



by Steve Tawa CBS News
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Philly Injury Lawyers Take Issue With NTSB Amtrak Probe

PHILADELPHIA (CBS) — Philadelphia personal injury lawyers with a stake in the Amtrak 188 crash contend the NTSB is “soft peddling” its probe.

Personal injury lawyer Robert Mongeluzzi says the NTSB is only “speculating that the engineer may have lost situational awareness,” because a SEPTA train may have been hit by a rock 3 1/2 minutes earlier.

“We don’t believe that the evidence establishes that,” said Mongeluzzi.

Mongeluzzi says engineer Brandon Bostian has changed his testimony “on more than a score of different facts.”

“We believe that the question on why Brandon Bostian was going 106 m.p.h. along a 50 m.p.h. curve is something that will be further determined as he gets cross-examined at deposition and at trial,” he said.

Attorney Thomas Kline looks forward to cross-examining Bostian at deposition and at a civil trial.

“A man who changed his testimony on at least 20-key facts when he spoke with investigators two days after the crash, and a second NTSB interview six months later,” said Kline.

Kline remains critical of Amtrak’s decades long delay in installing safety equipment, including positive train control, or PTC, to automatically slow down trains.

“The clear message from the NTSB was that PTC is a requirement, not an option, anymore,” said Kline.

The opposite, southbound, stretch of Frankford Junction had an earlier-generation type of automatic control to override operator error. As Mongeluzzi put it, “imagine driving on a highway with a big curve and 300 foot drop on both sides, with guard rails on only one side of the highway.”

Mongeluzzi and Kline represent 32 family members and victims of the crash.