

NATIONAL TRANSPORTATION SAFETY BOARD

In the Matter of: *
 *
 ACCIDENT OF THE LADY D *
 ON MARCH 6, 2004 * Docket No. DCA 04 MM015
 in Baltimore, Maryland *
 *

Sunday,
March 7, 2004

INTERVIEW OF:

FRANK DEPPNER

PRESENT:

MORGAN J. TURRELL, NTSB
MARK HAMMOND, Coast Guard
CORPORAL SHOCKEY
ANDREW MURRAY
RON SILVER
MARIETTE BURER, NTSB

P R O C E E D I N G S

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MR. TURRELL: Okay. Good afternoon. It is Sunday, March 7. We are the Living Classroom Headquarters in Baltimore Harbor, interviewing the captain of the water taxi.

My name is Morgan Turrell, I am the Operations Group Chairman and I will go around to my right.

LIEUTENANT COMMANDER HAMMOND: Lieutenant Commander Mark Hammond, Coast Guard Sector, Baltimore.

MS. BURER: Mariette Burer, NTSB.

MR. SILVER: Ron Silver, Frank's representative.

CORPORAL SHOCKEY: Corporal Shockey, Maryland Natural Resource Police.

MR. MURRAY: Andy Murray, Director of the National Historic Seaport, as far as the Operations.

MR. TURRELL: Okay. Great. And Captain, if you would just introduce yourself and spell your name and tell us your age.

MR. DEPPNER: I am Frank Deppner. I spell the first name an I, the last name is D-E-P-P-N-E-R. I am 74 years old.

MR. TURRELL: Okay. Acknowledge that you know

1 this is being taped recorded just for accuracy.

2 MR. DEPPNER: Say again.

3 MR. TURRELL: Please acknowledge it is being
4 tape recorded.

5 MR. DEPPNER: I am aware that it is being tape
6 recorded.

7 MR. TURRELL: Okay. Great.

8 Frank, how long have you worked for Seaport
9 Taxi?

10 MR. DEPPNER: This is the third year.

11 MR. TURRELL: Okay.

12 MR. DEPPNER: I think that is correct.

13 MR. TURRELL: Okay. And do you currently hold
14 a Coast Guard license?

15 MR. DEPPNER: I have, and I have the
16 certificate with me.

17 MR. TURRELL: Okay. Great.

18 MR. DEPPNER: As well as other credentials. I
19 have the number if you want to record it is, (Deleted)

20 MR. TURRELL: Okay. And do you also hold a
21 merchant marine document or MMD?

22 MR. DEPPNER: I am not sure what you really
23 asking me.

24 MR. TURRELL: Okay.

25 MR. SILVER: No.

1 MR. TURRELL: Okay. Okay.

2 And how long have you had this license?

3 MR. DEPPNER: This license is dated April 30,
4 no, I am sorry that is the expiration date, April 2002.
5 I have other certificates with me in terms of education
6 and background.

7 MR. TURRELL: Okay.

8 MR. DEPPNER: In terms of just learning about
9 the water and learning about some of the other stuff --

10 MR. TURRELL: Okay.

11 MR. DEPPNER: If anyone cares to look at it.

12 MR. TURRELL: Yes, perhaps just tell us in
13 your own words about your background and we will take,
14 we will make copies of that, but just go ahead in your
15 own words, just tell your background. How you got
16 started in the business and where you are today?

17 MR. DEPPNER: In the business of boating.

18 MR. TURRELL: In boating, marine business.

19 MR. DEPPNER: I retired from the Army and I
20 have got 20 years of Government systems work and I
21 started, during the later years back in the '93, '94,
22 '95 time frame of going to boat shows, and everything,
23 I finally decided I wanted to get involved in boating.
24 And I brought a 46 foot boat -- decent generator, it
25 was a great boat. And I guess it was a year or two

1 after that I started to get more involved in terms of
2 the education and the certificate and stuff, the
3 courses and everything I have right here. And then I
4 finally decided, gee, I should also get my license.

5 MR. TURRELL: Okay.

6 MR. DEPPNER: And it was the same year I got
7 my license, that I think I started working for Seaport.

8 MR. TURRELL: Okay.

9 MR. DEPPNER: And it has been a good
10 experience, and great captains, well managed, and it is
11 just a good organization.

12 MR. TURRELL: Okay. And what, your license,
13 your current Coast Guard license is?

14 MR. DEPPNER: It is for 50 registered and it
15 has the commercial assistant --

16 MR. TURRELL: Okay. Now, we, the NTSB, is also
17 very interested in crew fatigue and issues regarding
18 matters that are involved, so I will ask you a few
19 basic questions about your, what you did in the 72
20 hours previous to the accident. Can you tell us on
21 Thursday, what your routine was on Thursday, what time
22 you woke up, maybe your work hours, and then --

23 MR. DEPPNER: Well, number one, I am retired,
24 so except for doing this organized thing which recently
25 has been a Saturday, Sunday thing, at Seaport, I don't

1 do anything. My wife is going through radiation
2 treatments right now because she is undergoing cancer
3 stuff and everything. And I basically a home husband,
4 doing all the things from cooking to washing dishes,
5 everything else.

6 MR. TURRELL: Okay.

7 MR. DEPPNER: My routine is pretty normal. We
8 eat out quite a bit, save on me washing pots and
9 cooking and stuff at home.

10 MR. TURRELL: Okay.

11 MR. DEPPNER: But, except for that, I am
12 basically a home body.

13 MR. TURRELL: Okay. And what time would you,
14 on Thursday, a week day, what time would you normally
15 wake up and go to sleep?

16 MR. DEPPNER: I wake up somewhere in the six
17 o'clock time frame, because I keep the alarm set at
18 that every day.

19 MR. TURRELL: Okay.

20 MR. DEPPNER: And weekends, I generally, hear
21 the alarm, turn it off and I will get up within 15
22 minutes.

23 MR. TURRELL: Okay.

24 MR. DEPPNER: I am generally in bed by 10,
25 10:30, 11 o'clock. Every once in awhile it might be

1 midnight or later. But, that is not often.

2 MR. TURRELL: Can you remember on that
3 Thursday, Friday and Saturday, what times you went to
4 bed?

5 MR. DEPPNER: Thursday night might be say in
6 the 10, 10:15, 10:30, this past Thursday, Friday night
7 was probably close to that same time.

8 MR. TURRELL: Okay.

9 MR. DEPPNER: And my wife and I normally go
10 out on Friday nights. We were out for dinner and I
11 think we got home probably in, I don't know, seven,
12 7:30 time frame. We sat around the little TV and stuff
13 and then to bed.

14 MR. TURRELL: Okay. And so the day of the
15 accident, what time did you wake up, about six o'clock
16 or so on Saturday?

17 MR. DEPPNER: Yes, because I was scheduled to
18 get ready and be on the dock in the 9:30 time frame. I
19 usually get up, have some coffee, some fruit, and read
20 the newspaper, and then get ready. I am out of bed by
21 quarter to seven, I guess.

22 MR. TURRELL: Okay. And you are reported to
23 work at what time?

24 MR. DEPPNER: It was probably just prior to
25 9:30.

1 MR. TURRELL: Okay. Okay. And are you taking
2 any prescription medication?

3 MR. DEPPNER: None at all. I had to take some
4 antibiotics for sinus infection, but I had stopped
5 taking that 10, 12 days ago.

6 MR. TURRELL: Okay.

7 MR. DEPPNER: And I am on no other medication
8 at all, for blood pressure or anything else.

9 MR. TURRELL: Okay. And your sight and
10 hearing?

11 MR. DEPPNER: I, specifically three years ago,
12 got hearing aids.

13 MR. TURRELL: Okay.

14 MR. DEPPNER: Simply because of boating, to be
15 sure that I could hear the radio. In a setting like
16 this, I can take my hearing aids out and hear very
17 well. The reason I got the hearing aids was to
18 discriminate speech from background music, the
19 background noises.

20 MR. TURRELL: Okay. And your eyesight?

21 MR. DEPPNER: My eyesight is probably
22 somewhere in the range of 20/38, and it corrected to
23 just under 20/20.

24 MR. TURRELL: Okay. Great.

25 And did you sustain any injuries on Saturday

1 in the, what are the natures of any injuries or
2 hospitalization--

3 MR. DEPPNER: Well, I was in the hospital and
4 it evidentially was a condition that was involved in
5 some of this stuff, anybody gets water in their lungs,
6 it is sort of medical requirement.

7 MR. TURRELL: Right.

8 MR. DEPPNER: So I was taken to the Shock
9 Trauma Unit of the University of Maryland Hospital. And
10 they took an urine analysis, they took blood. I was
11 given a, later a glucose, I think it was, and they put
12 me on some oxygen for awhile. And the only specific
13 injury that I really sustained was that and it is a
14 little on the side and it was barnacles from the ride
15 on that boat did that. And I have sort of like a rug
16 burn on my left shin bone, which is even less than what
17 is here on --

18 MR. TURRELL: Okay. Great.

19 MR. DEPPNER: And except for maybe some water
20 that I got in, which I think is now completely
21 expelled, that was it.

22 MR. TURRELL: Okay. Perhaps if you would
23 start on Saturday morning and just give us a running
24 narrative in as much detail as you can, about the
25 events leading up to the accident that day.

1 MR. DEPPNER: Yes.

2 MR. TURRELL: And I ask you in your own words,
3 just as much as you can tell us.

4 MR. DEPPNER: Okay. The schedule that I was
5 following that day was to have the Seaport Taxi boat
6 number one, fueled and everything to be in operation at
7 10 o'clock. And we fueled up at Tidewater, and it was
8 sort of a normal beginning. There was no unusual wind.

9 As a matter of fact, there was almost no wind. It was
10 overcast and it stayed overcast probably until a bit
11 after noon. And the prediction was that the weather
12 would change around noon, and we were sort of
13 disappointed in that the sun didn't show up at noon as
14 we thought it would. But, it eventually did, I think
15 it was probably just in the two o'clock time frame,
16 maybe a little bit before that. And when the sun came
17 out, as it got warmer, it seemed that the wind started
18 to pick up. And there was probably wind in the range
19 of, I would say 10 to 15 knots at least, because
20 looking at the flags and how they stood up on the pole,
21 one could sort of see, you know, how they were
22 standing. And the winds seemed to be about that way.
23 Off to the south, and this was, you know,
24 going, maybe a little towards three, looked the clouds
25 structure and it just had some organization to it.

1 That cloud structure seemed to start moving in a
2 westerly direction. And as it got due west of
3 Baltimore, it seemed to take on a color that was very
4 dark, almost, not quite as dark as maybe the frame or
5 the background of the picture that it is over your head
6 there, but, it got very dark, very definitely dark.
7 And we were, it was in the 3:30, maybe just after 3:30,
8 and the Seaport scheduled called for closing at Fort
9 McHenry and getting all the passengers that we had
10 taken out there, back to Fells Point by four o'clock.

11 And we were a little behind schedule because
12 we had about 38 people out there, and I had taken the
13 boat, not full, but about 14, 15 people back
14 previously, and I had got into the dock in the time
15 frame of probably 3:45. And by the time we were
16 loaded, we were approaching 10 of four. And the guy we
17 call Bill, was there and we had talked that today it is
18 going to be a little later than, you know, four
19 o'clock, to get the last people off. But, I will be
20 back just as soon as I can. And at about that time
21 frame, it was maybe about 10 of four. And when I
22 backed the boat away from the dock, which is boating
23 dock between the two main fire boats there at Fort
24 McHenry, instead of docking or backing out and turning
25 to the port, I turned to the starboard because that was

1 backing into the wind, and I had better control. And I
2 continued to back and what I basically wanted to do was
3 do a complete backing turn and then do as small turn as
4 I could, to the port to go back towards Fells Point.

5 Well, it was in that maneuver that I heard
6 the weather report. I am not sure where the weather
7 report was coming from, but, I did hear get it over the
8 radio. It was also noticeable that as I started to
9 pull out this backing maneuver, that the wind was
10 really picking up.

11 (Pause.)

12 MR. DEPPNER: At that point the wind really
13 started picking up. And as I tried to continue to turn
14 into the wind, John Glenn, one of our senior captains
15 was on the, because the wind is beginning to pick up
16 and everything, why don't you try to get into
17 Henderson, get into BMC and tie up the boat. And I
18 remember responding to that, and I said, John, that is
19 exactly what I am going to try and do. But, it seemed
20 regardless of what I did, the wind continued to push
21 the boat sort of in the easterly direction because the
22 west wind was basically that strong. And it seemed
23 like there was a, let's think of a better word, a wall
24 of water or a wave that seemed to be coming with enough
25 force to almost obscure all the windows on the port

1 side of the boat.

2 And I still tried to turn into the wind, but
3 there was no turning, the boat just seemed to not do
4 anything. And for awhile, it almost seemed like this
5 wind was beginning to turn the boat almost in a circle,
6 circular motion. And I am not sure if the boat went
7 all the way around once or not. I suspect maybe it
8 did. And then the wall of water seemed to still be
9 there and the boat just tipped to the side. And the
10 mate, me, and some passengers basically ended up
11 underneath that boat.

12 I don't know what Mike said about this, but I
13 know my experience, I had never experienced again, it
14 was like, hey, there is some air here, and I am still
15 breathing, so I know if water continues to rise, I am
16 not going to be able to do that. Why don't you just
17 take a couple of breaths of that water and get the damn
18 agony over with. Because trying to pull -- And that
19 was the thought that went through my mind and all of a
20 sudden, I know I had ahold of a life vest, like some
21 other people, we certainly had adequate life jackets
22 for the boat. It seemed that there was light there,
23 just like all of sudden there was a revelation from
24 somewhere. And I was able to get out of this boat and
25 away from the side, and I just popped up and gee, there

1 was one of the pontoon showing and that is how I got
2 this damn cut on my hand, because that is what I
3 grabbed onto the first thing. And there were some
4 people over near the boat. And they basically helped
5 pull me in, using my other arm.

6 MR. TURRELL: Okay.

7 MR. DEPPNER: And I don't know how long we
8 were underneath the boat. I have no idea how long we
9 were sitting on top of the boat. But, it seemed the
10 next thing I recollect was the Coast Guard coming up
11 with their, with their landing craft type boat. And
12 they had their ramp down, and there were people already
13 scrambling up that ramp, from the water and from the
14 seaport boat number one, and I guess I was probably the
15 10, 11, 12 person onboard the Navy Reserve boat. And
16 people were cold and it was within a few minutes that
17 they started to attempt to resuscitating a young girl,
18 and I am still not sure what happened to her.

19 MR. SILVER: She is coming --

20 MR. DEPPNER: She is. But, it was sort a
21 very traumatic experience.

22 MR. TURRELL: Okay. Can you describe the, how
23 many passengers, the approximate count of the
24 passengers when they came on and the loading of the
25 boat essentially?

1 MR. DEPPNER: Well, we try to keep this boat
2 as balanced as possible, and the boat was fairly well
3 balanced on both sides and we -- The passenger load for
4 the boat was 23. There was the mate and me and of
5 course, that totaled 25, which is what the certificate
6 actually permits.

7 MR. TURRELL: Okay. And so, who is responsible
8 for counting?

9 MR. DEPPNER: We share that responsibility.

10 MR. TURRELL: Okay.

11 MR. DEPPNER: The mate pays attention to that,
12 I pay attention to that.

13 MR. TURRELL: Okay.

14 MR. DEPPNER: And very often, just to verify,
15 I will get out in the helm station and I will
16 specifically walk sort to the rear, to be sure that the
17 count is correct and we know the number of people that
18 is onboard.

19 MR. TURRELL: Okay. Did you do that yesterday?

20 MR. DEPPNER: I did that and there were two
21 additional people that were coming down the dock, and
22 had we not taken those additional two, I think they
23 were two men, we would have a load of 21 leaving the
24 dock, because normally when it is late in the day, we
25 don't wait at the dock, you know, we want to get a fast

1 turn around, to get the people off the Fort as it is
2 closed.

3 MR. TURRELL: Okay. And normally it is your
4 job to drive the boat. Does the mate ever drive the
5 boat?

6 MR. DEPPNER: Maybe under some circumstances,
7 if they followed whatever the Seaport Taxi is, which is
8 basically where they are learning or in some sort of an
9 education program. But, they are never permitted to
10 handle the boat with passengers onboard.

11 MR. TURRELL: Great. Do you recall which side
12 of the boat you grabbed onto when you came up? Do you
13 recall which side that would be?

14 MR. DEPPNER: The helm station on this boat is
15 on the starboard side.

16 MR. TURRELL: Okay.

17 MR. DEPPNER: And as the boat capsized, it was
18 that side of the boat that hit the water first. And
19 to my recollection I was probably thrown as the boat
20 started to sink, to the opposite side. And I think
21 that the helm station was opposite me when I saw that
22 light and while I am normally on the starboard side, I
23 think when I saw the light and got out of the boat, I
24 probably came up on the port side.

25 MR. TURRELL: Okay. And that is the side the

1 pontoon that you were on when you surfaced?

2 MR. DEPPNER: Yes, yes.

3 MR. TURRELL: Okay.

4 MR. DEPPNER: It seemed that that pontoon was
5 higher in the water than the pontoon on the starboard
6 side.

7 MR. TURRELL: Okay. And just prior to the
8 accident, with your radio communications, do you
9 normally monitor the weather channel or do you get that
10 from the company?

11 MR. DEPPNER: I don't specifically monitor a
12 weather channel. Just generally we get weather
13 information from the, I guess it is the TV or something
14 in the office. And I know we generally get the weather
15 reports and those weather reports generally give us a
16 lead time.

17 MR. TURRELL: Okay.

18 MR. DEPPNER: And that lead time is generally
19 adequate to get someplace and tie up.

20 MR. TURRELL: Okay.

21 MR. DEPPNER: And I know, not this year, yet,
22 but, yesterday was probably the worse wind that we have
23 had so far this season, but, last year there were a
24 number of occasions when we were told that there was
25 weather coming through and this is what is going to be

1 there because of what is being predicted, and what is
2 being shown on the screen. And as soon as you have a
3 chance, get in and tie up and stay tied up, get the
4 passengers off the boat until it passes.

5 MR. TURRELL: Okay.

6 MR. DEPPNER: But, there was no opportunity
7 incidentally to do anything like that yesterday.

8 MR. TURRELL: Okay. And when you receive the
9 report from the other port captain, Thompson, or the
10 other senior captain, and your intention then was to
11 maneuver the boat, you said you were thinking the same
12 thing, and you were going to maneuver somewhere.
13 Roughly how far were you from that, that second
14 location to tie up?

15 MR. DEPPNER: I was probably pretty much in
16 the middle of the river. And the Baltimore Marine
17 Center would have been just dead ahead off my port
18 bough and as the wind kept pushing me, I was then
19 pushed down more opposite the area called, where Bay
20 Cafe is, and I figured, well, I could get in along that
21 because there is a dock area there that I could safely
22 be tied up at. And there was just too much wind,
23 there was nothing of that happening.

24 MR. TURRELL: Okay. Okay. The elapsed time,
25 from the time you departed the dock to the time you

1 turned over, can give us an idea of how much elapsed
2 time, best to your knowledge?

3 MR. DEPPNER: I think I lost that time, number
4 one, but, number two, based upon the distance and
5 everything and based on the time that it generally
6 takes us to get from the Fort back to, from the Fort
7 back to Fells Point, it couldn't have been more than
8 four to six minutes. And I think all things occurred,
9 right around four o'clock, maybe a few minutes before
10 four.

11 MR. TURRELL: Okay. What is the maneuver in
12 this vessel like and describe the speed and the, and
13 the response of the vessel and how much power you have
14 and turning ability?

15 MR. DEPPNER: Well, it is a Honda, I think it
16 is a 90 horsepower and it responds rather well. In
17 the wind sometimes, maybe, you don't get the same
18 responses that you do otherwise, but under normal
19 circumstances, it handles very well, to go port to
20 starboard side. And we operate at the six knots, about
21 7.2 miles an hour max. And all the Seaport taxis do
22 that. And we know pretty well within, you know, sort
23 of latitude of exactly where that is on the accelerator
24 and stuff, so, that is exactly what we do.

25 MR. TURRELL: Okay.

1 MR. DEPPNER: And in this particular boat, I
2 know for a fact that if I have an unloaded boat, this
3 is the position for the accelerator. And if I have a
4 loaded boat, it takes a little bit more power to get
5 the engine, you just push it forward about another
6 inch.

7 UNIDENTIFIED SPEAKER: All right. How long
8 have you been handling this boat?

9 MR. DEPPNER: I have been handling this boat
10 pretty consistently for, almost two years.

11 MR. TURRELL: Okay. And --

12 UNIDENTIFIED SPEAKER: Which is your typical
13 run, Frank?

14 MR. DEPPNER: Well, after we have passengers
15 on the weekend, or even during the week, it is during
16 the summer, it is Fells Point and most of the trips are
17 between Fells Point and Fort McHenry.

18 UNIDENTIFIED SPEAKER: How long have you been
19 doing that?

20 MR. DEPPNER: Oh, that has been almost the
21 entire time that I have been with Seaport now, this is
22 the third year. And we make stops in Canton, and,
23 there are four, five different places in Canton, that
24 we go in and out of all the time.

25 UNIDENTIFIED SPEAKER: -- provide some

1 background.

2 MR. DEPPNER: Yes.

3 UNIDENTIFIED SPEAKER: How long you have been
4 on --

5 MR. DEPPNER: Yeah, and that is -- I have
6 worked at Seaport.

7 MR. TURRELL: Okay. The radios that you have,
8 can you describe the communication ability that you
9 have on the boat?

10 MR. DEPPNER: We have a UHF, I think the, no,
11 I think VHF, and it is the white radio that we refer to
12 sometimes as, I keep the volume turned a little higher
13 than normal. All the captains will -- to point to
14 where it all stops. But, I found the radios work
15 better if I have stop the squelch, give them an
16 additional third of a turn and it seems a lot of
17 background chatter and everything, just eliminates it.

18 And that radio was on and that radio was working. It
19 was working well. And that was the radio that I used
20 when I communicated with John Glenn, when he advised me
21 to get to the closer place where I could tie up.

22 MR. TURRELL: Okay.

23 MR. DEPPNER: And in addition to that, we
24 generally have what we call the black box, it is a VHF
25 radio, and I guess that radio is probably lost down

1 there somewhere and is my cell phone, and I normally
2 have my cell phone with me. And all the captains know
3 that our perspective cell numbers and if needed, we do
4 use our cell phones. And I had my cell phone with me
5 and thank God I have it insured, because even if I
6 don't go today, I will probably go tomorrow and get a
7 replacement for that cell phone.

8 MR. TURRELL: Okay. And what kind of company
9 policy, is there any written materials or handbooks or
10 manuals or any sort of materials the company provides
11 you about operating the boat and operating procedures?

12 MR. DEPPNER: I would like to let Ron answer
13 that more than myself, but, I think at Seaport, in many
14 respects -- of the captains, to have them trained to
15 do what they are hiring us to do when we come onboard
16 as a captain. And I know that from my own background,
17 digressing just a little bit, in the Army, we never did
18 a thing unless we were first trained in order to use
19 this new piece of equipment. And in the process of
20 transitioning from the training, we had on the job
21 training. And then after the on the job training, it
22 was determine if we had a proficiency and then we would
23 go out and do it by ourselves.

24 MR. TURRELL: Okay.

25 MR. DEPPNER: And as I recall, the first day,

1 first week of being brought into Seaport Taxi, Ron was
2 my mentor at the time and Ron went out with me and
3 before I went out with boats alone, I was with another
4 captain for a day or more, to be sure that, you know, I
5 understood what I was suppose to do. I understood the
6 locations of where we went to. I understood how to
7 dock the boat, and we sometimes in a joking manner
8 called the Seaport docking, control crash, just going
9 in slow enough, the bough, and there are rubber bumpers
10 there, on the boat, as well as on the dock. And it is
11 very easy and you just are in there and --

12 MR. SILVER: Control crash. It is kind of an
13 unusual, if you are not, if you are not a commercial
14 captain, it is kind of unusual feeling to be going at
15 straight at a dock.

16 MR. DEPPNER: Well, having my own boat, and
17 everything, it was very ususal. You know, Ron, to
18 break myself of the traditional dock, where you come
19 along the side and use your bumpers and you tie up.

20 MR. TURRELL: Right.

21 UNIDENTIFIED SPEAKER: All right, when was the
22 last time that you participated in the man overboard
23 drill?

24 MR. DEPPNER: Two weeks ago, three weeks ago.

25 MR. TURRELL: So, did they, does the company

1 provide any written materials to your knowledge? Do
2 you have any, anything they have given to you in
3 writing at all for company procedures or anything about
4 safety, possession of alcohol in the boat or anything,
5 company directives, what is tolerated on the boat,
6 what, you know, you are a captain, what passengers, do
7 you have guidance on how to handle?

8 MR. DEPPNER: There isn't very specific
9 guidance that I am aware of. The only thing can I tell
10 you, all of the -- alcohol number one is not required,
11 and there is a time limit in terms of consuming, or
12 consuming alcohol before you get on the boat. We
13 generally don't tolerate anyone to bring any alcohol
14 on the boat. We are just trying to keep that
15 environment on the boat where everybody is happy,
16 everybody is having a good time and I guess I enjoy
17 myself as being a captain, because of the passengers
18 coming and going, more so than just handling that boat.

19 MR. TURRELL: Okay.

20 MR. DEPPNER: Because there are a bunch of
21 good people that travel Seaport all the time.

22 MR. TURRELL: So -- Actually, I am going to
23 get into the training here in just a moment.

24 MR. SILVER: Okay.

25 MR. TURRELL: Does the company provide

1 training sessions that give oral instructions on a
2 regular basis?

3 MR. DEPPNER: Generally all --

4 MR. TURRELL: Okay. And what is the nature of
5 that?

6 MR. DEPPNER: Well, it is some lecture in
7 terms of sort of admonition in terms of this is what is
8 acceptable, what is not acceptable and --

9 MR. TURRELL: So, there is a format, you are
10 all in a group.

11 MR. DEPPNER: Yes.

12 MR. TURRELL: How often is that held?

13 MR. DEPPNER: Well, as often as necessary.
14 Sometimes it is every Friday morning, Saturday morning,
15 and anything that has occurred in the time frame, just
16 like the past week, they will discuss and if needed,
17 mates and captains are contacted, to get in a half hour
18 earlier or something of this nature, in order to get
19 some updates or something along that line.

20 MR. TURRELL: So you would characterize, how
21 would you characterize the overall communication
22 between the company and yourself as captain? Good,
23 frequent?

24 MR. DEPPNER: I would almost say that it is a
25 constant ongoing thing.

1 MR. TURRELL: Okay.

2 MR. DEPPNER: I know that I am talking to Ed
3 every week. I talk to Ron every week. It is not an
4 every day occurrence, because I don't work every day.

5 MR. TURRELL: Right.

6 MR. DEPPNER: But, on those days that I do
7 work, I talk to either Ron or Ed and if there is any
8 new, anything, they will advise me and tell me.

9 MR. TURRELL: Ron, do you have something to
10 ask? I am sorry.

11 MR. SILVER: Yeah, I thought there was a
12 little bit of confusion. One, we don't lecture the
13 captains on alcohol use, or drug use. We understand
14 and assume that all captains are licensed Coast Guard
15 as such they completely understand, you don't touch a
16 drop within 12 hours before you go on a shift, you use
17 no drugs. If at any point you have to take
18 prescription drug that could impair yourself, you need
19 to excuse yourself from service.

20 MR. TURRELL: Okay.

21 MR. SILVER: Those are Coast Guard
22 regulations, and all Coast Guard licensed captains.

23 MR. TURRELL: Okay.

24 MR. SILVER: If anyone is found violating any
25 of that policy, they are out of here.

1 MR. TURRELL: Okay.

2 MR. SILVER: And they all know it. And I
3 think that is why Frank didn't answer you.

4 MR. TURRELL: And that is what I meant, with
5 the passengers, an overall guidance in the operation.

6 MR. DEPPNER: I would like to add, that
7 Seaport through the Living Classroom Foundation has a
8 drug testing program and we get pulled into that
9 periodically. And as a matter of fact, within the past
10 five, six weeks or so, I have been pulled into that.
11 And --

12 MR. SILVER: Random selection drug.

13 MR. DEPPNER: Right.

14 MR. TURRELL: So, you were randomly drug
15 tested --

16 MR. DEPPNER: Yes, yes.

17 MR. TURRELL: About five weeks ago or so.

18 MR. DEPPNER: It might have been a little bit
19 more than that, but it was within the recent months.

20 MR. TURRELL: Okay. Great.

21 MR. SILVER: It is Consortium that does that.

22

23 MR. DEPPNER: They have a both of different
24 offices, I know I use the one down on --

25 UNIDENTIFIED SPEAKER: And just to follow on

1 the training, the man overboard drill was part of
2 season launched training or --

3 MR. SILVER: From a company, from a company
4 perspective, every time we go full training sessions
5 for all crews. With the specific focus on the new
6 crew, which does include paperwork handouts, man
7 overboard drill, fire suppression drill, and then we
8 also do a hands on training program. And the emphasis
9 is on new crew coming in, which is very typical for us
10 to bring in a lot of new mates during the season. The
11 man overboard drill that Frank specifically is
12 referring to, is our mid winter follow up drill and
13 that is for all, for the most part season people,
14 people with us for a fair number of time, a fair amount
15 of time. By definition, if they are here in the
16 winter, they have been with us for awhile. They are
17 our preferred captains. And it is a brush up, fire
18 suppression, man overboard drills in the winter, just
19 to keep everybody fresh on it. And we will do it again
20 when we start, you know, the new kids this year.

21 MR. TURRELL: Okay. The last thing I will do
22 is at the end of the interview I will ask if you would
23 draw a diagram for me about where you were turning.

24 So, I will turn the proceeding over to the,
25 Commander Hammond here of the Coast Guard.

1 LIEUTENANT COMMANDER HAMMOND: Just to
2 clarify, Captain, which, which direction did the vessel
3 capsize, did it capsize to the port, capsize to the
4 starboard?

5 MR. DEPPNER: It capsized starboard side.

6 LIEUTENANT COMMANDER HAMMOND: Starboard side
7 down.

8 MR. DEPPNER: Yes, and the port side just up
9 turned and the port side at the time was sort in a
10 westerly direction. The wind and what looked like a
11 wall of water, was pushing against that side of that
12 boat.

13 LIEUTENANT COMMANDER HAMMOND: And what was
14 your heading at the time it capsized, do you remember?

15 MR. DEPPNER: I was starting to go back
16 towards Fells Point and it should have been a westerly
17 direction, but I think the heading because of the wind,
18 was probably more of a northwest to north.

19 LIEUTENANT COMMANDER HAMMOND: You mentioned
20 you got weather reports, where do your weather reports
21 come in from?

22 MR. DEPPNER: I don't know if it was Kathi
23 that gave us the weather report or not. But, I know
24 there was a discussion on that, the picture on the --

25 MR. SILVER: The information I have at this

1 point, is the person in the office at the time
2 initially called in with the weather report. The
3 indication on the satellite view that it was going to
4 pass west of us. And the second report would have been
5 John Glenn calling to say that we were getting severe
6 weather down in the Harbor. So, I think it was, were
7 there two?

8 MR. DEPPNER: Yes. I got the weather report
9 and John Glenn called.

10 MR. SILVER: So, the weather report would have
11 been, if anyone sees anything unusual or we are aware
12 of any potential and unusual weather, whoever is in the
13 office at the time, monitors the Internet weather
14 system.

15 MR. TURRELL: Okay.

16 LIEUTENANT COMMANDER HAMMOND: Okay.

17 MR. SILVER: And apparently Kathi was
18 monitoring that.

19 MR. TURRELL: Okay.

20 MR. SILVER: And she would have been the one
21 to put the first notice out and John Glenn would have
22 been the one who made the second radio call to Frank,
23 telling him that it was, it was severe.

24 LIEUTENANT COMMANDER HAMMOND: Okay.

25 Is it standard priority each day that you

1 check weather forecast over an extended period of time,
2 just to know what you are going to be dealing with that
3 day? Do you typically do that?

4 MR. DEPPNER: I don't know what the other
5 captains do, from the day that I am going out on the
6 boat, the first thing I do in the morning, I am going
7 to turn on my television at home and I go to the
8 Weather Channel. And I will watch probably an hour of
9 what the predictions are for that day. And I did
10 that, yesterday and there was no prediction other than
11 the fact that somewhere in the known time frame, the
12 sun would come out and I know that if things get warmer
13 or colder, you know, you generally have more wind and
14 everything. But, there was no indication in the four
15 o'clock time frame there was going to be this humongous
16 wind that was coming into the Harbor. So, it was
17 something that I had no idea until, you know, the first
18 notice was, well, I guess the first thing we saw the
19 cloud structure that was off to the west.

20 LIEUTENANT COMMANDER HAMMOND: Right.

21 MR. DEPPNER: And then within, maybe 15, 20
22 minutes, it got dark clouds, that is when Kathi gave us
23 the information about the impending storm that was
24 coming through and would hit Baltimore.

25 LIEUTENANT COMMANDER HAMMOND: Is there a

1 specific go, no go, point where you look, assess the
2 weather conditions and say, I am not just not going to
3 try it right now, hold what I have got until it passes?
4 Is there any specific guidance? Or do you pretty much
5 play it by ear?

6 MR. DEPPNER: I don't know, I think the
7 guidance -- you know, anything that is 35 knots or
8 under, it is generally okay, at least that is what I
9 have generally go with. And if it gets 40 or above,
10 that is always a no go for at least for going out to
11 Fort McHenry. Because the water is a little rougher
12 as you go out the river, then when you are staying in
13 the Inner Harbor, Harbor Place area.

14 LIEUTENANT COMMANDER HAMMOND: Right.

15 MR. SILVER: The typical stated policy to
16 captains, especially if I am expecting bad weather is
17 what they are told on their own initiative, supported
18 by the company. If the visibility is dramatically
19 reduced, it is lighting, lighting in the immediate
20 area, or the wind is 30 to 35 knots, and there is any
21 sustained, any sustained winds in that vicinity, put it
22 into the bulkhead. Those are the three conditions.
23 Now, senior captain, myself or -- regardless of those
24 circumstances can call them to the bulkhead either
25 before a storm hits or even if we think something

1 coming, we will call to them to bulkhead. The captains
2 have the latitude, in any of those three circumstances
3 to put the boat in the bulkhead, no questions asked.
4 And there is no question as to why you did that?

5 LIEUTENANT COMMANDER HAMMOND: Okay.

6 MR. DEPPNER: And that occurred a number of
7 times last year. And throughout the entire summer
8 months when you have lightning storms or what have you
9 and we pull into the bulkhead more than once.

10 LIEUTENANT COMMANDER HAMMOND: You said when
11 you got the call from John Glenn to, recommending that
12 you go to the bulkhead.

13 MR. DEPPNER: Right.

14 LIEUTENANT COMMANDER HAMMOND: You said you
15 had two options, Henderson or BMC, where are those and
16 what is the distance between the two?

17 MR. DEPPNER: The distance was probably like
18 two miles, Ron?

19 MR. SILVER: From Fort McHenry?

20 MR. DEPPNER: No, from BMC to Henderson.

21 MR. SILVER: Oh, no.

22 MR. DEPPNER: No.

23 LIEUTENANT COMMANDER HAMMOND: Which one were
24 you going to go for, was it BMC or Henderson?

25 MR. DEPPNER: Well, I was going to go to BMC

1 because that is where I was closer because that was
2 sort of a bit further in, toward the Inner Harbor, from
3 the Fort, and Henderson, Henderson was then quite a bit
4 further.

5 LIEUTENANT COMMANDER HAMMOND: Okay.

6 MR. SILVER: Henderson, by the way is probably
7 half a mile from one end to the other end.

8 MR. DEPPNER: Right.

9 MR. SILVER: Depending on where Frank was in
10 relationship to it. BMC can be a quarter of mile away
11 or it could be a mile.

12 LIEUTENANT COMMANDER HAMMOND: Okay.

13 MR. SILVER: Because of the way those docks
14 are laid out.

15 MR. DEPPNER: And as I tried to get into that
16 area, I couldn't even turn in that direction. And the
17 wind seemed to be pushing me out and that is why I
18 mentioned earlier that I was almost pushed out to be
19 opposite the Bay Cafe area, and I said, gee, I will go
20 into the BMC on this eastern side of the BMC area. And
21 I couldn't even get there. And it was in that same
22 time frame that the boat capsized.

23 MR. SILVER: BMC has a large -- in the dock,
24 with cleats on it, and if Frank was coming directly
25 from the Fort, it would be pretty generally going from

1 south to north, directly into it. And if Frank ended
2 up here, he could have gone, you know, in a westerly
3 direction across this end of it, where there are also
4 cleats. One of the reasons we use it, is because it
5 has cleats on it and because of the very stable
6 platform. And they allow us to, by the way.

7 LIEUTENANT COMMANDER HAMMOND: Okay.

8 MR. SILVER: And that has obviously something
9 to it.

10 LIEUTENANT COMMANDER HAMMOND: Do you remember
11 where the children were sitting on the boat?

12 MR. DEPPNER: I think they were, they were a
13 number of children on the boat, probably five or more.

14 I think there were two or three in one family. They
15 were on the port side of the boat with their parents.

16 LIEUTENANT COMMANDER HAMMOND: Okay. Do you
17 know relative to the port or stern where they were?

18 MR. DEPPNER: They were very close to the
19 center of the boat, but a little bit more towards the
20 bough and towards the stern.

21 LIEUTENANT COMMANDER HAMMOND: Okay. And that
22 is on the port side, right?

23 MR. DEPPNER: Yes.

24 LIEUTENANT COMMANDER HAMMOND: Who is
25 responsible for conducting the safety brief prior to

1 getting under way?

2 MR. DEPPNER: Prior to getting under way? The
3 mate generally does that and the mate instructs where
4 the life jackets are. They are underneath their seats.
5 And in addition to the adults, specifically points out
6 where the child vests are, they are forward on the port
7 side and there is a half dozen or more of them there.
8 In addition to that, the policy generally is to stay
9 seated while we are leaving the dock or stopping. And
10 if at all possible, we try to keep people generally
11 seated during the entire ride on the taxi as opposed to
12 just letting them get up and walk around, because of
13 the balance of the boat.

14 LIEUTENANT COMMANDER HAMMOND: Did you hear
15 the mate in this particular voyage give a safety
16 briefing?

17 MR. DEPPNER: Yes, very definitely. As matter
18 of fact, Mike, being more mature, I think Mike has his
19 captain license now. And Mike is very much aware of
20 what all they require.

21 LIEUTENANT COMMANDER HAMMOND: Okay.

22 MR. SILVER: Can I ask --

23 MR. TURRELL: You will be able to questions.

24 MR. SILVER: Or just add to his comment.

25 MR. TURRELL: Yes, sure.

1 MR. SILVER: It is just that also with this
2 boat, does not require a mate. So, we had an
3 additional mate.

4 MR. TURRELL: Do you normally operate the boat
5 without a mate?

6 MR. DEPPNER: The first year that I was on
7 Seaport, there were some occasions where a mate didn't
8 show or maybe for part of the day, where I had a money
9 box and all that sort of stuff.

10 MR. TURRELL: Okay.

11 MR. DEPPNER: And we would sell tickets and
12 everything. And I guess this goes back to 2002 and I
13 haven't operated a mate since then.

14 MR. TURRELL: Okay.

15 MR. SILVER: We try to keep mates on those
16 boats because of the distance of the run and it is a
17 little easier on the captain if there is somebody --

18 LIEUTENANT COMMANDER HAMMOND: You said you
19 were going to ask him to illustrate.

20 MR. TURRELL: Yeah, at the end.

21 LIEUTENANT COMMANDER HAMMOND: That is the
22 only other questions I have. I think that will be
23 satisfied by that.

24 MR. TURRELL: Okay. Great.

25 We will go, Mariette?

1 MS. BURER: I don't have any questions.

2 MR. TURRELL: Officer?

3 OFFICER SHOCKEY: Were most of the passengers
4 cooperative yesterday?

5 MR. DEPPNER: This is, I think, came very
6 natural thing, the passengers generally are very
7 cooperative. Every once in awhile you get some who
8 will be cantankerous person. I don't have much of a
9 difficulty dealing with people. I don't argue with
10 them. You never do. If they want argue, I say, hey, I
11 can pull into the bulkhead and let you off, if that is
12 what you want to do. My MO is not to argue.

13 OFFICER SHOCKEY: So you didn't have one
14 yesterday --

15 MR. DEPPNER: No. No. No.

16 OFFICER SHOCKEY: Was anyone standing up just
17 at the time?

18 MR. DEPPNER: No, there was nobody standing.
19 There was no shifting of people from one side of the
20 boat to the other. Everybody was seated and that boat
21 capsized.

22 OFFICER SHOCKEY: Okay. Where was the mate?

23 MR. DEPPNER: The mate was in the rear of the
24 boat.

25 OFFICER SHOCKEY: Okay. When he gives his

1 messages are they on an intercom system, that they use
2 to give the safety speech or is it just --

3 MR. DEPPNER: No, generally, on both sides of
4 the one boat I had yesterday, it is not needed, an
5 individual voice carries sufficiently.

6 OFFICER SHOCKEY: And most people are quiet
7 during this?

8 MR. DEPPNER: Oh, yes, sure. Every once in
9 awhile you hear a child scream, but that is only
10 normal.

11 OFFICER SHOCKEY: I have no further questions.

12 MR. TURRELL: Andy?

13 MR. MURRAY: I don't have any questions?

14 MR. TURRELL: Okay. Have just a couple.
15 First of all, is there anything now that we have asked
16 questions that we jarred your memory you would like to
17 add? Anything that strikes you or any other comments
18 you would like to tell us?

19 MR. DEPPNER: One thing I would like to offer
20 and I don't use this word very often, and it is rogue,
21 and I see this wind that came up all of a sudden
22 yesterday as being one of the things that is
23 unexpected. I thought of that word yesterday and it
24 kept hitting me this morning and it was overall wind.
25 It just came from nowhere. And it was all of a sudden,

1 and it seemed like as fast as it came, it went away.
2 It was almost like there was a spiral of wind or spiral
3 of, a hurricane, or tornado or something of that and I
4 know the report was 55 knots or something like that. I
5 think it was more than that. Because I think I have
6 been out there probably at 50, you know, I can say that
7 the boat was leaning, you know, go in the wind and you
8 are okay, and when you get into the dock, you know, you
9 are away from the wind and everything. I would think
10 that the wind that hit that boat yesterday was closer
11 to 70.

12 MR. TURRELL: Okay. What was the general sea
13 conditions, that you can give us, like the size of the
14 chop, overall --

15 MR. DEPPNER: The size the chops had turned
16 from very calm in the time frame up until almost two
17 o'clock, until maybe chops of a foot, foot and a half.
18 There were little light foam developing, which is not
19 unusual. And not an indication that we shouldn't
20 operate. But, in the, I would say -- to the time that
21 the boat capsized, those were chops were probably much
22 more and it happened so fast that I couldn't see it,
23 but, I do know the wind pushing the water against the
24 port side of the boat was sufficient to just obscure
25 that entire side of the boat. I couldn't see anything.

1 And I don't know what the height of the boat, about 17?

2 MR. SILVER: I think the windows -- The
3 windows and the water line are probably seven.

4 MR. DEPPNER: Yeah, it was blocked out and I
5 don't know if that was the wind or the wind blowing the
6 rain, or the wind blowing the water or a wave type
7 action. It was hard to tell.

8 MR. TURRELL: Okay. And the last question I
9 have is, did you talk to any other vessel in the area
10 where you, did you converse with anyone, passing
11 traffic, or ships in the area?

12 MR. DEPPNER: No. We operate on channel 71.
13 And we try to almost keep that as an inclusive Seaport
14 channel. And we talk to our other Seaport boats. It
15 is very unusual for us to ever talk to another boat.

16 MR. TURRELL: Okay. Does anyone else have
17 anything at this time? We will go off the record.

18 Captain, if you would just mind re-
19 acknowledging it is being tape recorded. And we will
20 end the interview. Just acknowledge that it is being
21 recorded one last time.

22 MR. DEPPNER: I acknowledge that the fact this
23 entire interview has been recorded.

24 MR. TURRELL: Okay. Great, thanks.

25 (Whereupon, the interview was concluded.)