# STATE OF NEW YORK

8209

2023-2024 Regular Sessions

# IN ASSEMBLY

October 27, 2023

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

AN ACT concerning protections for employees of the Metro-North Commuter Railroad company and the Long Island Rail Road company, wholly owned corporations of the Metropolitan Transportation Authority operating as common carriers engaged in interstate commerce

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Short title. This act shall be known and may be cited as the "commuter rail employee rights protection act".

§ 2. The Metro-North Commuter Railroad company and the Long Island Rail Road company and any of their successors and assigns who operate, manage, or develop the railroad system within the counties of Suffolk, Nassau, Queens, Kings, New York, Bronx, Westchester, Rockland, Orange, Ulster, Putnam, Dutchess, Sullivan, Greene, Columbia, Albany, and Rensselaer waive any defense of jurisdictional or substantive sovereign immunity arising out of any state or federal claim or cause of action against it or its successors and assigns. In addition, the Metro-North Commuter Railroad company and the Long Island Rail Road company and any of their successors and assigns who operate, manage, or develop any municipally owned and operated commuter railroad operating within the general system of railroading within the state of New York shall be subject to the provisions of all federal railroad laws, including the "Railway Labor Act" (45 U.S.C. s.151 et seq.), the "Federal Employers Liability Act" (45 U.S.C. s.51 et seq.), the "Railroad Retirement Act of 1937" (45 U.S.C. s. 231 et seq.), the "Railroad Retirement Tax Act" (26 U.S.C. s. 3201 et seq.), the Federal Railroad Safety Laws (49 U.S.C. s.20101 et seq.), whistleblower laws, discrimination laws, and the "Interstate Commerce Act" (49 U.S.C. s.10501 et seq). Such waiver shall be retroactive to any lawsuit currently pending in any state or federal court in the state of New York.

§ 3. This act shall take effect immediately.

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

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