

Date of Hearing: May 8, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 468 (Santiago) – As Amended March 23, 2017

SUBJECT: Transit districts: prohibition orders

SUMMARY: Adds the Los Angeles County Metropolitan Transportation Authority (Metro) to the transit districts authorized to issue prohibition orders to passengers committing certain illegal behaviors.

EXISTING LAW:

- 1) Prohibits a person subject to a prohibition order from entering the property, facilities, or vehicles of the transit district for a period of time deemed appropriate by the transit district, provided that the duration of the prohibition order does not exceed the following specified time limits:
 - a) 30 days for a first order, 90 days for a second order within one year, and 180 days for a third order within one year related to infractions; or,
 - b) 30 days if issued pursuant to an arrest for a misdemeanor or felony offense. Upon conviction for the offense, the order may be extended to a total of 180 days for a misdemeanor and one year for a felony.
- 2) Specifies prohibition processes, notification procedures, and hearing and appeal procedures.
- 3) Authorizes Sacramento Regional Transit District (SacRT), the Fresno Area Express, or the San Francisco Bay Area Rapid Transit District (BART, until January 1, 2018), to issue a prohibition order to any person who, on at least three separate occasions within a period of 90 consecutive days, is cited for an infraction committed in or on a vehicle, bus stop, or light rail station of the transit district for any of the following acts:
 - a) Interfering with the operator or operation of a transit vehicle, or impeding the safe boarding or alighting of passengers;
 - b) Committing any act or engaging in any behavior that may, with reasonable foreseeability, cause harm or injury to any person or property;
 - c) Willfully disturbing others on or in a transit facility or vehicle by engaging in boisterous or unruly behavior;
 - d) Carrying an explosive, acid, or flammable liquid in a public transit facility or vehicle;
 - e) Urinating or defecating in a transit facility or vehicle, except in a lavatory;
 - f) Willfully blocking the free movement of another person in a transit facility or vehicle; or,

- g) Defacing with graffiti the interior or exterior of the facilities or vehicles of a public transportation system.
- 4) Authorizes a prohibition order to be issued to a person arrested or convicted for any misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district, for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance.
- 5) Authorizes a prohibition order to be issued to a person convicted of loitering with the intent to commit specified drug offenses or loitering with intent to commit prostitution.
- 6) Requires the transit district to establish an advisory committee and to ensure that personnel charged with issuance and enforcement of prohibition orders receive training as emphasized and as recommended by the advisory committee.

FISCAL EFFECT: None. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS: Metro operates the third largest transit system in the United States with over 10,000 employees and 1 million bus boardings per day. Metro's service area spans 1,433 square miles with a bus fleet of 2,248 buses traveling along 170 routes. According to the author, despite crime being down overall on the Metro system as compared to the rest of Los Angeles County, Metro bus operators continue to be victims of physical assaults while on the job. Further, he states that an assault on a vehicle as large as a bus poses a significant risk to employees, passengers, and the public at large, and the risk is extremely high if a bus operator is incapacitated or distracted in any way while performing their in-transit duties. This bill is intended to provide Metro with the ability to continue to lower the incidences of bus operator assault and ensuing costs by allowing them to join the ranks of [other transit districts] in their ability to issue prohibition orders on unruly passengers.

In writing in support of this bill, the sponsor, Metro states that "in 2016, it recorded a total number of 120 cases of assault on [bus] operators, and if an assault occurs when a bus is in motion, or in service, this can pose a deadly threat to the operators, passengers on board, and the public. This legislation is vital to deter and reduce crime on the Metro system for our bus operators and patrons."

Additionally, writing in support, the American Federation of State, County and Municipal Employees (AFSCME), notes that "between medical costs, legal expenses and temporary and permanent disability payments, the average cost when an assault occurs is \$49,071 per claim. This policy would help assure that passengers with a repeated pattern of violence towards bus operators would not again infringe upon a driver's ability to safely transport passengers. AB 486 is an extremely cost-efficient and necessary method to address this growing concern."

According to Metro, it has invested resources in training and technology to help reduce incidences of assault by 29% in recent years. For example, some of these efforts include installation of live video monitoring systems aboard buses to monitor activity, installation of Plexiglas barriers aboard all new buses and retrofitting buses already in the fleet, training operators on how to "de-escalate" a confrontation, launching a Metro marketing campaign aimed at educating patrons to respect operators, implementation of the successful Transit Watch Smartphone App where patrons can "see something, say something," and increased security and

law enforcement presence system-wide. Establishing a prohibition order process within Metro would be another tool to help protect bus operators and riders.

Current law authorizes the use of prohibition orders for BART, and current legislation AB 730 (Quirk) is being pursued to permanently extend this authority. According to BART's annual report on prohibition orders, as required by statute, BART saw a 2% increase in ridership from 2015 to 2016 which corresponds to an overall 3% decrease in reported crimes of violence and property crimes throughout the BART district area. However, while overall crime decreased BART saw an increase in crimes of violence by 38%. In 2016, BART issued 275 prohibition orders with battery/threats to patrons and BART employees being the highest amount.

As stated in the report, "with increase in ridership, increase in reported crimes of violence, and decrease in overall criminal activity, [the use of prohibition orders] is one of a number of tools assisting with crime reduction and the prevention of violence against persons on District property. Suspects known to commit violence against others are precluded from returning to District property, and therefore are less likely to commit another offense during the specified period of prohibition."

Related legislation: AB 730 (Quirk) would repeal the sunset for BART to issue prohibition orders to any person cited for committing one or more of certain prohibited acts in specified transit facilities. AB 730 passed out of the Assembly Public Safety Committee unanimously on April 4, 2017, was subsequently passed off of the Assembly Floor on April 17, 2017, with a vote of 74-0. AB 730 is currently awaiting referral to a policy committee by the Senate Rules Committee.

Prior legislation: SB 1154 (Hancock), Chapter 559, Statutes of 2014, extended the sunset on the law that allows BART to issue prohibition orders denying passengers committing certain illegal behaviors entry onto transit vehicles and facilities, until January 1, 2018.

AB 716 (Dickinson), Chapter 534, Statutes of 2011, authorized BART, until January 1, 2015, to issue prohibition orders denying passengers committing certain illegal behaviors entry onto transit vehicles and facilities. AB 716 also removed the sunset provisions for Sacramento Regional Transit District and the Fresno Area Express, making their related authority permanent.

SB 1561 (Steinberg), Chapter 528, Statutes of 2008, authorized the Sacramento Regional Transit District and the Fresno Area Express, until January 1, 2012, to issue prohibition orders denying passengers committing certain illegal behaviors entry onto transit vehicles and facilities.

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles County Metropolitan Transportation Authority (Sponsor)
American Federation of State, County and Municipal Employees, AFL-CIO

Opposition

None on file

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