

STATE OF NEW YORK

8655

2003-2004 Regular Sessions

IN ASSEMBLY

May 28, 2003

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Tokasz) --
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

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 operations. (1) For the purposes of this
4 section:

5 (a) "Commuter rail train crew" means persons acting as conductor or
6 assistant conductor (train person), exclusive of the locomotive engi-
7 neer, and who have completed a railroad carrier's training program and
8 passed an examination on railroad operating rules governing their class
9 of employment.

10 (b) "Commuter rail operation" means a commuter rail operation consist-
11 ing of multiple transit cars (more than a single car), powered by a
12 locomotive or power car operating outside the confines of the city of
13 New York and carrying revenue passengers.

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

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

23 (4) Any person or entity who violates subdivision two of this section
24 may be required to forfeit not less than twenty-five dollars nor more

EXPLANATION--Matter in italics (underlined) in bill is new matter in brackets

1 than one hundred dollars for a first offense, not less than one hundred
2 dollars nor more than five hundred dollars for a second offense commit-
3 ted within a period of three years, and not less than five hundred
4 dollars nor more than one thousand dollars for a third offense committed
5 within a period of three years.

6 § 2. This act shall take effect on the first of December next succeed-
7 ing the date on which it shall have become a law.

STATE OF NEW YORK

5376

2003-2004 Regular Sessions

IN SENATE

June 4, 2003

Introduced by Sen. KUHL -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 Assembly, 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 locomotive
6 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.

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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.