On July 27, 2007, at approximately 4:24 pm, MTA New York City Transit (NYCT) bus #531 traveling westbound on W 139th Street. The bus initiated a right turn onto Lenox Avenue when a pedestrian with four children (one was in a stroller) was walking in the crosswalk across Lenox Avenue, from the bus driver’s right to left, on a “walk” signal. Subsequently, the right front of the bus made contact with the group of pedestrians. The child in the stroller was knocked to the pavement underneath of the bus while the other pedestrians fell to the ground clear of bus. All five pedestrians claimed various injuries, were transported to a local hospital, treated and released. The bus driver claimed emotional trauma and was also transported to the hospital, treated and released. The bus sustained slight damage. NYC Police responded to the accident and no summonses were issued.

In the vicinity of the accident site, Lenox Avenue is an 80.5 foot wide, two-way road divided by an elevated grass median (6.2 foot wide), accommodating three northbound and three southbound travel lanes. There is a designated left turn only travel lane in the south bound direction of the avenue. The crossroad, W 139 Street (east of Lenox Avenue), is a 50 foot wide, two-way road divided by a full barrier yellow pavement marking, accommodating one eastbound and one westbound travel lane. West 139 Street (west of Lenox Avenue) is a 29.5 foot wide, one-way road without pavement markings. Both roadways are straight, level and asphalt paved. Parking is permitted at the curbs except the northbound of Lenox Avenue. At the time of the accident it was daylight and the weather was dry and clear. The traffic at the intersection is controlled by three traffic signals. The posted area speed limit is 30 mph.

Bus #531 is a 1994 Orion V transit type bus with a seating capacity of 39 passengers. A review of the bus records indicated that Preventive Maintenance Inspections (PMI) are performed at Mother Clara Hale Depot at regular 3,000 mile intervals, with the most recent completed on May 29, 2007. The bus had traveled 2,484 miles at the time of the accident. A post accident inspection of bus #531 was conducted by the Public Transportation Safety Board (PTSB) staff in conjunction with NYCT personnel on July 30, 2007 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 exceeded by (11%) the standard stopping distances adopted by MTA NYCT for passenger vehicles of NYS DOT Regulations (Title 17 of NYCRR, Article 3, Part 720).
Further investigation showed that the rear brake drums were worn and heavily glazed. Considering that the accident had place at a low rate of speed, the brake efficiency did not affect the accident or the severity of the injuries.

The bus driver was hired by MTA NYCT on September 27, 1999, and completed the standard “New Bus Operator Training Program”. A review of the bus driver’s Department of Motor Vehicles records showed one “improper signal” violation on 04/12/03, resulting in a fine of $40 and 2 points on the record. New York State Vehicle & Traffic Law, Article 19-A records were complete and up-to-date. A review of the NYCT records revealed three preventable collision accidents: on 01/25/05, resulting in a reprimand, on 04/11/05, resulting in one day suspension and two non-preventable collision accidents. The drug and alcohol test administered to the bus driver 5 hours and 13 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 scene for the purpose of investigation.

In an interview with the PTSB staff, the bus driver stated that she stopped the bus for a red light, and was in the first position in the lane. A truck was parked on the right side of the travel lane. The bus driver stated that she did not see anybody in the crosswalks and started to move when the light turned green covering the brake pedal. Suddenly she heard a passenger screaming “stop” and bang at the same time. The bus driver immediately stopped the bus. After exiting the bus she saw a woman near the front door screaming “my babies”. The driver inspected the bus and stated that she did not see anybody underneath.

The mother of the four children indicated that after leaving the supermarket located at the northeast corner of Lenox Avenue the whole group approached the crosswalk and when the traffic signal turned “walk” started to cross Lenox Avenue. At that time the bus struck them.

A witness who was standing at the northwest corner of Lenox Avenue stated that he observed the female pedestrians walk across the roadway (from bus driver’s right to left) on a green traffic signal and when the light turned yellow they were in the middle of the northbound lane of Lenox Avenue. He indicated that he observed the front right corner of the bus making contact with the stroller. The witness indicated that the bus did not stop before completing the right turn onto Lenox Avenue.

The investigation showed that according to the final rest position of the bus and the pedestrians, the statements of the bus driver, the children’s mother and a witness, it is most likely that the bus was making a right turn onto Lenox Avenue on a green traffic signal. At the same time the group of pedestrians (mother and four children) entered the crosswalk in an attempt to cross over the Avenue from the bus driver’s right to left on a walk signal. The bus driver failed to identify the people in the crosswalk. Subsequently, the right front of the bus made contact with the pedestrians.

The Public Transportation Safety Board staff finds that the most probable cause of the accident was the failure of the bus driver to identify a group of people in the crosswalk and yield the right-of-way to them.
The MTA NYCT reviewed the accident on October 30, 2007, and found it to be preventable. The bus driver was issued a dismissal and has appealed it.

Based on the action taken by 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