At approximately 3:36 p.m., MTA New York City Transit (NYCT) bus #5255 was traveling north on Melrose Avenue through the intersection with East 153rd Street on a green traffic signal when a male bicyclist, traveling west on East 153rd Street (right to left to the path of the bus), failed to stop for the red traffic signal and entered the path of the bus. The left front of the bus collided with the bicyclist propelling the cyclist and bicycle forward, and to the left, clear of the bus. The critically injured bicyclist was transported to a local hospital where he expired at approximately 5:51 p.m. The bus driver and five of the 30 bus passengers claimed various injuries and were transported to a local hospital where all of the injured bus passengers were treated and released (with the exception of one of the bus passengers who left the hospital without treatment). The left front of the bus sustained slight damage from the collision with the bicycle.

In the vicinity of the accident site Melrose Avenue is a 50 foot wide two-way north/south roadway divided by a solid double yellow barrier pavement marking into one wide travel lane in each direction. East 153rd Street is a 32 foot wide one-way westbound roadway. In addition, there is a five story building located on the northeast corner of the intersection which presents a sight restriction of East 153rd Street for traffic traveling north on Melrose Avenue. Parking is allowed at the curbs of both roadways. Both roadways are asphalt paved, straight, level and in good condition. At the time of the accident it was daylight, the weather was clear and the pavement was dry. The area speed limit is 30 mph. At the time of the accident investigation both the traffic and pedestrian signals controlling the intersection were functioning as designed.

Bus #5255 is a 2000 New Flyer Articulated transit type bus housed and maintained at the Kingsbridge Depot with a seating capacity of 62 passengers. 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 April 23, 2007 and the bus had traveled 1,970 miles since then. There were no safety or recurring defects noted in the 45 days prior to the accident. Physical inspection of the bus on May 21, 2007 found no defects that could be considered a causative factor in the accident. The inspection showed collision damage to the left side driver’s windshield (spider cracks attributed to contact with the bicyclist). Decelerometer tests were performed on the bus braking systems marginally failed to meet the MTA NYCT adopted standards for passenger vehicles of NYS DOT Regulations (Title 17 of NYCRR, Article 3, Part 720). Further inspection of the bus braking systems found that the brake shoes for the left center and left rear axles were not moving when the brakes were applied.
Once a reline of the brakes for both the center and rear axles was completed, the bus met the stopping distances of NYS DOT Regulations. The problem with the bus brakes discovered in the post accident inspection did not contribute to nor was a causative factor in the accident.

The bus driver was hired by the MTA NYCT on February 15, 1988 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 one “personal injury accident” (03/01/06, transit bus). NYS Vehicle & Traffic Law, Article 19-A 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 three preventable collision accidents (02/28/06-1st non-major, retraining; 03/01/06-major preventable, 20 day suspension; 03/06/07-1st non-major, retraining). Post accident drug and alcohol tests performed on the bus driver upon his release from the hospital, 6 hours and 11 minutes from the time of the accident, were negative.

The bus driver’s written statement indicated that he was traveling north on Melrose Avenue and entering the intersection with East 153rd street on a green traffic signal, at a speed of approximately 20 mph and that his brake was covered. The statement also indicated that when he was approximately ¾ of the way through the intersection, that he observed a bicyclist in front of the bus and that he applied the bus brakes (at or just prior to impact), but the front of the bus struck the bicyclist, propelling him forward and clear of the bus. The statement further indicated that after contact the bicyclist separated from the bicycle, which stopped, and the bicyclist’s body slid to final rest just past the northernmost crosswalk line of East 153rd Street. Lastly, the statement indicated that he was told to move the bus from its final rest position in the street to a nearby bus stop by New York City Police Department (NYPD) officers.

In an interview with the Public Transportation Safety Board (PTSB) staff on 05/21/07 the bus driver indicated that he was traveling north on Melrose Avenue and observed the traffic signal at the intersection with East 153rd Street turn green when he was approximately a half block away. The bus driver said that, as he knew the intersection was somewhat sight restricted by buildings on all of the street corners, he approached and entered the intersection carefully at a speed of approximately 20 mph with his brake covered. The bus driver said that he was about ¾ of the way through the intersection when he observed the bicyclist in front of the bus. The bus driver further said that he braked but could not avoid striking the bicyclist. The driver indicated that he did not observe the bicyclist anywhere in the street prior to his appearing in front of the bus. The driver also said that after stopping the bus uniformed police officers, who appeared at the scene almost immediately after the accident, told him to move the bus to the curb (a nearby bus stop).

In a telephonic interview, a witness (a motorist, first in line, facing west at the red signal on East 153rd Street) indicated that he observed the bicyclist, traveling at a very high rate of speed, pass the side of his vehicle and enter the intersection where he was hit by the bus. The witness said that the light was red when the bicyclist entered the intersection and rode directly into the path of the bus.
Two other witnesses, both female (one a bus passenger and one a pedestrian) who were interviewed at the scene by NYPD and MTA supervisory personnel, indicated that the bicyclist was moving right to left on East 153rd Street and rode directly into the path of the bus. They both said that the impact knocked the bicyclist to the roadway and that the body ended up in the southbound roadway.

Additional facts:

- The post accident download of the data contained in the Electronic Control Module (ECM) of bus #5255 showed that the bus was under acceleration after it entered the intersection and was at 44% throttle (acceleration) two seconds before hard braking (approximate time of impact with the bicyclist). In addition, the ECM showed that the bus had accelerated to a speed of 33.5 MPH one second before hard braking was applied.
- Newspaper reports and informal conversations with police officers at the accident scene indicated that the bicyclist was fleeing the scene of a jewelry store robbery (after stealing a gold chain and cross) and was being actively being pursued by civilians and police officers at the time of the accident.
- The NYPD Accident Investigation Squad accident report indicated that the bicyclist traveling west on E. 153rd Street entered the intersection with Melrose Avenue against a red traffic signal. He traveled into the path of Vehicle #1 (the bus) which was traveling northbound. The bicyclist was subsequently struck by vehicle #1, throwing him to the pavement. The victim was removed to Lincoln Hospital in an unconscious state and pronounced D.O.A at 1751 hours.
- Inspection of the bicycle involved in the accident showed that it did not have any functional braking systems, missing rear brake and inoperative front brake.
- The NYC Medical Examiner Report of Autopsy indicated that the bicyclist’s cause of death was “Blunt force impacts of the head, torso and extremities with fractures to ribs and pelvis”. In addition, the report showed that the deceased bicyclist’s system contained Cocaine, with its metabolites, and Morphine.

The MTA NYCT trains all bus drivers in defensive driving techniques for safely approaching and traversing intersections, statistically one of the most hazardous points in a driver’s route. These techniques include, but are not limited to, reducing speed, covering the brake, scanning for hazards (sight restrictions), identifying and anticipating potential hazards – particularly those hazards presented by the unanticipated actions of others (including; motorists, bicyclists & pedestrians). In addition, bus drivers are trained to constantly keep their eyes moving when approaching sight restrictions so as to be able to quickly respond to vehicles, pedestrians, bicyclists, etc who may suddenly appear from the restriction.

Public Transportation Safety Board staff finds that the probable causes of this accident were the actions of the bicyclist (under the influence of cocaine), who failed to stop for the red traffic signal, entered the intersection and failed to yield right of way to the bus.
Contributing to the accident were the multiple failures of the bus driver to adhere to his training by failing to reduce his speed when entering and traversing a sight restricted intersection, failing to cover the brake, excessive speed, and failing to observe the bicyclist approaching from his right prior to colliding with him.

On November 14, 2007 the MTA NYCT Department of Buses, after reviewing the facts concerning the accident found the accident preventable and terminated the bus driver. The bus driver appealed the termination and was assigned non safety sensitive duties pending the results of the arbitration hearing.

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