

NATIONAL TRANSPORTATION SAFETY BOARD

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IN RE: :

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THE AMTRAK ACCIDENT : NTSB Accident No.

IN WEST PALM BEACH, FLORIDA: DCA16FR009

ON JULY 6, 2016 :

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INTERVIEW OF: ALBERTO PEREZ

Wednesday,

August 10, 2016

Fort Lauderdale, Florida

BEFORE

KALU KELLY EMEABA, NTSB

RICHARD RUSNAK, FRA

RICHARD PAGE, NTSB

OFFICER JAMES INGRASSIA, West Palm Beach Police

Department

RUSSELL HUNTER, FRA

NILES BLAZE, VTMI

This transcript was produced from audio

provided by the National Transportation Safety Board.

APPEARANCES:

On behalf of the Interviewee:

JAMES STARK, ESQ.
Fort Lauderdale, Florida

ALSO PRESENT

CYNTHIA PEREZ

P-R-O-C-E-E-D-I-N-G-S

(Not given)

MR. PAGE: Today is August 10, 2016. My name is Ricky E. Page, I'm the Investigator in Charge of the West Palm Beach 25th Street crossing train collision with Amtrak that occurred on July the 6th.

I'm in the Everglades Room. And at this time, we'll go around the room to make introductions.

MR. EMEABA: My name is Kalu Kelly Emeaba. Spelled out, K-A-L-U, K-E-L-L-Y, last name, E-M-E-A-B-A. I'm an NTSB investigator.

OFFICER INGRASSIA: Officer James Ingrassia. Last name, I-N-G-R-A-S-S-I-A. I'm a traffic homicide investigator for the West Palm Beach Police Department.

MR. HUNTER: My name is Russell Hunter, signal and train control inspector, Federal Railroad Administration, Region III.

MR. RUSNAK: Richard Rusnak, R-U-S-N-A-K. Chief inspector, Federal Railroad Administration, Region III.

MR. STARK: My name is James Stark, S-T-A-R-K. I'm a attorney, practice in Fort Lauderdale, Florida. And I'm representing Alberto Perez.

MR. PEREZ: Alberto Perez, VTMI signal inspector, South Florida.

1 MS. PEREZ: I am Cynthia Perez, Alberto
2 Perez's wife.

3 MR. BLAZE: My name is Niles Blaze, general
4 manager for VTMI.

5 MR. PAGE: All right, thank you everyone.
6 Make sure that all of your electronic devices are on
7 mute.

8 This is an NTSB interview. Mandatory
9 briefings items that I'm covering. The purpose of the
10 investigation is to increase safety, not to assign
11 fault, blame or liability.

12 The interviewee can have one representative
13 of the interviewees choice. The representative may be
14 an attorney, but is not require to be an attorney.

15 The representative may not testify for the
16 interviewee. Representative comments should be limited
17 to the purpose of advising the interviewee. Legal
18 evidentiary objections are not grounds for NTSB to
19 refrain from asking questions.

20 The NTSB cannot offer any guarantee of
21 confidentiality or immunity, from legal or certificate
22 actions.

23 A transcript or summary of the interview
24 will go in the public docket on the NTSB website.

25 Anything you say or do may be used by the

1 authorities, other than the NTSB, as part of a criminal
2 or civil proceeding, to include criminal prosecution.

3 Any questions on that statement?

4 MR. PEREZ: No, sir.

5 MR. PAGE: Again, this is Riky Page
6 speaking. Mr. Perez, what can you tell me about the
7 events that occurred on July the 6th, 2016, while you
8 were employed with VTMI?

9 MR. PEREZ: On the advice of counsel, I
10 refuse to answer any question and exercise my rights
11 under the 5th Amendment, to the United States
12 Constitution.

13 MS. PEREZ: It's in the car. Do I need to
14 go get them? Can I go get them?

15 MR. PAGE: We can stop the interview.

16 MR. STARK: It's all right.

17 MS. PEREZ: You don't need them. Okay.

18 MR. STARK: I think he'll, help him if he
19 writes it out.

20 MR. PAGE: Mr. Perez? Riky Page, I'm sorry.
21 Riky Page again. Mr. Perez, will you be making any
22 statements today?

23 MR. PEREZ: On the advice of counsel, I
24 refuse to answer the questions and exercise my rights
25 under the 5th Amendment, to the United States

1 Constitution.

2 MR. PAGE: At this point, I will refrain
3 from asking any more questions. Are there any other
4 parties in this room that want to ask any questions?

5 MR. BLAZE: No.

6 MR. PAGE: A verbal no please. Mr. Niles,
7 say your name before you --

8 MR. BLAZE: Niles Blaze. No, sir.

9 MR. PAGE: Mr. Emeaba?

10 MR. EMEABA: I do want to ask you questions.
11 Please, please state your position with VTMI, your
12 education, your training required to perform your job
13 function on the July 6th, 2016?

14 MR. PEREZ: On the advice of counsel, I
15 refuse to answer the question and exercise my rights
16 under the 5th Amendment, to the United States
17 Constitution.

18 MR. EMEABA: Okay. How long were you in
19 this position you were in or you have been in the job
20 you performed?

21 MR. PEREZ: On the advice of counsel, I
22 refuse to answer the question and exercise my rights
23 under the 5th Amendment, to the United States
24 Constitution.

25 MR. EMEABA: Okay. Could you please go with

1 me, on the assignment you received on July 6th, 2016?

2 MR. PEREZ: On the advice of counsel, I
3 refuse to answer the question and exercise my rights
4 under the 5th Amendment, to the United States
5 Constitution.

6 MR. EMEABA: Okay, thank you.

7 MR. STARK: Can I clarify? Are you asking
8 him to go with you actually or --

9 MR. EMEABA: No, go through with me --

10 MR. STARK: Oh, okay.

11 MR. EMEABA: -- on that assignment.

12 MR. STARK: Okay.

13 MR. EMEABA: Okay, thank you.

14 MR. PAGE: Again, state your name before you
15 make any, for the transcript person, Riky Page, state
16 your name before you make any statement.

17 MR. EMEABA: Sorry, my name is Kalu Kelly
18 Emeaba. I asked a couple of questions. And, Mr.
19 Perez, I have one more question to ask you.

20 The job you were performing on July 6th,
21 2016, was that job a job assignment to be performed by
22 one person or two individuals?

23 MR. PEREZ: Alberto Perez. On the advice of
24 counsel, I refuse to answer the question and exercise
25 my rights under the 5th Amendment, to the United States

1 Constitution.

2 MR. EMEABA: Okay, thank you.

3 OFFICER INGRASSIA: Officer James Ingrassia.

4 No questions.

5 MR. HUNTER: Russell Hunter. I have no
6 questions at this time.

7 MR. RUSNAK: Richard Rusnak. No questions
8 at this time.

9 MR. STARK: Jimmy Stark. No questions.

10 MR. PAGE: All right, at this time this ends
11 the interview with Mr. Perez today and his attorney Mr.
12 Stark. You may be called back to answer further
13 questions.

14 I'm going to give you my -- I've given you
15 my card. If you want to change your statement or you
16 want to issue any further statements, please contact
17 me.

18 I want to thank you for your time and thank
19 you for attending today's interview.

20 MR. STARK: Okay. And I apologize for the
21 tardiness again.

22 MR. EMEABA: Prior to your exit, I have this
23 question to ask you.

24 MR. PAGE: State your name.

25 MR. EMEABA: My name is Kalu Kelly Emeaba.

1 The reason of standing on the 5th Amendment, is it as a
2 result of having the West Palm Beach Police
3 investigator in the room or is it a position you have
4 made not to answer?

5 MR. STARK: It's a professional decision
6 that I made, to give that advice to my Client.

7 MR. EMEABA: Thank you.

8 MR. PAGE: Riky Page. The interview is now
9 ending at this time.

10 (Whereupon, the above-entitled matter went
11 off the record.)

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C E R T I F I C A T E

MATTER: Amtrak Accident in
West Palm Beach, FL
July 6, 2016, Accident No. DCA16FR009
Interview of Alberto Perez

DATE: 08-10-16

I hereby certify that the attached transcription of page 1 to 10 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.



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