

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of: *
NEW DELHI EXPRESS * Docket No.: DCA-06-MF-013
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Interview of: CAPTAIN JOHN D. BATES

Bayonne, New Jersey

Saturday,
April 15, 2006

The above-captioned matter convened, pursuant to
notice.

BEFORE: ROB JONES

APPEARANCES:

ROB JONES
National Transportation Safety Board

LT. CHARLES COBB
United States Coast Guard

DAVID KRAMMER
Seaspan

JAMES MERCANTE
Counsel for Captain John D. Bates

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1 and Master from July 12th, 1978, until February of 1988. At
2 that time there was a strike in New York Harbor and I no longer
3 was employed by Moran Towing. In March of 1988 I went to work
4 for Turecamo Maritime and I was employed there as a Captain and
5 I later in October of 1989 I joined the McCormick Pilot
6 Organization as a Docking Pilot for the Port of New York and
7 New Jersey. I worked at Turecamo from 1988 until 1998.
8 November 1st, 1998, there was a merge or acquisition of
9 Turecamo joining with Moran and I went to work for the
10 Metropolitan Pilots at that time as a Docking Pilot, as an
11 independent contractor handling all of Moran Towing's ship
12 dockings in New York Harbor and I've been employed since and I
13 now serve as a Full Share Docking Pilot and we are licensed by
14 the State of New Jersey as New Jersey State Docking Pilots,
15 also.

16 Q. Okay.

17 A. I -- I've received training for radar, bridge
18 resource management at different facilities.

19 (Background conversation.)

20 BY MR. JONES:

21 Q. Okay. One of the things we also looked at is the
22 history during that day just back a little ways with regards to
23 work hours and sleep --

24 A. Okay.

25 Q. -- sleep time. If you could go back just

1 approximately three days, 72 hours, just -- and just general.

2 It doesn't have to be --

3 A. Sure.

4 Q. -- too specific.

5 A. The date of the incident was April 15th. April 14th
6 I was on duty from noontime to midnight in the rotation of
7 pilots. I was not called into work during this period of time
8 and I was off two days prior on my time off and during my two
9 days prior, I did not do any ship work. I just maintained -- I
10 was at home and did, you know, normal family things around the
11 house. I did rest during the day and I came into our pilot
12 trailer at about midnight and I was -- went to sleep, we have a
13 bunk there, from midnight until approximately 3:00 in the
14 morning when I was called to the -- for the job for the New
15 Delhi Express.

16 Q. Okay. If -- and just a hint, just maybe speak up a
17 little bit louder just in case.

18 A. Okay.

19 Q. You just seem to be trailing down a little. I know
20 you're doing all the talking, but, now, could we just take it
21 from the callout when you got the call and how you got out to
22 the vessel --

23 A. Sure.

24 Q. -- taking over and then up to the incident.

25 A. I received a phone call approximately 3:00 in the

1 morning from out dispatcher and I was assigned the job of the
2 New Delhi Express to pilot from St. George Upper Bay, New York
3 Harbor, to Berth 59 at Port Newark. At that time I got up, got
4 dressed, got my radios, got tide book, all the work things that
5 I would need and I reported to the tug Merriam Moran that was
6 at Moran's yard and at that time went on board the tug. The
7 Mate on watch basically took the boat out to the vicinity of 22
8 Buoy where we waited for the New Delhi Express to come in. We
9 were standing by waiting for the ship to come in. There were
10 three ships inbound that morning. The Queen Mary was coming in
11 to go to Brooklyn and my ship was the first ship in the parade
12 as we would call it of three ships that morning. There was a
13 Maersk ship, I believe, also in the parade. I believe we
14 communicated with the Sea Pilot. He told us what ladder was
15 available. I climbed up a jacobs ladder. I believe it was on
16 the starboard side of the ship. It was on the starboard side
17 of the ship, and I was met on the main deck of the ship by a
18 crew member and I was taken to the bridge at which time I
19 introduced myself to the Captain. I saw the Sea Pilot, Steve
20 Naples. I've know him my whole career as a Pilot. We
21 exchanged, you know, greetings and then we discussed the ship,
22 that, you know, length overall, draft, pilot exchange of
23 information. I took over the con in the vicinity or on the
24 Connuck Range (ph.).

25 Q. Connuck Range?

1 A. Yes, sir.

2 Q. Okay. I -- at that time the visibility was by my
3 estimate a mile and a half. There had been little pockets of
4 fog out in the bay when I boarded the ship.

5 We -- our orders were to proceed, you know, Connuck
6 Range, Upper Bay New York Harbor to Berth 59, Port Newark and
7 we were to dock the vessel starboard side tow. That was the
8 orders we had. The draft of the vessel was approximately 39
9 feet. The air draft was 141 feet. The air draft being a
10 concern because in the vicinity of the Bayonne Bridge, with the
11 channel that has now been cut down in half due to the bridge
12 project, you have to be wary of your air drafts so that you
13 don't have any problems with coming in contact with the Bayonne
14 Bridge.

15 There was an outbound ship, the MSC Olson (ph.) that
16 I met in the Kill Van Kull in the vicinity of Atlantic Cement,
17 Bayonne. It was good visibility at this time. Shortly after
18 meeting the MSC Olson in the vicinity of Gordon's Terminal,
19 Bayonne, I heard chatter on Channel 13 about visibility
20 lowering in Newark Bay. With that in mind, I called on VHF
21 radio to my office. I was assigned two tugboats for the job
22 and I requested a third tug in the event visibility was going
23 to be poor for the job.

24 I continued piloting the vessel. When I was in the
25 vicinity of Coastal Bayonne, Bayonne City Dock, the visibility

1 by then had dropped down to just about zero. I did see the
2 Moran tug, Turecamo Girls come out of our yard which is out of
3 the Staten Island side, but I could not make out or see the
4 Bayonne Bridge at this time.

5 I had the Merriam Moran midfast with a tug line on
6 the starboard bow earlier. I had the Turecamo Girls come out
7 and put a line up on the port bow of the ship with a line made
8 fast, and I also had the Kimberly following behind to use as
9 needed on the quarters of the vessel to help me with
10 maneuvering if need be. When I -- I shaped up. I was on the
11 radar at this time, on the port radar and I was, you know,
12 that's what I was using to navigate and to, you know, keep us
13 safely in the channel.

14 The -- when I was in the vicinity of the Bayonne City
15 Dock, I could not see the Bayonne Bridge and I also could not
16 see the buoys, you know, that mark the channel. I told the
17 tugs to be very wary and if they saw anything to immediately
18 alert me via my VHF radio. They were on Channel 67, the tugs.
19 I put them on that channel so that they're just listening to
20 our job and they're plugged into what I'm doing. Channel 13
21 was on in the wheelhouse, as well as Channel 14, wheelhouse of
22 the ship, bridge of the ship.

23 I proceeded on a course of approximately 260 at which
24 time I felt that course would take me safely under the Bayonne
25 Bridge being that you're only able to use the right section of

1 the bridge and to get the ship safely around Bergen Point. At
2 a point along the transit in close proximity to the Bayonne
3 Bridge, the tug on the starboard bow, Merriam Moran alerted me
4 via the VHF radio that he saw the red buoy dead ahead, which
5 would be the 14 Buoy, at which time I gave orders to maneuver
6 the ship and I also instructed the tug to come ahead so that we
7 would clear the buoy and pass safely in the channel. The,
8 excuse me the -- at this time the Kimberly Turecamo was on the
9 starboard quarter for the job. I -- when we were under the
10 bridge -- at no time did I see the structure of the bridge, did
11 I see lights on the bridge on shaping up or going through this
12 section of Bergen Point, Kill Van Kull. When I did -- when the
13 tug did mention that the buoy was dead ahead, as I had him
14 maneuvering, I did look up on the radar at this time and I saw
15 a loom of the red lights on the starboard bridge wing. I did
16 not leave my port radar station. It was just an observation I
17 had. At this same time, the Sandy Hook Pilot was out on the
18 starboard wing and he informed me that we were inside the red
19 lights of the bridge.

20 We continued in zero visibility. I was told by the
21 Sea Pilot that we cleared the buoys -- the buoy and we took
22 a -- started to take a severe starboard list. The ship I
23 believe was stopped at this time. The ship continued to list.
24 The tug on the starboard bow let his line go just as a safety
25 precaution. You know, he was concerned about, you know, the

1 list of the ship. The tug on the port bow kept his line up. I
2 did have him backing, you know, during this evolution. We came
3 to a stop. We then went from piloting the vessel into a
4 determine what caused this list. The tanks were sounded,
5 drafts were taken by the tugs that were assisting me. I called
6 the -- the Coast Guard was notified via telephone. I'm not
7 sure if they got a phone call on Channel 14. I spoke to them
8 at some point on the telephone and I did put the port anchor
9 down and we basically were assessing, you know, the situation
10 and how the ship was listing at this time.

11 My office was notified. I asked for additional
12 tugboats and we -- I was relieved by another pilot at
13 approximately 5:40, 5:45 it was, just on my -- I was taken off
14 the -- I'm sorry. I was taken off the tug and I responded to
15 our yard and I went for an alcohol test and a drug, you know,
16 alcohol and drug testing via urine analysis and that's a
17 synopsis of what happened on that morning.

18 Q. Okay, Captain. Thank you. Let me -- give me a
19 second to go through a couple of notes.

20 (Pause.)

21 BY MR. JONES:

22 Q. Thanks. It was very descriptive. This is Rob Jones
23 now. When you dropped the anchor, let's just start at the very
24 end there.

25 A. Yes, sir.

1 Q. Where was the ship now holding position? This is the
2 chart given to us by the -- your best estimate.

3 MR. RICANTE: Can you describe what that is, Rob, the
4 chart given to you by the --

5 MR. JONES: Yeah. This is the BA chart that was used
6 on the vessel at the time of the incident.

7 MR. RICANTE: Okay. And that's Jim Ricante asking
8 that question by the way so the recorder gets it.

9 CAPTAIN BATES: Are you saying, Mr. Jones, do I agree
10 with the position that's --

11 BY MR. JONES:

12 Q. Well, in your best, you know, we -- we're
13 understanding as you described to us how the vessel came across
14 around by the 14.

15 A. That's correct.

16 Q. I'm just trying to understand where the vessel came
17 to rest. Did it re-float and you had put the one -- the port
18 anchor down. Was it now sitting floating in the harbor,
19 just -- and just listing to starboard or was it again -- did it
20 ground again after hitting that side?

21 A. I can't honestly say that, whether it was aground or
22 list. I know it was list and that I can say. I put the anchor
23 down so that we would have a definite position and with the
24 current was going to change from ebb current to flood
25 current --

1 Q. Okay.

2 A. -- that we would have a -- we're still in zero
3 visibility during this entire --

4 Q. Right.

5 A. -- during my entire time on this vessel and I felt by
6 putting the anchor down, that would give us a definite position
7 of where the vessel was without moving forward, backwards,
8 sideways and then we could get in a position to assess the
9 situation, the drafts and whatnot on whether we were going to
10 continue with the vessel up to the pier or to another pier.

11 Q. Okay.

12 MR. RICANTE: Rob, I will make the clarification, not
13 an objection but clarification. You said, you know, aground
14 again and he never said the vessel went aground and I don't
15 think it's been determined whether it went aground or struck a
16 submerged object, but I don't think anyone on the ship, at
17 least Pilot, anyway, felt what happened or the ship grounded.
18 So, I just want to make that as a clarification.

19 MR. JONES: Okay. And I just want to clarify, I'll
20 do the questioning and don't try to interpret it what I'm
21 trying to ask. I mean, I --

22 MR. RICANTE: Well, if you prefer me to do it as an
23 objection I will. You said I could object and --

24 MR. JONES: Well --

25 MR. RICANTE: -- I certainly can objection. You said

1 aground again, Rob, and --

2 MR. JONES: Well, I said aground --

3 MR. RICANTE: And he never said --

4 MR. JONES: He --

5 MR. RICANTE: He never said the ship grounded.

6 MR. JONES: The Pilot never did that and I --

7 MR. RICANTE: --

8 MR. JONES: -- didn't say he did. I'm hearing
9 stories, you know, now that I've been here and I'm trying to
10 clarify. What I asked was is this the position that the Pilot
11 can remember that the vessel --

12 BY MR. JONES:

13 Q. You were on board for approximately another hour and
14 a half before you got relieved. What --

15 A. Right.

16 Q. I'm just trying to find out the sequence of events
17 after --

18 A. Okay.

19 Q. -- passing close by Buoy 14, what did the vessel do
20 from that time there after you put the anchor down --

21 A. Okay.

22 Q. -- and when you got relieved.

23 A. That's fine.

24 Q. All right.

25 A. I can answer that, sure. When we went by the Buoy

1 14 --

2 Q. Yeah.

3 A. -- the ship started to take a severe starboard list.
4 Now, I've seen -- she listed, by getting information from the
5 Master and ship's personnel, they were telling us it had a 9 to
6 11 degree list, somewhere between that. The vessel -- as I
7 said, I had the boat on a port bow to stop, you know, we had
8 stopped the engine and I was backing tugs on the port bow to
9 get the vessel under control and I was also thrusting the
10 vessel to starboard full to keep her in the channel and to keep
11 her possibly going in the direction going back around Bergen
12 Point to go up, you know, to our destination. During this
13 whole time we were taking an assessment of what the draft was
14 and the channel is approved for 45 feet. Now, I never got an
15 exact stern draft while I was on the ship, but the reason for
16 putting the port anchor down was we would know with the port
17 anchor down where the ship was at that time and then to go up
18 from there to see if I was going to start towing the ship.

19 I was also doing things like questioning if we had an
20 engine, you know, because we knew we had a casualty of, you
21 know, due to the list and then I was told by the Master, I
22 guess he heard from the engineering or from the deck department
23 that there was a hole in number four tank, and that's what was
24 going on and I was regrouping and just basically wondering if
25 we were going to be salvaging or what was going to happen.

1 Q. Sure. Now, I understand the, you know, everybody
2 trying to find something out at the time --

3 A. Okay.

4 Q. -- that it happened. I'm just -- this is the
5 position, that circle here, that the -- basically came off the
6 vessel's navigation system.

7 A. Okay.

8 Q. Which is, you know, I'm just trying to interpret how
9 that -- how the vessel got there at that point. I mean, to the
10 best of your recollection, is that where you were sitting at
11 anchor?

12 A. That -- yeah, I would agree at port -- I don't know
13 what time, like I say, and I told Mr. Cobb --

14 Q. Yeah.

15 A. -- I don't want to make a statement that's untrue.

16 Q. Sure.

17 A. But I don't know what time the anchor was dropped in
18 relation to, you know, when we first observed the list. So, I
19 don't want to tell you I dropped the anchor at 4:40 and maybe I
20 dropped the anchor at five to five.

21 Q. Sure.

22 A. Or maybe I dropped, you know, and I don't want to be
23 misquoted on that at that time, but --

24 Q. Okay. That's understandable.

25 A. And, but the main reason for the anchor was to hold

1 the ship in the position so that with the change of tide that
2 was going to be coming at Bergen Point, that, you know, we
3 didn't go any further or get ourselves in any more trouble.

4 Q. Okay. Do you know how much chain you put out?

5 A. I believe we put down -- I said let go of the port
6 anchor. I believe we probably had a shod or two --

7 Q. Okay.

8 A. -- in the water.

9 Q. Up on deck -- or in the water?

10 A. I believe so.

11 Q. Okay. And the tugs that were -- did you say both
12 were pushing on the starboard side when you thought you were
13 closer to -- when the Sandy Hook Pilot had told you that the
14 buoy was close to the starboard side?

15 A. No, I had the -- I gave orders to the Merriam to
16 push.

17 Q. And that was starboard bow?

18 A. Yes, sir. And I believe I gave orders at the same
19 time to the Turecamo Girls on the port bow to start backing.
20 Tug on the quarter, I did not give him an order to start
21 pushing because at the time the Merriam said that he was
22 clearing the buoy. He was clear of the buoy, and that's when I
23 moved -- I came -- I had come left and then I came right, but I
24 didn't start. And shortly after we went by this 14 Buoy, the
25 entire ship progressed past, I believe I was thrusting at this

1 time to starboard pull, you know, making the stern as you say.

2 Q. Okay.

3 A. I did not have the tug on the quarter, the Merriam
4 working, you know, other than standing by right there.

5 Q. Okay.

6 MR. RICANTE: You said the Merriam, you mean --

7 CAPTAIN BATES: I mean to say the Kimberly. I think
8 that's the boat you were questioning about.

9 BY MR. JONES:

10 Q. Yeah. Yeah.

11 A. Uh-huh. But shortly thereafter is when the list
12 came.

13 Q. Okay. Now, as you approached the bridge, you said
14 you were steering about 260?

15 A. We'd been steering 260 back towards the Bayonne City
16 Dock or at a point prior to the bridge. Based on -- there was
17 some -- Steve Naples who I said was helping, you know,
18 assisting me with giving me information stated that according
19 to his computer, it looked like we were kind of tracking for
20 the green buoy and the dynamite barge or fractor which is the
21 explosive barge that is outside of, in close proximity to
22 the -- that 15 Buoy. So, I did alter course to starboard to
23 get me a better heading to get away from the green side.

24 Q. Okay. That was the steering order you gave the
25 Helmsman?

1 A. I believe I gave him starboard 10.

2 Q. Starboard 10, okay. And how long did you get keep
3 that on, do you know, or what was the next helm order after
4 that?

5 A. I would think midships and steady and then shortly
6 thereafter we started seeing red buoys and we started to take
7 evasive action.

8 Q. Okay. And that evasive action was? I don't know if
9 you covered that the first time. Just the helm orders for
10 the --

11 A. As soon as I was informed by the tug, that's the --
12 that's who I heard about the position of the buoy. I didn't
13 get -- there was no phone call from the bow watch or any of
14 that. It was via VHF radio. I went 420 was my first order and
15 I told the tug to start pushing.

16 Q. Okay. All right. If we could just go back, Captain,
17 just kind of -- with regards to the fog in the Kill Van Kull,
18 is there any policies that the Pilots have that you know of to
19 stop, you know, stop traffic in certain visibility?

20 A. In the area -- where we were -- in the area of Bergen
21 Point where the security zone has been set up for one-way
22 traffic, at a certain time the zone will be closed down due to
23 visibility at a half mile. When I --

24 MR. RICANTE: Just to clarify. He mentioned -- did
25 you say the Pilots? You're responding about the Coast Guard.

1 MR. JONES: No, I'm --

2 MR. RICANTE: You're talking about the pilots, right?

3 MR. JONES: Yeah. This is Rob Jones again. I'm
4 asking --

5 BY MR. JONES:

6 Q. -- any restrictions that you know of while you're in
7 the Kill Van Kull with regards to visibility. What do you --
8 what operate -- what do you operate under?

9 A. I don't -- I would never leave a -- leave -- I would
10 never get underway in zero visibility and I would never start a
11 voyage going into an area of zero visibility.

12 Q. Okay.

13 A. If you're caught, as I was caught, in zero
14 visibility, you -- it would have -- I had to continue to get to
15 a safe area and that area I was to stop and try to stop the
16 ship and back out the entire kills, that at that time wasn't an
17 option in the area where we were. There's not enough room to
18 turn the ship around in -- on -- in that chartered body of
19 water and go back out to the anchorage or to another location.

20 Q. Okay. Does the Coast Guard have any policy that you
21 know of with regards to visibility?

22 A. There have been directives that have been sent down
23 to us and in conditions of fog, the vicinity of Bergen Point
24 has been closed by the Coast Guard, as it was closed after the
25 ship was moved until the visibility cleared that day, you know.

1 Q. Okay. And the two tugs made up on the bow, that was
2 just one line each, Captain?

3 A. Yes, sir.

4 Q. Okay.

5 A. A line leading from the -- it was the tugboat's line
6 made fast on the bits of the ship and made fast to the main
7 bits of the tug.

8 Q. Were they all the way forward up on the bow, up on
9 the tulksil (ph.)?

10 A. They -- yes, they were as far forward as they could
11 safely be.

12 Q. Okay.

13 A. They weren't made up through the center lead or --

14 Q. Okay.

15 A. -- any arrangement like that.

16 Q. All right.

17 A. Due to the flair of the ship the tugs could only get
18 up to a certain spot that's where they were made fast.

19 Q. All right. That's all I have right now. I'm going
20 to turn it over to Lieutenant Cobb. Thank you.

21 LT. COBB: This is Lieutenant Cobb with the Coast
22 Guard Sector in New York.

23 BY LT. COBB:

24 Q. Captain Bates, I only have just a couple of questions
25 just to clarify some of the stuff that you went over already.

1 When you -- you stated that you first came on to the vessel
2 around the Buoy 22 out in the Bay, in the Upper Harbor?

3 A. That's correct.

4 Q. When you came on, was there anything past to you,
5 either Pilot exchange or Master Pilot exchange on the condition
6 of the ship, any anomalies with navigation?

7 A. Not that I can recall.

8 Q. Okay. Anything mentioned on radar error or gyro
9 error?

10 A. No.

11 Q. So, as you piloted the vessel through the kills, did
12 you notice anything that was different? Did you have any
13 issues that you were concerned on?

14 A. No. When I started piloting and I -- I had
15 visibility and I was piloting, you know, by eye, I guess would
16 be the term. The courses that I was putting the ship on like
17 being on the Connuck Range all seemed to add up to the proper
18 courses that, you know, wouldn't cause any alarm.

19 Q. Okay. The course that you were steering, those are
20 all just -- you said you brought your pilot stuff on with you
21 when you came on board.

22 A. By pilot stuff I meant my tide book. We get a pilot
23 bill sign for the tugboats. We get a pilot bill sign for our
24 pilotage. That's what I meant by pilot stuff.

25 Q. Do you bring your own charts on, or --

1 A. No, sir.

2 Q. No charts. So, when you're steering courses, are
3 those just -- and I know that pilots go through an immense
4 amount of training because I've been over at the Regional Exam
5 Center proctoring some of the tests, so I know some of what you
6 go through. Is this all stuck in your memory, the courses
7 you're steering through, through the kills?

8 A. Yes.

9 Q. Okay. Is there ever a position or a time when you
10 fix your position on a chart or on the radar when you're, right
11 now I'm right here, so that as a reference point as you're
12 making your way through?

13 A. You mean go back and plot a position while I'm
14 piloting, no, sir.

15 Q. Well, not even plot a position, I suppose, but just
16 to, you know, take a hard reference, whether it be on the -- or
17 the radar.

18 A. On occasion I've done that but in this particular
19 voyage, no, I didn't make a mark on the chart or --

20 Q. Okay. One thing that I didn't hear last time and
21 it's one of the fundamental questions, a bow watch, you talked
22 about bow watch. Did you place a bow watch on or did the
23 Master already have a bow watch on?

24 A. I was under the assumption that there was a bow watch
25 placed.

1 Q. Okay.

2 A. The reason I make that statement, when I was a cadet
3 at the Merchant Marine Academy, I was involved in a collision
4 in fog on Ambrose Channel and I very distinctly remember that
5 phone ringing from the lookout --

6 Q. Right.

7 A. -- saying that there was a ship on our starboard bow.
8 That's over 30 years ago.

9 Q. Okay. The list was -- began to develop soon after
10 passing by Buoy 14. Did you give the orders to stop the engine
11 or did somebody else give the order?

12 A. No, I was given -- nobody relieved me of the con.

13 Q. Okay.

14 A. So --

15 Q. And that's really all I have right now. I don't want
16 to -- I know we talked before so I don't want to go over all of
17 that again. So, that's all I have right now. Thank you.

18 MR. JONES: Dave?

19 MR. KRAMMER: I have nothing.

20 MR. JONES: Okay. Nothing from Mr. Krammer.

21 MR. RICANTE: Can I ask you something while you're
22 thinking about what you're going to do next?

23 (Off the record.)

24 (On the record.)

25 MR. JONES: We're back on the record now.

1 BY MR. JONES:

2 Q. Captain, the only thing I can think of was during the
3 time that -- after the incident passing close by 14 where the
4 vessel came to rest and/or at anchor, did you see the E-Buoy at
5 all? Do you remember locating that either off the port or
6 starboard?

7 A. We were in such dense, dense fog that --

8 Q. Okay.

9 A. -- I don't remember --

10 Q. Okay.

11 A. -- seeing it.

12 Q. All right. And now --

13 A. At the same time there was information being relayed
14 by tugs, you know, on drafts in the channel and using their
15 depth finders and things and I was using that information, you
16 know, like up on the bow I remember at one point he said we're
17 in 54 feet of water here J.B.

18 Q. Okay. On your -- when you took the con and for the
19 trip in, did you have any problems with the helm? Did it
20 respond the way you felt it should respond? Did the Helmsman
21 do his job the way you felt he should -- it should be done?

22 A. Yes. I didn't notice at any point in the -- on
23 occasions when you pilot 400 ships a year, there are occasions
24 when a Helmsman does give you a rudder order that you didn't
25 want. For what I observed during this voyage, I got the helm

1 orders that I requested.

2 Q. Okay. When you were relieved while the vessel was
3 still at anchor --

4 A. Yes, sir.

5 Q. -- is that a normal procedure after an incident for
6 the Docking Pilots?

7 A. Yes, it is.

8 Q. Okay.

9 A. I was relieved by a Captain Weeners (ph.). He's a
10 Docking Pilot, New Jersey State Docking Pilot and member of our
11 organization. He came aboard approximately 5:40 and we had a
12 very brief exchange of information and I was taken down to the
13 pilot ladder and I went aboard the tug, Turecamo Boys and then
14 I was transferred over to the Merriam and then I responded to
15 our yard and I was drug tested at approximately 6:15, 6:30
16 hours.

17 Q. Okay. The -- I know the Sandy Hook Pilot had a
18 laptop aboard and --

19 A. There was a laptop aboard and that was, as I stated
20 earlier in my synopsis, that was forward of the radar that I
21 was working at.

22 Q. Okay. Were you referencing that at all, or --

23 A. I was not leaving my position at the radar to go look
24 at it, but on different occasions Captain Naples mentioned what
25 he had observed.

1 Q. Okay.

2 A. And I was using all the information to shape up for
3 the Bayonne Bridge so that we could safely get by the fractor
4 and the 15 Buoy and stay inside, you know, the navigable
5 channel.

6 Q. Yeah. Did you have any communications with the
7 fractor?

8 A. No.

9 Q. Okay.

10 A. No, sir.

11 Q. Did they show up good on the radar picture?

12 A. They're a pretty good target.

13 Q. Okay. Could you see the 14 on the radar?

14 A. Yes. I saw the, you know, I saw the 14 and there's
15 also a beacon, you know, I -- that's when I went to the 260
16 course, you know.

17 Q. Okay.

18 A. You know, I saw the 14 Buoy, you know what I mean.

19 Q. Okay. All right.

20 MR. JONES: I have -- well, Mr. Krammer.

21 BY MR. KRAMMER:

22 Q. This -- when you're coming up on something like this,
23 does the Coast Guard ever, you know, when the weather
24 deteriorates like this say the weather is closing down? Do
25 they advise at all or that's really let to you being on the

1 scene?

2 A. It's usually left to me being on the scene, but when
3 I did call the Coast Guard at approximately 0500 hours, I did
4 have a conversation with VTS. The first statement that the VTS
5 operator made was he was apologetic to myself coming into this
6 situation of zero visibility and what had happened.

7 Q. Do they have equipment that should have been able
8 to -- that they should have been able to warn you? I mean, I
9 understand you -- once you committed you committed, but
10 shouldn't they have been able to warn you at all of the pending
11 conditions?

12 A. The only -- the reason like I stated earlier would
13 have been -- they could have -- they didn't call me and ask me
14 on Channel 13 or Channel 14 that I heard of, what my visibility
15 was in that area, you know.

16 Q. I -- do they have equipment that allows them to see
17 the conditions?

18 A. I don't -- I know they have cameras and that we're
19 watched on camera and different things, but I don't -- and --
20 but I don't know if they have, you know, the dew point, the
21 temperature, and other things that indicate that fog might be
22 imminent.

23 A. Um-hum.

24 Q. I do know that, you know, that there are cameras at
25 Bergen Point that, you know, show what we're doing.

1 Q. Um-hum.

2 A. Or gives them an indication of where the vessels
3 are -- Q. Um-hum.

4 A. -- so that they can --

5 Q. Um-hum.

6 A. -- report information to, you know, other ships.

7 Q. Um-hum. And just one more. Then just -- from what
8 I'm hearing, you were confident throughout this passage that
9 you were within your markings and knew your position?

10 MR. JONES: Dave, don't lead --

11 MR. KRAMMER: Sorry.

12 MR. JONES: -- with the questions.

13 MR. KRAMMER: Okay.

14 MR. JONES: Just ask the questions.

15 MR. KRAMMER: Right.

16 BY MR. KRAMMER:

17 Q. So, from my understanding then, you knew where you
18 were throughout this passage?

19 A. That's correct.

20 Q. Yeah.

21 MR. JONES: All done?

22 LT. COBB: Yes, sir.

23 MR. KRAMMER: Thank you.

24 MR. JONES: Anything further, Lieutenant?

25 LT. COBB: No, I do not.

1 BY MR. JONES:

2 Q. Captain, one of the things the Safety Board does at
3 the conclusion of the interview is ask since you were involved
4 if there's anything that you could see or foresee that might
5 aid in keeping something like -- an accident from happening
6 like this again. I know you haven't had much time to think
7 about it, but some of the best recommendations we get are from
8 the people that actually were involved. This is just, you
9 know, thrown out there for you to, you know give your opinion
10 on if you'd like.

11 A. At this time I don't want to make a comment.

12 Q. Okay. All right.

13 MR. JONES: That will conclude the interview.

14 (Whereupon, the interview in the above-entitled
15 matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: Investigation of New Delhi Express
Interview of Captain John D. Bates

DOCKET NUMBER: DCA-06-MF-013

PLACE: Bayonne, New Jersey

DATE: April 15, 2006

was held according to the record, and that this is the original, complete, true and accurate transcript which has been compared to the recording accomplished at the hearing.

Mary Anne Jones
Transcriber