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I N S E N A T E

February 26, 2016

Introduced by Sen. AVELLA -- 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 establishing an office of the transit riders advocate 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:

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

3 S 1279-D. OFFICE OF THE TRANSIT RIDERS ADVOCATE. 1. DEFINITIONS. FOR
4 THE PURPOSES OF THIS SECTION, THE TERM "EXECUTIVE DIRECTOR" SHALL MEAN
5 THE INDIVIDUAL APPOINTED TO SERVE AS THE CHIEF EXECUTIVE OFFICER OF THE
6 AUTHORITY PURSUANT TO SUBDIVISION FOUR OF SECTION TWELVE HUNDRED SIXTY-
7 THREE OF THIS TITLE.

8 2. OFFICE ESTABLISHED. THERE IS HEREBY ESTABLISHED WITHIN THE AUTHORI-
9 TY AN OFFICE OF THE TRANSIT RIDERS ADVOCATE FOR THE PURPOSE OF RECEIVING
10 AND RESOLVING COMPLAINTS AFFECTING MASS TRANSIT USERS OF THE FACILITIES
11 OF THE AUTHORITY AND, WHERE APPROPRIATE, REFERRING COMPLAINTS TO APPRO-
12 PRIATE INVESTIGATORY AGENCIES AND ACTING IN CONCERT WITH SUCH AGENCIES.

13 3. DIRECTOR. (A) THE EXECUTIVE DIRECTOR SHALL APPOINT A FULL-TIME
14 DIRECTOR TO ADMINISTER AND SUPERVISE THE OFFICE FROM A LIST OF CANDI-
15 DATES SUBMITTED BY THE PERMANENT CITIZENS ADVISORY COMMITTEE. THE DIREC-
16 TOR SHALL REPORT DIRECTLY TO THE EXECUTIVE DIRECTOR.

17 (B) THE DIRECTOR SHALL BE SELECTED FROM AMONG INDIVIDUALS WITH EXPER-
18 TISE AND EXPERIENCE IN THE FIELD OF ADVOCACY, AND WITH OTHER QUALIFICA-
19 TIONS DETERMINED BY THE PERMANENT CITIZENS ADVISORY COMMITTEE TO BE
20 APPROPRIATE FOR THE POSITION.

21 (C) THE DIRECTOR SHALL BE AUTHORIZED TO EMPLOY QUALIFIED STAFF AND
22 OTHER EMPLOYEES AS MAY BE REQUIRED TO PERFORM THE DUTIES AND RESPONSI-
23 BILITIES OF THE OFFICE.

24 (D) THE DIRECTOR SHALL:

25 (I) IDENTIFY, INVESTIGATE AND RESOLVE COMPLAINTS THAT ARE MADE BY, OR
26 ON BEHALF OF, MASS TRANSIT AND PARATRANSIT USERS OF THE FACILITIES OF

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

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1 THE AUTHORITY AND THAT RELATE TO ACTIONS, INACTIONS OR DECISIONS THAT
2 MAY ADVERSELY AFFECT THE HEALTH, SAFETY AND WELFARE OR RIGHTS OF SUCH
3 USERS; AND

4 (II) PROVIDE INFORMATION AND SERVICES TO ASSIST MASS TRANSIT AND PARA-
5 TRANSIT USERS IN PROTECTING THEIR HEALTH, SAFETY, WELFARE AND RIGHTS,
6 INCLUDING BUT NOT LIMITED TO REPRESENTING THE INTERESTS OF SUCH USERS
7 BEFORE GOVERNMENTAL AGENCIES AND SEEKING APPROPRIATE ADMINISTRATIVE,
8 LEGAL AND OTHER REMEDIES TO PROTECT THEIR WELFARE, SAFETY, HEALTH AND
9 RIGHTS.

10 (E) THE BOARD, IN CONSULTATION WITH THE DIRECTOR, SHALL ESTABLISH IN
11 REGULATIONS STANDARDS FOR THE OPERATION OF THE OFFICE.

12 4. REVIEW OF COMPLAINT. (A) UPON RECEIPT OF A COMPLAINT, THE DIRECTOR
13 SHALL DETERMINE IMMEDIATELY WHETHER THERE ARE REASONABLE GROUNDS FOR AN
14 INVESTIGATION. TO THE MAXIMUM EXTENT POSSIBLE, ALL COMPLAINTS SHALL BE
15 RESOLVED WITHIN SIXTY DAYS OF THE RECEIPT OF THE COMPLAINT. SUCH INVE-
16 TIGATION SHALL BE CONDUCTED IN A MANNER PRESCRIBED IN REGULATIONS.

17 (B) THE DIRECTOR SHALL NOT DISCLOSE THE IDENTITY OF THE COMPLAINANT
18 THAT MADE A COMPLAINT TO THE OFFICE OF THE TRANSIT RIDERS ADVOCATE
19 UNLESS:

20 (I) THE COMPLAINANT OR HIS OR HER LEGAL REPRESENTATIVE GIVES WRITTEN
21 CONSENT TO THE OFFICE OF THE TRANSIT RIDERS ADVOCATE; OR

22 (II) PURSUANT TO A COURT ORDER.

23 5. REPORTING REQUIREMENTS. (A) THE DIRECTOR SHALL ANNUALLY SUBMIT TO
24 THE BOARD A REPORT AND MAKE SUCH REPORT AVAILABLE TO THE PUBLIC:

25 (I) DESCRIBING THE ACTIVITIES CARRIED OUT BY THE OFFICE DURING THE
26 PRIOR CALENDAR YEAR;

27 (II) CONTAINING AND ANALYZING DATA RELATING TO COMPLAINTS FOR THE
28 PURPOSE OF IDENTIFYING AND RESOLVING SIGNIFICANT PROBLEMS. THE REPORT
29 SHALL REPORT SEPARATELY ON DATA RELATING TO COMPLAINTS MADE BY RIDERS
30 AND USERS OF THE AUTHORITY'S PARATRANSIT SERVICES;

31 (III) EVALUATING THE PROBLEMS EXPERIENCED BY, AND THE COMPLAINTS MADE
32 BY OR ON BEHALF OF, MASS TRANSIT AND PARATRANSIT USERS;

33 (IV) CONTAINING RECOMMENDATIONS, AFTER CONSULTATION WITH THE PERMANENT
34 CITIZENS ADVISORY COMMITTEE, FOR:

35 (A) PROTECTING THE HEALTH, SAFETY AND WELFARE AND RIGHTS OF THE MASS
36 TRANSIT AND PARATRANSIT USERS; AND

37 (B) APPROPRIATE STATE LEGISLATION, RULES AND REGULATIONS AND OTHER
38 ACTION TO IMPROVE THE QUALITY OF SERVICES TO THE MASS TRANSIT AND PARA-
39 TRANSIT USERS; AND

40 (V) ANY OTHER MATTERS AS THE DIRECTOR DETERMINES TO BE APPROPRIATE.

41 (B) THE INFORMATION CONTAINED IN SUCH REPORT SHALL BE INCLUDED IN THE
42 ANNUAL REPORT REQUIRED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THIS
43 CHAPTER.

44 (C) WITHIN SIXTY DAYS OF THE SUBMISSION OF THE REPORT, THE DIRECTOR
45 SHALL CONDUCT AT LEAST ONE PUBLIC MEETING IN EACH OF THE FIVE BOROUGH
46 OF THE CITY OF NEW YORK TO REPORT ON, EXPLAIN AND DISCUSS THE DATA AND
47 INFORMATION CONTAINED IN SUCH REPORT.

48 6. PUBLIC OUTREACH. (A) THE AUTHORITY SHALL ENSURE THAT THE MASS TRAN-
49 SIT USERS OF THE FACILITIES OF THE AUTHORITY AND THE GENERAL PUBLIC ARE
50 FULLY INFORMED AND MADE AWARE OF THE OFFICE OF THE TRANSIT RIDERS ADVO-
51 CATE AND THE COMPLAINT PROCESS, INCLUDING BUT NOT LIMITED TO:

52 (I) ESTABLISHING AN EASILY IDENTIFIABLE AND PROMINENTLY DISPLAYED LINK
53 ON THE AUTHORITY'S WEBSITE;

54 (II) ESTABLISHING A TOLL-FREE NUMBER FOR COMPLAINTS; AND

1 (III) DISPLAYING PROMINENTLY THE EXISTENCE OF THE OFFICE AND THE
2 TOLL-FREE NUMBER ON BUSES, TRAINS, SUBWAYS AND STATIONS OPERATED BY THE
3 AUTHORITY.

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

6 S 2. The metropolitan transportation authority shall, to the maximum
7 extent possible, resolve all complaints described in subdivision 2 of
8 section 1279-d of the public authorities law received by it prior to the
9 effective date of this act within 60 days after the effective date of
10 this act. Any unresolved complaints remaining with such authority on
11 such date shall be transferred, along with any documents and records
12 related thereto, to the office of the transit riders advocate estab-
13 lished by section 1279-d of the public authorities law for resolution.

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

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