

*Police said the Pennsbury school bus driver hit the gas instead of the brake. He vigorously denied that.*

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A rare but long-documented phenomenon is being blamed for a runaway-bus accident that injured 20 students Jan. 12 at Pennsbury High School.

Police in Falls Township have concluded that bus driver John McCleary mistakenly stepped on the accelerator when he thought he was applying the brake pedal.

The parked bus lurched forward, hopping a curb into a crowd of students after classes, injuring 17, one critically. It then rumbled across the sprawling campus in lower Bucks County before McCleary, unable to stop, deliberately crashed the bus into a wall, slightly injuring himself and three student passengers.

There were no signs of mechanical failure to explain the tragedy, according to an accident report released by police yesterday. Nor were there skid marks indicating that the brakes were ever engaged.

McCleary will not be charged.

"Mr. McCleary inadvertently stepped on the gas pedal," said Officer John Trindle, an accident-reconstruction specialist who led the investigation. "There was nothing reckless about what he did, [and] it wasn't intentional."

Though rare, sudden-acceleration episodes happened enough in the 1980s to prompt at least two research studies in 1989. One concluded that hitting the wrong pedal accounted for .03 percent of all vehicle accidents.

Since then, most passenger vehicles have been equipped with shift interlock devices, which require the brake pedal to be depressed before shifting into gear. Most larger commercial vehicles, including school buses, have not incorporated the devices, Trindle said.

Attorneys representing five of the injured students said they expect to sue the bus manufacturer for possible design flaws that could have made driver error more likely. Among their clients is the most seriously injured student, Ashley Zauflik, who is still recovering at home after her left leg was amputated in emergency surgery.

"The focus of our inquiry has been and remains the bus itself, rather than simply attributing this accident to driver error," said [Thomas R. Kline](#), one of the students' lawyers.

Officials at Freightliner L.L.C., based in Portland, Ore., the parent company of the bus manufacturer, did not return calls seeking comment yesterday.

McCleary, a seven-year bus driver, is on paid leave while Pennsbury school officials investigate the incident. His attorney, Louis Busico, said McCleary strongly disputes the report, insisting that the accelerator stuck and the brakes failed.

To accept the police conclusion, "you have to believe, for the first time in that schoolyard, that John McCleary couldn't differentiate a gas pedal from a brake pedal," Busico said. "And that's just not what happened.

"For all the kids out there, John McCleary has a message: His foot was on the brake."

Busico said he would seek to have an independent investigation conducted. He said he suspected that maladjusted brakes and a recently repaired accelerator spring might be to blame.

The bus McCleary was driving - a 12-year-old Thomas Built vehicle with an automatic transmission - was not his normal model. His usual bus was undergoing repairs, and McCleary had driven the replacement bus just once, earlier in the day.

The size, shape and covering of the replacement bus' accelerator was very similar to that of the brake pedal on McCleary's usual bus, police said.

"When you drive, you're driving by habit," Trindle said. "If you are looking left or right or doing something else, your foot is going to go where you think [the pedal] is."

John K. Pollard, an operations research analyst, cowrote one of the 1989 sudden-acceleration studies for the U.S. Department of Transportation.

He said yesterday that professional drivers with commercial licenses tend to be less prone to such mistakes. That, along with the higher cost of shift-interlock systems for large commercial vehicles, could be why most buses don't have them, Pollard said in a telephone interview.

An investigation of the accident by the National Transportation Safety Board is continuing. Any safety recommendations to prevent a repeat of what happened would come from the NTSB, police said.

Pennsbury officials recently erected concrete barriers between the bus-loading area and the adjacent sidewalk.

Yesterday's police report disclosed that three more students were hurt than initially reported. All three suffered minor injuries when the bus jumped onto the sidewalk.

All but two of the injured students returned to classes shortly after the accident.

Zauflik, 17, is still mending at home from a broken pelvis and the loss of her leg, which was crushed by the bus.

Also at home is Leanna Edelman, 17, who was struck by the bus and suffered torn knee cartilage and leg injuries that became infected, said attorney William Goldman Jr., who along with Kline represents the girls and three other injured students. Both girls are being tutored at home, Goldman said.

All of the students' injuries weigh heavily on driver John McCleary, his attorney said.

"His heart and his thoughts and his prayers are with the kids, especially with Ashley," Busico said. "Now that any type of blame is being placed on him, he's devastated."