1. CASE#: 9160
2. PROPERTY NAME: MTA NYCT
3a. ACCIDENT TYPE: Fatality
3b. Accident Severity Index: 6.00
4a. DATE: October 29, 2006
4b. TIME: 2:35 p.m.
5. ACCIDENT LOCATION: Henry Hudson Parkway Svc. Rd. at W 236th St.
6. TOWN/CITY/BOROUGH: Bronx, NY
7. SUMMONS: No
8. BUS NUMBER: 8865
8a. YEAR: 1996
8b. MAKE: Nova/RTS
9. NUMBER OF INJURIES: 0
10. FATALITIES: 1
11. HOURS OF SERVICE: 2 hr 35 min in last 24 hrs/36 hrs 13 min in last 7 days
12. SYNOPSIS:

At approximately 2:35 p.m. the NYPD was informed that the body of a female was lying in the street near the bus stop on the Henry Hudson Parkway Service Road south of West 236th Street. The police investigation determined that the pedestrian had been the victim of a motor vehicle accident, most probably a large vehicle. The NYPD Accident Investigation Squad (AIS) then took over the investigation. At approximately 4:00 p.m., NYPD AIS informed the MTA NYCT Command Center that they believed that a NYCT bus had been involved in a fatal pedestrian accident. MTA NYCT personnel canvassed and inspected buses that had been in the area of the accident and determined that bus #8865 was most probably the bus involved in the accident due to it having been in the area at the time of the accident and physical evidence, (blood & tissue) on the undercarriage of the bus.

Following the investigation of the fatal accident the following synopsis was developed: At approximately 2:35 p.m., MTA New York City Transit (NYCT) bus #8865 was moving from the far side bus stop on the southbound Henry Hudson Parkway Service Road at the intersection with West 236th Street when a female pedestrian, coming from an unknown direction, fell down in the path of the bus or was knocked down to the roadway by the front of the bus. As the bus driver departed the bus stop the right front wheel ran over the pedestrian. The body of the pedestrian continued under the entire right side of the bus, was subsequently run over by the right rear wheels and exited the bus behind the right rear wheels. The bus driver, unaware of what had happened, continued in service. Police and Emergency Medical Service (EMS) personnel arrived at the scene where EMS personnel determined that the pedestrian, after suffering massive head injuries, had expired. There were no other injuries.

In the vicinity of the accident site the Henry Hudson Parkway Service Road is a 20 foot wide one-way southbound roadway containing one travel lane. Parking is permitted at the right curb. West 236th Street is a two-way east/west roadway with one travel lane in each direction. Parking is permitted at both curbs. West 236th Street forms a “T” type intersection with the Henry Hudson Parkway Service Road. At the time of the accident it was daylight, the weather was clear and the pavement was dry (the police report indicates that the bus stop contained puddles and clumps of wet leaves). The area speed limit is 30 mph.

Bus #8865 is a 1996 Nova/RTS-06 transit type bus housed and maintained at the Kingsbridge Depot with a seating capacity of 40 passengers.
A post accident inspection of bus #8865 was conducted on October 29, 2006 at the Kingsbridge Depot by the NYPD Accident Investigation Squad (AIS), MTA NYCT and PTSB staffs. Inspection of the undercarriage of the bus showed evidence of involvement in the accident in the form of blood and tissue in both the right front and right rear wheels. In addition, hairs, scuffs and scrapes were evident from front to rear along the right side of the undercarriage. The NYPD Crime Scene Unit was summoned to the inspection site where they removed four samples of the blood and tissue for testing. Three of the samples tested as inconclusive. The fourth sample, however, tested positive for female DNA. A further DNA test with a blood sample from the deceased female pedestrian matched the DNA from the sample taken from the undercarriage of the bus.

A review of the bus records showed that Preventive Maintenance Inspections are performed at regular 3,000 mile intervals (±500 miles), the most recent was completed on September 25, 2006 and the bus had traveled 2,153 miles since then. There were no safety or recurring defects noted in the 45 days prior to the accident.

Decelerometer tests were performed on the bus’ braking systems on October 30, 2006 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 November 20, 2000 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 no violations, convictions or suspensions. NYS Vehicle & Traffic Law, Article 19A 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 preventable collision accident (05/17/06-1st minor). NYPD AIS Alco-Sensor test performed on the bus driver at 8:10 p.m. was negative. Post accident drug and alcohol tests performed on the bus driver by the MTA NYCT upon his release from the accident investigation, approximately 9 hours and 25 minutes from the time of the accident, were negative.

In an interview the bus driver indicated that he was servicing bus stops on the southbound Henry Hudson Parkway Service Road. The driver said that he noticed nothing unusual as he crossed West 236th Street and entered the far side bus stop. The driver indicated that nobody exited the bus at the stop and one male customer boarded the bus. The driver said that he checked the mirrors and, seeing nothing, moved away from the curb and continued on his route. The bus driver further indicated that at no time did he see, feel or hear anything unusual as he entered, serviced, and departed the bus stop. The bus driver further emphasized that he had no knowledge of the accident.

By using the Metro Card records from the bus fare box the MTA NYCT contacted the sole customer identified as having been on the bus. The customer said that he did not recall if the bus had stopped at the W. 236th St. bus stop, but that he did not observe anything unusual the entire time he was on the bus.

The NYPD AIS report of the accident is as follows: “The investigation into this incident has been completed; all parties involved have been identified and, if possible, interviewed.
After reviewing all the available information, it is the opinion of the undersigned (investigation officer) that due to the size and conformation of vehicle #1 (the bus) and the possible distraction of passengers on the bus, the operator was unaware that he struck the victim. Also, due to the lack of witnesses and physical evidence it cannot be determined whether the victim fell or was knocked to the roadway by vehicle #1”.

The MTA NYCT trains all bus drivers to be especially alert for customers or pedestrians when entering or departing bus stops as they may unexpectedly step off of the curb into the roadway. Bus drivers are also trained to insure that all persons boarding are actually on the bus and all customers exiting are clear of the bus by scanning all of the bus mirrors and, additionally, insure that there are no persons running at/for the bus prior to moving the bus away from the curb.

Public Transportation Safety Board staff finds that the probable cause of this accident was the failure of the bus driver to utilize his training and observe the female pedestrian in the street. It is unknown, at this time, if the pedestrian contributed to the cause of the accident.

On May 25, 2007 the MTA NYCT Department of Buses rated the accident preventable and dismissed the bus driver. The bus driver appealed the dismissal and at the time of this report, the appeal process continues.

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