

4528

2011-2012 Regular Sessions

I N S E N A T E

April 11, 2011

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

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:

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

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

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1 S 3. The public authorities law is amended by adding a new section
2 1205-b to read as follows:

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

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

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

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

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

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

46 S 4. This act shall take effect immediately.