

# STATE OF NEW YORK

3665

2005-2006 Regular Sessions

## IN SENATE

March 25, 2005

Introduced by Sen. WINNER -- read twice and ordered printed, and when printed to be committed 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 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.

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S3665

SPONSOR: WINNER

TITLE OF BILL: 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

PURPOSE: This legislation will make it unlawful to operate a railroad commuter passenger train outside of the City of New York without two qualified persons.

SUMMARY OF PROVISIONS: This legislation amends Section 77 of the railroad law by adding a new subsection (d), making it unlawful to operate a commuter passenger train outside of New York City with less than two qualified train persons.

JUSTIFICATION: Currently, there is no prohibition to operating commuter passenger trains outside of New York City with only a single train person. In many cases, trains operate with as many as eight passenger cars that make operation with a single train person dangerous and places the safety and well being of passengers at risk. In most cases, there are hundreds of passengers relying on the train crew for their safety and well being. Since 9/11, passenger trains are extremely vulnerable to terrorists attacks particularly outside of New York City, when these trains are operated without a second train person. This legislation would bolster the security and well being of hundreds of thousands of commuters each day.

LEGISLATIVE HISTORY: S.5376, Referred to Transportation

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect the first day of December following the date on which the legislation becomes law.