1. CASE#: 9673
2. PROPERTY NAME: MTA NYCT
3a. ACCIDENT TYPE: Pedestrian
3b. Accident Severity Index: 6.00
4a. DATE: February 11, 2008
4b. TIME: 3:15 p.m.
5. ACCIDENT LOCATION: W. 57th Street at 8th Avenue
6. TOWN/CITY/BOROUGH: New York, NY
7. SUMMONS: No
8. BUS NUMBER: 1896
8a. YEAR: 1998
8b. MAKE: MCI
9. NUMBER OF INJURIES: 0
10. FATALITIES: 1
11. HOURS OF SERVICE: 8 hr 19 min in last 24 hrs/64 hrs 43min in last 7 days
12. SYNOPSIS:
   At approximately 3:15 p.m., MTA New York City Transit (NYCT) bus #1896 was moving from a stop in the left travel lane on eastbound W. 57th Street approaching the intersection with 8th Avenue. According to witnesses, the right front of the bus made contact with a male pedestrian who was crossing the street, left to right to the path of the bus, out of the designated crosswalk. The pedestrian was knocked to the pavement where all of the right side wheels (RF, RR duals, and RR tag axle) ran over the lower extremities of the pedestrian before a passerby stopped the bus. The critically injured pedestrian was transported to a local hospital where he was pronounced dead upon arrival. The bus driver claimed no knowledge of the pedestrian prior to and during the accident.

   In the vicinity of the accident site W. 57th Street is a 60 foot wide two-way east/west roadway divided by solid double yellow pavement markings into two travel lanes and one parking lane in each direction. Eighth Avenue is a 70 foot wide one-way northbound roadway divided by dashed white pavement markings into five travel lanes and two parking lanes. Parking for both roadways is permitted at posted designated times. Both roadways are asphalt paved, straight, level and in good condition. The intersection is controlled by standard traffic and pedestrian signals which, at the time of the accident investigation, were all functioning as designed. At the time of the accident it was daylight, the weather was clear and the roadway was dry. The area speed limit is 30 mph.

Bus #1896 is a 1998 MCI commuter motor coach type bus housed and maintained at the Yukon Depot with a seating capacity of 57 passengers. A review of the bus records showed that Preventive Maintenance Inspections are performed at regular 6,000 mile intervals, the most recent was completed on January 18, 2008 and the bus had traveled 1,668 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 February 12, 2008 found no defects that could be considered a causative factor in the accident. The physical inspection showed no evidence of contact with the pedestrian other than blood and tissue, attributed to the pedestrian, in the tire treads of both right rear wheels (duals & tag axle). Decelerometer tests performed on the bus braking systems 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 January 17, 2000 and completed the New Bus Operator Training Program. A review of the driver's Pennsylvania Department of Motor Vehicles record for the past three years showed one conviction (speeding, 04/06).
As a result of the bus driver failing to report the conviction (Article 19A requires that persons holding commercial drivers licenses report moving violations to their employer within 5 working days) the bus driver was suspended for a mandatory period of five days. 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 one non-preventable (09/04/06) and four preventable (01/21/05 – reprimand, 01/12/07 – non-major collision, 02/22/07-mirror strike - reprimand, 06/13/07-collision - reprimand) collision accidents. As a result of the preventable collisions the bus driver was placed on the Performance Monitoring Program (PMP) which, through undercover check rides, monitors bus driver performance while in they are in passenger service. During a PMP ride in March '07 the driver was cited for “one handed operation” and received retraining. During a second PMP ride in June '07 the bus driver was found to be in “full compliance”. A post accident Alco-Sensor test performed on the bus driver at the accident scene by the New York City Police Department (NYPD) Accident Investigation Squad (AIS) was negative. Post accident drug and alcohol tests performed on the bus driver upon his release from the accident scene, 4 hours and 15 minutes from the time of the accident, were also negative.

In an interview at the accident scene the bus driver indicated that he was traveling east, in traffic, on 57th Street in the left travel lane due to having had to move from the middle lane to go around a taxi that had stopped to pick up a fare. The driver said that as the bus approached the intersection with 8th Avenue the traffic light changed to red and he stopped behind others vehicles, about 60 to 70 feet from the intersection. The bus driver stated that when the light turned green and as he began to slowly move the bus he heard a thump and stopped. After seeing nothing in the mirrors the bus driver stated that he again began to proceed slowly and observed a pedestrian running toward the bus waving his arms and yelling for him to stop. The bus driver said that he then exited the bus and observed the upper torso of a male pedestrian sticking out from under the right rear of the bus behind the rear wheels. The bus driver said that he had no idea where the pedestrian had come from and indicated that observing the pedestrian under the bus was his first knowledge of him.

The Public Transportation Safety Board (PTSB) staff investigator received information that the producer of a morning NYC satellite radio show claimed that he had witnessed the accident and described what he had seen on air. The PTSB staff contacted the witness who described what he had observed. The witness said that he was in his private vehicle traveling west on 57th Street when he observed the male pedestrian crossing the street, right to left from his perspective (left to right to the path of the bus), in front of the bus. The witness indicated that when the pedestrian was near the right front corner of the bus he seemed to stumble and fall to the pavement where he observed the pedestrian be run over by the right front wheel. The witness said that he wasn’t sure if the pedestrian was hit by the bus or if he just stumbled and fell. The witness further indicated that he left his vehicle, went to the bus, took some photos (which he provided to the PTSB staff) and left the scene when medical personnel arrived. The witness also said that when he arrived at the rear of the bus the pedestrian was lying, without movement, face down on the pavement with the lower part of his torso under and behind the rear wheels of the bus.
A second witness made the following telephone interview to MTA NYCT personnel. A male pedestrian who claimed to have been standing at the southwest corner of the intersection said that as he looked to check traffic he observed the bus, with no traffic in front or along side of it, roll to a stop. The witness said that he then observed the body of a male pedestrian lying face down and partially on his side underneath the bus in front of the rear (right) wheels. The witness said that he began to run toward the bus, yelling and waving his arms, but the bus began to move and he observed the rear wheels run over the pedestrian. The witness said that it was then that the bus driver apparently saw him and stopped the bus. The witness indicated that he then used his cell phone to call 911 and stayed until the arrival of medical personnel.

Another witness, a male taxi driver, indicated in a telephonic interview with the PTSB staff, said that he was located to the right of the bus and when the light turned green he began to move past the stopped bus. It was at that time he observed an older male pedestrian in front of the bus, approximately in front of the bus driver’s position. Due to the slowness of the traffic moving through the intersection the taxi driver claimed that he observed, in his left side mirror, the front of the bus strike the pedestrian. The taxi driver further stated that after being hit, the pedestrian appeared to hold onto the front bumper of the bus before falling to the pavement where he saw, as the bus continued to move slowly, the front and then the rear wheels pass over the pedestrian. The taxi driver said that he then called 911.

Video recordings from a construction site security camera located on the south west side of the 57th Street and from a MTA NYCT bus traveling in the opposite direction on 57th Street were obtained and viewed. Although the recording taken by the security camera never shows the pedestrian, it does show the MTA NYCT bus stop in traffic. It also shows the bus remain standing for a period of approximately 12 seconds while all other traffic to the right of and in front of the bus moves away. The recording from the transit bus traveling in the opposite direction with the time stamp of the recording matching the time of the accident shows the image of the pedestrian leave a cab (that had been traveling west on 57th Street) and cross the westbound travel lanes against traffic and out of the designated crosswalk, and move into the area in front of the bus. The image of the pedestrian shows him crossing in front of the bus until a van style cab, believed to be the witness indicated above, blocks the view of the bus. However, almost as soon as the view of the pedestrian is blocked the bus can be seen to begin to move, traveling a short distance before it and all other traffic traveling in the vicinity of it, come to a complete stop.

On February 20, 2008, after having viewed the video camera recordings of a local building and of a MTA NYCT bus traveling in the opposite direction, and after having interviewed several witnesses to the accident, a second interview of the bus driver was conducted with the combined staffs of the Public Transportation Safety Board (PTSB) and MTA NYCT. At first the bus driver repeated his statement given the day of the accident. The bus driver was informed of the statements of witnesses and the contents of the video recordings. The bus driver and his union representatives requested time to review the statements and recordings and returned later, at which time, the bus driver made a revised statement. The bus driver indicated when he stopped for the light on 57th Street he was deadheading to begin his route after picking up his bus.
The bus driver said that when he stopped for the light he picked up the bus Operator Vehicle Condition Report (OVCR) card that had been lying on the bus dash, to review it while he waited for the light to change (a violation of MTA NYCT policy). He stated that this was the reason he did not begin to move immediately after the light changed. The bus driver further indicted that he had no knowledge of or had observed the pedestrian in the street prior to being stopped by the witness who flagged down the bus.

Although no autopsy was performed the report from NYC Medical Examiner (ME) indicated that the deceased pedestrian had been pronounced dead upon his arrival, 4:00 pm, at the hospital. The report also indicated that the deceased was a 6’9” male who weighed approximately 270 pounds. The ME had performed an external examination of the deceased and listed his injuries as lacerations to the back of the head, broken bones and soft tissue injuries to the right leg and abrasions of the left leg and ankle. The death certificate issued by the ME indicated that the cause of death was “multiple blunt traumas”.

The MTA NYCT Department of Buses, as a result of their previous investigations into the abnormally high number of fatal pedestrian accidents in 2006, discovered that area immediately in front of the buses, such as the one involved in this accident, is difficult to observe. The area close to the bumper is a blind spot for bus drivers. This was emphasized in training for the drivers of this type of bus and led to an evaluation of a convex type mirror used to eliminate this blind spot. Several mirrors, mounting positions and mounting hardware were evaluated and field tested prior to deciding on the best combination of mirror location and mirror shape. The campaign to install the mirrors was not instituted until after this accident. However, currently all buses of this type and manufacturer have been fitted with the convex mirror and all new buses of this manufacturer are being delivered with the mirror in place.

The MTA NYCT has found that poor or improper observation by bus operators is a major contributing factor in most collision and pedestrian accidents and, therefore, emphasized scanning and hazard assessment techniques in all training and re-training of bus drivers. These techniques include, but are not limited to, scanning for hazards, identifying and anticipating potential hazards – particularly those hazards presented by the unanticipated or illegal actions of other motorists and pedestrians, especially at intersections which are traditionally the most hazardous area on a bus driver’s route. In addition, a MTA NYCT “Safe Operation” Permanent Bulletin dated 02/02/95 forbids bus drivers from reading or viewing any kind of printed material while they are stopped in traffic so they can continually be scanning for potential vehicle and pedestrian hazards.

The Public Transportation Safety Board staff finds that the most probable cause of this accident was the failure of the bus driver to follow his training and observe the pedestrian in the roadway – either from his being preoccupied in reading the bus OVCR or from improperly scanning the surrounding area for hazards. Contributing to the accident were the actions of the pedestrian, by crossing the street out of the designated crosswalk.

The MTA NYCT Department of Buses, after reviewing the facts concerning the accident found the accident to be preventable and dismissed the bus driver.
This decision was appealed and on May 30, 2008, by an arbitrator’s decision, the bus driver accepted a permanent demotion to the position (and pay) of cleaner.

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**

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CHIEF, ACCIDENT INVESTIGATION SECTION

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DATE

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DIRECTOR, PCSB, NYSDOT

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DATE