PUBLIC TRANSPORTATION SAFETY BOARD
ABBREVIATED BUS ACCIDENT REPORT

1. CASE: 9117
2. PROPERTY NAME: MTA NYCT
3a. ACCIDENT TYPE: Fatal
3b. Accident Severity Index: 6.00
4a. DATE: September 21, 2006
4b. TIME: 11:06 am
5. ACCIDENT LOCATION: 60th Street at 7th Avenue
6. TOWN/CITY/BOROUGH: Brooklyn
7. SUMMONS: None
8. BUS NUMBER: 933
8a. YEAR: 1999
8b. MAKE: New Flyer
9. NUMBER OF INJURIES: 0
10. FATALITIES: 1
11. HOURS OF SERVICE: 1 hr and 56 min in last 24 hrs/30 hrs and 56 min in last 7 days
12. SYNOPSIS:

At approximately 11:06 am, MTA New York City Transit (NYCT) bus #933 traveling eastbound on 60th Street was crossing the intersection with 7th Avenue on a green traffic signal and entering the far side bus stop. At that time a 78 year old male pedestrian walked off the sidewalk into the bus stop lane, and into path of the bus. The bus driver honked the horn to get the attention of the pedestrian, but continued towards the stop. In an attempt to prevent a collision, the driver then swerved to the left and applied the brakes. However, the right front of the bus struck the pedestrian knocking him forward and down to the pavement clear of bus. The pedestrian sustained serious injuries and was transported to a local hospital where he was admitted. The bus driver sustained trauma, was transported to a local hospital, treated and released. The injured pedestrian survived 24 hrs after the accident, but he expired on 09/24/06. NYC Police responded to the accident and no summonses were issued. The bus sustained slight damage.

In the vicinity of the accident site 60th Street is a 44 foot wide two way-road, divided by a full barrier yellow pavement marking, accommodating one eastbound and one westbound travel lane. Seventh Avenue is a 49 foot wide two-way road, also divided by a full barrier yellow pavement marking, accommodating one northbound and one southbound travel lane. Both roadways are straight, level and asphalt paved. Parking is permitted at the curbs. The traffic at the intersection is controlled by two 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 #933 is a New Flyer CNG low floor transit bus with a seating capacity of 39 passengers. A review of the bus records indicated that Preventive Maintenance Inspections (PMI) at Jackie Gleason Depot are performed at regular 4,000 mile intervals and the most recent was completed on September 8, 2006. The bus had traveled 818 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 #933 was conducted by the Public Transportation Safety Board (PTSB) staff in conjunction with NYCT staff on September 22, 2006 and no defects were found that would be considered causative factors in this accident. Decelerometer tests were performed on the 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 5, 2003, and completed the standard “New Bus Operator Training Program”. A review of the bus driver’s Department of Motor Vehicles records showed one “speed in zone” violation on 7/15/05, convicted on 11/14/05, resulting in a fine of $200 and 6 points on the record. New York State Vehicle & Traffic Law, Article 19-A records were complete and up-to-date. A review of the driver’s MTA NYCT records for the last three years revealed one preventable collision accident on 08/17/04, resulting in a verbal warning, and two non-preventable collision accidents on 04/27/05 and on 07/05/05. A post accident drug and alcohol test administered to the bus driver 4 hours and 56 minutes after the accident was negative. The delay in administering the drug and alcohol test was due to the bus driver being transported to a local hospital and treated.

In an interview with the PTSB staff, the bus driver indicated that he was stopped to the rear of an auto waiting for a red traffic signal. After the signal turned green the auto turned right and the bus continued through the intersection into the far side bus stop. At that time the bus driver noticed that an Asian male stepped off the sidewalk and entered the path of the bus from the bus driver’s right to left. The bus driver stated he blew the horn, and then applied the brakes and swerved to the left to avoid the pedestrian. The right front side of the bus struck the pedestrian throwing him forward and clear of bus. The injured pedestrian was transported to Lutheran Hospital.

A pedestrian who was standing on the north-east corner of 60th Street at 7th Avenue witnessed the accident. He stated that that he saw the bus coming up 60th Street with the green traffic signal. As the bus was pulling into the bus stop the man stepped off the sidewalk in front of bus. The man was not in the crosswalk. The bus driver tried to swerve to the left and avoid the man, but it was too late.

Two bus passengers, seated on the left side of the bus claimed that, prior to the impact, the bus driver sounded the horn, but the male walked off the sidewalk without ever looking into the path of the bus.

The investigation showed that according to the final rest position of the bus, the location and position of the injured pedestrian, the statements of the bus driver and three witnesses, it is most likely that the pedestrian stepped off the sidewalk outside the confines of the crosswalk, and entered the path of the approaching bus. The bus driver attempted to alert the pedestrian with the horn, and then take evasive actions, but it was unsuccessful.

The Public Transportation Safety Board staff finds that the most probable cause of the accident was the action of the male pedestrian who stepped off the sidewalk outside the confines of the crosswalk, and entered the path of a moving a bus, without yielding right of way to the bus. Contributing to the accident was the bus operator’s delay in braking and steering to avoid the collision when he first noticed the pedestrian entering the roadway.
The MTA NYCT reviewed the accident on October 6, 2006, and found it to be preventable. The bus driver was issued a penalty of dismissal which he appealed. After the arbitration, the bus driver accepted and signed a stipulation accepting a two year demotion to a non safety sensitive title. The bus driver will have the right to reapply for bus driver after two years.

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, NYS DOT           DATE