

NTSB: Engineer's cellphone used day of crash, not sure when

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Brandon Bostian's lawyer said his client told him his phone was in a bag at the time. (St. Louis Post-Dispatch)

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The cellphone of the engineer on Amtrak 188 was used the day of last week's deadly derailment, the National Transportation Safety Board announced Wednesday, but investigators are still trying to determine whether any of the activity took place during the doomed ride.

In a brief investigative update posted on its website, the NTSB said

The Inquirer

that it had the cellphone of Brandon Bostian and that records indicated that "calls were made, text messages sent, and data used" on May 12.

Still, the NTSB said, investigators have not determined exactly when the phone was used, and the process for reaching such conclusions is lengthy, involving the verification of time stamps across various data sources.

Engineers are forbidden by federal regulation and Amtrak rules from using a cellphone during train operations. Phones must be turned off and stowed. That rule was put in place after a deadly 2008 crash in Chatsworth, Calif., in which an engineer was on his phone.

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Robert Goggin III, the engineer's lawyer, has told *Good Morning America* that Bostian told him his cellphone was in a bag when the train derailed.

Amtrak 188 crashed at 9:21 p.m. May 12 while traveling at more than 100 m.p.h. around the Frankford Junction curve, killing eight people and injuring more than 200.

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The cellphone update was among a number of minor details released by the NTSB on Wednesday. Several larger questions remain unanswered as the investigation continues. The NTSB has said a full report might not be finished for about a year.

In its news release Wednesday, the agency said it found no malfunctions with its signals along the tracks in Philadelphia.

It also said that Bostian's Amtrak training records show he had been operating on the Northeast Corridor for three years but specifically on the Washington-New York route for only "several weeks."

The NTSB said investigators had interviewed a SEPTA engineer who stopped his train the night of the crash after being hit with a projectile.

That engineer, who was not identified, recalled a radio conversation with Bostian, the NTSB said. But the engineer said Bostian simply notified him that an Amtrak train was approaching, according to the NTSB. The SEPTA engineer noticed nothing unusual as the Amtrak train passed.

In addition, the NTSB said, the SEPTA engineer did not report hearing Bostian complain about being hit by a projectile, as one of Bostian's assistant conductors has recalled.

The NTSB has said it does not have an explanation for that discrepancy. It also said Wednesday that investigators were still examining whether the Amtrak train's windshield was hit by anything before the crash. Investigators have found a grapefruit-sized impression in a front window of the locomotive.

In the meantime, at least 16 patients were still hospitalized Wednesday in Philadelphia, hospital officials said. Five were in critical condition.

Another lawsuit was filed against the railroad in Common Pleas Court in Philadelphia as well, on behalf of a passenger, Trevor Beddoe of Queens, N.Y., who was seated in the second car.

The claim, from Philadelphia-based attorneys Joseph Messa and

Thomas Sweeney, alleges recklessness and negligence against Amtrak and Bostian, and seeks unspecified damages for Beddoe and his wife, who was not on the train.

At least four other lawsuits were filed this week, two from conductors on board, and two others from sets of passengers. Legal experts expect more claims to follow.

In Washington earlier this week, legislation was introduced proposing an increase in the payout cap in train crashes from \$200 million to \$500 million.

Four passengers have been laid to rest since the derailment, at funerals in Michigan, New York, and New Jersey.

Family members of another victim, Italian entrepreneur Giuseppe Piras, have been in the country working through red tape to secure his remains and return them to Sardinia, officials said earlier this week.

Full Amtrak service between Philadelphia and New York was restored Monday. The railroad spent the weekend installing new safety controls to limit the speed of northbound trains entering the Frankford Junction curve to 45 m.p.h. Officials have said that system - known as automatic train control - likely would have prevented the crash had it been installed before last week. It was in place on the southbound tracks.