

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

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Investigation of:

MV ETHAN ALLEN,
LAKE GEORGE, NEW YORK,
OCTOBER 2, 2005

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* Docket No.: DCA 06 MM 001
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Interview of: WILLIAM PERRY

Fort William Henry Resort and
Conference Center

Friday,
October 7, 2005

The above-captioned matter convened at 9:00 a.m.

BEFORE: MORGAN TURRELL

APPEARANCES:

MORGAN TURRELL
National Transportation Safety Board

MAURICE ALDRICH
Warren County Sheriff's Office

SGT. WALTER SCHEDEL
New York State Park Police

SEAN QUIRK
Shoreline Cruises

MATTHEW QUIRK
Shoreline Cruises

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I N T E R V I E W

(9:00 a.m.)

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2
3 MR. TURRELL: My name is Morgan Turrell. It's 9
4 o'clock. We're at the Fort William Henry Resort and Conference
5 Center in Lake George, New York. It's October 7th at 9
6 o'clock. Morgan Turrell, NTSB.

7 And to my right.

8 MR. S. QUIRK: Sean Quirk, Shoreline Cruises.

9 MR. ALDRICH: Investigator Mo Aldrich, Warren County
10 Sheriff.

11 SGT. SCHEDEL: Sergeant Walt Schedel, New York State
12 Park Police.

13 MR. TURRELL: And we're here to interview Mr. William
14 Perry.

INTERVIEW OF WILLIAM PERRY

15
16 BY MR. TURRELL:

17 Q. Mr. Perry, go ahead and introduce yourself and spell
18 your name, please.

19 A. It's William Perry, P-e-r-r-y.

20 Q. And what's the city and state you live in?

21 A. Lake George, New York.

22 Q. And what is your occupation, sir?

23 A. Retired banker. Presently employed by Shoreline
24 Cruises and Lake George Central School District.

25 Q. And what do you do for the school district, sir?

1 A. I'm a special (indiscernible) driver, CDL license.

2 Q. And for Shoreline Cruises, what's the nature of your
3 employment?

4 A. A Master License Captain, employed since 1993, also
5 with the School District since '93.

6 Q. Okay. And if you would just step us through since
7 1993 at Shoreline Cruises, if you would just give us your -- a
8 brief employment history since that time.

9 A. I've had -- okay, I started at Shoreline in '93,
10 started out training through the various process to become a, a
11 joint pilot engineer. I passed those exams. I had past
12 boating experience on Lake George since I was 15, so I had
13 many, many years of boating experience. Once I was certified
14 to have a commercial license, I worked since '93 piloting the,
15 the various boats of Shoreline. The first, actually the first,
16 first year and a half was on the 40-foot tour boats. My second
17 year there, I was upgraded to a master apprentice, at which
18 time I received many hours of log time on boats, the Defiance
19 boat that we used to have at Shoreline as well as the Horicon,
20 and, and in the summer of, I believe it was '95. It was either
21 '94 or '95 I received my Master's license test given on the, on
22 the defiance, the 55-foot Defiance. Since that time, I have --
23 most of my experience from that point on was piloting the 40-
24 foot tour boats, the Defiance, I used to pilot that pretty much
25 six days a week. And also the Horicon, I was many times the

1 second pilot, co-pilot, if you will, on the, on that vessel.

2 Q. Okay. On Sunday (indiscernible) were you serving on
3 Sunday, October 2nd?

4 A. On Sunday, I was assigned to the 40-foot tour boat
5 schedule. I was (indiscernible) my schedule started at --
6 basically my shift started at 11 o'clock, and we're various
7 tours that were scheduled for the day.

8 Q. And which tour were you scheduled for? Which boat?

9 A. I was assigned to de Champlain that day, and I did a
10 12 o'clock one-hour tour. And when I came back, I did a, a
11 1:30, one-hour tour. And we knew that the -- that there's a
12 tour group scheduled to come in later in the day, at which time
13 both two of our tour boats would be taking that group out.

14 Q. That tour was scheduled for what time? Scheduled
15 for.

16 A. 3 o'clock, vicinity of 3 o'clock.

17 Q. Okay.

18 A. You know, they had called and said they might be a
19 little bit early, and just worked out that the other captain
20 was there ahead of me so -- and the group was ready so I took
21 the second part of the group.

22 Q. And how large was the second part of the group?

23 A. There were 48 passengers and the one tour director
24 and myself.

25 Q. And to your, to your knowledge, your recollection,

1 the tour group on the Ethan Allen, did you watch them board?

2 A. I didn't watch them board because I was coming back
3 from my one-hour tour with other passengers on.

4 Q. Right.

5 A. So when I came into the docking facility, I had to
6 hold off a little bit and wait for that captain to back out
7 with his, with his boat, and then I proceeded to come in to
8 dock and unload my passengers and wait for my next group. The
9 other captain left at, by my watch, 2:35. I was due in at
10 2:30, so I had to wait for him to back out (indiscernible).

11 Q. Uh-huh, okay.

12 A. You know (indiscernible).

13 Q. When the Ethan Allen backed out, did you notice any
14 difficulty of -- or anything unusual about the boat backing
15 out?

16 A. No, I didn't.

17 Q. Could you tell if the boat was fully loaded at that
18 time? Could you tell how many passengers?

19 A. I couldn't tell how many passengers were on, but I
20 knew it was fully loaded because we knew how many people were
21 scheduled and that --

22 Q. To your prior knowledge, how many --

23 A. Prior knowledge of how many were supposed to be
24 there, and --

25 Q. Was the boatload consistent with your prior

1 knowledge?

2 A. It was. Yes, it was.

3 Q. Could you tell anything about the boat, was the boat
4 down below the head or by the stern have a list on it?

5 A. No, it didn't appear to have any unusual, unusual
6 visual quality that I noticed based on the, you know, number of
7 people. It was on its normal position from what I could see
8 from -- for that.

9 Q. Would it be normal to have a list or down by the head
10 or starboard --

11 A. Backing out in close proximity to the dock where
12 there's very little -- water turbulence, perfectly calm, it
13 looked perfectly normal to me. It didn't appear to be out of
14 normal.

15 Q. Okay.

16 A. Out of normal position.

17 Q. So by the time the Ethan Allen departed and took off
18 to the north, you were busy docking --

19 A. I came in the dock, unloaded my passengers, went up
20 to see if the other group, the rest of that group was there,
21 and I was just starting to walk down into our parking lot area
22 so preparing to get those people on and proceeded from the tour
23 director and made sure that I had the, you know, had a tour
24 director as well as the people, and then I -- would have
25 normally go out probably about 5 minutes of 3 I was ready to

1 go, but our other boat, the Horicon, was just returning from a
2 wedding, and I could see him. He had blown his horn coming in,
3 so it was in my estimation better to wait for him to come in
4 and dock next to me before I backed out. He came in at exactly
5 3 o'clock. And once the -- his lines were secured, it was then
6 when I backed out, and that was probably maybe two minutes past
7 three when I backed out. Maybe less than that. It wasn't very
8 long. Once I knew his lines were on and -- there's several
9 people on the dock getting the lines fixed on the Horicon so --

10 MR. TURRELL: I'll pause just --

11 (Off the record.)

12 (On the record.)

13 MR. TURRELL: Okay. We're back on the record.

14 BY MR. TURRELL:

15 Q. You said you waited for the Horicon to berth and you
16 departed at 1502.

17 A. That's right.

18 Q. And you had the tour director onboard with how many
19 passengers?

20 A. 48 passengers.

21 Q. I'm sorry. Did the 48 include the tour director?

22 A. No, I believe it was 49 including the tour director.
23 48 plus the tour director on Shoreline.

24 Q. Okay.

25 A. Shoreline tours, I guess I should say.

1 Q. Okay. And did -- so the total persons aboard then
2 was 50, including yourself?

3 A. Correct.

4 Q. Okay. Did you leave anyone on the dock at that
5 point? Was there anyone that couldn't make it because of the
6 capacity or, or just didn't want to go onboard or, or left
7 behind for any reason?

8 A. Not that I'm aware of.

9 Q. Okay.

10 A. That I'm aware of, in my opinion. Usually there's
11 always a couple that are down in that building when we have the
12 (indiscernible).

13 Q. Did you know the tour director personally? Have you
14 met with this person before?

15 A. I --

16 Q. And do, do you recall where the tour director was
17 from, their place of origin?

18 A. I'm not, I'm not positive if she was from Canada
19 along with the -- I assume that she probably lived there.
20 That's where the group was from. The other tour director,
21 earlier while I was in between cruises, I answered the phone in
22 our ticket booth and spoke with the tour director in charge of
23 the whole group. I believe was on the other boat, and she
24 asked for directions on how to get to our facility. I gave her
25 directions, and then oh, maybe 15, 20 minutes later, she came

1 down to the booth, and I, you know, I spoke with her as she was
2 talking to my wife about the group that was coming, and I know
3 that woman was definitely from Canada.

4 Q. Okay.

5 A. But the one that was actually on my boat, I, I don't
6 know.

7 Q. Okay.

8 A. For a fact that she was. All I know she was an
9 employee of the tour company.

10 Q. Okay. Could you just generally describe the
11 passengers onboard your boat, what -- give us a general
12 profile?

13 A. Yeah, there, there were a mix of -- I would say
14 mostly retired elderly people, but some of them were possibly
15 in their fifties, sixties, quite a few of them were probably in
16 their seventies and eighties, but there were a few that were
17 little bit younger. The tour director, I would say she was --
18 she was probably in her forties.

19 Q. Okay. And -- were there any children onboard?

20 A. No children.

21 Q. And were there any persons that were -- required
22 assistance?

23 A. Well, there was one woman that had a cane. No
24 walkers. No one had any, any walkers or wheelchairs.

25 Q. When you were loading the boat, did anyone provide

1 assistance from Shoreline to the passengers or yourself, any
2 shore-side personnel?

3 A. Yes, there was, there was one of our dock assistants
4 that was there helping.

5 Q. What was that person's name?

6 A. Oh, boy. Pretty sure it was the young gal there
7 that's there every day, real young girl.

8 UNIDENTIFIED SPEAKER: Karen or --

9 MR. PERRY: She was (indiscernible) and I know that
10 because I passed her every (indiscernible).

11 (Simultaneous speaking.)

12 BY MR. TURRELL:

13 Q. Okay, so one, one female dock assistant assisted the
14 passengers boarding, and did that same dock assistant help to
15 kind of throw your lines off when you depart later on?

16 A. Uh-huh.

17 Q. And when the passengers boarded, did they sit equally
18 on the benches or were they --

19 A. I always address that issue and make sure that as
20 they're getting down that they, they (indiscernible) either
21 side and so the boat doesn't, you know, begin to tip to one
22 side or the other if they're all on one side. I always explain
23 that to them that they need to sit an equal number on either
24 side and try to balance it out as they're getting on. It helps
25 them getting on and it helps when we're underway, and they can

1 see better that way. It's the normal procedure when they're
2 boarding the boat when I have --

3 Q. Okay, so -- if you don't lead the boat correctly,
4 does the boat will tend to, will be, you know, immediately take
5 a --

6 A. Well, if everybody sat on one side, you know
7 (indiscernible) passengers obviously if everybody sat on one
8 side, you're going to get a sway like you would in an
9 automobile.

10 Q. Sure.

11 A. But when there's a full, full load like that,
12 eventually they are all going to be pretty equal, but as
13 they're getting on, boarding, we also, also keep that in mind,
14 don't fill up all the left seats first and then go to the right
15 or vice-versa. Need to do it equally. I always explain that.
16 Helps the (indiscernible) boarding and so forth. It's just
17 the normal safety thing getting on this vessel they
18 (indiscernible) especially with these older people.

19 Q. How often would you say this season that you've taken
20 one of these 40-foot boats with a full load, 48 passengers or
21 more than 40 say?

22 A. How many times during the season?

23 Q. Uh-huh.

24 A. Well, I'm only scheduled on weekends. Some of the
25 captains work six, seven days a week. So (indiscernible) I'm

1 only scheduled on weekends, I'd probably say most of the time I
2 work both days I have four, four to five shifts each day, so
3 maybe in the course of the whole season, I'm going to say maybe
4 eight to ten times.

5 Q. Uh-huh.

6 A. Could be more than that, but --

7 Q. So --

8 A. That's with a full load like that.

9 Q. right.

10 A. Tour groups, bus groups, whatever.

11 Q. And those are usually some sort of tour or charter
12 groups?

13 A. Uh-huh, yes.

14 Q. To your knowledge, what, what are the rules regarding
15 crew members onboard when you have a full load?

16 A. We like to get -- some of these bus groups, and it's
17 over 20, 21 passengers -- one of our dock, one of our deck
18 hands to assist us, usually one of the younger high school or
19 college kids that work there. A tour group such as this when I
20 have an adult tour director that's not associated with the, you
21 know, the group itself, is an employee of the tour group, then
22 that person is an adult who I feel is capable of announcing and
23 giving instructions. Sometimes we even have possibly language
24 differences. So I always have the tour -- I always find out
25 who the tour director is, have them sit near me so that if I

1 need to address the group and I know there's some kind of a
2 language problem, whatever, I have that tour director as my
3 assistant.

4 Q. Okay. And once all the passengers are seated equally
5 around the boat, do you provide or does the tour director
6 provide any instructions to the passengers?

7 A. I explain where the lifejackets are located. Most of
8 the time they're going to ask that, but I pretty much explain
9 that anyway because usually that's the first thing they ask.
10 At least that's been my experience. They'll see the -- in the
11 front of the boat where it's labeled child's (indiscernible)
12 oh, there's the children's ones, don't you have any for the
13 adults? And I always explain to them where they are and I show
14 them.

15 Q. And where are they stored?

16 A. On the stern of the boat.

17 Q. In the (indiscernible) there?

18 A. Yes, uh-huh.

19 Q. Any other instructions besides the lifejackets?

20 A. I always make sure that they remain seated because
21 it's easier for them to see. I mean from a psychological point
22 they can see better, but it also helps us to navigate better.
23 Kind of a constant reminder. You don't have to so much with
24 the larger groups harp on that because they pretty much do
25 seated, but a lot of times with the smaller groups they have a

1 tendency to want to get up and take pictures or whatever, and
2 what I say you have to remain seated, choose a seat, stay in
3 it, remain seated. Not usually a problem with these larger
4 groups though or the senior citizens, but you announce it in
5 the beginning and pretty much that -- stay that way.

6 Q. Did this tour group did the -- did you notice that
7 the passengers you had had a lot of cameras with them by
8 chance?

9 A. A few under normal -- I would say maybe, I don't
10 know, maybe a third of them did. I'm not -- I don't even
11 know --

12 Q. Were they -- I mean were they using the cameras,
13 taking pictures?

14 A. Some of them were, yes.

15 Q. Did they ever get up and, and perhaps move to take a
16 picture of something you pointed out on the port side or
17 starboard side?

18 A. No.

19 Q. On this boat cruise, do you also give instructions or
20 narration on this cruise?

21 A. Yes (indiscernible).

22 Q. If you could just generally show us the route that
23 you take on the de Champlain for your one-hour cruises that
24 particular day.

25 A. Yeah. I was at the dock here, and I go into Tea

1 Island and slow it down. We go into Tea Island right around
2 over the bay there, and then back up the shoreline in front of
3 the Cramer Point. Pretty much where this white line goes.

4 Q. Okay.

5 A. Into -- I go all the way into Green Harbor, and --
6 yeah, that's Cramer Point there, Green Harbor, and I come back
7 out, and then I come over to Diamond Island. Most of the time
8 I stay on the west side of Diamond Island. I don't go around
9 the back where the danger, the rocks are. We used to go over
10 there, but I don't usually go over there anymore. And it goes
11 out kind of deep into Dark Bay a little bit back around Plum
12 Point, and I try to -- seeing how I'm running on time, you
13 know, if I'm running on schedule, I usually have time to come
14 down or by Halls and across Beach Road. Sometimes we're
15 running a little short on time and I cut it back over. And the
16 other thing I keep in mind is the other boats that are coming
17 in, the times that they are due to come back into the Steamboat
18 Company or their own boat, you know, I keep an eye on that and
19 sometimes cross over. But on that, on that tour with this
20 group, I pretty much angled it from Crosby Point right over
21 toward -- basically was up the west shore and over to Diamond
22 Island, back down the east shore.

23 Q. Would you say that's any differential between the way
24 you do it and other captains in Shoreline?

25 A. Sometimes we go the opposite way just to avoid

1 some -- the Minne-Ha-Ha. A lot of times when the Minne --
2 we're both on one hour schedules and so that we don't run side-
3 by-side occasionally we'll flip and go -- they always go the
4 same way, but we'll sometimes reverse that route. But I, I
5 prefer that route, so unless there's a reason, I usually go to
6 the west shore first. And I'll say the majority of the other
7 captains on the tour boats pretty much prefer going that same
8 route.

9 Q. Okay. When you approached was it Green Harbor here?

10 A. Uh-huh.

11 Q. How close in do you normally get?

12 A. Into Green Harbor?

13 Q. Right.

14 A. I go down past -- you know that big boathouse that's
15 in there?

16 Q. Vaguely.

17 A. I go (indiscernible) of the north end of that and
18 then I -- I stay out of the west side. Or excuse me. I stay
19 in the east side near the boathouse, make the turn, and come
20 back over and out the other side.

21 Q. So --

22 A. Oh, okay, so I would stay, I would come in -- come in
23 over on this side right here, down by the boathouse, cross over
24 like this and come back, and by the time I'm like halfway out,
25 I'm pretty much out in the middle again and coming over here

1 and (indiscernible) towards -

2 Q. So you would actually go counterclockwise in Green --

3 A. I -- you know, for some reason I --

4 Q. Okay. And to your knowledge, do you know where the
5 Ethan Allen had their incident?

6 A. I know exactly where it was, yes.

7 Q. Okay. Can you show me where that is? Okay. Now if
8 you, if you're operator and you're in that general vicinity,
9 are you -- what is your mode of travel? What are your actions
10 that you're taking at that point?

11 A. On that --

12 Q. When you're, when you're --

13 A. Normal conditions?

14 Q. -- way you normally do it. Do you fall on the right
15 line when you said --

16 (Simultaneous speaking)

17 A. -- yeah, I try to get as close to the mansion on the
18 end as I can. I like -- what I like to do is I come up in the
19 (indiscernible) so they don't see Cooper's Point. So I kind of
20 like to, I describe the mansion there on the Point, then as I
21 go by it, so they can see it to the left, and now Cooper's
22 Point comes into view. So each time there's something new
23 coming into view. So for narrative purpose for me that helps.
24 I kind of hide, hide from that until I'm past the explaining
25 what that's all about on Cramer's Point.

1 Q. So how far in typically would you come in?

2 A. Probably about even with the point because over here
3 we've got a lot of scuba diving activity taking place. All
4 these -- just about every weekend from Labor Day on, I see
5 scuba divers here at Hearthstone. So I have to stay out enough
6 to avoid them anyway. Pretty much I'm in a line right here
7 with the -- coming in this way.

8 Q. Okay.

9 A. Go by the Boathouse Restaurant or by (indiscernible)
10 place, so I'm pretty much in a line right with the, the end of
11 Cramer's Point.

12 Q. All right, and then you turn to starboard?

13 A. Then I turn to starboard, around the point -- begin
14 to come out enough so that they can see that big mansion up on
15 Cooper's Point. Then I turn to slow it down, go right into the
16 Green Harbor.

17 Q. Now can you describe how much -- how many turns of
18 the wheel are required for you to make that turn on starboard?
19 Is it a slow easy turn or --

20 A. Slow easy turn.

21 Q. Okay. Do you require any change of throttle position
22 making that turn?

23 A. No.

24 Q. When you have a full load of 48 passengers, do you
25 ever have a occasion to change your throttle positions of

1 turning?

2 A. No, only coming into five-mile-an-hours, going into
3 Green Harbor or coming into five-mile-an-hour zone. I slow it
4 down a little bit coming over, over here to around Plum Point,
5 only because we're fairly close to the shore and don't like the
6 wake to bother the people that are usually out there on the --
7 swimming out in that area.

8 Q. Does the boat handle significantly differently with
9 48 persons as opposed to your 10 or 20 you carry with walk-ons?

10 A. Yeah, a little bit different, a little heavier as it
11 would be with the larger boats, you know.

12 Q. Can you perhaps tell me specifically how it handles
13 differently?

14 A. It doesn't respond quite as quickly to the wheel.
15 There's a little delay action with the wheel and also when
16 we're coming in to the dock. You don't have to keep as much
17 thrust on it. It kind of has its own momentum. You can back
18 it off a little sooner, little heavier with more people on it.
19 Waves from other boats actually doesn't seem to have a lot
20 of -- kind of -- when there's heavy boat traffic out there
21 sometimes with more people on it, you actually have a little
22 more stability because you've got the extra weight.

23 Q. So when, when you -- let's talk about wave action on
24 the lake and what type of wakes you experience on the lake, can
25 you just -- in general --

1 A. I deal with the Mohican, I might as well come right
2 out with it, I deal with the Mohican all the time, and I know
3 what time he goes by. It's like clockwork in my mind, and I
4 just (indiscernible) little bit when that, when that happens, I
5 prepare for it, and I always head into it (indiscernible) into
6 it, sometimes at a slight angle.

7 Q. Do you, do you notice that the Mohican wake is
8 different at different places in the lake?

9 A. No. No, to me it's always been pretty much the same.

10 Q. Okay.

11 A. Even when he slows down coming in into the five-mile-
12 an-hour zone, his wake is still there for some reason. I've
13 noted that. You know, other boats when you slow it down coming
14 down by Tea Island to come in, if they slow them down our wake
15 it doesn't -- because some of them would get involved with our
16 own wake if we don't slow them down, but for some reason that
17 boat when it's even in a slower speed seems to continue with
18 fairly large wakes.

19 Q. When you just said that sometimes you have your own
20 wake, what do you mean by that?

21 A. Well, it's a -- well, I'm thinking not so much on --
22 actually you probably should disregard that because I'm
23 thinking of piloting on the Horicon, and the other captains and
24 I, we slow ourselves down so that when we come into our own
25 docking facility, we're not dealing with our own wake. But on

1 the 40-foot boat, that would not be an issue that would be of
2 any great concern. So I would say it's -- I was thinking
3 back -- because the other boats, sure --

4 Q. Sure.

5 A. -- keep that in perspective.

6 Q. When you were traveling on the 40-foot boat and
7 you're -- you, you do a 180 degree turn let's just say into
8 your own wake, does the -- is the wake that your boat creates
9 enough to cause the wake for you to --

10 A. Very little, slight, slight, very little.

11 Q. What about other like pleasure craft, speedboats on
12 the lake? Do they create wake --

13 A. There's a few out there that (indiscernible) there's
14 one fellow that has a Blue Water that has a pretty good wake,
15 and there are some bigger cruisers, some of the bigger.
16 There's a couple of Carvers out there that are -- I have a
17 Carver myself actually. You know, they have a pretty good
18 wake. So, you know, you have to be always aware of it.

19 Q. And besides the Mohican, any other large commercial
20 or passenger vessels have a wake either in your company or Lake
21 George?

22 A. Yeah, we have -- Allen Barkon has a decent wake when
23 it's under full power, and the, the Saint has a wake, though
24 not as, not as strong as the Mohican, but -- it's electric
25 boat, they all have wakes. The Mohican or the Minne-Ha-Ha has

1 a very unusual wake. It has the paddlewheel effect and the
2 (indiscernible) engines. They've got a double deal in fact, so
3 that's another one that we have to --

4 Q. So wakes are fairly common occurrence on the lake in
5 general?

6 A. Yes. Particularly in the summer months, you know,
7 when it's busy.

8 Q. And you're pretty much aware of where these wakes
9 occur and you kind of keep like -- you alter you route to
10 compensate?

11 A. Right.

12 Q. Okay. Let's talk about going back to the time line.
13 You left at 3, 3:02?

14 A. Yes.

15 Q. And can we just step back to the first trip you made
16 from 1330 to 1430, and you were, you were heading down just
17 around 1430?

18 A. This would have been the 1:30 to 2:30. I did --

19 Q. Second cruise, right?

20 A. -- exactly the same.

21 Q. So can you tell --

22 A. -- the two --

23 Q. -- on that 1:30, from 1:30 to 2:30 --

24 A. Uh-huh.

25 Q. -- what other vessels you saw on the lake, in

1 particular the commercial passenger vessels. Trying to get an
2 idea, a map of where the vessels were.

3 A. Right. I can't remember if the Mohican did the full
4 cruise that day or not. In the summer it does it every day.
5 In the fall, they don't do it every day. They do it
6 occasionally on Saturday or Sunday. I don't really recall
7 whether -- you know, I would have seen him coming back at a
8 little after two, and I don't recall seeing him coming back a
9 little after two. I know that when I -- after I came in at
10 2:30, I saw him leave at, at 2:40. I saw him leave the dock,
11 but I don't know if he -- normally on a regular day in the
12 season, he would be coming back from the, from the 9 o'clock
13 cruise, just -- my mind is blank on that. I know I watched the
14 boat go out 2:30, but I don't recall whether it had been out
15 earlier.

16 Q. Okay.

17 MR. TURRELL: Then Walter.

18 BY SGT. SCHEDEL:

19 Q. A couple of questions for you. Boat assignments, how
20 are those done? Are they right on the schedule or --

21 A. Yes.

22 Q. Okay. Do you generally get the same boat?

23 A. No, I rotate. Pretty much rotates.

24 Q. So you -- of the --

25 A. Well, the way our schedule is set up, there's an A

1 captain and a B captain, and the -- I was the B captain that
2 day. The A captain does a 10:30 and an 11:30, one hour. And
3 after the captain, the A captain goes out on the 11:30, the B
4 captain brings the other boat around. As you know, we don't
5 keep them both in the same slip. They bring the other boat
6 around and it starts out. Well, at the end of the day, it
7 pretty much was a rotation basis. The, the boat was used for
8 the end of the day the day before ends up being used at the
9 beginning of the day. So if you work two days in a row the
10 same shift, you're going to get a different boat, so they
11 rotate back and forth.

12 Q. So you don't get any more time on any one boat than
13 the other?

14 A. I wouldn't say so.

15 Q. Of the three boats, the Ethan Allen, the de Champlain
16 and the Algonquin, you guys have a favorite?

17 A. I used, I used to prefer the Ethan Allen myself
18 because it had a little more, had a little more speed I guess
19 you could say, you could control the speed a little bit more,
20 and I have -- I like the controls of it. I just, I just felt
21 more comfortable with that boat. I mean I don't really care
22 (indiscernible) since they put the new engines in them.
23 They're pretty much all the same now anyway, but --

24 Q. Everybody has a favorite.

25 A. Right. I mean the Algonquin was a nicer looking boat

1 on the outside. I pretty much -- the other guys knew that -- a
2 lot of times they -- Bill prefers the Ethan Allen so I'll let
3 him use that one today. Sometimes that would be the case, but
4 didn't bother me. I was -- whatever boat, you know, I
5 (indiscernible) them all. To me I just enjoy the variety or
6 challenge or learning (indiscernible) they're all, there's no
7 two alike as automobiles, you know, they each have their own
8 little --

9 Q. Okay. And when Morgan was asking you about how the
10 Ethan Allen looked as it left the dock, you said it appeared
11 normal.

12 A. Right. Under the fact that he had a full boat.

13 Q. Yeah, normal for the fact of a full load. What
14 exactly would be normal in the --

15 A. Just a little bit lower in the water.

16 Q. So it would sit lower in the water.

17 A. Uh-huh.

18 Q. Would it be normal for because you've got three
19 seats, three seats on the port side, two seats on the starboard
20 side, would it be normal for there to be a slight list on a
21 full load?

22 A. It could possibly be. Sometimes we might have as we
23 know certain people are heavier than others. We might try to
24 get the heavier ones over on the other side to balance it off,
25 and (indiscernible) would do that.

1 Q. So your recollection of as the Ethan Allen was
2 leaving the dock, did it appear that it may be a little lower
3 one side than the other?

4 A. It could have been, but not noticeably so.

5 Q. Not noticeably.

6 A. Not noticeably so in my eyes. I didn't notice it was
7 way over on one side or way deep in the bow or way heavy in the
8 stern. It didn't look out of normal proportions for times when
9 we've had tour group, you know, bus tour groups on the boats.

10 Q. So basically with that big a load the normal
11 appearance would be lower in the water?

12 A. Exactly. As I said, I did a quick look of it because
13 he's backing out and I'm, I'm watching to come in. So once he
14 was clear, I took my eyes off of him, and I concentrated pretty
15 much coming in to my own slip and talking -- so I'm not --

16 Q. Right.

17 A. -- watching him go across the lake by the time. So
18 it's not like -- I did a quick, you know, view of it.

19 Q. Is it a normal practice to use the tour director as a
20 crew?

21 A. Pretty much when we have the older bus group, bus
22 group people that -- if it's a younger crowd and there's only
23 maybe 25 of them, but they're younger, then we'd be more apt to
24 get one of the dockhands to go with us. Different type of
25 crowd, different type of, of giving instructions I guess,

1 keeping them quiet, keeping them under rowdiness. You know,
2 sometimes you get younger type customers.

3 MR. TURRELL: And just to note Shoreline owner Matt
4 Quirk has joined us.

5 BY SGT. SCHEDEL:

6 Q. In your opinion, what is the duty of that crew person
7 on the boat in your opinion? And when you bring these people
8 on, what is it that you perceive that that duty of that person
9 is?

10 A. The (indiscernible) you mean for this tour group or
11 any group?

12 Q. Well no, any time -- when, when you take a large
13 group out there, you --

14 A. I want someone --

15 Q. -- that person is your crewman. What, what is
16 your --

17 A. I want to know --

18 Q. -- impression of --

19 A. -- who is --

20 Q. -- what that crewman does?

21 A. -- charge of the group and be able to have complete
22 communication with me and with -- they have communication with
23 their group. So anything needs to be done or said or addressed
24 to, I have someone that I can immediately call on to jump into
25 action with me, if I need to.

1 Q. So basically they're your point person for
2 communications? You said you are also -- you're licensed
3 Master, correct?

4 A. That's correct.

5 Q. Okay. You pilot the Horicon on a regular basis?

6 A. Not on a regular basis, but occasionally with, with
7 another captain. I'm training on that. I used to pilot the
8 Defiance all the time for like 8, 8 or 9 years I did that on a
9 regular basis, so.

10 Q. Have you been out with the Adirondac as pilot yet or?

11 A. I have piloted it, but not, you know --

12 Q. Not as the primary --

13 A. -- we've all been. All of our captains that have
14 Master's have run the wheel of that boat with the other.

15 Q. And both of those boats, the Defiance when it was
16 here, the Horicon now has specific requirements for crew as
17 well?

18 A. Correct.

19 Q. And what -- are there some (indiscernible) details of
20 what that crew is supposed to do, what their responsibilities
21 are?

22 A. We have the -- the register of the -- you know the
23 certificate that we registered for has the listing of the size
24 of the boat and crew (indiscernible) number of crew required
25 and so forth. We go through a training of our own, that's all

1 we're supposed to do. We have our own training sessions.

2 Q. Okay.

3 A. At Shoreline.

4 Q. So you know -- that includes the crew, the members of
5 the crew have specific responsibilities and some of those
6 specific responsibilities might be what?

7 A. Communicating with the captain, knowing where the
8 fire hoses are, the -- and these are on the larger boats now so
9 they have a lot more issues to address on that, but the
10 lifejackets, and all of the (indiscernible). Now we're getting
11 into a whole -- another, you know, another whole type of
12 situation.

13 Q. Well, we're just, you know, talking about specific
14 assignments.

15 A. Specific --

16 Q. The wake of the Mohican, could you describe that to
17 us?

18 A. It's kind of a high rolling wake. It's different
19 than the other, other boats, and even taking it head on and
20 slowing down slightly, you know, it's a pretty -- it's
21 definitely the -- that boat just has the largest wake of any
22 boat on the lake that's there now. Other years there were a
23 couple of -- but this definitely. And I've been on the lake
24 since I was 15. I've been dealing with it, with my own boats
25 that I've had over my lifetime all the way up to present day.

1 Q. Okay. When you say the largest of all the boats on
2 the lake, are you talking about all boats on the lake or all
3 the commercial tour boats and charters and --

4 A. I would say that Mohican wake is -- the Mohican has
5 the largest wake of any boat I've ever encountered, that I've
6 encountered, you know, present day this season. No doubt in my
7 mind there's any boat that has a wake that compares to that.

8 Q. Okay. How tall would you estimate the wake to be?

9 A. (indiscernible) I would say it's probably --

10 Q. On a normal cruise.

11 A. Normal cruise, I would say -- 3½, 4 feet.

12 Q. That maybe three there. That's roughly about how
13 tall it would be?

14 A. (indiscernible).

15 Q. Could you give me an estimate of what the interval
16 between the waves would be? This is more than just one wave,
17 right?

18 A. Right. Just, you know, you get the, the first wake
19 and then --

20 Q. Yes. It begins to taper a little bit.

21 A. Then you get to the other side coming back. It
22 almost is -- it's almost as bad coming the second wave as the
23 original one.

24 Q. But are they real tight or what, what --

25 A. No, spaced off, it was spaced off.

1 Q. Was it more than the length of the 40-foot boat, half
2 the length of the 40-foot boat? A third of the length?

3 A. Maybe half of the length of the boat, I'd say maybe.

4 Q. So on average, you're looking at somewhere around 20
5 feet?

6 A. Yeah, that sounds about right.

7 SGT. SCHEDEL: Okay, I -- thank you.

8 BY MR. TURRELL:

9 Q. I think we didn't let you get a chance to talk about
10 your 3 o'clock trip there. If you'd just --

11 A. The 3 o'clock trip?

12 Q. Uh-huh. Okay, the -- you left at -- 1502?

13 A. And as I said, I was in the -- I had slowed down in
14 the five-mile-an-hour zone going into Bolder Bay, and I was
15 narrating and all of a sudden I saw the fireboat go past me on
16 the inside with the lights on full speed, so I knew there was
17 something going on at the lake.

18 Q. Can you estimate what time this was?

19 A. I'd say about -- it takes me 15 minutes to get out
20 the -- Charlie Wood's place there (indiscernible) so it was
21 probably about seven minutes into my trip.

22 Q. About 3:10.

23 A. Yeah.

24 Q. Okay.

25 A. And --

1 Q. Where were you -- this point?

2 A. I was in -- I was going right here when the fireboat
3 went by me on the inside. I was, you know, I was in -- fairly
4 close, and he went on the inside of me, went right past me.

5 Q. Okay.

6 A. And, and then so I'm making -- and then the tour
7 director asked me what was going on, I, you know, I explained
8 that there was some maneuvers going on at the lake probably,
9 you know, wasn't sure. Got back into the narration, came
10 around the turn, just starting to make the turn, getting ready
11 to come back out again. My cell phone rang, and I normally
12 don't answer it when I'm on the boat and I look to see if it's
13 an important call, and I noticed on the caller ID it was
14 Shoreline, so I figured it would be either Mr. Quirk or
15 somebody from Shoreline calling me, and it was my wife, who was
16 manning the booth at the time, and indicated to me that the
17 other boat had -- that she had just been called and was told
18 that the other boat had sank. So do what I needed to do to
19 console my passengers, avoid the, you know, the area if it's at
20 all possible. So I got back out into the, you know, going the
21 normal speed again back out here, and I knew what I was
22 probably going to see when I got up in that area, so I
23 basically headed almost directly out into the middle of the
24 lake and headed towards Diamond Island so that I was gradually
25 coming away from shore and coming up this way and headed

1 straight for Diamond Island, trying to avoid the area, trying
2 to, you know, keep any panic or anything with the other
3 passengers that I had on. Not knowing myself what was --

4 Q. Sure.

5 A. -- was the real -- you know, I didn't know for sure
6 if it sank or whatever, but I just knew I'd better avoid it and
7 get these people (indiscernible). So I continued up to Diamond
8 Island, and I also noticed, I was very conscious of the fact
9 that all the time this was going on, the Minne-Ha-Ha, which was
10 normally going its normal route was not going its normal route.
11 It was going very slow and was staying very close to east shore
12 and going straight up. I observed that. And then from this
13 time I came behind Diamond Island. I normally don't, but I did
14 this time because I was watching my time. I wanted to make
15 sure I still had an hour tour. I don't want these people to
16 get -- see a tragedy taking place. I wanted to get away from
17 that area, try to keep them from seeing all this congestion and
18 everything was going on. So I came around Diamond Island, then
19 I came right back down tight. You know, my normal route, tight
20 to the east shore, and as I said, I got down by the, by you
21 know the Wiawaka there, Crosby Point. I knew the Horicon -- I
22 saw the Horicon behind me. I was conscious of him being due
23 in. Not the Horicon. Excuse me. The Adirondac was coming
24 back from the 2 to 4 o'clock normally scheduled foliage cruise,
25 and it's another thing that I always think ahead, I think,

1 well, if we're both due at the same time, am I going to go in
2 first, is he going to go in first? Does he appear to be
3 running a little ahead of schedule or not? In this case, I
4 knew I wanted to get in there first so I decided I would make a
5 sharp cut from here right over to our dock so I could
6 definitely get in there in front of him. And so I came in and
7 my wife came out to -- the other people had taken off to help
8 with the rescue and so forth, so my wife came out and helped
9 secure the lines for me on the boat, and proceeded to help the
10 passengers off, and once that was under control, I quickly
11 moved over to the dock where the Adirondac was coming in to
12 assist with lines on that boat, because again we were limited
13 staff at this point, and I was comfortable that she was taking
14 care of the people getting off the other boat, and that was how
15 it ended.

16 Q. What time did you tie (indiscernible) do you think?

17 A. It was exactly 4 o'clock.

18 Q. And the Adirondac?

19 A. The Adirondac came in right at four also. We both
20 came in maybe a minute apart.

21 Q. Let's see here. You mentioned training. What type
22 of training did the employees of Shoreline receive or do you
23 give to your deck hands and so forth?

24 A. We have in the beginning of the season, we do a lot
25 of drills and Man Overboard drills and training like that on

1 the -- in the past it's been on the Horicon, easiest one to
2 jump on and off of when we're doing Man Overboard drills and so
3 forth. Then usually sometimes in the middle of the season when
4 we're deadheading, you know, if we've done a charter some place
5 and we've got a crew coming back with no passengers on it,
6 we'll do a drill in the middle of the summer a couple of times.

7 Q. Do any of the Shoreline management go on those
8 training sessions?

9 A. Usually all the captains are together and sometimes
10 occasionally one of the owners would be with us. Not always.
11 Not, not mandatory, but occasionally I've noticed that.

12 Q. The -- before you take a boat out, one of the 40-
13 footers in the morning, what type of checklist do you follow?

14 A. We have on each of the 40-foot boats there's a
15 clipboard down in the stern area that has several items that we
16 check off every day. I literally go down to the engine room,
17 check all fluids, check bilge, start the boat up, make any --
18 anything that needs to be done, we'll check it and make a
19 recommendation and then tell it, and then we'll just leave it
20 on the sheet, mark it on the sheet, but we also mention it to
21 the one of the service people that are on the staff that day so
22 that it doesn't go more than a couple hours or the boat doesn't
23 get taken out without that checked or --

24 Q. Yeah.

25 A. But most of the time it's the check off list, fluid,

1 water in the bilge and starting it up to make sure it's pumping
2 properly, cleaning the boat. That's done every -- the A
3 captain usually does the three boats when he comes in early in
4 the day.

5 Q. So the A captain will do all three boats?

6 A. So I do -- if I'm A Captain, I do them all. I don't
7 know if the other captains do or they just do their own boat,
8 but I've -- I know one of the other captains does it the way I
9 do. A couple of the other captains. If we're there, if we
10 don't have anything going on immediately, it's easy to do it.
11 If I'm the B captain, I prefer myself to check my own boat, but
12 not always -- I look to see if it's been checked by somebody
13 else, but I always feel more comfortable if I do it myself.

14 Q. Okay. Have you had occasion to see the balance
15 weights inside the, inside the hull, inside the keel --

16 A. (indiscernible).

17 Q. Okay.

18 A. I never noticed that it was different than what my
19 normal observation was.

20 Q. Could you just give a quick description of the safety
21 equipment on the 40-footers, safety equipment?

22 A. (indiscernible) life ring, we have the life jackets,
23 so many for children, so many for adults. We have two fire
24 extinguishers, searchlight, bell, horn, lines, extra lines,
25 anchor, anchor line.

1 Q. Okay.

2 A. And it all has to work, be working properly or we
3 don't get our inspection sticker, operating (indiscernible)
4 gets broken or doesn't work during the season, then we have it
5 back in operating condition.

6 Q. Okay. As to those inspections, do you ever have
7 occasion to meet with the New York State Park Police Inspector
8 for the boat inspections? Have you ever worked with them?

9 A. As assistant, not this year but the work before I
10 assisted getting things ready pretty much. In fact, the other
11 day I was there getting all the stuff on the Horicon ready,
12 helping to get all the stuff ready. So pretty much assist with
13 it.

14 Q. Is there a usual person that you see come down to
15 those inspections or is --

16 A. From our company?

17 Q. No, from New York State.

18 A. Oh.

19 Q. For the marine inspections.

20 A. I never really took notice. I guess I've seen this
21 fellow, but the last two or three times to me it's the fellow I
22 recognize.

23 Q. Okay. When was the last time you operated the Ethan
24 Allen?

25 A. The day before. I had (indiscernible) day before.

1 Q. Did you --

2 A. And I did the inspection on it that morning.

3 Q. Did you notice anything on the inspection that raised
4 a question?

5 A. No. As a matter of fact the -- I was very pleased
6 when I inspected it that it was completely dry, the holds,
7 bilge completely dry, the fluid levels were up properly, boat
8 was clean.

9 Q. How many persons did you take on that trip, on those
10 morning trips on --

11 A. Well, biggest day I had -- I think it went out four
12 times, missed a couple of trips on that, so it was pretty much
13 maybe 20. I think I might have had -- no more than 20 people
14 each trip. Couple of trips maybe 6 or 8 people.

15 Q. Okay. Were there -- when you operated the boat, did
16 you notice any difficulty controlling the boat or any stability
17 problems?

18 A. None whatsoever.

19 Q. Does the boat handle differently than the --

20 A. Yes.

21 Q. -- than the Champlain?

22 A. It does, yeah. Docking the boat is a little
23 different because the drive shaft turns in the opposite
24 direction. So when you want to bring your steering to port
25 side, you do it the opposite way of the other two tour boats,

1 but that's, that's been the normal condition for that boat as
2 long as I can recall.

3 Q. Can you tell me which -- do you recall which
4 direction the shaft moves on the two boats?

5 A. Yeah, it turns right. Going forward --

6 Q. The Ethan Allen it's a right-hand --

7 A. No. It turns right on the other two. The Ethan
8 Allen would be the other --

9 Q. Right. Okay. Champlain is then right.

10 A. Champlain and the Algonquin go the normal way. The
11 Ethan Allen is the one that's different.

12 Q. Okay.

13 A. But it's not a major, not a major thing because they
14 have big rudders and big propellers, and they pretty much do
15 what you tell them to do.

16 Q. So the Ethan Allen is it easier to handle
17 (indiscernible) then with this?

18 A. I would say it's not any easier, any harder.

19 Q. Okay.

20 A. Because, you know, with either one of these boats
21 when they're over on that other side back of -- backing out of
22 that dock, any of, any of the three will back out of that dock
23 and turn hard right as they're in reverse regardless of the
24 direction of the --

25 Q. Sure.

1 A. -- so you know they both -- they all respond very
2 well in reverse coming out of those tight docking situations.
3 So I would say there's no difficulty --

4 Q. Notice a little difference. Mr. Paris, can you
5 describe Richard Paris and his boat handling skills? Have you
6 had a chance to --

7 A. Known him for the entire length of time I've been
8 there. Known him before, before I worked there I knew, I knew
9 of him, and he's fully capable captain. Gave me instructions
10 early on my early first couple of years there with the
11 Defiance. He used to pilot the Defiance pretty much most of
12 the time the first year I was there, I know him fully
13 capable -- very well, very well mannered, very pleasant, very
14 easy getting -- easy to get along with fellow really.

15 Q. Do you know of any problems he has, any personal
16 problems?

17 A. (indiscernible)

18 Q. When was the last time you spoke to Mr. Paris before
19 the accident?

20 A. Probably, let me think now. I was talking to him --
21 whenever we weren't both out at the same time -- it was, it was
22 within an hour or two of that incident we had had a
23 conversation, just normal helping each other, you know, when
24 one guy is in, is on the dock waiting for the other boat, we
25 help them with their lines and so forth.

1 Q. Boat tying?

2 A. Yes.

3 Q. Did he seem to have any problems, difficulties?

4 A. None.

5 Q. Did you smell alcohol on his breath at all?

6 A. No.

7 Q. Have you known him to have any difficulty with
8 alcohol?

9 A. No. I've never seen him in any situation where I
10 felt he was -- shouldn't be driving a vehicle or a boat or
11 anything. Not on the, not on the job, and I don't associate
12 with him personally so I'm not, I'm -- you know, I've --

13 Q. Sure.

14 A. -- never physically seen him.

15 Q. But not on the job?

16 A. Definitely not. Nor never have I seen him not on the
17 job --

18 Q. Okay.

19 A. -- anywhere where he was involved in alcohol, drugs
20 or alcohol.

21 Q. Okay. And I'll hold off on my last few performance
22 questions. I'll go ahead and let Sean.

23 BY MR. S. QUIRK:

24 Q. Couple of questions I want to clarify on your
25 timeline. You left at what time?

1 A. Three. It was like so close to three as I say -- Jim
2 came in exactly at three with the Horicon, so from the time
3 that they had the -- I was sure the lines were on, I was right
4 out of there, because we were waiting.

5 Q. Okay.

6 A. It might have been even 3:01. I know it was very,
7 very close to 3 o'clock.

8 Q. Okay. And you went outside of the five-mile-an-hour
9 zone.

10 A. Yeah.

11 Q. Went north, and then you went back into the five-
12 mile-an-hour zone.

13 A. Right.

14 Q. To go around Tea Island.

15 A. Exactly.

16 Q. How long did it take you to do that?

17 A. Probably five minutes.

18 Q. Five minutes.

19 A. To do the whole thing. Once I slow down and
20 (indiscernible) no, maybe three to five minutes.

21 Q. Three to five. Now that's where you got your first
22 phone call?

23 A. Correct.

24 Q. Okay. From your wife?

25 A. Correct.

1 Q. Okay. So you would say 3:06, 3:07? I misunderstood.
2 You said seven minutes to Charlie Wood's place, and I know
3 Charlie Wood's place is further up.

4 A. Yeah, it's 15 minutes to the area between, you know,
5 Charlie Woods, the Boathouse Restaurant, that area in there is
6 15 minutes. It's 15 -- if we're on schedule we'd be there in
7 about 15 minutes.

8 Q. Oh, okay.

9 A. Halfway point would be coming out of Green Harbor
10 heading over to Diamond Island.

11 Q. Okay. So you left the -- you didn't have
12 recollection of (indiscernible) what, what speed do you drive
13 the de Champlain or (indiscernible)?

14 A. 1900 rpms. The de Champlain I would say probably
15 about eight miles an hour, eight to nine miles an hour. The de
16 Champlain when it travels all the way -- that's as fast as it
17 goes. The Ethan Allen, you can make it go faster, but you can
18 sense the sound of the engine. A nice, clean nine-mile an hour
19 run is when it's running at 1900 rpm's, and that's the speed I
20 run that at. That's the speed I run the Algonquin at. The de
21 Champlain pretty much goes the same, I guess, but it doesn't
22 have -- you can't control the (indiscernible).

23 Q. And how would you describe the day?

24 A. The day?

25 Q. The day.

1 A. The weather? Perfectly clear sunny calm day.
2 Caldest, one of the calmest days on that lake that I can
3 recall.

4 Q. Clear and calm. Perfectly clear and calm, and then
5 when you were out for your one hour, three to four, you really
6 didn't see any major tour boats -- tour boats or any other tour
7 boats other than on your way back in the Adirondac behind --

8 A. Yeah, the normal times that, you know, like the Saint
9 went out on its lunch cruise the normal time, and the Minne-Ha-
10 Ha was doing its normal cruises.

11 Q. That's right, the --

12 A. The only one that I do not recall seeing was the
13 Mohican. I couldn't tell you if that boat went up at 9 o'clock
14 and was coming back. I don't recall seeing it, so I don't
15 think it went out in the morning that day, but I could be
16 wrong.

17 A. And but I recall seeing the Minne, I recall seeing
18 the Saint, and of course our own boats.

19 Q. Did you, did you have any troubles with your tour
20 boat as far as (indiscernible) and abilities to turn?

21 A. None whatsoever.

22 MR. S. QUIRK: Thank you. I'm done.

23 MR. TURRELL: I just have a couple more left.
24 Actually I'll let -- Matt, do you have any quick questions?

25 MR. M. QUIRK: Yeah, I just have a couple of

1 questions.

2 BY MR. M. QUIRK:

3 Q. Bill, when you were saying -- I don't know if you
4 were --

5 MR. TURRELL: That's Matt Quirk.

6 MR. M. QUIRK: Matt Quirk, Shoreline.

7 BY MR. M. QUIRK:

8 Q. You were trying to give a gauge of the wave height.

9 A. Yes.

10 Q. Wave size.

11 A. Yeah.

12 Q. And, and I was wondering where are you referencing
13 that to? Is that to the lake line, the water line?

14 A. I'm saying how high was the front -- perfectly level
15 situation --

16 Q. A perfectly level situation.

17 A. To a how high I see the --

18 Q. So --

19 A. -- peak of the wave.

20 Q. So you're saying from the waterline to a level line
21 on the waterline.

22 A. Right.

23 Q. Now so basically you've got to double that to get the
24 size of the wave because a wave has two components, one below
25 waterline and one above it.

1 A. Okay.

2 Q. So you're referring to half the wave though.

3 A. Probably that would be the case if you do it --
4 describe it that way, yeah.

5 Q. All right. What is the worst mechanical failure
6 you've experienced on your -- on the 40-footer.

7 A. On the 40-footer?

8 Q. In your tenure there on the 40-footer, on the tour
9 (indiscernible).

10 A. They -- well, I've had a lot of rough weather dates
11 that I was able to steer around, pilot the boat properly to
12 keep, to have a safe trip. But as far as scariness for me, it
13 was the day that the rod went through the engine on the, on the
14 Ethan Allen, and I was sitting off Plum Point, and it got
15 windy. It was a Sunday afternoon. Not too many people around.
16 You came out with the (indiscernible) and ended up getting a
17 line on it, towing me back in.

18 Q. That was some time ago, wasn't it?

19 A. That was quite a while ago.

20 Q. Yes.

21 A. That was then when (indiscernible) replaced that
22 engine that --

23 Q. So that was a engine failure?

24 A. Yes.

25 Q. Did you have concern for the boat flipping or --

1 A. No.

2 Q. -- capsizing?

3 A. Never had that. As rough as the wake has been, you
4 know, days when you didn't even want to go all the way across
5 and you go halfway out and back again and you have to
6 (indiscernible) with that boat, I always felt that the boat had
7 full capability of being able to handle rough, rough water,
8 rough weather. I always felt comfortable with that.

9 Q. Did you ever think that you -- there would be a
10 possibility of the Mo going by and flipping your boat even if
11 it was fully, at full capacity? Did you ever think in your
12 mind that it could be a possibility that it could be a
13 possibility?

14 A. No, no, because I was always conscious of where that
15 boat was. I -- from the day I started driving my own boat, I
16 was always conscious to that boat and its wake. That was just
17 a thing I had imprinted in my mind to always be aware of.

18 Q. And your information that you received about Dick's
19 position when he was in that harbor right about Cramer Point --

20 A. Uh-huh.

21 Q. -- bay --

22 A. Right.

23 Q. Do you think there are many other -- do you think the
24 boat could have been hit in any worse of a position on the
25 boat? You know, how did that wave hit the boat from your

1 interpretation of what you heard?

2 A. I'm not sure.

3 MR. TURRELL: Well, that would be (indiscernible) the
4 knowledge he has, so.

5 BY MR. M. QUIRK: Okay.

6 MR. PERRY: I don't know whether he -- if he was
7 already in turn or whether he was still going north.

8 BY MR. M. QUIRK: I don't --

9 MR. PERRY: If he was still going north it would have
10 hit broadside. If he was starting to turn, he would have had
11 it at an angle. But I wouldn't -- I don't know. I wasn't there
12 to -- I can't say.

13 BY MR. M. QUIRK: Thanks a lot.

14 MR. PERRY: Okay.

15 BY MR. TURRELL:

16 Q. Bill, does Shoreline Cruises have any formalized
17 either verbal or written weather policy as to which conditions
18 the boats will not operate in?

19 A. Nothing I've seen written.

20 Q. Okay. Even the normal practice like let's just say
21 lightening for example (indiscernible).

22 A. I've never -- lightning hasn't necessarily been a
23 problem I don't think. Maybe sometimes when we get storm
24 warnings or gale warnings or something like that, we have the
25 boats crossed tight for the day, but, you know, I, I don't know

1 that we've ever don't go out because it's a little windy or on
2 a certain day. Pretty much (indiscernible) pretty much do what
3 needs to be done, and we're prepared to do -- handle boats in
4 any conditions.

5 Q. Okay. I'm going to ask you some performance-type
6 questions, and these are more of a personal nature.

7 SGT. SCHEDEL: Can I just ask --

8 MR. TURRELL: Yeah, go ahead.

9 SGT. SCHEDEL: Walt Schedel again.

10 BY SGT. SCHEDEL:

11 Q. Going back -- you worked on the tour boats I believe
12 you said '93?

13 A. '93 was the first year I --

14 Q. Okay. So back in '93 was prior to the time that they
15 had the solid overheads, is that correct?

16 A. No. No, not, no. I was waiting for somebody to ask
17 me that, but (indiscernible) '93 those boats were just like
18 they are today.

19 (Simultaneous comments.)

20 MR. PERRY: Let me ask you a question. Can I come
21 back and complete this some other time?

22 MR. TURRELL: Sure.

23 MR. PERRY: I don't want to short-change you.

24 (Simultaneous comments.)

25 MR. TURRELL: I'll let you e-mail (indiscernible)

1 information to the detective.

2 Do you want to follow-up? Do you have something real
3 quick? Do you have any questions --

4 UNIDENTIFIED SPEAKER: (indiscernible)

5 MR. PERRY: And I could call you back on my cell
6 phone, if you want me to. I'll be taking a bunch of kids --

7 (Simultaneous comments.)

8 UNIDENTIFIED SPEAKER: That's what I'm thinking I'll
9 do is I'll --

10 MR. PERRY: Want to meet up or meet with me?

11 UNIDENTIFIED SPEAKER: I'll meet with you at a later
12 time and take care of that.

13 MR. PERRY: I'll be taking a bunch of kids --

14 UNIDENTIFIED SPEAKER: I don't want you to be --
15 (Simultaneous comments.)

16 MR. PERRY: 45 minutes while they're in there and
17 bring them back.

18 MR. TURRELL: Take your time and enjoy the day.

19 (Simultaneous comments.)

20 MR. PERRY: Don't want to -- short-change anybody.
21 If it's important, I'll -- if you need me to meet another later
22 in the day or another time or -- I'll be happy to do it.

23 MR. TURRELL: Okay. We will end the interview now.
24 Just acknowledge it's recorded, and we'll end the interview.

25 MR. PERRY: Okay.

1 (Whereupon, the interview of in the above-entitled
2 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 MV Ethan Allen
 Lake George, New York
 October 2, 2005
 Interview of William Perry

DOCKET NUMBER: DCA 06 MM 001

PLACE: Lake George, New York

DATE: October 7, 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.

Katherine Motley
Transcriber