

5782

2009-2010 Regular Sessions

I N   S E N A T E

June 4, 2009

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Introduced by Sen. SMITH -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the transportation law, in relation to renaming the New York City transit authority track safety force and the New York city transit authority on-track safety program to the Daniel Boggs - Marvin Franklin New York city transit track safety force and the Daniel Boggs - Marvin Franklin New York city transit authority on-track safety program

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

1     Section 1. The article heading of article 16 of the transportation  
2 law, as added by chapter 209 of the laws of 2007, is amended to read as  
3 follows:

4                             DANIEL BOGGS - MARVIN FRANKLIN

5                     NEW YORK CITY TRANSIT AUTHORITY TRACK SAFETY TASK FORCE

6     S 2. Sections 403, 404 and 406 of the transportation law, as added by  
7 chapter 209 of laws of 2007, are amended to read as follows:

8     S 403. Definitions. For the purposes of this article:

9     1. "New York city transit authority" shall be deemed to include its  
10 subsidiary, the Manhattan and Bronx Surface Transit Operating Authority,  
11 and any other agency that may come under the control of the New York  
12 city transit authority.

13     2. "DANIEL BOGGS - MARVIN FRANKLIN New York city transit authority's  
14 on-track safety program" shall mean the program as described in section  
15 four hundred six of this article.

16     S 404. Establishment of the DANIEL BOGGS - MARVIN FRANKLIN New York  
17 city transit authority track safety task force. There is hereby estab-  
18 lished the DANIEL BOGGS - MARVIN FRANKLIN New York city transit track  
19 safety task force with responsibility for the review of the DANIEL BOGGS  
20 - MARVIN FRANKLIN New York city transit authority's on-track safety  
21 program, including the following:

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

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1. training and qualifications of affected employees;
2. appropriate procedures for protecting New York city transit authority employees engaged in work along the track right-of-way, including good faith challenge procedures;
3. instructions to train operators;
4. relevant New York city transit authority rules;
5. third rail safety;
6. illumination; and
7. any additional related safety matters.

S 406. [On-track] DANIEL BOGGS - MARVIN FRANKLIN NEW YORK TRANSIT AUTHORITY'S ON-TRACK safety program. 1. By May first, two thousand eight, the DANIEL BOGGS - MARVIN FRANKLIN New York city transit authority track safety task force shall issue one or more reports setting forth the recommendations of its members with respect to the DANIEL BOGGS - MARVIN FRANKLIN New York city transit authority on-track safety program. Such reports shall be sent to the governor, the temporary president of the senate and the speaker of the assembly.

2. Such track safety task force shall also provide to the public employee safety and health bureau within the department of labor and to all labor organizations that represent New York city transit authority employees engaged in work on or adjacent to the right-of-way a copy of its reports.

3. Prior to implementation of any material modification to the DANIEL BOGGS - MARVIN FRANKLIN New York city transit authority's on-track safety program, the New York city transit authority shall advise the task force established in section four hundred four of this article which shall review such modification at its next meeting; except that nothing contained in this section shall be deemed to preclude or limit the right of the New York city transit authority to implement any such modification which it deems appropriate to enhance the safety of its employees, customers or third parties.

S 3. Section 405 of the transportation law, as added by chapter 209 of the laws of 2007 and subdivision 1 as amended by chapter 29 of the laws of 2008, is amended to read as follows:

S 405. DANIEL BOGGS - MARVIN FRANKLIN New York city transit authority track safety task force membership. 1. The DANIEL BOGGS - MARVIN FRANKLIN New York city transit authority track safety task force shall consist of a total of four members as follows:

- (a) the commissioner or his or her designee;
- (b) the commissioner of labor or his or her designee;
- (c) the president of New York city transit authority or his or her designee; and
- (d) the president of Transport Workers Union, Local 100, an affiliate of the New York state AFL-CIO, or his or her designee.

2. The commissioner or his or her designee shall be the chair of the track safety task force.

3. The track safety task force shall meet as often as deemed necessary by the chair but in no event less than four times per year. Any member may call a meeting on not less than ten days written notice to the other members.

4. The members of the track safety task force shall receive no salary or other compensation for their services but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.

S 4. This act shall take effect immediately.