

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

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Investigation of: *
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MV ETHAN ALLEN, *
LAKE GEORGE, NEW YORK, *
OCTOBER 2, 2005 * Docket No.: DCA 06 MM 001
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Interview of: LOWELL PEACOCK

National Transportation Safety Board
490 L'Enfant Plaza East, S.W.
Washington, D.C. 20594

Wednesday,
October 5, 2005

The above-captioned matter convened, pursuant to
notice, at 8:30 a.m.

BEFORE: MARIETTE BURER

APPEARANCES:

MARIETTE BURER
National Transportation Safety Board

PATRICIA BARNES
National Transportation Safety Board

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I N T E R V I E W

(8:30 a.m.)

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3 MS. BURER: My name is Mariette Burer, and I'm with
4 the National Transportation Safety Board. Today is October
5 5th, and it is 8:30 in the morning. To my left is, go ahead
6 and state your name?

7 MR. PEACOCK: Lowell Peacock.

8 MS. BARNES: Pat Barnes, National Transportation
9 Safety Board.

INTERVIEW OF LOWELL PEACOCK

10
11 BY MS. BURER:

12 Q. Okay, Mr. Peacock, could you tell us what happened on
13 Sunday? Take us through from the beginning and guide us
14 through in your own words.

15 A. Well, we went down to the dock to enter the boat and
16 got on the boat and it left the dock. We got no instructions
17 from the captain as to safety instructions or where lifejackets
18 were or whatever. So, I've had enough experience to know that
19 that is the normal procedure. I looked around and I could see
20 a box up front and it said child lifejackets. And there was a
21 box in the back. But I didn't see any lifejackets around other
22 than those boxes.

23 We left and the tour was fine until -- I was sitting
24 on the left side of the boat in the middle, my wife and I. I
25 have a boat and I've been in boating over the years, a lot of

1 fishing and things. So, I know how a boat should react. And
2 when we were going along, suddenly I had a feeling he was
3 trying to turn right, which normally would have made the right
4 side of the boat kind of go over and dig in and pull the boat
5 around. But suddenly it began to lift to the left, and I
6 thought knowing when something like that happens, you generally
7 cut back on the throttle. I figured -- I still wasn't
8 concerned. I thought he was going to cut back. He didn't and
9 I don't know whether -- it seemed like the boat might have
10 picked up speed, but I really can't say with any certainty.

11 And I looked up front and it looked like the nose was
12 digging in. And then, the right side of the boat began coming
13 up and it came up fast. And the person in the seat on the
14 right come rolling across the deck and hit his head on one of
15 the chairs and then everybody began to fall. And then the
16 water started coming in and I found myself in the water. And
17 we were underneath the boat, my wife and I both. I dove down
18 and swam up and she did to.

19 And we hung on, the boat was upside down at that
20 point. And I know the air cavity in there, I could hear people
21 in there. But I wasn't too concerned. I thought, well, my
22 wife and I are in good health, and we don't have any problems
23 here at the moment. So, we just hanged on because I thought
24 the boat would stay floating that way. And we looked over to
25 pick up the other people that needed more than we did. And

1 then suddenly the rail that we were hanging on to began to lift
2 and the boat began to flop over. And my wife pulled away right
3 away. I started to, but the roof of the thing kind of caught
4 my leg, and I had a little trouble getting loose from it, but I
5 did. And there were private boats right there and so we hanged
6 onto private boats. And that is pretty much it. They pulled
7 us on board, the private boats.

8 Q. How long do you think that you were actually in the
9 water?

10 A. Ten, fifteen, twenty minutes maybe. I don't know,
11 it's hard to tell.

12 Q. Okay, and were you sitting by the window or in the
13 aisle section of the boat?

14 A. I was right about there. I was on the aisle side.

15 Q. Was this a three-seater?

16 A. Three-seater, there was two people beside me. I
17 don't know who they were because they were from the other group
18 and other towns.

19 Q. Okay, and where was your wife sitting?

20 A. Right ahead of me.

21 Q. Okay, no safety briefing from the captain. Correct?

22 A. That's right.

23 Q. And then when boarded, actually you would come in
24 here?

25 A. That's correct.

1 Q. Did you have to step down or up or do you remember?

2 A. Probably down, I don't know, to step over that rail.

3 I don't remember, I can't say.

4 Q. Right. Were you one of the last people to board?

5 A. Yes.

6 Q. Did it seem like it was -- can you describe the
7 vessel to me or your first impressions when you boarded?

8 A. Well, I could see that it was somewhat unstable, but
9 I just thought, well, they've had these things around here for
10 years and they use them all the time. We're just going out a
11 ways. And after he started out, it acted very normal. And as
12 a matter of fact, there was a couple of rollers and he turned
13 it properly and turned the nose in and we went over and there
14 was no problem. So, I really don't know what happened out
15 there to make it do what it did.

16 Q. How far into the tour were you when the accident
17 occurred? Do you remember?

18 A. I don't. Ten, fifteen, twenty minutes maybe. We had
19 gone down the coast a little ways and seen quite a few things.
20 I'm not familiar with that lake that well.

21 Q. Were the windows up?

22 A. Yeah, they must have been because I was going to take
23 some pictures. Yeah, the windows must have been up.

24 Q. Did you hear any kind of strange noises or sounds,
25 foreign sounds before or right after the accident or during?

1 A. Well, after the boat was upside down, I could hear
2 the engine roaring, you know. But before that everything
3 seemed normal.

4 Q. Okay, so you actually heard the engine still roaring
5 when it had already capsized?

6 A. After it capsized?

7 Q. Right.

8 A. A bang on the side. All of a sudden you could hear
9 this noise and smoke flew. So I figured, well, the engine must
10 have got a lot of water in it or something to cause it to
11 backfire or whatever, malfunction.

12 Q. What did you think of the captain's demeanor?

13 A. I don't know. We've been on trips and we've had all
14 kinds of tour guides. He looked normal to me. I didn't see
15 anything abnormal. His speech and everything was good, you
16 know. I would have to say he was okay.

17 Q. Okay, I know we need to keep this very brief, so did
18 you notice any kind of emergency exits?

19 A. No.

20 Q. Okay.

21 A. The only way out that I could see as an emergency
22 exit would be straight out the back. There were no doors that
23 I could see that would let you out of the front.

24 Q. Right. Did it feel when you were sitting with the
25 other two people on your bench -- how did you feel? Did you

1 feel you had enough wiggle room and, you know, room to breathe
2 kind of thing?

3 A. The benches were, in terms of as a whole, was
4 adequate. There was no problem there. We weren't crammed in
5 or anything.

6 Q. Okay, I think that is all I'm going to ask.

7 BY MS. BARNES:

8 Q. I just want to ask a couple of things. Did you hear
9 the captain advise anyone to move at anytime from one side of
10 the boat to the other side of the boat?

11 A. No, I can't recall hearing anything.

12 Q. Okay, and then just to verify, he was doing a right
13 turn or a turn and then that's when things began to appear to
14 lose control, the nosedive?

15 A. The feel that I had was he was trying to turn right.
16 I couldn't see him and I couldn't see anything else. I had a
17 feeling we were going to turn right and that's what surprised
18 when the right side started come out of the water. And that's
19 when I fully expected him to pull back on the throttle, because
20 if you do that with a boat it will generally come back up. And
21 that didn't happen. I just couldn't believe what was
22 happening.

23 MAJ. RIVENBURGH: Okay, actually Mariette, that's all
24 I wanted to verify.

25 MS. BURER: Okay, thank you. Could you just

1 acknowledge that this conversation has been recorded into the
2 microphone?

3 MR. PEACOCK: Yes, this conversation has been
4 recorded.

5 MS. BURER: Okay, thank you.

6 (Whereupon, the interview in the above-entitled
7 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: MV Ethan Allen
 Lake George, New York,
 October 2, 2005
 Interview of Lowell Peacock

DOCKET NUMBER: DCA 06 MM 001

PLACE: Washington, D.C.

DATE: October 5, 2005

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.

Peggy Daniels
Transcriber