PUBLIC TRANSPORTATION SAFETY BOARD
ABBREVIATED BUS ACCIDENT REPORT

1. CASE: 9318
2. PROPERTY NAME: Niagara Frontier Transportation Authority (NFTA)
3a. ACCIDENT TYPE: Fatality
3b. Accident Severity Index: 6.0
4a. DATE: April 6, 2007
4b. TIME: 1:04 p.m.
5. ACCIDENT LOCATION: Main & Church Streets.
6. TOWN/CITY/BOROUGH: Buffalo
7. SUMMONS: None
8. BUS NUMBER: 2616
8a. YEAR: 2006
8b. MAKE: Gillig
9. NUMBER OF INJURIES: 0
10. FATALITIES: 1
11. HOURS OF SERVICE: 8 hrs/15 min in the last 24 hrs/ 33 hrs in last 7 days
12. SYNOPSIS:

At approximately 1:04 p.m., NFTA bus #2616 was traveling westbound on North Division Street crossing Main Street onto Church Street, when a pedestrian was attempting to cross Church Street within the crosswalk, and was struck by the NFTA bus. The operator stated that he attempted to swerve but was unable to because of traffic and was unable to stop the vehicle before striking the pedestrian. The operator notified dispatch of the accident. The 50 year old female pedestrian was pronounced dead at the scene by the Erie County Medical Examiner. The Buffalo PD, Buffalo FD, and NFTA Transit PD responded to the scene. The bus was towed to NFTA Cold Springs bus garage and secured. The bus operator and one female passenger (unauthorized passenger) claimed no injuries.

In the vicinity of the accident site, Church Street is a two way road divided by a raised median, accommodating four westbound and four eastbound travel lanes. Parking is not permitted at the curbs. The roadway is straight, level and asphalt paved. 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 #2616 is a 2006 forty-foot transit type bus with a seating capacity for thirty eight passengers. Preventive Maintenance Inspections (PMI) are conducted every 6,000 miles in accordance with the NFTA’s System Safety Program Plan and the manufacturer’s recommended service intervals. In addition, all NFTA buses undergo a critical safety inspection every 3,000 miles. The last PMI was completed on March 2, 2007 and the bus had traveled 2,602 miles at the time of the accident. A post accident inspection of bus #2616 was conducted by the Public Transportation Safety Board (PTSB) staff in conjunction with NFTA maintenance staff on April 9, 2007. No defects were found that would be considered causative to the accident. Decelerometer tests were performed on the braking system and showed stopping distances that met the NFTA adopted standards for passenger vehicles of the NYSDOT Regulations (Title 17 of NYCRR, Article 3, Part 720).
The bus operator was hired by NFTA on September 24, 2000 and completed the standard bus operator and defensive driving training. A review of the driver's New York State Department of Motor Vehicle's records showed no violations or suspensions. Article 19-A records were found in order and up to date. A review of the driver's NFTA record for the last three years revealed two preventable accidents; one on 02/16/2005 (Bus damage wash rack; 1 point), and one 01/01/06 (Operator struck pole & broke mirror; 1 point). A post accident drug and alcohol test was administered to the bus operator 2 hr and 33 minutes after the accident. The results were negative. The delay for D&A testing was due to the bus operator being treated at a local hospital.

In an interview with the PTSB Staff, the bus operator indicated he was traveling westbound at 25 mph crossing over Main Street onto Church Street, from North Division Street. He stated that the pedestrian appeared to have a communication device in her ears. The bus operator said the pedestrian stepped off the median and was running back and forth (zig-zag motion) in the crosswalk. The bus operator also stated that he tried to swerve to miss the pedestrian by going into another lane then hard braked at the crosswalk striking the pedestrian.

The investigation further revealed reviewing an onboard camera that prior to the accident the bus operator departed the Ellicotte loop turnaround and did not stop at a stop sign. He continued, and turned left onto N. Division Street, where the operator approached the intersection of Ellicotte Street and continued through a red traffic light. In a short distance, three pedestrians can be seen crossing the roadway, left to right, in front of the bus. Two male pedestrians successfully cross street within the crosswalk, ahead of the oncoming bus, followed by a single female pedestrian several feet behind them. As the bus approaches the intersection, the bus operator is in conversation with the bus passenger and does not appear to acknowledge the pedestrian who is directly in the intended path of the bus. The speed of the bus remains fairly constant and the bus operator non-reactive until the collision is immanent and at that point brakes and steers in an attempt to avoid the collision. The bus can be seen striking the pedestrian with the front of the bus as she attempts a last second effort to dodge the bus without success. The bus operator was issued (3) uniform traffic tickets, one for failing to stop at the stop sign, one for failing to obey the traffic control device, and one for failing to yield to the pedestrian.

The Public Transportation Safety Board staff finds that the most probable cause of the fatal bus accident was the failure of the bus operator to yield the right of way to the pedestrian and to utilize his defensive driving skills and training.

Contributing to the cause of the accident was the driver’s apparent distraction caused by the continual conversation with the non-authorized passenger.

NFTA safety committee reviewed the accident on May 1, 2007, and found it to be preventable. The bus operator received a total of 12 points (10 points fatality), (1 point negligence, non-authorized passenger on bus), and (1 point failing to yield to pedestrian). On May 9, 2007 an NFTA hearing was scheduled with the intention of terminating the bus operator, however, the operator chose to retire prior to the hearing date.
Based on the actions taken by NFTA in this case, the Public Transportation Safety Board staff makes no further recommendations.

INVESTIGATOR: Mike Gluskin

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CHIEF, ACCIDENT INVESTIGATION SECTION       DATE

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DIRECTOR, PCSB, NYS DOT                     DATE