November 20, 2006

Mr. Lawrence G. Reuter, President
MTA New York City Transit
2 Broadway
New York, NY 10004

RE: PTSB CASE #9094

Dear Mr. Reuter:

The Public Transportation Safety Board received notice of a multiple injury bus accident involving the MTA New York City Transit, which occurred on Church Avenue at the intersection with East 49th Street, Brooklyn, NY, on September 4, 2006.

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

Sincerely,

John F. Guinan
Executive Director
Public Transportation Safety Board.

Enclosure
CLOSE OUT BUS ACCIDENT REPORT  
(Form NR)

BUS PROPERTY NAME: MTA NYCT  
CASE NUMBER: 9094
CRITERIA CODE: Multiple Injury  
TYPE OF ACCIDENT: Head-on Collision
DATE/TIME: September 4, 2006 at 9:00 a.m.  
TIME REPORTED: 9:40 a.m.
DATE REPORTED: September 4, 2006  
NUMBER OF INJURIES: 9
VEHICLES INVOLVED: 2  
BUS NUMBER: 865
NUMBER OF FATALITIES: 0  
NUMBER OF INJURIES: 9
TYPE OF BUS: New Flyer (CNG)  
OCCUPANTS: 2
OTHER: SUV  
ACCIDENT LOCATION: Church Ave. at E 49th St., Brooklyn, NY
ROADWAY TYPE: Asphalt  
SPEED LIMIT: 30 mph
TRAFFIC CONTROL: Traffic Signal  
ROAD CONDITIONS: Dry
LIGHT CONDITIONS: Daylight  
WEATHER: Clear
INVESTIGATOR: Harry W. Gerham  
SUMMONS: None
HOURS OF SERVICE: 8 hrs 41 min in last 24 hrs/69 hrs 38 min in last 7 days

ACCIDENT DESCRIPTION: MTA NYCT bus #865 was traveling on Church Ave. and approaching the intersection with E 49th St. when the bus driver observed an SUV, traveling the opposite direction, drift over the double yellow barrier markings into the path of the bus. The bus driver sounded the horn and braked to a safe stop within his own travel lane but the SUV continued and collided head-on with the bus. The bus driver, 6 of the 20 bus passengers, the SUV driver and SUV passenger claimed various minor injuries and were transported to local hospitals where they were all treated and released. Both vehicles sustained extensive damage from the collision. The SUV driver, in a statement to the police, indicated that he had dozed off, causing him to collide with the bus. Post accident drug and alcohol tests performed on the bus driver upon his release from the hospital, 7 hrs and 18 min from the time of the accident, were negative. Bus and bus driver records were reviewed and found to be complete, in-order and up-to-date. The bus records also showed no recurring defects or history of problems which would be considered causal to the accident. 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 Public Transportation Safety Board staff finds that the most probable cause of the accident was the failure of the SUV driver to remain in the proper travel lane due to his falling asleep.

IT HAS BEEN DETERMINED THAT THE BUS PROPERTY INVOLVED IN THIS ACCIDENT DID NOT CONTRIBUTE TO THE CAUSE OF THE ACCIDENT.

SUBMITTAL

THE ABOVE ACCIDENT HAS BEEN INVESTIGATED AND MEETS ALL OF THE CONDITIONS IDENTIFIED IN PTSB RESOLUTION #1340 AND REQUIRES NO FURTHER ACTION.

______________________________  ______________________________
CHIEF, ACCIDENT INVESTIGATION SECTION  DATE

______________________________  ______________________________
DIRECTOR, PCSB, NYSDOT  DATE

(Form NR)