

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 *
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Docket No.: DCA 06 MM 001

Interview of: DONALD D. SMITH

Fort William Henry Resort and
Conference Center
Lake George, NY

Wednesday,
October 12, 2005

The above-captioned matter convened, pursuant to
notice, at 1:20 p.m.

BEFORE: MORGAN TURRELL

APPEARANCES:

MORGAN TURRELL
National Transportation Safety Board

SGT. WALTER SCHEDEL
New York State Park Police

MAURICE ALDRICH
Warren County Sheriff's Office

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I N T E R V I E W

(1:20 p.m.)

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2
3 MR. TURRELL: Good afternoon. It's 1:20 on October
4 12. We're in the Fort William Henry Resort and Conference
5 Center interviewing Donald Smith. This is Morgan Turrell,
6 NTSB. And to my left?

7 SGT. SCHEDEL: Sergeant Walt Schedel, New York State
8 Park Police.

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

11 BY MR. TURRELL:

12 Q. And we're questioning the gentleman Don Smith. Go
13 ahead and introduce yourself.

14 A. Okay, I'm Donald Smith, D-O-N-A-L-D, middle initial
15 D., S-M-I-T-H.

16 Q. And what's the city and state of residence?

17 A. Lake George, New York.

18 Q. And do you acknowledge this is being recorded for
19 public statement?

20 A. Yes, I do.

21 Q. Okay, great. Don, what's your age?

22 A. Sixty-two.

23 Q. Okay. And what's your occupation?

24 A. I'm a captain with Shoreline Cruises.

25 Q. Okay. How long have you been there?

1 A. Two years.

2 Q. And which boats do you pilot?

3 A. I pilot the tour boats, which is the Ethan Allen, De
4 Champlain, Algonquin and the Horicon.

5 Q. And you have a license from New York State?

6 A. I have a New York State master's license.

7 Q. When did you get that?

8 A. The first year of issue, I believe, was 1972 or '71.
9 I don't remember exactly.

10 Q. Okay. Can you give us a little professional
11 background, just starting high school or college?

12 A. In college I majored in psychology with a minor in
13 economics. I went to Parson's College in Fairfield, Iowa.
14 After I left there, I went to work for the New York State
15 Department of Corrections in Albany as a research assistant. I
16 then became a statistician. I left there in 1970. I purchased
17 with my brother Lake George Marine Industries, which was a tour
18 boat business here on Lake George. We had three ships on the
19 lake, which were the Patricia, which was a 65-foot steel
20 vessel, the Sayonara, an 81-foot wooden vessel, and the Roma,
21 which was a 48-foot wooden vessel.

22 Q. Okay.

23 A. At that time I first obtained a pilot and engineer's
24 license and then my master's license. Subsequent to that, I
25 worked at the town of Lake George. I was the town

1 administrator, working for them for close to 12 years. Then I
2 went to work for the Adirondack Park Agency. I worked for the
3 legal division of the Park Agency in the enforcement division.
4 I was an investigator. I retired from the Adirondack Park
5 Agency in April of 2004 and went to work that summer for
6 Shoreline Cruises and did the same this summer.

7 Q. And who hired you?

8 A. James Quirk.

9 Q. When they hired you, what type of check out did they
10 do?

11 A. I rode with -- first with the tour boat captains on
12 the tour boats, the 40-foot boats, getting myself acclimated to
13 how those vessels handled.

14 Q. Okay.

15 A. And I did that for about a month and then I started
16 captaining out my own in June 2004.

17 Q. Okay.

18 A. At the same time I was training on the Horicon.

19 Q. Okay. Of the three boats, do you have a particular
20 favorite, of the three 40-foot boats? Is there a boat you
21 particularly like out of the three?

22 A. Oh, well, it's really hard to say. The Algonquin was
23 kind of -- more of a unique vessel because it was open to the
24 bow.

25 Q. So you liked that?

1 A. Well, equally -- I enjoyed driving all three of them,
2 actually.

3 Q. Okay. Was there any noticeable difference between
4 the De Champlain and the Ethan Allen as far as --

5 A. Other than power, no.

6 Q. What was the difference in power?

7 A. The De Champlain had a newer Isuzu diesel in it.

8 Q. Right.

9 A. The Algonquin last year had an older diesel in it,
10 which was replaced over the winter. A new Isuzu was put in
11 that. And then there was an older engine in the Ethan Allen.

12 Q. Okay. So when they -- when Jim Quirk hired you, did
13 he give you any manual or employee's handbook or anything like
14 that?

15 A. There wasn't really an employee's handbook. I just
16 familiarized myself, again, with the New York State handbook
17 and whatever changes had been over the years. I believe my
18 last test I took for my master's was -- oh, a few years back,
19 which was a written exam, and just see the changes. The only
20 thing I really noticed was extinguishers.

21 Q. Okay.

22 A. But other than that, being familiar with the rules of
23 the road. I haven't been on the water a lot, even though I was
24 in the tour boat business, since the '70s.

25 Q. When you took the test for the exam, the New York

1 State exam, you took a written and you took a practical exam?

2 A. Took a practical exam originally, right.

3 Q. What can you tell me about the practical exam?

4 A. Back then it was on the 65-foot steel vessel, the
5 Patricia. We went out on the lake for a regular tour.

6 Q. Right.

7 A. We took a trip to Paradise Bay. It was two-and-a-
8 half hours. And, of course, you left the dock. You did the
9 tour, did the narration, went into Paradise Bay and came back
10 out. You were asked questions throughout the -- throughout the
11 trip.

12 Q. What kind of questions?

13 A. Navigational buoys, man-overboard procedures, fire
14 drills onboard the boat.

15 Q. Did they actually ask you to perform a drill?

16 A. No.

17 Q. Besides the -- when was this last practical exam,
18 when you got your license?

19 A. Yes.

20 Q. Was there any other exam or written exam required
21 since that time?

22 A. A written exam was required -- I left my license
23 lapse for several years and while -- it was less than ten
24 years. And then I reapplied or wanted to renew, I guess you
25 would say.

1 Q. Okay.

2 A. And then I had to take a written exam at that time.
3 I think I took it one time since then as well.

4 Q. And was that one time for renewal.

5 A. Just renewal.

6 Q. How often is that?

7 A. I do not remember. It was -- my present license, I
8 know, is to 23 or 24. And I think I've taken two written tests
9 since my original issue, so I'm not really sure, you know, if
10 they just said 10 years or so.

11 Q. Okay, did you -- have you ever done a physical for an
12 employer or for the New York State?

13 A. No.

14 Q. So when Captain -- when James Quirk hired you -- last
15 year?

16 A. Last year.

17 Q. That was the first time you worked for Shoreline
18 Cruises?

19 A. That's correct.

20 Q. And so they trained you for a month or so. Did he
21 sit down and give you any expectation of what an employee for
22 Shorelines is expected from a captain, sit down and chat?

23 A. I probably learned more of that from the other
24 captains than anything else.

25 Q. And which other captains did you train under?

1 A. Frank Antos, Dick Paris, Jim Young, John Mason.

2 Q. Okay. And did they answer all your questions?

3 A. Yes.

4 Q. And when was the first time you recall in the last
5 two years that you took out a group of over 40 persons, last
6 summer, '04?

7 A. No. It was probably a wk before this accident.

8 Q. Okay. And which boat was that?

9 A. That was on the De Champlain.

10 Q. Do you recall roughly how many persons?

11 A. Forty-eight.

12 Q. And that was the first time you recall carrying that
13 many people?

14 A. No, no. I've carried full boatloads in the past.
15 How many times, I don't remember.

16 Q. Do you recall how many times in a wk or in a month
17 you would have a full boat like that?

18 A. Maybe once, twice.

19 Q. Once or twice?

20 A. You know, fall season, bus tours, it's a busier time.
21 We have the fall foliage tours.

22 Q. Right. So we'll just take this example. The last
23 time you took one of these large groups out, which was -- you
24 say a wk before this accident?

25 A. Thereabouts, yes.

1 Q. Okay. Do you recall what the group was?

2 A. It was a senior citizens bus group.

3 Q. Do you recall where they were from?

4 A. No.

5 Q. Okay. Did you have a crew member ride with you on
6 that trip?

7 A. Actually, I wasn't the captain. I was a crew member.

8 Q. You were a crew member, okay.

9 A. Captain Antos was the captain.

10 Q. Were you still in training?

11 A. No, I was riding as a crew member.

12 Q. How were you asked to be a crew member in that
13 particular situation? How was it you were a crew member?

14 A. I had come back from another trip and I was done for
15 the day, and Captain Antos asked me to go along.

16 Q. Did he express a reason why?

17 A. No, just a full boat.

18 Q. Is that common practice at Shoreline to have another
19 person as a crew member?

20 A. On occasion, depending on the group.

21 Q. Was there something about this particular group that
22 needed assistance?

23 A. Not other than the fact it was a full boat. I don't
24 think so.

25 Q. So Frank Antos ask you. Did anyone else on shore ask

1 you or just Frank?

2 A. Frank, and he cleared it through Jim Quirk.

3 Q. When you rode the De Champlain the week before the
4 accident on a full boat, do you recall the boat responding any
5 differently or rolling perhaps more or responding --

6 A. No, because those boats always roll. That's the
7 nature of the boat, so nothing unusual.

8 Q. Can you describe that more in detail? Do the boats
9 always roll?

10 A. If you have, well, any kind of outside influences,
11 wakes.

12 Q. And so do they roll more when they're fully loaded or
13 they just roll all the time?

14 A. No they just kind of -- you know, a lot of hard
15 shine. They just kind of roll.

16 Q. Okay.

17 A. Not -- generally when you're going forward and you
18 don't have any chop or anything, they're stable.

19 Q. Okay. Now last Sunday, October 2, the day of the
20 accident, what were you -- were you working that day?

21 A. No, I had the day off.

22 Q. And did you work the day before that?

23 A. Yes.

24 Q. Saturday? What did you do on Saturday?

25 A. I was captain on the De Champlain.

1 Q. And how many people were on board; do you recall?
2 What was the highest number of passengers, I guess?

3 A. I'm not really sure. I may have had a -- your
4 typical tour -- you know, you're going to have 12, 15. I'm not
5 sure if I had a bus that day or not.

6 Q. Okay. Now when you start in the morning, when you
7 arrive to work, do you do a boat check?

8 A. Yes.

9 Q. Can you tell me what you do on that boat check.

10 A. Okay. Pull off your engine cover, slide it back,
11 check your bilge, check your oil, check your water levels,
12 check your transmission, check your intakes, your filters,
13 check your lights, horn, PA system, engage the battery, run the
14 boat.

15 Q. You turn the boat on? You actually turn it over?

16 A. Yes.

17 Q. Okay.

18 A. Make sure it's discharging water.

19 Q. Okay.

20 A. There's a checklist that we have on board. We check
21 all those things, initial it.

22 Q. Okay. Now is this just the first captain of the day
23 that does this or is it every time you take a boat out?

24 A. The first trip of the day for that particular vessel.

25 Q. And that's the A captain. Is that correct?

1 A. The A captain would be doing -- if he's there early
2 enough, he's going to do whatever boats are operating, if he
3 has time. If not, you inform the B captain and he'll check out
4 his own boat.

5 Q. Okay. Now who -- you mentioned some of the captains'
6 names, but do you recall specifically who taught you this
7 particular routine, or did a mechanic teach you?

8 A. Probably a captain.

9 Q. So he kind of shows you where all the different
10 checks were and the oil --

11 A. Right.

12 Q. Have you ever had occasion to call one of the
13 mechanics for a problem on one of these 40-foot boats?

14 A. Inform them?

15 Q. Mm-hmm.

16 A. We have (indiscernible) and sometimes the strainers
17 get -- it looks like it could cause a problem. I've never had
18 a problem with a boat heating up. But you ask them to clean
19 the strainers on the intakes. If the water level is low, you
20 would add water. You would add antifreeze, 50-50 or so. The
21 same thing with oil. You'd add it yourself.

22 Q. So you wouldn't have a mechanic do that. You'd do
23 that yourself?

24 A. No. If you had a problem that you felt needed a
25 mechanic's attention, you would tell him. You wouldn't

1 leave -- a written notice isn't necessary.

2 Q. Have you had an occasion to -- say this summer, to
3 inform a mechanic or Jim Quirk of a difficulty on one of --

4 A. Not on the tour boats.

5 Q. Not on the tour boats. How about the Horicon?

6 A. Yes.

7 Q. Yes.

8 A. Fluctuation in tachometer, or you need a fuel filter
9 change.

10 Q. Okay.

11 A. Those types of things.

12 Q. And when you informed them, was the problem taken
13 care of promptly?

14 A. Immediately.

15 Q. Do you recall who took care of the problem?

16 A. Ted Beaudet was usually the person.

17 Q. Okay. But have you -- so I guess I'll restate --
18 have you experienced any problems in the 40-footers as far as
19 mechanical difficulties?

20 A. No.

21 Q. To your knowledge, is there any procedure or policy
22 at Shoreline regarding inclement weather and operating your
23 boat in inclement weather, what to do?

24 A. Other than your own practical knowledge?

25 Q. Other than your own practical knowledge?

1 A. No.

2 Q. Okay. And I do recognize that you have a license and
3 everything else, but I just wanted to check that. What about
4 any emergency procedures, if you have a passenger injury or a
5 medical situation, does Shoreline have any procedures in place
6 to inform their captains of what to do?

7 A. I've never had an emergency procedure myself. What I
8 would do is what we have done -- people have slipped and those
9 kinds of things -- is, you know, you call your local 911 and
10 get a bus down there, an EMS, as soon as possible.

11 Q. Okay.

12 A. And I always carry a cell phone with me, and if
13 there's ever a need for that -- I've never had to use it.

14 Q. Have you had -- besides your exams, have you had the
15 opportunity to go through a boat inspection with the New York
16 State inspectors?

17 A. Yes. I went through a May inspection on the Horicon.

18 Q. Okay. Did they find anything, any discrepancies?

19 A. No.

20 Q. Okay.

21 A. I also did the most recent one on the Horicon and the
22 Adirondac for the re-certifications.

23 Q. Okay. Typically, when the New York State finds a
24 problem on the inspection, do you see those deficiencies
25 remedied immediately?

1 A. Yes.

2 Q. Have you ever seen a practice of, say, life jackets
3 being transferred from one boat to another to make for numbers
4 of life jackets?

5 A. No.

6 Q. Are they all stenciled on each boat?

7 A. Yes, as far as I know.

8 Q. How often are those counted; do you recall?

9 A. In the spring usually.

10 Q. Have you ever seen a passenger take a life jacket out
11 to use it without being instructed?

12 A. I've seen kids or young adults say, "hey, let's wear
13 this." And I inform them that they can't.

14 Q. That they can?

15 A. Can't.

16 Q. Can't?

17 A. They're doing it, you know, "take my picture" kind of
18 thing.

19 Q. Oh, okay.

20 A. Something like that, not as a --

21 Q. For recreational?

22 A. Right, not as a safety precaution.

23 Q. Okay.

24 A. I have -- people do ask where they are.

25 Q. Okay, they do ask where they are. Is there any sort

1 of routine where you inform passengers of any safety
2 instructions when you board the tour?

3 A. Routinely I tell people to remain seated and that
4 they shouldn't stand up and, of course, the weight distribution
5 on either side of the boat.

6 Q. Okay.

7 A. You have to move people around, especially with a
8 light boat, of course.

9 Q. Do you notice the boat leave a list or down by the
10 head in the normal distribution of weight?

11 A. No.

12 Q. How often do they fuel these boats?

13 A. Once a week.

14 Q. Do you recall how much fuel they take, or they just
15 fill it up, whatever it is?

16 A. It depends on the usage of the boat. You top them
17 off.

18 MR. TURRELL: I'll go ahead and let Walter ask his
19 questions.

20 BY SGT. SCHEDEL:

21 Q. Okay. Walt Schedel of the New York State Park
22 Police. You said you (indiscernible) your business called the
23 Lake George --

24 A. Marine Industries.

25 Q. Where was that on Lake George?

1 A. Right down the beach road. We operated out of three
2 different places over the years, but we originally started
3 right on the beach road. We purchased an existing business.

4 Q. Okay.

5 A. That's right where the water pump station is now and
6 the public docks, where they have the metered docking, they
7 call it, just a little ways from the Adirondac.

8 Q. All right. You currently work for Shoreline Cruises
9 and have for the past two years?

10 A. Yes.

11 Q. What kind of hours do you work there?

12 A. It varies. If I'm on the Horicon, I'll be working
13 on, say, a given day during the summer, a 2 o'clock trip, a 4
14 o'clock trip, a 6 o'clock trip, perhaps an evening cruise if
15 there's fireworks, or an entertainment cruise on the weekends.

16 Q. So basically you work --

17 A. And the tour boat schedule starts at 10:30 in the
18 morning and 10:30 to 11:30 and then there's -- you know, the
19 boats are staggered as they are going out. So we have an A
20 captain and a B captain.

21 Q. You work basically full-time during the summer, 40
22 hours a week on a regular basis?

23 A. Yes, sometimes more, right. Usually between 30 and
24 40 hours, 5 days, 2 days off.

25 Q. What are your days off?

1 A. My days off for the summer was Sunday and Monday,
2 except for long weekends, you know, Fourth of July.

3 Q. Do you get an extra day off or do you work Monday?

4 A. No, no.

5 Q. Yeah, wishful thinking. You retired guys, you're not
6 supposed to work all these hours.

7 A. That's what my wife says.

8 Q. Okay, and just for clarification purposes, the A
9 captain generally checks all the boats in the morning?

10 A. Depending on time.

11 Q. Depending on time?

12 A. Yes. If you're A captain, you go out at 10:30. It's
13 the first. If you have the time -- there's an A captain and a
14 B captain. You would check out both of those boats going out
15 that day. That's my practice. If you don't have time, you've
16 got other things to do, then you just kind of -- don't make
17 notes on the other clipboard that you checked out the boat.
18 The other captain, you inform him. You have to see him before
19 you go out.

20 Q. Yes. So basically, if you're not the A captain and
21 when you come in, you look at the clipboard to see if the boat
22 has already been checked?

23 A. Yes.

24 Q. And if you notice that it's already been checked, you
25 don't do any checks yourself?

1 A. Correct.

2 Q. Okay. And as far as communications provided on the
3 boat, you said you bring your cell phone for dialing 911. If
4 you don't have your cell phone with you or if one of the cell
5 phones doesn't have a cell phone, what method does he use for
6 communications?

7 A. There wouldn't be any.

8 Q. There would be none?

9 A. Right. There -- on the Ethan Allen there was a VHF,
10 but there was no receiver on shore. So you could speak to
11 another boat, perhaps.

12 Q. But nobody at Shoreline, say in the ticket booth or
13 anything, monitors the VHF?

14 A. They had one. I believe they just discontinued the
15 use. It was operable. I don't know if anybody ever turned it
16 on.

17 Q. So basically, if you don't have your own cell phone,
18 you're pretty much on your own unless somebody else is going to
19 listen to the VHF for you?

20 A. Right, yeah.

21 SGT. SCHEDEL: That's about it for the moment.

22 BY MR. TURRELL:

23 Q. What are your dealings with the Lake George
24 Commission? Have you had any opportunity to encounter the Lake
25 George Commission there?

1 A. The Lake George Park Commission?

2 Q. The Park Commission, their rescue boat or any other
3 activities with the Lake George Commission?

4 A. Well, I hadn't working for Shoreline Cruises. I
5 dealt with them when I worked for the state.

6 Q. Okay, as far as an employee of Shoreline, what is
7 your --

8 A. Other than knowing, you know, that they're out there,
9 wave.

10 Q. Okay.

11 A. You know, you have familiarity with all the agencies
12 that are out there.

13 Q. Okay. You've had no particular dealings with them on
14 a personal basis?

15 A. No.

16 Q. Have you ever had a cause to make a complaint against
17 another boater for hazardous conditions or any sort of need to
18 complaint about other boaters on the lake?

19 A. Wanting to, yes. Doing it, no.

20 Q. That's fair enough. Can you tell me if you have any
21 personal relationship or dealings with Captain Paris, any
22 personal relationship with him?

23 A. Outside of work, no.

24 Q. Outside of work -- okay. Can you give me your
25 impression of him as a boat handler?

1 A. He was one of the primary captains that I rode with
2 in my training period. I found him to be very experienced.

3 Q. Okay. Can you describe what's been said about the
4 conditions on the lake affecting the 40-foot boats? From your
5 experience, have you experienced a wave causing a dangerous
6 condition on your boat?

7 A. Dangerous condition, no. Rolling condition, yes.

8 Q. And how much of a rolling condition have you -- could
9 you describe that?

10 A. The degree?

11 Q. Sure, if you can.

12 A. I'm not really sure that I can.

13 Q. Would you say it's a rapid rolling or a slow rolling?

14 A. Usually a slow roll of 12 to 15 degrees, perhaps.

15 Q. Okay.

16 A. I'm a sail boater.

17 Q. Okay.

18 A. And I don't get afraid of a boat keeling over.

19 Q. That's why you're probably paying attention to the
20 rolling rate as opposed to just watching things go back and
21 forth. So it's a slow roll about 12 to 15 degrees in either
22 direction. Any idea of the rolling period?

23 A. Again, it depends on what's causing the roll. If
24 it's the waves are far apart, it's going to be -- you know,
25 you're just going to kind of slowly roll with it. And if it's

1 a short chop, it's going to be a little bit different. It's
2 going to kind of jerk you.

3 Q. Are there any boats you experience on a regular basis
4 that create various conditions, either a short chop or a long
5 roll?

6 A. I know because of the press the Mohican has been
7 accused of -- the Mohican does create a large wake and
8 causes -- if you're not aware of it and approach it properly,
9 it can catch you on the corner, on your after corner or a beam,
10 it's going to make you roll, especially -- if you hit it fairly
11 head on or at an angle on the bow, it diminishes the rolling.

12 Q. And as far as the pitching, does the vessel pitch?

13 A. Not badly. I mean, just like any other vessel would
14 hitting a big wake.

15 Q. And the wake from the Mohican, is it unexpected, or
16 do you guys know where they are?

17 A. You keep very close attention to where the Mohican
18 is. You know, it doesn't run that many trips a day, so you
19 generally know what time it's going to be out there and when
20 it's coming in. Its mooring is always out by 9 o'clock, so you
21 don't worry about it. It comes back in at 1:30. It goes out
22 at 2:30, back in between 4:30 and 5:00.

23 Q. So you keep an eye on the Mohican. Any other boats
24 that you have to keep an eye on?

25 A. The bigger cruisers. There's a couple of big Carvers

1 out there that are over 30 feet in length, and Chris' and a lot
2 of other boats that just -- they think they're doing a favor by
3 going slow and they create a bigger wake, because they're not
4 on plane, of course, and the rear end of those things sit down
5 and create a bigger swell.

6 Q. Okay, any other passenger vessels, commercial boats?

7 A. No. Generally the other ones are not as large, don't
8 create -- they don't have the hull design to create a big wake.

9 Q. So you keep an eye on the Mohican. And how far away
10 do you -- do you try and stay away from the Mohican or is there
11 any way you can avoid the wake that it puts out?

12 A. There's really no way to avoid it.

13 Q. Okay.

14 A. It's nice when it's on the other side of the lake
15 when it's going up or down, because that gives it time for
16 those rollers to flatten out a little bit. They're still
17 there, but they flatten out. They get further apart.

18 Q. So these waves and rollers flatten out over distance
19 from your experience?

20 A. Yes.

21 Q. Normally how far -- if the Mohican is traveling at
22 the western shoreline in lateral distance away from your track,
23 do you recall how far off the Mohican track is from your track,
24 how much further east?

25 A. Well, it really doesn't -- you're still going to feel

1 those rollers from that boat, even if you're on opposite sides
2 of the lake. It's -- as far as --

3 Q. If you were traveling north and they were traveling
4 north and you both met at the same location, generally how far
5 off the beam would the Mohican be?

6 A. Well, it varies.

7 Q. Okay.

8 A. It varies. I have encountered the Mohican on a tour
9 boat as far as coming back down the lake and maybe crossing in
10 front of me or crossing behind me within a hundred yards.

11 Q. Okay.

12 A. And you try -- you know, if it's crossing in front of
13 you, you're going to counter that wake head on. And you inform
14 your passengers that's going to happen.

15 Q. Okay.

16 A. And you tell them there's no extra charge for the
17 rolling.

18 Q. Do passengers generally stay seated or do they --

19 A. You have to tell people to sit down. Sometimes they
20 want to get up and wander around. You have to tell them to
21 remain in their seats. They don't often listen.

22 Q. And why do you tell them to stay in their seats?

23 A. Because we might encounter a wake from a boat and
24 they would fall down and possibly get hurt.

25 Q. Did anyone in your organization tell you any

1 particular warnings about stability on these boats?

2 A. No.

3 Q. I have a quick question -- I just have -- if you give
4 me an idea of how much a captain would make in a full season
5 working full time, what particular salary or maybe just an
6 hourly rate. If you'd just give me an idea of what --

7 A. Well, the senior captain is going to make more money.
8 I make \$11 an hour.

9 MR. TURRELL: Okay. Walter, any other questions?

10 BY SGT. SCHEDEL:

11 Q. Yeah, in the two years' time that you've been
12 working, it's your experience that in the summer months, you
13 said, the Mohican goes north at 9 o'clock every day?

14 A. Correct.

15 Q. And returns about 1 o'clock?

16 A. 1:30, I would say.

17 Q. 1:00 to 1:30. And it departs again at 2:30?

18 A. Correct.

19 Q. Every day?

20 A. Correct. As far as I know -- well, that's their
21 schedule is.

22 Q. Yeah, that you know about, within a couple of minutes
23 in either direction?

24 A. Yes.

25 Q. You know (indiscernible) constantly retinkering that

1 time.

2 A. Right.

3 Q. That also coincides with one of the regularly
4 scheduled departures of one of the tour boats at 2:30 each day?

5 A. Correct.

6 Q. Or roughly?

7 A. Yes.

8 Q. I mean, if there's nobody waiting aboard, they're not
9 going to go at 2:30 with an empty boat?

10 A. Right.

11 Q. So would it be fair to say that it's not uncommon for
12 your boat to be departing the dock at or about 2:30 and the
13 Mohican would either overtake you or be running alongside you
14 at some point on that run?

15 A. Normally, if I had the 2:30 trip -- that means I
16 would be the A captain -- the Mohican would back out and pass
17 me before I reached Tea Island.

18 Q. Prior to Tea Island?

19 A. Prior to Tea Island. If I timed it right, I would go
20 behind Tea Island, in the Tea Island Bay, and come out between
21 the mainland and Tea Island Bay as the Mohican was going up the
22 lake, and I would encounter that, that wake, at that time.

23 Q. As you were coming out you'd be behind?

24 A. Right.

25 Q. So would it be fair to say that timing is not always

1 perfect and that you encounter it in other portions of the lake
2 as well?

3 A. Yes.

4 Q. Okay. But at either rate, I think you said you
5 always pay close attention what the Mohican is doing and where
6 it is. Generally after the Mohican passes, how far ahead --
7 how far ahead of you is before the time that wake catches you?

8 A. Again, it depends on how far along he is in his trip
9 and, you know -- he goes fast. He goes up the lake quickly.

10 Q. Right.

11 A. He's going to be like -- if he's going by me when I'm
12 coming out of Tea Island Bay, then he's, you know, past the
13 boathouse very quickly. And I've already encountered the wake
14 and he's gone on his merry way.

15 Q. Okay. So that would be roughly half, three-quarters
16 of a mile away?

17 A. Sure, yeah.

18 Q. And in your experience when Mohican is making that
19 northbound trip to Paradise Bay, is he generally maintaining a
20 common track?

21 A. Yes. I believe the steamboat company steers the old
22 steamboat routes.

23 Q. And are you familiar what the old steamboat route
24 would be from leaving the Steel Pier?

25 A. He would be going up the west shore. He would be

1 heading just a little bit off (indiscernible) Point and bearing
2 to -- I think he then bears to port, because there's a shoal
3 that's not marked out there. You're going around that and
4 further up the west short into Bolton Bay.

5 SGT. SCHEDEL: Okay. Thank you.

6 BY MR. TURRELL:

7 Q. Don, do you have anything to add to this
8 investigation, any comments or statements that you'd like to
9 make to the NTSB regarding safety on Lake George or your
10 experience with Shoreline?

11 A. My experience with Shoreline has been a positive one.
12 And other than that, I don't have any other comments. I was
13 not working that day, so I really can't comment on what
14 conditions were like.

15 Q. Okay. If you would just acknowledge this was
16 recorded and we'll end the interview.

17 A. Okay, I acknowledge that this has been recorded.

18 MR. TURRELL: Thank you very much.

19 (Whereupon, the interview in the above-entitled
20 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 Donald D. Smith

DOCKET NUMBER: DCA 06 MM 001

PLACE: Lake George, New York

DATE: October 12, 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.

Phyllis Jarvis
Transcriber