

DCA23LA125

## **AIR TRAFFIC CONTROL**

Group Chair's Factual Report - Attachment 1

Interview Transcripts

July 16, 2023

**Interviewee:** Anthony Caratozzolo  
**Representative:** Bryan Lapidus, JFK NATCA Representative  
  
**Date/Time:** January 31, 2023 / 1324 EST - 1359 EST  
**Location:** JFK air traffic control facility  
**Present:** Tim Keck, NATCA ASI and Kevin Allegrini, FAA  
**Investigator:** Betty Koschig

During the interview Anthony Caratozzolo stated the following:

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

NEAR-MISS TAKEOFF INCIDENT BETWEEN \*

AMERICAN AIRLINES & DELTA AIRLINES \* Accident No.: DCA23LA125

AT JFK INTERNATIONAL AIRPORT IN \*

QUEENS, NEW YORK ON JANUARY 13, 2023 \*

\* \* \* \* \*

Interview of: ANTHONY CARATOZZOLO, Air Traffic Controller  
John F. Kennedy International Airport

Queens, New York

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APPEARANCES:

BETTY KOSCHIG, Investigator  
National Transportation Safety Board

TIM KECK, Air Safety Investigator  
Cleveland Tower  
Federal Aviation Administration

JAKE ALLEGRINI, Air Traffic Operations Manager  
Boston Tower  
Federal Aviation Administration

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I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Anthony Caratozzolo:	
By Ms. Koschig	8
By Mr. Allegrini	16
By Ms. Koschig	18
By Mr. Allegrini	19
By Mr. Keck:	22
By Mr. Allegrini	25
By Mr. Keck	26
By Ms. Koschig	26
By Mr. Keck	30
By Ms. Koschig	33
By Mr. Allegrini	34
By Mr. Keck	35
By Ms. Koschig:	37
By Mr. Keck	38

I N T E R V I E W

(1:24 p.m.)

1  
2  
3 MS. KOSCHIG: So I want you to know, we will be recording the  
4 interview with a digital audio recorder, and we'll have a  
5 transcription made. The transcription will become part of the  
6 factual report, but not the audio. The audio, there's only going  
7 to be two people ever having anything to do with that audio, me  
8 and the transcriptionist where we send it, where they have an NDA.  
9 And after we get the transcription done and reviewed, they will be  
10 deleting that audio, as per our agreement with them. So me -- the  
11 audio will not go into the docket or anything like that, just the  
12 transcript.

13 MR. CARATOZZOLO: Okay.

14 MS. KOSCHIG: So I know you have to say something now, don't  
15 you?

16 MR. CARATOZZOLO: I do.

17 MS. KOSCHIG: Go ahead.

18 MR. CARATOZZOLO: My participation is not a waiver of any of  
19 my rights.

20 MS. KOSCHIG: Great. And state your name.

21 MR. CARATOZZOLO: Anthony Caratozzolo.

22 MS. KOSCHIG: Okay, great. So let's get started. The time  
23 now is 1324. Again my name is Betty Koschig. I'm with the NTSB;  
24 I'm an air traffic control investigator. 20 years in the military  
25 and the Navy as a controller and I've been doing this for 14,

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1 almost 15 years. So a little bit about the NTSB. We're an  
2 independent agency and our main job is to find facts and look for  
3 the probable cause of an incident or an accident. We're not here  
4 to place blame. We're here to find safety stuff. We don't have  
5 any enforcement powers; we don't have any regulatory powers. Like  
6 I tell everybody, all we have is the power of the pen. And that's  
7 all we can do is recommend things.

8 MR. CARATOZZOLO: Um-hmm.

9 MS. KOSCHIG: That's our whole scope --

10 MR. CARATOZZOLO: Um-hmm.

11 MS. KOSCHIG: -- but we're definitely a bunch of safety geeks,  
12 so we like to find out safety issues and we want to pick your  
13 brain on it --

14 MR. CARATOZZOLO: Sure.

15 MS. KOSCHIG: -- on that. So appreciate you being here, of  
16 course. So as part of the process, you are -- we have parties  
17 that participate with the subject matter experts because we need  
18 people in our group to ensure that we are getting information  
19 based on everything. And I'll let Tim introduce himself here in a  
20 minute, but we depend on NATCA and the FAA to provide that  
21 support. So, Tim, go ahead and introduce yourself.

22 MR. KECK: So I know we talked a little bit yesterday, but  
23 I'm Tim Keck. I'm from Cleveland Tower. If you don't know what  
24 we do as the ASIs, we're regular controllers. We're not detailed  
25 specifically to this and that's all we do. So when I'm done here,

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1 I go back to work. Thanks for getting me out of the mid. I  
2 appreciate you. But no -- so there's only 12 of us nationwide,  
3 four tower, four TRACON and four en-route, and when Betty calls or  
4 Brian or whoever else -- the investigator calls for an  
5 investigation, we ask to go as a NATCA SME.

6 MR. CARATOZZOLO: Um-hmm.

7 MR. KECK: I'm not here to represent you. I'm here to  
8 represent the union to make sure that you get a fair shake at  
9 everything. You've got a rep; it could be whoever you want. But  
10 -- so we'll talk about that in a minute. So appreciate your time.  
11 We'll ask you a bunch of stuff. If you don't like what I ask you,  
12 I'm sorry, just answer truthfully.

13 MR. CARATOZZOLO: Okay.

14 MR. ALLEGRINI: Anthony, we chatted yesterday. I'm Jake  
15 Allegrini, Ops Manager at Boston Tower, and I'm just here to add a  
16 little more perspective, a little subject matter expertise and  
17 help out the group.

18 MS. KOSCHIG: So in this setting, which is -- it seems kind  
19 of odd to people, but we are the NTSB group.

20 MR. CARATOZZOLO: Um-hmm.

21 MS. KOSCHIG: So when this report goes in, it's going to be  
22 an NSTB report, with all of our names on it. So as part of the  
23 regulations, you are allowed to have a representative. And did  
24 you wish to have a representative?

25 MR. CARATOZZOLO: Yes, sure.

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1 MS. KOSCHIG: And is your representative here?

2 MR. CARATOZZOLO: Yes.

3 MS. KOSCHIG: Please --

4 MR. LAPIDUS: Everybody keeps saying yes --

5 (Crosstalk)

6 MR. LAPIDUS: Bryan Lapidus.

7 MS. KOSCHIG: Okay, thank you. I have to make sure I get  
8 everybody --

9 MR. CARATOZZOLO: No, that's okay.

10 MS. KOSCHIG: Okay. So I'm sure you're aware of why you're  
11 here, but just to reiterate it, we're here for the runway  
12 incursion that happened on January 13th --

13 MR. CARATOZZOLO: Um-hmm.

14 MS. KOSCHIG: -- 2023, with American 106 and Delta 1943. So  
15 -- and I can't really recall if I've said this part -- oh, yes --  
16 if at any time that -- you know, we're going to ask a whole lot of  
17 different questions. So if we ask a question, you don't know the  
18 answer, you don't know is a fine answer.

19 MR. CARATOZZOLO: Um-hmm.

20 MS. KOSCHIG: If you don't recall, you don't recall.

21 MR. CARATOZZOLO: Um-hmm.

22 MS. KOSCHIG: We don't want you to just try to make up  
23 something to fill in space.

24 MR. CARATOZZOLO: Of course.

25 MS. KOSCHIG: And if you want to speculate on anything or

1 give your opinion about stuff, that's fine, you know. And if we  
2 ask a question and you -- it doesn't -- it's not clear, say what  
3 do you mean.

4 MR. CARATOZZOLO: Um-hmm.

5 MS. KOSCHIG: So back and forth. So what I'm going to do is  
6 I will start out, ask a bunch of questions. First, we'll get to  
7 know you a little bit --

8 MR. CARATOZZOLO: Um-hmm.

9 MS. KOSCHIG: -- about your history. And then we'll go start  
10 going around the room and asking questions.

11 MR. CARATOZZOLO: Sure.

12 MS. KOSCHIG: Let's go. Any questions so far?

13 MR. CARATOZZOLO: No.

14 MS. KOSCHIG: Good.

15 INTERVIEW OF ANTHONY CARATOZZOLO

16 BY MS. KOSCHIG:

17 Q. So again state your name.

18 A. Anthony Caratozzolo.

19 Q. Could you spell your last name?

20 A. C-a-r-a-t-o-z-z-o-l-o.

21 Q. I forgot to also tell you that I might ask you questions that  
22 you'll think oh, she should know that answer. And I can't assume  
23 anything.

24 A. That's fine.

25 Q. So --

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- 1 A. Understood.
- 2 Q. So what are your operating initials?
- 3 A. Alpha-Charlie.
- 4 Q. Okay. And when did you start working for the FAA?
- 5 A. A little over 12 years ago.
- 6 Q. Okay. Was that the academy?
- 7 A. Yes, that was academy. I got here 12 years ago.
- 8 Q. Okay. What month was that you went to -- what year and  
9 month, do you recall, that you got out of the academy?
- 10 A. Academy was -- when I got out or when I first went in?
- 11 Q. When you first -- well, either one.
- 12 A. First got there; I think it was 2010 November. I got here  
13 2011 February.
- 14 Q. Okay. Been here ever since?
- 15 A. Yes.
- 16 Q. Oh, great.
- 17 A. Um-hmm.
- 18 Q. Like it?
- 19 A. Love it.
- 20 Q. Perfect.
- 21 A. Best job in the world.
- 22 Q. Yes. Let's see, you got any military?
- 23 A. No.
- 24 Q. Okay. Do you have any college or degrees?
- 25 A. Yes, associate's.

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1 Q. And what was that in?  
2 A. Liberal Arts.  
3 Q. I'm sorry?  
4 A. Liberal Arts.  
5 Q. Okay. And what university or --  
6 A. It was a community school.  
7 Q. Oh, okay.  
8 A. Yes.  
9 Q. Do you have any aeronautical ratings other than -- or  
10 certificates other than ATC?  
11 A. No.  
12 Q. Okay. Is your current -- do you have a medical that is  
13 current?  
14 A. Yes.  
15 Q. Any restrictions?  
16 A. No.  
17 Q. Who's your supervisor?  
18 A. I think, Romeo Tango, I mean, that's -- Ralph (ph.) --  
19 (Crosstalk)  
20 MR. LAPIDUS: Some people change --  
21 BY MS. KOSCHIG:  
22 A. -- it changes depending on your days on. Yes.  
23 Q. Okay. What -- that's fine.  
24 A. Yes, I'm pretty sure it's Romeo Tango.  
25 UNIDENTIFIED SPEAKER: Ralph Tamburro.

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1 BY MS. KOSCHIG:

2 Q. Okay.

3 A. Yes, I'm like 95 percent on that.

4 Q. All right. What positions are you qualified and/or certified  
5 on here?

6 A. Let me go down the list, there's all of them --

7 (Crosstalk)

8 A. Yes, CPC.

9 Q. The quick answer's great.

10 A. Yes.

11 MR. LAPIDUS: The CIC full, see I know what's coming now.

12 BY MS. KOSCHIG:

13 Q. Yes, CIC full, right?

14 A. Yes, it's whatever it is.

15 Q. You've been on too many of these. So are you current on all  
16 positions?

17 A. Yes.

18 Q. What's your normal schedule?

19 A. Normal schedule is Tuesday through Saturday, and three bys,  
20 nightshifts -- three nightshifts usually.

21 Q. And what time does nightshift start?

22 A. Flex-in 2:30, 3:00.

23 Q. Okay. So that was a normal day for you?

24 A. Yes, normal.

25 Q. What position were you working at the time of the incident?

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- 1 A. TM coordinator.
- 2 Q. Do you work overtime?
- 3 A. I do.
- 4 Q. About how much overtime a month on each shift?
- 5 A. I mean, it goes -- it -- you know, sometimes I don't do it --
- 6 I mean, sometimes I don't do it, rather have off. But in the
- 7 winter time, like times like this, I'll do overtime like I've been
- 8 doing the last two or three Mondays, I guess.
- 9 Q. Okay. So now I'm going to ask some questions, a little bit
- 10 more personal, human factors, type of things.
- 11 A. Sure.
- 12 Q. How's your overall health?
- 13 A. Perfect.
- 14 Q. That's great. Did you feel well-rested for your shift?
- 15 A. Yes.
- 16 Q. How many hours of sleep do you get at night, usually?
- 17 A. Roughly around 8.
- 18 Q. Okay. Is that about how many hours you got the night before
- 19 the incident?
- 20 A. Correct.
- 21 Q. Okay, good. Any big or significant changes in your life,
- 22 like, a baby, a new car --
- 23 A. No.
- 24 Q. -- a new house?
- 25 A. No.

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1 Q. Was there anything going on in the facility that was  
2 distracting at the time of the incident?

3 A. No.

4 Q. Okay. You're making this too easy.

5 MR. LAPIDUS: This is an easy answer.

6 MR. CARATOZZOLO: No, it was easy for me.

7 BY MS. KOSCHIG:

8 Q. So now we're just going to get into the incident itself.

9 First --

10 A. Sure.

11 Q. -- of all, did you listen to the replay, the audio replay or  
12 the --

13 A. To be completely honest, I saw it on Twitter actually, and  
14 then really other than that, I listened to it. I mean, I was  
15 there for that. I didn't need the replay.

16 Q. I saw it on CNN first.

17 A. Oh, yes, there you go.

18 Q. Yes, so. It's like -- but yes, so -- but have you actually  
19 listened to the FAA side of the --

20 A. I have not.

21 Q. Are you going to eventually?

22 A. Sure.

23 Q. You should, yes, okay.

24 MR. LAPIDUS: I think he's got a nice version ready for  
25 everybody. No one's wanted to listen to it so far --

1 MR. CARATOZZOLO: Yes, it's --

2 BY MS. KOSCHIG:

3 Q. Okay. So right now I just want you to describe the incident  
4 -- first, how long were you on position before the incident?

5 A. Yikes -- Maybe like, 40 minutes.

6 Q. Okay. Had you been out of the tower prior to that? Were you  
7 on break? What were you doing right before that?

8 A. I was on break.

9 Q. Okay.

10 A. Um-hmm.

11 Q. So -- all right. So let's take it back to the time that you  
12 went back up to the tower --

13 A. Um-hmm.

14 Q. -- what was going on up there, what you recall --

15 A. Yes.

16 Q. -- just the whole sequence.

17 A. The whole sequence of events started from when -- it started  
18 -- I took over Cab coordinator position. Number 4 started one  
19 left Kilo-Echo for departure. I was, you know, watching the whole  
20 operation like I normally do, all things being equal. When  
21 nobody's too busy, there's no training, we listen to Local 1.  
22 Then a supervisor said that they wanted a runway change to start  
23 or, you know, start coordinating runway change, you know, call  
24 N90, and I try to stay ahead of the game. So I start trying to  
25 put on different pieces of equipment that I can use, you know,



1 DSP, TDWR if I can, or -- you know, make whatever changes I can do  
2 just to get ahead of the game.

3 I went over to the ICMS panel and if you're not familiar,  
4 that's where you scroll all your NAVAIDS --

5 Q. Um-hmm.

6 A. -- ILS, and you know. And so I went down to start putting on  
7 some of the ILSs for 31 Right because it's not interlocked with  
8 runway -- any of the 4s. And as I did that, the alert popped, and  
9 I popped up immediately and I saw it. Screamed over saying cancel  
10 takeoff clearance, and then, you know.

11 Q. Okay. So did you see it -- did you observe the actual  
12 airplanes before the ASDE-X went off or that's what brought your  
13 attention?

14 A. That's what brought my attention because I was heading down  
15 to the ICMS panel. It's very tricky over there, too, because you  
16 can look over there and think everything is fine when an aircraft,  
17 especially a triple 7, is approaching Kilo, it looks great. The  
18 next thing you know, they're at Juliet like that, you know.

19 Q. Right.

20 A. You know what I'm saying, like because --

21 Q. Oh, yes.

22 A. -- the taxiways are a few hundred feet apart, you know. It  
23 doesn't look abnormal for an aircraft to be pointed that way, then  
24 make a sharp right turn at Kilo, do you know what I'm saying.

25 Q. Right, yes. So do you often get incidents where other

1 aircraft will do things like that where you have -- where you guys  
2 have stopped them?

3 A. Yes. Not often.

4 Q. Um-hmm.

5 A. Not often, not often, but that has happened.

6 Q. Do you think that should be a hotspot area?

7 A. Yes.

8 Q. Okay. I'm going to let -- them ask you some questions. Boy,  
9 I love it. You're concise.

10 BY MR. ALLEGRINI:

11 Q. Yes, thanks. So just a mechanical thing. When you're  
12 working Cab coordinator, are you plugged in? Listening, you said  
13 -- you're listened to Local 1 but you said if there's no training  
14 going on. So if there were training going on, would you be  
15 listening to that or is that a different jack? Is that what you  
16 meant -- why'd you say because there's no training going on, just  
17 --

18 A. Well, if there's a training going on, it's a busier position,  
19 you know, somebody else listening just in case the training messes  
20 up.

21 Q. Yes.

22 A. You can kind of help out the person that's doing the  
23 training. We tend to listen to Local 1, because especially on the  
24 4s -- it's all in the same jack. You just press a button, Local  
25 1, Local 2 --

1 Q. Yes.

2 A. -- ground control, whatever. But with Local 1, you got to,  
3 you know, listen for mainly the readback hold short of  
4 instructions.

5 Q. Right.

6 A. Right. Guys land 4 right, come to 4 Left, we want to make  
7 sure, you know, almost like, you know, the guy didn't readback,  
8 hold short of runway 4 Left, stuff like that.

9 Q. Because that's the most critical hold at that point?

10 A. Yes.

11 Q. Yes. So we heard about the runway change and how that came  
12 about. It sounded maybe not ideal, but -- and I don't mean to  
13 lead you at all, but --

14 A. Sure.

15 Q. -- you were busy doing Cab coordinator duties --

16 A. Um-hmm.

17 Q. -- changing things, getting ready, helping out. I'm sure --

18 A. Um-hmm.

19 Q. -- each help out there from what we've heard so far. If you  
20 weren't doing a runway change, is it reasonable to believe there  
21 would have been another set of eyes on that intersection? And I'm  
22 not blaming anyone. I'm just wondering if those duties took away  
23 from any scan as they should because you need to do that stuff.

24 A. Um-hmm.

25 MR. LAPIDUS: Could you just rephrase that again, please?

1 BY MR. ALLEGRINI:

2 Q. I guess what I'm saying is the runway change sounds like it  
3 was not ideal timing, but it was kind of -- sounds like it was  
4 shoved down the throat a little bit.

5 BY MS. KOSCHIG:

6 Q. Well, what do you think about that? Do you think --

7 A. I don't think it wasn't necessarily a busy -- it wasn't  
8 really busy at that point.

9 (Crosstalk)

10 A. So it wasn't like it was not ideal, like, you know, there  
11 wasn't a drastic wind shift or anything like that that had to  
12 force us to go somewhere. Because when -- excuse me -- if there's  
13 a nasty wind shift and you got all those airplanes, everywhere  
14 then it gets a little hectic, you know. It's not really ideal  
15 conditions. But no, it was not -- it wasn't bad. It was not  
16 busy. Are you saying is it possible that there would be an extra  
17 set of eyes if I wasn't doing the change? I would say yes.

18 Q. Yes.

19 A. I just happened to be walking away at that point in time  
20 doing the ICMS panel.

21 MR. LAPIDUS: I don't know if you saw the location of that,  
22 it's by Local 1 to the left and it's down low where you're --  
23 let's say knee level. So it's not something that would even allow  
24 you to keep both on.

25 MR. CARATOZZOLO: Yes.

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1 BY MR. ALLEGRINI:

2 Q. If you're trying to go from that panel to another panel or --

3 A. Yes --

4 (Crosstalk)

5 A. And it's actually, you know, believe it or not, because even  
6 after the incident, I was working local the other day. And that  
7 intersection of Kilo and Juliet is actually really blocked by the  
8 beams of the tower, believe it or not.

9 MS. KOSCHIG: Yes, okay --

10 (Crosstalk)

11 BY MR. ALLEGRINI:

12 A. And put that, mix in nighttime with that, it's actually like  
13 -- I could see how if you're standing, like, right here you can't  
14 see it and your working scopes or whatnot.

15 Q. So from what some of the other guys alluded to that you're a  
16 valuable person up there and good at what you do. I'm imagining  
17 that you have, like, an eagle eye sense of what's going on.

18 A. Yes.

19 Q. As soon as your attention is drawn somewhere else, that was  
20 -- I don't want to say lost because I'm not trying to place blame.  
21 I'm just wondering what -- if that was a causal -- the runway  
22 change, which are inevitable. You have to do them, right.

23 A. Um-hmm.

24 Q. And someone has to switch that panel.

25 A. Um-hmm.

1 Q. But did the timing line up that hey -- if Anthony's eyes were  
2 -- not consumed by another necessary task. Would they potentially  
3 have helped in this situation?

4 A. I mean, I appreciate that. But I think, you know, it's not  
5 just me. I think maybe anybody would be -- have that ability to  
6 see that, you know. And especially in the Cab coordinator  
7 position, I think everybody takes it very seriously and has always  
8 been an extra set of eyes to look out the window.

9 Q. That's great to hear, because I can usually -- I would think  
10 the imposition would sound like why are you opening this -- you  
11 know.

12 A. Yes.

13 MR. LAPIDUS: No, that's a position that, you know, once in a  
14 while we shrug it off, we don't need this, but it's an extra set  
15 for everything, you know. If clearance delivery needs help. It's  
16 really general assist, that's why we have it in our SOP that in  
17 the absence of higher priority duties, Local 1 is monitored,  
18 because that's usually where the most things can go wrong. But if  
19 you have higher priority duties, it's not a requirement, you stay  
20 in that. You can help in ground; you can help with the runway  
21 change. You can help with clearance delivery.

22 BY MR. ALLEGRINI:

23 Q. Now just out of curiosity, do you coordinate crossings?

24 A. No.

25 Q. Okay. So those are all done over the ETVS? Between the

1 controllers or --

2 A. They are not done on the ETVS between -- no.

3 Q. But they're --

4 A. They're shouted.

5 Q. Okay.

6 A. They're shouted back and forth with the controllers. I mean,

7 Cab coordinator can coordinate a crossing if both guys are really,

8 really busy or --

9 Q. Right.

10 A. -- one side's busy and, you know, I'm trying to get the

11 attention of that person --

12 Q. Yes --

13 A. -- you know, obviously.

14 Q. -- yes. Okay. I don't think I have any more. You know, it

15 sounds like you were the one that -- to use Tim's words -- you

16 broke vapor lock and were able to yell out something, a command

17 that --

18 A. Yes.

19 Q. -- helped everybody. So, you know, I applaud you there --

20 A. Thank you.

21 Q. -- and nice job, you know. You're the one that -- not to say

22 everyone didn't see it clearly, but when they were stuck in the

23 situation and sounds like they were newer -- a newer guy on local,

24 right?

25 A. Yeah. He was actually my trainee.

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- 1 Q. Yes, he said that, yes, and --
- 2 (Crosstalk)
- 3 Q. He was used to you, barking out things to him, so --
- 4 (Crosstalk)
- 5 A. Yes.
- 6 Q. So nice work there.
- 7 A. Thanks.
- 8 Q. I think that's all I have for now.
- 9 A. Thank you.
- 10 MR. KECK: We'll call you the voice of reason.
- 11 MR. CARATOZZOLO: Remember that.
- 12 MR. KECK: There you go.
- 13 (Crosstalk)
- 14 BY MR. KECK:
- 15 Q. And he's right. He was your trainee, he looks to you, so in
- 16 that second of somebody making a decision and that, hey, cancel
- 17 takeoff clearance, it breaks that vapor lock and I've got stuff to
- 18 do. Right? Great job. I don't have too many questions for you.
- 19 You answered quite a lot very quickly. I think my fingers might
- 20 be broken now. I was trying to --
- 21 A. Oh, I'm sorry.
- 22 Q. It's okay, brother.
- 23 A. I drank a lot of coffee this morning.
- 24 Q. Been drinking it since yesterday. Right?
- 25 A. Yes.

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1 Q. How long have you been here? Well, you said since 2011.  
2 Right?

3 A. Yes, February 2011.

4 Q. Okay. Yes, I don't have a lot for you. You laid it out  
5 there pretty quickly. How many ICMS panels do you have in the  
6 tower? Just one or do you have two?

7 A. Two.

8 MR. LAPIDUS: Two, one is the main control panel, by role  
9 control and the supervisors have an auxiliary one behind like in  
10 the corner by their desk.

11 MR. CARATOZZOLO: Um-hmm.

12 MR. LAPIDUS: And I believe you -- I don't know if it's still  
13 true -- I think you can only control from one at a time, so we  
14 generally control by local.

15 MR. KECK: Yes, you can only --

16 MR. LAPIDUS: One is like a slave panel; one and you can  
17 switch it back and forth.

18 MR. KECK: You can control lights from either, but you can  
19 only control the ILS from one. We have it as well, that's why I  
20 was just wondering where it was.

21 MR. LAPIDUS: Yes, that would be especially if you don't have  
22 any assist of a supervisor or someone else who are busy. If it's  
23 back in that corner, that's really a -- take going to take you  
24 away from the operation.

25 MR. KECK: No, I get that. I'm just wondering why they would

1 have stuffed it like kind of --

2 MR. LAPIDUS: We're space-challenged. Everything's stuffed  
3 somewhere and we --

4 MR. KECK: Yes, but you can raise it up somewhere where it's  
5 more advantageous you would think. That's kind of the human  
6 factor --

7 MR. CARATOZZOLO: I think the idea --

8 MR. KECK: -- if you've got to bend down and turn away from  
9 something then --

10 MR. CARATOZZOLO: Yes, I don't know if the idea was to put it  
11 lower so it didn't block --

12 (Crosstalk)

13 MR. LAPIDUS: Yes, we run into sight lines especially for the  
14 shorter controllers with anything above, like, the counter line.  
15 We do have a few things that we can't avoid, but for the most  
16 part, you know, I don't know how many controllers we have, but  
17 some of them are, let's say, vertically-challenged.

18 MR. KECK: We got some of those, too. We got one that's  
19 4'11". So -- yes. We'll discuss that later.

20 MR. LAPIDUS: You cut that out.

21 MR. KECK: Yes, redact that.

22 BY MR. KECK:

23 Q. But anyways, you had no wind shift, you only had one local  
24 working at the time. Yes, I got nothing for you, man.

25 A. Two locals working at the time.

1 Q. You did have two locals, okay, yes.

2 BY MR. ALLEGRINI:

3 Q. When you perform OJTI --

4 A. Um-hmm.

5 Q. -- do you point that intersection out and say, hey, in early  
6 stages and watch out for this. Is it a known area that you teach  
7 people, like --

8 A. Yes --

9 Q. -- you got to make this turn, you got to make sure to make  
10 the turn or just -- I mean, not to say that -- because you can't.  
11 Like you said by the time they have to go left to go right --

12 A. Right --

13 Q. -- by the time they don't go right, they're basically on the  
14 runway --

15 (Crosstalk)

16 A. -- yes, that's true. But, yes, you point out the hotspots  
17 when you're training somebody, for sure, absolutely.

18 Q. Yes.

19 A. But, you know, it's also a 360 airport, so you know, some  
20 guys can be crossing at Kilo, but you got to look back here  
21 because something's going on, you know. You're not going to taxi  
22 somebody out without looking, you know.

23 Q. Right.

24 A. So, it isn't -- you can't see at all.

25 Q. No.

1 A. Yes.

2 BY MR. KECK:

3 Q. In your eyes, what are the hotspots are there other than  
4 that? Anything major that sticks out?

5 A. Oh, like that? No, I mean, we have all the hotspots, but  
6 it's more for an issue of the giveaways with traffic taxiing and  
7 aircraft trying to exit the runway.

8 BY MS. KOSCHIG:

9 Q. So what do you think happened as far as how everybody -- how,  
10 you know, how this thing evolved? We know it's a, you know, the  
11 pilot had one thing in their mind. But what -- I don't know how  
12 to ask this. What do you think -- I guess layers -- what layers  
13 were not there to finally end up where the ASDE-X caught it? I  
14 mean, how did -- I mean, you guys are professionals.

15 A. Right.

16 Q. You know, so what was -- you know, what's going on that the  
17 ground didn't catch it, the local didn't catch it. Was it -- what  
18 were some of the possibilities? I mean, I'm sure you've thought  
19 about that, right?

20 A. Well, the -- are you saying like what we could have done to  
21 see it quicker?

22 Q. Yes, or why didn't --

23 A. Why didn't we see it?

24 Q. Yes.

25 A. Well, like I said, I mean, it's a 360 view of an airport.

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1 You know, I mean, even with the local control, you still got to  
2 look at the radar, he's got to pre-plan his trips, he's got other  
3 people that are calling him, I mean, you have whatever kind of  
4 need to pull off in a runway pad to work on a maintenance issue.

5 Q. Um-hmm.

6 A. You know, when you're working traffic, I'm not just working  
7 my position. I'm seeing what ground's doing, I'm seeing what the  
8 other locals are doing. I'm watching what everybody's doing, too,  
9 on top of watching what the airplanes are doing as well.

10 Q. That's exactly what --

11 (Crosstalk)

12 A. Makes a great controller when you do that.

13 Q. Exactly. That's exactly what I needed to hear. Like I said,  
14 -- you know, I don't want to put things in your mouth.

15 A. No, it's fine.

16 Q. Yes, so.

17 A. Okay.

18 Q. So when do you think -- well, I guess you can't change the  
19 pilots, so --

20 MR. KECK: You can't fly the plane for them.

21 (Crosstalk)

22 MR. CARATOZZOLO: What's that?

23 (Crosstalk)

24 MR. KECK: You can't fly the airplane for them.

25 BY MS. KOSCHIG:

- 1 Q. No, exactly.
- 2 A. He had it in his head that he was going there for some  
3 reason, and --
- 4 Q. Was it -- yes. So have you heard the ASDE-X go off --
- 5 A. Yes.
- 6 Q. -- much? Yes.
- 7 A. Much? Oh, much? No, I mean, it's not like an everyday  
8 occurrence. But I've been here long enough to hear it, you know,  
9 they do little tests all the time. So, you know.
- 10 Q. So you think it's pretty reliable? Just --
- 11 A. Do I think -- yes, I think ASDE-X's pretty reliable.
- 12 Q. Okay, good. I'm trying to think of questions.
- 13 A. Keep me down here as long as you want. I don't want to go  
14 upstairs and work.
- 15 Q. Oh, man, we could do that. So is there any questions you  
16 thought we were going to ask that we haven't asked yet? Okay.  
17 That means I got to start thinking more.
- 18 A. No, it's not -- that's not --
- 19 Q. Yes, no, I know. No, I mean, really we just like to have the  
20 conversation to see what are your thoughts on safety, you know.  
21 Anything that around here that is -- that you feel is not being  
22 addressed that could help the situation out.
- 23 A. I don't -- not being addressed here -- I think everything's  
24 pretty well-addressed here.
- 25 Q. Okay.

1 A. From what I understand and talking to other people, this is  
2 one of the better run facilities around. I think they do a good  
3 job of training and everything else here, you know. And 99.9  
4 percent of the time, you know, it usually is pilot error and we  
5 usually catch it. This is just that small chance that everything  
6 lined up with that Swiss cheese model of this person was doing  
7 runway sweep with the cars, so he was looking at that. You know,  
8 this guy was probably looking at the radar, whatever he was doing.  
9 I don't really talk to him, and I was doing the ICMS panel. You  
10 know, it's -- it was just that Swiss cheese model of --

11 Q. Yes.

12 A. -- everybody not looking there at that one time. But we  
13 catch those.

14 Q. Yes. And, you know what, that's what the ASDE-X is for.

15 A. Yes.

16 Q. And it worked.

17 A. Yes.

18 Q. And so, you know, tell me about -- and I know this is --  
19 first how are you doing?

20 A. Oh, great.

21 Q. I mean --

22 A. I'm fine.

23 Q. Okay.

24 A. I relieved the ground controller to finish the runway change.

25 Q. Yes. So I want to make sure.

1 A. Yes.

2 Q. Because different people are impacted differently.

3 A. Yes, of course.

4 Q. And -- but that you saw the airplanes as this was  
5 approaching. Delta, you physically saw them?

6 A. Oh, as Delta was approaching, yes.

7 Q. Yes. So what was going through your head, I mean --

8 A. Well, once I heard him actually -- because you know, some  
9 people -- but he read back exactly what I said, you know, and then  
10 he said it twice. And I don't know, I thought maybe there was a  
11 mess-up somewhere with the runway change, because we were going to  
12 be changing 31. Once I found out, I'm like, did they think they  
13 were just doing that. But, no, it was -- you know, that was not  
14 the case. But I looked up and I saw that the Delta was stopping,  
15 but he was trying to not slam on his brakes. So he kind of just  
16 coasted to the stop, and I said, okay, no problem. So I mean,  
17 like, it was --

18 Q. Cool.

19 A. -- the fact.

20 Q. Okay.

21 BY MR. KECK:

22 Q. Did you file an ATSAP?

23 A. No. I was under the impression -- I could be completely  
24 wrong about this -- somebody files it -- files one that's good for  
25 the incident. Do I have to file one myself?

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1 Q. You don't -- so ATSAP -- anybody who witnessed it, by the  
2 program, should file it. Anybody who was involved. It's not that  
3 you have to, but you should. It just puts -- when it's not an  
4 incident like this where you have an outside entity looking at it,  
5 it puts everybody's perspective into it. So when they mash it  
6 with the what the airline files in the ATSAP program for the  
7 voluntary, you know, reporting back and forth, okay. So and so  
8 was doing this, so and so was doing that. It just puts those  
9 together and then all of a sudden you say, all right, we know what  
10 happened. Yes, the Swiss cheese lined up and the airplane walked  
11 right through it.

12 A. Yes.

13 Q. But just wondering if you did or didn't.

14 MR. CARATOZZOLO: Do we ever hear from the pilot at all or  
15 they don't have to speak?

16 MS. KOSCHIG: They're being interviewed and, yes.

17 MR. CARATOZZOLO: Well, will they release that that we get to  
18 hear it or no?

19 MS. KOSCHIG: No, I haven't even --

20 MR. CARATOZZOLO: No?

21 MS. KOSCHIG: No, it's still --

22 MR. KECK: It'll be in the final report, I guess.

23 MS. KOSCHIG: Oh, it definitely will.

24 MR. CARATOZZOLO: Yes, okay.

25 (Crosstalk)

1 MR. KECK: So this is a full NTSB group. But we're just here  
2 talking with you guys. She's got her other entities working  
3 with --

4 MS. KOSCHIG: Yes.

5 MR. KECK: -- with those.

6 MR. CARATOZZOLO: Okay.

7 MR. KECK: So as this comes down the line, I'll be in contact  
8 with you -- or Sarah (ph.) will, the party coordinator -- as this  
9 comes to fruition and hey, here's the final report if you want to  
10 go back and look at it and see everything. And yes, we'll have  
11 all those interviews in there.

12 MS. KOSCHIG: Definitely you should.

13 MR. KECK: Or if you don't want, then be like don't ever call  
14 me again. That's fine, but yes, you can see all that stuff once  
15 it's released.

16 MR. CARATOZZOLO: Okay.

17 MR. KECK: It takes about a year to 18 months, so don't wait  
18 for it tomorrow.

19 MR. CARATOZZOLO: No, yes, no problem.

20 MR. LAPIDUS: This has really had -- even some of the more  
21 senior, let's say, what I consider to be our best controllers,  
22 Anthony and a bunch of us, it's brought a lot of conversation up.  
23 It reinforces, like, I think I do a very good job. But I can do  
24 better. And I think a lot of people, up to now, like maybe  
25 reinforcing some of the stuff we learned in training to, you know,

1 we had nothing to do with it. We weren't there --

2 MS. KOSCHIG: Right.

3 MR. LAPIDUS: But it makes you think.

4 BY MS. KOSCHIG:

5 Q. Yes, that this could happen. And that's one of the reasons  
6 we're here is because if it can happen here, it can happen  
7 anywhere.

8 A. Yes.

9 Q. And so that's why we look at the safety side of it, and  
10 that's why we like to talk to you guys so that we can see what you  
11 went through and see if there's anything that we can take from  
12 this that may be happening somewhere else where we're not trying  
13 -- you know, the dots aren't lining up yet --

14 A. Um-hmm.

15 Q. -- but -- they can say well, this happened at Kennedy just  
16 like this and now this one happened in Boston or, you know, LA and  
17 we're like, wait, is there something going on? Is it something  
18 the pilots are changing? Is it something that, you know, if it's  
19 that certain operator or is it, you know, something with runways?  
20 Anything, I mean, it could be numerous things.

21 So it seems like, you know, it's -- you know, we're not  
22 picking on just this airport, you know. We're not picking on the  
23 airport at all. We're trying to find information. And also it'll  
24 that other side of the puzzle when the investigator in charge puts  
25 these reports together and they get the pilot side, the controller

1 side, airport's, all of this and they could look at it and say,  
2 okay, you know. This is what happened factually.

3 A. Um-hmm.

4 Q. You know, so.

5 BY MR. ALLEGRINI:

6 Q. What do you think about the geometry at the Kilo-Bravo  
7 intersection and Kilo-Delta. Do you have any thoughts on, like --  
8 have you ever thought about hey, why don't they do this? Fix this  
9 intersection.

10 A. I mean, not really, to be honest with you. I mean, the only  
11 issue I have with any of the taxiways here is they should be  
12 numbered. Not this crazy --

13 (Crosstalk)

14 A. -- Fox-Bravo, Fox-Alpha. Like exiting 4 right, it's Fox-  
15 Bravo, Fox-Alpha, Foxtrot, hold short of runway 4 Left.

16 (Crosstalk)

17 A. No, so I go Fox-Alpha, hold short of Yankee.

18 MS. KOSCHIG: Um-hmm.

19 MR. LAPIDUS: Chunk it.

20 MR. CARATOZZOLO: Chunk it, yes. But baby steps is always  
21 the best.

22 MS. KOSCHIG: Exactly.

23 BY MR. ALLEGRINI:

24 Q. Have you thought anything about, like, cutting that corner?

25 A. I mean, I guess, I mean --

1 MR. LAPIDUS: We never really thought about it, now we're  
2 think about it.

3 MR. CARATOZZOLO: Yes, it's not something I thought of, you  
4 know.

5 BY MR. KECK:

6 Q. Yes, like if they lessen the angle, they wouldn't have to  
7 make the left and then the jenk (ph.) back to the right, you know.

8 A. Right.

9 Q. They could just make it kind of a smooth transition.

10 A. Yes, so if they overshoot Kilo and were going towards Juliet,  
11 it would be more pronounced, you know, maybe that would help. I  
12 mean --

13 MR. ALLEGRIANI: It would look like the old way.

14 MR. CARATOZZOLO: Yes, I mean, I don't know.

15 BY MR. KECK:

16 Q. I've got one for you. So since you're the controller  
17 involved, was your trainee --

18 A. Yes.

19 Q. -- and your voice of reason prompted him to, you know, break  
20 that lock.

21 A. Um-hmm.

22 Q. Without getting too far in the weeds with this, do people on  
23 occasion ignore what the ASDE alert -- or does everybody follow  
24 it? I know what the book says --

25 A. Yes.

1 Q. -- but real world?

2 A. Real world? No, everybody follows it.

3 Q. Okay.

4 A. Yes, I've never seen somebody negate an ASDE-X. I mean, we  
5 have -- we get alerts for aircraft lining up on the taxiway and  
6 people still send them even though -- it might look fine out the  
7 window, but we're doing that. No.

8 Q. I have to ask. We've got ASDE-X, too.

9 A. Of course.

10 Q. We've got it and you always hear that. Or you'll see it  
11 we'll be in an investigation where I thought it was safer to let  
12 this go or --

13 A. Yes.

14 Q. -- I thought it was safer for that. But no, I'm glad to hear  
15 that.

16 A. Nothing I've ever seen. I've never seen anybody disregard  
17 it.

18 Q. Good.

19 MS. KOSCHIG: I thought of something a minute ago, now I  
20 forgot. I should have wrote it down.

21 MR. KECK: Right.

22 MS. KOSCHIG: Jake?

23 MR. ALLEGRIANI: No, I'm sure I'll have more questions  
24 throughout the day, but I just -- I'm more interested -- I think  
25 we've covered the incident, but just the operation in general is

1 interesting.

2 MR. KECK: Yours is easy-going. You were kind of the  
3 oversight, you know.

4 MS. KOSCHIG: Yes.

5 MR. KECK: You're the 30,000-foot universes, you know, the  
6 10-foot view type deal. So that helps.

7 MS. KOSCHIG: Oh, I remember.

8 MR. KECK: There you go.

9 BY MS. KOSCHIG:

10 Q. Frequency jumping. Do you see a problem here where the  
11 pilots are changing frequencies before being told to do it?

12 A. Yes, it happens every -- I mean, I don't know what you  
13 consider a problem. If it happens a handful of times in a day, is  
14 it a problem?

15 Q. I don't know if --

16 A. I mean, we have guys that exit runway -- a runway hold short  
17 with one controller, and they'll switch to ground, ask him for  
18 taxi instructions.

19 Q. Um-hmm.

20 A. I mean, it happens.

21 Q. Yes.

22 A. I mean, everybody -- like you said, everybody's really good  
23 here and 99.9 percent of the time, you know, we catch everything.

24 Q. Yes.

25 A. You know.

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1 Q. Okay. Just the jumping, if you've considered it a problem.

2 A. I don't know if I consider it a problem.

3 Q. It's just something that happens occasionally? I don't want  
4 to put words in your mouth.

5 A. No, it's fine. I don't consider it a problem. The only  
6 problem I consider is the readbacks from pilots.

7 Q. Oh, okay.

8 A. That's the only problem that we have.

9 Q. And what --

10 A. They fly great -- they do a great job, they really do a great  
11 job most of the time. It's the readbacks are a problem. No  
12 matter how you baby step them --

13 Q. Um-hmm.

14 A. -- chunk it, it's a problem. I don't know if they have --  
15 me, personally, I don't know if they have too much head down time  
16 themselves. They probably have a ton of stuff going on, too. I'm  
17 not going to sit here and pretend like they're just driving a  
18 taxicab.

19 Q. Yes.

20 A. But, you know, it seems to be a problem lately.

21 Q. Oh, okay.

22 A. Yes.

23 BY MR. KECK:

24 Q. You -- so you make a point. Have you ever -- I know we can't  
25 do it now -- have you ever done the flight deck training --



1 A. Yes.

2 Q. -- when we had it available? So you've been in the cockpit,  
3 and seen how --

4 A. Yes.

5 Q. -- they do things and whatnot.

6 A. Yes.

7 Q. Good. It's a huge help. I just wasn't sure if you've done  
8 it or not.

9 A. It is and that's why even when I train people, I tell them  
10 not to make it too crazy with these instructions, because they're  
11 not -- they got so much other stuff going on.

12 Q. Right.

13 A. Which -- it doesn't sound even that happened either, you  
14 know, to me, from the replay. So it's --

15 MR. ALLEGRINI: But nothing crazy. There were no crazy  
16 instructions.

17 MR. CARATOZZOLO: No, not at all.

18 MS. KOSCHIG: Questions for us?

19 MR. CARATOZZOLO: No. I mean, I'll be here so if you think  
20 of another question, you're welcome to ask.

21 MS. KOSCHIG: We'll call you back.

22 MR. CARATOZZOLO: I'll be here, yes.

23 MS. KOSCHIG: I can't think of anything else.

24 MR. KECK: No, I think we pretty well-covered it.

25 MS. KOSCHIG: Yes, so I am going to stop the interview.

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MR. CARATOZZOLO: Sure.  
MS. KOSCHIG: And did I say that it is 1359.  
(Whereupon, at 1:59 p.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF:            NEAR-MISS TAKEOFF INCIDENT BETWEEN  
                                 AMERICAN AIRLINES & DELTA AIRLINES  
                                 AT JFK INTERNATIONAL AIRPORT IN  
                                 QUEENS, NEW YORK ON JANUARY 13, 2023  
                                 Interview of Anthony Caratozzolo

ACCIDENT NO.:                DCA23LA125

PLACE:                        Queens, New York

DATE:                         (Interview Date)

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.

  
\_\_\_\_\_  
Maria Socorro R. Abellar  
Transcriber

**Interviewee:** Joseph Morin  
**Representative:** Bryan Lapidus, JFK NATCA Representative  
**Date/Time:** February 2, 2023 / 1729 EST - 1833 EST  
**Location:** JFK air traffic control facility  
**Present:** Tim Keck, NATCA ASI and Kevin Allegrini, FAA  
**Investigator:** Betty Koschig

During the interview Joseph Morin stated the following:

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

\*

NEAR-MISS TAKEOFF INCIDENT BETWEEN \*

AMERICAN AIRLINES & DELTA AIRLINES \*

Accident No.: DCA23LA125

AT JFK INTERNATIONAL AIRPORT IN \*

QUEENS, NEW YORK ON JANUARY 13, 2023 \*

\*

\* \* \* \* \*

Interview of: JOSEPH MORIN, Air Traffic Controller  
John F. Kennedy International Airport

Queens, New York

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Balt. & Annap. [REDACTED]

APPEARANCES:

BETTY KOSCHIG, Investigator  
National Transportation Safety Board

TIM KECK, Air Safety Investigator  
Cleveland Tower  
Federal Aviation Administration

JAKE ALLEGRINI, Air Traffic Operations Manager  
Boston Tower  
Federal Aviation Administration

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<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Joseph Morin:		
By Ms. Koschig		8
By Mr. Keck		13
By Ms. Koschig		30
By Mr. Keck		48
By Ms. Koschig		52
By Mr. Allegrini		54
By Ms. Koschig		56
By Mr. Keck		58

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I N T E R V I E W

(5:29 p.m.)

1  
2  
3 MS. KOSCHIG: So I will be recording the interview with a  
4 digital recorder, as you can see right there --

5 MR. MORIN: Okay.

6 MS. KOSCHIG: -- and a transcription will be made. The  
7 transcription will be the only part of this that will go into the  
8 factual report. The audio, there's only two people to ever going  
9 to see the audio or hear it. It's going to be me and the  
10 transcriptionist, and we hire transcriptionists that have NDAs.  
11 They cannot say anything about the recording. And once we get the  
12 transcript, once they give it back to us and we're like, okay,  
13 this is good, they destroy the recording. So that leaves me with  
14 the only person with that recording. We're still going to process  
15 to see if eventually we can delete recordings, but for right now,  
16 we save them, but it will not ever, by anything that we do, go out  
17 on the public website. So I just wanted to let you know that.

18 MR. MORIN: Okay.

19 MS. KOSCHIG: But just the transcript. So that way, it's  
20 great that we can get an accurate statement. But that's where you  
21 could probably say your little spiel now.

22 MR. MORIN: Okay. My participation in this interview does  
23 not waive any of my rights.

24 MS. KOSCHIG: Okay. And state your name, please.

25 MR. MORIN: Joseph Morin.

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1 MS. KOSCHIG: Okay. All right. So let's get started. The  
2 time is 1729. First of all, thanks so much for coming here and  
3 meeting us here so we can talk to you about the incident, and we  
4 really do appreciate it. We're just here to pick your brain and  
5 find out what your experiences there at the facility and all that.

6 But my name is Betty Koschig and I'm an air traffic control  
7 investigator at the NTSB. I did 20 years in the Navy as a  
8 controller, worked at all different kinds of places, and I've been  
9 here for 14 years working for the NTSB, so I got the air traffic  
10 control lingo down.

11 The NTSB is an independent federal agency, so we don't work  
12 for anybody, DOD, anything, which helps us a lot. But we don't  
13 have any regulatory or enforcement powers, which is good. There's  
14 nothing that I can do to you, there's nothing that I can force on  
15 anybody. The only thing that the NTSB can do is make  
16 recommendations and push for safety issues. That's our mission in  
17 life.

18 So as part of this process, we invite parties, or parties  
19 request to come join us on the group, so they can provide us their  
20 technical expertise. So we've got a couple of SMEs here. And  
21 with me today, I will let Tim introduce himself and tell you where  
22 he's from and everything.

23 MR. KECK: So like I just mentioned outside, I'm Tim Keck,  
24 I'm from Cleveland Tower. So if you don't know what your NATCA  
25 ASIs do, we're regular controllers. We're not detailed for

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1 anything specific, and we don't sit in an office waiting for her  
2 to launch on something. We're regular controllers working the  
3 board. There's twelve of us nationwide, four tower, four TRACON,  
4 four en-route. So when something comes up and the NTSB wants to  
5 launch, we request party status on NATCA's behalf, and we work as  
6 part of her group as her subject matter expert. You know, you've  
7 got your FAC rep, ASI representative. I don't represent you; I  
8 represent the Union's interest. So we're just making sure that  
9 you get a fair shake at whatever it is.

10 We're looking to find safety stuff, you know. If anything  
11 comes up, and you have a question, by all means ask us. But if  
12 you have an issue with something, you know, consult your  
13 representative and then, you know, you guys can go talk about that  
14 and Betty will tell you how that works a little more. But  
15 otherwise, once we're done here, I go back to work and work at the  
16 same schedule you're working.

17 MS. KOSCHIG: Cool. Jake.

18 MR. ALLEGRIANI: I'm Jake Allegrini. I'm the ops manager at  
19 Boston Tower, and I'm here in the group just to offer a little  
20 more insight, tactical insight, and help out Betty and Tim.

21 MS. KOSCHIG: So what we do on -- in this setting, we are the  
22 NTSB group. The other group that was -- you just talked to,  
23 they're part -- they're the FAA. So it's a parallel investigation  
24 going on. So our main mission is to find those facts and find the  
25 probable cause. So that kind of makes us a little bit, I guess,

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1 different, because we're not here to blame anybody. I mean, we  
2 want to get into your head, as to say, so that you could tell us  
3 what was going on, and the processes. So that we can look at  
4 those and say, what can we, as an air traffic control, you know,  
5 environment, what can we do better. Because if this happened  
6 here, it can happen anywhere. So that we want to look and see  
7 what layers may -- could be put in place, or what's going on that  
8 caused it. So, yeah.

9 So we are here to talk about the incident that happened with  
10 American 106 and Delta 143 -- correction -- 1943, on the 13th of  
11 January 2023. Okay. So as part of the regulations, you are  
12 welcome to have a representative of your choice to attend. And  
13 did you wish to have a representative?

14 MR. MORIN: Yes.

15 MS. KOSCHIG: He's sitting right here?

16 MR. LAPIDUS: Damn it.

17 MS. KOSCHIG: Please state your name?

18 MR. LAPIDUS: Bryan Lapidus.

19 MS. KOSCHIG: Okay. So during any of this, the questions  
20 that we ask are going to come to you. You can, at any time, you  
21 can say I need to go talk to Bryan. You can go out if you needed  
22 a break. Hopefully, you won't be here that long that you need a  
23 break, but you definitely -- he is here for your support. And so  
24 if at any time, or if you wanted to say let's take a break, you  
25 go, and then we'll just continue, so. All right.

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1 Q. -- yeah, I just -- it's habit. What are your operating  
2 initials?

3 A. JW.

4 Q. All right. And when did you start working for the FAA?

5 A. 2010.

6 Q. All right. Was that the academy?

7 A. Yes.

8 Q. All right. Where have you worked -- do you remember what  
9 month that was in --

10 A. June.

11 Q. June. Where did you go from the academy?

12 A. I went to Westchester County, HPN.

13 Q. How long were you there?

14 A. Five years.

15 Q. And where'd you go after that?

16 A. JFK.

17 Q. Been there ever since?

18 A. Been there ever since.

19 Q. Okay. Do you have any military service?

20 A. No.

21 Q. Any college?

22 A. Yes.

23 Q. Okay. Where did you -- did you get a degree?

24 A. Yes, I have a degree. I went to Purdue University.

25 Q. A good university. What was your degree in?

- 1 A. Aviation technology.
- 2 Q. That sounds interesting. And did you get a bachelor's?
- 3 A. Yeah.
- 4 Q. Masters?
- 5 A. No.
- 6 Q. Do you hold any other aeronautical certificates other than  
7 air traffic?
- 8 A. No.
- 9 Q. Do you have a current medical?
- 10 A. I do.
- 11 Q. Okay. Any restrictions? Like glasses?
- 12 A. I got to wear glasses.
- 13 Q. Do you have to wear them while you're on position?
- 14 A. Yes.
- 15 Q. Did you have them on?
- 16 A. Yeah.
- 17 Q. The time of incident?
- 18 A. I can't see.
- 19 Q. Okay. I'm with you.
- 20 A. Yeah.
- 21 Q. Who is your supervisor?
- 22 A. Cleibys Cruz.
- 23 MR. LAPIDUS: And we figured out the spelling earlier.
- 24 BY MS. KOSCHIG:
- 25 Q. Oh, what is the spelling?

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- 1 A. C-l-e-i-b-y-s.
- 2 MR. LAPIDUS: I think your -- I've known her for longer.
- 3 MS. KOSCHIG: Yes.
- 4 MR. LAPIDUS: C-l-e-i-b-y -- You are right. Look at you.
- 5 MR. MORIN: Yes.
- 6 MR. LAPIDUS: It's a tough one, I'm sorry.
- 7 BY MS. KOSCHIG:
- 8 Q. What positions are you qualified and certified on in -- at  
9 Kennedy?
- 10 A. All of them.
- 11 Q. All of them?
- 12 A. Yeah.
- 13 Q. CIC?
- 14 A. Yes.
- 15 Q. Full CIC, not just --
- 16 A. Full CIC.
- 17 Q. Current on everything?
- 18 A. Yeah.
- 19 Q. Okay. What's your normal work schedule?
- 20 A. I work Friday, Saturday, Sunday, Monday, 1:00 to 11:00.
- 21 Q. What position were you working at the time of the incident?
- 22 A. Ground control.
- 23 Q. How long had you been on ground control?
- 24 A. Probably 10 minutes.
- 25 Q. Okay. Had you been on a position prior to that? Just prior?

1 A. No, I was on break.

2 Q. Okay. Do you work much overtime?

3 A. No, I don't work any overtime.

4 Q. Okay, cool. So now I'm going to ask some -- more personal-  
5 type questions like, how is your overall health? How do you feel?

6 A. Good.

7 Q. Good.

8 A. Yeah.

9 Q. And did you -- how many hours of sleep do you get every  
10 night, on the average?

11 A. Oh, God --

12 Q. You got little kids, so?

13 MR. LAPIDUS: It's probably going to be different than the  
14 last guy.

15 MS. KOSCHIG: Yeah.

16 MR. KECK: Not the 12 hours?

17 MR. MORIN: Five.

18 BY MS. KOSCHIG:

19 Q. Do you feel rested when you're at work with that?

20 A. No.

21 Q. No. Did you feel rested on the night of the incident? Well-  
22 rested or --

23 A. No.

24 Q. No. Is that because you're not getting enough sleep or is  
25 there -- what's the --



1 A. What's enough sleep?

2 Q. I don't know. What's enough for you?

3 A. That's all I get. It's not optional.

4 Q. Okay. So is it anything at work that's making you tired or  
5 not feeling rested?

6 A. No, I have two kids.

7 Q. Yes.

8 A. I got a one-year-old and a 3-year-old, so. And I take them  
9 to school every day.

10 Q. Yes, well --

11 A. So --

12 MR. LAPIDUS: So you make me feel bad about my three hours  
13 now.

14 MR. MORIN: Yes, that's it.

15 MR. LAPIDUS: It's getting better though. Once they hit,  
16 like 6, they start sleeping.

17 MR. MORIN: They sleep. It's just that they get up at 6:00  
18 in the morning, 5:30 or whatever. So I work till 11. By the time  
19 I get home and go to sleep, it is what it is, you know.

20 BY MS. KOSCHIG:

21 Q. Yes.

22 A. Yes.

23 Q. No, it's good to know stuff.

24 A. Yes.

25 Q. Was there anything distracting going on in the tower around

1 your area at the time of the incident?

2 A. No.

3 Q. All right, that's the nature, those kinds of questions. Now  
4 we're just going to start asking more questions about dates and  
5 picking your brain about procedures and things like that around  
6 the facility.

7 But what I'm going to do is I'm going to start out asking a  
8 question, and then the other guys will have the opportunity to ask  
9 you questions, too.

10 A. Okay.

11 Q. Okay, cool. Let's get started. First of all, did you listen  
12 to the replay or the audio or the replay? Or see the replay?

13 A. I've heard parts of it, but I didn't specifically go find it,  
14 no. It was on the news. You couldn't really not hear it.

15 Q. Yeah.

16 A. But did I go search it out? No I didn't.

17 Q. Okay. So now I want to start, just -- what's your  
18 recollection of the -- leading up to the event, you know, like  
19 when you got on ground control. Start about then, what you did.  
20 You came into the tower. Start explaining that and the process  
21 that you went through.

22 A. Supervisor told me to go get ground, I went on ground.

23 Q. Um-hmm.

24 A. And then they were starting to do a runway change, I think,  
25 or wanting to do a runway change.

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1 Q. Um-hmm.

2 A. And then it was, I don't, slow, I guess. It was January, it  
3 wasn't -- it's not like we were rocking and rolling or anything.  
4 And that was it. A normal, you know --

5 Q. Just normal operations, so complexity was --

6 A. It's the most complex setup that we do. The 4s, 31 Left,  
7 Kilo-Echos. The most complex setup that we do. It was not  
8 particularly busy at the time, but that setup itself is as hard as  
9 it gets working ground control, complexity-wise.

10 Q. Do you go to that complexity -- or maybe -- do you go to that  
11 setup often, or how often?

12 A. Unnecessarily, we were on that setup at the time, in my  
13 opinion, but that's traffic management and supervisor, who's not  
14 to blame for the delays game that they play all day long, so.  
15 I've beaten my head against that brick wall for a long time.

16 Q. You submit stuff into ATSAP about it, concerning that issue?

17 A. I don't -- I mean, is it a safety issue? I mean, I don't  
18 know. It's kind of a stretch. It's just because it's complex and  
19 it's -- it gets -- when it's busy, it's really hard to work that  
20 setup. And then a lot of times, I believe people feel that we're  
21 on that setup unnecessarily sometimes. Like that night, at that  
22 time, I think we were unnecessarily on that setup.

23 They use it to offload departures so that the line doesn't  
24 back up, and it's a delay mitigation, so they have two departure  
25 runways. They do it a lot of times, from my understanding, in a

1 like a preemptive strike against going into delays, because if we  
2 go into delays and we're not using two departure runways, then the  
3 people that do that job are going to have to answer to somebody or  
4 on some kind of NTML or wherever, saying why were you not using  
5 the secondary offload runway that you went into delays.

6 So instead of ever having to answer that question to whoever  
7 it may be answering -- asking the question, they will just -- this  
8 is the busiest hour of the night. Whether that means that it's  
9 busy at all or whatever, it's a relative -- relatively busy  
10 speaking. It's January, for God's sakes, we're talking about  
11 here. They'll just go to it because that's what they do. So, is  
12 it a safety issue? I don't necessarily think so. It's kind of  
13 just part of the job, but it's complex, it's annoying as like a  
14 controller maybe sometimes, we are like, why are we doing this?  
15 But I don't know that it's a safety issue.

16 I mean, the complexity of where the turns are to, you know,  
17 how close it is to the departure runway and stuff like that, I  
18 mean, these are professional pilots. There's runway safety  
19 lights, there's all sorts of mitigation that's been, you know, put  
20 in place to prevent these pilots from making a wrong turn.  
21 Taxiways are labeled. I mean, what are you going to do?

22 Q. That's what we're trying to find out.

23 A. Yeah, I mean, it's the setup. Do I think all controllers  
24 love it? No, and I don't really think that's also relevant. You  
25 know, everyone has their role to play and their job to do and --

1 Q. Um-hmm.

2 A. -- that's what we were doing. We were doing 4s, 31 Left,  
3 Kilo-Echo for I don't know what reason, and we were switching to  
4 the 31s.

5 Q. Okay. So do you remember what kind of taxi clearance you  
6 gave American?

7 A. Yeah, I gave American left Bravo, short Kilo. That's our  
8 standard paper stop.

9 Q. Um-hmm.

10 A. Because if you give them more than three things, their brain  
11 turns to mush and they forget everything, and then they say, say  
12 again, and -- or they say something wrong and you can't work  
13 ground control, because you will be constantly talking to the same  
14 pilot three and four times. So if you don't break it down into  
15 turn left Bravo, hold short of Kilo. Because if I gave a Bravo,  
16 Kilo, cross 31 Left, forget about it. She'd be -- you know, some  
17 of them can, obviously, some of them can't, but you can't work  
18 that way because you'll -- you're just working uphill.

19 Q. Yes.

20 A. So I told her Bravo short of Kilo, she read it back like  
21 she's been there 4000 times in her life, and she probably has, and  
22 she said Bravo short of Kilo. And again, if you went back and  
23 made them say every word you say the way that you say it, you  
24 couldn't work ground control.

25 Q. No.

1 A. And I guess that's how I'm going to have to work going  
2 forward, but we'll see.

3 Q. So what we want to find -- yeah, that's the stuff we want to  
4 find out. What do you think is a better way? Is there a better  
5 way? You're the expert there, tell me why.

6 A. I mean -- I'd love to 71-10 treat them like them like they're  
7 adults and give them their entire taxi clearance. But, again, if  
8 you tell them more than three things, forget it. So what ends up  
9 happening in reality is, you tell them Bravo short of Kilo, and  
10 you take a look over there and like, okay, they're turning the  
11 right direction, they're on the right taxiway. And then when they  
12 come around this part of the airport, I just got to make sure they  
13 don't cross the runway and kill somebody. Okay.

14 Q. Um-hmm.

15 A. So then, before she even got there -- I work ahead of the  
16 game again, because if you work a reactive ground control, you --

17 Q. Yeah.

18 A. -- you will not certify at JFK.

19 Q. Right.

20 A. So you need to be ahead of the game. So that's how I work.  
21 I told her well-before she got to Kilo what her next instruction  
22 was, and that was cross runway 31 Left at Kilo. She's read it --  
23 those are the readbacks that as a controller --

24 Q. Um-hmm.

25 A. -- you key up on. That's the --

1 Q. Right.

2 A. -- one that really hits you in there. That's the one I got  
3 to listen to, because I got to make sure she's not crossing the  
4 wrong runway. She's reading back where she's crossing and all  
5 that good stuff because those are safety things. Bravo short of  
6 Kilo -- she came out of her taxiways probably 2 miles away from  
7 Kilo. So she's got two miles to, you know -

8 Q. Okay.

9 A. -- mosey on her day away on down. And then make sure you  
10 give me the correct runway readback.

11 Q. Yes.

12 A. After that, that's on you. If I tell you to cross 31 Left at  
13 Kilo and you read back to me perfectly cross runway 31 Left at  
14 Kilo, and then you go ahead and cross runway 4 Left on Juliet,  
15 that's scary.

16 Q. Yes.

17 A. And it was. That's -- that was -- yeah, that was bad.

18 Q. So after you gave the clearance, then in your mind you're  
19 thinking she's going to -- like you just said, she's going to do -  
20 -

21 A. I'm done with you at that point.

22 Q. Yes, okay. So --

23 A. That's my last instruction to you before I tell you monitor  
24 tower. I am mentally -- I'm done with you.

25 Q. Um-hmm. You know, we were having a conversation of that

1 earlier about, you know --

2 A. Well, because

3 Q. You're mind, yeah

4 A. -- that's your mental catalogue. I got 50,000 other things  
5 going on, and if -- and again, if you don't work ahead of the  
6 game, then I'm not able to hear a truck just cut us off, there's  
7 flood on the runway, somebody in the tower kept telling me they  
8 need a bird sweep --

9 Q. Um-hmm.

10 A. -- the equipment outage. You then -- it's the same thing  
11 when you're working local. If you can't say clear to land on  
12 initial contact and keep these conversations to a minimum, you're  
13 unable to catch -- we just had a bird strike, we got to go around.  
14 And again, we're not talking to American pilots most of the time.  
15 So the one that I need to catch is Avianca telling me that he blew  
16 a tire and he's going around, or his engine just went out and he  
17 needs to circle to land or whatever.

18 Q. Um-hmm.

19 A. You know -- and again, if you're messing around with standard  
20 readbacks with American triple 7 pilots, your brain catalogue is  
21 not able to catch these anomalies, and that's what we are there to  
22 do. They can Bravo short of Kilo themselves. They don't need me  
23 to do that. A robot can do that. Know what they need me for? Go  
24 around. Turn right, there's traffic ahead of you immediately.  
25 There's a helicopter not doing what they're supposed to be doing



1 that somebody else is working.

2 Q. Um-hmm.

3 A. That's what I'm there for. That's what I need to clear my  
4 mental catalogue to be able to react and respond appropriately to  
5 those situations. Bravo short of Kilo with an American triple 7  
6 pilot is all day, every day in your sleep.

7 Q. Yes.

8 A. And when I tell her to cross and she reads back the crossing,  
9 my mental catalogue with her is done. Goodbye. Here's the strip,  
10 monitor tower, goodbye. Done -- now I'm done with you.

11 Q. Yes. And had you -- did you tell her to monitor tower yet?

12 A. No, I never switched her.

13 Q. Yes, okay. That's -- and where would you normally have  
14 switched her? Were you going to do that --

15 A. After they cross.

16 Q. Okay.

17 A. No, after they cross, because at that point you -- so I'm  
18 mentally done with her when I give her the crossing and she  
19 crosses, right?

20 Q. Um-hmm.

21 A. But once she's across the runway, there's no more any  
22 conflicts on that setup, so she's just doing a straight-ahead  
23 taxiway. And again, if you then make a right turn and drive your  
24 plane into Jamaica Bay, that's on you.

25 Q. Um-hmm.

1 A. So you cross 31 Left to Kilo, monitor the tower, see you  
2 later, goodbye. I don't want to deal with you, because the more  
3 planes I get out of my workplace, the more I can deal with  
4 somebody hitting a car or a snowplow cutting somebody off or the  
5 ASDE doesn't work, or whatever.

6 Q. So she did a couple of things there that you weren't  
7 expecting. She turned the wrong way and then she switched  
8 frequencies.

9 A. No, I expect that all pilots will listen to nothing I say at  
10 all times, because that's how they operate.

11 Q. Okay.

12 A. No, she's --

13 (Crosstalk)

14 A. They all switch --

15 Q. I know.

16 A. -- they do it all the time, it's a common thing, they --  
17 because they're hotshots, and I'm just a, you know, a radio  
18 operator and they know everything, and they do this all the time.  
19 They switch frequencies when they're not supposed to. They act  
20 like a bunch of amateurs all the time. Every day, all day dealing  
21 with having to say things. And let me tell you something. After  
22 COVID, it has been 10 times worse, and I'm sure that this is not a  
23 JFK issue, that this is a NAS problem. Ten times worse after  
24 COVID where you're having to repeat simple, basic, taxiing  
25 instructions to every pilot from top to bottom, from seniors to,

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1 you know -- from Saturday pilots to international pilots and  
2 everyone in between. You're having to say things four and five  
3 times, basic instructions to pilots.

4 Q. Um-hmm.

5 A. Basic instructions.

6 Q. Do you know if anybody at your facility or have you been  
7 involved in anything that would address these matters to the  
8 airlines? I know it's like -- yes --

9 A. It's --

10 Q. -- where would you start, but --

11 A. It's dollars and cents to them, and this is an issue that is  
12 well-beyond, you know, our capacity as far as what goes on. You  
13 -- what am I going to do?

14 Q. Yes, I don't know.

15 A. Then I got to treat them like they're babies, right? So now  
16 we got to give you a one instruction transmission because I can't  
17 -- because I've been giving -- for the past half hour, I've been  
18 giving everyone three, you know, three taxiway letters and I have  
19 to say it three times. So now I've spoken to 900 airplanes when  
20 there's 10 of you on the ground.

21 Q. Um-hmm.

22 A. So what are you going to do about pilots not listening? I  
23 have no idea.

24 Q. I'm just picking your brain to see if you have an idea.

25 A. No, I know. I would love to tell them how I feel all the

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1 time, but --

2 Q. Yes.

3 A. -- it's -- you know, that's not going to help either.

4 Q. No, exactly.

5 A. Because then you sound like a jerk and then they really don't  
6 want to listen to you.

7 Q. Yes.

8 A. So you're in a lose-lose situation because they --

9 Q. Yes.

10 A. -- you know -- but some of them, again, some of them you have  
11 no problems with. They work at Kennedy, they hear my voice, they  
12 know the deal and we work nicely. Some of them are just complete  
13 donkeys.

14 Q. Yes.

15 A. And it's impossible to work sometimes.

16 Q. Yes.

17 A. Impossible to work ground control.

18 Q. Yes. So there's a lot of frequency jumping going on then,  
19 so, as you were saying.

20 A. Frequency jumping, yes. They do that --

21 Q. So when you're -- the same thing when you're working local  
22 control, you get a lot of folks --

23 A. Well, you'll get them going to the wrong local, because the  
24 plate says one thing and we're doing a different procedure at  
25 Kennedy, so they'll just -- again, they, some of them read the

1 plates, some of them didn't know what a plate was if you handed it  
2 to them.

3 Q. Um-hmm.

4 A. So, you know, you never know what you're going to get. You  
5 just -- again, so the way that you defend yourself is that your  
6 hold short readbacks of any kind of runway and anything like that  
7 is your number one red flag.

8 Q. Um-hmm.

9 A. So then we can move on, then we can talk about FOD or  
10 whatever's --

11 Q. Yes, um-hmm.

12 A. -- going on because there's tugs and all sorts of nonsense  
13 that goes on in their frequency.

14 Q. Um-hmm.

15 A. So --

16 Q. Okay. So it sounds like you do have a routine where you tell  
17 them to taxi. Then when they're -- anywhere where they can't --

18 A. Yes --

19 Q. -- go any place else --

20 A. -- when there's no longer conflicts.

21 Q. -- Yeah, then you switch them to the -- you tell them to  
22 monitor --

23 A. To get -- to go to the local controller, yes.

24 Q. So where do you think the pilot -- what do you think  
25 happened? I mean, why do you think that -- just your opinion.

- 1 What do you think happened? What happened there?
- 2 A. I have --
- 3 Q. Why would they have --
- 4 A. -- no idea.
- 5 Q. Now, do you think that it was anything --
- 6 A. There's three pilots in that cockpit. There's three pilots  
7 in that cockpit. There's three pilots in that cockpit.
- 8 Q. I know.
- 9 A. We're not talking about a regional jet pilot.
- 10 Q. Yes.
- 11 A. We're talking about a triple 7 --
- 12 Q. I know.
- 13 A. -- saying cross 31 Left to Kilo and then crossing 4 Left at  
14 Juliet.
- 15 Q. Yes, and that's one thing the pilots are going to -- they're  
16 probably being interviewed or already --
- 17 A. Yes, I don't care.
- 18 Q. -- interviewed. So we'll find out from them. So I want to  
19 get, just looking from your side --
- 20 A. I have no idea.
- 21 Q. -- what -- yeah. Okay. So what do you -- how do you  
22 normally -- what is your scanning process, you know, on the  
23 airport --
- 24 A. Well, I was working Kilo-Echo --
- 25 Q. Right --

1 A. -- as well as 4 Left.

2 Q. -- right.

3 A. So the guys that are going to 4 Left have to come through the  
4 Kilo-Echo departure point. So at that point, I was working a  
5 regional jet, I believe, southbound on Alpha, and I was waiting  
6 for American to pass before I told them to turn left at Kilo-Echo  
7 and switch over to tower.

8 Q. Right.

9 A. So that's what I believe I was doing. Again, I heard -- the  
10 supervisor told me that I gave them the right instruction, they  
11 had the right readback and I moved on in my life about listening  
12 to this, because this is -- I don't --

13 Q. What do you think safety-wise -- anything the facility can do  
14 to help you do your job better? To help you get them to listen?  
15 What is it that the FAA, your facility, anybody, can do to help?  
16 I know this is a big --

17 A. They need to communicate --

18 Q. -- ask.

19 A. -- with the airlines on a non-financial level.

20 Q. Um-hmm.

21 A. They involve them too much in this TMU operational nonsense,  
22 which -- you know, they want to talk about conflict of interest,  
23 this is the biggest conflict of interest, ever, is having them  
24 involved in these talks. Now, I understand that the beginning of  
25 that was to make it better for everybody. But they pandered to

1 their influence too much where they have a say. So it's -- you  
2 know, they should have a say, but on the morning telcon, JetBlue  
3 should not be telling Kennedy which runway setup they prefer to be  
4 on for their operational needs.

5 Q. Um-hmm.

6 A. I mean, safety should come 100 percent first no matter what.  
7 We should not be splitting off departure runways, making  
8 unnecessary complex operations to pander delays, when they can't  
9 spread out their -- you know, there's other issues. Again, the  
10 airline's money issues should not be coming into our safety world.  
11 You know, I understand that we provide a service as the FAA and we  
12 have to, you know, but it's gone too far. And that's my opinion.  
13 They shouldn't be involved at the level that they're involved with  
14 because it's gone too far. It's gone too far.

15 Q. Um-hmm.

16 A. We should be trying to do the things that we can do to help  
17 them. I agree with that, but it's gone too far. It's gone too  
18 far that this even goes on. They're too in bed with each other,  
19 it's too much.

20 Q. Um-hmm.

21 A. But that's just my opinion.

22 Q. Oh, no, that's -- no, it's great to hear your opinion.

23 A. Because --

24 Q. That's --

25 A. -- now we're at the point where we can't -- you know, we



1 should be working together better on, like, what works for you and  
2 what works for us. But we, I don't think, get to say what works  
3 for us, because then that comes out as a quid pro quo kind of  
4 thing where it seems to be, in my experience, a one-way  
5 relationship. Where we're not telling them, hey, you guys can't  
6 do this shit.

7 Q. Um-hmm.

8 A. You guys -- there's too many readbacks from your company that  
9 have gone wrong. You guys got to sit down and help us out here.  
10 You're killing us on ground control, you're killing us. We're  
11 having -- we need to be able to go to them and say, hey, Delta, go  
12 listen to the tape for the last hour. Go listen to the tape for  
13 the last hour. How come this guy's saying left Bravo, short of  
14 Kilo and every single readback we're getting, they're saying Bravo  
15 right Alpha. Why is every single one of these guys having  
16 expectation bias about where they're going or what's going on  
17 here? Why are we not listening to the ATIS? They hammer us on  
18 the ATIS.

19 Q. Yes, um-hmm.

20 A. And we're not even listening. These guys don't listen to  
21 ATIS for nothing.

22 Q. Yes.

23 A. The only times they call and they're constantly calling and  
24 saying what runway can we expect for departure.

25 Q. Yes.

1 A. It's on ATIS, clear as day. Yes, maybe it's robot voice on  
2 the ATIS, but that's --

3 MR. LAPIDUS: They print it out anyway.

4 MR. MORIN: Yes, exactly, so --

5 BY MS. KOSCHIG:

6 Q. Yes.

7 A. We have CPDLCs. I mean, how many more things can we say to  
8 them? But again we -- somebody needs to sit down with them and  
9 say, you know, what are we doing? What is going on here? Because  
10 this level of professionalism that we're getting from your pilots  
11 is not okay. Is it a training issue? Are these guys rookies?  
12 Are they -- there's three pilots in the cockpit and you guys  
13 crossed the wrong runway at the wrong taxiway? You don't know  
14 that that's a departure runway? Maybe you should go back to the  
15 gate and run your pre-check, flight check, or whatever you guys  
16 do. I'm not a pilot, but, like, it seems a little ridiculous to  
17 me.

18 Q. Those are great points that I'm sure that the pilots and the  
19 companies are going to be asked.

20 A. Yeah --

21 Q. So, I mean, in addition --

22 A. -- what are we doing --

23 Q. -- right?

24 A. And this -- I'm telling you -- I know a lot of people that  
25 work in a lot of different facilities across the country and

1 they're telling me a lot of the same things about pilots are  
2 really, lately, since COVID, been messing up.

3 Q. Yes.

4 A. I don't know what happened, again. I go home, I got two  
5 kids, I got a whole bunch of other stuff to worry about in my  
6 life. But something happened after COVID or during COVID, that  
7 these pilots came back clueless. I don't know if they've moved  
8 them around and not familiar with the airports or whatever. But  
9 it's been noticeably bad. But this, I've never seen anything like  
10 this. This was as bad as it can get without them hitting -- and  
11 if that Delta didn't slow they would've hit. You can't see that  
12 plane at night. There's more lights at Kennedy than at a baseball  
13 stadium, and God knows they're all broken and pointing at the  
14 pilot's eyeballs and --

15 Q. Um-hmm, yes.

16 A. -- a million times a day you're never expecting a triple 7 to  
17 cross a runway at Kennedy. This is the pros, we're not -- this is  
18 not --

19 Q. Yes, okay.

20 A. I'd love to come here, but this is not Cessnas. You're not  
21 -- you're --

22 MR. LAPIDUS: I just want to say that as a general statement,  
23 because Sam brought it up earlier, we know our players.

24 MR. MORIN: Yeah, exactly.

25 MR. LAPIDUS: We don't expect this from American, JetBlue,

1 Delta. You get the Aeroflot pilot who comes in once every 9  
2 months, we pay more attention to them because --

3 MR. MORIN: Yes.

4 MR. LAPIDUS: -- I don't expect --

5 MR. MORIN: And, again, just like I said before, where you  
6 mentally don't want American so I could catch a bird strike or  
7 this, that and the other thing --

8 BY MS. KOSCHIG:

9 Q. Yes.

10 A. So then I could watch Lufthansa cargo --

11 Q. Um-hmm.

12 A. -- so then I can watch Air China taxi the wrong direction out  
13 of his ramp two miles away. Yes, so, those are the -- then I can  
14 pay more attention to the other people and the other things I got  
15 to pay attention to. American triple 7 pilot, no way. Somebody  
16 who rips off a clearance like she did, Bravo short of Kilo.

17 Q. Yes. It sounded like she knew where she should be going.

18 A. Yeah.

19 Q. And, you know, I get it.

20 A. It was a shock to me.

21 Q. Yeah. So when did you find out? I mean --

22 A. Well, I found out when the ASDE went off, that's how I found  
23 out.

24 Q. So what happened there? Tell me about that? I mean, what  
25 was your reaction -- I mean, what was going on?

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1 A. Nothing, I was getting a strip or doing something. That's my  
2 own pet peeve. I hate strips, I can't wait till we go strip-less,  
3 because they're just a complete --

4 Q. Um-hmm.

5 A. -- utter crutch.

6 MR. KECK: We'll talk about that after the --

7 MS. KOSCHIG: Yes.

8 MR. MORIN: Yes.

9 MR. KECK: Bite your tongue, you will see.

10 MR. MORIN: Yes, okay. Well --

11 BY MS. KOSCHIG:

12 Q. Um-hmm.

13 A. So I don't know what I was doing. Head down, doing some  
14 nonsense and, you know -- required nonsense I should say --

15 Q. Right --

16 A. -- not --

17 Q. -- right.

18 A. -- playing a video game or something. And the ASDE went off.

19 And I said what? The ASDE goes off -- it either goes off or it  
20 never goes off. I've seen - without getting into storytelling, I

21 watched an entire emergency response team line up on the runway

22 with an aircraft on final, not show up on the ASDE and the ASDE

23 not go off. I watched five firetrucks line up on 22 Right with an

24 aircraft while we were using 22 Right, thinking they were on

25 Yankee and the ASDE didn't go off and the local control had to

1 send the aircraft around on 22 Right.

2 Q. Um-hmm.

3 A. So the ASDE and me don't have a good relationship because  
4 it's --

5 Q. Okay.

6 A. -- as far as I'm concerned, it's totally hit or miss.

7 Q. Okay.

8 A. There's a flashing thing that's broken, that's been broken,  
9 which I've reported probably 100 times on the ASDE forms. You'll  
10 find them with my initials on them --

11 Q. Um-hmm.

12 A. -- for the ASDE not working. It's the --

13 MR. LAPIDUS: MLAT.

14 MR. MORIN: MLAT.

15 MR. LAPIDUS: Which we're actually getting rid of. There's  
16 was -- there's a whole --

17 MR. MORIN: Yes. Yes, so the MLAT will flash, and it says  
18 MLAT not working. Great. So I have reported that hundreds of  
19 times to the FAA, officially on paperwork, in writing, and I keep  
20 getting told it's a Verizon issue. Now that means nothing to me.  
21 That's your problem. I'm telling you that the equipment that  
22 you're telling me I need to rely on that people don't die,  
23 especially when we can't see out the window --

24 BY MS. KOSCHIG:

25 Q. Um-hmm.

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1 A. -- doesn't work properly. And I actually was yelled at by my  
2 manager for saying, on a relief briefing, that the ASDE is either  
3 out of service or not working properly. That was after I ran a  
4 runway sweep with a vehicle that the vehicle never showed up on  
5 the runway and the ASDE didn't show them at all.

6 Q. Um-hmm.

7 A. So that's the culture that goes on about the ASDE is that  
8 I've become more of a pain in the ass for constantly filling out  
9 this form to say that the ASDE doesn't work where it goes  
10 downstairs and probably just goes into the garbage, because it's a  
11 no, quote-unquote, known issue. They take it out of the logs, so  
12 it doesn't cause FAA issues at wherever the FAA has to deal with  
13 that issue being on their log every day.

14 Q. Um-hmm.

15 A. So they have called it out of service or they -- now, I think  
16 they've gone to the way of -- they have gone so far as we have a  
17 new ASDE in the back that doesn't have an MLAT because they can't  
18 fix this for whatever reason. So now we're going to work on  
19 seeing if the MLAT -- if the ASDE works without this MLAT.

20 Q. Oh, okay.

21 A. And the MLAT was explained to me as a positioning system that  
22 further verifies where the aircraft is on the taxiway. So that  
23 seems kind of important to me, especially when it doesn't seem to  
24 be working. So that's my relationship with the ASDE and has been,  
25 and it's documented at JFK. So the ASDE goes off, and me

1 personally, I do whatever it says, because I have zero trust in  
2 it. So if there is an aircraft on final and the ASDE comes up and  
3 says go around, I say go around and that's it, and then I figure  
4 out how to keep them from hitting another airplane if possible,  
5 and then we move on from that and that's it. I don't play games  
6 with the ASDE.

7 Q. Um-hmm.

8 A. It routinely -- I would say at least four to five times daily  
9 -- there is false targets on the runways --

10 Q. Okay, wow.

11 A. -- of the ASDE. So what that has done and what it does is  
12 that you have now moved on from the fact that that could even  
13 possibly be a target, because it happens all day, every day. So  
14 if you were training and I said there's a target on the runway,  
15 most likely they would say, wrong. You look out there, there's  
16 nothing out there, keep them going. So now how do I work with  
17 this piece of equipment? Because if it goes off, I have to do  
18 something because it's -- it may be working. It may be extremely  
19 important.

20 Q. Um-hmm. No, that's --

21 A. Or it may just be --

22 Q. -- good stuff to know.

23 A. -- a piece of garbage and again, this is JFK. So when I  
24 constantly get a, it's a Verizon issue response from management,  
25 it's --



- 1 Q. Yes.
- 2 A. -- it's disheartening. Because now what? Now what? So do I  
3 keep reporting this five times a day that the thing doesn't work?
- 4 Q. Yes.
- 5 A. MLAT -- it got to the point where I would just sit there and  
6 say MLAT, because what are we doing here?
- 7 Q. Um-hmm.
- 8 A. We're just completely ignoring it because it's somebody  
9 else's issue somewhere or something.
- 10 Q. Um-hmm.
- 11 A. Okay. Maybe it is, maybe it isn't. I have no idea. But I'm  
12 the guy that's working it.
- 13 Q. Um-hmm.
- 14 A. So I think that I should know that answer.
- 15 Q. Okay, oh, yeah.
- 16 A. Maybe not, but --
- 17 Q. Well, you know, I'm glad you're bringing that up because that  
18 it something that they can look at and actually that might bring  
19 more visibility to that, especially when you talk to the other  
20 guys, bring that up.
- 21 A. Oh, don't you know, yeah.
- 22 Q. I mean, because if there's an issue, it does need to be --
- 23 A. It's been an issue and it's been --
- 24 Q. -- it needs to be --
- 25 A. -- it's been told --

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- 1 Q. -- resolved.
- 2 A. -- and you get shut down.
- 3 Q. Yes, so see.
- 4 A. That's the bottom line.
- 5 Q. But you got a voice now.
- 6 A. Yes.
- 7 Q. Yes.
- 8 A. I don't stop talking either way, but -- so the ASDE goes off  
9 and now you're trying to figure out, with all the what I just told  
10 you, now you're trying to figure out is this real or is this a  
11 taxiway, because they added the taxiway thing with the wrong  
12 surface --
- 13 Q. Yes.
- 14 A. -- alerts, right. We've had -- those have been going off.  
15 Because we have a curved VOR, IFR to VFR, the most ridiculous  
16 approaches and departure procedures we have at Kennedy -- don't  
17 get me started on that. So the thing goes off for wrong surface  
18 alerts on 13 Left sometimes. So the -- okay, so fine. The ASDE  
19 goes off, now you're trying to figure out is this real or is this  
20 -- what's going on here?
- 21 Q. Um-hmm.
- 22 A. The ASDE goes off, I look at it. It's in red on 4 Left and  
23 I'm like, who is that? My first initial is who is -- who the --  
24 what is that -- who is that?
- 25 Q. Um-hmm.

1 A. That was my initial.

2 Q. Oh, yeah.

3 A. Because I'm like -- and before I could really get that  
4 together, the -- American's in the middle of the runway and the C-  
5 line is screaming cancel takeoff clearance.

6 Q. Um-hmm.

7 A. And my experience working Westchester was, when the aircraft  
8 is in the middle of a runway incursion, don't say anything to  
9 them. If they're in the middle of the runway, don't say anything  
10 to them, because their initial -- this is my training -- the  
11 initial response that they're going to do is step on the brakes.

12 Q. Yes, um-hmm.

13 A. And with them in the middle of the runway and the aircraft  
14 rolling, you do not, obviously, want them to step on the brakes.  
15 So she's already crossing the runway, she was in the middle of the  
16 runway when, you know -- or approaching the middle of the runway.  
17 She was in the -- she was going to get hit if Delta didn't stop.  
18 She was getting hit.

19 Q. And she wasn't even up your frequency anymore and you hadn't  
20 told her --

21 A. No --

22 Q. Did you try to see if she was up your --

23 A. No, I didn't say anything to her, because again I didn't want  
24 her to stop.

25 Q. Right.

- 1 A. So I was just trying to see are they going to hit?
- 2 Q. Um-hmm.
- 3 A. Looking over there, I'm looking, and I just want to see if  
4 they're going to hit. They're screaming cancel takeoff plans,  
5 that's not in my zone, and I know -- I don't want to say anything  
6 to her --
- 7 Q. Right.
- 8 A. -- because I do not want her to stop.
- 9 Q. Yeah, that's a good call.
- 10 A. So I didn't say anything.
- 11 Q. Okay, good.
- 12 A. Good or not good, I have no idea, but I didn't say anything.  
13 Because at that point they, you know, you could almost see that --  
14 it was starting to become clearer that they were going to be able  
15 to -- it seemed like they were going to be able to stop. That  
16 initially was not discernible.
- 17 Q. Um-hmm.
- 18 A. Because Delta was going fast.
- 19 Q. He was picking up some speed.
- 20 A. Delta was rolling. Delta was definitely rolling. Delta was  
21 not 200-foot rolling; Delta was rolling. And they got off at  
22 Juliet and they wouldn't have made -- I don't think -- again, I  
23 didn't watch the tapes. I don't care, I didn't do any of that  
24 stuff. Not that I don't care, but --
- 25 Q. Yes.

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1 A. -- they -- I don't think they would have made 31 Left or Kilo  
2 4. I don't think they would have made those. She was -- Delta  
3 was moving. And I got nothing to do at that point. What am I  
4 going to say? I got nothing to say.

5 Q. No, exactly.

6 A. Hurry up? I mean, at that point, I'm trying to figure out  
7 what's going on. I'm going to hit this white button. Some shit's  
8 going to come out of my mouth, and I don't want it -- no, no, no,  
9 no.

10 Q. Yes.

11 A. He's already in the middle of the runway; this is done. Just  
12 get out of the way so you don't get hit.

13 Q. Yes.

14 A. And then I found out she wasn't on my frequency, but --

15 Q. Yes. Did you talk to Delta eventually? Did he get -- did  
16 Delta come up your frequency or --

17 A. No, no, no, I was not making another transmission.

18 Q. Okay.

19 A. No, no, no. I was -- you're not going to hear another word  
20 out of me. Well, because I know how this goes --

21 Q. Yes.

22 A. -- too. I know you -- this is -- they're going to listen to  
23 every syllable that comes out of my mouth, so guess what, I'm not  
24 saying another one.

25 Q. Yes.

1 A. Because at that point, I'm like, did I fuck this up? I'm  
2 confident in my abilities. I know that I've gone through tape  
3 talks after tape talks and every single one of them, I'm saying  
4 the right thing.

5 Q. Um-hmm.

6 A. But I know, I -- this is nothing new to me. I'm confident in  
7 my abilities, but at the same time, when something like that  
8 happens, you're like, holy shit, did I fuck this up? Because if I  
9 did, I'm going to be in deep shit.

10 Q. Um-hmm.

11 A. Well, it's because of the severity of the situation of that  
12 immediately you're like, hey, did I do that?

13 Q. You would think, yes.

14 A. Did I -- how the hell did she get over there? Did I do that?  
15 Did I do that? Because that's bad.

16 Q. Um-hmm.

17 A. Like how did that happen? Because, like -- again, you're not  
18 thinking that that American triple 7 pilot with three pilots is  
19 going to -- is even capable of that.

20 Q. Okay.

21 A. So immediately you're going to be, like, am I the loose -- am  
22 I the link -- am I the Swiss cheese -- am I the hole in this Swiss  
23 cheese here? Is that me? Did I say that? There's no way. Maybe  
24 I did. We're doing a runway change, did I say cross runway at 31  
25 Left, and they cut across 4 Left to Juliet. Like there's no

1 fucking way.

2 Q. Um-hmm.

3 A. There's no way I said that. Did I say that? No, I didn't  
4 say that.

5 Q. Yes, no. So, cool. I mean, yes, it's a -- yes, and that's  
6 what we're just trying to get to your mind to see what the process  
7 was. And that you --

8 A. That was the process.

9 Q. -- made the decision based on what was going on at that  
10 point. And that's --

11 A. No, I -- my decision -- I'm not saying anything right or  
12 wrong, right in my opinion, and that's honestly --

13 Q. Yes.

14 A. -- all that matters, frankly --

15 Q. Yes.

16 A. -- because I don't care, was that -- because here's the  
17 thing. When it comes down to it, and when you got to actually hit  
18 that button, when shit's going on, it's me. It's nobody else, it  
19 doesn't matter --

20 Q. Exactly.

21 A. -- 7110, it doesn't matter. It's me, I got to hit the  
22 button. I'm the guy standing there.

23 Q. Yes.

24 A. Okay. So --

25 Q. Yes.

1 A. So if you start second-guessing what you got going on, then  
2 you're not going to be able to react next time.

3 Q. Exactly.

4 A. And then I'll be sitting down here at a desk doing nonsense  
5 and not working airplanes. So no, my response is not to hit that  
6 button because she's in the middle of the runway and I do not want  
7 you to stop because --

8 Q. Um-hmm.

9 A. -- I think that this guy's going to hit you and -- and,  
10 again, those are split-second decisions that are easy to Monday  
11 quarterback. But --

12 Q. Yes, exactly.

13 A. I'm not saying that you are, but --

14 Q. No, I'm not --

15 A. No, I know you're not. I'm just saying. That's easy to look  
16 back and say, you know, well, you should have done this and why  
17 didn't you do --

18 Q. Oh, everybody's always going to say stuff like that. And  
19 that's not what we're --

20 A. You plug in.

21 Q. Exactly. And that's --

22 A. I'll give you a headset.

23 Q. -- that's with us. We're not here to say --

24 A. Oh, I know you're not.

25 Q. -- you should have done this and that.

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1 A. I know you're not.

2 Q. Yes.

3 A. I'm not saying that you are, but --

4 Q. Yes.

5 A. But again, if you don't have it and if you don't have that  
6 confidence, this is not the job for you.

7 Q. Oh, exactly. Exactly. It's a complex situation.

8 A. Because then you can't --

9 (Crosstalk)

10 A. Yes, oh, yes. And it's quick.

11 Q. Um-hmm.

12 A. And it goes from zero to --

13 Q. Yes.

14 A. -- everyone's going to die.

15 Q. Yes, and it's like --

16 A. Warning --

17 Q. Yes.

18 A. -- loud, quick --

19 Q. Um-hmm.

20 A. -- now.

21 Q. Oh, yeah.

22 A. Right now.

23 Q. Um-hmm. Exactly.

24 A. So my response was not to make a transmission because I  
25 didn't want her to stop. That was my thought process right there.

1 Q. And it was probably the best decision.

2 A. I think so.

3 Q. Yes.

4 A. It's a tough one to make because immediately you want to --

5 Q. Exactly.

6 MR. ALLEGRINI: I think that's what most people would have  
7 done.

8 MS. KOSCHIG: Some -- yes.

9 MR. ALLEGRINI: I think you --

10 MR. MORIN: Yes.

11 MR. KECK: When I first heard it before I saw the replay,  
12 that was my immediate reaction.

13 BY MS. KOSCHIG:

14 Q. Yes, there's been so many times that we've heard these, and  
15 the best reaction is not to say anything.

16 A. And then --

17 (Crosstalk)

18 A. -- I was lucky enough that in my initial training as an air  
19 traffic controller at Westchester, I was really lucky enough to  
20 have some trainers who really were good controllers, still are,  
21 and really understand the nuances of flying planes and working  
22 them. And when you get to this level of operation, that safety is  
23 the number one thing, you do not want them to stop. You do not  
24 want them -- cannot hit.

25 Q. Yes.

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1 A. Cannot hit. So after the whole thing went down, even when  
2 you -- even when I'm thinking, like, did I mess this up? I'm  
3 like, you know what, they didn't hit.

4 Q. Yes.

5 A. There's nobody dead. I've been in trouble a lot in my life;  
6 this is nothing. Nobody's dead.

7 Q. That's the main thing.

8 A. I'm going home. Get me the fuck out of here. I'm going  
9 home.

10 Q. Yes. Good. So I am going to let the other guys, see if  
11 they've got any questions. You've answered all of mine.

12 MS. KOSCHIG: Tim?

13 MR. KECK: MLAT's an issue in my house, too.

14 MR. MORIN: Yes --

15 MR. KECK: The same thing. They're taking it out. That's  
16 what they tell us.

17 MR. LAPIDUS: I was actually on a panel for that. It's --  
18 and it's - I forgot my three letter acronyms, but it's so much of  
19 an issue they can't fix it, they can't repair it. It's got to go.  
20 They have the IDS -- ADS-B, which they didn't have initially.

21 MS. KOSCHIG: Right.

22 MR. LAPIDUS: In theory it'll make things better.

23 MR. KECK: They stopped making the parts, what they told us  
24 for.

25 MR. MORIN: Yeah, great, it's your problem.

1 BY MR. KECK:

2 Q. Other than just logging it, did you ATSAP that as a safety  
3 issue?

4 A. What?

5 Q. The MLAT thing. You said you kept recording --

6 A. No, I don't --

7 Q. -- did you ever ATSAP it or not?

8 A. I don't know, maybe.

9 Q. Just to get it out of the house?

10 MR. LAPIDUS: I have in the past, but it was years ago.

11 MR. MORIN: I don't know. It's like ATSAP and -- I don't  
12 know. The color of the paint, it's -- forget about it. It's just  
13 every day, you know, I get it. I get the part of the ATSAP, but  
14 it's like you're throwing bricks at a wall. It's just like -- it  
15 seems that it doesn't matter. Nobody cares. ATSAP it all day,  
16 every day.

17 BY MR. KECK:

18 Q. What about this event, did you ATSAP this or no?

19 A. Yeah, I don't know why, but I was told to, yes.

20 Q. Well, it's good. So they just put it together with the  
21 pilot's ASAP to get the full picture.

22 A. Yes -- no, I --

23 (Crosstalk)

24 A. -- get it. I mean, yes, I ATSAP'ed it. I find that --  
25 unless you, you know -- my ATSAP, yes, I don't know. Unless you

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1 really sit down and write a nice, you know, thesis with reports  
2 and, you know, sources, the ATSAPs either get just, you know --  
3 okay we have it, thank you, we'll take into consideration -- they  
4 talk about it, and it goes nowhere. It goes nowhere. I mean, I  
5 can ATSAP that whole facility. I could spend 8 -- 40 hours a week  
6 ATSAP'ing that place from top to bottom, all day long.  
7 Approaches, departure procedures, all day long. I could ATSAP  
8 that place all day long, and then these are the answers I get.  
9 The TRACON's not interested in a 4 Left departure procedure. We  
10 need a noise abatement environmental study.

11 This is JFK. You can't get an environmental study? We're  
12 doing it anyway. 4 Left departure procedure. We use a VOR, 1.5  
13 DME from Kennedy VOR. This is our departure procedure on 4 Left.  
14 Fly 1.5 -- runway heading to 1.5 DME off the Kennedy VOR, then  
15 make a right turn, heading 1-0-0. That's on -- and we have to  
16 read this because it's Kennedy 5 departure, except.

17 Think about how asinine this is at JFK. You want to talk  
18 about ATSAP. I could ATSAP that building from top to bottom and  
19 the answers that you get is bureaucratic nonsense. We need an  
20 environmental study, the TRACONS not interested in it. Okay. So  
21 keep reading 1.5 DME from the wagon wheel to a Lufthansa cargo  
22 who's never been here before in his life, and then bitch him out  
23 on frequency when he goes 15 miles instead of 1.5. Right. And,  
24 oh, if you didn't catch that readback, you better come downstairs  
25 because you're getting written up. Oh, great. That's a great

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1 operation that we got going on here.

2 Yeah, that's what's going on every day. So that's -- you  
3 want to talk about 4-1 Left, 4 Left, 3-1 Left Kilo-Echo operation,  
4 that's the nonsense that's going on. You can't get an R nav  
5 departure procedure out of JFK. It's a joke, total joke. But  
6 that's not here nor there, so --

7 MS. KOSCHIG: No, but that's --

8 MR. KECK: But it is part of it.

9 MS. KOSCHIG: Yes.

10 MR. MORIN: Oh, it's part of it, because the whole --

11 BY MR. KECK:

12 Q. It goes into the whole culture of the facility, you know.

13 A. Oh, yeah.

14 Q. It's not just you, it's the whole thing. So -- and outside  
15 -- I did not want to play with shit like that. I get it.

16 A. Yeah, and again, that's not my problem. I'm the guy working  
17 clearance has to say fly runway heading to 1. --

18 Q. Right.

19 A. Kennedy 5 departure, except fly runway heading until JFK 1.5  
20 DME then turn right --

21 Q. So without that, how does the SID go, without that?

22 A. They turn -- okay -- arrivals are landing on 4 right, our  
23 departures are taking off on 4 left.

24 Q. Right.

25 A. So they make them fly 1.5 miles out, so this guy goes around.

1 He's not right in his face.

2 Q. I get that. If you didn't say that --

3 A. If we didn't say it, then it's turn right heading 1-0-0.

4 Q. Okay.

5 A. So we push them out further to do this. We can't integrate  
6 that into our SID because we need an environmental study. We've  
7 been doing this procedure for 30 years.

8 MR. LAPIDUS: Longer.

9 MR. MORIN: Probably longer.

10 MR. LAPIDUS: And we've tried.

11 MR. MORIN: So why do we need an environmental study for  
12 something we're already doing?

13 BY MR. KECK:

14 Q. Right.

15 A. And we can't get an environmental study at JFK? Is this  
16 Topeka, Kansas regional airport or what? What are we doing here?

17 Q. Have you guys gone through Metroplex recently or no? Just  
18 wondering --

19 MR. LAPIDUS: It was years ago.

20 MR. MORIN: No, we did Metroplex 2011, I think, something  
21 like that. Yes, it was a while ago.

22 BY MR. KECK:

23 Q. That's when they should have done the environmental study.

24 A. Oh, right. Again, and these is the kind of conversations  
25 that -- so you go downstairs, you have a legitimate thing where

1 you're like, what are we doing here, and then, do your job. Okay.

2 That's what you get. So then what happens is, you're beating  
3 down generations of people who are now beating down themselves  
4 saying, that's just what we do here. Wagon wheel.

5 We're using a V -- a DME from a VOR, a half-a-mile increment,  
6 1.5 miles. Not two miles, not three miles. 1.5 miles. These  
7 guys are, like, from where? The end of the runway? Give that  
8 clearance to Lufthansa cargo at 2:00 in the morning and see what  
9 kind of response you get. And just pray that he does it, because  
10 when Air China Cargo goes around on the right side, these two 747s  
11 are going to meet in the clouds or a mile off the frickin' runway.  
12 And again, what did you say? What did you do? How did you  
13 mitigate this? Come in on your day off. You got kids? We don't  
14 give a shit; come in on your day off. Right. That's what goes on  
15 over there.

16 BY MS. KOSCHIG:

17 Q. Well, that's good stuff to know. I hope you tell the other  
18 group that, too.

19 A. Oh, they don't --

20 Q. No, I'm serious.

21 A. No, that's the truth and I'm not a guy that -- it's the  
22 truth. That's the truth and that's what goes on and that's the  
23 nonsense that we deal with. And then maybe everywhere, I'm sure  
24 it is, because it's government bureaucratic --

25 Q. But you're, you're right. It's concerns, though. It all

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1 adds up.

2 A. It's concerning. You get there and you're like, this is what  
3 we're doing at JFK?

4 Q. Yeah.

5 A. Okay.

6 Q. There should be some explanation for all that --

7 A. And the turtles.

8 Q. Yes.

9 MR. KECK: I'll leave the turtles alone.

10 MR. MORIN: I like the turtles.

11 BY MS. KOSCHIG:

12 Q. No, you don't want to mess with the turtles.

13 A. No, I like -- I'm an animal guy, trust me.

14 Q. I'm an animal person.

15 A. There you go, see?

16 MR. ALLEGRINI: Actually, the turtles have been fine for 30  
17 years.

18 MR. MORIN: Yeah, the turtles are fine. I have no problem  
19 with the turtles.

20 MR. LAPIDUS: Not the ones that get hit by the 7-5s. They  
21 don't do so well.

22 MR. KECK: That's all I could think of off the top of my  
23 head. Everything else, you laid it out pretty well.

24 MS. KOSCHIG: You did.

25 MR. KECK: No one's knocking what you did.

1 MR. MORIN: No, I don't --

2 BY MS. KOSCHIG:

3 Q. No, we're not here to blame.

4 A. I 100 percent know that.

5 Q. We're trying to get this end of it, so that the pilots, when  
6 they say they did this or that, then we can say --

7 A. It's -- I'm sure it's complex for them, too. I mean, you  
8 know, you get on the radio and you hear me ripping off  
9 transmissions. And every voice, language, dialect you could  
10 possibly hear is chiming in on that frequency. I'm sure it's  
11 complex for them. I'm giving Kilo-Echos to some guys, 4 Lefts to  
12 some guys, I'm calling for a vehicle.

13 Q. It's crazy, yeah.

14 A. Yeah, I'm sure it's complex for them, too. Yeah, but you  
15 know, it's complex for me and I don't complain to you about, you  
16 know, how to work ground controls. I don't want to hear it that  
17 you don't know how to taxi on the airport.

18 Q. Yes, definitely.

19 MS. KOSCHIG: Jake, you got any questions?

20 BY MR. ALLEGRINI:

21 Q. No, I think, you know, I think we could probably use you in a  
22 recovery learning scenario of don't say anything, you know. I'm  
23 still impressed by that, by not keying up when she was crossing  
24 just let it happen.

25 A. Yes, that was my -- that's -- that was ingrained into me.

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1 Again, I worked with Cessnas. We had runway crossings all the  
2 time.

3 Q. Yes, in that case, you just give them the crossing quickly.  
4 Right?

5 A. Yeah. Or you, again, same kind of thing, you just kind of  
6 like, okay, initial assessment is, are they going to hit? No,  
7 don't say a word. Let her -- just let them keep going. Don't --  
8 are they going to hit? That -- number one, are they going to hit,  
9 and oh I don't know about this one, but I'm not saying shit.  
10 Okay, they're slowing down, okay, okay, okay. They're not going  
11 to hit. Now, again, you --

12 MR. LAPIDUS: Take a breath before they say something stupid.

13 MR. MORIN: Yeah --

14 MS. KOSCHIG: Yes.

15 MR. MORIN: -- yeah, exactly, because -- also because you  
16 know that whatever you just said and whatever you're about to say  
17 is about to go -- be gone through with a fine-toothed comb --

18 MS. KOSCHIG: Oh, yes.

19 MR. MORIN: --with people who don't work airplanes.

20 MR. KOSCHIG: Yes.

21 MR. MORIN: So they're going to read their little manual and  
22 they're going to say why did you say that? That says to say this.

23 MS. KOSCHIG: Yes.

24 MR. MORIN: And that's not your job. I know the NTSB's not  
25 -- that's not their operation. You're looking for safety and I

1 get it.

2 MS. KOSCHIG: Absolutely.

3 MR. MORIN: Yes.

4 MS. KOSCHIG: We're all safety geeks.

5 MR. MORIN: Yes.

6 BY MS. KOSCHIG:

7 Q. And we want to try to make, you know, things safer for you  
8 guys --

9 A. I --

10 Q. -- to deal with.

11 A. I walk around in that place, and I tell you, I say out loud a  
12 lot of times, I am a safety expert, I am a safety professional.

13 And I do. And because --

14 Q. You look at all the little issues, which are not little.

15 A. This other stuff is their problem, and that's why I'm a --

16 Q. Yes.

17 A. -- controller and I'm not in an office job. I have a degree.  
18 I could go get a job sitting in an office. I can do -- I could  
19 have done anything I want in my life. I didn't want to sit in an  
20 office.

21 Q. Yes.

22 A. So my number one concern is keeping them safe. I like  
23 working airplanes. I got no other interest in doing anything else  
24 and it's keeping people from not touching.

25 Q. Oh, definitely, yeah.

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1 A. Even though they keep doing it on my frequency.

2 MR. KECK: You have had a bad run.

3 BY MS. KOSCHIG:

4 Q. You can't fix them.

5 A. I try.

6 Q. Hopefully, that's what we could help to do, is to try to  
7 make --

8 A. Yes, this one I really don't know what to say.

9 Q. You know, I know it seems like -- I know it seems like a bad  
10 situation right now that you got in just because you were involved  
11 in it. But, you know what, this is going to bring light to that  
12 for the pilots. Not just these pilots. All the pilots at  
13 Kennedy. They know this happened.

14 A. Oh, yeah.

15 Q. And they know that the pilot crossed that runway without  
16 permission. So don't think that this is not having an impact on  
17 operations.

18 A. Of course.

19 Q. So, hopefully, you guys will see something change just out of  
20 the visibility of this safety event that happened because of that.  
21 So if there's any one good thing that comes out of it, it's that.

22 A. Yes, I think they'll be on their game a little bit more  
23 maybe, for a little bit, but I think eventually they're going to  
24 go back to their --

25 Q. Let's hope they don't, but I know you'll keep them on track.

1 A. After COVID, it's tough, it's been really tough with them.

2 Q. Maybe this is a wake-up call for them.

3 A. Anybody on ground has had the same thing to say. They're,  
4 like, ground used to be fun.

5 Q. Yes.

6 A. And it is just torture.

7 Q. Yes. Hopefully, things will change.

8 BY MR. KECK:

9 Q. And the whole thing with COVID is they got rid of all their  
10 senior pilots. They either let them take buyouts or retire.

11 A. Yes, whatever they did and --

12 Q. So now they're trying to backfill, so you got to --

13 A. Yes.

14 Q. -- brand new pilots that have minimal hours.

15 A. No, the regional jet pilots have been absolutely atrocious.  
16 But this is a triple 7 pilot. These guys -- we don't have  
17 problems with these guys.

18 Q. Who do you think's moving up to make more --

19 A. No, of course, I get it. I get the logistics of it. And  
20 from what I read, that this was her first triple 7 flight, that  
21 she was a seasoned 737 pilot at Kennedy, and this was her first  
22 triple 7 flight is --

23 Q. With new --

24 A. -- that's what I read.

25 Q. -- checklists that they've never done before.

1 A. You know, you can't believe anything that you read,  
2 obviously, but that's --

3 Q. That's what we try to -- we don't --

4 A. -- I believe that was in the New York Times or Forbes  
5 article. It was in a reputable --

6 (Crosstalk)

7 A. -- media source.

8 Q. I believe it was ALPA saying that they had a new checklist  
9 that was not properly -- apparently they've already been back --

10 A. There's three pilots in the cockpit, though. That's not an  
11 excuse for me, I'm sorry.

12 Q. We had that same conversation this morning before we talked  
13 to anybody. I asked Betty and she sent the message. Did they  
14 have three in there --

15 MS. KOSCHIG: Just to verify.

16 MR. KECK: -- or did they have a lift-through?

17 MR. KOSCHIG: They did.

18 BY MR. KECK:

19 Q. Because how did -- I'm with you -- how did three people miss  
20 that? The relief pilot, that's their sole job is to oversee the  
21 other two, right? Whether during departure and arrival --

22 A. Crossing the departure runway --

23 Q. We had that conversation first thing this morning and we'll  
24 see what comes of it. Yes, I'm with you.

25 A. Yes.

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1 Q. I understand.

2 MS. KOSCHIG: So anything that -- anything else you want to  
3 add? Did we not ask you a question you thought we were going to  
4 ask?

5 MR. MORIN: No, I think I got it all out.

6 MR. KECK: I knew this would be the most enjoyable part --

7 MR. MORIN: Trust me, not all of it.

8 MS. KOSCHIG: It's all -- yes, it's all great stuff. But --  
9 and you know, honestly and sincerely, we appreciate you coming in  
10 here. It -- I mean --

11 MR. MORIN: No, I understand.

12 MS. KOSCHIG: -- we really needed to hear this.

13 MR. MORIN: Well, yes. No, yes, I --

14 MS. KOSCHIG: And I know it's your off --

15 MR. MORIN: -- I agree.

16 MS. KOSCHIG: -- time, your kids are at home, and --

17 MR. MORIN: Oh, it's dinnertime chaos going on right now.

18 MS. KOSCHIG: Yes, exactly.

19 MR. MORIN: I'm sure --

20 MS. KOSCHIG: And your wife's, like, get back home.

21 MR. MORIN: So there's a ton of screaming going on. So if  
22 there's anything you want to talk about, we can keep going.

23 MS. KOSCHIG: Well the other group would keep you for a  
24 while.

25 MR. MORIN: Yes, I'm sure.

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1 MR. KECK: I told you, whatever time we finish, I'm telling  
2 my wife it's 9:30.

3 MR. MORIN: Yes.

4 MS. KOSCHIG: But, so, we don't have anything else. I don't  
5 want to keep holding you here.

6 MR. MORIN: Okay.

7 MS. KOSCHIG: So I will go ahead and we'll end the interview.  
8 The time is 1833. And we are turning this --

9 (Whereupon, at 6:33 p.m., the interview was concluded.)

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CERTIFICATE


This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:            NEAR-MISS TAKEOFF INCIDENT BETWEEN  
                                 AMERICAN AIRLINES & DELTA AIRLINES  
                                 AT JFK INTERNATIONAL AIRPORT IN  
                                 QUEENS, NEW YORK ON JANUARY 13, 2023  
                                 Interview of Joseph Morin

ACCIDENT NO.:                DCA23LA125

PLACE:                         Queens, New York

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.

  
\_\_\_\_\_  
Maria Socorro R. Abellar  
Transcriber

**Interviewee:** Samuel Mironchuk  
**Representative:** Bryan Lapidus, JFK NATCA Representative  
  
**Date/Time:** February 2, 2023 / 1143 EST - 1226 EST  
**Location:** JFK air traffic control facility  
**Present:** Tim Keck, NATCA ASI and Kevin Allegrini, FAA  
**Investigator:** Betty Koschig

During the interview Samuel Mironchuk stated the following:

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

\*

NEAR-MISS TAKEOFF INCIDENT BETWEEN \*

AMERICAN AIRLINES & DELTA AIRLINES \*

Accident No.: DCA23LA125

AT JFK INTERNATIONAL AIRPORT IN \*

QUEENS, NEW YORK ON JANUARY 13, 2023 \*

\*

\* \* \* \* \*

Interview of: SAMUEL MIRONCHUK, Air Traffic Controller

John F. Kennedy International Airport

Queens, New York

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APPEARANCES:

BETTY KOSCHIG, Investigator  
National Transportation Safety Board

TIM KECK, Air Safety Investigator  
Cleveland Tower  
Federal Aviation Administration

JAKE ALLEGRINI, Air Traffic Operations Manager  
Boston Tower  
Federal Aviation Administration

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I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Samuel Mironchuk:	
By Ms. Koschig	10
By Mr. Allegrini	21
By Mr. Keck	23
By Ms. Koschig	23
By Mr. Keck	24
By Mr. Allegrini	25
By Ms. Koschig	26
By Mr. Allegrini	29
By Ms. Koschig	32
By Mr. Allegrini	33
By Ms. Koschig	33
By Mr. Keck	34
By Ms. Koschig	37
By Mr. Allegrini	37

I N T E R V I E W

(11:43 a.m.)

1  
2  
3 MS. KOSCHIG: Okay. I will be recording the interview with a  
4 digital recorder, and we'll have a transcription made. The  
5 transcription, not the audio, will be in the report as far as a  
6 factual document. Just to let you know that. And I don't want to  
7 sound like a robot reading stuff, but I do have to read some  
8 stuff. Let's get the time now, it's 11:43, and we're going to  
9 start the interview. And as I said, you'll be -- it's going to be  
10 recorded and you'll be able to ask any questions that you want to  
11 ask me later, but I'm going over all the spiel now.

12 So I'm Betty Koschig and I'm an air traffic control  
13 investigator with the NTSB. And the NTSB is a federal -- an  
14 independent federal agency that we're charged with finding the  
15 probable cause of incidents and accidents. And most of the time  
16 we're dealing with accidents, but we also investigate incidents at  
17 any airport or if it's an airplane accident, which a lot of  
18 different investigators do, not the air traffic people. But at  
19 the NTSB, we have no regulatory or enforcement powers. All we  
20 have is the power of the pen. There's nothing that I can do to  
21 you, and so that's not my bailiwick. We come in here to fact  
22 find. We want to figure out if there were any safety issues; if  
23 there were, how they could be addressed. So that's where we are  
24 on that.

25 As part of the process, we invite parties -- or parties ask

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1 to be part of our investigation. We always enjoy having that  
2 because SMAZE and FAA SMEs, which is what we have here today, and  
3 I'll let them introduce themselves in a minute. But in this  
4 setting, we are the NTSB group, and we are going to look at  
5 everything just from a safety point -- a safety standpoint. So I  
6 will let Tim start it.

7 MR. KECK: How are you doing? My name's Tim Keck, I'm from  
8 Cleveland Tower. So if you don't know what we do, we're regular  
9 controllers, we work the boards, they got me out of my midnight  
10 shift to be here, so sorry, but thanks. But -- so we're regular  
11 controllers, we work the boards every day. We go back -- after  
12 we're done with this, we go right back to work. We're not on a  
13 permanent detail hiding in an office somewhere. So all 12 NATCA  
14 ASIs, this is what we do. We work and we come off, we do this,  
15 and we go back. So we're here to lend a current operational SME  
16 perspective to the NTSB.

17 With that being said, though, he's your representative. I  
18 don't represent you; I represent NATCA's interests and make sure  
19 that everything's looked at fairly and the right information gets  
20 to where it's got to go. So if you have any issues, by all means,  
21 go through your FAC Rep. You can come to talk to me about certain  
22 things. If it's something pertinent to the investigation, I've  
23 still got to bring it back to the group and make sure that he  
24 knows about it. So if you got any questions, you know, be free,  
25 try and relax. I know it looks intimidating, whatnot. I have

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1 been in your seat. I know it sucks, but, you know, it is what it  
2 is. We're not here to beat you up about anything. Maybe nothing  
3 could have been done differently. It's all good. We just --  
4 we're looking to see what happened and all the pieces and parts,  
5 how it came together. That's all. So try and breathe.

6 MR. ALLEGRINI: I'm Jake Allegrini. I'm the operations  
7 manager for Boston Tower, and I'm just joining the group to offer  
8 an additional operational perspective as well. Similar airports,  
9 similar set-up. That's not why I'm here. It had nothing to do  
10 with Boston being similar, but it is -- the more I look at it, the  
11 more I read your SOP the way you guys do things and the way, you  
12 know, the recording sounded was -- listening to it, it sounds very  
13 similar so.

14 MR. MIRONCHUK: You've been there a long time?

15 MR. ALLEGRINI: I've been there for 8 years. Prior to that I  
16 was on Nantucket for a while with one of your controllers that's  
17 here now.

18 MR. MIRONCHUK: My first supervisor in the FAA came from  
19 Boston at the time. Logan, right?

20 MR. ALLEGRINI: John Velasio (ph.)?

21 MR. MIRONCHUK: No, Brian Roche.

22 MR. ALLEGRINI: Oh, yes, Baton Rouge.

23 MR. MIRONCHUK: Yes, that was my first facility.

24 MR. ALLEGRINI: Yes, I saw that.

25 MR. MIRONCHUK: I think he's at Boston Center now, I think.

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1 MR. ALLEGRIINI: He is, yes.

2 MS. KOSCHIG: Okay. So first of all, as part of the  
3 regulations, you are welcome to have a representative with you.  
4 And Mr. Representative, would you please state your name?

5 MR. LAPIDUS: Good morning. My name is Bryan Lapidus. I've  
6 been the FAC rep here for about three years. I've been a  
7 controller for a little over 16. This is my first one of these.

8 MS. KOSCHIG: Oh.

9 MR. LAPIDUS: Yes.

10 MS. KOSCHIG: Oh, good.

11 MR. LAPIDUS: I have very good people in NATCA help me out in  
12 ASI, and so --

13 MS. KOSCHIG: Oh, great.

14 MR. LAPIDUS: Not him, he's got --

15 MS. KOSCHIG: Yes, that's great. So, and I just need to make  
16 sure that you agree that this -- that Bryan is your approved rep.

17 MR. MIRONCHUK: Correct.

18 MS. KOSCHIG: All right. So now I just want to get -- before  
19 we start asking questions about you because we'll ask a lot of  
20 questions about you so we'll get to know you a little bit. First  
21 of all, I know this is an uncomfortable situation. I wouldn't  
22 want to be on your side of the table at any point either. I'd be  
23 scared, but this was -- it's an incident. We're not downplaying  
24 it, but it's an incident, it wasn't a major accident. And  
25 incidents, we can learn from this. So that's our goal is just to

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1 find out stuff so that we can learn. Because if it happened here,  
2 it can happen anywhere and that helps the whole system to learn,  
3 maybe try this, this, or this; or this, this, this, this was  
4 correct. You know, and other parts that we don't know yet may be  
5 contributive to it.

6 You know, you got to look at the airport's side, the pilot's  
7 side. Of course, we know the pilot, you know, made a mistake, but  
8 we don't just look at it from one angle and that's the reason  
9 we're here. We're going to look on this side, because we don't  
10 know what the pilots are going to say on their side. So we come  
11 with both sides so we can get together and say, look, this is the  
12 whole picture. So find out what went wrong.

13 Anytime during the interview, if we ask you a question you  
14 don't know, you don't know. You don't recall it, you don't recall  
15 it. Those are perfect answers. Because we don't want you to just  
16 give an answer just because we give a question. We don't want you  
17 to speculate, but we don't mind if you speculate or give your  
18 opinion on things. Anything that will help with the safety end of  
19 it, because that's what we're looking for because you guys do the  
20 job all the time. So we want to find out more.

21 And during this -- how it's going to work is, I'm going to  
22 start asking a bunch of questions, like I've already been doing.  
23 And then we'll start -- first of all, I'll ask questions about you  
24 and stuff, and then we'll start getting into the incident and just  
25 see what, you know, talk about the facility and everything like

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1 that. We'll just start passing around to each other to ask  
2 questions and I just hope that you can be as comfortable as  
3 possible.

4 And please ask us questions back. If we ask you something  
5 and you're like, what do you mean, just say what do you mean. I  
6 think you do have that personality that you would. Your rep, you  
7 are more than welcome to talk to your rep if you'd like to step  
8 out of the room if we're asking something that you're like what  
9 the heck is going on here. Please, if you need a break, then yes,  
10 that's -- your rep there is for your support. So we, therefore,  
11 won't be asking the rep questions. But at any time that you guys,  
12 if you wanted to speak, that's totally your right. Any questions  
13 so far?

14 MR. MIRONCHUK: No.

15 MS. KOSCHIG: So you guys get ready. Okay. We are recording  
16 it, but I also like to take notes because, you know, you never  
17 know if the recording is going to fail or something. But --

18 MR. LAPIDUS: And we're not doing this twice.

19 MS. KOSCHIG: No, exactly, that's what I'm saying. So what  
20 -- you know, so you'll hear me clicking away at this thing.

21 MR. MIRONCHUK: Okay.

22 MS. KOSCHIG: Yes, and just to let you know, there's only two  
23 people are ever going to have that audio. It'll be me and the  
24 person that I send this to, which has an NDA and they have -- and  
25 they will delete it and we get the transcription. The

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1 transcription is going to be the only thing that will ever see the  
2 light of day in the document. So it's -- don't think this  
3 recording is going to go somewhere, the actual voice. Okay.

4 MR. MIRONCHUK: Okay.

5 MS. KOSCHIG: Did you need to read me something?

6 MR. MIRONCHUK: Yes. So my participation is not a waiver of  
7 any of my rights.

8 MS. KOSCHIG: Okay, good, we got that down. All right.

9 INTERVIEW OF SAMUEL MIRONCHUK

10 BY MS. KOSCHIG:

11 Q. So what is your name?

12 A. Samuel Mironchuk. Do you want the spelling?

13 Q. Please.

14 A. Samuel, S-a-m-u-e-l --

15 Q. Um-hmm.

16 A. -- last name Mironchuk, M-i-r-o-n-c-h-u-k.

17 Q. Okay. And we may ask you some questions that we -- they  
18 think we know the answers, but we don't want to put words in your  
19 mouth. So if you're like, man, lady, you should know that.

20 A. That's fine.

21 Q. Okay. Just as a heads up. Okay. What are your operating  
22 initials?

23 A. Sierra, Mike, SM.

24 Q. When did you start working for the FAA?

25 A. 2016 February, and I don't have the date off the top of my

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- 1 head.
- 2 Q. That's fine. Was that the academy?
- 3 A. Yes, ma'am.
- 4 Q. And where'd you go after academy?
- 5 A. Baton Rouge, Louisiana, BTR.
- 6 Q. And how long were you there?
- 7 A. Four years.
- 8 Q. And where'd you go after that?
- 9 A. JFK.
- 10 Q. Been here ever since?
- 11 A. Ever since, yes.
- 12 Q. Do you have any military service?
- 13 A. Negative.
- 14 Q. College or degrees?
- 15 A. College, no degrees.
- 16 Q. Okay.
- 17 A. A couple of credits shy, yes. I have, like, six years of
- 18 college.
- 19 Q. Okay. Any one particular university you went to or just
- 20 different ones?
- 21 A. I went to Highline Community College. That's now just called
- 22 Highline College in Washington State. I also went to Green River
- 23 Community College, also Green River College now. That was a CTI
- 24 school -- CTI school, yes.
- 25 Q. Cool. Do you hold any other aeronautical certificates, like

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1 pilot's license?

2 A. Besides my FAA air traffic? Negative. No.

3 Q. Do you have a current medical? Medical certificate?

4 MR. LAPIDUS: Regarding his yearly medical?

5 MS. KOSCHIG: Okay, yes.

6 MR. MIRONCHUK: Then yes.

7 BY MS. KOSCHIG:

8 Q. Okay. Do you have any restrictions? Do you have to wear

9 glasses?

10 A. Yes.

11 Q. Any things like that.

12 A. Yes, on position.

13 Q. Okay, while on position?

14 A. Correct.

15 Q. Do you have contacts as well?

16 A. Negative.

17 Q. Okay. Were you wearing the glasses --

18 A. Yes, ma'am.

19 Q. Thank you. At the time of the incident --

20 A. Yes, ma'am.

21 Q. Okay, that's great. Who's your supervisor?

22 A. CC, that's her operating initial. That's what --

23 MR. LAPIDUS: Cleibys Cruz.

24 MS. KOSCHIG: Cleibys Cruz?

25 MR. LAPIDUS: C-l-e --

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1 MR. MIRONCHUK: I-b-y-s.

2 MR. LAPIDUS: That's a tough one. I've known her for only 15  
3 years.

4 MS. KOSCHIG: We can look it up.

5 MR. LAPIDUS: Yes. C-l-e-y -- the last name is Cruz, that's  
6 C-r-u-z.

7 MS. KOSCHIG: Great.

8 MR. MIRONCHUK: Please don't tell her I didn't know how to  
9 spell her name.

10 MR. LAPIDUS: I've known her for about a decade and I don't  
11 know how to spell her name.

12 MR. MIRONCHUK: Please don't --

13 MR. LAPIDUS: I might, pop quiz.

14 BY MS. KOSCHIG:

15 Q. So what positions are you certified -- qualified, certified  
16 on here.

17 A. Every position in the tower. I mean, I can read them off for  
18 you if you'd like.

19 Q. No.

20 A. Okay.

21 Q. And CIC?

22 A. CIC, light -- so that -- basically I can work the midnight  
23 shift.

24 Q. Okay.

25 A. I'm currently in training for CIC, you know, full CIC during



1 the day.

2 Q. Okay. So CIC during mid. And you guys call it CIC-light?

3 MR. LAPIDUS: Yes, the technical term is midnight CIC.

4 MS. KOSCHIG: Yes.

5 (Crosstalk)

6 MR. LAPIDUS: But we also refer --

7 MS. KOSCHIG: Yes, I know a lot of facilities will do that.

8 BY MS. KOSCHIG:

9 Q. All right. You stay current on all the positions?

10 A. Yes, ma'am.

11 Q. Okay. What was your schedule -- do you recall what your work  
12 schedule was the week prior to the incident, like your Mondays,  
13 Tuesdays, when you're RDOs.

14 A. Tuesday, Wednesday, Thursday are my RDOs right now.

15 Q. Um-hmm.

16 A. I'm scheduled Friday, Saturday, Sunday, Monday, 4 10-hour  
17 shifts from 1:00 p.m. till 11:00 p.m.

18 Q. Wow, that's pretty good. Do you like that shift?

19 A. I love it.

20 Q. I would. What position were you working in at the time of  
21 the incident?

22 A. Local 2.

23 Q. Did you end up getting off earlier that night or later? What  
24 was -- anything change after the incident --

25 A. We --

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1 (Crosstalk)

2 A. -- we got taken off position as a standard -- as soon as  
3 possible. I mean, it seemed like hours up there, but it was  
4 within, you know, minutes.

5 Q. Um-hmm.

6 A. I never went upstairs again. I haven't been back since.

7 Q. Oh, you haven't?

8 A. No.

9 Q. Okay. And that was your normal shift that day?

10 A. Yes, ma'am.

11 Q. Okay. Do you work overtime?

12 A. Do I -- like -- yes.

13 Q. Yes. Do you do an overtime shift?

14 A. Yes.

15 Q. How often?

16 A. Not that often. Maybe once a month, maybe.

17 Q. Okay.

18 A. You know, some months it could be more, but not often.

19 MR. LAPIDUS: We don't schedule it here.

20 BY MS. KOSCHIG:

21 Q. They're just not scheduled -- okay. So now I'm going to ask  
22 some, I don't know, I guess more personal questions as far as your  
23 -- like how's your overall health?

24 A. I would say good.

25 Q. Good.

1 A. It was good before this.

2 Q. Um-hmm.

3 A. Yes.

4 Q. Did you feel rested on --

5 A. Oh, absolutely.

6 Q. -- the shift?

7 A. Yes, I sleep on average 12 hours a night. So --

8 Q. Oh, okay. I guess that answers that question.

9 MR. LAPIDUS: How? No, just kids.

10 (Crosstalk)

11 MR. LAPIDUS: I don't have any either. I still can't pull it  
12 off.

13 BY MS. KOSCHIG:

14 Q. Are there any big changes in your life lately? Buy a house,  
15 get married, buy a car --

16 A. No.

17 Q. -- anything like that? Okay. We're just trying to gauge  
18 just to see if there was anything going on, yes, in your life.

19 Was there anything distracting in the facility that day? Anything  
20 going on up there that --

21 A. No. Business as usual.

22 Q. Okay, good.

23 A. Evening push.

24 Q. All right. So now I'm going to -- we're going to start  
25 getting into the -- to the incident. Like I said, I'm going to

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1 ask you some simple questions. Do you recall the incident?

2 A. Yes.

3 Q. Okay. And the one we are talking about is with American 106  
4 and Delta 1943.

5 A. Yes.

6 Q. All right. Were you provided the chance to listen to the  
7 audio and the replay, RNR?

8 A. Yes, I didn't want to.

9 Q. Didn't want to, okay. You know, I do hope you do after all  
10 this is over with, so that -- I think it's cathartic. But that's  
11 on -- that's you. So now I'm going to let you do some talking. I  
12 would like for you to just take us through a recollection of the  
13 events that occurred that evening. You can start at any point you  
14 want, you know. How was the traffic? At any point that you want  
15 to start prior to the incident and take us through until after the  
16 incident.

17 A. Okay. It was a regular Friday. I woke up pretty good. I  
18 usually wake up at 11:00 for my 1:00 shift. I think I even  
19 snoozed in like twice, so like 11:20, I finally got out of bed. I  
20 went to sleep the night before, I don't know, 11:30 so I was full  
21 of energy. I came to work. It was a good crew that day, amazing  
22 crew. We had music playing in the breakroom. I mean, it was just  
23 positive energy, you know, and I'm a pretty positive guy and we  
24 had an amazing crew, amazing crew that day.

25 But it was business as usual. If you know anything about

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1 Kennedy, you know that we're not a slow airport. We have work all  
2 the time, even during winter months. There's always airplanes and  
3 you could look out the window right now if you want. I mean,  
4 right now might be a little slow. Don't look out the window right  
5 now. But I went throughout my day, you know, we -- you know, we  
6 had a good time. We're moving planes, we're paid to do what we  
7 love to do.

8 I had worked local already once -- Local 2 once that day.  
9 That was my second time working it. And 8:44, usually the way we  
10 have our rotations set up, my break was around the corner. Again,  
11 I -- this isn't, you know, necessarily fact, because I'm not a  
12 supervisor, I don't run the shift. But I assume that my break was  
13 coming up at 9:00 to get me ready for my last rotation to finish  
14 the night.

15 In terms of the incident, I did what I was trained to do. I  
16 scanned the runway after Delta was already in position. I put  
17 Delta 1943 in position. I'm the controller, put him in position  
18 on 4 Left. I scanned the runway as I was trained to do, what I do  
19 a million times. Then I said cleared for takeoff and did one more  
20 scan and proceeded onto my next task. If I remember correctly, I  
21 put another American in position on 31 Left at Kilo-Echo, which is  
22 a regular setup for us. It's nothing out of the ordinary. Any  
23 pilot that regularly flies into JFK knows about our procedures  
24 here. When we're on the 4s, 31 Left.

25 I believe I put American -- I don't recall -- I guess it

1 doesn't really matter, though -- the second American I put in  
2 position. So my focus out the window, I did my scan and I  
3 proceeded to go to my next task, which is, you know, we ain't got  
4 time to babysit. We, you know, this ain't some small airport. We  
5 keep moving.

6 Q. Um-hmm.

7 A. I put another American in position on 31 Left at Kilo-Echo,  
8 and somewhere in those moments, the ASDE alarm went off. I mean,  
9 everybody kind of -- I wouldn't say froze because that's not  
10 right. That's not -- we don't freeze. We -- we're good at what  
11 we do. If we weren't, we wouldn't be working here, we wouldn't be  
12 certified. And I keep saying we because it's my team, like I'm  
13 part of this team. Just because my voice came out as the person  
14 that canceled the takeoff.

15 For a brief second when the ASDE went off, I looked up and in  
16 my mind, I was contemplating not listening to it, because I was  
17 just trying to see if I was going to make the situation worse by  
18 stopping the Delta, who was already gaining speed at that point.  
19 And I just took a brief second just to look because that's --  
20 we're not robots. We analyze the situation and that's what we're  
21 trained to do. So I took a brief second and my mentor, Anthony --  
22 I don't know if you guys are going to interview him or not -- but  
23 that's besides the point.

24 MR. LAPIDUS: He's the Cab Coordinator.

25 MR. MIRONCHUK: He was the Cab Coordinator, AC. He trained

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1 me for the majority of my training, so we have a special bond. He  
2 was the only one that yelled out cancel takeoff. And I listened  
3 to him, because I'm not going to let my pride or ego get in the  
4 way. Obviously, he's been here in the agency a lot longer than I  
5 have. He's been at JFK a lot longer. I think JFK's his only  
6 facility if I'm correct.

7 So that's when I keyed up. I tried to be as calm as I could,  
8 you know, Delta 1943 cancel takeoff. And then I didn't wait for  
9 him to respond. I keyed up a second time, because at that point  
10 -- listen, I don't care about you, like, reading it back. I want  
11 you to stop. So the second time I keyed up, I gathered my  
12 emotions a little bit and I said it a second time more calmer, and  
13 finally, Delta keyed up and said rejecting. And I had just -- I  
14 was, like -- well, anyways. We had a really good team upstairs  
15 that night, a really good team.

16 From that point, it's kind of a blur a little bit. I  
17 remember asking Delta if he needed to run any checklists or if he  
18 needed -- if he needed to run any checklists or he could taxi. He  
19 said we could taxi, so I said, you know, taxi left on Juliet, and  
20 at that point, my mind was going a million miles an hour. And I  
21 just said remain clear of runway 4 Left, remain clear of the  
22 runway. We never say that, we always give a -- but at that point,  
23 like my hands are shaking, I'm in shock, like -- what the fuck,  
24 what just happened. You know what I mean, and I believe everyone  
25 was reaching out for American 106 heavy.

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1           We finally figured out later on that he jumped frequencies,  
2 something that a lot of pilots here -- like I can't talk about the  
3 rest of the country because I don't know -- but they do that a lot  
4 here. They jump frequencies without getting authorization or us  
5 telling them to. It turns out that he was on my frequency and I'm  
6 sure you've heard the recording, you know. He asked me, you know,  
7 the last clearance we got was, you know, clear to cross, right? I  
8 explained to him we'll listen to the tapes and he's holding short  
9 of 31 Left. And at that point, somebody got me off position. I  
10 believe Anthony got me off, and then Anthony got taken off. But I  
11 went downstairs and that was pretty much that.

12           MR. LAPIDUS: You want a minute? I know it's rough because  
13 it's the first time you've said all that since --

14           MR. MIRONCHUK: It was the second time. The psychologist --

15           MR. LAPIDUS: Well, that's neither here nor there.

16           BY MS. KOSCHIG:

17 Q.   Yes, cool. I do have some follow-up questions, but I am  
18 going to let someone else ask some questions. But that's a real  
19 good account of it.

20 A.   Okay.

21           BY MR. ALLEGRINI:

22 Q.   Yes, that was -- that must have been really difficult to  
23 rehash all that, so thank you for your candid review. In  
24 listening to the recording, I heard you calling out the departures  
25 to N90. Is that normal?



- 1 A. Yes, sir.
- 2 Q. Okay.
- 3 A. You're --
- 4 MR. LAPIDUS: Rolling calls?
- 5 MR. ALLEGRINI: Rolling calls.
- 6 MR. MIRONCHUK: Yes, sir.
- 7 BY MR. ALLEGRINI:
- 8 Q. Okay. So that -- that's the normal practice all the time?
- 9 MR. LAPIDUS: Yes, that's how --
- 10 MR. MIRONCHUK: Yes, sir.
- 11 BY MR. ALLEGRINI:
- 12 Q. And -- so were the locals split at the time?
- 13 A. Yes, sir.
- 14 Q. Okay. And you're a local, two. Correct?
- 15 A. Correct.
- 16 Q. Okay. When did you certify here?
- 17 A. Oh, I --
- 18 MR. LAPIDUS: Don't ask me what the date off the top of my
- 19 head. I can find out for you.
- 20 MR. MIRONCHUK: It was in the -- I could literally open my
- 21 phone and check on my Instagram, but --
- 22 BY MR. ALLEGRINI:
- 23 Q. This past summer?
- 24 A. Yes, sir.
- 25 Q. That's all I have written down so far. I mean, I'm still

1 catching up, so I'll defer to Tim. Thank you.

2 BY MR. KECK:

3 Q. Good job.

4 A. Thanks.

5 Q. You did the right thing. You prevented a collision. That's  
6 our number 1 goal. You did it. Hopefully, you never have to do  
7 it again, right? I don't have any glaring questions at the  
8 moment. We were discussing the rolling calls, because I know you  
9 guys have DSP and you -- I wasn't sure if you used the scanner for  
10 your rolling calls or not, so I wasn't sure if that was different.

11 A. We do.

12 MR. LAPIDUS: We do both.

13 MR. MIRONCHUK: Yes.

14 BY MR. KECK:

15 Q. Oh, really.

16 A. We have a line up plan on the DSP. We also call them out.  
17 That's just how we do it here.

18 Q. Okay. The only other thing I would ask with that, did  
19 anybody -- maybe your CC did it and we didn't hear it -- call back  
20 and let them know he aborted? Just a question.

21 A. I don't know.

22 Q. I didn't hear you do it, so that's all right. Yes, I got  
23 nothing for you at the moment.

24 BY MS. KOSCHIG:

25 Q. You did mention about the pilots jumping frequencies. Has

1 this been brought up to like the local safety committee?

2 A. Yes.

3 Q. And what's been the outcome? Do you know?

4 MR. LAPIDUS: It's -- I mean, if you don't mind me answering  
5 this one --

6 MS. KOSCHIG: Yes.

7 MR. LAPIDUS: -- as a general -- not for him, of course -- is  
8 it's been brought up to the local safety council. It's been  
9 ATSAP, I don't -- I can't tell you how many times, but it's more  
10 of a recent phenomenon since the traffic's come back from COVID.  
11 So I'd like to say not much has been done yet.

12 MS. KOSCHIG: Is it a particular airline that does it?

13 MR. LAPIDUS: No, it's --

14 MS. KOSCHIG: Yes, I'm wondering --

15 BY MR. KECK:

16 Q. Is there any signage out there that says you should be on  
17 whatever frequency now that --

18 A. No.

19 Q. -- you know like from port ops or whatever? Some airports  
20 do; some don't.

21 MR. LAPIDUS: No, and we also do switch depending on our  
22 configuration or depending on the staffing, depending on the -- a  
23 lot. I'll show you guys. I assume you're going to take a tour  
24 upstairs?

25 MS. KOSCHIG: Oh, yes.

1 MR. LAPIDUS: Depending on the configuration, depending on  
2 the time of day, we might have two people work with -- let's just  
3 say the situation we're on. In the morning, our general  
4 configuration is we'll have one control working both 4s.

5 MS. KOSCHIG: Um-hmm.

6 MR. LAPIDUS: And the second controller, local working 31 off  
7 Kilo-Echo and the class B or the helicopter traffic. At night, we  
8 switch it up a little bit, where the outboard runway is local  
9 control 1 and the helicopters, and the other controller's working  
10 4 Left and 31 Left. And it'll make more sense when we're  
11 upstairs, but for the traffic command at night, you can't have one  
12 controller doing the pair of -- the main pair of runways.

13 MS. KOSCHIG: Okay.

14 MR. LAPIDUS: So there would be no specific frequency and a  
15 specific time we do switch it on.

16 BY MR. ALLEGRINI:

17 Q. So would the expectation have been that American 106 would  
18 have still been on ground control's frequency, right? So had  
19 ground control -- in your thought process -- had ground control  
20 even reached out and said American 106, hold short of runway 4  
21 Left, then it probably wouldn't have done anything anyway. Is  
22 that what you're thinking? Like he was already on your frequency?

23 A. Yes.

24 Q. Yes.

25 A. As far as I'm aware, yes. Because everyone tried reaching

1 out.

2 Q. But you were --

3 A. We're so numb to this now, about guys jumping frequencies.

4 It happens all the time, yes.

5 Q. Interesting.

6 BY MS. KOSCHIG:

7 Q. Is there anything on the ATIS? That maybe something could be  
8 put on the ATIS?

9 MR. LAPIDUS: Yes, it's actually one proactive thing -- if  
10 you want me to answer. Because I'm also -- besides the fact that  
11 I've also been the one who does the data comm since I was new here  
12 -- we have -- readback over and we hold short instruction on the  
13 ATIS. In light of the -- we were talking about this prior to the  
14 incident. We didn't do it yet because it was -- we didn't have  
15 the incident to spur us along. We're going to have back read over  
16 on -- readback when we hold short and all runway assignments.

17 MS. KOSCHIG: Um-hmm.

18 MR. LAPIDUS: And we're going to do it for a test period as  
19 of now. I'm still working it out with Claude (ph.). But it's  
20 just as a refresher and see if that helps, along with the other  
21 things that we've talked about the local safety council. Well,  
22 yes, you know, just sometimes that little thing to spur them back,  
23 you know.

24 MR. KECK: So you guys don't have a waiver for runway  
25 assignment and --

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1 MR. LAPIDUS: No, we issue them.

2 MR. KECK: No, but to get the readback -- the pilot readback  
3 for the runway assignments?

4 MR. LAPIDUS: As far as I know that's a requirement.

5 MR. KECK: For most airports, you're --

6 MR. LAPIDUS: Yes, I've only worked here so I can't tell you  
7 if it's somewhere else.

8 MR. KECK: Yes, it's a .65 requirement, but there are some  
9 that have waivers. I wasn't sure if yours was one of them.

10 MR. LAPIDUS: As far as I'm aware.

11 MR. KECK: Okay.

12 BY MS. KOSCHIG:

13 Q. So explain what your scan normally is. Since I had not been  
14 up there, tell me what -- how you scan and what's your routine?

15 A. I mean, Local 2 is on the righthand side --

16 Q. Okay.

17 A. -- it's a direct view of runway 4 Left. And in the same  
18 window, a little bit offset, 31 Left at Kilo-Echo specifically,  
19 the intersection we use for departures. My scan is, you know, the  
20 final -- the aircraft landing runway 4 right, because it's hard to  
21 explain to somebody who does not work here.

22 (Crosstalk)

23 A. Yes, so our departure procedures are runway 4 Left, you fly  
24 1.5 miles DME from the JFK VOR, then you turn right heading 1-0-0.  
25 We have to make sure that the guy on 4 right doesn't go around, so

1 my scan's all over the place. It's -- obviously, like I said  
2 earlier, you know before I clear for takeoff, I scan the runway  
3 and do a visual scan even though then we have ASDE, you know, make  
4 sure nobody's crossing or anything. And then I continue on with  
5 the rest of my scan, the previous departure, where he's at, where  
6 the arrival on 4 Right's at. And then, you know, 31 Left make  
7 sure that there's nobody up when there's no helicopter over there  
8 that maybe somebody forgot about or something like that. So  
9 that's the majority of my scan. I don't really look behind me  
10 because there's nothing over there, at least that concerns me, at  
11 Local 2.

12 Q. No, that's perfect. That's just I wanted to hear what you  
13 normally do. Does -- okay, runway 4 Left does have RWSLs;  
14 correct?

15 A. I believe so, yes.

16 Q. Do you -- did you happen to if they came on? Could you see  
17 it from the tower if the RWSL's lighted?

18 A. I believe so, but I wasn't actively looking at that time. I  
19 believe so.

20 Q. Okay. Just trying to get -- know what you would see. Is it  
21 normal that -- would an airplane that's -- is it abnormal that the  
22 American went to taxiway Bravo or do you just -- or was that  
23 taxiway Bravo, right?

24 A. Where he crossed?

25 Q. Yes.

1 A. No, he crossed at Juliet, ma'am.

2 Q. Juliet, I'm sorry.

3 A. No, that's fine.

4 Q. No, you know, because it's --

5 A. Yes, it's abnormal.

6 (Crosstalk)

7 Q. -- so many different airports. So that would be abnormal  
8 for --

9 A. Yes.

10 Q. And --

11 A. We do that procedure a thousand times a day. That's not an  
12 excuse. Everybody's --

13 Q. Oh, I know --

14 A. -- going to the right side, and you're the only one with  
15 three pilots in the back that decided to go straight. Yes, it's  
16 very abnormal.

17 Q. Okay. That's --

18 A. I'm a little passionate about that, I'm sorry.

19 Q. No, that's what you should be. I mean, that's a safety thing  
20 right there. No, I'm loving that. I'm just trying to see what  
21 you would be seeing from up there.

22 MR. ALLEGRINI: Can I ask a question --

23 MS. KOSCHIG: Yes.

24 BY MR. ALLEGRINI:

25 Q. So Local 2 -- so I heard you line someone up on 31 Left at

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1 Kilo-Echo.  
2 A. Correct.  
3 Q. You're booting off 4 Left.  
4 A. Correct.  
5 Q. Local 1 working the 4 Right arrivals?  
6 A. Correct.  
7 Q. Okay. Yes, but you're watching them to make sure they don't  
8 go for your 4 Right -- 4 Left departures?  
9 A. Correct.  
10 Q. Because they cut across?  
11 A. Yes.  
12 Q. So your scan is pretty big?  
13 A. Yes.  
14 Q. Yes.  
15 A. I mean, you get used to it.  
16 Q. Yes.  
17 A. You're an air traffic guy. You get used to it, it becomes  
18 second nature, you know. You look here, you look the guy's down,  
19 the guy, you know -- okay, contact New York departure, bye, see  
20 you. You just -- yes, the scan's huge, but --  
21 Q. But you do it.  
22 A. -- but you get used to it. It's so second nature.  
23 Q. How would you say the complexity was for your position?  
24 A. We weren't IFR. So that setup is considered, in my opinion  
25 -- I think Bryan will back me up -- 4s and 31 Left in IFR weather

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1 is considered our most complex setup due to --

2 Q. Local 2. Or do you combine them off an IFR?

3 A. No.

4 MR. LAPIDUS: I think you mean the whole setup in general?

5 (Crosstalk)

6 MR. MIRONCHUK: The whole set-up in general, yes, in general,  
7 the -- because of that 1.5, it adds an additional layer of --  
8 compared to the 22s, you switch it around, everybody's runway  
9 heading. Somebody goes around on the left side, okay, turn left  
10 heading 180. Like it's built-in separation. But 4s are a little  
11 tricky, you know. I think it's our most complex setup, but that  
12 -- what do I know.

13 BY MR. ALLEGRINI:

14 Q. So when they go on the right side, Local 1 says to you hey, I  
15 got to go, or are you expected to -- you're not expected to see  
16 it, but you're trying to pre-plan.

17 A. Pre-plan, yes.

18 Q. So you just know, okay --

19 A. Yes.

20 Q. -- short final 4 right, but I'm good.

21 A. And that's into the scan.

22 Q. Yes.

23 A. I'm looking at the radar. If it's close, if I see red bars  
24 up, you know, the separation, I'm like hey, this might be a close  
25 one. Maybe hold off on this guy, my 4 Left departure, or tell

- 1 them fly runway heading, I'll call your turn.
- 2 Q. Got you.
- 3 A. It's all built --
- 4 Q. Yes.
- 5 A. -- into it. Obviously 4 -- my controller's going to say I'm
- 6 on the go, but it's all pre-planned. It shouldn't throw you, you
- 7 know, for a loop. It shouldn't.
- 8 Q. Yes.
- 9 A. You know, in case of a go.
- 10 Q. So back to complexity thing. So in the situation where you -
- 11 - in that situation VFR, how complex was it in a scale of 1 to 10?
- 12 A. Six and a half. Like, it's VFR.
- 13 Q. Yes.
- 14 A. You could see everything out the window.
- 15 Q. Right.
- 16 BY MS. KOSCHIG:
- 17 Q. It's night. Did that build into any --
- 18 A. With all due respect, ma'am, you get so used to working
- 19 traffic here --
- 20 Q. Oh, I know.
- 21 A. If it's not IFR -- I'm sure you know what that means.
- 22 Q. Yes, I was a controller in the Navy for 20 years.
- 23 A. Oh, I didn't know, I'm sorry.
- 24 Q. It's all right, I didn't tell you.
- 25 A. Yes, I'm sorry, I didn't know you were. So --

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1 BY MR. ALLEGRINI:

2 Q. So it was routine, but steady --

3 A. Yes.

4 Q. -- steady busy routine?

5 A. Yes, yes.

6 Q. Okay. I think I understand.

7 A. Yes, nothing we can't handle.

8 Q. Nothing that raised the hair on the back of your neck, right?

9 I know what you mean.

10 BY MS. KOSCHIG:

11 Q. Okay. So I'm just trying to find out -- what is something --  
12 if there was something that you could change, what would -- what  
13 can you change? What would help you that prevents this from  
14 happening?

15 A. Tell American pilots to pay more attention.

16 Q. I think that's already going to be done.

17 A. Okay.

18 Q. I think that they got the message on that one.

19 A. I guess, in all seriousness, I think if people -- if they  
20 hadn't jumped frequencies, I think that might have helped. Just  
21 because -- and again they didn't even double-check earlier in my  
22 -- earlier in my day -- that day, we were on the same setup, and I  
23 worked Local 2 again. And I had a pilot key up and ask me -- say  
24 verify we're cleared to cross 31 Left. And it was the same setup,  
25 right. And they were -- it was correct. They made the right

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1 turn. They just wanted to verify they saw somebody off their  
2 right-hand side going in position. I feel like if -- if that  
3 would have done, if they want to jump frequencies, maybe they  
4 could have asked, but they still didn't ask anybody. They just  
5 barreled through.

6 So if the only thing I can say -- that's the only thing is  
7 not to jump frequencies. But -- yes, that might have possibly  
8 made it worse, because --

9 Q. Yes.

10 A. -- what are you going to tell American, stop, hold your  
11 position in the middle of the runway? I mean --

12 MR. LAPIDUS: Well, that's the judgment call you're talking  
13 about before.

14 MR. MIRONCHUK: Yes.

15 MR. LAPIDUS: Sometimes, you got to make that quick call.

16 MR. MIRONCHUK: Yes.

17 MR. LAPIDUS: Either go fast or stop, sometimes it's a fine  
18 line, which is better?

19 MS. KOSCHIG: Yes, that's a tough situation.

20 BY MR. KECK:

21 Q. If you ask before you're there, it's one thing.

22 A. Well, yes, if you're in the middle of the runway and you're  
23 barely moving --

24 Q. Keep going.

25 A. Yes. But you know our instinct is, like, hold your position

1 right away, because it's like you're not supposed to be there.

2 Q. Yes, something's not right.

3 A. And then you freak out the triple 7 pilot. He's going to put  
4 the brakes on it by himself, maybe, and then what -- like -- I  
5 don't know.

6 MS. KOSCHIG: I'm trying to think of --

7 BY MR. KECK:

8 Q. Did you have a sup in the tower that night when it all  
9 happened, or were you guys with the CIC?

10 A. Yes, sir. We had a sup. Yes, I don't know if you're going  
11 to ask.

12 Q. That's up to you. What was their reaction? Did they do  
13 anything supportive or negative or --

14 A. Everybody was supportive upstairs. I told you -- I kind of  
15 -- we were all in shock. Maybe me more than anybody, because  
16 again I'm not that long certified. I take pride in my job, and I  
17 started -- right when we got downstairs, I started, like,  
18 questioning myself, like making sure like I didn't subconsciously  
19 tell him to cross. You know what I -- and I was just -- but, no,  
20 everybody -- from what I recall, the supervisor, the Cab  
21 Coordinator, everybody was on the phone, everybody was --  
22 everybody was doing stuff, everything was -- everybody was  
23 helpful, everybody was -- you know. Obviously, he got us off  
24 position, like, within minutes of everything happening. So it's  
25 not like he let us simmer up there, like -- no, everybody did

1 really good.

2 Q. Good. Did you file an ATSAP?

3 A. No.

4 Q. Why not?

5 A. I didn't want to think about it. My rep told me to do it --  
6 well, he didn't tell me. It was suggested I do it. I wanted to  
7 get away from the facility. I didn't want to think about it. I  
8 was already 10 years younger at that point -- or older, I guess.  
9 I didn't file an ATSAP.

10 Q. Okay. Did you do any written statements to the -- no written  
11 statements for the investigation or anything like that? Just  
12 asking.

13 A. No.

14 Q. Okay, good. I still say go back and file an ATSAP when you  
15 feel froggy, just to get it out there.

16 A. Okay.

17 Q. They'll just match it up with the ASAP reports that I'm sure  
18 the pilots have filed, that's all. They'll put it together, kind  
19 of like what we're doing here. It'll put that whole picture  
20 together. It's up to you if you want it to come back to your  
21 local safety council or not, but I'd still submit it once you have  
22 your --

23 A. Okay.

24 Q. -- faculties about it.

25 A. Okay.

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1 BY MS. KOSCHIG:

2 Q. Is there any question that you thought we would ask that we  
3 didn't?

4 MR. LAPIDUS: If I was lawyer, I'd say don't answer it.

5 MR. MIRONCHUK: She's like the American pilot. He keyed,  
6 he's like last clearance we got was to cross, right.

7 MR. KECK: Your response was so good, by the way.

8 MR. MORINCHUK: Thank you.

9 MS. KOSCHIG: That was --

10 (Crosstalk)

11 MR. MORINCHUK: I knew what she was doing. I knew right  
12 away, especially after the co-pilot -- I knew that was the  
13 captain. I heard it -- no.

14 MS. KOSCHIG: I thought we were like --

15 MR. MORINCHUK: You're not going to get me on that one, no.  
16 My dad's Ukrainian, no, we're smart, bro. You ain't going to get  
17 us. No.

18 BY MR. ALLEGRINI:

19 Q. How's the culture here? In between, you know, the union,  
20 management? It -- you're describing a place that I want to come  
21 work.

22 A. It's very good.

23 Q. It sounds, you know, I've seen -- I know you guys have a  
24 Facebook page, I know some people that work here. It just seems  
25 like a decent culture and all, but I don't want to put words in



1 your mouth.

2 A. It's very good.

3 (Crosstalk)

4 Q. He seems like a really good guy and --

5 (Crosstalk)

6 A. Don't let him fool you. In all seriousness, it's very good.  
7 Between management and NATCA, between controllers -- listen, like  
8 every big family, our family's 40 people. You know, 40, whatever,  
9 give or take between supervisors. There might be some people that  
10 don't get along --

11 Q. Sure.

12 A. -- but that's what happens. Siblings don't, the family  
13 members don't, but every day I come to work here, I have a smile  
14 on my face, because I get to work at the best airport in the  
15 world. I love it.

16 MR. LAPIDUS: I think most of us here could say this is just  
17 -- there's not a meal -- I haven't not had a meal with one of our  
18 management ever. You know, we've all -- I would have dinner with  
19 any one of them and they'd say the same.

20 MR. ALLEGRINI: That's great.

21 MS. KOSCHIG: Gosh, I'm --

22 MR. ALLEGRINI: What's that?

23 MS. KOSCHIG: I'm out of questions.

24 MR. ALLEGRINI: Yes, me, too.

25 MS. KOSCHIG: Tim?

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1 MR. KECK: Nothing off the top of my head. Your explanation  
2 filled in a lot of --

3 MS. KOSCHIG: Yes --

4 MR. KECK: -- questions right off the bat. You did well.  
5 Some people will try and, you know, clam up, but no, you laid it  
6 all out there, bro.

7 MS. KOSCHIG: Yes.

8 MR. KECK: I think that's -- it makes this part easy.

9 MR. MORINCHUK: Thanks.

10 MS. KOSCHIG: So --

11 MR. KECK: Makes my hand not hurt so much.

12 MS. KOSCHIG: -- any questions for us, yet?

13 MR. MORINCHUK: No.

14 MS. KOSCHIG: Well, if you guys are okay, I am going to end  
15 the interview and interview stop time is 12:26.

16 (Whereupon, at 12:26 p.m., the interview was concluded.)

17

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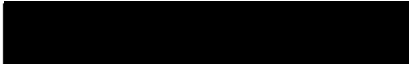
This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:            NEAR-MISS TAKEOFF INCIDENT BETWEEN  
                                 AMERICAN AIRLINES & DELTA AIRLINES  
                                 AT JFK INTERNATIONAL AIRPORT IN  
                                 QUEENS, NEW YORK ON JANUARY 13, 2023  
                                 Interview of Samuel Mironchuk

ACCIDENT NO.:                DCA23LA125

PLACE:                         Queens, New York

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.

  
\_\_\_\_\_  
Maria Socorro R. Abellar  
Transcriber

**Interviewee:** Yahay Obeid

**Representative:** Declined

**Date/Time:** February 2, 2023 / 0934 EST - 1051 EST

**Location:** JFK air traffic control facility

**Present:** Tim Keck, NATCA, ASI and Kevin Allegrini, FAA

**Investigator:** Betty Koschig

During the interview Yahay Obeid stated the following:

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

NEAR-MISS TAKEOFF INCIDENT BETWEEN \*

AMERICAN AIRLINES & DELTA AIRLINES \* Accident No.: DCA23LA125

AT JFK INTERNATIONAL AIRPORT IN \*

QUEENS, NEW YORK ON JANUARY 13, 2023 \*

\* \* \* \* \*

Interview of: YAHAY OBEID, Air Traffic Controller  
John F. Kennedy International Airport

Queens, New York

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APPEARANCES:

BETTY KOSCHIG, Investigator  
National Transportation Safety Board

TIM KECK, Air Safety Investigator  
Cleveland Tower  
Federal Aviation Administration

JAKE ALLEGRINI, Air Traffic Operations Manager  
Boston Tower  
Federal Aviation Administration

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I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Yahay Obeid:	
By Ms. Koschig	8
By Mr. Allegrini	21
By Ms. Koschig	24
By Mr. Allegrini	25
By Mr. Keck	27
By Mr. Allegrini	30
By Mr. Keck	30
By Ms. Koschig	32
By Mr. Keck	32
By Ms. Koschig	33
By Mr. Keck	37
By Ms. Koschig	40
By Mr. Allegrini	42
By Ms. Koschig	44
By Mr. Keck	44
By Ms. Koschig	45
By Mr. Keck	45
By Mr. Allegrini	46
By Ms. Koschig	47
By Mr. Allegrini	50

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Balt. & Annap. [REDACTED]

I N D E X (continued)

<u>ITEM</u>	<u>PAGE</u>
Interview of Yahay Obeid:	
By Mr. Keck	51
By Ms. Koschig	53
By Mr. Keck	54

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Balt. & Annap. [REDACTED]



I N T E R V I E W

(9:34 a.m.)

1  
2  
3 MS. KOSCHIG: Okay. So to start with, I'll let you know I  
4 will be recording the interview with a digital recorder, and we'll  
5 have a transcription made. A transcription -- the transcription  
6 will become a part of the factual report, not the audio. So the  
7 only people that are going to have this audio is going to be me  
8 and the person that we send that to to have it transcribed. And  
9 we have an NDA with them. And once we get the transcript back  
10 from them, they destroy the audio. So then that leaves me with  
11 the only audio. And this audio will not go into any public  
12 information. It won't go out to the public, but the transcription  
13 will be part of the report.

14 Time now is 9:34. So first of all, I want to -- now we got  
15 that out of the way, I just want to say good morning, thanks for  
16 coming to talk with us today. And I know you'd rather be doing  
17 other air traffic control work, but we do appreciate you being  
18 here. And my name is Betty Koschig. I am with the NTSB. I'm an  
19 air traffic control investigator. I have 20 years in the Navy as  
20 a controller and I've done this job for 14, almost 15 years. So a  
21 little bit about the NTSB, we're an independent federal agency.  
22 We don't fall under DOD, FAA, anybody. So that gives us a little  
23 bit more flexibility in things. But also with that, we have no  
24 regulatory or enforcement powers. The only thing we have is the  
25 power of the pen.

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1           So -- and our goal is not to blame anybody. Our goal is to  
2 find out things, fact-finding. We are looking for safety issues.  
3 We're not here to say well, this person did that wrong, that  
4 person did that wrong. It's all about we're looking at the  
5 procedures or anything that can be done differently, why did this  
6 occur? And we look at that side of it, so that if there is  
7 something that we see, because sometimes you get a fresh set of  
8 eyes on a facility, it helps bring out things that maybe you're  
9 too close to see. And if there's nothing that can be done, then  
10 it's -- it's like, well, okay, lessons learned from this and  
11 hopefully, you know, it won't happen again. That's our goal is so  
12 it won't happen again.

13           And also for this facility, we can maybe use it -- if it's  
14 happening -- something's happening somewhere else that we may not  
15 know yet that there is actually something going on, and then we'll  
16 look back at this case and say, okay, well, this happened here.  
17 Now we know because something else has happened somewhere else.  
18 And we do uncover things like that and it's really, you know, it's  
19 pretty cool when we can do that. So that's why your information  
20 is so important to us. You may not even realize you're giving us  
21 something that's going to help safety throughout the NAS.

22           So -- but today, as you can see, we have other people in our  
23 -- in the room. And as part of this process, we have -- we invite  
24 SMEs to join us so that we can have that end of the technical  
25 expertise. Even though I do air traffic control, I'm the

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1 investigator. I have not been on, you know, working air traffic  
2 control for a while, so we rely heavily on our group members. The  
3 FAA is a mandatory member, so they're always with us and we love  
4 having the NATCA ASIs. They're very valuable. But I am going to  
5 let them introduce themselves.

6 MR. ALLEGRIANI: Yes, like I said before, I'm Jake Allegrini.  
7 I'm the operations manager at Boston Tower. Like Betty said, just  
8 here to offer an additional perspective, subject matter expert, in  
9 a similar-situated airport as well, so I appreciate you coming  
10 down here. It's nice to meet you.

11 MR. KECK: And I'm Tim Keck. I'm a controller at Cleveland  
12 Tower. If you don't know what the NATCA ASIs do, we're regular  
13 controllers. There's only 12 of us nationwide, three for each --  
14 or four for each specialty. And when then NTSB launches, we go  
15 with them to provide them current operational insight and subject  
16 matter expertise where we can, and then when we're done, we go  
17 right back to work, we're working the boards. We're not on a  
18 detail, you know, sitting in an office waiting to go somewhere.  
19 We're all active controllers. So thanks for taking the time to  
20 come out.

21 MS. KOSCHIG: And in this setting, we are the NTSB group. So  
22 we look at things, all of us, even though from different agencies.  
23 We have one goal in mind, safety and finding the facts. It's not  
24 about, you know, NTSB, NATCA, FAA. It's about safety. So like I  
25 said, anything you can share with us during this is going to be

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1 very helpful. But just to give you -- just so we have this -- the  
2 interview for -- being conducted just -- I know you know about the  
3 incident, but we are here for the incident that happened on  
4 January 13, 2023, involving American 106 and Delta 1943, the  
5 runway incursion. And as part -- another thing, as part of  
6 regulations, you are welcome to have a representative. Did you  
7 want to have a rep with you?

8 MR. OBEID: No, but I just want to clarify that my  
9 participation is not a waiver of any of my rights.

10 MS. KOSCHIG: Yes, that is correct. Thank you for stating  
11 that.

12 INTERVIEW OF YAHAY OBEID

13 BY MS. KOSCHIG:

14 Q. And will you please state your name?

15 A. Yahay Obeid.

16 Q. Okay. Could you spell your name?

17 A. Y-a-h-a-y, O-b-e-i-d.

18 Q. Great. So what we're going to do is I'm going to start first  
19 asking questions about some -- your background, just to get to  
20 know you a little bit, where you've been and everything. And then  
21 we're going to start talking about the incident. So during the --  
22 anytime that we ask questions, if you don't know something, I  
23 don't know is a perfect answer. If you don't recall something,  
24 you don't recall it. Perfect answer. If we're asking you a  
25 question that we're not being clear about, say well, what do you

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1 mean. Be clear, you know, let us know. It's a back-and-forth,  
2 you know, conversation. So if you needed a break at any time,  
3 just say I need a break. I don't think we'll be here that long  
4 that you'll need one, but you're welcome to take a break.

5 And then after I finish my questions, then we'll start going  
6 around and just having conversations, asking more questions so  
7 that we can fill in any holes that we had any questions about what  
8 happened that day or things going on in the facility or the  
9 airport. Do you have any questions yet?

10 A. No.

11 Q. Okay. Let's get started. Okay. So you stated your name.  
12 Do you -- what are your operating initials?

13 A. Y-O.

14 Q. Okay. Even though we're recording this, I'll take some --  
15 just so -- notes, just in case I want to refer back to ask a  
16 question. When did you start working for the FAA?

17 A. February 11th, 2008.

18 Q. Your anniversary's coming up. Was that the academy?

19 A. Yes.

20 Q. And where did you go from there?

21 A. JFK.

22 Q. Oh, been here ever since? Have you done any details?

23 A. Yes, I have.

24 Q. Where have you been on details?

25 A. The regional office here, the eastern regional office and the

1 New York district office. I also worked two other jobs, permanent  
2 jobs before I came back to JFK.

3 Q. What were they?

4 A. I was the support manager of LaGuardia Tower, and then the  
5 terminal assistant district manager for the New York district.

6 Q. And so you've been at -- after you finished those, you came  
7 to JFK and how long has it been since you haven't been detailed  
8 out?

9 A. November 2018.

10 Q. Do you have any military service?

11 A. No.

12 Q. And do you have any college?

13 A. Yes.

14 Q. Do you have a degree?

15 A. Yes, bachelors in airline management.

16 Q. Where's that from?

17 A. Vaughn College of Aeronautics.

18 Q. Have you held any other aeronautical ratings other than ATC?

19 A. Private and instrument.

20 Q. Are you current?

21 A. No.

22 Q. Do you have a current medical?

23 A. Yes.

24 Q. Are you required to have one?

25 A. Yes.

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- 1 Q. Any restrictions?
- 2 A. No.
- 3 Q. Who's your supervisor?
- 4 A. Claude Vieira. He's the ops manager.
- 5 Q. What positions are you qualified on and certified on here?
- 6 A. All the operating positions.
- 7 Q. Current on all?
- 8 A. Yes.
- 9 Q. So what's your normal schedule for like, a week? Your days
- 10 off and times?
- 11 A. I usually work the afternoons --
- 12 Q. Um-hmm.
- 13 A. -- and I'm usually off Friday, Saturday, with occasional
- 14 overtime.
- 15 Q. And what are your hours during the afternoon shifts?
- 16 A. They range from -- they can start from 11:00 a.m. or
- 17 3:00 p.m. It's different almost every day.
- 18 Q. It flexes?
- 19 A. Yes.
- 20 Q. And what was your schedule the day of the incident? Do you
- 21 recall the hours?
- 22 A. Yes, I believe I worked 2:30 to 10:30.
- 23 Q. And was that a scheduled --
- 24 A. That was overtime.
- 25 Q. Overtime? How much overtime do you usually get per month --

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1 excuse me.

2 A. Recently, it's probably one or two days a pay period.

3 Q. What position -- excuse me -- what position were you working  
4 at the time of the incident?

5 A. I had the watch, the ops supervisor position.

6 Q. Oh, and I meant to tell you, we might ask you some questions  
7 that you're probably thinking you should know that. But we can't  
8 -- we need to hear you say it.

9 A. Understood.

10 Q. Okay. So now I'm going to ask some questions about your  
11 general health and everything. So how do you feel your overall  
12 health is?

13 A. Pretty good.

14 Q. Do you feel that you get -- did you feel real well-rested for  
15 that shift?

16 A. Yes.

17 Q. About how many hours of sleep do you get per night?

18 A. 8 to 9.

19 Q. Did you get about that many hours the night prior to going  
20 onto that -- the shift?

21 A. Yes.

22 Q. Any big or significant changes in your life recently? New  
23 car, house?

24 A. New car -- oh, sorry, not new car. I'm in contract to buy a  
25 new house.



1 Q. Oh, nice. That is nice. That's a big event. Was there  
2 anything going on in the facility -- in the tower, anything  
3 distracting, anything abnormal operations, like -- at the time of  
4 the incident?

5 A. We had a runway change in progress.

6 Q. And we'll probably talk a little bit more about that as we go  
7 on, because that gives me an idea. Okay. Did you review the  
8 replay and the audio of the incident?

9 A. Yes.

10 Q. So speaking about the incident and what was going on up in  
11 the tower, so now we want to get in to just asking about the  
12 incident and everything like that. So what's your recollection of  
13 the incident? You could start, you know, however far back you  
14 want to go in the watch and things that were leading up to it, and  
15 then during and after the incident just so we can get the whole  
16 story.

17 A. Okay.

18 Q. Whatever you recall.

19 A. It was a beautiful sunset that night.

20 Q. Oh.

21 A. Not a sunset you would see on a Friday the 13th.

22 Q. Yes.

23 A. That's one thing that stands out for that night as far as I  
24 can go back. We -- a few minutes before the incident, we received  
25 a call from New York approach, their traffic management unit,

1 requesting that we do a runway change to accommodate LaGuardia  
2 Tower. The phone call came to the traffic management coordinator,  
3 the TMC, who asked for my opinion on what we should do. I said,  
4 please ask them to delay the runway change until 9:30 when it's a  
5 little slower for us. She called them again and she advised me  
6 that they're insistent that we do the runway change as soon as  
7 possible. And then we started the process for the runway change.

8 The runway change is, you know, right before the runway  
9 change, it's like the calm before the storm, where everyone is  
10 just sitting there, focused on what they're tasked to do from  
11 clearance delivery -- reading clearances, to the Local 2  
12 controller saying cleared for takeoff, to the ground controller  
13 moving planes and Local 1 saying cleared to land. Also had a cab  
14 coordinator, a second set of eyes for the operation, and  
15 everything was calm up until the point of the runway change.

16 When we started the process of the runway change, it was  
17 probably just five minutes before the incident. So we had the  
18 discussion about trying to push back the runway change with my  
19 TMC, traffic management talking to -- traffic management here at  
20 JFK talking to traffic management at New York approach. So we  
21 lost that battle and now we needed to do the runway change to  
22 accommodate the adjacent facility. And like I said, now the storm  
23 begins because everybody's job at the tower just got more complex.  
24 The workload doubled, tripled, maybe quadrupled to accommodate the  
25 runway change. And that's for any runway change, not just for

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1 that evening. Because we have to do certain things from runway  
2 sweeps, get the Port Authority to conduct the runway sweeps, you  
3 have to communicate and coordinate with the area at N90 to get our  
4 last and first.

5 Then we have to move on to the equipment to adjust them for  
6 the runway -- the new runway setup. That includes the ILSs. The  
7 runway lights, which is a different panel from the approach  
8 lights, the DSP, which is another piece of equipment, to the TDWR,  
9 which is another piece of equipment, to the ASDE-X. These are all  
10 functions that we do during the runway change. Towards the end of  
11 the runway change, we usually do the ATIS and finally log the  
12 runway change.

13 So I recall walking over to clearance delivery, because  
14 sometimes that's the busiest position that takes place, especially  
15 with a surprise runway change. Because runway change are usually  
16 -- we usually try to coordinate it half hour to an hour in  
17 advance. So the pilots that are taxiing out are already expecting  
18 a runway change versus on the minute runway change. So my  
19 intention was to go help clearance delivery revise some of the  
20 climb outs that we already have, and at the same time check on the  
21 ATIS and support my cab coordinator, who's my second set of eyes,  
22 but during the runway change, everybody's the second set of eyes.

23 So as I walked over to clearance delivery, I was probably  
24 almost there, maybe two or three feet away, when the ASDE-X  
25 alarmed, displaying the conflict between the two aircraft. From

1 my angle, I was able to see the two -- where the ASDE-X had  
2 highlighted the conflict between the two aircraft, but not close  
3 enough to be able to read the call signs of the aircraft in  
4 conflict. I can clearly see them out the window. And our cab  
5 coordinator yelled to the local controller to stop Delta. A  
6 couple of other screams came over to try to get the -- to assist  
7 the controller in stopping Delta and canceling their takeoff  
8 clearance, which ultimately happened. The controller had to key  
9 up twice and said it twice, and we weren't sure if Delta was going  
10 to stop because he kept accelerating even after we advised them a  
11 second time to cancel their takeoff clearance.

12 That was just a moment where we did not have control of the  
13 situation. As air traffic controllers, we control situations. We  
14 have positive control. But when you've advised the pilot to stop  
15 and they're not stopping, there's nothing else you can do and that  
16 was just a painful few seconds watching it out the window take  
17 place and praying that that airplane does stop. Because while I  
18 have been in aviation for 20 years, that was probably the scariest  
19 moment I've seen in the past 20 years of my aviation career and my  
20 15 years of air traffic experience or 20 years of total aviation  
21 experience.

22 Q. I bet that was -- so what happened after that?

23 A. I knew we had to -- after the Delta was able to stop, we had  
24 to take action to see if they require any assistance because most  
25 likely they will have hot brakes. We don't want it to turn into a

1 fire. But he was -- the aircraft was able to taxi off the runway  
2 and my job as the supervisor at that time was to recover after  
3 that incident. And recovery includes relieving the controllers  
4 that were involved, so everything almost came to a standstill on  
5 the ground control position just as we take a deep breath --

6 Q. Um-hmm.

7 A. -- to respond to what took place. I recalled some  
8 controllers to come up and relieve the controllers that were  
9 involved in the incident. I noticed the ground controller was the  
10 most stressed. My cab coordinator was doing well. I asked him to  
11 take the controller out from ground control. The traffic  
12 management -- the TMC, the traffic management coordinator, was  
13 able to step in and also play the cab coordinator role to help me  
14 out with it. A couple of other controllers came up and we  
15 relieved the controllers that were involved. And we continued to  
16 just do the runway change and finish what we started.

17 Q. And how long were you on the position after that? Did you --  
18 were you able to get a break?

19 A. I called the other ops supervisor to pull the tapes and  
20 replay what had occurred in the incident. We asked the American  
21 Airlines pilot to -- I don't recall if we asked him or he asked to  
22 give us a call, but he was -- the pilot was very impatient. He  
23 called right away and we told him that we're still conducting the  
24 investigation, because I had the other ops supervisor replaying  
25 the tapes to see what had taken place, to give us a call back in

1 10 minutes. I thought we would have that information in 10  
2 minutes.

3 I think almost to 10 minutes later, to the second, the pilot  
4 called again. This time I spoke to him and I told him we don't  
5 have the results of the investigation yet, but if he can tell me  
6 what happened.

7 He told me that they were given runway 3-1 Left for departure  
8 and that they were told to cross runway 4 Left. At that point  
9 again, I did not know if that was true, if that was the case. So  
10 I told him, you know, if we find the information, we'll call you  
11 back. He gave me his phone number. I took down his phone number  
12 and after we heard -- after I got a call from the other supervisor  
13 advising me that he was given runway 4 Left for departure, and  
14 that was the expectation that he was told to cross 3-1 Left. He  
15 was never given a crossing to cross runway 4 Left.

16 I attempted to call the pilot twice to advise him that and to  
17 give him the Brasher Warning, but he was no longer on our -- his  
18 cell phone was turned off. I called twice just to make sure;  
19 maybe he didn't have a reception the first time. And he was  
20 already inquiring when he would go because he wants to join the  
21 line and take off with the other aircraft. Like I said, he was  
22 very, very pushy, he wanted to take off and, you know -- and  
23 probably thought we were delaying him. So I advised the Local 2  
24 controller to give him the Brasher Warning, which she did. And  
25 then he joined the line and took off with the other aircraft.

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1 Q. Did he call back or did you contact -- have contact with him  
2 anymore after that?

3 A. No.

4 Q. So tell us a little bit about Delta after they taxied off the  
5 runway. What happened then?

6 A. They taxied off the runway. We wanted to see if they, one,  
7 required any assistance; two, if they wanted to go back to the  
8 ramp or go back in the line-up. We weren't sure. They ultimately  
9 taxied back to the ramp. I did call Delta later on that evening  
10 to check and see if the flight was still going out that night.  
11 They advised me that they were not going out that night, that they  
12 were going out the next morning.

13 Q. Was that the last contact you had with them?

14 A. With Delta?

15 Q. With Delta.

16 A. No, with -- I never had contact with the Delta pilot.

17 Q. Okay.

18 A. I had contact with the company.

19 Q. Okay. Did they say why they weren't going to go out that  
20 night? Was it something with the aircraft or do you know why they  
21 weren't --

22 A. They -- I believe they told me it was a crew issue.

23 Q. Okay. Okay, so after that -- so you were -- what paperwork  
24 and everything did you have to fill out? Just give us an idea of  
25 what else was going on after that because I know you were busy

1 with the runway change and --

2 A. Yes.

3 Q. -- everything?

4 A. So having another ops supervisor helped me out a lot, because  
5 he was doing the investigative part while I focused on the  
6 operation. The operation never really stopped; it just kept  
7 going. After logging the runway change, I don't recall if I  
8 logged the MOR or the other supervisor logged the MOR. The MOR is  
9 the report that we file --

10 Q. Um-hmm.

11 A. -- for incidents. I'm not sure who logged it so I don't  
12 recall. But we called the Port Authority to have them inspect the  
13 hold bar lights, even though they were visible from the tower,  
14 they were on. But as part of procedure that we advised the Port  
15 Authority of a runway incursion so they can inspect the lights,  
16 the hold bar lights, edge lights, whatever lights they have to  
17 inspect --

18 Q. Um-hmm.

19 A. -- because it is owned by the Port Authority. We have no  
20 regulation over -- the tower doesn't have any regulation -- the  
21 FAA does, but -- we have control over the lighting panel, but they  
22 have to ensure the lights were working. They did call us back and  
23 notified us the lights were working properly.

24 Q. That was a good call.

25 MS. KOSCHIG: I'm going to let you guys ask some questions.



1 MR. ALLEGRINI: Okay.

2 BY MR. ALLEGRINI:

3 Q. Yes, that was a good recounting of the events. Thanks for  
4 your clear and nice deliverance so I had time to type. What was  
5 the mood in the tower like that night?

6 A. Before the incident --

7 Q. Yes --

8 A. -- you're referring?

9 Q. -- before the incident? Was the shift -- what was the  
10 feeling of the shift? Was it just normal or --

11 A. Yes, very normal. I mean, we have -- I've been to quite a  
12 few facilities around the nation, and I've worked at a couple of  
13 facilities. We probably have the best team that I've ever seen.  
14 We get along well, we work well together. We trust each other and  
15 everyone does the job to the best of their ability and enjoys  
16 doing the job.

17 Q. That's great. Yes, we're getting that feeling here, too. So  
18 I want to touch on the runway change a little bit. It sounds like  
19 it was pretty frustrating, an on the fly runway change at a busy  
20 period, I'm guessing. Lots of work. Is that a very -- how do I  
21 put it -- a situation for you that normally gets your hair to  
22 stand up a little bit? Extra eyes type of thing. It's -- I guess  
23 I should say -- is that a less than desirable position to be in as  
24 the tower supervisor, to have an on the fly runway change like  
25 that?

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1 A. Yes, I mean, you go from having a smooth, very or extremely,  
2 manageable situation, where all the eyes are on the operation, to  
3 half the eyes on the equipment and the coordination versus  
4 focusing on the operation. And you have -- the first frustration  
5 was the let's do this runway change ASAP. Because when you plan  
6 for something, you're able to control it. You control when you do  
7 the runway sweeps, you control when you send the ATIS out when you  
8 revise these flight plans. So everything's controlled, it's not  
9 as busy. But just to go through that and find out that the runway  
10 change was done for nothing, I think that bothers us the most,  
11 because LaGuardia did not utilize that airspace.

12 So we were forced to do a runway change that meant nothing  
13 for the national airspace system. Nothing for JFK, nothing for  
14 LaGuardia. Why wasn't the airspace utilized, the airspace that  
15 was taken away from us, which was the Belmont airspace? Why  
16 wasn't it given to LaGuardia and why LaGuardia did not utilize it?  
17 That's someone -- someone else needs to answer that question. But  
18 that question should be answered, because we cannot introduce or  
19 increase the chances of something happening, something like this,  
20 just for nothing.

21 Q. So in your estimation, were there eyes that would normally  
22 have been on that intersection on -- rather they were on clearance  
23 delivery looking at climb-outs or pushing buttons, "button-ology",  
24 would change things --

25 A. Without a doubt.

1 Q. -- on the phone with the Port?

2 A. Without a doubt.

3 Q. So how does the runway change -- the TMC calls your TMC. And  
4 then is there a telcon to discuss it as well? I know you  
5 mentioned that, but I just wanted to dive into that a little bit.

6 A. Because we have a very tight airspace.

7 Q. Right, no -- yes, I understand.

8 A. And we tend to fight over airspace facilities and the TRACON  
9 has the 51 percent.

10 Q. Okay. That was going to be my next question.

11 A. So they utilized their 51 percent that evening. When I  
12 requested to delay the runway change until 9:30 and they said no,  
13 we need to go into it ASAP.

14 Q. And that's the TRACON STMC?

15 A. Possibly, yes, the STMC.

16 Q. Okay.

17 A. I did not coordinate with them. It was the TMC making the --  
18 doing the coordination.

19 Q. But we're assuming that it was probably driven from the STMC?

20 A. Correct.

21 Q. Yes.

22 A. And I would say 50 percent of the eyes that could have been  
23 -- that could remained on the operation, turned away to look at a  
24 half dozen pieces of equipment and a half dozen other things to  
25 do, including coordinations in ATIS and other things.

1 Q. Did you open up the cab coordinator position because of the  
2 runway change?

3 A. No.

4 Q. That's a normal position?

5 A. Correct.

6 Q. Okay. Is the TMC certified on all positions?

7 A. Yes.

8 Q. Did you find your TMCs pretty valuable in a runway change  
9 situation like that?

10 A. Yes.

11 Q. Yes. So who calls -- so they have used their 51 percent that  
12 night. I think that's all the questions that I have. Thanks,  
13 that was a lot of insight on that runway change. I feel your pain  
14 on those, very, very difficult. The hardest part of the evening  
15 for sure.

16 BY MS. KOSCHIG:

17 Q. I had one follow-up on what -- when you talked about the  
18 runway change. How often do they do it on the fly, runway change?  
19 Is it regularly done or -- just explain that, you know?

20 A. It's rare. I would say it takes place maybe a couple of  
21 times a month.

22 Q. Oh, okay.

23 A. That's it. I would say 95 percent of the runway change that  
24 we do is somewhat planned.

25 Q. Um-hmm.

1 A. And it's based on also runway availability. When we do our  
2 runway changes, usually around 9:30 to 10:30 at night. The Port  
3 Authority closes some runways every night for construction or  
4 maintenance work, and we usually try to do the runway change  
5 between 9:30 and 10:30. That's the best time to do the runway  
6 change.

7 MR. ALLEGRINI: One more quick follow-up.

8 MS. KOSCHIG: Yes, go ahead.

9 BY MR. ALLEGRINI:

10 Q. The -- when you said the Port Authority does a sweep, were  
11 you going to a runway that was closed that you had to open? Did  
12 they have the sweep or they always sweep if you're going to go a  
13 different direction on the runway or can you explain that?

14 A. It's both. If we're on 4s and we need to go to 22s, they'll  
15 do the runway sweep because we're going opposite direction.

16 Q. Okay.

17 A. That's one. The second piece is the -- we're sweeping the  
18 southeast portion of runway 3-1 Left. So runway 3-1 Left is the  
19 longest runway we have. And like that evening, when we were  
20 departing 4s and utilizing runway 3-1 Left from the Kilo-Echo  
21 intersection, at 10,900 feet available. So the aircraft they take  
22 off to the northwest. The southeast portion is not used and if  
23 it's usually not used for a certain amount of time, then we would  
24 call for a runway sweep for that southeast portion. Sometimes the  
25 whole runway's done anyway because the vehicle's already on it.

1 What's another 10,000 feet if they're already swept the 3,200 feet  
2 just to the south of it?

3 So, yes, the runway -- the sweeps do take place for one  
4 runway that we don't have -- we haven't used and the opposite  
5 flow.

6 Q. Okay. And so when you initiate that sweep, the Port vehicle  
7 will come out and call ground control or are they hold short of  
8 runway and call one of the locals?

9 A. Usually -- they usually monitor the frequency, both Car 9-3  
10 and Car 9-7. Those are two runway sweep vehicles, and they're out  
11 there for runway sweeps, debris removal. If we have two aircraft,  
12 we're not sure if the wing span is going to clear. They respond  
13 to those. So the Port Authority's very good to listening to the  
14 frequencies, so we'll say Car 9-3, Car 9-7, they will respond and  
15 say yes, go ahead. We need a sweep of these runways. And then  
16 usually a couple of minutes later, a few minutes later, they would  
17 call us holding short of the runway that we asked them to sweep.  
18 And we would -- depending on who owns the runway, they would  
19 conduct the sweep.

20 Q. So they would call on the local control frequency?

21 A. Ground control.

22 Q. Okay, they will, okay.

23 A. Yes, and then the ground controller will decide if they need  
24 to switch them to a different frequency.

25 Q. Did they -- do you have a letter of agreement for them to

1 operate on, say, Bravo and all these taxiways, but not on the  
2 runways. Can they operate on the taxiways without them calling  
3 you --

4 A. Yes.

5 Q. -- inside of the runways?

6 A. Yes.

7 Q. Okay. And then they would call ground. So that was  
8 potentially an additional task put on the ground control to figure  
9 that out as well.

10 A. Correct.

11 Q. I don't know if that happened at the same time.

12 A. They did. I believe the controller was searching for the  
13 vehicles just seconds before the aircraft crossed -- American 106  
14 crossed.

15 Q. Okay. Interesting. Thank you.

16 MS. KOSCHIG: Tim.

17 MR. KECK: One second.

18 BY MR. KECK:

19 Q. A lot of good info. I don't have too many questions for you.  
20 So one that I will pose reference your runway changes. When do  
21 they normally communicate with you guys about the plan? Do you  
22 have a telcon with the TMs and of all three entities, you know,  
23 at the beginning of your shift, is it like at 1700 or what do you  
24 guys use to set up your routine like?

25 A. So the TRACON has their 3:05 meeting. They have a 7:05 in

1 the morning and a 3:05 in the afternoon.

2 Q. Okay.

3 A. We usually get the call around 2:30, 2:45 from the TMU,  
4 asking us what we plan to do for the day. So when they have their  
5 3:05, they can discuss what they're going to do with all the  
6 facilities. They take the input from all the facilities. They  
7 have a national telcon that we don't join. Approach control joins  
8 on our behalf, and they speak on our behalf, advising the command  
9 center. The command center telcon is the national telcon that  
10 goes on 15 minutes after the odd hours or even hours. I'm not  
11 sure how it goes these days with the time change. And they advise  
12 them what the plan is for the day.

13 So they initiate. Sometimes we call them, hey, we're on 31s  
14 right now, it looks like we have a gap to switch to the 22s or the  
15 31 -- or the 4s around 5:00. Because at noon, we get four or five  
16 hours' worth of arrivals, the heavy arrival push. And we got to  
17 turn everything around and start preparing for the departure push.  
18 So 5:00 p.m. is usually the middle ground, where they have a  
19 little lull. We can do the runway change.

20 On some days we don't do a runway change depending on the  
21 winds, depending on the set-up. Our most favored set-up here is  
22 13s and 2-2 Left where we depart 13 Right, we land 13 Left, and we  
23 land runway 2-2 Left is the overflow runway. That gives us  
24 possibly 64 arrivals per hour and we can probably still do 40 plus  
25 departures in that same hour.

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1           So even if we have the departure long and sometimes we'll  
2 favor that set-up, unless there's weather in the area, then that  
3 area becomes constrained. We don't have a place to hold aircraft,  
4 because it's only two taxiways and we'll do a runway change  
5 somewhere else.

6 Q.   Okay. What were they wanting to go to that particular night?

7 From the --

8 A.   To the 31s.

9 Q.   Just straight 31?

10 A.   Yes.

11 Q.   Okay. And then LaGuardia didn't use it?

12 A.   Yes, because LaGuardia needed to do the localizer into 3-1.

13 Q.   Okay.

14 A.   To do the localizer to 3-1, they will take the Belmont air  
15 space from us. Where we're utilizing the Belmont air space that  
16 evening, reference, let's say for example, Delta 1943 took off.

17 Q.   That's where your 4s turning to?

18 A.   Yes, that's where the 4s would clip the Belmont airspace  
19 before turning right to 100 heading. So if we go to 31s, they get  
20 the Belmont airspace. They get to utilize the localizer approach  
21 and we lose the right turns for the props. Not that we have many  
22 props, maybe we have a couple a day. But it's not a favorable  
23 departure set-up for us as well, because they will land both 31s.  
24 So they'll land the arrival runway, the main arrival runway,  
25 runway 3-1 Right.

1           They'll also land 3-1 Left with any overflow traffic they  
2 have, but that's where our line is, defer all these departures.  
3 Now we're shooting gaps versus staying on 4s. They can still land  
4 on both 4s. We still have the overflow departure runway to help  
5 us recover from those missed gaps.

6 Q. I got you.

7 BY MR. ALLEGRINI:

8 Q. And the overflow departure runway's 3-1?

9 A. 3-1 Left --

10 (Crosstalk)

11 Q. -- to Kilo-Echo?

12 A. Kilo-Echo, correct.

13 Q. Okay.

14 BY MR. KECK:

15 Q. How do you think your tower crew did that night?

16 A. The --

17 Q. Just your opinion on how everything turned out.

18 A. You know, I said we're the best and we shined that night. I  
19 was able to ask some of the controllers how they were doing. But  
20 when you look at the TMC, the amount of support she provided to  
21 the operation was just tremendous. I didn't even ask her how she  
22 was doing. I know myself I probably, you know, while I was shaken  
23 up, I -- you know, you're at the point where you keep going, like,  
24 as if nothing happened. So I never asked her how she was doing;  
25 the next day I did. I said, hey, listen, you did a good job. I'm

1 sorry I didn't even get a chance to ask how you're doing.

2 But that's just -- like I mentioned the TMC because they're  
3 the backup to the whole -- they're my cab coordinator, they're my  
4 traffic management coordinator, they're the backup to the whole  
5 operation. And I give that example because as viewed, it's the  
6 one position that was really not an operational position. So I'm  
7 giving a lot of credit to the non-operational position just to  
8 show you how much they shined alone, compared to what the  
9 operational folks did that night.

10 Q. Good. And then, lastly, when did you become aware of the  
11 incident? Like you were coordinating the runway change. Did you  
12 see it happen or was it when the ASDE first alerted it?

13 A. When the ASDE first alerted.

14 Q. Okay. Where -- we haven't been to the tower yet -- where  
15 were you in relation to everything going on? So --

16 A. So I would say --

17 Q. -- were you back at the desk --

18 A. Your local --

19 Q. -- or were you somewhere in the middle?

20 A. -- your Local 2 that cleared the plane for takeoff.

21 Q. Um-hmm.

22 A. He's -- and the ground controller and the other local  
23 positions here, clearance delivery's here. And I was two feet  
24 away from clearance delivery and about six feet away from the  
25 controller that stopped the aircraft. The cab coordinator was

1 somewhere in the middle.

2 Q. Okay.

3 BY MS. KOSCHIG:

4 Q. And the ASDE-X screen is where in relation to --

5 A. We have a few of them.

6 Q. Oh, okay.

7 A. We have one that's right to your left. We have one below it  
8 on the counter, and we have another one that's by Local 2 and one  
9 by ground control.

10 MR. KECK: Okay.

11 MR. OBEID: There's one in the back, too. But from my angle,  
12 I was able to look at the one that was above the Local 2 position  
13 and see where the conflict was. And like I said, you could  
14 clearly see it out the window --

15 MR. KECK: Right.

16 MR. OBEID: -- taking place.

17 BY MR. KECK:

18 Q. Okay. Yes, I wasn't sure -- like in my tower cab, you know,  
19 if you're back by CD, especially if you're seated or whatnot, you  
20 know, it's hard to see. But if you're standing, you just look up,  
21 kind of the same scenario.

22 A. Yes.

23 Q. We just don't have stuff hanging from the ceiling in our  
24 tower cab anymore.

25 A. The clearance delivery, and I know other facilities, usually

1 clearance delivery is far removed --

2 Q. Um-hmm.

3 A. -- from the operation. With us, they were the closest  
4 position to that controller, because there's only one DSP screen  
5 between them. Sometimes they share it.

6 Q. Okay.

7 A. And the cab coordinator, like I said, was in the middle and  
8 he went straight into action. He was the closest to see, to read  
9 the call sign to the controller because sometimes, you know, we  
10 help each other out when you see something that's taking place,  
11 you can react quicker --

12 Q. Um-hmm.

13 A. -- than the person that's in the situation because you have  
14 the big picture. You see what's going on.

15 Q. Yes, so definitely, I appreciate it.

16 BY MS. KOSCHIG:

17 Q. I think the cab coordinator helped the local controller out a  
18 lot there. I get, you know, when you're in that situation. It's  
19 difficult.

20 A. And you did -- like I said, they are -- when I have a cab  
21 coordinator there, it's my second set of eyes on the operation.

22 Q. Um-hmm.

23 A. And he did what was expected of him --

24 Q. Um-hmm.

25 A. -- but also went above and beyond to jump in and scream a

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1 couple of times.

2 Q. Um-hmm.

3 A. And also while he saw the same incident that we saw and we're  
4 all probably, you know, in a tough position, I asked him also to  
5 step in and work the ground control position and help complete the  
6 runway change.

7 Q. Um-hmm. Yes, it's -- that's a lot to do after -- especially  
8 after doing -- going through that. The whole incident itself was  
9 only a few seconds, and so everything did kind of move very  
10 quickly.

11 What was -- I was going to ask a question. Yes -- oh, that's  
12 what I was going to ask. At that point, no one really knew what  
13 frequency American was on. Did that ever come across in the room  
14 or was -- probably -- did you even know that that was American-  
15 based that had gone out on the runway or do you know that because  
16 of the ASDE-X that --

17 A. We knew it --

18 (Crosstalk)

19 A. -- we knew it was him, but it didn't matter who had him on  
20 frequency.

21 Q. Um-hmm.

22 A. Because what was important was to get Delta to stop.

23 Q. Yes.

24 A. When you see it out the window and you see American going on  
25 the runway --

- 1 Q. Um-hmm.
- 2 A. -- you don't want to reach out to them at that point.
- 3 Q. Yes.
- 4 A. Because if you do, he might stop.
- 5 Q. Yes.
- 6 A. And we don't want him to stop.
- 7 Q. Yes, that's -- yes, that's kind of -- I always wanted to know
- 8 what your --
- 9 A. Yes --
- 10 Q. -- plan, you know --
- 11 A. -- yes.
- 12 Q. -- what would be normal. And it seems then -- yes, you're
- 13 right. You want things to keep moving.
- 14 A. Yes.
- 15 Q. I think that was horrible to see.
- 16 A. Yes.
- 17 Q. And because Delta really was -- he was picking up his speed.
- 18 Thank goodness everything worked out right there. But let's talk
- 19 about -- why do you think -- why did it happen? What are your
- 20 thoughts on that? How could American have -- I mean, you can't
- 21 think for American, but what are some thoughts?
- 22 A. Based on my discussion with him, I mean --
- 23 Q. Um-hmm.
- 24 A. -- he felt like he was given that clearance.
- 25 Q. Um-hmm.

1 A. So -- and that 31 Left was on the ATIS.

2 Q. Um-hmm.

3 A. But I've never had, like I said, maybe with the exception of  
4 three years not being here in the past 15 years, I've never had  
5 anyone tell me that they went to a runway based on the ATIS,  
6 because the ATIS clearly states runway 3-1 Left, Kilo-Echo for the  
7 southwest departures.

8 Q. Um-hmm.

9 A. American going to London is not -- it's going the opposite  
10 direction, so they expect -- it's expecting runway 3-1 Left. It  
11 didn't make sense. Tried to make more sense of it to see, you  
12 know, the runway sweep was called, maybe he hears runway 3-1 Left,  
13 he heard a couple of departures go to runway 3-1 Left at Kilo-  
14 Echo.

15 Q. Um-hmm.

16 A. He might have thought that he is going to runway 3-1 Left  
17 based on what he heard from ATC communication with other pilots.  
18 But even that would be runway 3-1 left at Kilo-Echo and not runway  
19 3-1 Left, full length. I don't know why they would, you know, go  
20 to the full length. I don't know why they would ignore the hold  
21 bar lights. I can't make sense of it, because the closest  
22 situation that I had was maybe 12 years ago when El-Al came out of  
23 one of the taxiways -- would tell him, and he shot across runway 4  
24 Left.

25 Q. Um-hmm.



1 A. But that incident, you know, he was told to follow JetBlue.  
2 He followed another JetBlue that was on the other side of the  
3 runway, so he shot across the runway to follow another aircraft.

4 Q. Um-hmm.

5 A. And I can't even compare that to that, because with El-Al  
6 maybe he'll say well, that's a JetBlue right there. I'll just  
7 ignore the one that just passed by. But this one, I just can't --  
8 I asked the pilot to just tell me what happened because I want to  
9 understand. And from what he explained to me, it's just nothing I  
10 can -- I can't make sense out of it. So I don't know why they  
11 would do it.

12 BY MR. KECK:

13 Q. Now when you talked to them, did they call on a recorded line  
14 or --

15 A. Yes.

16 Q. It was recorded?

17 A. Yes.

18 Q. And did you do a pilot record of conversation? Like did you  
19 write down everything he was saying or do you not --

20 A. No, I didn't write it down at the time because we had a lot  
21 going on, and the last thing I wanted to do was really talk to  
22 that pilot about that situation, because I have controllers that  
23 are looking to get relieved and operation to run a runway change  
24 to complete.

25 Q. So he called before he even departed, like on a cellphone?

1 A. Yes, he called twice. He called maybe a couple of minutes  
2 after the incident, and then he called 10 minutes after that.

3 Q. Okay.

4 A. So he called twice. And like I said, I called him back twice  
5 to try to give him the Brasher Warning --

6 Q. Um-hmm.

7 A. -- over the recorded line, versus it going out on frequency,  
8 because I preferred not to probably embarrass him, you know.  
9 There were probably 5 or 10 departures in that departure line that  
10 heard us say, you know, possible pilot deviation to American 106.  
11 So I tried to give that Brasher Warning to him on the recorded  
12 line, but he didn't pick up his phone.

13 Q. It went out on the frequency, I mean --

14 A. Yes.

15 Q. -- once works.

16 A. Yes, one or the other. Like I said, I prefer it to do it,  
17 you know, on a recorded line outside the line of everybody hearing  
18 what was going on.

19 Q. Okay. So you asked everybody else how they're doing. How  
20 were you doing?

21 A. I was off the next day, which helped.

22 Q. Yes, take the overtime shift and I get smacked with a deal,  
23 right?

24 A. Yes --

25 Q. You know, or a rolling incursion or something --

1 MS. KOSCHIG: Friday the 13th.

2 BY MR. KECK:

3 Q. -- that happened.

4 A. No, it's tough, it's tough. Because I was scheduled to go to  
5 the Poconos with a few friends that night.

6 Q. Um-hmm.

7 A. Had my bags in the car -- bag in the car to go there. Even  
8 after the incident, I thought I'd go clear my head, hang out with  
9 a good group of friends, because I know they would probably help  
10 me change the mood.

11 MS. KOSCHIG: Yes.

12 MR. OBEID: Put it that way.

13 MS. KOSCHIG: Oh, definitely.

14 MR. OBEID: Even though going home to my one-year-old would  
15 definitely do it. But --

16 BY MR. KECK:

17 Q. That's a different mood.

18 A. Yes, I was already packed and my wife was already at her  
19 parents' house. And I called her and I said I'm going home. She  
20 said you're not going to the Poconos? I said I could barely drive  
21 home right now, never mind driving two hours to the Poconos that  
22 evening. So, yes, I would say I was pretty shaken up on the drive  
23 home, but like I said, it's the worst I've seen, ever.

24 Q. Are you having trouble sleeping at all? Are you replaying it  
25 constantly or just one of those kind of --

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1 A. Not after the -- I mean, maybe the past week, yes, but not  
2 after that. That night, yes, I had trouble sleeping, but after  
3 that I went back to my normal routine.

4 Q. Did you reach out to EAP or anything or just --

5 A. No.

6 Q. -- handled it on your own?

7 A. Yes.

8 Q. Okay, just checking, making sure -- you know, we're all  
9 human, right?

10 A. Yes.

11 Q. I might be wearing a NATCA shirt, but I still care, you know,  
12 how your overall --

13 MS. KOSCHIG: Yeah, exactly.

14 MR. OBEID: Yes --

15 BY MR. KECK:

16 Q. -- health --

17 (Crosstalk)

18 A. -- and that's what I told the TMC when I -- I told her hey,  
19 sorry, I never asked how you were doing. I said, you know, I was  
20 shaken up myself. But -- yes. She just -- like I said, we have  
21 such a good group of people that, you know, they're in there and  
22 they're doing it, and nothing's going to stop us from completing  
23 the mission.

24 Q. Um-hmm. I get it.

25 BY MS. KOSCHIG:

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1 Q. Definitely. Is there anything you can think of that could  
2 build layers of safety, you know. Because it's -- yes, it's the  
3 same with us. We try to get our head around well, what could  
4 change, what could be different, what -- you know, we can't fix  
5 the pilots from them, you know, having some kind of expectation on  
6 what they're -- where they thought. Is there anything on ATCs end  
7 that could throw that extra layers, because it got down to the  
8 layer where the ASDE-X went off, which is great.

9 A. Yes, I think the main layer that we succeed at, which is eyes  
10 on the operation.

11 Q. Yes.

12 A. It went from being a thick layer to a thin layer --

13 Q. Yes.

14 A. -- due to the runway change. That's number one.

15 Q. Um-hmm.

16 A. Number two, the two -- if you look at the intersection of  
17 Kilo --

18 Q. Um-hmm.

19 A. -- the pilots have to go in a way towards Juliet in runway 4  
20 Left. They make it look like they're going there --

21 Q. Um-hmm.

22 A. -- just to make a 120, 130 degree turn back.

23 Q. Right.

24 MR. KECK: Turn left to go right.

25 MR. OBEID: Yes, they turn left to go right. And while Alpha

1 is an easier turn, it's also a direct turn onto 4 Left. We try to  
2 avoid using that. But it is used when we're really busy --

3 Q. Um-hmm.

4 A. -- and runway 3-1 Left has a long line to depart runway 3-1  
5 Left.

6 Q. Um-hmm.

7 A. We only have one open taxiway and that's Alpha --

8 Q. Yes.

9 A. -- to get to the -- to get to 4 Left. So we would have to  
10 use that Alpha taxiway --

11 Q. Okay.

12 A. -- to get to runway 4 Left and it's used a lot in the summer.

13 And summer after summer, we're 100 percent, nothing happens.

14 BY MR. ALLEGRINI:

15 Q. So you're backed up 3-1 Left Kilo-Echo on Bravo, so you go  
16 Alpha to Kilo.

17 A. Yes.

18 Q. Okay.

19 A. I believe a few days before this incident, there was a  
20 brickyard that was heading towards runway 4 Left, accidentally.

21 Q. On Alpha?

22 A. On Bravo. He did what American did, but was stopped by ATC  
23 -- by us before the ASDE-X alarmed. And that's the thick layer  
24 that we have before the technology kicks in.

25 Q. So you say brickyards, I'm assuming it was a smaller --

1 A. Yes, E1 --

2 (Crosstalk)

3 A. Yes, E175.

4 Q. Okay. So he probably didn't have to make the left to go  
5 right. So as soon he started left, I'm sure you guys were,  
6 like --

7 A. Yes --

8 Q. -- that's not right.

9 A. -- we stopped him immediately.

10 Q. Yes, whereas a wide-body you might think oh, I got to watch  
11 this guy, make sure he comes back to the right.

12 A. Yes.

13 Q. Yes.

14 A. And it's -- and if you look at that angle --

15 MS. KOSCHIG: Um-hmm.

16 A. -- from Kilo where they're supposed to turn until the point  
17 where you -- now you know they didn't turn.

18 Q. Right.

19 A. It's about 200 feet.

20 MS. KOSCHIG: Yes.

21 MR. KECK: Yes, once they're committed into it.

22 A. Yes, and then once they pass that 200 feet, it's only another  
23 200 feet before they enter runway 4 Left. So it's -- we have a  
24 great training program here. And when you're down here and you're  
25 given that map, this is a hotspot. Every trainer, every training

1 specialist down here, when they teach the class, these are the  
2 hotspots here.

3 Q. Interesting.

4 A. That is the hotspot. That is the main hotspot, because it is  
5 not just the geometry of the turn, but just the amount of traffic  
6 that goes through that intersection.

7 Q. To a point, yeah.

8 A. And it's the sequencing point for two runways.

9 BY MS. KOSCHIG:

10 Q. Right. And this is the thing. I'm glad you brought that up  
11 because we were talking about this earlier with the airport. You  
12 guys are teaching it as being a hotspot. Why -- do you know why  
13 it's not indicated on the airport diagram?

14 A. I believe it is.

15 MR. KECK: It's not, unfortunately.

16 MR. OBEID: They have it in the Jeppesen.

17 MS. KOSCHIG: Oh, the Jeppesen -- not on the --

18 MR. KECK: So we -- I literally just said that before you  
19 came in. We were talking about it. It's not on the federal chart  
20 and --

21 MS. KOSCHIG: Right.

22 BY MR. KECK:

23 Q. -- Jeppesen posts all kinds of good stuff, but we're not  
24 privy to it unless you subscribe to it.

25 A. Yes.



1 Q. So I don't know what the Jepp charts have. What other  
2 hotspots do you think you've got that they train? If that's the  
3 main one, because -- you know, on the opposite end of the field, I  
4 don't know your configuration if you have the same thing happening  
5 at Bravo-Echo and Yankee-Alpha, you know.

6 A. No.

7 Q. I don't know.

8 A. Not even close.

9 Q. It --

10 A. That one's not as bad.

11 Q. It looks like it's a similar set-up as far as the taxiway  
12 goes, but --

13 A. Yes. That's the main hotspot at the airport, and that's the  
14 only one I can recall --

15 Q. Okay.

16 A. -- being trained of it being a hotspot.

17 BY MS. KOSCHIG:

18 Q. Yes, that's great to know. I mean, because what we're seeing  
19 on the map -- on the airport diagram is the pilots needs to know  
20 this, so I'm sure most of the pilots do the Jepps. But it's got  
21 to -- it should be on the federal --

22 MR. KECK: Right.

23 MS. KOSCHIG: -- charts as well.

24 BY MR. KECK:

25 Q. And that's what we're talking -- even at my airport, the Jepp

1 charts have all kinds of extra stuff and when a pilot's asking me  
2 about it, I have no idea.

3 A. Um-hmm.

4 Q. Because all we have -- that's all we get. We get the Jepp  
5 chart -- or the federal charts and I don't know what you mean. I  
6 don't show anything on the non-movement area, I don't show  
7 anything over here. You know, some of this stuff's local  
8 knowledge, but if you don't know, you don't know.

9 A. Yes.

10 MS. KOSCHIG: Do you think any type of additional markings or  
11 signage would help the pilots?

12 MR. ALLEGRINI: Or a geometry change, too --

13 MS. KOSCHIG: Yes.

14 BY MR. ALLEGRINI:

15 Q. -- like if they added a fillet to that turn, would that help?

16 A. Well -- excuse me -- we have a totally useless taxiway right  
17 next to it, which is Kilo-Delta.

18 MS. KOSCHIG: Um-hmm.

19 MR. OBEID: It's completely useless. It leads to nothing.  
20 It's like going to a dead-end and you can't even make a U-turn at  
21 that dead end then you have to back up. That taxiway's totally  
22 useless, Kilo-Delta.

23 MS. KOSCHIG: Um-hmm.

24 MR. OBEID: It needs to merge with Kilo and have a smooth  
25 flow onto Kilo.

1 MR. KECK: Right, cut that corner there coming --

2 MR. OBEID: Yes.

3 MR. KECK: -- off of Bravo.

4 MR. OBEID: Kilo-Delta does nothing for our operation.

5 BY MS. KOSCHIG:

6 Q. Has there been any talks about that? Do you know if this --  
7 it's been brought up to anyone else that could probably do some  
8 kind of redesign, I mean, with airports? Is any discussion --

9 A. No.

10 Q. Oh, you know, it's a good suggestion and maybe that's  
11 something that they can, you know, we can definitely -- you know,  
12 I know that you're going to talk with the FAA guys right after  
13 this, right? So --

14 A. Yes.

15 Q. -- I would definitely bring that up to them because runway  
16 safety's in that meeting.

17 A. Yes.

18 Q. And he definitely can take a look at some things on that. So  
19 -- but that's a good thing. So, I mean, there could be some  
20 possible mitigations here.

21 A. Because there's nothing, like I said, that we could have done  
22 differently --

23 Q. Right.

24 A. -- other than not have a useless runway change.

25 Q. Um-hmm.

1 A. But what the airport operator can do is make that adjustment.  
2 And the crew, like you said, it's just what they expected. It's  
3 already --

4 Q. Yes.

5 A. -- fixed in their head and that's what they're going to do.  
6 Nothing else could have stopped them.

7 Q. Right. Yes, exactly. But it brings to light the fact that  
8 there is an issue in that, you know, like you said with brickyard  
9 and, I mean, who knows if there would have been -- if it may be  
10 something different in that area on -- down there that maybe would  
11 have triggered something. I don't know, I'm just trying to think  
12 out loud on things with that. Like you said, we're trying to get  
13 our head around it as well.

14 A. I mean, when you look at a runway incursion that took place  
15 ten years ago involving Egypt Air --

16 Q. Um-hmm.

17 A. -- when they come out of taxiway Hotel here --

18 Q. Um-hmm.

19 A. -- it was a straight shot --

20 Q. Um-hmm.

21 A. -- to make the left on Bravo. So they come out of Hotel,  
22 they --

23 Q. Um-hmm.

24 A. -- turn left on Bravo.

25 Q. Um-hmm.

- 1 A. It's a 90-degree turn.
- 2 Q. Right.
- 3 A. So even prior to Egypt Air, at Hotel --
- 4 Q. Um-hmm.
- 5 A. -- it was Israir where taxiway Alpha was closed so they were  
6 given left Bravo.
- 7 Q. Um-hmm.
- 8 A. Israir, because Alpha's closed, they thought it was the  
9 lights were turned off, they thought Bravo was Alpha and the  
10 runway was Bravo. They turned left on the runway, versus Egypt  
11 Air, about ten years ago, just crossing into the runway and then  
12 stopping, and then making a few 180s because they were -- they  
13 didn't know what they were doing. And that led to that taxiway  
14 being zigzagged. You see Hotel doesn't --
- 15 Q. Yes.
- 16 A. -- come straight out anymore.
- 17 Q. Right.
- 18 A. Now they have to make a 90-degree turn to the right, 90-  
19 degree turn to the left, and then another 90 degrees to the left  
20 again --
- 21 Q. Um-hmm.
- 22 A. -- just to come out of the ramp. And that was done after the  
23 Egypt Air incident. And because they knew it was the second one  
24 following Israir.
- 25 Q. Um-hmm.

1 A. That actually needed to take --

2 MR. KECK: So they made a nationwide change, because they  
3 just -- messed up my whole airport, too. You can no longer have a  
4 taxiway coming from the ramp straight to the runway.

5 MS. KOSCHIG: Right.

6 MR. OBEID: We still do. We have Golf, we have Foxtrot --

7 MS. KOSCHIG: Um-hmm.

8 MR. OBEID: -- we have --

9 MR. ALLEGRINI: Delta --

10 MR. OBEID: We have a lot of them.

11 MR. ALLEGRINI: -- Whiskey, yes.

12 MR. OBEID: But they're doing it --

13 MR. ALLEGRINI: So --

14 MR. OBEID: -- in phases.

15 MR. ALLEGRINI: Yes, it's --

16 MR. OBEID: They started -- they're giving us -- we don't  
17 have -- like we used to have Charlie-Echo. Now it's Charlie 4,  
18 Charlie 5.

19 MS. KOSCHIG: Um-hmm.

20 MR. OBEID: So they're more going to ICAO standards.

21 MS. KOSCHIG: Right.

22 MR. OBEID: It's a work in progress.

23 MS. KOSCHIG: Yes.

24 MR. KECK: I would not want to memorize this map.

25 BY MR. ALLEGRINI:

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1 Q. Who normally participates in the RSATs from the facility? Is  
2 it generally the support staff and --

3 A. It's both. We have a couple of controllers. We have a  
4 supervisor when we have the ops manager.

5 Q. Oh, okay.

6 A. Yes. Good group of mix.

7 Q. I wonder what that would be like this year? It'll be  
8 interesting to see if they bring that stuff up, I bet they will.

9 BY MR. KECK:

10 Q. How many sups do you guys have here?

11 A. Currently we have four.

12 Q. Four sups. You got, what, 40 controllers?

13 A. About maybe 34 controllers.

14 Q. Okay. And then one on? You're --

15 A. One on --

16 (Crosstalk)

17 A. -- yes.

18 Q. -- your acting ATM?

19 A. Yes. We have one sup -- new supervisor that's coming and one  
20 that's on a temp detail.

21 Q. Okay.

22 A. We're supposed to have six supervisors.

23 Q. Okay.

24 MS. KOSCHIG: You guys got any more questions?

25 MR. ALLEGRINI: No, this was a very -- insightful, for sure.

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Balt. & Annap. [REDACTED]

1 MS. KOSCHIG: Oh, definitely.

2 MR. KECK: That was good.

3 MS. KOSCHIG: You were very helpful. Gave us a lot of  
4 insight on some different things and -- yes, there's that, you  
5 know -- your guys did a great job responding. Not crossing -- you  
6 know, not saying anything to American helped the situation. I  
7 think that's probably kind of what's being trained, right?

8 MR. KECK: We're all in agreement on that.

9 MS. KOSCHIG: Yes, not saying anything is the best --

10 MR. ALLEGRINI: Yes.

11 MS. KOSCHIG: -- is the best --

12 MR. KECK: Your local controller --

13 MS. KOSCHIG: -- measure on this one.

14 MR. KECK: -- responded to the ASDE alert appropriately.  
15 Your ground controller just didn't mess with the guy that's, you  
16 know, causing the issue. I think we're all in agreement with  
17 that.

18 MR. ALLEGRINI: Your cab coordinator was there to hold it all  
19 together.

20 MR. KECK: The voice of reason in the back.

21 MR. ALLEGRINI: Anthony, right?

22 MR. OBEID: Anthony, yes. He did an excellent job.

23 MS. KOSCHIG: I sure hope they come back to work soon.

24 MR. OBEID: Yes.

25 MS. KOSCHIG: Yes, because they had a lot of good input that



1 -- it's good to get to talk about the safety and the things. Is  
2 there anything else that we didn't ask that you thought we were  
3 going to ask?

4 MR. OBEID: No, I have nothing to add.

5 BY MS. KOSCHIG:

6 Q. Anything else you want to talk about that you thought would  
7 be good for safety -- safety issues that maybe you would mention  
8 since we're here and there's a lot of light being put on safety  
9 and -- it's -- I know these incidents are horrible when they  
10 happen. But sometimes some good can come out of them, and that's  
11 what we try to see on our end is what is going on that can be  
12 helped, that there's an issue, that maybe just being -- kind of  
13 like, well, that's the way it always has been so we have to deal  
14 with it.

15 A. No, I think you asked all the right questions. I think we're  
16 in a good place. I think the safety culture has changed, not just  
17 in facilities but nationwide with the agency --

18 Q. Um-hmm.

19 A. -- to work together as a team, to improve the safety culture  
20 and improve safety.

21 Q. All right.

22 A. Yes. It's unfortunate this took place.

23 Q. It is unfortunate and we're -- we always have that mindset.  
24 We try to find something good that comes out of it. And one of  
25 the things I think is it did shine a light that this can't happen.

1 And I think for you guys, it's going to be such a great training  
2 aid for the new controllers to come in, their awareness. I'm  
3 guessing there's probably even been a little change as far as what  
4 the pilots are -- their awareness here. I mean, there was -- you  
5 know, hopefully, you're seeing something.

6 MR. KECK: Do you guys have --

7 MR. OBEID: Yes, I mean, I think I've spoken to a few pilots,  
8 just pilot friends, and we're just, you know, this became a news  
9 story so everyone is aware of it. The Port Authority, I've  
10 noticed a couple of nights after that incident where they would  
11 have a vehicle blocking Juliet.

12 MS. KOSCHIG: Oh.

13 MR. OBEID: But that's something that -- it's not  
14 sustainable.

15 MR. KECK: Right.

16 MS. KOSCHIG: Right.

17 MR. OBEID: But we did notice it and we still notice it.

18 BY MR. KECK:

19 Q. Do you guys have a TSS here?

20 A. We do.

21 Q. That might be something that goes in, you know, unusual  
22 situations or --

23 MS. KOSCHIG: Um-hmm.

24 Q. -- future training, you know, as part of a scenario for --

25 A. Yes.

1 Q. -- a ground controller to see and a local controller to work  
2 with, too.

3 A. Yes.

4 MR. ALLEGRINI: During a runway change?

5 MR. KECK: Um-hmm.

6 MR. KOSCHIG: Yes, oh yes.

7 MR. KECK: Oh, this will never happen, but it did.

8 MR. OBEID: Yes.

9 MR. KECK: You know. Just thoughts to, you know, keep future  
10 generations of controllers working and you're learning from it,  
11 you know, instead of just well, so and so had this once, it'll  
12 never happen again.

13 MR. OBEID: Yes.

14 MR. KECK: It'll never happen to me, because that's when  
15 complacency sets in.

16 MR. OBEID: I agree.

17 MS. KOSCHIG: Okay. I don't have any other questions. Okay,  
18 then, let's go ahead and end our interview at 10:51.

19 (Whereupon, at 10:51 a.m., the interview was concluded.)  
20  
21  
22  
23  
24  
25

CERTIFICATE


This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:           NEAR-MISS TAKEOFF INCIDENT BETWEEN  
AMERICAN AIRLINES & DELTA AIRLINES  
AT JFK INTERNATIONAL AIRPORT IN  
QUEENS, NEW YORK ON JANUARY 13, 2023  
Interview of Yahay Obeid

ACCIDENT NO.:               DCA23LA125

PLACE:                       Queens, New York

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.

  
\_\_\_\_\_  
Maria Socorro R. Abellar  
Transcriber