On July 2, 2008, at approximately 1:35 pm, MTA New York City Transit (NYCT) bus #5138, traveling northbound on Jackson Street, was stopped for a red traffic signal at the intersection with Madison Street. At that time a female pedestrian started to cross Madison Street (from north to south) when she was allegedly struck and knocked down to the pavement by an unidentified vehicle which was traveling westbound on Madison Street. With a green signal, the bus driver continued making a left turn onto Madison Street, when the right rear dual wheels passed over the pedestrian’s body. The bus driver claimed that he did not see nor hear anything suspicious and continued on his route. The unidentified vehicle fled the scene. The female pedestrian was pronounced dead at the scene. NYC Police responded to the scene and no summonses were issued. The bus sustained no damage.

In the vicinity of the accident site Madison Street is a 40 foot wide two-way road divided by a full barrier yellow pavement marking, accommodating one eastbound and one westbound travel lane. Jackson Street (south of Madison Street) is a 42 foot wide two-way road divided by a full barrier yellow pavement marking, accommodating one northbound and one southbound travel lane. Jackson Street (north of Madison Street) is a 28 foot wide one way northbound road with no pavement marking. Both roadways are straight, level and asphalt paved. Parking is permitted at all curbs except at designated hours. The traffic at the intersection is controlled by four traffic signals and at the time of the accident operated as designed. At the time of the accident it was daylight and weather was dry and clear.

Bus #5138 is a 1999 RTS transit type bus with a seating capacity of 40 passengers. A review of the bus records indicated that Preventive Maintenance Inspections (PMI) are performed at regular 3,000 mile intervals and the most recent was completed on June 6, 2000. The bus had traveled 1,172 miles at the time of the accident. A post accident inspection of bus #5138 was conducted by the Public Transportation Safety Board (PTSB) staff in conjunction with MTA NYCT staff on July 3, 2008 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 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 MTA NYCT on March 28, 1983, and completed the standard “New Bus Operator Training Program”. A review of the bus driver’s Department of Motor Vehicles showed no violations or suspensions. New York State Vehicle and Traffic Law, Article 19-A records were complete and up-to-date. A review of the driver’s NYCT records for the last three years revealed two minor preventable collision accidents, one on 02/08/06, resulting in a verbal warning, and another one on 12/06/06, resulting in a written warning. A post accident drug and alcohol test administered to the bus driver 4 hours and 16 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 indicated that after leaving the bus terminal he traveled northbound on Jackson Street and stopped in the nearside bus stop at Madison Street. At the time when servicing the stop was completed, the traffic signal turned red and the bus stopped for approximately 10 seconds. At the same time two yellow school buses were stopped to the left of the bus. When the traffic signal turned green the school bus to the left of the NYCT bus proceeded through the intersection northbound on Jackson Street. The second school bus remained stopped allowing the city bus to make a left turn onto Madison Street. The bus driver stated that he observed the intersection and saw no vehicles or pedestrians moving or approaching the path of the bus. Then the bus driver performed the left turn and continued on his route west on Madison Street. The bus driver stated that nobody onboard the bus approached him about anything that they may have heard. A few minutes later the bus driver received a radio call from the bus Command Center to stop the bus at the nearest location. The road supervision and officers from NYPD arrived at the stopped bus and started to inspect bus #5138. The inspection revealed the presence of both blood and brain matter in the right rear wheel well area and in the tire treads of the bus.

In an interview with the PTSB staff, a female witness who was traveling on a bicycle southbound on Jackson Street, stated that as she approached Madison Street her view of the area where the victim was found was blocked by the school building on the northwest corner of the intersection. After the bus completed the turn the witness turned right on Madison Street and continued towards the rear of the bus. At that point she noticed something in the street. When she realized it was a body she called 911. The witness stated that she did not physically see the impact or know how the deceased ended up under the rear of the bus. She had no recollection of any other vehicle prior to the accident traveling in the area.

Another female witness indicated that a very dark colored SUV style vehicle moving westbound on Madison Street accelerated hard through the intersection. According to the witness, the traffic signal had just changed from yellow to red. After the SUV passed through the intersection the witness heard a loud thumping noise. The witness also stated that the bus driver continued on Madison Street and that she physically saw the right rear tires run over the victim’s head. She also stated that the bus never slowed down or stopped after the impact. The witness indicated that she did not physically see the SUV strike the pedestrian, but she did hear a noise that she believes was the impact between the SUV and the pedestrian.
The investigation showed that according to the final rest position of the victim’s body, the location of blood stains and tissue matter in the area of the right rear wheel well and on the mud flap, the statements of witnesses, it is most likely that the female pedestrian was crossing Madison Street from north to south when a dark colored SUV entered the intersection while the traffic signal was changing from yellow to red traffic signal and knocked down the pedestrian. Then she was struck by the right rear wheels of the bus.

The Public Transportation Safety Board staff finds that the most probable cause of the accident was the unidentified SUV which struck and knocked down the pedestrian.

Contributing to the accident was the failure of the bus driver to utilize his training in defensive driving techniques and fail to observe and identify the pedestrian in the roadway.

The NYCT reviewed the accident on September 3, 2008, and found it to be preventable. The bus driver was issued and appealed a penalty of dismissal. On December 12, 2008 the bus driver signed a stipulation accepting a twenty day suspension and a permanent disqualification from operating a bus in passenger service.

INVESTIGATOR: Mikhail Palanker

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CHIEF, ACCIDENT INVESTIGATION SECTION  DATE

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DIRECTOR, PCSB, NYSDOT  DATE