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

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I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, BOYLAND, GLICK, MILLMAN, PERRY, COLTON -- Multi-Sponsored by -- M. of A. ABBATE, BING, FARRELL, GOTTFRIED, HIKIND, MAYERSOHN, PHEFFER, J. RIVERA, N. RIVERA, ROBINSON, TITONE, TOWNS -- read once and referred to the Committee on Corporations, Authorities and Commissions -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

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

S 2. The public authorities law is amended by adding a new section 1204-f to read as follows:

S 1204-F. MINIMUM STAFFING OF TRAINS OPERATED IN PASSENGER SERVICE. 1. THE LEGISLATURE FINDS THAT THE PRESENCE OF TRAIN CONDUCTORS AND TRAIN OPERATORS ON SUBWAY TRAINS OPERATED BY THE AUTHORITY IS PARTICULARLY ESSENTIAL TO THE SAFETY OF PASSENGERS WHEN EMERGENCIES ARISE INCLUDING WHEN TRAINS ARE IN TUNNELS UNDER BODIES OF WATER OR ON BRIDGES, WHEN TRAINS ARE LONG OR COMPOSED OF NUMEROUS CARS, AND DURING PERIODS OF HEAVY PASSENGER VOLUME.

2. THE AUTHORITY SHALL INSURE THAT AT LEAST ONE TRAIN OPERATOR AND ONE CONDUCTOR SHALL BE DEPLOYED ON EACH AND EVERY TRAIN IN PASSENGER SERVICE WHICH MEETS ONE OF THE FOLLOWING CONDITIONS:

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

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

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

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

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

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

B. THE NEW YORK CITY TRANSIT AUTHORITY SAFETY ADVISORY PANEL SHALL CONSIST OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR, OF WHOM TWO MEMBERS SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND TWO MEMBERS SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. THE MEMBERS OF THE NEW YORK CITY TRANSIT AUTHORITY SAFETY ADVISORY PANEL SHALL BE SELECTED FROM THE LAW ENFORCEMENT, EMERGENCY RESPONSE MANAGEMENT, WORKER AND RIDER ADVOCATE COMMUNITIES AND SHALL INCLUDE AT LEAST THREE MEMBERS WHO ARE COMMUTERS WHO REGULARLY USE THE TRANSPORTATION SERVICES OF THE AUTHORITIES REFERRED TO IN PARAGRAPH A OF THIS SUBDIVISION. THE CHAIRPERSON SHALL BE A MEMBER SELECTED BY THE MEMBERSHIP OF THE COMMITTEE. VACANCIES OCCURRING SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENTS.

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

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

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

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

S 4. This act shall take effect immediately.