

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of:

*

*

AMTRAK TRAIN 188 DERAILMENT NEAR

*

PHILADELPHIA, PENNSYLVANIA

*

Docket No.: DCA-15-MR-010

MAY 12, 2015

*

*

* * * * *

Interview of: EMILIO FONSECA

Law Offices of Nagel Rice, LLP
Roseland, New Jersey

Wednesday,
September 9, 2015

The above-captioned matter convened, pursuant to notice.

BEFORE: DAVID BUCHER
Rail Accident Investigator

APPEARANCES:

DAVID BUCHER, Rail Accident Investigator
National Transportation Safety Board

STEPHEN JENNER, Ph.D., Human Performance Investigator
National Transportation Safety Board
(Telephonically)

JOHN HINES, System General Road Foreman
Amtrak Railroad

DAVE NICHOLS, Chief Transportation Officer
Amtrak Railroad

EDDIE MRUK, System General Trainmaster
Amtrak Railroad

DON HILL, Safety Task Force
Brotherhood of Locomotive Engineers & Trainmen (BLET)

JIM GEE, Operating Practices Inspector
Federal Railroad Administration (FRA)

BRUCE H. NAGEL, Esq.
Law Offices of Nagel Rice, LLP
Roseland, New Jersey
(On behalf of Mr. Fonseca)

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Emilio Fonseca:		
By Mr. Bucher		5
By Dr. Jenner		11
By Mr. Gee		17
By Mr. Hill		21
By Mr. Mruk		23
By Mr. Hines		24
By Mr. Bucher		26
By Dr. Jenner		26

I N T E R V I E W

1
2 MR. BUCHER: This is Dave Bucher, Rail Accident
3 Investigator for the National Transportation Safety Board. This
4 is the interview of Emilio Fonseca, conductor on Amtrak Train 188,
5 and it's relative to the accident of May 2015.

6 And I'm going to go ahead and read the briefing items:

7 The purpose of this investigation is to increase safety,
8 not to assign fault, blame or liability; however, NTSB cannot
9 offer any guarantee of confidentiality or immunity from legal or
10 certificate actions.

11 A transcript of this interview will go into the public
12 docket. The interviewee can have one representative of the
13 interviewee's choice. That representative may be an attorney but
14 is not required to be an attorney, and that representative may not
15 testify for the interviewee.

16 I'd like to go around the room, introduce everyone for
17 the record. Go ahead.

18 MR. HINES: John Hines, System General Road Foreman,
19 Amtrak.

20 MR. BUCHER: Spell --

21 MR. HINES: John, J-O-H-N, Hines, H-I-N-E-S.

22 MR. NICHOLS: Dave Nichols, Chief Transportation Officer
23 for Amtrak, D-A-V-E, N-I-C-H-O-L-S.

24 MR. MRUK: Eddie Mruk, E-D-D-I-E, M-R-U-K, System
25 General Trainmaster with Amtrak.

1 MR. HILL: Don Hill, BLET, Safety Task Force, D-O-N, H-
2 I-L-L.

3 MR. GEE: Jim Gee, FRA Operating Practice Inspector; J-I-
4 M, last name Gee, G-E-E.

5 MR. BUCHER: On the phone we have?

6 DR. JENNER: This is Stephen Jenner, S-T-E-P-H-E-N, J-E-
7 N-N-E-R, with the NTSB.

8 MR. BUCHER: Okay. Mr. Fonseca, would you give your
9 name and spell it for the record?

10 MR. FONSECA: Sure. Emilio Fonseca, E-M-I-L-I-O, F-O-N-
11 S-E-C-A.

12 MR. BUCHER: And representing Mr. Fonseca?

13 MR. NAGEL: Bruce Nagel from Nagel Rice.

14 INTERVIEW OF EMILIO FONSECA

15 BY MR. BUCHER:

16 Q. Okay. Mr. Fonseca, as we discussed a little bit
17 earlier, if you could go back to the day of the accident,
18 basically go back to the beginning of your day as much as you can
19 remember from when you were called to go to work, went to work,
20 any previous trips you might have made through to the accident and
21 what happened as much as you can remember afterwards, that would
22 be great.

23 A. Okay. Well, we started the day off in New York because
24 that's our crew base. We had our briefing, went over everything
25 as far as, you know, pertaining to operations, restrictions, Form

1 D's, safety rule.

2 We took the Acela down to Washington. We had some
3 mechanical issue on that day which got us into Washington about an
4 hour late. Now, the actual fault that caused the delay, I can't
5 say for sure. I gathered some assistance for the engineer from
6 one of the trainers in Wilmington for the engineers which was --
7 what's his name -- a German guy; I forget his name -- one of the
8 trainers from the department.

9 Q. Okay.

10 A. So he went up there and gave him a hand and they worked
11 it out and got everything moving, but we did get into Washington
12 late. Harold is the guy's name.

13 Q. Okay.

14 A. So we had a little time to kill in Washington. We had a
15 little break, we had lunch, then we signed up for our assignment
16 to go back to New York. We didn't have a long layover, but, you
17 know, we had enough time so that we could eat and have our lunch.

18 So same thing, I called Washington K Tower for Form D's.
19 We went over everything as far as Form D's, restrictions.
20 Obviously, signed in, did a crew briefing. We went out to the
21 train. Train set from what I can remember was seven cars that
22 day. Once we got going everything was okay.

23 And do you have any questions as far as like a
24 particular part of the trip?

25 Q. This is Dave Bucher. We're just looking --

1 A. Yeah.

2 Q. -- go through it the first time.

3 A. Yeah, I got it.

4 Q. We will have some questions.

5 A. Okay.

6 Q. As much as you can remember, and if I have to jog your
7 memory, I will.

8 A. Okay.

9 Q. But I want you to tell us your story as much as you can
10 remember or as little as you can remember. It doesn't -- there's
11 no right or wrong here.

12 A. Right. Okay. Well, I believe that day we were a little
13 tardy leaving Washington but we did make up some time.

14 Q. Okay.

15 A. They brought in the equipment a little late. I remember
16 we were still setting up the café car. Before we actually left
17 Washington we made an announcement saying that the café car would
18 open once we were set up.

19 Now, as far as the trip goes from then on out, I mean,
20 we made our stops. I called out every stop, you know, preceding
21 what stop we were at. Like if we stopped in New Carrollton, BWI
22 next, so on and so forth.

23 And then Philadelphia came. They boarded the train. I
24 did my ticket lift out of Philadelphia. Then I went to go use the
25 bathroom. And as I was washing my hands, I felt a shake, like a

1 violent shake. So I went for the door to open it to see what was
2 going on, and as I was opening the door, I flew back like -- with
3 like a violent force backwards and then I was just knocked
4 unconscious.

5 Q. Okay.

6 A. And then when I woke up, emergency personnel were
7 already on the scene. It looked like a chaotic disaster. Cars
8 flipped over, lines down. I sat up and I saw people by the lines
9 and I started screaming at them, "Get away from the lines. Get
10 away from the electrical lines."

11 Now, you know, for all I know, I mean, the power
12 director probably shut everything down by then, but, you know,
13 still like -- you know, I just woke up in a daze. I see lines
14 down, so I was screaming for them to get away. And then, I guess,
15 a EMT heard me and he saw me and like I could see -- I didn't know
16 how I appeared outwardly, but like I could see that I wasn't in
17 good shape just by the look in his eyes. And he's like, you have
18 to come with me.

19 So then he -- and then I told him, listen, there's
20 people by the lines. So then he told them, man, get away from
21 those lines, guys. And then he took me with him and then that was
22 it; I went to the hospital.

23 Q. Okay. All right. During the -- I had just a couple
24 questions about the after. Were you taken immediately to the
25 hospital or did you have to wait?

1 A. I was taken to Frankford Aria hospital just to stop the
2 bleeding. I suffered a massive concussion and I don't know how
3 long I was out cold for, but -- and I required -- it was -- I
4 guess it was bleeding a lot. The wound was all the way to the
5 skull. So, yeah, they had to close that up. And then they
6 transferred me over to another Aria hospital once they stopped the
7 bleeding.

8 Q. Okay. Okay, I'm going to ask you a few questions about
9 -- just about the operation of the train.

10 A. Sure.

11 Q. When you left D.C. everything handled normally.

12 A. Yeah.

13 Q. They did the running brake test and that was good, bad?

14 A. Yeah, we did a running brake test. We also did a --
15 well, mechanical brought the train in because, like I said, the
16 equipment just wasn't there when we got to the track, so -- yeah,
17 everything was done as far as running brake test, brake test with
18 the equipment, so --

19 Q. Okay. And Dave Bucher again. And the train handled
20 normally, from your perspective?

21 A. From my perspective, everything was fine once we left.

22 Q. Okay. All right. Follow-up question on -- we'll move
23 on to, a little bit to the radios, okay?

24 A. Uh-huh.

25 Q. Were you -- did you have a radio with you?

1 A. Yes.

2 Q. Okay. And it was a portable radio?

3 A. Yes.

4 Q. And it was working when you tested it and it was working
5 when you left D.C.?

6 A. It was working and tested throughout every station,
7 yeah.

8 Q. Okay.

9 A. Normally I communicate with the engineer over the radio,
10 next stop, you have two to proceed next stop. So I tell him, you
11 know, two to proceed, the station stop that's next, and all of
12 that. So we -- you know, we communicated back and forth. So the
13 radio between me and him was fine.

14 Q. Okay.

15 A. Now, when I woke from the accident I didn't have my
16 radio on because obviously the impact must have blown it away
17 somewhere.

18 Q. Right. Okay. And that's understandable.

19 A. Yeah. But, yeah, throughout the trip, I did have my
20 radio on and it was functional and working fine.

21 MR. BUCHER: Okay. Thank you.

22 Okay. I'm going to go around the table and we'll ask a
23 couple more detailed questions --

24 MR. FONSECA: That's fine.

25 MR. BUCHER: -- about the radio or may have other

1 questions about the radio also, but -- first we'll go to
2 Dr. Jenner on the phone. Steve, any questions?

3 DR. JENNER: Yeah, I do have some.

4 BY DR. JENNER:

5 Q. I didn't hear the answer to the -- if the radio was
6 portable. Was that a yes?

7 A. Yes.

8 Q. Okay. So just to summarize, and I don't want to put
9 words in your mouth, it sounds like your trip from D.C. to
10 Philadelphia up until the time of the accident was mostly normal
11 and routine in terms of workload and operations?

12 A. Yeah.

13 Q. Did you have good coordination and communication with
14 your assistant conductors?

15 A. Yes, I mean, I saw them. I walked the train. I saw all
16 of them. I spoke to them. Yeah, so as far as like communication
17 with the rest of the crew, yes.

18 Q. Okay. And with the engineer, when did you -- from
19 before you departed D.C., did you have any interaction with the
20 engineer and, if so, can you describe that?

21 A. The interaction before D.C. was a crew briefing where I
22 went over the Form D's, restrictions --

23 Q. Yeah.

24 A. -- and safety rule of the day.

25 Q. And how -- first of all, had you worked with the

1 engineer before this day?

2 A. He was -- he had just came -- that was my regular
3 assignment. He had just came on the job, I want to say, about 2
4 weeks prior to that. So I had worked -- I had known him for at
5 least 3 years, because he had been on different jobs. But as my
6 regular engineer, I would say about 2 weeks, maybe 3.

7 Q. Okay. Did he seem any different on this day overall?

8 A. No. I mean, he seemed the same as always.

9 Q. And did he express any concerns about the trip or his
10 health or about anything?

11 A. Like I said, our trip going down to Washington, we did
12 have some mechanical fault. Eventually that was settled and we
13 made our way into D.C. a little late. So we didn't have the
14 normal rest period that we have usually between trips, but we had
15 sufficient enough time to, you know, eat our lunch and take a
16 little break.

17 As far as like anything out of the ordinary with his
18 behavior, no, I didn't see it if there was. No, I didn't see it.

19 Q. So how -- with the interactions that you had
20 pre-departure, did you have any interactions after you departed
21 D.C. with the engineer?

22 A. Yeah, usually I'll go up to him and see if -- at the
23 station stop, you know, he'll go out and check his pantograph and,
24 you know, see if everything's okay and sometimes I'll walk up
25 there and, you know, ask him if he needs anything, maybe a cup of

1 coffee or something. Like I said, as far as like that day goes,
2 everything with him seemed normal, but --

3 Q. But --

4 A. Go ahead, I'm sorry.

5 Q. No, I'm sorry. No, no, you please go ahead.

6 A. No, I was just going to say, yeah, normally an engineer
7 will step off his equipment every stop and check the pantograph,
8 check the carbon strips and, you know, just check out his
9 equipment between stops. So I'll see him on the platform. If I'm
10 in the first car or in business class and I'm keying the doors
11 from business class, you know, I'll go up to him, see if
12 everything's okay, if he needs anything, if he needs to coffee
13 during the trip. Brandon didn't usually take coffee, so -- but I
14 would always ask regardless.

15 Q. I see. When was the last time that you saw him before
16 the accident?

17 A. It would have to be in the platform in Philadelphia.

18 Q. And just to confirm, did he seem normal to you? Did he
19 seem off his game at all or shaken or tired, or how did he seem to
20 you?

21 A. Like I said, the same as always, I mean, nothing out of
22 the ordinary as far as, you know, him and his behavior or even,
23 you know, his appearance.

24 Q. Very good. Thank you. Let me talk a little about a
25 radio and maybe some conversations that you heard or did not hear.

1 A. Okay.

2 Q. You know, you probably know we've already talked to the
3 engineer and to the conductors. One thing that we learned, that
4 around the Philadelphia area there was an incident involving a
5 SEPTA train and a shattered window.

6 A. Uh-huh.

7 Q. Do you know anything about that?

8 A. Here's the thing. I mean, I've heard about it through,
9 you know, reading stories and hearing the news, but I don't recall
10 any radio transaction or transmission. As far as like -- I know
11 what you're talking about in regards to the SEPTA train, but I
12 just don't recall that transaction or my engineer making any type
13 of transaction with that engineer as far as -- interaction, I'm
14 sorry, with the --

15 Q. Oh, so you don't recall anything coming through your
16 radio? You didn't overheard any conversation between --

17 A. No, I don't, I don't recall it.

18 Q. Right. And how about with a Acela train about the same
19 time?

20 A. The same thing, I don't recall any type of like talk
21 over the radio. I've heard the stories; they've been on the news
22 but I just don't recall any of that interaction.

23 Q. Okay. Can you -- let me ask you about your injuries. I
24 heard you mention that you had suffered a concussion. Can you
25 describe any other injuries you may have had?

1 A. I had a fracture on the C7 neck, also four fractures in
2 my back, four fractures in my ribs, a dislocated right shoulder
3 and a fractured humerus and scaphoid on my left arm.

4 Q. Goodness. I imagine you were in the hospital for a
5 period of time?

6 A. Yeah, I was in the hospital for 10 days.

7 Q. How are you doing now?

8 A. Day by -- I mean, I'm still feeling, you know, the
9 effects, but day by day I'm doing a little better.

10 Q. Good to hear.

11 A. Thank you.

12 Q. Let me ask you a question. When you're conducting your
13 normal duties in the passenger car, you know, attending to the
14 passengers, how attuned are you to the train speed and overall
15 train handling? That is, if something out of the ordinary is
16 happening with the operations, would you be able to detect that?

17 A. Probably -- probably if I were like looking through a
18 window or -- but at the time I was in the bathroom, so it was kind
19 of like, you know, I wouldn't know for sure from being in the
20 bathroom.

21 Q. Is looking through a window pretty key in order to --

22 A. I mean, just to know where you are or, you know, what
23 stop is coming up. So looking through a window would be something
24 key, but normally the responsibility of the announcements is
25 delegated to the assistant conductor. I mean, anyone can make an

1 announcement, and normally if my ACs don't make an announcement,
2 I'll jump in and make the announcement. But we had just recently
3 left Philadelphia. I did my ticket lift and I had to use the
4 bathroom, so I just popped into the bathroom and that was what
5 happened, I mean.

6 Q. Right. So is it fair to say you didn't have any
7 concerns about the train handling up until, you know, the time of
8 the accident?

9 A. No, up until the time of the accident, like I said, when
10 I started hearing the shaking -- were you saying something, I'm
11 sorry?

12 Q. Not --

13 A. When I started feeling the shaking, that's when I said
14 something isn't right and I grabbed the door to see what was going
15 on. But as I was grabbing the door, I fell back and the impact of
16 falling backwards knocked me out cold. It was -- I guess that's
17 maybe when the car flipped to its side. I don't know. I can't
18 tell you that, but -- that's just speculation. But I know -- but
19 when I grabbed the door, that's when I was like thrown back with
20 like a very strong force and I don't recall anything until I woke
21 up.

22 Q. I see. Just briefly, if you could tell us about your
23 background and experience in the railroad? When did you get
24 started in the railroad and when did you -- how did you work your
25 way up to Amtrak and in what positions?

1 A. I started as an assistant conduct in August of 2009. I
2 was promoted to conductor in May of 2012 and that's pretty much --

3 Q. Is this all with Amtrak?

4 A. And this is all with Amtrak, and that's pretty much my
5 history with it -- the railroad.

6 Q. So promoted to conductor in May 2012?

7 A. Correct.

8 Q. And in what territories have you -- are you qualified?

9 A. I'm qualified as a conductor between New York and
10 Washington, Sunnyside Yard, New York Penn Station. I'm qualified
11 on the Book of Rules of Metro-North but not as a conductor. So,
12 yeah, those are my qualifications.

13 DR. JENNER: Great. Thank you for that. I think those
14 are my questions at this time. So I appreciate your patience
15 here.

16 MR. FONSECA: Okay. Thank you.

17 MR. BUCHER: We'll go this way, Jim.

18 BY MR. GEE:

19 Q. Okay. My name is Jim Gee and I'm with the FRA. And
20 thank you for letting us interview today.

21 A. Okay.

22 Q. You talked about when you, you know, when you get on the
23 platform and you go up and see if the engineer has anything
24 because he's looking at the pantograph. What car did you board
25 when you left Philadelphia, the first car behind you?

1 A. I was on the rear door of the first car.

2 Q. Okay. Okay, and then you departed, you know. And you
3 talked about a ticket lift. Did that just consist of the first
4 car or was it the first and second car?

5 A. I was working the first two cars and the rest of the
6 crew were working three to seven.

7 Q. Okay. Let's see, one more question. You said you had
8 -- you got into Washington, D.C. a little late but you still had
9 time to go eat a little lunch and stuff, you know.

10 A. Uh-huh.

11 Q. Did you have any time to speak with the engineer up
12 there? Did you talk to him, other than job briefing?

13 A. This is -- usually when we got into Washington, he'd go
14 and do his own thing.

15 Q. Oh, okay.

16 A. So we didn't have -- we would only meet up for the job
17 briefing.

18 Q. Okay.

19 A. So it's not -- me and him didn't have so much as a
20 personal relationship where we didn't -- you know, we had more of
21 a professional -- we, I would say, respected each other and talked
22 to one another, but as far as like going out to lunch together, we
23 didn't normally do that. So he went and did his own thing,
24 whatever that might have been, I don't know.

25 Q. Okay.

1 A. And then he would show up on time for his briefing.

2 Q. Okay. So the relationship with the engineer you had was
3 strictly a professional basis. You were, you know, cordial with
4 each other?

5 A. Yeah, we -- yeah, we were cordial to each other. We
6 would, you know, talk from time to time but we never hung out
7 outside of work or we never, you know, talked to each other on the
8 phone outside of work. Anything -- it was basically a
9 professional relationship.

10 Q. Okay. So he never did say anything -- what he planned
11 to do when he got off work that night?

12 A. Actually, he did mention something as we were walking to
13 Washington. He was saying that he had to come down to Washington
14 to get a bed from somebody and bring it back to New York, and he
15 was asking me what would be the best way to go about it, either to
16 take the train -- I asked him, how are you going to take a bed on
17 a train -- or drive back up. So I told him, yeah, you're better
18 off renting a car. That's the only thing, yeah. And we said that
19 as we were walking to the train that day in Washington.

20 Q. Okay.

21 A. But, yeah, normally, I mean, we talked to each other.
22 We knew general things about one another, but we didn't have a
23 close relationship.

24 Q. Okay. That's fine.

25 A. Yeah.

1 Q. I just wanted to know if you --

2 You worked the first two cars. Did you make a ticket
3 lift in the second car before you went to the restroom?

4 A. I believe so, yeah. I do believe so. I can't tell you
5 100 percent though.

6 Q. Okay.

7 A. Yeah.

8 Q. Okay. And the restroom was in the first car?

9 A. The restroom that I was in was in the first car, that's
10 why I'm assuming I did the second car.

11 Q. Oh, okay.

12 A. But I just -- but mentally I just don't remember whether
13 I went through it or not.

14 Q. Right, right, right. Now, I did hear your testimony and
15 the stuff about how you were talking about you didn't hear
16 anything on the radio, especially, you know, the transmissions.
17 But did you hear your engineer say "hot rail, hot rail, Track 2"?

18 A. Like I said, I mean --

19 Q. Okay. I'll just trim this.

20 A. -- yeah, I don't. I just don't remember --

21 Q. Okay, that's fine.

22 A. -- like anything radio wise. I'm not saying that it
23 didn't happen or that it did happen. I just don't remember it.

24 Q. Correct. Okay.

25 A. Yeah.

1 MR. GEE: Good enough. That's all I have. Thank you,
2 Emilio.

3 MR. FONSECA: Okay.

4 BY MR. HILL:

5 Q. Hi, I'm Don Hill with the BLET Safety Task Force. You
6 said you've known the engineer for approximately 3 years?

7 A. Yeah. He came from California, I want to say, about 3
8 years ago, 2012-ish. And, I mean, I've known him since then.
9 Like we weren't close; we didn't have a job together until
10 obviously 2 or 3 weeks prior to the accident. But I knew him. He
11 had introduced himself to me when he first came to New York, but
12 apparently he had started out on the West Coast.

13 Q. Is working that line, the New York-Washington line in
14 that area after you leave Philadelphia, do you have a general feel
15 for how the train should feel at -- if it's operating at the
16 normal speeds?

17 A. Yeah. I would say so, but like I would have to look out
18 the window to see as far as -- because sometimes it depends on
19 signals, it depends on, you know, if he's following equipment, so
20 the speed could change. But normally I do have somewhat of a
21 feel, but in that -- like I say, I was in the bathroom at the time
22 and I wasn't looking out the window or being conscious of exactly
23 where he was because of being in the bathroom.

24 Q. I understand. Thanks. And the Frankford curve, you're
25 well aware of it as part of your qualification, correct?

1 A. That, from my gathering is, as you're approaching the
2 curve it's about 80 and then the curve itself is about 50.

3 Q. And would you generally know that the train has to slow
4 down for that curve?

5 A. Uh-huh.

6 Q. And you would anticipate that, you would look for that?

7 A. I don't know if -- I mean, you get used to the routine
8 of being on the train every single day. And like I say, being in
9 the bathroom at the time, I couldn't have told you exactly where I
10 was just for the simple fact I was in the bathroom at the time.

11 Q. All right. And prior to this engineer being assigned to
12 your regular assignment for the prior two -- for approximately 2
13 weeks, do you recall how often you may have worked with him in the
14 past?

15 A. I had worked with him a handful of times in the past.

16 Q. Have you had any issues with him?

17 A. No.

18 Q. Would you characterize him as a -- from a professional
19 standpoint as a conscientious, good locomotive engineer?

20 A. Yes, very, very on top of his game as far as, you know,
21 his knowledge. You know, I would ask him questions; he would
22 always know the answer. He -- as far as his knowledge went, I had
23 no reason to doubt him at all. I felt that he was very
24 knowledgeable in the territory and he loved his job.

25 MR. HILL: All right. Thank you.

1 MR. FONSECA: Okay.

2 MR. HILL: Thank you for being here as well. All right.

3 MR. FONSECA: Thank you.

4 BY MR. MRUK:

5 Q. Eddie Mruk, Assistant General Trainmaster. Emilio,
6 thank you for taking the time to spend with us. I just have some
7 clarifying questions.

8 A. Sure.

9 Q. During your job briefing you mentioned, you know,
10 assigning duties. The announcements, did you delegate that or --

11 A. Yeah.

12 Q. -- did you actually call out the --

13 A. Usually the middle brake. Yeah, I delegated that to the
14 middle brake, which was Akida. And if I don't hear something or
15 if we're coming by a stop and I think that we should make the
16 announcement now, I'll just jump in. Usually I'm -- I don't just,
17 you know, wait for somebody to make an announcement. If I don't
18 hear it at a certain point, I'll just jump in and do it.

19 Q. Very good.

20 A. But, yeah, that was assigned to her.

21 Q. Okay. Very good. Thank you. You mentioned this was
22 your regular assignment or your normal job. The engineer had only
23 been working with you 2 weeks. What about the other two assistant
24 conductors? Were they regular on your assignment?

25 A. The Assistant Conductor O'Brien, he was -- he had just

1 gotten awarded the job as regular, so I want to say he was with me
2 a week, maybe even less than that. Akida maybe 2 weeks.

3 Q. Two weeks, okay. And just for clarification, you were
4 in the first car in the bathroom. Was the bathroom north or
5 south?

6 A. The bathroom was at that point on the south end.

7 Q. So away from the locomotive?

8 A. Away from the locomotive, yes.

9 MR. MRUK: Okay. I have no further questions. Thank
10 you.

11 MR. FONSECA: You're welcome.

12 MR. NICHOLS: Dave Nichols with Amtrak. Thank you for
13 coming in, Mr. Fonseca. I have no questions at all.

14 BY MR. HINES:

15 Q. Emilio, Joe Hines. I'm system general road foreman.
16 Again, thank you for coming in.

17 A. Okay.

18 Q. Just a couple questions.

19 A. Sure.

20 Q. You were promoted in May of 2012, correct?

21 A. Right.

22 Q. When did you qualify that section of road between New
23 York and Philadelphia approximately?

24 A. It was the winter of that year -- winter/spring of that
25 year.

1 Q. Of 2012?

2 A. Of 2012, yes.

3 Q. And once you were promoted how often did you work as a
4 conductor? Did you work as a conductor after that point?

5 A. I was on the -- I worked on the conductor's board. I
6 worked in the station in New York as a conductor. I also -- and
7 then after that I was mostly an AC and I took move-ups as
8 conductor pretty often. And then at that point I was the
9 conductor on the job.

10 Q. How often would you say that you worked as a conductor
11 over that territory?

12 A. Over that territory, from 2012 till -- I can't -- I
13 would say somewhere close to -- somewhere in the hundreds. I
14 couldn't give you an exact number.

15 Q. Okay, okay. A little more than half, half of that time?

16 A. No, not -- I wouldn't say more than half because, like I
17 said, I did work in the station as a conductor. I worked as an
18 assistant conductor as well, even though I was qualified in the
19 territory. But, yeah, I wouldn't be as generous as to say more
20 than half the time, but maybe -- probably about 100-plus times.
21 Yeah, and I would get move-ups constantly as well to conduct, so I
22 can't give you an exact figure over the 3-year period.

23 MR. HINES: No, that's good. Thank you.

24 MR. FONSECA: Okay.

25 MR. HINES: Thank you, no more questions.

1 MR. FONSECA: No more. Anyone else?

2 MR. BUCHER: Let me double check here.

3 MR. FONSECA: Sure.

4 BY MR. BUCHER:

5 Q. One question about the briefing. Going -- Dave Bucher,
6 and we're going back. Just one question about the briefing in
7 D.C. prior to departure. Were all the crew members there for the
8 briefing, not just the engineer but, I mean, you had the whole
9 crew there pretty --

10 A. I recall speaking to everyone, yeah.

11 MR. BUCHER: Okay. All right. I think that's all I
12 have. Dr. Jenner?

13 BY DR. JENNER:

14 Q. Just one item I did not hear clearly. That conversation
15 that you said you had with the engineer about returning to D.C.,
16 it sounded like for personal reasons?

17 A. Oh, no, that was just a conversation we were having
18 because our days off were coming up because we had Wednesday and
19 Thursday off. So he said, Oh, tomorrow's my day off but I got to
20 come down to D.C. and get a bed from a friend, I guess some
21 furniture from a friend.

22 Q. I see.

23 A. And then he was just asking me what would be the best
24 way of going about it. You know, and he jokingly said, should I
25 take the train? I was like, no, you can't take a train for that;

1 you have to drive down if you're going to, you know, take any type
2 of furniture of that size. But that's -- that was the
3 conversation. That was it, as we were walking to the train.

4 DR. JENNER: Right. Okay. Thank you.

5 MR. FONSECA: Okay.

6 DR. JENNER: That's all the questions I have.

7 MR. FONSECA: Okay.

8 MR. BUCHER: Dave Bucher again. We'll go around and
9 make sure. I have no more.

10 MR. GEE: I have no more questions. Thank you, Emilio.

11 MR. HILL: I have no more questions. Thanks again,
12 Emilio.

13 MR. FONSECA: Okay.

14 MR. MRUK: Eddie Mruk, I have no further questions.
15 Thank you so much, Emilio.

16 MR. NICHOLS: Dave Nichols, no questions, and again
17 thank you.

18 MR. HINES: John Hines, no questions. Thank you,
19 Emilio.

20 MR. BUCHER: Okay. This concludes the interview of
21 Mr. Fonseca.

22 (Whereupon, the interview was concluded.)

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: AMTRAK TRAIN 188 DERAILMENT NEAR
 PHILADELPHIA, PENNSYLVANIA
 MAY 12, 2015
 Interview of Emilio Fonseca

DOCKET NUMBER: DCA-15-MR-010

PLACE: Roseland, New Jersey

DATE: September 9, 2015

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

Cheryl Farner Donovan
Transcriber