April 18, 2007

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

RE: PTSB CASE #8815

Dear Mr. Roberts:

The Public Transportation Safety Board received notice of a fatal bus accident involving the MTA New York City Transit, which occurred on East Gun Hill Road at the intersection with Bainbridge Avenue, Bronx, NY, on January 24, 2006.

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 6:32 a.m., MTA New York City Transit (NYCT) bus #9665 was moving from the far side bus stop on westbound East Gun Hill Road at the intersection with Bainbridge Avenue when the bus driver heard a “thump”. Simultaneously a bus passenger exclaimed “stop the bus, someone is coming”. The bus driver stopped the bus, opened the doors, waited and when no one approached the bus, closed the doors and finished moving away from the bus stop. As the bus driver moved from the bus stop he checked the right side travel mirror and observed “something” lying in the street. The bus driver stopped, exited the bus, found a female pedestrian lying in the street to the rear of the bus, and called for assistance. Police and Emergency Medical Service (EMS) personnel arrived at the scene where EMS personnel determined that the pedestrian had expired. There were no other injuries.

In the vicinity of the accident site East Gun Hill Road is a 62 foot wide two-way east/west roadway divided by a double yellow barrier pavement marking into one 11 foot wide travel lane and one 20 foot wide travel/parking lane in each direction. Bainbridge Avenue is a 40 foot wide two-way north/south roadway divided by a double yellow barrier pavement marking into one wide travel lane in each direction. Parking is permitted at both curbs. Both roadways are asphalt paved, straight, level and generally in good condition. However, the pavement within sections of the bus stop on East Gun Hill Road was rutted and rough. In addition, there was a partially frozen puddle located at a cutout in the curb at the entrance to a parking lot located within the confines of the bus stop on East Gun Hill Road. Vehicles entering and leaving the parking lot had passed through the puddle which had created black ice conditions on the roadway and sidewalk at the position where the rear doors and rear wheels of a properly curbed bus would have been while servicing the bus stop. At the time of the accident it was dark, cold, and the weather was clear. Other than as previously noted, the pavement was dry. The intersection and surrounding area is lit by standard overhead luminaires which, at the time of the accident investigation, were all functioning properly. The area speed limit is 30 mph.

Bus #9665 is a 1998 Nova/RTS transit type bus housed and maintained at the Kingsbridge Depot with a seating capacity of 40 passengers. A review of the bus records showed that Preventive Maintenance Inspections are performed at regular 3,000 mile intervals (±500 miles), the most recent was completed on January 14, 2006 and the bus had traveled 1,073 miles since then.
The bus records showed no safety or recurring defects in the 45 days prior to the accident. A post accident inspection of the bus was performed on January 24, 2006 and no defects were found that could be considered a causative factor to the accident. The inspection did find scrapes and scuff marks on the right underside of the bus in the vicinity of the rear doors back to the right rear wheels that were attributed to the fatally injured pedestrian. In addition, blood and human tissue were found on the tire of the right rear inner wheel. 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 May 24, 1982 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 four non-preventable collision accidents (05/23/03, 05/31/03, 05/26/04, 12/14/05). The New York City Police Department (NYPD) Accident Investigation Squad (AIS) performed an Alco-Sensor test on the bus driver at the accident scene and the results were negative. Drug and Alcohol tests performed on the bus driver by the MTA NYCT upon his release from the accident scene, 3 hours and 26 minutes from the time of the accident, were also negative.

The bus driver was interviewed three times and made the following statements:

**Interview #1 (At the scene by first responding MTA NYCT supervisor):** The bus driver indicated that the bus was in the bus stop boarding passengers. After closing the doors the bus driver said he moved the bus a few feet and heard a noise (knock, solid bang) and stopped the bus. The bus driver claimed that he opened the doors, saw no one there, closed and, since no one told him to wait, moved out of the bus stop. After moving a short distance the bus driver indicated that he looked in the right side travel mirror and observed something in the road behind the bus. The driver said that he stopped, exited the bus and found the body of a female with a head injury lying in the roadway.

**Interview #2 (At the scene by the MTA NYCT Office of System Safety (OSS) investigators):** The bus driver indicated that after completing the left turn from Bainbridge Avenue he moved into the bus stop on gun Hill Road, boarded about 6-7 passengers and closed the front doors. The driver said that he heard a knock, opened the doors, waited a few seconds, saw no one approach the bus, re-closed the doors and moved away from the bus stop. The bus driver said that he then checked the right side travel mirror and observed something in the street. The bus driver said that he did not feel or hear anything as he moved out of the bus stop. The bus driver later in the interview indicated that he may have started to leave the bus stop but a passenger yelled at him to stop as someone was coming to board the bus. The driver said that he stopped, waited and, when no one came, left the bus stop.

**Interview #3 (at the MTA NYCT OSS with the PTSB, MTA NYCT DOB in attendance):** The bus driver stated that after stopping in the bus stop and boarding 6 passengers he closed the doors and started to move from the stop.
The bus driver indicated that he thought someone yelled for him to stop because someone was coming. The driver claimed that he stopped, opened the doors and waited for about 7 seconds and, when no one appeared, looked out the right side windows. The driver indicated that when he observed no one walking to or approaching the bus that he checked the left side travel mirror, closed the doors and moved away from the curb. The bus driver said that he did not check the right side travel mirror prior to moving the bus from the bus stop. The driver stated that after moving from the bus stop he heard a bang, stopped, exited the bus and found the woman’s body in the road. The bus driver further indicated that he scanned the intersection as he made the turn onto Gun Hill Road but that he did not observe the female pedestrian prior to the accident. The driver also indicated that he knew the pedestrian as a semi-regular passenger.

The Public Transportation Safety Board (PTSB) staff was able to contact, via telephone, only one witness to the accident. The witness declined to be interviewed by the PTSB staff. The same witness, however, made the following statements by telephone to the MTA NYCT OSS investigator. Excerpts of that interview are as follows: The female witness, who was seated in the first right side forward facing window seat, indicated that the woman did not ride the bus on a daily basis – but was a fairly regular rider. The witness indicated that as the bus was turning from Bainbridge onto Gun Hill she observed (and recognized) the female pedestrian crossing Gun Hill Road, moving south to north (toward the bus stop), and that the woman appeared to be “struggling”. The witness said that the bus passed her as it completed the turn and entered the bus stop. The witness further indicated that after boarding several passengers, the bus driver closed the doors and moved the bus (“maybe a few inches”) before she told the bus driver “not to forget the old lady, she’s coming for the bus”. She said that the bus driver stopped, opened the doors and waited a short time but the lady never appeared so the bus driver closed the doors and began to leave the bus stop. The witness then stated that while wondering what had happened to the old lady, she suddenly heard a scream. The witness said that the bus driver stopped, exited the bus (followed closely by the witness and other passengers), walked to the rear of the bus where they all observed the female pedestrian lying in the road. When the witness was asked by the OSS investigator if she heard or felt anything unusual prior to the scream; she indicated that she did not.

Additional information:

- The medical examiner’s report indicated the deceased pedestrian was 81 years old, 5’3” tall and weighed 154 pounds. The cause of death was listed as “Blunt force trauma of the head with skull and brain injury”.
- From data collected from the accident scene it was determined that the bus traveled approximately 40 feet from the bus stop to the place in the roadway where the right rear inner wheel passed over the pedestrian’s head.
- In the course of the at scene accident investigation the PTSB staff observed at least 4-5 falls/near falls of people in the icy area where the accident occurred.
- Examination of the bus’ right side travel mirror at the accident scene showed that it was not set according to MTA NYCT training standards which require that the mirror be set to be able to closely see the right side of the bus and the point where the right rear wheels make contact with the pavement. The mirror, instead, was set as an over-the-road mirror – being able to observe traffic behind the right side of the bus.
The NYPD AIS report indicated that the bus was moving from the bus stop when a female pedestrian slipped on the ice in the roadway and fell beneath the rear wheels of the bus. The pedestrian suffered fatal head injuries and expired at the scene at 0642 hours.

The MTA NYCT specifically trains all bus drivers in the proper way to set the bus mirrors, the right side travel mirror in particular, so as to be able to view pedestrians who come close to the bus. In addition, all bus drivers are trained to insure that all boarding passengers are safely on the bus and to check for any and all pedestrians who may be running to catch the bus. The training particularly emphasizes the importance of checking the right side travel mirror prior to leaving a bus stop.

Public Transportation Safety Board staff finds that the probable cause of this accident was the failure of the bus driver to follow his training in the proper set up and use of the right side travel mirror. Contributing to the accident was the failure of the bus driver to observe the female pedestrian near the bus in the street and recognize her as a potential passenger. Also contributing to the accident was the icy pavement and sidewalk that allowed the pedestrian to slip/fall/slide under the bus where the inner right rear wheel fatally injured her.

The MTA NYCT reviewed the facts concerning this accident and found the accident preventable. On June 23, 2006 the bus driver was issued, and accepted, a permanent demotion to a non-safety sensitive position.

Based on the action taken by the MTA New York City Transit regarding this driver/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

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DIRECTOR, PCSB, NYSDOT

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