April 18, 2007

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

RE: PTSB CASE #8927

Dear Mr. Roberts:

The Public Transportation Safety Board received notice of a mechanical failure bus accident involving the MTA New York City Transit, which occurred on West 108th Street at Broadway, Manhattan, NY, on April 29, 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
PUBLIC TRANSPORTATION SAFETY BOARD
ABBREVIATED BUS ACCIDENT REPORT

1. CASE: 8927
2. PROPERTY NAME: MTA NYCT
3a. ACCIDENT TYPE: Mechanical Failure
3b. Accident Severity Index: 0.50
4a. DATE: April 29, 2006
4b. TIME: 4:44 pm
5. ACCIDENT LOCATION: West 108th Street at Broadway
6. TOWN/CITY/BOROUGH: Manhattan
7. SUMMONS: None
8. BUS NUMBER: 5364
8a. YEAR: 2000
8b. MAKE: New Flyer
9. NUMBER OF INJURIES: 1
10. FATALITIES: 0
11. HOURS OF SERVICE: 5 hrs and 46 min in last 24 hrs/66 hrs and 43 min in last 7 days
12. SYNOPSIS:

At approximately 4:44 pm, MTA New York City Transit (NYCT) bus #5364 standing in the bus stop on West 108th Street at Broadway, was discharging a passenger in a wheelchair via front door wheelchair lift. When the lift platform touched the ground the wheelchair restraint guard folded backwards onto the passenger’s feet. The passenger claimed injury, was transported to a local hospital, treated and released. The bus driver claimed a mechanical failure of the wheelchair lift. The bus sustained no damage. NYC Police responded to the accident and no summonses were issued.

In the vicinity of the accident site, west 106th Street is a 64 foot wide, two way road divided by a full barrier yellow pavement marking, accommodating two eastbound and two westbound travel lanes. Broadway is a two way road, separated by a concrete divider, accommodating three northbound and three southbound travel lanes. Both streets are level, straight and asphalt paved. Parking is permitted at the curbs. The traffic at the intersection is controlled by 6 traffic signals. 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 #5364 is a 2000 New Flyer articulated transit type bus with a seating capacity of 62 passengers. A review of the bus records indicated that Preventive Maintenance Inspections (PMI) are performed at 126th Street Depot at regular 3,000 mile intervals. The most recent PMI was completed on April 28, 2006. The bus had traveled 109 miles at the time of the accident. Testing of the bus at the accident scene exhibited duplication of the condition that the bus driver has experienced. A post accident inspection of bus #5364 was conducted by the Public Transportation Safety Board (PTSB) staff in conjunction with NYCT staff on May 2, 2006. The inspection revealed that the wheelchair barrier/restraint hydraulic solenoid valve was sticking intermittently. As a result this was causing the barrier/restraint to pivot backwards, toward the platform area when the platform was being lowered or raised. A review of the maintenance records revealed that the last wheelchair inspection was performed one day prior to the accident and several defects, including the intermittent barrier operation, were identified and a work order (#0838415) was opened. The maintainer assigned to repair bus #5364 and test the wheelchair lift noted in the in the MIDAS that the lift was still experiencing intermittent failures and needs further checks and tests.
However, the maintenance line supervisor closed out the work order and returned the bus in passenger service.

The bus driver was hired by the MTA NYCT on August 4, 1997, and completed the standard “New Bus Operator Training Program”. A review of the bus driver’s Department of Motor Vehicles records for the last three years showed no violations or suspensions. New York State Vehicle and Traffic Law, Article 19-A records were complete and up-to-date. A review of the driver’s MTA NYCT record for the last three years revealed one non-preventable onboard customer injury accident and one preventable collision accident on 06/20/03, resulting in no discipline due to having the first minor accident within 12 months. A post accident drug and alcohol test administered to the bus driver 4 hours and 34 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 PTSB staff the bus driver indicated that he lowered the wheelchair platform to the pavement, and as the passenger attempted to exit the platform, the wheelchair barrier moved backwards onto the passenger’s feet. She was able to free herself from the barrier.

The Public Transportation Safety Board staff finds that the most probable cause of the accident was the failure of the depot maintenance to repair the identified wheelchair lift defects prior to returning the bus in passenger service.

The MTA NYCT reviewed the accident on May 26, 2006, and found it to be non-preventable on the driver’s side. The bus driver’s performance was evaluated as satisfactory and he was returned to passenger service.

The MTA NYCT found this accident was accountable for the Maintenance Line Supervisor. He was charged with “gross negligence” for allowing the bus to return to customer service with an identified defect, and charged with dismissal. A disciplinary hearing was held during which the charges were sustained. However, the penalty was reduced to a 30 day suspension.

Based on the action taken by the MTA NYCT regarding this accident, the Public Transportation Safety Board staff makes no recommendations.

INVESTIGATOR: Mikhail Palanker

__________________________________________  ______________________
CHIEF, ACCIDENT INVESTIGATION SECTION  DATE

__________________________________________  ______________________
DIRECTOR, PCSB, NYSDOT  DATE