Legislation Details (With Text)

File #:	Res 1228-2012	**Version:**	*	**Name:**	MTA to investigate how the NYPD is enforcing section 1050.7(j) of the MTA Rules of Conduct, regarding disorderly conduct in the subway.
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Title: Resolution calling on the Metropolitan Transit Authority to investigate how the New York City Police Department is enforcing section 1050.7(j) of the MTA Rules of Conduct, regarding disorderly conduct in the subway.

Sponsors:

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Date	Ver.	Action By	Action	Result
2/29/2012	*	City Council	Introduced by Council	
2/29/2012	*	City Council	Referred to Comm by Council	
12/31/2013	*	City Council	Filed (End of Session)	

Res. No. 1228

Resolution calling on the Metropolitan Transit Authority to investigate how the New York City Police Department is enforcing section 1050.7(j) of the MTA Rules of Conduct, regarding disorderly conduct in the subway.

By Council Members Levin, Chin, James, Lander, Palma, Dromm and Rodriguez

Whereas, Part 1050 of Title 21 of the New York Codes, Rules and Regulations sets forth the Metropolitan Transportation Authority (MTA) Rules of Conduct and Safety; and

Whereas, Section 1050.7(j) of Part 1050 makes it a violation of the Rules of Conduct to occupy more than one seat on a subway if it interferes with the operation of the transit system or the comfort of other passengers, and it is also a violation to block free movement in an MTA station, landing, or conveyance; and

Whereas, Passengers are also prohibited from placing their feet on a subway seat; and

Whereas, The New York City Police Department (NYPD) is responsible for enforcing violations of Part 1050; and

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Whereas, The plain language of section 1050.7(j) suggests that the intention of this section is to ensure passenger comfort and facilitate movement, and not necessarily that it be used for other law enforcement needs; and

Whereas, In 2011, NYPD officers issued over 6,000 tickets for these violations and made approximately 1,600 arrests; and

Whereas, According to media reports, many section 1050.7(j) violations occur late at night when the subway is least crowded; and

Whereas, The enforcement of section 1050.7(j) has raised several concerns, namely that it is being used as a pretext to run checks on individuals who are suspected of having outstanding warrants, to generate overtime pay for police officers, or as a result of pressure to meet NYPD quotas; and

Whereas, According to the NYPD, enforcing this regulation makes the subway safer because often someone engaging in a minor offense turns out to be wanted for a more serious crime; and

Whereas, However, the NYPD's enforcement has led to extreme circumstances in some cases, raising questions about whether the NYPD is enforcing the Rules of Conduct in a manner that the MTA did not intend when it promulgated the Rules; and

Whereas, For example, according to media accounts, some passengers have been arrested under section 1050.7(j), and held in jail for a day or more before seeing a judge and in one case, such an arrest resulted in a deportation for the failure to produce valid identification; and

Whereas, In another instance a diabetic passenger who was arrested late at night on the F train for putting his leg on a seat to administer insulin spent 30 hours in jail without his insulin, had to be hospitalized for two days and as a result, the City paid him $150,000; and

Whereas, Recently a Brooklyn judge, when dismissing the case of someone who allegedly took up more than one seat on a subway at 3 a.m. on Christmas Eve, cited an apparent disparity between the intention of section 1050.7(j) and its enforcement by the NYPD; and

Whereas, Commuters arguably would be better served if the NYPD concentrated on making arrests for more serious offenses in subways and buses rather than using the Rules of Conduct violations as a pretext; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Metropolitan Transit Authority to investigate how the New York City Police Department is enforcing section 1050.7(j) of the MTA Rules of Conduct, regarding disorderly conduct in the subway.

LS# 3220
2/17/2012
GZ