

5684--A

Cal. No. 706

2013-2014 Regular Sessions

I N S E N A T E

June 4, 2013

Introduced by Sens. KLEIN, ESPAILLAT, HASSELL-THOMPSON, HOYLMAN, PARKER, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the administrative code of the city of New York, in relation to New York city transit omnibus safety requirements

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

1 Section 1. Legislative findings. The occupation of driving an omnibus
2 available to the general public has become increasingly dangerous to bus
3 drivers employed by the New York city transit authority and its subsid-
4 iaries. There has been an increase in the number of bus drivers who have
5 become victims of assaults, verbal attacks, spitting, menacing and
6 threats at the hands of bus riders. Unlike the work environment of tran-
7 sit employees deployed on the subway trains, there is no discernible
8 police presence on these buses, and the driver is relatively defenseless
9 while operating a bus on a congested urban street, against an aggressive
10 bus passenger seeking to harm him or her.

11 The legislature finds that a safety partition between the bus drivers
12 and the passengers on the vehicle can be an effective deterrent to any
13 harm being inflicted on the transit worker. Such partitions have been
14 highly effective in protecting taxi cab and livery car drivers from
15 aggressive acts by passengers inside their vehicles. A similar require-
16 ment protecting bus operators should be equally effective and would
17 promote public safety for the riding public on mass transit surface
18 vehicles.

19 The legislature also finds that current emergency communication proto-
20 cols of the New York city transit authority and its subsidiaries are not

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

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1 operating at an optimum efficiency level. Nearly all buses are currently
2 equipped with a silent alarm mechanism which alerts the transit authori-
3 ty's command center that an emergency exists and also with a GPS device
4 which can apprise the command center of the location of the bus. More
5 meaningful information and more importantly, a more timely intervention
6 by first responders and transit supervisors, could be conveyed if the
7 two existing devices worked in tandem with one another. That the emer-
8 gency alarm be synchronized with the GPS device so that when it is acti-
9 vated it can simultaneously convey the location of the bus sounding the
10 alarm. The legislature finds these two common sense initiatives can
11 significantly improve the safety on mass transit buses operating within
12 New York city at a very modest cost.

13 S 2. The administrative code of the city of New York is amended by
14 adding a new section 10-172 to read as follows:

15 S 10-172 NEW YORK CITY TRANSIT OMNIBUS SAFETY REQUIREMENTS. A. DEFI-
16 NITIONS. 1. THE TERM "OMNIBUS" OR "BUS" SHALL MEAN A MECHANIZED VEHICLE
17 PROVIDING MASS TRANSIT SURFACE SERVICE TO THE PUBLIC OWNED, OPERATED OR
18 LEASED BY THE TRANSIT AUTHORITY.

19 2. THE TERM "PARTITION" SHALL MEAN AN "L" SHAPED ENCLOSURE AROUND A
20 BUS OPERATOR, CONSISTING IN WHOLE OR IN PART OF PLEXIGLASS AT LEAST ONE
21 INCH IN THICKNESS OR SOME OTHER RIGID TRANSPARENT SUBSTANCE OF EQUAL OR
22 GREATER STRENGTH, THAT WILL HAVE A HINGED DOOR OPENING TO THE RIGHT OF A
23 SEATED BUS OPERATOR TO ALLOW FOR EASY INGRESS AND EGRESS.

24 3. THE TERM "SILENT EMERGENCY ALARM" SHALL MEAN A DEVICE CURRENTLY IN
25 USE ON OMNIBUSES DEPLOYED BY THE TRANSIT AUTHORITY THAT WILL ALLOW A BUS
26 OPERATOR TO SURREPTITIOUSLY ALERT THE COMMAND CENTER OF SUCH TRANSIT
27 AUTHORITY OF A CIRCUMSTANCE OR CONDITION CONSTITUTING AN EMERGENCY IN
28 THE JUDGMENT OF THE OPERATOR.

29 4. THE TERM "BUS GPS DEVICE" SHALL MEAN A DEVICE CURRENTLY IN USE ON
30 OMNIBUSES DEPLOYED BY THE TRANSIT AUTHORITY, THAT WHEN ACTIVATED, CAN
31 IMPART THE EXACT LOCATION OF THE OMNIBUS TO THE COMMAND CENTER OF SUCH
32 TRANSIT AUTHORITY.

33 5. THE TERM "TRANSIT AUTHORITY" SHALL MEAN THE NEW YORK CITY TRANSIT
34 AUTHORITY AND ANY OF ITS SUBSIDIARIES OPERATING SURFACE MASS TRANSIT
35 VEHICLES WITHIN NEW YORK CITY.

36 B. THE TRANSIT AUTHORITY SHALL NOT ACQUIRE OR PUT INTO SERVICE ANY
37 OMNIBUS AFTER THE EFFECTIVE DATE OF THIS SECTION, WHICH IS NOT EQUIPPED
38 WITH A PARTITION DESIGNED AND SUFFICIENT TO PROTECT THE OPERATOR OF SUCH
39 OMNIBUS FROM ATTACKS ON HIS OR HER PERSON AND IS ALSO EQUIPPED WITH AN
40 EASY TO ACCESS SILENT EMERGENCY ALARM TO THE COMMAND CENTER OF SUCH
41 TRANSIT AUTHORITY WHICH WHEN ACTIVATED, WILL SIMULTANEOUSLY CAUSE THE
42 BUS GPS DEVICE TO SIGNAL THE PRECISE LOCATION OF THE OMNIBUS EMITTING
43 THE SILENT EMERGENCY ALARM.

44 C. WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION, THE TRANSIT
45 AUTHORITY SHALL RETROFIT ONE-FIFTH OF THE TOTAL OMNIBUSES IT DEPLOYS FOR
46 MASS TRANSIT SERVICE WITHIN NEW YORK CITY WITH A PARTITION, AND FOR EACH
47 CONSECUTIVE YEAR THEREAFTER A LIKE PERCENTAGE OF ITS BUS FLEET SHALL BE
48 RETROFITTED WITH A PARTITION, SO THAT UPON COMPLETION OF THE FIFTH YEAR
49 AFTER THE EFFECTIVE DATE OF THIS SECTION THE ENTIRE FLEET OF OMNIBUSES
50 OPERATED BY THE TRANSIT AUTHORITY SHALL HAVE A PROTECTIVE PARTITION
51 INSTALLED TO PROTECT THE BUS OPERATOR. DURING ANY YEAR WHEN ONLY A
52 PARTIAL NUMBER OF BUSES ARE EQUIPPED WITH A PARTITION, DECISIONS TO
53 DEPLOY BUSES EQUIPPED WITH SUCH BARRIERS ON ANY ROUTE OF THE TRANSIT
54 AUTHORITY WILL BE MADE BY THE BUS OPERATION ACTION COMMITTEE IN ORDER TO
55 PRIORITIZE DEPLOYMENT ON THE ROUTES THAT HAVE HISTORICALLY BEEN THE MOST
56 DANGEROUS TO BUS OPERATORS.

1 D. WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION, THE TRANSIT
2 AUTHORITY SHALL RETROFIT ONE-HALF OF THE TOTAL OMNIBUSES IT DEPLOYS FOR
3 MASS TRANSIT SERVICE WITHIN NEW YORK CITY WITH A SILENT EMERGENCY ALARM
4 THAT IS SYNCHRONIZED WITH ITS EXISTING BUS GPS DEVICE SO THAT THE
5 LOCATION OF A BUS EMITTING THE ALARM IS IMMEDIATELY KNOWN BY THE COMMAND
6 CENTER OF THE TRANSIT AUTHORITY, AND IN THE NEXT CONSECUTIVE YEAR THE
7 REMAINDER OF THE FLEET OF OMNIBUSES OF THE TRANSIT AUTHORITY SHALL BE SO
8 EQUIPPED.

9 S 3. This act shall take effect immediately.