November 20, 2006

Mr. Lawrence G. Reuter, President
MTA New York City Transit
2 Broadway
New York, NY 10004

RE: PTSB CASE #8651

Dear Mr. Reuter:

The Public Transportation Safety Board received notice of a multiple injury bus accident involving the MTA New York City Transit, which occurred on Bay Ridge Avenue at the intersection with Sixth Avenue, Brooklyn, NY, on September 2, 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
ABBREVIATED BUS ACCIDENT REPORT

1. CASE#: 8651
2. PROPERTY NAME: MTA NYCT
3a. ACCIDENT TYPE: Angle Collision
3b. Accident Severity Index: 0.60
4a. DATE: September 2, 2005
4b. TIME: 2:15 p.m.
5. ACCIDENT LOCATION: Bay Ridge Avenue at Sixth Avenue
6. TOWN/CITY/BOROUGH: Brooklyn, NY
7. SUMMONS: No
8. BUS NUMBER: 9105
8a. YEAR: 1996
8b. MAKE: Nova/RTS
9. NUMBER OF INJURIES: 12
10. FATALITIES: 0
11. HOURS OF SERVICE: 5 hr 51 min in last 24 hrs/61 hrs 24 min in last 7 days
12. SYNOPSIS:

At approximately 2:15 p.m., MTA New York City Transit (NYCT) bus #9105 was traveling south on Bay Ridge Avenue and entering the intersection with Sixth Avenue when a Sport Utility Vehicle (SUV) traveling east on Sixth Avenue, right to left to the path of the bus, entered the intersection and collided with the right front corner of the bus. The bus driver, nine of the 15 bus passengers, the SUV driver and passenger all claimed minor injuries and were transported to local hospitals where they were all (with the exception of one bus passenger who left the hospital prior to being treated) treated and released. Both vehicles were extensively damaged from the collision. Both the bus and SUV driver claimed that the other driver had failed to stop for the red traffic signal. However, no summonses were issued.

In the vicinity of the accident site Bay Ridge Avenue is a 36 foot wide two-way east/west roadway divided by a double yellow barrier pavement marking into one travel lane in each direction. Parking is permitted at both curbs. Sixth Avenue is a 50 foot wide two-way north/south roadway divided by a double yellow pavement marking into one travel lane in each direction. Parking is allowed at both curbs. The intersection presents no sight restrictions for traffic in either direction. The intersection is controlled by standard overhead traffic signals which, at the time of the accident investigation, were functioning as designed. Both roadways are asphalt paved, straight, level and in generally good condition. At the time of the accident it was daylight, the weather was clear and the pavement was dry. The area speed limit is 30 mph.

Bus #9105 is a 1996 Nova/RTS transit type bus housed and maintained at the Ulmer Park 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 (±500 miles), the most recent was completed on August 18, 2005 and the bus had traveled 1,131 miles since then. There were no safety or recurring defects noted in the 45 days prior to the accident. An inspection of the bus on September 5, 2005 found, other than collision damage associated with the accident, no defects that could be considered a causative factor in the accident. Decelerometer tests performed on the bus’ braking systems marginally failed to meet the stopping distances required by the MTA NYCT adopted standards for passenger vehicles of NYS DOT Regulations (Title 17 of NYCRR, Article 3, Part 720). Further inspection of the braking systems found that the bus brake drums were worn. A four wheel reline was performed and the bus then met the required braking standards.

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The bus driver was hired by the MTA NYCT on June 2, 2003 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, convictions or suspensions. 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 since his day of hire showed two collision accidents. The first occurred during probation (09/24/03-counseling) and the second was rated non-preventable (02/20/05). The record also showed an unsatisfactory check ride (10/03) where the driver was cited for failing to observe traffic on a cross street while approaching and entering an intersection. Post accident drug and alcohol tests performed on the bus driver upon his release from the hospital, 2 hours and 55 minutes from the time of the accident, were negative.

In an interview the bus driver indicated that he was traveling on Bay Ridge Avenue and approaching the intersection with Sixth Avenue at a slow rate of speed. The bus driver said that as he entered the intersection on a steady green light, with the brake covered, he observed an SUV, moving at a high rate of speed from his right to left, run the red light and enter the intersection. The bus driver further indicated that he braked heavily but the SUV continued and collided with the right front side of the bus.

In an interview with one of the injured bus passengers, seated in the first forward facing seat on the right side of the bus, indicated that the traffic signal for the direction of travel for the bus had changed from green to yellow prior to the bus entering the intersection. The witness, however, was unable to say how far the bus was from the intersection when the light changed.

In an interview with a second witness, seated behind the bus driver, indicated that the bus was already in the intersection when she observed an SUV, coming from the bus driver’s right, also enter the intersection. The witness also indicated that the driver of the SUV seemed to be distracted, possibly talking on a cell phone, when he drove into the intersection.

The MTA NYCT Office of System Safety (OSS) provided the Public Transportation Safety Board (PTSB) staff with a copy of a statement made by an MTA NYCT Department of Buses (DOB) road superintendent indicating that a cell phone was observed lying on the driver’s side floor of the SUV, next to the accelerator pedal.

The NY Police Department’s accident report indicated that both drivers claimed that the other driver failed to stop for the red light.

Although both vehicles had been moved from their final rest positions, inspection of the accident scene yielded the following information:

- Based on the skid marks and the debris field it was determined that the collision occurred at the intersection of the southern travel lane of Bay Ridge Avenue and the eastern travel lane of Sixth Avenue after the transit bus having traveled approximately 35 feet and the SUV 12 feet into the intersection.

- Utilizing data collected from the accident scene and accepted accident reconstruction...
formulas the PTSB staff calculated that the minimum speed of the bus ranged from 25 to 28 mph.

- There was no evidence of pre collision braking by the SUV.

The MTA NYCT trains all bus drivers in defensive driving techniques for safely approaching and traversing intersections, statistically one of the most hazardous points on a bus driver’s route. These techniques include, but are not limited to, scanning for and recognizing potential hazards and anticipating the careless or illegal actions of other drivers.

Public Transportation Safety Board staff finds that the probable cause of this accident was the failure of the driver of the SUV to yield right of way to the bus, possibly due to cell phone use distraction. Also contributing to the accident was the failure of the bus driver to adhere to his training for safely approaching and traveling through an intersection.

On September 9, 2005 the bus driver reported to the MTA NYCT Training Center where, after the facts surrounding the accident were reviewed, the accident was rated preventable. The bus driver’s driving skills were also evaluated, the driver was retrained and it was recommended that he be returned to passenger service. On November 18, 2005 the MTA NYCT Department of Buses assessed the bus driver a 10 day suspension, which was appealed by the bus driver. At a hearing on December 9, 2005, the suspension was reduced to 5 days and accepted by the bus driver.

Based on the action(s) taken by the MTA New York City Transit regarding this driver, 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