

S T A T E O F N E W Y O R K

1442--A

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, BRODSKY, FARRELL, COOK, TITUS, COLTON, ROSENTHAL, P. RIVERA -- Multi-Sponsored by -- M. of A. CLARK, ESPAILLAT, GABRYSZAK, JACOBS, KOON, MAISEL, PHEFFER, ROBINSON, TOWNS, WEISENBERG -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to creating a New York city transit authority safety advisory panel to study and report on safety from terrorist acts and to provide for a moratorium on the closing of token booths and minimum staffing levels on trains operated in passenger service in the New York city transit system

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "transit authority passenger security and safety act".
3 S 2. The public authorities law is amended by adding a new section
4 1204-f to read as follows:
5 S 1204-F. MINIMUM STAFFING OF TRAINS OPERATED IN PASSENGER SERVICE. 1.
6 THE LEGISLATURE FINDS THAT THE PRESENCE OF TRAIN CONDUCTORS AND TRAIN
7 OPERATORS ON SUBWAY TRAINS OPERATED BY THE AUTHORITY IS PARTICULARLY
8 ESSENTIAL TO THE SAFETY OF PASSENGERS WHEN EMERGENCIES ARISE INCLUDING
9 WHEN TRAINS ARE IN TUNNELS UNDER BODIES OF WATER OR ON BRIDGES, WHEN
10 TRAINS ARE LONG OR COMPOSED OF NUMEROUS CARS, AND DURING PERIODS OF
11 HEAVY PASSENGER VOLUME.
12 2. THE AUTHORITY SHALL INSURE THAT AT LEAST ONE TRAIN OPERATOR AND ONE
13 CONDUCTOR SHALL BE DEPLOYED ON EACH AND EVERY TRAIN IN PASSENGER SERVICE
14 WHICH MEETS ONE OF THE FOLLOWING CONDITIONS:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 A. THE TRAIN IS MADE UP OF MORE THAN FOUR RAILROAD CARS OR IS GREATER
2 THAN THREE HUNDRED SIXTY FEET IN LENGTH; OR

3 B. THE TRAIN SERVES PASSENGERS ON A LINE THAT PASSES THROUGH A TUNNEL
4 UNDER A RIVER OR TIDAL ESTUARY OR ON BRIDGES; OR

5 C. THE TRAIN IS OPERATING IN PASSENGER SERVICE ON A LINE WHERE THE
6 POTENTIAL PASSENGER LOAD ON THE TRAIN AT ANY POINT IN TIME IS IN EXCESS
7 OF SEVEN HUNDRED FIFTY PASSENGERS.

8 S 3. The public authorities law is amended by adding a new section
9 1205-b to read as follows:

10 S 1205-B. NEW YORK CITY TRANSIT AUTHORITY SAFETY ADVISORY PANEL. 1.
11 A. THERE IS HEREBY CREATED THE NEW YORK CITY TRANSIT AUTHORITY SAFETY
12 ADVISORY PANEL, TO STUDY, MONITOR AND MAKE RECOMMENDATIONS WITH RESPECT
13 TO THE PUBLIC SAFETY FROM TERRORIST THREATS AND CRIMINAL MISCHIEF IN
14 PASSENGER STATIONS OF THE AUTHORITY, ITS SUBSIDIARIES AND THE STATEN
15 ISLAND RAPID TRANSIT OPERATING AUTHORITY.

16 B. THE NEW YORK CITY TRANSIT AUTHORITY SAFETY ADVISORY PANEL SHALL
17 CONSIST OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR, OF WHOM TWO MEMBERS
18 SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF
19 THE SENATE AND TWO MEMBERS SHALL BE APPOINTED UPON THE RECOMMENDATION OF
20 THE SPEAKER OF THE ASSEMBLY. THE MEMBERS OF THE NEW YORK CITY TRANSIT
21 AUTHORITY SAFETY ADVISORY PANEL SHALL BE SELECTED FROM THE LAW ENFORCE-
22 MENT, EMERGENCY RESPONSE MANAGEMENT, WORKER AND RIDER ADVOCATE COMMUNI-
23 TIES AND SHALL INCLUDE AT LEAST THREE MEMBERS WHO ARE COMMUTERS WHO
24 REGULARLY USE THE TRANSPORTATION SERVICES OF THE AUTHORITIES REFERRED TO
25 IN PARAGRAPH A OF THIS SUBDIVISION. THE CHAIRPERSON SHALL BE A MEMBER
26 SELECTED BY THE MEMBERSHIP OF THE COMMITTEE. VACANCIES OCCURRING SHALL
27 BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENTS.

28 C. THE MEMBERS OF THE NEW YORK CITY TRANSIT AUTHORITY SAFETY ADVISORY
29 PANEL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE
30 REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE
31 OF THEIR DUTIES.

32 2. A. THE NEW YORK CITY TRANSIT AUTHORITY SAFETY ADVISORY PANEL SHALL
33 UNDERTAKE A STUDY TO EVALUATE THE RANGE OF STRATEGIES AVAILABLE TO
34 ENSURE THE SAFETY OF THE PUBLIC, INCLUDING ITS INGRESS AND EGRESS FROM
35 PASSENGER STATIONS, AND ALL MEANS OF DETERRING TERRORIST ATTACKS AND
36 CRIMINAL MISCHIEF. SUCH STUDY SHALL BE SUBMITTED TO THE GOVERNOR AND THE
37 LEGISLATURE, AND MADE AVAILABLE TO THE PUBLIC, WITHIN THREE YEARS OF THE
38 EFFECTIVE DATE OF THIS SECTION. SUCH REPORT SHALL BE MADE AVAILABLE TO
39 THE PUBLIC IMMEDIATELY FOLLOWING IT SUBMISSION TO THE GOVERNOR AND THE
40 LEGISLATURE.

41 B. NO TOKEN BOOTHS WITHIN THE PASSENGER STATIONS OF THE AUTHORITY, ITS
42 SUBSIDIARIES OR THE STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY
43 SHALL BE CLOSED OR PARTIALLY CLOSED, EXCEPT FOR PURPOSES OF REPAIR OR
44 RENOVATION OR IN CASE OF EMERGENCY, UNTIL THE LATER OF JULY FIRST, TWO
45 THOUSAND THIRTEEN OR THE DATE OF THE SUBMISSION OF THE ADVISORY PANEL'S
46 REPORT TO THE GOVERNOR AND THE LEGISLATURE.

47 3. THE NEW YORK CITY TRANSIT AUTHORITY SAFETY ADVISORY PANEL MAY
48 REQUEST AND SHALL RECEIVE FROM ANY DEPARTMENT, DIVISION, BOARD, BUREAU,
49 COMMISSION, AGENCY, PUBLIC AUTHORITY OF THE STATE OR ANY PUBLIC SUBDIVI-
50 SION THEREOF SUCH ASSISTANCE AND DATA AS WILL ENABLE IT TO PROPERLY
51 CARRY OUT ITS ACTIVITIES AND TO EFFECTUATE THE PURPOSES SET FORTH IN
52 THIS SECTION.

53 S 4. This act shall take effect immediately.