
20 have to be rough.

21 **CDR Denning:** So you had discussions about voyage planning with bridge – with the
22 bridge team, with the engineers and again, just to reiterate, what discussions did you
23 have with shore side management?

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1 **WIT:** When I developed my plan and we all agreed to what we're going to do, I notified
2 shore. This is our – this what I'm going to do and they would typically – the response I
3 always got from them was do what you have to do, but take care of the ship. Let us
4 know when – keep us advised of your ETA. I said okay.

5 **CDR Denning:** You said you don't typically encounter weather on this particular route.
6 But on any of the ships you've operated on this route, have you ever been delayed due
7 to weather or any other reason?

8 **WIT:** There was only one time that I actually deviated. And it wasn't even a hurricane.

9 **CDR Denning:** What was the reason for that deviation?

10 **WIT:** It was a – it was a developing tropical cyclone as I remember. It was Northeast of
11 the Bahamas and I called up – I let shore side know that I was going to come out and
12 proceed down the Straits of Florida, get underneath of it and I was going to cut over
13 through Northwest Providence. And we actually had beautiful weather.

14 **CDR Denning:** Do you remember the name of that tropical cyclone?

15 **WIT:** No, sir, I do not.

16 **CDR Denning:** Do you remember an approximate time frame for that voyage?

17 **WIT:** That would have to been in 2014. It was – I don't even know if they gave it name
18 at that point.

19 **CDR Denning:** And what was your primary reason for going down the Straits of Florida
20 and then coming through Providence Channel?

21 **WIT:** On a projected path plus my course I would have run right into it. And I said I'm
22 not doing it.

23 **CDR Denning:** So that ----

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1 **WIT:** If the – as time elapsed, you know it might strengthen, but I didn't see the need to
2 do that. I didn't have to. So I went – I told them I was going -- I came out and went
3 South. I avoided it.

4 **CDR Denning:** And that ----

5 **WIT:** That's in – that's in your own pub, HO Pub number 9, weather routing, tropical
6 cyclones.

7 **CDR Denning:** That particular storm was Northeast of the Island chain?

8 **WIT:** As I recall it was just a little bit to the East.

9 **CDR Denning:** Is the Lee provided by the Island chain one of your considerations as
10 well as proximately to the storm?

11 **WIT:** Actually it was. We didn't experience anything.

12 **CDR Denning:** So it ----

13 **WIT:** It was a nice sunny day and I went through the Northwest Providence Channel.
14 And I popped out Northeast Providence and headed South. I think was an hour behind.
15 I notified them of my ETA and there wasn't a problem.

16 **CDR Denning:** So you actually go there – you said you were an hour behind, an hour?

17 **WIT:** Yeah I lost an hour, yeah.

18 **CDR Denning:** Not an hour sooner?

19 **WIT:** No, sir, I lost an hour.

20 **CDR Denning:** Behind can go either way, okay. Besides notification of shore side did
21 you have any discussions with them about that deviation voyage?

22 **WIT:** No, sir, that was it. It was over.

1 **CDR Denning:** Was there anyone shore side that helped you to evaluate that storm?
2 Did you talk with – did you talk that through with anyone shore side or was it strictly a
3 shipboard decision?

4 **WIT:** I did discuss it with Don Matthews. That would have been it. And he's the one
5 that made the comment, you just take care of the ship.

6 **CDR Denning:** Besides Don Matthews, is there anybody that you would feel
7 comfortable discussing voyage planning with shore side? And when I say comfortable I
8 mean do you feel like anyone shore side would provide you with a resource, something
9 that you might not consider or somebody to bounce off ideas?

10 **WIT:** Captain John Lawrence would be an option.

11 **CDR Denning:** What do you feel he would provide for you?

12 **WIT:** Well he sailed Captain. And it's good to bounce ideas off of somebody. I know
13 what I experienced.

14 **CDR Denning:** I think Mr. Kucharski described, or spoke with you about some of the
15 safety management system. If you could turn again to page – to chapter – Exhibit 25
16 and look real briefly at pages 217 and 218. He had you on page 130. We're going to
17 go to 217. Paragraph 10.8.1 at the bottom of the page. It says the Master should use
18 all available means to determine the weather that the vessel may encounter on a given
19 voyage. Can you describe what that means to you? All available means?

20 **WIT:** Well that's just it. My available means would have been the – I had the Bon
21 Voyage, but more to the point I had the SAT C, the national marine weather forecast,
22 the high seas forecast would come in. And it also advised you of any alerts and they
23 came – well the high seas would come in just about every 6 hours on a synoptic hour,

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1 but alerts would come in on a frequent – more frequently. They were 2 sometimes 3
2 hours. Sometimes in an hour you would get another alert. But we make that
3 comparison and then I always did refer to HO Pub number 9 which is Bowditch ,
4 weather routing. It was a good tool.

5 **CDR Denning:** And is that documented anywhere that you can recall to use Bowditch?

6 **WIT:** Well yeah.

7 **CDR Denning:** Besides in Bowditch itself? Is it any Tote specific – and is it
8 documented in the safety management system?

9 **WIT:** It said up there, all available means. And there was plenty of weather books up
10 on the bridge from NOAA, there was charts.

11 **CDR Denning:** It is also referenced in, just for the record, Exhibit 26 is the emergency
12 preparedness manual. You don't need to flip to this one. Just for the – I'm just
13 acknowledging it for the record.

14 **Tote Inc:** We couldn't flip if we wanted to.

15 **CDR Denning:** Exhibit 26, page 107. I'm sorry?

16 **Tote Inc:** We couldn't flip if we wanted to.

17 **WIT:** No we also had a weather facsimile machine. But more of what I would do is,
18 what I used to do, was I would print out the weather from Boston weather fax. I could
19 get my weather reports right from there and you can – it was a good tool. You can get
20 the 48. 96 and 24 hour forecast. So that was also available to me.

21 **CDR Denning:** So I'm going to read – just a quick, very quick couple of lines from
22 Exhibit 26, paragraph 5 of 12 dot 2. At sea severe weather is to be avoided where
23 possible where alerting the track of the vessel. Instruction for maneuvering in extreme

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1 weather can be found in the American Practicable Navigator HO Pub number 9,
2 Bowditch. It doesn't say Bowditch, but ----

3 **WIT:** Yes, sir.

4 **CDR Denning:** Commonly referred to as Bowditch. So the SMS points specifically to
5 Bowditch and that's what you state you used ----

6 **WIT:** Yes, sir.

7 **CDR Denning:** For weather consideration?

8 **WIT:** I have.

9 **CDR Denning:** Did Captain Davidson ever communicate with you after you left the
10 Tote organization in 2015?

11 **WIT:** After I left, not that I recall, no.

12 **CDR Denning:** So he never mentioned to you the fact that he had also deviated for
13 Tropical Storm Erika?

14 **WIT:** No, sir. When I left, I'll clarify that. When I left Tote August 4th, I didn't have any
15 conversation with anybody else within the Tote organization. I kept no contacts.

16 **CDR Denning:** Until when?

17 **WIT:** Now.

18 **CDR Denning:** Today?

19 **WIT:** Well October.

20 **CDR Denning:** So have you ever received any – back to deviation and delays, have
21 you ever received any input from the company about those two areas?

22 **WIT:** What areas are you talking about again?

23 **CDR Denning:** Voyage deviations or delays.

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1 **WIT:** Did I hear anything back from them?

2 **CDR Denning:** Did you ever receive any inputs or guidance?

3 **WIT:** No, sir. I would discuss with them what my plan was.

4 **CDR Denning:** Moving on. Do Masters create standing orders on board the vessel?

5 **WIT:** Yes, sir.

6 **CDR Denning:** Does each Master create their own standing orders, or is there some
7 similarity between them?

8 **WIT:** I've seen that. But Captain Davidson and I we did keep the same standing orders
9 to keep the consistency. That way when each one of us came and – came and went
10 there wasn't any indecision. We were both on the same page and kept the consistency.
11 It's not – you get into the he said, she said, and that oh God he's here now and now
12 he's here, we've got to read this. We kept everything the same just to have that
13 consistency.

14 **CDR Denning:** Do you have copies of those standing orders? Do you keep
15 personally?

16 **WIT:** No, sir, I do not. When I left the El Faro I didn't take anything with me. And it's all
17 still there.

18 **CDR Denning:** On board the vessel?

19 **WIT:** Yes, sir.

20 **CDR Denning:** Did you ever email them to yourself or anyone else?

21 **WIT:** My standing orders?

22 **CDR Denning:** Yes.

23 **WIT:** No, sir, I did not.

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1 **CDR Denning:** No one with Tote? Didn't email them to friend ----

2 **WIT:** I personally never did, no, sir.

3 **CDR Denning:** Do you know of anyone that emailed them to anyone?

4 **WIT:** That – could you repeat that?

5 **CDR Denning:** Do you know of anyone that would have or could forwarded your
6 standing orders or Captain Davidson's standing orders off the ship?

7 **WIT:** No, sir.

8 **CDR Denning:** The reason I'm asking this question we've received ----

9 **WIT:** I don't have any knowledge of that.

10 **CDR Denning:** We've received Captain Lofffield's standing orders, Exhibit 48. We've
11 received Captain Stith's standing orders and we have not received yours nor Captain
12 Davidson's. I'm interested in the fact that they're similar, you stated that they're nearly
13 identical. So we would be very interested in obtaining those if there's any way to do
14 that. That's why I'm asking those questions.

15 **WIT:** Yes, sir. To my knowledge I never sent them off the ship. They were – when we
16 went through audits whether it's internal or external they were reviewed. They were
17 kept up on the bridge.

18 **CDR Denning:** And who would have reviewed those?

19 **WIT:** Well that would have been ABS, would have looked at them when we went
20 through the external audit. And I want to say at the time it was Captain Lawrence.

21 **CDR Denning:** Did you ever observe either ABS or Captain Lawrence taking copies or
22 screen shots or emailing them?

23 **WIT:** No, sir, I have not.

1 **CDR Denning:** And similar question for night orders. You know the Captains will have
2 – sometime have night orders that are a little bit different then their standing orders.
3 Different animal. Same questions for those. Would yours be similar – very similar to
4 Captain Davidson’s or might they be different?

5 **WIT:** I would say they were probably similar in nature. Because it pretty much dealt
6 with, you know our arrivals and departures. I usually had in there to monitor the
7 weather and to make sure you send the weather on the synoptic hour.

8 **CDR Denning:** Did you ever see Captain Davidson’s night orders?

9 **WIT:** Yes, sir. I have.

10 **CDR Denning:** They’re similar to yours?

11 **WIT:** Yes, sir.

12 **CDR Denning:** Do you keep copies of your night orders?

13 **WIT:** No, sir. I wrote them in a regular night order book and everybody signed it and
14 unfortunately they’re still on the ship.

15 **CDR Denning:** We talked a little bit about watertight openings. Were they always
16 secured and dogged while underway? We’re talking scuttles, watertight doors, there’s
17 the large cargo doors and also man size doors that you could walk through. Were all
18 watertight openings secured underway?

19 **WIT:** For the most part. The Chief Mate would take care of that, that all the scuttles
20 were closed and the sub-division doors were closed, that’s correct.

21 **CDR Denning:** And how would he verify that?

22 **WIT:** Make a round.

23 **CDR Denning:** When would he do that specifically?

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1 **WIT:** Before sailing or if we – sometimes he would make a round at night.

2 **CDR Denning:** Sometime – every night, or?

3 **WIT:** I wouldn't say every night. But he would come down and say he was going to
4 take a turn at the deck and I agreed, and he would.

5 **CDR Denning:** Were there ever – did you ever experience any issues with dogging the
6 scuttles or were they always – did they always close properly, or were there sometimes
7 issues, mechanical or otherwise?

8 **WIT:** To my knowledge everything would close. Everything would dog. There's
9 nothing that comes to mind.

10 **CDR Denning:** The practice of the Chief Mate making a round in the evenings was that
11 consistent from one Chief Mate to another typically?

12 **WIT:** Yes, sir.

13 **CDR Denning:** One Master to another?

14 **WIT:** I would say so. I never sailed – I can't answer for Captain Davidson, I can only
15 answer from when I was there. But they were both pretty much on the same page
16 regarding that.

17 **CDR Denning:** Did you ever initiate that round and instruct the Chief Mate to make a
18 round? Or was it ----

19 **WIT:** It was, I'm sure it was through conversation. Because as Chief Mate I did the
20 same thing. It's good practice.

21 **CDR Denning:** The fire dampers in the ventilation trunks that Mr. Kucharski spoke with
22 you about a little earlier, were they ever closed due to heavy weather?

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1 **WIT:** I was never in heavy weather with the ship or any significant weather, but to my –
2 best of my knowledge they weren't watertight.

3 **CDR Denning:** Right. Is there any procedure, standing order or other company policy
4 to close them underway?

5 **WIT:** Not that I recall. It was just a louver.

6 **CDR Denning:** Have you ever heard of anyone closing them in anticipation of heavy
7 weather?

8 **WIT:** The topic never came up because I never had the issue.

9 **CDR Denning:** Captain I think this is a good place to stop and make a round to the
10 MBI and parties in interest.

11 **CAPT Neubauer:** Captain I just have a couple follow up questions from that line. In
12 regards to the email, you testified about sending emails from the vessel. Can you
13 discuss how they were received on board?

14 **WIT:** Okay. When they – if I were to send emails, it would send and receive
15 simultaneously so it would send messages off and receive. And when they were
16 received the Chief Engineer, he had his account, I had mine. Chief Mate had an
17 account. And then you had the crew. And they would each get their own email. I
18 wouldn't see that unless I actually went down to the server to see.

19 **CAPT Neubauer:** Would the emails come in on a regular interval then?

20 **WIT:** Yes, sir.

21 **CAPT Neubauer:** And also then could you – you could initiate a receipt and send at
22 the same time if you wanted to?

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1 **WIT:** It would send/receive at the same time. That was always. You know as soon as
2 you connected it would send/receive automatically. If there's any – if there was any
3 mail ashore it would come to the ship.

4 **CAPT Neubauer:** But the bridge watch, could they initiate a send and receive?

5 **WIT:** No, sir.

6 **CAPT Neubauer:** As the Master were you able to read all emails?

7 **WIT:** If I went to the server I could. I believe so, yeah. I never – I never attempted it.

8 **CAPT Neubauer:** You mentioned using the weather channel in port. Were you able to
9 watch that underway?

10 **WIT:** Uh, yes, sir.

11 **CAPT Neubauer:** For the entire voyage?

12 **WIT:** No, sir.

13 **CAPT Neubauer:** And where that line, dividing line be?

14 **WIT:** I want to say just South of Northeast Providence entrance.

15 **CAPT Neubauer:** Do you know why, since it's satellite TV why would you not be able
16 to watch the entire voyage?

17 **WIT:** Didn't reach that far. We didn't have that kind of coverage.

18 **CAPT Neubauer:** For the Southern half of the route there was no coverage?

19 **WIT:** That's correct.

20 **CAPT Neubauer:** Sir, did you ever have an eval done by Tote for you?

21 **WIT:** Not that I'm aware of, no.

22 **CAPT Neubauer:** At this time I would like to go to the NTSB. Mr. Kucharski.

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1 **Mr. Kucharski:** Captain Axelsson, back to weather type of questions. We talked about
2 voyage planning and looking at weather. Did you ever utilize a service where you would
3 email the national weather service requesting certain textgraphical weather information
4 while at sea?

5 **WIT:** National Weather Service you say?

6 **Mr. Kucharski:** Yeah. It's called FTP mail. Have you ever heard that term?

7 **WIT:** Well is it, if I'm reading this right, I have heard that term, but I used to get it
8 through Boston Radio Fax. I used to use that service. I've heard what you're talking
9 about, but I've never utilized it, no.

10 **Mr. Kucharski:** Did the El Faro have any wind measuring equipment aboard?

11 **WIT:** Anemometers.

12 **Mr. Kucharski:** Does that include a wind vane too to tell direction?

13 **WIT:** Yes.

14 **Mr. Kucharski:** Did it work?

15 **WIT:** Starboard, yes. I think the port was just a, you know, it worked but it was – the
16 direction was – it was a different direction what it actually read and what you were
17 seeing. The starboard one did, yeah.

18 **Mr. Kucharski:** I'm a little bit confused. The starboard one worked fine?

19 **WIT:** Yeah, to my knowledge the starboard worked, correct.

20 **Mr. Kucharski:** Were you aware of any maintenance that was performed on the – any
21 of the anemometers?

22 **WIT:** No, sir.

23 **Mr. Kucharski:** Were you aware if the equipment was calibrated?

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1 **WIT:** No, sir.

2 **Mr. Kucharski:** You – there was some conversation or questions that Commander
3 Denning had as far as any conversations with Captain Davidson after you left the –
4 Tote.

5 **WIT:** Yes, he was talking about after I left Tote. And we never – we didn't have any
6 conversation after I left Tote.

7 **Mr. Kucharski:** Let me just clarify. When you say you left Tote, when was that
8 approximately?

9 **WIT:** August 4th.

10 **Mr. Kucharski:** Of 2015?

11 **WIT:** That is correct.

12 **Mr. Kucharski:** And you work on the Flicker Tail State now is that correct?

13 **WIT:** I joined there in January.

14 **Mr. Kucharski:** And who operates that?

15 **WIT:** Pacific Gulf Marine right now.

16 **Mr. Kucharski:** Do you recollect when you were interviewed as far as Captain
17 Davidson mentioning he was unhappy with not receiving the – a position on the Marlin
18 Class vessels?

19 **WIT:** I recall that conversation, but that was – I was still with Tote. That was in June.

20 **Mr. Kucharski:** Okay. So he was working on – okay. That was in June.

21 **WIT:** I think the question was after I left.

22 **Mr. Kucharski:** Right, correct.

23 **WIT:** There wasn't any contact.

1 **Mr. Kucharski:** You left in August 4th you said?

2 **WIT:** Yes, sir.

3 **Mr. Kucharski:** Was that in the middle of your tour?

4 **WIT:** Yes.

5 **Mr. Kucharski:** Any reason you left in the middle of your tour?

6 **WIT:** I sought other opportunities. I was told that my services were no longer required.

7 **Mr. Kucharski:** No further questions along that line Captain.

8 **CAPT Neubauer:** Captain just to clarify. Did you initiate the conversation with Tote to
9 move on, or did Tote initiate the conversation with you to leave the company?

10 **WIT:** No. When I left August, I initiated that. They – it was presented to me in June
11 sometime that my services were no longer required and that if I wanted to move on they
12 totally understood.

13 **CAPT Neubauer:** Did you leave before the date that they had given you, you'd be
14 working through?

15 **WIT:** Repeat that please.

16 **CAPT Neubauer:** Did they give you a date in June that you would be working until?
17 Or did they say at any point you could leave?

18 **WIT:** No, the conversation was that as long as the El Faro was around I could continue
19 to work for them. But if I wanted to move on they understood. I asked them do you
20 need a decision right now. And they said no. I said okay.

21 **CAPT Neubauer:** Were there any events that occurred on the vessel that prompted
22 you to make the decision in August?

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1 **WIT:** No, sir. I left with a clear conscience and everything was fine. I just decided to
2 move on and seek other opportunities.

3 **CAPT Neubauer:** Thank you. At this time I would like to go to the other parties in
4 interest for questions. Tote?

5 **Tote Inc:** Sir, would it be okay to take a break at this point and come back with them?

6 **CAPT Neubauer:** Yes. The hearing will now recess and reconvene at 3:05.

7 *The hearing recessed at 1454, 16 May 2016*

8 *The hearing was called to order at 1509, 16 May 2016*

9 **CAPT Neubauer:** The hearing is now back in session. Commander Denning, are you
10 ready to continue? Oh I'm sorry, actually Tote, we're going to parties in interest, you're
11 up.

12 **Tote Inc:** Captain, when you left Tote in August of 2015 was it your understanding that
13 you could stay on with the company?

14 **WIT:** That is correct.

15 **Tote Inc:** And is it your understanding that you could have stayed on the El Faro when
16 it went to the Alaska trade, is that correct?

17 **WIT:** That is correct.

18 **Tote Inc:** And you decided not to go to the Alaska trade. And why was that?

19 **WIT:** Yeah, that would be correct.

20 **Tote Inc:** Thank you. Was there a particular reason where you just didn't want to go to
21 the Alaska trade, it was just not something you were interested in doing?

22 **WIT:** I had no interest in the Alaska trade. I had been on it years ago and that was
23 enough.

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1 **Tote Inc:** Okay, thank you.

2 **CAPT Neubauer:** ABS do you have any questions?

3 **ABS:** No questions.

4 **CAPT Neubauer:** Mrs. Davidson do you have any questions?

5 **Ms. Davidson:** No questions.

6 **CAPT Neubauer:** Herbert Engineering do you have any questions?

7 **HEC:** No questions.

8 **CAPT Neubauer:** At this time we're going to go to the last line of questioning, sir. I'm
9 sorry there's one follow up. Mr. Fawcett.

10 **Mr. Fawcett:** Captain a couple follow up questions on this line of questioning. One is
11 the El Faro used the NOAA voluntary weather reporting scheme, is that correct? Of
12 taking ship's weather and sending it ashore?

13 **WIT:** You mean did we – when I was there we did. We took the – we sent it on
14 synoptic hour. We took the weather and sent it in. It goes to the AMVER system.

15 **Mr. Fawcett:** And following up on Captain Kucharski's questions. Do you recall if the
16 weather with regard to wind speed and direction was estimated or observed?

17 **WIT:** I was not on the bridge, may have stuck my face in the wind. I always made an
18 observation.

19 **Mr. Fawcett:** Would that be estimated?

20 **WIT:** It would be.

21 **Mr. Fawcett:** Thank you, sir. As Master of the El Faro and the El Moro those particular
22 ships were very similar in design and construction. As Master for looking at voyage
23 planning and so forth, what were those vessel's particular vulnerabilities?

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1 **WIT:** What exactly are you asking?

2 **Mr. Fawcett:** In other words ever single ship is different and different class and type of
3 ships. For example a car carrier with it's high freeboard might be susceptible to wind
4 and the effects of wind. How about in particular the El Faro? What would be those
5 things that you would keep in mind as you operated the ship that may affect the safety
6 of shipboard operations?

7 **WIT:** To me the El Faro was a Cadillac. She rode well and she handled well. I don't
8 think she was – she wasn't vulnerable.

9 **Mr. Fawcett:** So who at Tote did you work for?

10 **WIT:** What are you asking?

11 **Mr. Fawcett:** Now as you're the Master of the vessel who was your boss?

12 **WIT:** Well I worked for Tote Services, Mr. Phil Greene was the President.

13 **Mr. Fawcett:** So did you work directly for Mr. Greene?

14 **WIT:** I was a company representative as the Master of the vessel.

15 **Mr. Fawcett:** Did he provide oversight of the operations of that ship?

16 **WIT:** I'm sure through his – through his team he did, yeah. I would have to say he did.
17 Did he deal with me directly, no. But did he deal with me through his team, I'm sure he
18 did.

19 **Mr. Fawcett:** Okay. And as Master of the vessel did you – was it your understanding
20 that Tote or someone at Tote did actually conduct oversight of your operation?

21 **WIT:** Did someone in Tote oversaw me?

22 **Mr. Fawcett:** Correct.

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1 **WIT:** Well my point of contact was Jim Fisker-Andersen and Tim Nieeson. Dealt with
2 them directly. I also had Captain John Lawrence. I could deal with him directly.

3 **Mr. Fawcett:** So just going back to your experience at Maersk Lines. You had
4 extensive experience with Maersk, is that correct?

5 **WIT:** Yes.

6 **Mr. Fawcett:** And they operate a global, number of ships on all different trade routes?

7 **WIT:** Right.

8 **Mr. Fawcett:** Different types of vessels? So when you were at sea on a Maersk ship
9 how often did you report your position, your intentions and plans to Maersk shore side
10 operations?

11 **WIT:** Same as they did with Tote, daily.

12 **Mr. Fawcett:** Okay. So you sent a noon position report?

13 **WIT:** Correct.

14 **Mr. Fawcett:** Did they have the ability to track your position at sea externally like
15 through AIS or through some type of operations room?

16 **WIT:** No. They could go through the SAT C. They could ping you.

17 **Mr. Fawcett:** So they could ping you and they could know where you are at any
18 particular moment?

19 **WIT:** To my knowledge, yes.

20 **Mr. Fawcett:** And did they do that?

21 **WIT:** I never asked.

22 **Mr. Fawcett:** And when it came to your voyage plans or intentions with Maersk, what
23 did you have to do there differently that you did when you worked for Tote?

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1 **WIT:** Pretty much the same.

2 **Mr. Fawcett:** Okay. So with Tote when you get ready to sail from Jacksonville on a
3 particular voyage to San Juan, do you communicate prior to departure the route you
4 intend to take?

5 **WIT:** Uh unless it deviates from the Southeast run from the typical run, yes.

6 **Mr. Fawcett:** And was that a requirement?

7 **WIT:** I would say so.

8 **Mr. Fawcett:** And where would you get that view from? In other words you'd say so,
9 but was it in some kind of policy or procedure?

10 **WIT:** I can't recall.

11 **Mr. Fawcett:** And how did Maersk as another shipping company handle that same, if
12 you were coming – you mentioned you were on a route to Dubai from where?

13 **WIT:** New York.

14 **Mr. Fawcett:** Okay. Would you communicate with Maersk and tell them what your
15 intended route was?

16 **WIT:** It was pretty much the same. It wasn't – there isn't much difference between the
17 way Maersk was and the way Tote operates.

18 **Mr. Fawcett:** So at some time in 2012 or '13 Tote, Sea Star Line and the people that
19 share that name had undergone a restructuring or a reorganization. Did you come to
20 work for them before that time or after that time?

21 **WIT:** To my knowledge it was before.

1 **Mr. Fawcett:** Okay. Back in that day before the restructuring or reorganization, did
2 they have more people in the marine operations department that supported your
3 operations?

4 **WIT:** I can't – I can't give you a definitive answer. I didn't – I don't know what their –
5 what the absolute makeup was.

6 **Mr. Fawcett:** Okay. Do you recall at that time prior to reorganization or restructuring
7 other people that you dealt with as far as the operations of the vessel ashore?

8 **WIT:** Well the person that I would talk to now which was John Lawrence used to be
9 Captain Harry Rogers. He was in New Jersey, he didn't follow over. If that's what
10 you're asking.

11 **Mr. Fawcett:** Right. So you dealt with an individual where Sea Star Line used to be
12 located up in the New Jersey area?

13 **WIT:** New Jersey. Yeah, when they relocated Captain Harry Rogers and he didn't – he
14 didn't follow down. So it's basically it was a trade for trade. Captain Harry Rogers didn't
15 follow down but Captain John Lawrence came on.

16 **Mr. Fawcett:** Do you recall anybody in the Jacksonville area that was involved with
17 marine operations?

18 **WIT:** No, sir.

19 **Mr. Fawcett:** Then turning attention to Commander Denning and Captain Kucharski
20 talked to you about some heavy weather operations. Is there a heavy weather plan for
21 the El Faro that you're aware of? And some of the topics that would be, or might be on
22 it are heavy weather operations for securing watertight doors. For example increasing

1 the frequency of reporting your ship's position to shore. Any kind of written heavy
2 weather plan for the El Faro to follow?

3 **WIT:** I understood there was one. But I can't give you any specifics because I never
4 had to utilize it. I never had the ship in significant weather and I was never around a
5 hurricane with the ship. So I can't give you absolutely specifics.

6 **Mr. Fawcett:** And then who, when you were working for Tote, who would you
7 communicate with about the safety of your operations on board the El Faro?

8 **WIT:** My point of contact was Jim Fisker-Andersen, Tim Nieeson and I would talk to – I
9 would contact John Lawrence.

10 **Mr. Fawcett:** Looking at the – there was a brief question about evaluations and
11 whether or not you had had evaluations conducted for you when you were Master of the
12 El Faro. And your reply was that you had not, is that correct?

13 **WIT:** I said not that I'm aware of.

14 **Mr. Fawcett:** Okay. Do know what the process was for conducting evaluations for
15 you?

16 **WIT:** No, sir.

17 **Mr. Fawcett:** During to the – you served with I believe the Second Mate on the
18 accident voyage, you did not serve with her, is that correct?

19 **WIT:** No, sir.

20 **Mr. Fawcett:** Okay. The Third Mate, did you serve with the Third Mate?

21 **WIT:** Is his name Jeremy?

22 **Mr. Fawcett:** Correct.

23 **WIT:** Yes. He was with me. Uh, yes.

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1 **Mr. Fawcett:** And those bridge officers, who conducts those evaluations?

2 **WIT:** Chief Mate and myself.

3 **Mr. Fawcett:** Do you recall if you conducted an evaluation on Mr. Rheim?

4 **WIT:** No, sir. Don't recall.

5 **Mr. Fawcett:** Okay. And then turning to the Chief Engineer on the accident voyage,
6 did you ever sail with him?

7 **WIT:** Yes.

8 **Mr. Fawcett:** Do you know if an evaluation was conducted upon him?

9 **WIT:** No, sir, I do not.

10 **Mr. Fawcett:** And that would be part of your responsibilities?

11 **WIT:** On the Chief Engineer?

12 **Mr. Fawcett:** Correct.

13 **WIT:** No, sir. No, sir.

14 **Mr. Fawcett:** How about the junior engineers?

15 **WIT:** Chief Engineer would take care of that.

16 **Mr. Fawcett:** Would you sign off on it?

17 **WIT:** I don't recall if my – I did or not. I know they were done

18 **Mr. Fawcett:** There was a discussion about standing orders. And in one of the
19 turnover, Chief Mate turnovers that I saw you had a particular desire that, that chair be
20 removed from the bridge and stowed. Could you explain why you did that?

21 **WIT:** Yeah. I never had a desire to go up there and sit on the bridge. I went up there it
22 was all business. If I can stand you can stand. I had everything removed.

23 **Mr. Fawcett:** So it was removed ----

1 **WIT:** [In audible] Hmm?

2 **Mr. Fawcett:** I'm sorry go ahead you had more to say.

3 **WIT:** No that was my take on it. I wasn't up there to sit down and have coffee and
4 shoot the breeze, no it was business.

5 **Mr. Fawcett:** And just a couple of follow ups on weather. You had mentioned a wide
6 array of tools you used to look at weather. You mentioned Boston Radio Facsimile, the
7 SAT C broadcast. Were you able to look at the tropical weather discussion that the
8 actual text message? It's usually rather a lengthy message and they talk about the
9 accuracy of forecast models.

10 **WIT:** No, I don't recall – I don't recall seeing anything like that.

11 **Mr. Fawcett:** Okay. So in a tropical discussion there's a section that usually talks
12 about all the different forecast models, whether they're in alignment or in disarray.

13 **WIT:** Well they might – I think it's all about the ones that comes through the alerts.

14 **Mr. Fawcett:** Correct.

15 **WIT:** Yeah, I've seen that.

16 **Mr. Fawcett:** Okay. So what's – based on your experience what's the predictability of
17 hurricanes?

18 **WIT:** Well, sir, we haven't been able to predict the weather as long as they've been
19 taking measurements. I mean it's not a 100 percent accurate. I think we all know that.

20 **Mr. Fawcett:** And just a couple of – couple of follow ups. You had talked about
21 weather routing for a hurricane. What principals do you follow as an experienced ship
22 Master when it comes to entering like the significant wind fields surrounding a
23 hurricane? Where do you like to stay out of?

1 **WIT:** You mean do I have a particular wave height or wind speed?

2 **Mr. Fawcett:** Yeah. In other words might you?

3 **WIT:** I don't have set parameters. It all depends on the – the whole time you're sailing
4 the ship, sir, from the time you let the – let the lines go you're getting the character of
5 the ship. You're feeling everything. And I did. I paid attention to how she's handling,
6 what she's doing. What's changing what's not. I paid attention to all of that. But did I
7 have any set parameters? No I did not.

8 **Mr. Fawcett:** For hurricanes in particular?

9 **WIT:** I stayed away from them.

10 **Mr. Fawcett:** And how far from the path or the center of the storm would you stay?

11 **WIT:** Far as I could get.

12 **Mr. Fawcett:** And how far could that be?

13 **WIT:** I don't have any particular thing. I would definitely try to navigate around it.

14 **Mr. Fawcett:** Just a follow up and it pretty much rounds out my questions, but the
15 ship's walkie talkies could you if you were on the bridge holding your walkie talkie could
16 you talk to just about anywhere on the ship?

17 **WIT:** Pretty much.

18 **Mr. Fawcett:** Interior?

19 **WIT:** Yes, sir. The engineers used to hear me. They had them in the engine room.

20 **Mr. Fawcett:** And then my last question would be what was the ship's policy or your
21 policy once you unmoored the ship, what happened to the mooring lines?

22 **WIT:** They were stowed up on deck.

23 **Mr. Fawcett:** How?

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1 **WIT:** They were flaked down and tied off. The eyes put on a bit and then tied and
2 secured. If we had heavy weather experiencing it, I would put them down. Shelf them.

3 **Mr. Fawcett:** And what do you mean by that?

4 **WIT:** Well all the way up in the overhead there was a shelf up there because you could
5 put lines up or can put them down below into a rope locker.

6 **Mr. Fawcett:** And so you had talked about the consistency between the standing
7 orders, was the shipboard practice that in heavy weather the mooring lines were stowed
8 below, lashed down, flaked down?

9 **WIT:** They would go below.

10 **Mr. Fawcett:** And that was the ship's policy or was that your policy?

11 **WIT:** I know it would be my policy to put them down below. I mean I don't think I have
12 to read that somewhere to put them down below.

13 **Mr. Fawcett:** Okay. So that's your policy. But so you're not whether there was a like
14 across the ship for consistency ----

15 **WIT:** No.

16 **Mr. Fawcett:** In adverse weather, no? Okay. Thank you, sir.

17 **WIT:** Umm huh.

18 **CAPT Neubauer:** Okay. At this time we're going to begin the last line of questioning.
19 Commander Denning.

20 **CDR Denning:** Captain, this particular line won't be as long as some of the previous
21 ones. Just a few follow ups for me on some engineering and general safety topics and
22 then we'll pass it around one last time for any questions that anyone has on any topic.
23 Regarding engineering, the El Faro experienced a loss of propulsion while departing

1 San Juan in March of 2015. And before I ask some specific questions about that
2 incident, are there any other propulsion losses besides that one that you're aware of?

3 **WIT:** None that I am aware of, no.

4 **CDR Denning:** So you didn't experience any others yourself?

5 **WIT:** No, sir.

6 **CDR Denning:** Did you hear of any other losses of propulsion on the El Faro?

7 **WIT:** No, sir, I have not.

8 **CDR Denning:** What about on El Morro or El Yunque?

9 **WIT:** Neither one.

10 **CDR Denning:** We've heard of a loss of propulsion perhaps at sea where some of the
11 crew members on board were, Ms. Randolph, Mr. Rheim, they were on board with
12 Captain Davidson, did you hear anything about that? You didn't hear anything about
13 that particular incident?

14 **WIT:** No, sir. I'm not aware of anything like that. I never heard anything.

15 **CDR Denning:** So back to the loss of propulsion leaving San Juan in March of 2015,
16 you were on board for that one, correct?

17 **WIT:** Yes, sir.

18 **CDR Denning:** Can you describe this incident for us? And if you like we do have an
19 exhibit that was prepared by the Coast Guard Navigation Center, Exhibit 75 is a one
20 page sheet. Lieutenant Commander Yemma if you could bring that up for Captain
21 Axelsson. You may use that as a reference to refresh your memory. And then I would
22 like to just describe that incident for us to the best of your recollection.

23 **Tote Inc:** It's hard to read, but we'll wing it from here.

1 **WIT:** The ----

2 **CDR Denning:** If you need to zoom in.

3 **WIT:** Yeah, I was getting ready to – we were getting ready to debark the pilot. And I
4 got a phone call from the Chief Engineer that he had to stop the screw. And I said hang
5 on, I said now? He said yeah. And I said well okay, I had 10 knots and I headed her
6 due North and I had 10 knots and I coasted along. He in the interim he stopped the
7 screw and called me back just a few minutes later and said okay, that everything would
8 be all right it would take him 10 minutes. Somebody had, one of the crew members
9 down there had inadvertently closed the wrong valve, or closed a valve that they
10 shouldn't have. And he said I will need about 10 minutes. And I said well okay. And I
11 continued to head her due North until the way lost and then she turned – she turned
12 herself into the wind, but shortly after that he called me back up he says I've got it all
13 rectified I'm going to take one more check around. I said okay I got time. So he did.
14 And then they gave me dead slow ahead and we straightened her back up and he
15 reported up slow as he did his, you know kept checking. And shortly thereafter we were
16 back up to full ahead bells, sea speed bell. I guess, you know within 10, 15 minutes we
17 were back up and running again. But afterwards we got together and I, you know find
18 out what happened from an engineering point of view, I am not. I didn't – we put
19 together the 2692 and we submitted it.

20 **CDR Denning:** During that incident what was your position on board, I mean not
21 Master, but your actual location on board?

22 **WIT:** I was on the bridge.

23 **CDR Denning:** You were on the bridge through the entire incident?

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1 **WIT:** Yes, sir, well, yeah. Well we just – we were just getting ready to debark the pilot.
2 Actually I never left the bridge. But I did call the Chief Mate up and asked him to step
3 up.

4 **CDR Denning:** Did you feel like the ship was in danger during that incident?

5 **WIT:** Uh no. I didn't feel like I was in danger. But the – sometimes time can stop, huh.

6 **CDR Denning:** What do you mean by that?

7 **WIT:** Well a minute can seem like a long time when you're up there hoping, you know
8 to find out what happened. But at the same time you're considering all of your options.
9 He called me back very quickly and they determined what the problem was so that was
10 a relief. And I could tell by his attitude that he had a handle on it. So that kind of – that
11 gives you a better feeling. And you're still considering your options. The anchors were
12 broke out, we hadn't secured anything. And you're considering all of your options, okay.
13 You know what do we have available to us.

14 **CDR Denning:** So does that mean you considered dropping the anchor?

15 **WIT:** I considered – letting the – well I couldn't where I was at because I was in
16 probably about 1000 fathom at that point it was too deep. But if the – if I drifted in and I
17 could anchor, absolutely. But before that I would have called those tugs back because
18 they were right there. I could get the tugs.

19 **CDR Denning:** Did – in your time with Tote are incidents like this or any other losses of
20 propulsion shared among similar ships for lessons learned?

21 **WIT:** I don't recall anything.

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1 **CDR Denning:** So did you talk with, you were on El Faro, did you talk with the Captain
2 of the El Yunque or the El, well not the El Morro, did you talk with the El Yunque
3 Captain?

4 **WIT:** Did I personally talk to him, no. But they knew about it because I think at the time
5 they were in Jacksonville. So they already knew.

6 **CDR Denning:** Did this incident itself have anything to do with your decision to retire
7 from Tote?

8 **WIT:** No, sir. Not at all.

9 **CDR Denning:** Can you describe for us, you mentioned you hadn't experienced any
10 other losses of propulsion on these particular vessels, can you describe for us the
11 reliability of the propulsion plant in general on this class of vessels?

12 **WIT:** Actually I found it very reliable.

13 **CDR Denning:** And what about structural issues? Did you encounter any structural
14 issues on El Morro, El Faro or El Yunque that you are aware of? Fracturing, buckling,
15 anything like that?

16 **WIT:** No, sir. Not that I'm aware of.

17 **CDR Denning:** So that's during your tenure. Have you become aware of any concerns
18 in any of those areas since your retirement?

19 **WIT:** No, sir. I haven't had any conversations along those line with anybody.

20 **CDR Denning:** So returning to a question Mr. Fawcett had, he asked you about the
21 internal communications on board the vessel using his phrase was walkie talkies. You
22 know, any VHF or UHF radio used on board. I want to discuss for you during the first
23 round of hearings we heard a recording from Captain Davidson when he called the call

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1 center when the vessel was beginning to be considered in distress from his perspective.

2 And he used – in discussions with the call center at some point he had a side bar

3 conversation that was captured on the recording where he said, and uh Mate what else

4 do you see down there? What else do you see? And that's the reason we're asking

5 that question about how far we might be expected to via VHF radio or any other hand

6 held radio on board. Hearing those words, Mate what else do you see down there. If

7 you're the Captain of the vessel, you're on the bridge, what possible locations could the

8 Chief Mate be, or any Mate be and hear a radio from the bridge? How far would it

9 propagate?

10 **WIT:** Well I don't honestly know. I never did that study. I can't honestly answer that

11 question for you. I'm very sorry.

12 **CDR Denning:** In your experience have you experienced them working on the second

13 deck in the cargo holds? A lot of steel in between the bridge and the cargo holds.

14 **WIT:** Agreed. But then again I never did conduct a study like that on board the ship. I

15 can't honestly answer that.

16 **CDR Denning:** I'm not asking for a study. You know did you ever experience a

17 communication? It's just to help us place where the Mate quite, you know possibly

18 could have been. Engine Room, cargo hold, you know up forward?

19 **WIT:** You know I've had quite a few conversations. I honestly don't know how to help

20 you on that one.

21 **CDR Denning:** Are there other communication methods besides radios, sound

22 powered phones and such?

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1 **WIT:** To my knowledge I think there was a sound powered phone, but that was all the
2 way down, if I'm not mistaking, one hold.

3 **CDR Denning:** Mr. Fawcett asked you about the AMVER system and you discussed
4 estimated versus observed. How were those – how were those observations logged, or
5 estimations, how were they logged?

6 **WIT:** It was all done by estimate. In other words stepping out on the bridge wing and
7 looking, feeling the wind and take a look at it. We also had all over that bridge were
8 weather books to – for sea state, for wind. There was numerous books up there. Right
9 there on the bridge.

10 **CDR Denning:** And as it's reported through the AMVER system is there a code for
11 estimated versus observed?

12 **WIT:** There is.

13 **CDR Denning:** And so did – are you saying that you always ----

14 **WIT:** Estimated.

15 **CDR Denning:** Chose estimated. What would it take to indicate observed on that
16 report?

17 **WIT:** Well.

18 **CDR Denning:** You're observing. I'm differentiating between you're observing the
19 weather, but you're estimated it's forces.

20 **WIT:** We are, we're estimating it.

21 **CDR Denning:** So what would it take to indicate observed?

22 **WIT:** Well to use the anemometer. And there was a – there's a table in Bowditch that
23 you can use for apparent wind and get your true wind.

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1 **CDR Denning:** If you're using a table in Bowditch, you're still indicating estimate, right?

2 **WIT:** I think it's all an estimate. But even the digital reader up there is electronic. It
3 could actually be considered an estimate.

4 **CDR Denning:** So if you ----

5 **WIT:** It's electronic.

6 **CDR Denning:** So you would consider that electronic means an estimate as well?

7 **WIT:** Well it's electronic. Is it, I don't know, is all the circuits all working right? I mean
8 is it 100 percent accurate? I mean to me it would still be an estimate. GPS is still an
9 estimate position.

10 **CDR Denning:** So is there any way that you can report an actual observed? I'm trying
11 to understand as a Master when you would chose estimate versus when you would
12 chose observed on the AMVER reports. Are there guidelines on ----

13 **WIT:** Sir, all we have are the guidelines that are on the bridge. And to me it's all an
14 estimate. The only sure thing would be the barometer.

15 **CDR Denning:** During the accident voyage the El Yunque was North bound, El Faro
16 South bound and Captain Stith on the El Yunque reported that they had observed gusts
17 at 100 knots. How would that – how would that be observed or estimated?

18 **WIT:** I honestly don't know. That's something ----

19 **CDR Denning:** Mr. Fawcett just showed me the actual email.

20 **WIT:** Yeah.

21 **CDR Denning:** And it actually says we recorded 100 knot relative wind gusts. What
22 would he mean by recorded? Would that mean he recorded it in the AMVER system
23 or?

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1 **CAPT Neubauer:** I think we should ask that question to Captain Stith.

2 **CDR Denning:** Understood Captain. I'm asking another Master. I can wait, sir.

3 **CAPT Neubauer:** Do you have an opinion on that, sir? How he would get recorded for
4 100 knots?

5 **WIT:** No I do not. No, sir. I don't know what he had.

6 **CDR Denning:** I'll move on to the ship's security alert system. Understanding that this
7 is a sensitive security information system we can't talk in detail about it. Did you receive
8 any training on how the system works?

9 **WIT:** What are we talking about?

10 **CDR Denning:** Ship's security alert system. And again I don't want to go ----

11 **WIT:** We're talking about the SSAS?

12 **CDR Denning:** SSAS, yes.

13 **WIT:** Okay.

14 **CDR Denning:** So do you receive any training on how to operate the system? And
15 again don't go into any details on ----

16 **WIT:** No, sir.

17 **CDR Denning:** How the system works.

18 **WIT:** It – no.

19 **CDR Denning:** So it's not used often. Do you know how to use – do you feel like you
20 know how to use it?

21 **WIT:** I do. And I practice once a month where I'm at right now.

22 **CDR Denning:** So you practice. It's tested?

23 **WIT:** I test it.

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1 **CDR Denning:** And that's on the ship you're on now?

2 **WIT:** Yes, sir.

3 **CDR Denning:** Did you also test it when you were on El Faro?

4 **WIT:** Yes, sir.

5 **CDR Denning:** Monthly?

6 **WIT:** Quarterly.

7 **CDR Denning:** Quarterly.

8 **WIT:** When I was there.

9 **CDR Denning:** When you were on board El Morro and El Faro where were survival
10 suits stored? And if you could go – be specific for each vessel.

11 **WIT:** On the – on both ships each crew member had their own survival suit in their
12 stateroom.

13 **CDR Denning:** Were they ever locked up?

14 **WIT:** Not to my knowledge.

15 **CDR Denning:** Have you ever heard of them being stolen?

16 **WIT:** No, sir.

17 **CDR Denning:** That concludes my questions. And again that was the final round. So
18 as we go around we can open it up to any questions, not just – not just engineering.

19 **CAPT Neubauer:** NTSB, Mr. Kucharski.

20 **Mr. Kucharski:** Yes, thank you Captain. Captain Axelsson do you know if the
21 barometer on the El Faro was ever calibrated?

22 **WIT:** I do believe it was.

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1 **Mr. Kucharski:** And was that – was it done just once while you were out there, or was
2 it a recurring calibration check?

3 **WIT:** No I think to my knowledge it was when we took the ship out from Baltimore in the
4 shipyard. I think NOAA was down.

5 **Mr. Kucharski:** So NOAA calibrated the barometer?

6 **WIT:** To my knowledge they did, yeah.

7 **Mr. Kucharski:** Was that recorded anywhere?

8 **WIT:** Uh not to my knowledge, sir. It had a sticker on it. They put a sticker.

9 **Mr. Kucharski:** Would you say that the ships, when you were Master on the Ponce
10 Class, so let's concentrate on the El Faro, you said they were – it was pretty full and
11 down close to the marks most of the time? Leaving Jacksonville let me say.

12 **WIT:** Yes, sir.

13 **Mr. Kucharski:** How about ----

14 **WIT:** Close.

15 **Mr. Kucharski:** I'm sorry, go ahead

16 **WIT:** Close.

17 **Mr. Kucharski:** Close. How about the Northbound, was it close to the marks then?

18 **WIT:** No, sir.

19 **Mr. Kucharski:** Were most of the stow positions occupied by trailers on the
20 Northbound leg?

21 **WIT:** Uh yes, sir. I believe so. To my knowledge it was.

22 **Mr. Kucharski:** So would that indicate that they weren't loaded trailers going
23 Northbound?

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1 **WIT:** Empty trailers.

2 **Mr. Kucharski:** Empty trailers.

3 **WIT:** Predominantly empty, yes.

4 **Mr. Kucharski:** So would you say that North and Southbound, most of the stow
5 positions were taken by trailers or some kind of cargo?

6 **WIT:** Repeat that.

7 **Mr. Kucharski:** Would you say both North and Southbound, the stow position, we're
8 not talking about weight trailers, but the stow positions, there were trailers on, I'm just
9 talking about ro-ro cargo now, the ro decks, they were occupied by trailers or some kind
10 of cargo?

11 **WIT:** As best as I can recall and to my knowledge, yes.

12 **Mr. Kucharski:** In other words were there many empty or voided stow positions either
13 Northbound or Southbound?

14 **WIT:** It was as congested down there.

15 **Mr. Kucharski:** It was as congested, which Northbound?

16 **WIT:** Which means there probably – there were some empty spots.

17 **Mr. Kucharski:** Were you aware of any maintenance that was done on the permanent
18 securing devices on the El Faro?

19 **WIT:** No, sir.

20 **Mr. Kucharski:** Who was responsible for securing the deck for sea on board the El
21 Faro?

22 **WIT:** Chief Mate.

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1 **Mr. Kucharski:** So he would go around, he or she would go around and actually
2 secure it?

3 **WIT:** He oversaw it.

4 **Mr. Kucharski:** Did – was any of that responsibility delegated?

5 **WIT:** I'm certain he had help from checking things from the deck gang. And I know
6 from time to time probably from the Second Mate and Third Mate.

7 **Mr. Kucharski:** Did you have any standing orders for securing the deck for sea?

8 **WIT:** I don't recall anything specific. Like you know the Chief Mate did.

9 **Mr. Kucharski:** The Chief Mate had standing orders?

10 **WIT:** He had standing orders.

11 **Mr. Kucharski:** Were they written standing orders?

12 **WIT:** To my knowledge.

13 **Mr. Kucharski:** And who did he give those written standing orders to?

14 **WIT:** Each Mate – each Mate read them. There was a binder I think up on the bridge.
15 Runs in my mind.

16 **Mr. Kucharski:** The Mate – did the Bosun have any responsibility for securing the deck
17 for sea?

18 **WIT:** Absolutely. He would coordinate with the Chief Mate.

19 **Mr. Kucharski:** Were you aware of any heavy weather checklist?

20 **WIT:** No, sir.

21 **Mr. Kucharski:** Did anyone report to you that the vessel was secured for sea?

22 **WIT:** Chief Mate.

23 **Mr. Kucharski:** Was that verbal?

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1 **WIT:** Yes, sir.

2 **Mr. Kucharski:** Was anything put in the log book that the vessel was secured for sea?

3 **WIT:** Uh to my knowledge he did make an entry, yes.

4 **Mr. Kucharski:** Was it policy to log when the watertight doors and hatches were
5 secured for sea?

6 **WIT:** Yes, he made an entry.

7 **Mr. Kucharski:** Entry in the deck log book?

8 **WIT:** Correct.

9 **Mr. Kucharski:** Was it policy to log when the watertight doors and hatches were
10 opened in port?

11 **WIT:** To my knowledge they were, yeah.

12 **Mr. Kucharski:** Did the crew use the hatches or scuttles to access the holds at sea?

13 **WIT:** The scuttles, yes.

14 **Mr. Kucharski:** Are those considered watertight hatches?

15 **WIT:** They were supposed to be closed at sea. So, yes.

16 **Mr. Kucharski:** Was it logged anywhere when those were opened at sea?

17 **WIT:** No, sir, not those, no. We kept those closed. And from time to time men would
18 have to entry the hold through there. So the work, or make a round, and when they
19 came out you closed it. We're talking about the scuttles now?

20 **Mr. Kucharski:** Yes, I am.

21 **WIT:** Yeah.

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1 **Mr. Kucharski:** And where this is going we know that a scuttle was open at sea in the
2 message that everybody knows Captain Lawrence. So my questions are, so the
3 scuttles, those hatches were not logged when they were opened at sea?

4 **WIT:** The scuttle, no.

5 **Mr. Kucharski:** And they were not logged obviously when they were closed?

6 **Tote Inc:** Question again?

7 **Mr. Kucharski:** Sorry?

8 **Tote Inc:** Repeat the question please.

9 **Tote Inc:** Excuse me, sir. Could we just correct the record a little bit? I think you said
10 that the scuttle was left open, or the scuttle was open. I think the message was that the
11 scuttle popped open.

12 **Mr. Kucharski:** Fair enough. The scuttle was open somehow. Okay.

13 **Tote Inc:** All right. So what's the question that's pending right now?

14 **Mr. Kucharski:** So they weren't logged, I think it's clear they weren't logged when they
15 were opened at sea, so how could you then log that they were closed if you didn't log
16 that they were opened. Does that make sense?

17 **WIT:** Yeah, they weren't – they were access scuttles to the hold. No they weren't
18 logged open and closed.

19 **Mr. Kucharski:** No further questions.

20 **CAPT Neubauer:** Commander Denning do you have a few follow up questions on
21 cargo?

1 **CDR Denning:** I do. Thank you Captain. I apologize everyone. The addition of the
2 fructose tanks on board the El Faro was in 2014, is that correct? You were on board at
3 that time when they were added?

4 **WIT:** I don't think I was on board when they were actually added.

5 **CDR Denning:** But you were the Master of the vessel during that time frame, correct?

6 **WIT:** I think when I joined in, to my knowledge, when I joined in North Florida shipyard
7 they were already on there.

8 **CDR Denning:** So you didn't serve on board the vessel before it had fructose tanks on
9 board?

10 **WIT:** I believe I did. I took it to, honestly I don't recall.

11 **CDR Denning:** So what I'm looking for is if you were on board without fructose tanks,
12 and then with fructose tanks, any – I'm looking for what changes you may have noticed.
13 So did you notice any changes to the vessel's stability or handling or anything as a
14 result of those – that addition?

15 **WIT:** No, sir. I can't recall exactly when the fructose tanks came on.

16 **CDR Denning:** Our understanding is that the vessel was on its – did you have
17 something that you wanted to add, sir?

18 **WIT:** No, no, sir.

19 **CDR Denning:** Our understanding is that the vessel was loaded nearly to the load line
20 for the Southbound voyage. Did that ever concern you in any way?

21 **WIT:** No, sir.

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1 **CDR Denning:** How did you as Master communicate your lashing expectations with
2 the Chief Mate? I understand it was his responsibility to make the rounds of the deck,
3 tighten up cargo securement.

4 **WIT:** Yes, sir.

5 **CDR Denning:** Did you – how did you communicate your expectations about that?

6 **WIT:** As to whether or not he was checking lashings you mean?

7 **CDR Denning:** And specifically how to. How thorough to be.

8 **WIT:** Well, sir, we're there to protect the cargo. Protect the ship, protect the cargo,
9 protect the crew. So it was on a daily basis checking the lashings on the containers or
10 the ro-ro cargo in particular because you know they were on rubber tires and they had
11 shocks. So it was always – it was always a good idea, it was good practice to check
12 lashings. On the same token he had the lashing rods on the main deck. The last thing
13 you want to do to those is torque them down, because they have to work. You can
14 actually see them move in a sea way. The rods, and if you have them torqued too
15 much they'll pop right off. They'll snap off. And I ask everybody who ran or worked on
16 a container ship knows that specific, not to torque them.

17 **CDR Denning:** So past witnesses have described the Roloc boxes for us. Are those
18 ever stowed off the button or were they always attached?

19 **WIT:** Not that I'm aware of.

20 **CDR Denning:** And are you aware of any procedure whereby they can be stowed off
21 the button and ----

22 **WIT:** Can be? No, sir.

1 **CDR Denning:** Were the lashing points such as the buttons and D-rings ever tested to
2 your knowledge?

3 **WIT:** Not that I'm aware of.

4 **CDR Denning:** What about maintenance of any other lashing equipment, the rods, turn
5 buckles?

6 **WIT:** I know the Chief Mate did maintain a maintenance log on the lashing gear.

7 **CDR Denning:** How did – how was it determined by either the Chief Mate or the
8 longshoreman how many lashings to use, whether it be container cargo or ro-ro cargo?

9 **WIT:** Well to my knowledge it was just in accordance with the cargo securing manual.

10 **CDR Denning:** How much familiarity do you have personally with that manual?

11 **WIT:** Not a whole lot, sir.

12 **CDR Denning:** Does the term storm lashings ring a bell for you? Do you know when
13 they would be used?

14 **WIT:** I've heard the term. I don't recall if it was with Tote or elsewhere.

15 **CDR Denning:** Are you aware of any other issues with lashing specifically, any
16 concerns that you might have regarding lashings on board this class of vessel? Or the
17 El Faro specifically.

18 **WIT:** Are you asking do I have concerns with the lashing gear?

19 **CDR Denning:** Are there any concerns that you're aware of, anything that we have not
20 asked you that you think we should know?

21 **WIT:** There wasn't anything that comes to mind.

22 **CDR Denning:** Thank you, sir.

23 **WIT:** Yes, sir.

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1 **CAPT Neubauer:** Captain I just have a couple follow up questions. While you were
2 underway on the El Faro did you ever need to contact the Designated Person ashore?

3 **WIT:** No, sir. I don't recall.

4 **CAPT Neubauer:** Did you ever have to use the answering service that Tote has in
5 place for Masters underway?

6 **WIT:** No, sir.

7 **CAPT Neubauer:** Did you ever have to call Mr. Lawrence while you were underway?

8 **WIT:** Yes, sir.

9 **CAPT Neubauer:** Do you remember what the topic was?

10 **WIT:** I had a crew member pass away.

11 **CAPT Neubauer:** Was he reachable, was he able to be reached at that immediate
12 phone call?

13 **WIT:** He answered, yes, sir.

14 **CAPT Neubauer:** Mr. Kucharski.

15 **Mr. Kucharski:** Captain Axelsson, did you ever physically use one of the scuttles to go
16 down to – when the vessel was at sea?

17 **WIT:** Yes.

18 **Mr. Kucharski:** Can you tell us, that was on El Faro I'm asking? Was it on El Faro?

19 **WIT:** Yes.

20 **Mr. Kucharski:** After you closed it, is there an easy way of sighting it, looking at it to
21 tell if it's closed or not from the top, you know when you're looking at it?

22 **WIT:** Put your hands on the scuttle, turn it. Was there any indicators, no. Other than --
23 --

1 **Mr. Kucharski:** So when you say, I'm sorry.

2 **WIT:** Other than check it.

3 **Mr. Kucharski:** So you physically, when you say turn it, it had a wheel on it did it?

4 **WIT:** Some had a wheel, yes.

5 **Mr. Kucharski:** So the only way you could check to make sure that it was closed was
6 to turn the wheel?

7 **WIT:** Yes, sir.

8 **Mr. Kucharski:** Thank you Captain.

9 **WIT:** Yes, sir.

10 **Mr. Kucharski:** Thank you.

11 **CAPT Neubauer:** At this time we'll go to the parties in interest. Tote, any follow up
12 questions?

13 **Tote Inc:** Yes, sir. Captain, Mr. Fawcett asked you some questions to compare the
14 voyage planning process between Maersk and Tote and I think you said that the
15 process is basically the same, is that correct?

16 **WIT:** Yes, sir.

17 **Tote Inc:** And on a typical voyage from New York to Dubai how many days is that?

18 Such a voyage.

19 **WIT:** Three weeks.

20 **Tote Inc:** And the trip from Jacksonville to San Juan is approximately how many days?

21 **WIT:** Three days.

22 **Tote Inc:** Excuse me?

23 **WIT:** Three days.

1 **Tote Inc:** Thank you.

2 **CAPT Neubauer:** ABS?

3 **ABS:** No questions.

4 **CAPT Neubauer:** Mrs. Davidson?

5 **Ms. Davidson:** Yes, sir. Captain, as the Master of a vessel have you ever met severe
6 weather?

7 **WIT:** Repeat that please.

8 **Ms. Davidson:** As the Master of a vessel have you ever encountered severe weather?

9 **WIT:** No.

10 **Ms. Davidson:** With respect to the El Faro while at sea, other than SAT C and Bon
11 Voyage system were there any other means of receiving weather from a third party
12 source?

13 **WIT:** Weather Fax, facsimile machine.

14 **Ms. Davidson:** And with respect to the SAT C would you receive alerts for hurricanes?

15 **WIT:** Yes.

16 **Ms. Davidson:** What other alerts other than the SAT C alerts would you get?

17 **WIT:** NAVTEXs. And on that note if you're out of range of NAVTEXs you would also
18 get it through the EGC, which comes through the SAT C. Enhanced group call.

19 **Ms. Davidson:** And if you received a forecast storm would you plot that on a chart?

20 **WIT:** I would.

21 **Ms. Davidson:** And then would you make your voyage plans to avoid that storm by
22 taking the information that you received?

23 **WIT:** Yes. Against the projected track.

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1 **Ms. Davidson:** Projected track of the storm?

2 **WIT:** Yes.

3 **Ms. Davidson:** And you would rely on the data that you were receiving from the
4 weather service, whatever weather service that may be, correct?

5 **WIT:** High seas.

6 **Ms. Davidson:** Thank you, sir. Nothing further.

7 **CAPT Neubauer:** Herbert Engineering?

8 **HEC:** No questions.

9 **CAPT Neubauer:** Mr. Kucharski.

10 **Mr. Kucharski:** Just one last question. Captain, the question was asked to you about
11 heavy weather lashing I believe it was, or – well let me ask the question. Were you
12 aware of any lashing profile that was used on the El Faro before you left, or right about
13 the time you left?

14 **WIT:** You talking about any lashing profile?

15 **Mr. Kucharski:** I'm sorry?

16 **WIT:** What profile are you ----

17 **Mr. Kucharski:** Lashing profile, yes. What lashings were put on there?

18 **WIT:** To my knowledge it was all done accordance with the cargo securing manual.
19 That was the guideline.

20 **Mr. Kucharski:** Okay. So there weren't any extra lashings put on outside of the cargo
21 securing manual?

22 **WIT:** Not that I'm aware of. Not – not – not in my tenure experience that I can recall,
23 no. I didn't have any severe weather or bad weather.

1 **Mr. Kucharski:** Okay. Thank you Captain. Both Captains, thank you.

2 **CAPT Neubauer:** Mr. Fawcett.

3 **Mr. Fawcett:** Thank you Captain. Captain, a few questions in follow up. The loss of
4 propulsion that occurred out bound from San Juan, do you know if there was a route
5 cause analysis conducted about how that happened and how that could be prevented in
6 the future?

7 **WIT:** Yes. When I got to Jacksonville the Port Engineers came down and there was an
8 investigation done and took measures so it wouldn't occur again.

9 **Mr. Fawcett:** Okay. Did you – while you were – this happened in late – in mid-March
10 during the course of the time while you were still with Tote, did you see an Ops memo
11 or safety alert to the fleet of ships that Tote operates to discuss the incident and how it
12 could be prevented on board other Tote vessels?

13 **WIT:** Not that I'm aware of. I don't recall.

14 **Mr. Fawcett:** You mentioned that while you were at Tote, correction Maersk they could
15 ping your ship to find it's location. Was that ever conducted while you were – by Tote
16 when you worked on board the El Faro or the El Morro?

17 **WIT:** Well they do it through the polling, it's polling. It's available to all the companies.
18 They can poll the ship.

19 **Mr. Fawcett:** Do you know if it was ever done for the El Faro or the El Morro?

20 **WIT:** You never know. There's no indications that they're actually doing. It was
21 available. It's an option, or it's available on the SAT C. But nobody notifies you and it
22 doesn't show anywhere that you know this is going on.

1 **Mr. Fawcett:** So while you worked for Tote did you receive any training above and
2 beyond what was required for your license?

3 **WIT:** Not that I recall.

4 **Mr. Fawcett:** And I'm working particularly in the human factors, human performance
5 areas. So one of the questions I have is how did you combat complacency in a regular
6 run, line or service that has routinely went back and forth from Jacksonville to San
7 Juan?

8 **WIT:** I can't think of anything off the top of my head. You just never knew when I was
9 going to show up. I might show up at 2 O'clock in the morning. I don't care if it's the
10 engine room or the bridge. You might see me at 4 in the morning. You never knew
11 when I was going to show up. And it was just practicing situational awareness. We
12 would always have conversations about that. It can be an easy thing to fall into I always
13 thought. And we would actually have conversations about it.

14 **Mr. Fawcett:** You've been described as actively engaged on deck, hooking up reefers,
15 even to that extent at times. Why did you – why were you actively engaged on deck?

16 **WIT:** I wanted to know what was going on. I wanted to know what their habits were. I
17 respected a lot of those men. Had a lot of faith in them. Let it go at that. I was
18 involved.

19 **Mr. Fawcett:** You okay to continue, sir?

20 **WIT:** I'm fine.

21 **Mr. Fawcett:** The last question, how often were you engaged with ABS surveyors?

22 **WIT:** As often as I could.

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1 **Mr. Fawcett:** Was it your experience that if they found a defect or an issue on board
2 ship that they would come to you and explain what the problem was before they left the
3 ship?

4 **WIT:** Yes, sir. I was always available.

5 **Mr. Fawcett:** Well not speaking to availability, but did they always come to you and
6 explain -----

7 **WIT:** They would typically go to the Chief Engineer, he had the main dealings with
8 them, but the Chief Engineer would call me and I would step down to the Chief
9 Engineer's office. Yes I would.

10 **Mr. Fawcett:** Okay. And were there any instances where you weren't notified of
11 defects or issues uncovered during the course of an ABS survey?

12 **WIT:** Not that I – not that I can recall. Nothing comes to mind. Of course I didn't keep
13 a diary.

14 **Mr. Fawcett:** Understand. And this final question, how did Tote shore side or Tote
15 management – what was their involvement with combating complacency aboard the
16 regular scheduled ships that made the San Juan/Jacksonville run?

17 **WIT:** I don't recall anything.

18 **Mr. Fawcett:** Thank you very much, sir.

19 **CAPT Neubauer:** Are there any final questions for Captain Axelsson?

20 **Ms. Davidson:** Yes.

21 **CAPT Neubauer:** Mrs. Davidson.

22 **Ms. Davidson:** Captain Axelsson, there's been some testimony from the Bosun of the
23 El Faro that Captain Davidson would walk the deck between 6 a.m. and 8 a.m. before

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1 the full deck crew would get out. And then he would report to the Chief Mate what he
2 saw and then the Chief Mate would then report down to the Bosun. Did you have a
3 similar management style, or was it different?

4 **WIT:** I would say it was pretty similar. I was engaged, I was always walking the deck
5 every time I had an opportunity and I would have conversations with the Chief Mate.

6 **Ms. Davidson:** Thank you.

7 **WIT:** I would even talk to the crew. How's your day going? Good morning.

8 **Ms. Davidson:** Were you ever aware that the Bosun of the El Faro had advised this
9 panel that Captain Davidson was the first Captain in 34 years to ever thank the Bosun
10 for doing his job?

11 **WIT:** I'm not aware of that.

12 **Ms. Davidson:** Thank you, sir.

13 **CAPT Neubauer:** Are there any other final questions? Captain Axelsson thank you,
14 that was a long session. I appreciate your testimony. You are now released as a
15 witness at this Marine Board of Investigation. Thank you for your testimony and
16 cooperation. If I later determine that this board needs additional information from you I
17 will contact you through your counsel. If you have any questions about this
18 investigation you may contact the Marine Board Recorder, Lieutenant Commander
19 Damian Yemma. At this time do any of the PII's have any issues with the testimony that
20 we just received?

21 **Tote Inc:** No, sir.

22 **ABS:** No, sir.

23 **HEC:** No, sir.

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1 **CAPT Neubauer:** This hearing is now recessed and will reconvene at 9 a.m. tomorrow
2 morning.

3 *The hearing adjourned at 1610, 16 May 2016.*