PUBLIC TRANSPORTATION SAFETY BOARD
ABBREVIATED BUS ACCIDENT REPORT

1. CASE#: 10060
2. PROPERTY NAME: MTA NYCT
3a. ACCIDENT TYPE: Head on
3b. Accident Severity Index: 0.65
4a. DATE: January 11, 2009
4b. TIME: 2:20 p.m.
5. ACCIDENT LOCATION: Fulton Street between Albany and Throop Avenues
6. TOWN/CITY/BOROUGH: Brooklyn, NY
7. SUMMONS: No
8. BUS NUMBER: 4953
8a. YEAR: 1999
8b. MAKE: Nova/RTS-06
9. NUMBER OF INJURIES: 13
10. FATALITIES: 0
11. HOURS OF SERVICE: 7 hr 52 min in last 24 hrs/34 hrs 32 min in last 7 days
12. SYNOPSIS:

At approximately 2:20 p.m., MTA New York City Transit (NYCT) bus #4953 was traveling west on Fulton Street between Albany and Throop Avenues when the bus driver moved left, straddling the solid double yellow center lane markings, to go around a double parked auto. Subsequently the bus driver observed an auto traveling in opposite direction and also straddling the solid double yellow center lane marking approaching at high speed. The bus driver braked and sounded the horn but a head-on collision occurred between the bus and auto. The auto driver and 12 of the 25 bus passengers claimed various injuries and were transported to local hospitals for treatment. The auto driver was admitted to the hospital for treatment of non-life threatening injuries. The injured bus passengers were treated for their injuries and released following treatment. The bus sustained moderate damage and the auto extensive damage from the collision.

In the vicinity of the accident Fulton Street is a 42 foot wide two-way east/west roadway divided by a solid double yellow pavement marking into one travel/parking lane in each direction. At the time of the accident it was daylight, the weather was clear and the roadway was dry. The area speed limit is 30 mph.

Bus #4953 is a 1999 Nova/RTS-06 transit type bus housed and maintained at the East New York Depot with a seating capacity of 40 passengers. A review of the bus records showed that Preventive Maintenance Inspections are performed at regular 4,000 mile intervals, the most recent was completed on December 3, 2008 and the bus had traveled 3,594 miles since then. There were no safety or recurring defects noted in the 45 days prior to the accident. Physical inspection of the bus on January 12, 2009 found no defects that could be considered a causative factor in the accident. The inspection showed moderate collision damage to the front of the bus. Decelerometer tests were performed on the bus’ braking systems and showed stopping distances that met the MTA NYCT adopted standards for passenger vehicles of NYS DOT Regulations (Title 17 of NYCRR, Article 3, Part 720).

The bus driver was hired by the MTA NYCT on October 9, 2000 and completed the New Bus Operator Training Program. A review of the driver's Department of Motor Vehicles records for the past three years showed no violations or convictions. NYS Vehicle & Traffic Law, Article 19-A records were reviewed and found to be complete, in-order and up-to-date. A review of the driver's NYCT accident record for the past three years showed one preventable collision accident (08/11/06-1st non-major).
Post accident drug and alcohol tests performed on the bus driver upon his release from the accident scene, 3 hours and 4 minutes from the time of the accident, were negative.

In an interview the bus driver indicated that after passing a double parked auto on eastbound Fulton Street he observed an auto traveling at high speed and straddling the center lines approaching the bus from the opposite direction. The bus driver said that he braked and sounded the bus horn but the auto kept coming and collided head-on with the front of the bus before he could stop.

Two witnesses to the accident made the following statements:

Witness #1 (male) was one of the bus passengers who claimed to have been injured in the collision. The witness indicated that he was seated on the right side of the bus in the 4th forward facing seat when he observed an auto pass a double parked box truck (crossing the center markings) and after doing so made no attempt to return to the proper lane. The witness also said that the bus driver blew the horn before the collision.

Witness #2 (female) was a pedestrian who indicated that she observed the auto turn left from the parking lot of a McDonalds onto Fulton Street (going east) and move straight (straddling the yellow lines) towards the bus, which was moving around a double parked auto.

There was no evidence of pre collision braking on the part of the auto driver. The bus, however, left skid marks on the pavement. The post accident download of the bus Electronic Control Module (ECM) showed that 4 seconds before the last stop (braking) the bus was traveling at approximately 18 mph with 0% throttle (no acceleration).

The MTA NYCT trains all bus drivers in defensive driving techniques for safe operation of the bus in all types of operating conditions. The training for traveling around obstructions in the path of the bus emphasizes the importance of only performing such a maneuver when it is absolutely necessary. Prior to attempting such a maneuver scan ahead to insure that it is safe to perform the maneuver and that when performing such a maneuver, insure that there is sufficient room to safely initiate and complete the maneuver. Additionally, the training recommends that the maneuver be performed at a much reduced speed.

Although the witness statements conflict as to where the auto came from, both statements, indicate that the auto was straddling the solid yellow center lines of eastbound Fulton Street prior to the collision with the bus.

Public Transportation Safety Board staff finds that the probable cause of this accident is shared equally by both drivers; the auto driver for failing to return to the east bound travel lane and the bus driver for failing to adhere to his training for safely proceeding around a road obstruction.
MTA NYCT Department of Buses, after reviewing the facts concerning the accident found the accident to be preventable. On January 15, 2009 the bus driver attended a Performance and Evaluation class and qualified for returning to passenger service. He will also be given with undercover check rides. On March 6, the bus driver was issued, and appealed, a 20 day suspension.

Based on the action taken by the MTA New York City Transit regarding this accident, the Public Transportation Safety Board staff makes no recommendation in this case.

INVESTIGATOR: Harry W. Gerham

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CHIEF, ACCIDENT INVESTIGATION SECTION   DATE

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DIRECTOR, PCSB, NYSDOT   DATE