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

February 14, 2012

Introduced by M. of A. BRENNAN, GIBSON, COOK, ROSENTHAL, COLTON, JACOBS, P. RIVERA -- Multi-Sponsored by -- M. of A. ABBATE, BARRON, BOYLAND, CASTRO, CRESPO, DINOWITZ, GLICK, JAFFEE, LAVINE, LENTOL, LINARES, MENG, MILLMAN, ORTIZ, REILLY, ROBERTS, ROBINSON, SCHIMEL, TITONE, WEISENBERG, WRIGHT -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to establishing an office of the ombudsperson for the purpose of receiving and resolving complaints affecting mass transit users of the facilities of the metropolitan transportation authority

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

Section 1. The public authorities law is amended by adding a new section 1279-d to read as follows:

S 1279-D. OFFICE OF THE OMBUDSPERSON. 1. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE TERM "EXECUTIVE DIRECTOR" SHALL MEAN THE INDIVIDUAL APPOINTED TO SERVE AS THE EXECUTIVE DIRECTOR OF THE AUTHORITY PURSUANT TO SUBDIVISION FOUR OF SECTION TWELVE HUNDRED SIXTY-THREE OF THIS TITLE.

2. OFFICE ESTABLISHED. THERE IS HEREBY ESTABLISHED WITHIN THE AUTHORITY AN OFFICE OF THE OMBUDSPERSON FOR THE PURPOSE OF RECEIVING AND RESOLVING COMPLAINTS AFFECTING MASS TRANSIT USERS OF THE FACILITIES OF THE AUTHORITY AND, WHERE APPROPRIATE, REFERRING COMPLAINTS TO APPROPRIATE INVESTIGATORY AGENCIES AND ACTING IN CONCERT WITH SUCH AGENCIES.

3. DIRECTOR. (A) THE EXECUTIVE DIRECTOR SHALL APPOINT A FULL-TIME DIRECTOR TO ADMINISTER AND SUPERVISE THE OFFICE FROM A LIST OF CANDIDATES SUBMITTED BY THE PERMANENT CITIZENS ADVISORY COMMITTEE. THE DIRECTOR SHALL REPORT DIRECTLY TO THE EXECUTIVE DIRECTOR.

(B) THE DIRECTOR SHALL BE SELECTED FROM AMONG INDIVIDUALS WITH EXPERTISE AND EXPERIENCE IN THE FIELD OF ADVOCACY, AND WITH OTHER QUALIFICATIONS DETERMINED BY THE PERMANENT CITIZENS ADVISORY COMMITTEE TO BE APPROPRIATE FOR THE POSITION.

(C) THE DIRECTOR SHALL BE AUTHORIZED TO EMPLOY QUALIFIED STAFF AND OTHER EMPLOYEES AS MAY BE REQUIRED TO PERFORM THE DUTIES AND RESPONSIBILITIES OF THE OFFICE.

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

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(D) THE DIRECTOR SHALL:
(I) IDENTIFY, INVESTIGATE AND RESOLVE COMPLAINTS THAT ARE MADE BY, OR ON BEHALF OF, MASS TRANSIT AND PARATRANSIT USERS OF THE FACILITIES OF THE AUTHORITY AND THAT RELATE TO ACTIONS, INACTIONS OR DECISIONS THAT MAY ADVERSELY AFFECT THE HEALTH, SAFETY AND WELFARE OR RIGHTS OF SUCH USERS; AND
(II) PROVIDE INFORMATION AND SERVICES TO ASSIST MASS TRANSIT AND PARA-TRANSIT USERS IN PROTECTING THEIR HEALTH, SAFETY, WELFARE AND RIGHTS, INCLUDING BUT NOT LIMITED TO REPRESENTING THE INTERESTS OF SUCH USERS BEFORE GOVERNMENTAL AGENCIES AND SEEKING APPROPRIATE ADMINISTRATIVE, LEGAL AND OTHER REMEDIES TO PROTECT THEIR WELFARE, SAFETY, HEALTH AND RIGHTS.
(E) THE BOARD, IN CONSULTATION WITH THE DIRECTOR, SHALL ESTABLISH IN REGULATIONS STANDARDS FOR THE OPERATION OF THE OFFICE.
4. REVIEW OF COMPLAINT. (A) UPON RECEIPT OF A COMPLAINT, THE DIRECTOR SHALL DETERMINE IMMEDIATELY WHETHER THERE ARE REASONABLE GROUNDS FOR AN INVESTIGATION. TO THE MAXIMUM EXTENT POSSIBLE, ALL COMPLAINTS SHALL BE RESOLVED WITHIN SIXTY DAYS OF THE RECEIPT OF THE COMPLAINT. SUCH INVES-TIGATION SHALL BE CONDUCTED IN A MANNER PRESCRIBED IN REGULATIONS.
(B) THE DIRECTOR SHALL NOT DISCLOSE THE IDENTITY OF THE COMPLAINANT THAT MADE A COMPLAINT TO THE OMBUDSPERSON UNLESS:
(I) THE COMPLAINANT OR HIS OR HER LEGAL REPRESENTATIVE GIVES WRITTEN CONSENT TO THE OMBUDSPERSON; OR
(II) PURSUANT TO A COURT ORDER.
5. REPORTING REQUIREMENTS. (A) THE DIRECTOR SHALL ANNUALLY SUBMIT TO THE BOARD A REPORT AND MAKE SUCH REPORT AVAILABLE TO THE PUBLIC:
(I) DESCRIBING THE ACTIVITIES CARRIED OUT BY THE OFFICE DURING THE PRIOR CALENDAR YEAR;
(II) CONTAINING AND ANALYZING DATA RELATING TO COMPLAINTS FOR THE PURPOSE OF IDENTIFYING AND RESOLVING SIGNIFICANT PROBLEMS. THE REPORT SHALL REPORT SEPARATELY ON DATA RELATING TO COMPLAINTS MADE BY RIDERS AND USERS OF THE AUTHORITY'S PARATRANSIT SERVICES;
(III) EVALUATING THE PROBLEMS EXPERIENCED BY, AND THE COMPLAINTS MADE BY OR ON BEHALF OF, MASS TRANSIT AND PARATRANSIT USERS;
(IV) CONTAINING RECOMMENDATIONS, AFTER CONSULTATION WITH THE PERMANENT CITIZENS ADVISORY COMMITTEE, FOR:
(A) PROTECTING THE HEALTH, SAFETY AND WELFARE AND RIGHTS OF THE MASS TRANSIT AND PARATRANSIT USERS; AND
(B) APPROPRIATE STATE LEGISLATION, RULES AND REGULATIONS AND OTHER ACTION TO IMPROVE THE QUALITY OF SERVICES TO THE MASS TRANSIT AND PARA-TRANSIT USERS; AND
(V) ANY OTHER MATTERS AS THE DIRECTOR DETERMINES TO BE APPROPRIATE.
(B) THE INFORMATION CONTAINED IN SUCH REPORT SHALL BE INCLUDED IN THE ANNUAL REPORT REQUIRED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THIS CHAPTER.
6. PUBLIC OUTREACH. (A) THE AUTHORITY SHALL ENSURE THAT THE MASS TRAN-SIT USERS OF THE FACILITIES OF THE AUTHORITY AND THE GENERAL PUBLIC ARE FULLY INFORMED AND MADE AWARE OF THE OFFICE OF THE OMBUDSPERSON AND THE COMPLAINT PROCESS, INCLUDING BUT NOT LIMITED TO:
(I) ESTABLISHING AN EASILY IDENTIFIABLE AND PROMINENTLY DISPLAYED LINK ON THE AUTHORITY'S WEBSITE;
(II) ESTABLISHING A TOLL-FREE NUMBER FOR COMPLAINTS; AND
(III) DISPLAYING PROMINENTLY THE EXISTENCE OF THE OFFICE AND THE TOLL-FREE NUMBER ON BUSES, TRAINS, SUBWAYS AND STATIONS OPERATED BY THE AUTHORITY.

(B) SUCH INFORMATION SHALL BE SET FORTH IN ENGLISH AND SUCH OTHER LANGUAGES AS THE AUTHORITY DEEMS NECESSARY AND APPROPRIATE.

S 2. The metropolitan transportation authority shall, to the maximum extent possible, resolve all complaints described in subdivision 2 of section 1279-d of the public authorities law received by it prior to the effective date of this act within sixty days after the effective date of this act. Any unresolved complaints remaining with such authority on such date shall be transferred, along with any documents and records related thereto, to the office of the ombudsperson established by section 1279-d of the public authorities law for resolution.

S 3. The appointment of the director authorized by paragraph a of subdivision 3 of section 1279-d of the public authorities law shall be made on or before the effective date of this act.

S 4. This act shall take effect six months after it shall have become a law.