September 20, 2006

Mr. Lawrence Meckler  
Executive Director  
Niagara Frontier Transportation Authority  
181 Ellicott Street  
Buffalo, NY 14205

RE: PTSB CASE #8496

Dear Mr. Meckler:

The Public Transportation Safety Board received notice of a fatal accident involving the Niagara Frontier Transportation Authority (NFTA), which occurred at the intersection of Court and Pearl Streets, in the City of Buffalo, New York, on April 28, 2005.

Based on a review of the enclosed Abbreviated Report, no further action is necessary.

Sincerely,

John F. Guinan  
Executive Director  
Public Transportation Safety Board

Enclosure
At approximately 6:40 pm, NFTA bus #2117 was traveling westbound on Court Street in the left lane. The operator stopped at a red traffic signal. A pedestrian was crossing in the crosswalk from east to west side of Pearl Street when the signal changed to green, the bus operator initiated a left turn onto Pearl Street (one way). The bus struck the pedestrian with the left side of the bus rear tandems passed over her body. The operator notified dispatch of the accident. The NFTA Transit Police, Buffalo Fire Department and Erie County Medical Examiner’s office responded to the scene. The 54 year old female was pronounced dead at the scene by the medical examiner. The bus operator and 4 passengers claimed no injuries.

In the vicinity of the accident site, Court Street is a two-way road divided by a full barrier yellow pavement marking, accommodating two eastbound and two westbound travel lanes. Pearl Street is a one-way road accommodating three southbound travel lanes. Both roadways are asphalt paved, straight and level. At the time of the accident it was daylight and the weather was dry and clear. The posted area speed limit is 30 mph.

Bus #2117 is a 2001 forty-foot transit type bus with a seating capacity for forty-four passengers. Preventive Maintenance Inspections (PMI) are conducted every 6,000 miles in accordance with the NFTA's System Safety Program Plan and the manufacturer’s recommended service intervals. In addition, all NFTA buses undergo a critical safety inspection every 3,000 miles. The last PMI was completed on April 18, 2005 and the bus had traveled 1,138 miles at the time of the accident. A post accident inspection of bus #2117 was conducted by the Public Transportation Safety Board (PTSB) staff in conjunction with NFTA maintenance staff on May 2, 2005. No defects were found that would be considered causative to the accident. Decelerometer tests were performed on the braking system and showed stopping distances that met the NFTA adopted standards for passenger vehicles of NYSDOT Regulations (Title 17of NYCRR, Article 3, Part 720).
The bus operator was hired by NFTA on October 21, 2001 and completed the standard bus operator and defensive driving training. A review of the driver's New York State Department of Motor Vehicle's records showed no violations or suspensions. Article 19-A records were found in order and up to date. A review of the driver's NFTA record for the last three years revealed one preventable accidents on 09/29/2004 (Bus rear ended auto; 2 points). A post accident drug and alcohol test was administered to the bus operator 1 hr and 46 minutes after the accident. The results were negative.

NFTA uses a bus accident reduction program based on a point system for metro operators. When total points reach specified levels, certain personnel actions will occur (retraining; discipline). The number of points assigned is based on type, severity of the accident and on any mitigating or contributing factors. Assigned points drop off the operator's record 12 months after each accident.

<table>
<thead>
<tr>
<th>Bus Accident Reduction Program</th>
<th>Points</th>
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<tbody>
<tr>
<td>A. Re-instruction by Supervisor</td>
<td>1</td>
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<tr>
<td>B. One Day Defensive Driving Review</td>
<td>4</td>
</tr>
<tr>
<td>C. One Week Suspension and Final Warning before Termination</td>
<td>8</td>
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<tr>
<td>D. Termination</td>
<td>12</td>
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In an interview with the PTSB Staff, the operator indicated she was traveling west on Court Street and stopped at a red light. The operator stated a passenger came up to her and asked where he could catch the number 5 bus, she said, I will drop you off at Church Street. The light turned green and she proceeded to make a left turn onto Pearl Street and heard a thump noise. The operator stated I immediately looked in my left side mirror and saw a person lying in the street with the left rear wheels making contact. The operator said she pulled the bus to the curb on Pearl Street. The operator stated she called control for assistance.

The Public Transportation Safety Board staff finds that the most probable cause of the fatal bus accident was the failure of the bus operator to adhere to her defensive driving skills and training.

NFTA reviewed the accident on March 13, 2006, and found it to be preventable. The bus operator received a total of 10 points. A letter rating the accident preventable was placed in her file. The bus operator is presently out on compensation.

As of July 8, 2006 the operator is continuing to receive Workers’ Compensation benefits. The operator has agreed with the NFTA Director of Human Resource and her Union Representative that once she is medically cleared to return to work, she will remain on a unpaid leave of absence until she successfully bids on a position that does not involve operating a public transit vehicle in passenger service at any time in the future. If she is not successful in securing a position within one year of her being medically cleared to return to duty, she will be considered as having voluntarily resigned her employment with NFTA.
Based on the actions taken by NFTA in this case, the Public Transportation Safety Board staff makes no further recommendations.

INVESTIGATOR: MIKE GLUSKIN

__________________________________________  _______________________________________
CHIEF, ACCIDENT INVESTIGATION SECTION       DATE

__________________________________________  _______________________________________
DIRECTOR, PCSB, NYSDOT                      DATE