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

9107

I N A S S E M B L Y

March 17, 2014

Introduced by M. of A. MILLMAN -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to establishing and empowering the station agent study commission and providing for its dissolution upon completion of its duties

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 1206-b to read as follows:

S 1206-B. STATION AGENT STUDY COMMISSION. 1. A TEMPORARY COMMISSION, TO BE KNOWN AS THE "STATION AGENT STUDY COMMISSION", IS HEREBY CREATED TO STUDY AND MAKE RECOMMENDATIONS RELATING TO THE IMPACT ON THE QUALITY OF SERVICE PROVIDED BY THE NEW YORK TRANSIT AUTHORITY AFTER THE REMOVAL OF STATION AGENTS AT SUBWAY STATIONS.

2. THE COMMISSION SHALL CONSIST OF THIRTEEN MEMBERS TO BE APPOINTED AS FOLLOWS: THREE PERSONS SHALL BE APPOINTED BY THE GOVERNOR, ONE OF WHOM IS DESIGNATED BY THE GOVERNOR AS CHAIR OF THE JOINT COMMISSION; ONE ADDITIONAL PERSON SHALL BE APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY; ONE ADDITIONAL PERSON SHALL BE APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE LABOR ORGANIZATION REPRESENTING A MAJORITY OF THE EMPLOYEES AT THE NEW YORK CITY TRANSIT AUTHORITY; ONE ADDITIONAL PERSON SHALL BE APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF A NOT-FOR-PROFIT ADVOCACY GROUP REPRESENTING CONSUMERS OF MASS TRANSIT SERVICES WITHIN NEW YORK CITY; ONE PERSON SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY; ONE PERSON SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; TWO PERSONS SHALL BE APPOINTED BY THE SPEAKER OF THE NEW YORK CITY COUNCIL, AT LEAST ONE OF WHOM SHALL BE THE CHAIR OF THE TRANSPORTATION COMMITTEE OF THE COUNCIL, AND THE OTHER OF WHOM SHALL BE A RESIDENT OF A DIFFERENT BOROUGH THAN THE CHAIR OF THE TRANSPORTATION COMMITTEE OF THE COUNCIL; TWO PERSONS SHALL BE APPOINTED BY THE MAYOR OF THE CITY OF NEW YORK, AT LEAST ONE OF WHOM SHALL BE THE COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF TRANSPORTATION; AND ONE PERSON SHALL BE APPOINTED BY THE PUBLIC ADVOCATE OF THE CITY OF NEW YORK. ALL

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

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MEMBERS OF THE COMMISSION SHALL BE APPOINTED WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION.

3. THE MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS SECTION. SUCH EXPENSES SHALL BE PAID OUT OF OPERATING APPROPRIATIONS MADE TO THE METROPOLITAN TRANSIT AUTHORITY BY THE STATE.

4. THE JOINT COMMISSION SHALL HAVE THE POWER TO:

A. CONDUCT PUBLIC HEARINGS TO RECEIVE COMMENT ON THE IMPACT OF THE ELIMINATION OF STATION AGENTS FROM POLICY MAKERS, COMMUNITY GROUPS, BUSINESSES, URBAN PLANNERS, LAW ENFORCEMENT AGENTS, RESIDENTS AND ANY OTHER INDIVIDUALS UTILIZING A MASS TRANSIT NETWORK, PARTS OF WHICH ARE RENDERED BENEATH THE STREET LEVEL SURFACE;

B. COMPILE, COLLECT, REVIEW AND OTHERWISE ORGANIZE THE BEST PRACTICES FOR OPERATING SUBTERRANEAN MASS TRANSIT SERVICES THROUGHOUT THE WORLD;

C. EMPOWER AND FUND SITE VISITS BY COMMISSION MEMBERS TO OTHER PUBLICLY OPERATED SUBTERRANEAN MASS TRANSIT NETWORKS IN NORTH AMERICA;

D. COMPOSE AND DISTRIBUTE AN INTERIM REPORT CONTAINING PRELIMINARY FINDINGS OF FACT, RECOMMENDATIONS AND OTHER INFORMATION DEEMED PRUDENT BY THE MAJORITY OF THE JOINT COMMISSION ON OR BEFORE THE END OF THE SIXTH MONTH AFTER ITS INITIAL MEETING AND A FINAL REPORT SIX MONTHS THEREAFTER;

E. UTILIZE EXISTING PERSONNEL OF THE METROPOLITAN TRANSIT AUTHORITY OR ANY OF ITS SUBSIDIARIES TO SUPPORT ANY OF ITS LAWFUL ACTIVITIES TO COMPLY WITH THE PROVISIONS OF THIS SECTION; AND

F. CONDUCT A COST BENEFIT ANALYSIS ON THE EFFECT OF REMOVING STATION AGENTS FROM A MASS TRANSIT NETWORK HAVING ELEMENTS OF SUCH SERVICE DELIVERED IN A SUBTERRANEAN SETTING.

5. THE COMMISSION SHALL MAKE A REPORT OF ITS FINDINGS AND MAKE ANY RECOMMENDATIONS IT MAY DEEM NECESSARY AND APPROPRIATE TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY AND TO THE SPEAKER OF THE NEW YORK CITY COUNCIL AND THE MAYOR OF THE CITY OF NEW YORK NO LATER THAN ONE YEAR AFTER ALL OF THE MEMBERS OF THE COMMISSION HAVE BEEN APPOINTED. UPON PRESENTATION OF THIS REPORT, THE COMMISSION SHALL BE DISSOLVED.

6. PRIOR TO THE COMMISSION RENDERING ITS FINAL REPORT AS REQUIRED BY SUBDIVISION FIVE OF THIS SECTION, THE METROPOLITAN TRANSIT AUTHORITY AND ANY OF ITS SUBSIDIARIES ARE PROHIBITED FROM ELIMINATING ANY POSITION, JOB TITLE, OR PERSON SERVING AS STATION AGENT AT THE TIME OF THE EFFECTIVE DATE OF THIS SECTION. ANY PERSON OR AUTHORIZED COLLECTIVE BARGAINING UNIT REPRESENTING SUCH PERSON, SHALL HAVE STANDING TO SEEK AN APPROPRIATE REMEDY PURSUANT TO GRIEVANCE PROCEDURES SET FORTH IN A COLLECTIVELY BARGAINED AGREEMENT TO INCLUDE BUT NOT BE LIMITED TO, BACK PAY, REINSTATEMENT OF BENEFITS, REINSTATEMENT OF PENSION CREDITS AND OTHER RELIEF WHEN SUCH TRANSIT AUTHORITY VIOLATES THE PROHIBITION SET FORTH IN THIS SUBDIVISION.

S 2. This act shall take effect immediately.