At approximately 2:45 pm, MTA New York City Transit (NYCT) bus #7712 was traveling southbound on West Farms Road when a pedestrian moving backwards, stepped off the sidewalk from between two parked autos, perpendicularly to the roadway, and entered the path of the bus from the driver’s right to left. In an attempt to prevent a collision the bus driver swerved to the left and applied the brakes. However, the right front of the bus struck the pedestrian, throwing him forward and to the left clear of bus. The bus continued forward entering the opposite traffic travel lane colliding head on with an oncoming van. The injured pedestrian was transported to a local hospital where he was pronounced DOA. Two occupants from the van claimed various injuries were transported to local hospitals, treated and released. NYC Police responded to the accident and no summonses were issued. The bus driver was removed to a hospital for trauma. The bus and the van both sustained moderate damage.

In the vicinity of the accident site West Farms Road is a 44 foot wide, two-way road divided by a full barrier yellow pavement marking, accommodating one southbound and one northbound travel lane. The roadway is slightly curved, level and asphalt paved. Parking is permitted at the curbs. At the time of the accident it was daytime and the weather was dry and clear. The posted area speed limit is 30 mph.

Bus #7712 is a 2004 Orion CNG transit type bus with a seating capacity of 39 passengers. A review of the bus records indicated that Preventive Maintenance Inspections (PMI) at West Farms Depot are performed at regular 3,000 mile intervals and the most recent was completed on August 31, 2006. The bus had traveled 1,088 miles at the time of the accident. There were no safety or recurring defects noted in the 45 days prior to the accident. A post accident inspection of bus #7712 was conducted by the Public Transportation Safety Board (PTSB) staff in conjunction with NYCT staff on September 13, 2006 and no defects were found that would be considered causative factors in this accident. Decelerometer tests were performed on 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 March 21, 1988, and completed the standard “New Bus Operator Training Program”. A review of the bus driver’s Department of Motor Vehicles records showed no violations or suspensions. New York State Vehicle & Traffic Law, Article 19-A records were complete and up-to-date. A review of the driver’s records for the last three years revealed one non-preventable collision accident on 07/28/06. A post accident drug and alcohol test administered to the bus driver 4 hours and 10 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 accident scene for the purpose of investigation.

In an interview with the PTSB staff, the bus driver indicated that the bus was not in service and it was moving southbound on West Farms Road with an approximate speed of 20-25 mph heading towards a terminal, when he observed a male running backwards from between two autos into the path of the bus. He swerved to the left and applied the brakes, however, the front of the bus struck the pedestrian, continued forward into the oncoming traffic travel lane and collided head on with a van that was moving in the opposite direction.

A witness who was standing on west sidewalk of West Farms Road stated that he saw the pedestrian moving backwards and looking towards graffiti on a nearby wall. Then the pedestrian stepped off the sidewalk and entered the path of the bus from between parked autos. The right front of the bus struck the pedestrian throwing him forward.

The autopsy report showed that the cause of the death was a “blunt force trauma of head, neck, and torso with cervical spine injuries and visceral lacerations.” The report indicated that the deceased was a drug addict, who had a significant postmortem blood morphine concentration. Heroin, cocaine and marijuana were also detected.

The investigation showed that according to the final rest position of the injured pedestrian, the final rest locations of the bus and the van, the statements of the bus driver and a witness, the location of blood stains and other debris, and the information downloaded from the Electronic Control Module (ECM), it is most likely that the pedestrian, walking backwards, stepped off the sidewalk, and entered the path of the bus. The bus was traveling with a minimum initial speed of 36 mph when the bus driver noticed the pedestrian coming out from between two parked autos. In an attempt to prevent an impact, the bus driver swerved to the left and applied the brakes, however, the right front of the bus struck the pedestrian throwing him forward and clear of the bus. The pedestrian was airborne for approximately 34 feet before landing and tumbling to final rest for another 37 feet. The bus continued forward and to the left entering the opposite traffic travel lane and colliding head on with a van. The bus traveled 86.2 feet from the point of impact to the final rest.

The Public Transportation Safety Board finds that the most probable cause of the accident was the pedestrian who failed to yield the right of way to the bus and entered the path of the bus from between two parked autos, in an attempt to cross the roadway outside of the confines of the crosswalk.
Contributing to the accident was the bus driver who drove the bus above the speed limit and failed to utilize his training in defensive driving techniques.

The MTA NYCT reviewed the accident on March 23, 2007, and found it to be preventable. The bus driver signed a stipulation disqualifying him from operating a bus, in passenger service, for any MTA property. The bus driver will be assigned to a “shift only” position. If no shifting position is available then the bus driver will be placed into a cleaner title, at the rate of pay for that title.

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

INVESTIGATOR: Mikhail Palanker

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CHIEF, ACCIDENT INVESTIGATION SECTION  DATE

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DIRECTOR, PCSB, NYSDOT  DATE