

641

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. WRIGHT, FARRELL, TITUS, COOK, COLTON, ROSENTHAL,
P. RIVERA -- Multi-Sponsored by -- M. of A. CLARK, GABRYSZAK, JACOBS,
MAISEL, PHEFFER, ROBINSON, TOWNS, WEISENBERG -- read once and referred
to the Committee on Corporations, Authorities and Commissions

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 ASSEM-
BLY, 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:
15 A. THE TRAIN IS MADE UP OF MORE THAN FOUR RAILROAD CARS OR IS GREATER
16 THAN THREE HUNDRED SIXTY FEET IN LENGTH; OR
17 B. THE TRAIN SERVES PASSENGERS ON A LINE THAT PASSES THROUGH A TUNNEL
18 UNDER A RIVER OR TIDAL ESTUARY OR ON BRIDGES; OR

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

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

4 S 3. The public authorities law is amended by adding a new section
5 1205-b to read as follows:

6 S 1205-B. NEW YORK CITY TRANSIT AUTHORITY SAFETY ADVISORY PANEL. 1.

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

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

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

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

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

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

49 S 4. This act shall take effect immediately.