April 18, 2007

Mr. Howard Roberts Jr., President
MTA New York City Transit
2 Broadway
New York, NY 10004

RE: PTSB CASE #8708

Dear Mr. Roberts:

The Public Transportation Safety Board received notice of a multiple injury bus accident involving the MTA New York City Transit, which occurred within the westbound counter flow lane of the east tube of the Brooklyn Battery Tunnel, Brooklyn, NY, on October 27, 2005.

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

Sincerely,

Brian O. Rowback
Executive Director
Public Transportation Safety Board.

Enclosure
At approximately 8:07 a.m., MTA New York City Transit (NYCT) bus #2200 was traveling west in the counter flow lane of the east tube of the Brooklyn Battery Tunnel when a bus, immediately ahead of bus #2200 (MTA NYCT bus #1951), stopped. The bus driver braked but did not stop prior to colliding with the rear of the standing bus and causing a chain-reaction collision with two other vehicles (van and auto) immediately in front of the standing bus. Nine of the 58 passengers from bus #2200, the driver and 5 passengers from the standing bus and the van driver all claimed various injuries. Eventually 7 of the passengers from both buses and the van driver were transported to local hospitals where they were all treated and released. The remaining injured bus passengers refused medical treatment and left the scene unassisted. MTA NYCT bus #2200 sustained extensive, the standing bus and van sustained moderate and the auto sustained slight damage (having left the scene prior to the arrival of investigators) from the collisions. The bus driver did not claim that the bus’ brakes failed, causing the collision. The driver of bus #2200 was issued two traffic tickets for (1) Following too closely and (2) Negligent Operation of a Motor Vehicle.

In the vicinity of the accident scene the eastern tube of the Brooklyn Battery Tunnel consists of two one-way travel lanes. At the time of the accident, however, the direction of travel for one of the lanes was reversed (counter flow) to provide for rush hour traffic. Both lanes are concrete paved, straight, and in good condition. The pavement, at the time of the accident, was dry. The tunnel is illuminated by overhead electric lights which, at the time of the accident investigation, were functioning properly. The usual posted speed limit is 40 mph but when the counter flow traffic pattern in utilized the posted speed limit is reduced to 25 mph.

Bus #2200 is a 2001 MCI DL-3 over-the-road motorcoach type bus housed and maintained at the Ulmer Depot with a seating capacity of 55 passengers. A review of the bus records showed that Preventive Maintenance Inspections are performed at regular 6,000 mile intervals (±500 miles), the most recent was completed on October 10, 2005 and the bus had traveled 415 miles since then. There were no safety or recurring defects noted in the 45 days prior to the accident. On October 28, 2005 the bus was inspected by the combined staffs of the Public Transportation Safety Board (PTSB) and MTA NYCT. The initial inspection found no defects that could be considered a causative factor in the accident. The inspection did, however, show extensive damage to the front section of the bus. Decelerometer tests performed on the bus’ braking systems did not meet, marginally failing, 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).
The braking systems were re-examined, the wheels were removed and it was then discovered that the rear brake drums were worn. A six wheel re-line was performed after repairs to the bus were completed and the bus then met the stopping distances required by the MTA NYCT adopted standards for passenger vehicles of NYS DOT Regulations (Title 17 of NYCRR, Article 5, Part 720).

The bus driver was hired by the MTA NYCT on October 12, 1992 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 for the past three years showed one preventable (01/06/04 interview & retraining) and two non-preventable (09/22/03 & 08/22/05) collision accidents. Post accident drug and alcohol tests performed on the bus driver were performed on the bus driver upon his release from the accident scene, approximately 5 hours and 17 minutes from the time of the accident.

In an interview the bus driver indicated that he was driving the Manhattan bound (west) express bus in the Brooklyn Battery Tunnel in rush hour counter flow traffic when the traffic for his direction of travel abruptly slowed. The driver said that at that time he was traveling at a speed of 30-35 mph, keeping up with traffic, at a distance of approximately 200 feet behind another MTA NYCT bus. The driver further stated that when the brake lights came on on the bus in front of him, he applied his brakes and began to slow. The driver then indicated that the bus in front of him came to a complete stop, there being approximately 100 feet between the two buses at that time. The bus driver said that he continued applying the brakes, at a heavier rate, but was not able to stop prior to colliding with the rear of the standing bus and causing a chain-reaction-collision. The driver further stated that prior to the collision that he had not noticed any problems with the bus' brakes.

The Triboro Bridge and Tunnel Authority (TBTA) report of this accident indicated that from statements of the passengers on bus that the bus may have been traveling too fast and issued the bus driver two uniform traffic tickets for Following Too Closely and Careless and Negligent Operation of a Motor Vehicle.

The MTA NYCT trains all bus drivers, and emphasizes this training for express bus drivers, in the concept of "Space Cushion Driving" and the importance of maintaining a safe following distance behind the vehicle in front of the bus, especially if the vehicle in front blocks the view of the roadway ahead. In addition, all bus drivers are trained in the importance of maintaining a safe and legal speed at all times and to adjust the speed of the bus depending on conditions.

Public Transportation Safety Board staff finds that the probable cause of this accident was the failure of the bus driver to adhere to his training by failing to maintain a safe following distance and an appropriate speed. The condition of the brake drums would not be detected during normal PMI inspections and only a dynamic brake decelerometer test would have revealed the insufficient braking ability of the bus. It is MTA NYCT's current policy not to perform over the road brake testing after PMI inspections due to the added service hours required to perform such a test.
It is policy to perform these tests, however, any time a bus undergoes any safety sensitive repairs to the braking system of the bus.

On November 1, 2005 the bus driver reported to the MTA NYCT Training Center where the facts concerning the accident were reviewed. The accident was found to be preventable. The bus driver’s driving skills were evaluated, the driver was re-trained and it was recommended that he be returned to passenger service. On January 3, 2006 the MTA NYCT Department of Buses rated the accident preventable and issued the bus driver a 30 day suspension. The suspension was appealed and at the time of this report continues through the appeal process.

Based on the action 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

______________________________
CHIEF, ACCIDENT INVESTIGATION SECTION

______________________________
DIRECTOR, PCSB, NYSDOT