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2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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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.