

STATE OF NEW YORK

950

2005-2006 Regular Sessions

IN ASSEMBLY

January 18, 2005

Introduced by M. of A. TOKASZ, HOYT -- read once and referred to the
Committee on Transportation

AN ACT to amend the railroad law, in relation to the minimum number of
train crew members to be assigned to commuter rail operation outside
of the city of New York and providing a penalty

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The railroad law is amended by adding a new section 77-d to
2 read as follows:

3 § 77-d. Commuter rail operation outside the city of New York. 1. (a)
4 Commuter rail train crew, as used in this section, means persons acting
5 as conductor or assistant conductor (trainman), exclusive of the locomo-
6 tive engineer, and who have completed a railroad carrier's training
7 program and passed an examination on railroad operating rules governing
8 their class of employment.

9 (b) Commuter rail operation, as used in this section, means a commuter
10 rail operation consisting of multiple transit cars (more than a single
11 car), powered by a locomotive or power car operating outside the
12 confines of the city of New York and carrying revenue passengers.

13 2. No person or entity operating or controlling any commuter railroad
14 formed pursuant to the laws of the state of New York may allow the oper-
15 ation of any commuter rail operation outside of the city of New York
16 without a train crew consisting of a combination of at least two employ-
17 ees designated as conductor or assistant conductor (trainman), consist-
18 ent with the carrier's operation rules.

19 3. Subdivision two of this section does not apply to the extent that
20 it is contrary to or inconsistent with a regulation or order of the
21 federal railroad administration.

22 4. Any person or entity who violates subdivision two of this section
23 may be subject to a fine of not less than twenty-five dollars nor more
24 than one hundred dollars for a first offense, not less than one hundred

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

LBD03830-01-5

1 dollars nor more than five hundred dollars for a second offense commit-
2 ted within a period of three years and not less than five hundred
3 dollars nor more than one thousand dollars for a third offense committed
4 within a period of three years.
5 § 2. This act shall take effect on the first of December next succeed-
6 ing the date on which it shall have become a law.