PUBLIC TRANSPORTATION SAFETY BOARD
ABBREVIATED BUS ACCIDENT REPORT

1. CASE: 9837
2. PROPERTY NAME: NYCT
3a. ACCIDENT TYPE: Multiple Injury
3b. Accident Severity Index: 0.60
4a. DATE: July 22, 2008
4b. TIME: 12:24 am
5. ACCIDENT LOCATION: Third Avenue at East 182nd Street
6. TOWN/CITY/BOROUGH: Bronx
7. SUMMONS: None
8. BUS NUMBER: 7755
8a. YEAR: 2004
8b. MAKE: Orion
9. NUMBER OF INJURIES: 12
10. FATALITIES: 0
11. HOURS OF SERVICE: 2 hrs and 5 min in last 24 hrs/73 hrs and 17 min in last 7 days
12. SYNOPSIS:

On July 22, 2008, at approximately 12:24 am, MTA New York City Transit (NYCT) bus #7755 was traveling in the #1 travel lane northbound on Third Avenue approaching the intersection with 182nd Street, when the bus driver observed a black auto double parked in the far side of the intersection. The bus driver moved from right to left into the #2 travel lane. At that time he noticed a U-haul truck traveling to the rear of the bus. After the bus and the U-haul truck passed the double parked auto both, the bus and the truck started to move to the right into #1 travel lane. The left side of the U-haul truck made contact with the right middle side of the bus. Subsequently, the bus driver, the truck driver and 13 bus passengers claimed various injuries, were transported to local hospitals, treated and released (except both drivers and a bus passenger refused medical assistance and left the scene unassisted). Both, the bus and the truck sustained slight damage. NYC Police responded to the accident and no summonses were issued.

In the vicinity of the accident site, Third Avenue is a 60 foot wide, two-way road divided by a full barrier yellow pavement marking, accommodating two northbound, two southbound travel lanes, and two parking lanes, one in each direction. Both roadways are straight, level and asphalt paved. At the time of the accident it was dark and the roads were lighted with standard street luminaries. The weather was dry and clear. The area speed limit is 30 mph.

Bus #7755 is a 2004 Orion VII CNG transit type bus with a seating capacity of 40 passengers. A review of the bus records indicated that Preventive Maintenance Inspections (PMI) at West Farms Depot are performed at regular 3,000 mile intervals and the most recent was completed on June 11, 2008. The bus had traveled 2,438 miles at the time of the accident. There were no safety or recurring defects noted in the 45 days prior to the accident. A post accident inspection of bus #7755 was conducted by the Public Transportation Safety Board (PTSB) staff in conjunction with NYCT personnel on July 23, 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 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 June 13, 2005, and completed the standard “New Bus Operator Training Program”. A review of the bus driver’s Department of Motor Vehicles records
showed no violations or suspensions.

New York State Vehicle & Traffic Law, Article 19-A records were complete and up-to-date. A review of the driver’s NYCT record revealed no collision accidents for the past three years. A post accident drug and alcohol test administered to the bus driver 4 hours and 36 minutes after the accident was negative for alcohol and positive for marijuana.

In an interview with the PTSB staff the bus driver indicated that he was moving in the #1 travel lane, northbound on Third Avenue, approaching the intersection with 182nd Street, when he noticed a double parked auto. The bus driver went in the #2 travel lane to pass the auto. The U-haul truck was in the same travel lane to the rear of the bus. After the bus and the truck passed the double parked auto, the truck driver moved from left to right, into #1 travel lane. The bus driver attempted to enter the #1 travel lane and the left front of the truck made contact with the right side of the bus.

The truck driver stated that he was traveling in #2 travel lane when the bus traveling in the same direction to the rear of truck, moved from right to left, across the double yellow line, and attempted to pass the truck. The right middle of the bus made contact with the left mirror of truck.

A witness who was seating on the right front of the bus stated that she observed a U-haul truck slowly traveling in the front of bus straddling #1 and #2 travel lanes. She indicated that the bus suddenly moved to the left, passed the truck and pulled to the right. At that time the truck sped up and made contact with the bus.

Another witness stated that she was sitting on the right side of the bus, when she observed the bus cut the truck off.

In the police report, it is indicated that the bus driver was traveling in the left lane when, when the truck collided with the bus. The truck driver stated that he was moving in the right lane, when the bus moved from the left lane to the right lane striking the truck.

The investigation showed that according to the location of debris from the impact, the final rest positions of the bus and the truck, the witnesses and both driver’s statements, it is most likely that the bus was moving in #1 travel lane northbound on Third Avenue approaching the intersection with 182nd Street, when the bus driver observed a black auto double parked in the far side of the intersection. The bus driver moved from right to left into #2 travel lane. At that time he noticed a U-haul truck traveling to the rear of the bus. After the bus and the U-haul truck passed the double parked auto, both the bus and the truck started to move to the right into #1 travel lane. The left side of the U-haul truck made contact with right side of the bus.

The Public Transportation Safety Board staff finds that the most probable cause of the accident was the bus driver who failed to drive defensively and struck the truck while changing lanes.
Contributing to the accident was the aggressive driving of the truck driver.

The MTA NYCT reviewed the accident on February 23, 2009, and found it to be preventable. The bus driver was restricted from operating a bus. The disciplinary penalty of dismissal upheld against the bus driver was modified as to a second time positive for drugs pursuant to Appendix E-1 of the Collective Bargaining Agreement. Grievant was dismissed with the right of restoration to an available budgeted, non-safety sensitive position upon recommendation of the MTA NYCT EAP.

INVESTIGATOR: Mikhail Palanker