

Another lawsuit, as NTSB confirms train-crash engineer used cellphone

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A SEPTA train passes a sign marking the testing of "Positive Train Control," technology some say could have prevented crash. (JOSEPH KACZMAREK / FOR THE DAILY NEWS)

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THE AMTRAK engineer driving Train 188 when it crashed last week in Frankford, killing eight and injuring more than 200, used his cellphone the day of the deadly derailment, the National Transportation Safety Board announced yesterday.

But investigators haven't yet determined whether engineer Brandon

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Bostian made calls, sent texts and otherwise used his data plan while he was at the train's controls.

Bostian, who was injured in the May 12 nighttime disaster, has told investigators he doesn't remember anything in the minutes before or during the crash.

Investigators now must correlate the time stamps in his cellphone records with multiple data sources, including the locomotive's event recorder and outward-facing video, recorded radio communications and surveillance video, the NTSB said in a statement. That could be "a lengthy process," the NTSB warned.

Investigators found no problems or malfunctions with the signals systems, the NTSB also said yesterday.

The findings came the same day an eBay employee injured in the crash sued Amtrak for negligence and recklessness.

Trevor Beddoe, 35, of Long Island City in Queens, N.Y., filed his complaint yesterday in Philadelphia Common Pleas Court against Bostian and the transit company, saying he suffered "catastrophic and disabling injuries" including a traumatic brain injury; fractured clavicle, shoulder and ribs; lung trauma and other internal injuries; and various cuts and orthopedic injuries.

He was at least the seventh passenger to file suit.

Beddoe had worked for eBay in King of Prussia the day of the crash and had boarded Train 188 at 30th Street Station to head home, according to attorneys Joseph L. Messa Jr. and Thomas N. Sweeney, who filed the complaint. Beddoe was riding in the second car, which was among the most damaged in the derailment.

The suit also names Beddoe's wife, Eunju, as a plaintiff, with a loss-of-consortium claim.

Beddoe's suit blames the train's speed, as well as Amtrak's failure to implement mandated safety technology such as Positive Train Control in the area where the crash occurred.

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The NTSB found that the train was traveling at 106 mph - more than twice the posted speed limit at the curve in the tracks where the train derailed.

NTSB investigators are almost done working at the crash site and at facilities in Delaware where workers had taken the mangled cars for further study. Further 3-D laser scanning of the train cars will be done in coming weeks, the NTSB said yesterday. The entire investigation is expected to last a year.

The NTSB set up a Web page - go.usa.gov/38MUB - where it will post information related to its investigation.