

Amtrak #188 Engineer Indicted in PA for Manslaughter

On May 15th, 2015, Amtrak train #188 accelerated into a 50 mph curve and derailed at roughly twice the authorized speed, resulting in the train derailing and the subsequent deaths of eight passengers and injuries to another 200. The engineer of the train - Brandon Bostian - cannot recall the actual event, and may never regain any memory of what happened.

In its report issued a year later on May 17th, 2016, the National Transportation Safety Board (NTSB) concluded that Bostian must have lost his "situational awareness" in the face of numerous distractions around the time of the wreck. Apparently, two trains in the vicinity of Bostian's had been "rocked" by vandals, one having had its windshield shattered just minutes before Amtrak #188 was to derail. According to NTSB, radio chatter around this unfolding drama, coupled with possible concerns for his own safety, led Bostian to become distracted as to his whereabouts. Investigators said Bostian was not on his phone and was not under the influence of drugs or alcohol, and his lawyer has said he has no recollection of the events leading to the derailment.

Bostian remains on indefinite leave from the company (Amtrak) for lack of evidence upon which to charge him. And in mid-May, the Philadelphia District Attorney's office closed its investigation and declined to press charges stating, "We cannot conclude that the evidence rises to the high level necessary to charge the engineer or anyone else with a criminal offense." Then on May 15th, two years to the day after the fatal wreck, the Pennsylvania Attorney General's office charged the engineer with involuntary manslaughter and reckless endangerment.

Like the rail workers in Canada, Bostian's criminal trial is set for September. And like them, he is not a criminal and should not be charged as such. The dissenting member of the NTSB - Vice Chair T. Bella Dinh-Zarr - stated that the lack of Positive

Amtrak engineer Brandon Bostian was at the throttle when Amtrak #188 derailed on a curve just east of Philadelphia two years ago. It is generally understood that the engineer was a model employee with a good work record, high morale, and a love and respect for his job. Given the results of both Amtrak's and the NTSB's investigations, there is no evidence to charge him with a crime. Nevertheless, the State of Pennsylvania will put Bostian on trial this fall despite both Amtrak and the Philadelphia DA's office stating that there is no grounds for further action against him.



Train Control (PTC), not the engineer's supposed loss of situational awareness, was the primary target behind the disaster. Her claim is the starting point for other systemic factors which lie behind the wreck, including decades of deferred maintenance of the Northeast Corridor, failure to employ the use of a simple transponder that would have restricted the ability of the train to achieve such a dangerous speed at that location, the recent changes to work schedules that were unilaterally imposed by Amtrak upon engineers over the objections of the rank and file just weeks before the crash, failure to secure the area from vandals despite its record of vandalism, etc.

Brandon Bostian may or may not be a good engineer. Opinions may differ. But he is certainly not a criminal and as such, all charges against him should be dropped.