



National Transportation Safety Board

Washington, DC 20594

Highway Accident Brief

Fatal Pedestrian Collision with School Bus New York City, New York, October 14, 2016

Accident Number:	HWY17SH004
Accident Type:	Fatal pedestrian collision with school bus
Location:	West Fordham Road at Sedgwick Avenue, New York City, New York
Date and Time:	October 14, 2016, about 12:25 p.m. eastern daylight time
Vehicle:	2007 Ford school bus
Driver:	47-year-old male
Pedestrian:	43-year-old female
Fatalities:	1

Crash Description

About 12:25 p.m. on Friday, October 14, 2016, a 2007 Ford school bus owned and operated by Mar-Can Transportation, Inc., was eastbound on West Fordham Road in the borough of the Bronx, New York City, New York. The investigation determined that the 47-year-old male driver was operating the bus while off duty, without passengers. (He was scheduled to start his afternoon shift 1 hour later.) As the bus approached the intersection of West Fordham Road and Sedgwick Avenue, the driver attempted to turn right onto Sedgwick Avenue. The bus was traveling in the left through lane on West Fordham Road, with another vehicle beside it in the right lane. The bus driver accelerated and made an abrupt turn in front of the other vehicle, causing its driver to slam on the brakes to avoid colliding with the bus. The bus overshot the turn and ended up on the east side of the double yellow line on Sedgwick Avenue, where it struck a 43-year-old female pedestrian in the crosswalk (figure 1).

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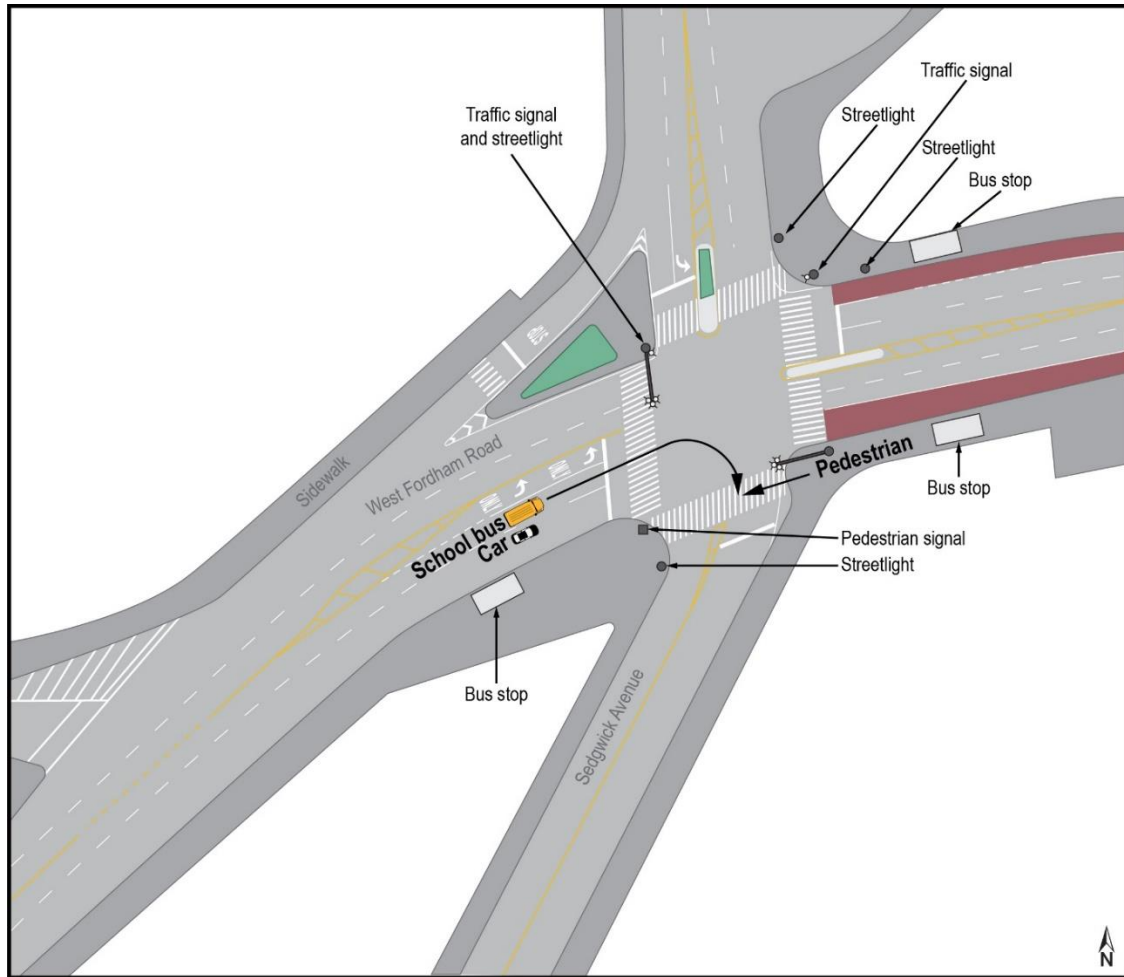


Figure 1. Diagram of crash scene, showing path of bus as it turned right from West Fordham Road onto Sedgwick Avenue and struck pedestrian in crosswalk. Also shown are traffic signals, streetlights, and bus stops in immediate area.

The pedestrian had been walking on the south side of West Fordham Road and was crossing Sedgwick Avenue westbound in the marked crosswalk on a pedestrian WALK signal. Witnesses reported that the pedestrian had just left one of the businesses immediately east of the intersection and was carrying several bags of groceries. Being struck by the school bus caused the pedestrian to fall facedown onto the roadway, where the right front tire of the bus ran over her. Several witnesses screamed at the driver to stop. The driver continued forward, and the bus's right rear tire ran over the pedestrian.

A second pedestrian, who had been walking across Sedgwick Avenue several feet in front of the struck pedestrian, was unharmed. The struck pedestrian was transported by ambulance to St. Barnabas Hospital in the Bronx, where she died of her injuries.

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The temperature at the time of the crash was 59°F, winds were variable at 6.9 mph, and the sky was clear.¹

Crash Location

Fordham Road is a major street in the Bronx that runs from the Harlem River to Bronx Park. It is a major access point to the Major Deegan Expressway and to Interstates 287 and 278 via the expressway. Fordham Road is divided into East Fordham Road and West Fordham Road.

West Fordham Road is a commercial corridor in a residential zone. The area of the crash includes dozens of businesses, single-family houses, a public park, and nine apartment buildings that contain about 1,130 apartments (figure 2). The roadway runs east and west, with a double yellow line separating opposing lanes. Both sides of the roadway have two through lanes and one dedicated left-turn lane. In the eastbound direction, West Fordham Road has a significant uphill grade. Traffic signals control the intersection with Sedgwick Avenue (refer to figure 1), and all the crosswalks are well marked. The posted speed limit is 25 mph on both roads.

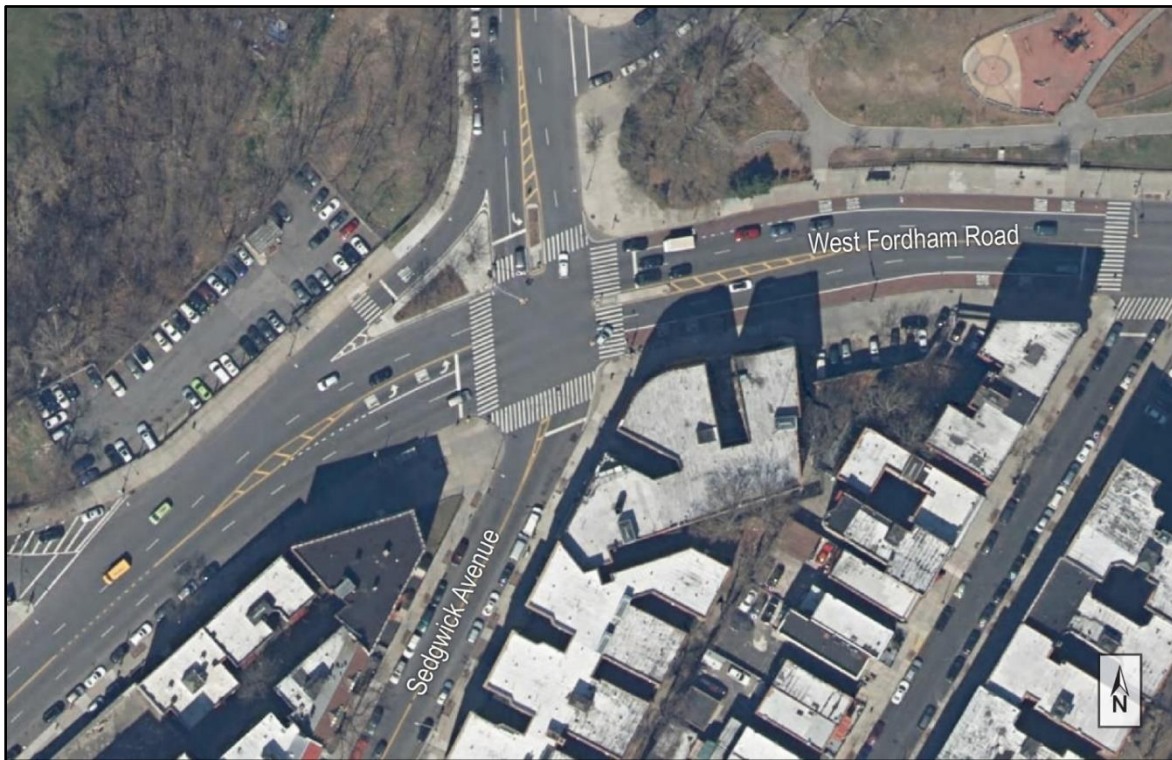


Figure 2. Aerial view of crash intersection showing crosswalks and other road markings on West Fordham Road and Sedgwick Avenue, with apartment buildings to south and parkland to north. (Base photo from New York state global information system)

¹ Weather data from <https://www.wunderground.com/history/>.

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The roadway has a heavy volume of both vehicular and pedestrian traffic. A traffic study by the New York City Department of Transportation found that 14 pedestrian crashes occurred at the intersection of West Fordham Road and Sedgwick Avenue between 2010 and 2014. Pedestrians crossing with the traffic signal were involved in seven of the crashes, and pedestrians crossing against the signal were involved in three.² The Department of Transportation recorded seven pedestrian collisions at the same intersection in 2015. None of the previous pedestrian crashes were fatal.

Pedestrian

The pedestrian lived in the immediate area. Her family told investigators that she walked her son to school every day and frequented the businesses near the intersection. The family stated that the pedestrian was in excellent health and not under a doctor's care. She had no significant medical history and did not take medication.

The New York City Office of the Chief Medical Examiner provided a copy of the pedestrian's autopsy and toxicology reports. The pedestrian's height was recorded as 5 feet 1 inch and her weight as 133 pounds.³ The cause of death was listed as blunt force trauma of the torso, with multiple fractures and liver injury. Toxicological blood tests were negative for alcohol and other drugs. A cell phone found with the pedestrian was not in operation at the time of the crash.

Driver

The bus driver held a New York class B commercial driver's license with passenger and school bus endorsements. He had complied with the requirements of Article 19-A of the New York state vehicle and traffic laws and was certified by the New York State Board of Education for the transportation of schoolchildren.⁴ Mar-Can Transportation received notification of the driver's final qualification on August 27, 2016, and he began working for the company on September 6, 2016. The driver's traffic record contained one previous conviction, for running a red light in September 2013 in his private vehicle.

The driver worked Monday through Friday. He reported to work between 5:00 and 6:00 a.m. and made the last dropoff on his morning run about 9:00 a.m. He returned to the terminal

² According to the traffic study, pedestrians in the remaining four crashes were either at unsignaled crossings or engaged in unknown or indeterminate actions.

³ Height and weight were documented to better evaluate driver sight lines and as a means to understand vehicle damage and pedestrian injury.

⁴ Under Article 19-A, employers of bus drivers must obtain from applicants a current physical exam, an employment background check, and a current abstract of their driving record. New York state established special requirements for bus drivers in Article 19-A after a school bus was struck by a train at a grade crossing in 1972, killing 5 students and injuring 44 others as well as the driver. The National Transportation Safety Board investigated the accident (*Penn Central Freight Train/Schoolbus Collision Near Congers, New York, March 24, 1972*, RHR-73-1, Washington, DC: NTSB).

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between 10:00 and 10:30 a.m. His afternoon run began at 1:30 p.m. During the break between his morning and afternoon runs, the driver was off duty and free to leave the terminal. On the day of the crash, the driver received permission to drive the school bus home and return with it in the afternoon.

The driver's cell phone record showed no evidence that he was talking or texting at the time of the crash. A postcrash alcohol test by the New York Police Department was negative. A postcrash drug screening by the company was also negative.⁵

Vehicle

The crash vehicle was a 2007 Ford school bus (figure 3). The bus had a tracking device that used global positioning system technology to record its location and speed. According to the tracking data, the crash occurred at 12:23 p.m., and the bus was traveling 9 mph.



Figure 3. School bus similar to that involved in crash, shown turning left from West Fordham Road onto Sedgwick Avenue at crash intersection. (Crash bus was turning right from eastbound West Fordham Road, in lane where green truck can be seen.) View is west from crosswalk where pedestrian was struck.

⁵ The police did not formally interview the driver or obtain a signed statement from him. There is no record of what he told police immediately after the crash. The driver did not respond to phone calls from a National Transportation Safety Board investigator.

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The driver's air bag did not deploy in the collision. An examination of the vehicle found no structural damage. The only damage was minor scratches and a clean swipe mark on the right side of the front bumper.

Applicable Traffic Laws

Under Article 27, section 1150 of the New York state vehicle and traffic laws, pedestrians are subject to traffic-control signals. Article 24, section 1112 gives pedestrians the right-of-way when facing "a steady WALK signal or walking person":

(a) Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by other traffic.

Drivers are required by Article 26, section 1146 of the New York state vehicle and traffic law to exercise "due care":

(a) Notwithstanding the provisions of any other law to the contrary, every driver of a vehicle shall exercise due care to avoid colliding with any bicyclist, pedestrian or domestic animal upon any roadway and shall give warning by sounding the horn when necessary.

Subdivisions 1146(b) and 1146(c) of Article 26 lay out fines and other punishments, including imprisonment, for injuring a pedestrian or bicyclist while failing to exercise due care under 1146(a). Article 28, section 2260 of the New York state law requires drivers to make right turns "as close as practicable to the right-hand curb or edge of the roadway."

New York City administrative code 19-190 (the Right of Way Law) states that it is unlawful (a misdemeanor) for a driver to kill or seriously injure a pedestrian or cyclist resulting from the driver's failure to yield right-of-way or the driver's failure to exercise due care (as required by Article 26, section 1146, of the state laws).⁶

Probable Cause

The National Transportation Safety Board determines that the probable cause of the crash in New York City, New York, was the school bus driver's failure to stop for the pedestrian crossing the street in a marked crosswalk and on a WALK signal. Contributing to the crash was the driver's improper turn from the through lane (which included failing to yield to a vehicle in the right lane and turning into the wrong lane of the street the pedestrian was crossing).

⁶ The Right of Way Law was enacted in August 2014 as part of the mayor's Vision Zero initiative.

BY THE NATIONAL TRANSPORTATION SAFETY BOARD

ROBERT L. SUMWALT, III
Chairman

EARL F. WEENER
Member

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Member

Adopted: July 31, 2018

For more details about this accident, visit the [NTSB public docket](#) and search for NTSB accident ID HWY17SH004. The accident dockets include such information as police reports, photographs, driver and witness statements, data on previous crashes, highway engineering reports, and timing of traffic signals.

The NTSB does not assign fault or blame for an accident or incident; rather, as specified by NTSB regulation, “accident/incident investigations are fact-finding proceedings with no formal issues and no adverse parties . . . and are not conducted for the purpose of determining the rights or liabilities of any person.” 49 *Code of Federal Regulations*, Section 831.4. Assignment of fault or legal liability is not relevant to the NTSB’s statutory mission to improve transportation safety by investigating accidents and incidents and issuing safety recommendations. In addition, statutory language prohibits the admission into evidence or use of any part of an NTSB report related to an accident in a civil action for damages resulting from a matter mentioned in the report. 49 *United States Code*, Section 1154(b).
