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

5034

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY, DINOWITZ, PAULIN, WRIGHT -- Multi-Sponsored by -- M. of A. GALEF, GOTTFRIED, JOHN, V. LOPEZ, MILLMAN, PHEFFER, SWEENEY -- read once and referred to the Committee on Transportation

AN ACT to amend the transportation law, in relation to providing bus drivers with appropriate rest periods

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

Section 1. Short title. This act shall be known and may be cited as the "public transit safety act".

S 2. The transportation law is amended by adding a new section 214-a to read as follows:

S 214-A. APPROPRIATE REST PERIODS FOR BUS DRIVERS. 1. AS USED IN THIS SECTION:

A. "APPROPRIATE REST PERIOD" MEANS A PERIOD OF REST OF NOT LESS THAN TEN MINUTES FOR EVERY SEGMENT OF FOUR HOURS OR MAJOR PART THEREOF WORKED IN ONE WORK PERIOD WITHOUT DEDUCTION FOR THE EMPLOYEE'S PAY.

B. "BUS" MEANS EVERY MOTOR VEHICLE HAVING A SEATING CAPACITY OF NINE OR MORE PASSENGERS IN ADDITION TO THE DRIVER AND USED FOR THE TRANSPORTATION OF PERSONS.

C. "BUS DRIVER" MEANS ANY PERSON EMPLOYED BY ANY TRANSIT AGENCY, AUTHORITY OR COMPANY, PUBLIC OR PRIVATE, WHOSE OPERATION IS AUTHORIZED BY THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS, THAT DRIVES A BUS FOR HIRE OR PROFIT.

D. "TRANSPORTATION PROVIDER" MEANS ANY PUBLIC, PRIVATE OR NOT-FOR-PROFIT ENTITY, INCLUDING ANY TRANSPORTATION AUTHORITY, UTILIZING PUBLIC FUNDS TO PROVIDE OR CONTRACT FOR PUBLIC TRANSPORTATION SERVICES FOR THE BENEFIT OF THE GENERAL PUBLIC OR SPECIFIC CLIENT GROUPS.

2. A. EVERY TRANSPORTATION PROVIDER SHALL PROVIDE EACH BUS DRIVER AN APPROPRIATE REST PERIOD TO UTILIZE THE NEAREST CONVENIENT RESTROOM.

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

LBD08255-01-9

B. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO PROHIBIT EMPLOYERS AND EMPLOYEES FROM ESTABLISHING APPROPRIATE REST PERIODS WHICH DIFFER FROM THOSE REQUIRED BY THIS SECTION PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT.

S 3. This act shall take effect immediately.