November 20, 2006

Mr. Dale J. Sulpy, Director
NJ Transit Bus Operations, Inc.
180 Boyden Avenue
Maplewood, NJ 07040

RE: PTSB CASE #8690

Dear Mr. Sulpy:

The Public Transportation Safety Board received notice of a fatal bus accident involving New Jersey Transit, which occurred on 10th Avenue at 36th Street, Manhattan, NY, on October 14, 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 7:00 pm, New Jersey Transit (NJT) bus #7774 was traveling eastbound on 36th Street making a left turn onto 10th Avenue on a green traffic signal. At the same time a female pedestrian was crossing the northern crosswalk of 10th Avenue on a “walk” signal, from the bus driver’s left to right. The left side of the bus knocked the pedestrian down to the pavement and the left front wheel of the bus ran over the upper body of the pedestrian. The pedestrian was pronounced dead at the scene. The Accident Investigation Squad 1 and NYC Police responded to the accident and no summonses were issued.

In the vicinity of the accident site 10th Avenue is a 69.7 foot wide, one way road, divided by white broken line pavement marking, accommodating six northbound travel lanes. Thirty Six Street is a 35.9 foot wide, one-way road, also divided by white broken line pavement markings, accommodating four eastbound travel lanes. Both roadways are straight, level and asphalt paved. Parking is permitted at the curbs. The traffic at the intersection is controlled by four traffic signals. At the time of the accident it was dusk and raining, the pavement was wet. The posted area speed limit is 30 mph.

Bus #7774 is a 2000 MCI coach bus with a seating capacity of 49 passengers. A review of the bus records indicated that Preventive Maintenance Inspections (PMI) are performed at New Jersey Transit at regular 3,000 mile intervals (minor PMI) and at regular 6,000 mile intervals (major PMI). The most recent major PMI was completed on September 6, 2005, and the most recent minor PMI was completed on September 27, 2005. The bus had traveled 1,781 miles at the time of the accident. A post accident inspection of bus #7774 was conducted by the PTSB staff in conjunction with NJ Transit staff on October 18, 2005, and no defects were found that would be considered causative factors in this accident. Decelerometer tests were performed on the braking systems and showed stopping distances that met the standards for passenger vehicles of NYS DOT Regulations (Title 17 of NYCRR, Article 3, Part 720).
The bus driver was hired by NJT on 06/28/02 and completed a new bus operator training program. A review of the driver’s Department of Motor vehicles records showed one “STOP” sign violation on 12/30/2003, convicted on 10/22/2004, resulting in a fine of $40 and 3 points on the record. A review of the driver’s NJT record for the last three years revealed 3 preventable collision accidents: on 05/09/2002, resulting in a warning and 4 points, on 04/01/2003, resulting in 1 point, and on 01/22/2005, resulting in 2 points. A post accident drug and alcohol test administered to the bus driver 4 hours and 5 minutes after the accident was negative. The delay in administering the drug and alcohol test was due to the bus driver being detained at the scene for the purpose of investigation.

In an interview with the NYPD Officer the bus driver stated that at approximately 6:55 pm he was making a left turn from 36th Street onto 10th Avenue. Just as the driver completed the turn, he heard a commotion outside at the rear of his bus. He looked in the driver’s side mirror and saw a crowd of people. The bus driver got out and went to the rear of bus #7774 and saw a woman lying on the roadway under a Coach USA bus. He stated that he left the scene not thinking he was involved and continued to the Port Authority Bus Terminal. After completing the trip he drove the bus to the Ironbound Garage. At approximately 10:30 pm while the bus driver was turning in his work to the Depot Master Booker, he told her that he thought that he might have been involved in an accident. The Depot Master Booker told him he should have called the incident into the Control Center at the time it occurred. The Depot Master Booker then contacted the Control Center.

Witness #1 who was sitting in his auto, at the North-West corner of 10th Avenue, waiting for a parking spot was interviewed by the PTSB staff. He stated that he saw how the front of bus #7774 knocked down the pedestrian and ran over the pedestrian’s head and shoulder by the left front wheel. He felt that the bus driver heard a scream and stopped the bus. Then the bus driver backed up the bus for a while and moved forward.

Witness #2 was pushing his disabled auto north on the east side of 10th Avenue into a gas station. He was facing in the eastward direction, when he heard a loud thump. He turned around and saw a person underneath the first bus as it was making its left turn from E/B 36th Street to N/B of 10th Avenue in left center lane. The lady was run over by the tire on the left side. The bus kept going for about 15-20 ft, then stopped. People started screaming and the bus pulled over to the right side on 10th Avenue. The bus was empty of passengers. The second bus was following the first was stopped just before hitting the lady by a passerby, who was standing next to the lady, waving at the bus to stop. The second bus stopped over the top of her, just in front of the bus tire, but did not hit her. The driver of the first bus walked over to the lady, had a conversation with the man assisting at the scene, who was now on his cell phone, then he left. The second bus had to back up so EMS could help her.

Witness #3 was driving the Coach USA bus (bus#2) following bus # 7774. He stated that he was driving his bus on 36th Street going to make a left turn onto 10th Avenue about 5 feet behind a NJT bus. As the driver of bus #2 was finishing his turn people started hitting the front of the bus telling him to stop. When the bus driver stopped he was told to back up. Once he backed up is when he saw the lady in the street. He pulled over to the side and waited the Police to arrive. He stated that
he remembers when he was making the turn he felt a bump but did not see anybody.

Then he called his dispatcher and told him that he had witnessed an accident. After being interviewed by police he was released and left the scene.

The investigation showed that according to the NJT driver’s statement, Coach USA bus driver’s statement, and the witnesses’ statements, the final rest locations of the two buses, the position of the victim and other data gathered at the accident scene, it is most likely that the pedestrian was walking in the crosswalk over 10th Avenue, from the bus driver’s left to right, and was struck by the front of the NJT bus and passed over by the left front wheel.

The Public Transportation Safety Board staff finds that the most probable cause of the accident was the failure of the bus driver to identify the pedestrian walking in the crosswalk and yield her the right of way.

Contributing to the accident was the failure of the bus driver to utilize his training in defensive driving techniques while driving in inclement weather.

New Jersey Transit reviewed the accident on January 6, 2006 and found it to be preventable. The bus driver was terminated on March 18, 2006. At the time of the PTSB investigation the New York State Police had initiated a criminal investigation into the activities bus operator for his involvement in the accident.

INVESTIGATOR: Mikhail Palanker

________________________________________  _________________________
CHIEF, ACCIDENT INVESTIGATION SECTION     DATE

________________________________________  _________________________
DIRECTOR, PCSB NYSDOT               DATE