1. CASE#: 9093
2. PROPERTY NAME: MTA NYCT
3a. ACCIDENT TYPE: Pedestrian
3b. Accident Severity Index: 6.05
4a. DATE: September 1, 2006
4b. TIME: 1:53 p.m.
5. ACCIDENT LOCATION: Flatbush Avenue at Avenue U
6. TOWN/CITY/BOROUGH: Brooklyn, NY
7. SUMMONS: No
8. BUS NUMBER: 5067
8a. YEAR: 1999
8b. MAKE: Nova/RTS
9. NUMBER OF INJURIES: 1
10. FATALITIES: 1
11. HOURS OF SERVICE: 8 hr 23 min in last 24 hrs/41 hrs 40 min in last 7 days
12. SYNOPSIS:

At approximately 1:53 p.m., MTA New York City Transit (NYCT) bus #5067 was moving south on Flatbush Avenue, after having completed a left turn from westbound Avenue U, when a male pedestrian, moving right to left outside of the designated crosswalk, was struck by the left front corner of the bus and knocked to the pavement. The body of the pedestrian traveled under the moving bus until it was run over by the left rear wheels. The bus driver stopped the bus, after having heard/felt a bump, and observed the head of the pedestrian in the left side travel mirror. The bus driver 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 passengers on the bus. The bus driver, however, claimed injury (trauma) and was transported to a local hospital where he was treated and released. The bus sustained slight damage, in the form of a dent, to the driver’s windshield.

In the vicinity of the accident site Flatbush Avenue is a 147 foot wide north/south two-way roadway divided by a 24 foot wide raised concrete median into Northbound: six lanes (one left turn only, one left turn/travel, three travel and one right turn only) and Southbound: 5 travel lanes. Parking is not permitted at either northbound curbs, the eastern southbound curb and within 200 feet of the intersection on the western southbound curb. Avenue U is a 81 foot wide east/west two-way roadway divided by a five foot wide raised concrete median into 4 lanes in each direction (Westbound: two left turn only and two travel lanes & Eastbound: one left turn only and three travel lanes). Both roadways are asphalt paved, straight, level and in good condition. The intersection is controlled by standard traffic and pedestrian signals which, at the time of the accident investigation, were functioning as designed. At the time of the accident it was bright daylight, the weather was clear and the pavement was dry. The area speed limit is 30 mph. The final rest position of the bus was located in the fourth (second from the concrete median) southbound travel lane on Flatbush Avenue with the rear bumper of the bus approximately 87 feet from the southern edge of the crosswalk. The final rest position of the pedestrian’s body was located in the fifth travel lane on Flatbush Avenue, approximately 74 feet from the southern edge of the crosswalk.
Bus #5067 is a 1999 Nova/RTS-6 transit type bus housed and maintained at the Flatbush 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 24, 2006 and the bus had traveled 518 miles since then. There were no safety or recurring defects noted in the 45 days prior to the accident. Inspection of the bus on the day of the accident found a dent on the body panel directly below the left side windshield (attributed to the bus striking the pedestrian) and scrapes, scuffs and blood on the bus undercarriage from the left front to left rear of the bus. The at-scene inspection of the bus also found that the bus mirrors were set as prescribed by MTA NYCT training. Further inspection of the bus on September 5, 2006 found no defects which could be considered a causative factor to the accident. Decelerometer tests were performed on the bus’s 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 July 22, 1991 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 one conviction for No Seat Belt (06/06/05, $40.00, No Points). 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 non-preventable collision accident (10/15/03). The New York Police Department (NYPD) Accident Investigation Squad (AIS) administered an Alco-Sensor to the bus driver at the accident scene and the results were negative (0.00). Post accident drug and alcohol tests administered to the bus driver upon his release from the hospital, 7 hours and 8 minutes from the time of the accident, were negative.

In an interview the bus driver indicated that he was waiting, fourth in line (autos in front of the bus), in the dedicated left turn lane on westbound Avenue U. When the light turned green the bus driver said that he entered the intersection at a speed of about 5-10 mph. The driver stated that as he approached the crosswalk on southbound Flatbush Avenue he observed a pedestrian (a man wearing headphones) in the crosswalk to the right of the bus [In a statement to the MTA NYCT Department of Buses (DOB) supervisor’s report the bus driver indicated that he had observed a pedestrian running across the street]. The driver said that he sounded the horn, continued the turn and kept checking his mirrors (left and right) for clearance from the concrete median. The bus driver then indicated that as the front of the bus passed the southern edge of the pedestrian crosswalk he heard a sound (bump, bump) similar to someone throwing something under the bus. The bus driver said that he stopped the bus and observed the head of a pedestrian in the bus left travel mirror. The bus driver indicated that the driver of a white SUV stopped and told him that she would call 911. The bus driver further indicated that he did not know if the pedestrian he observed in the bus mirror was the same one he had earlier observed in the street and that he had no idea where the pedestrian he observed in the mirror had come from or what part of the bus had struck him.

In a statement to the MTA NYCT supervisor at the scene an MTA NYCT bus driver operating south on Flatbush Avenue stated, “While going through the intersection of Flatbush Avenue and Avenue U, there was an SUV between me and another bus. I noticed the rear of the bus in front of me pop up. At that time, I saw the body of a black person roll from under the rear of the bus. The bus came to a stop and as did the SUV.
The SUV or van driver went to the bus. I went around the bus and told the operator I was going to get the Kings Plaza dispatcher.”

The Public Transportation Safety Board (PTSB) staff was unable to interview any of the witnesses to the accident (they were either unavailable or would not speak to the staff). However, witness statements made to the NYPD AIS and MTA NYCT regarding the accident are summarized as follows:

- A female motorist standing at the red traffic signal on eastbound Avenue U indicated that she observed a male pedestrian walking in the southbound lanes of Flatbush Avenue outside of the crosswalk, in the middle of the street, and that the man was wearing a green hat and was wearing headphones.
- Another witness indicated that he and his wife were in the left turn lane on northbound Flatbush Avenue at Avenue U when they observed the pedestrian be struck by the bus. The witness, however, could not say which direction the pedestrian came from.
- Another witness stated that she was in an SUV on southbound Flatbush Avenue at Avenue U when she observed a person exiting from the rear tires of the bus.
- The co-worker of the deceased pedestrian indicated that he had dropped the pedestrian off on the west side of Flatbush Avenue and watched him cross southbound Flatbush Avenue, west to east, about 75 feet south of the intersection with Avenue U.

The NYC Medical Examiner’s Report of Autopsy indicated that the deceased was a 43 year old male who was 5 feet 8 inches tall and weighed 152 pounds. The cause of death was listed as blunt force injuries to the head and torso with multiple organ injuries. The manner of death was listed as being struck by a bus.

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. This training is emphasized in all post accident re-training, NYS DMV Article 19A Annual Defensive Driving reviews and NYS DMV Article 19A Bi-Annual Behind-the-Wheel road tests. These techniques include, but are not limited to, reducing speed, scanning for hazards, identifying and anticipating potential hazards – particularly those hazards presented by the unanticipated actions of pedestrians.

Public Transportation Safety Board staff finds that the most probable causes of this accident was the failure of the bus driver to adhere to his training by identifying the pedestrian as a potential hazard, keeping track of where the pedestrian was in relation to the path of the bus, and yielding the right-of-way to the pedestrian. Contributing to the accident was the pedestrian who was crossing the street outside of the designated crosswalk.

The MTA NYCT Department of Buses (DOB) Training Center reviewed the facts concerning the accident and rated it preventable on the part of the bus driver. On October 9, 2006 the MTA NYCT DOB dismissed the bus driver, who appealed the dismissal. At the time of this report the bus driver remains in an out-of-work status due to the trauma sustained in the accident and the resolution of the dismissal is pending until the bus driver returns to work.
Based on the action taken by the MTA New York City Transit regarding this accident, the Public Transportation Safety Board staff makes no recommendation in this case.

INVESTIGATOR: Harry W. Gerham in cooperation with Kenneth Eady, NYS DOT SMVI

CHIEF, ACCIDENT INVESTIGATION SECTION

DIRECTOR, PCSB, NYSDOT