

Date of Hearing: July 1, 2024

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

SB 1417 (Allen) – As Introduced February 16, 2024

SENATE VOTE: 39-0

SUBJECT: Transit districts: prohibition orders

SUMMARY: Authorizes the Santa Monica Department of Transportation to issue prohibition orders to any person cited for committing a specified act.

EXISTING LAW:

- 1) Authorizes Sacramento Regional Transit District (SacRT), the Fresno Area Express (FAX), Los Angeles County Metropolitan Transportation Authority (Metro), the San Francisco Bay Area Rapid Transit District (BART), or the Santa Clara Valley Transportation Authority (VTA), 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 train or light rail station of the transit district, or a property, facility, or vehicle upon which BART owes policing responsibilities, as specified, 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) Extending any portion of the body through a window opening of a transit vehicle in a manner that may cause harm or injury;
 - c) Throwing an object from a transit vehicle;
 - d) Committing an act or engaging in any behavior that may, with reasonable foreseeability, cause harm or injury to any person or property;
 - e) Willfully disturbing others on or in a transit facility or vehicle by engaging in boisterous or unruly behavior;
 - f) Carrying an explosive, acid, or flammable liquid in a public transit facility or vehicle;
 - g) Urinating or defecating in a transit facility or vehicle, except in a lavatory;
 - h) Willfully blocking the free movement of another person in a transit facility or vehicle; or,
 - i) Defacing with graffiti the interior or exterior of the facilities or vehicles of a public transportation system.
- 2) 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.
- 3) Authorizes a prohibition order to be issued to a person convicted of loitering with the intent to commit specified drug offenses.

- 4) 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.
- 5) Specifies prohibition processes, notification procedures, and hearing and appeal procedures.
- 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. Tasks the advisory committee with responsibilities, as specified. Authorizes existing advisory committees to be used if appropriate.
- 7) Requires the transit district to provide the governing board of the district and the Legislature with an annual report summarizing the number of prohibition orders that were issued by the transit district during the preceding year, including, but not limited to, the types and numbers of citations by category, and the number of exclusion orders appealed, the appeals granted, the reasons granted, and other relevant information directly related to those orders.
- 8) Defines “transit district” to mean the Sacramento Regional Transit District, the Los Angeles County Metropolitan Transportation Authority, the Fresno Area Express, the San Francisco Bay Area Rapid Transit District, or Santa Clara Valley Transportation Authority.

FISCAL EFFECT: This bill is keyed non-fiscal by Legislative Counsel.

COMMENTS: AB 716 (Dickinson), Chapter 534, Statutes of 2011 authorized the creation of a three-year pilot program to allow BART to issue prohibition orders denying entry onto transit vehicles and facilities to passengers committing certain illegal behaviors. In 2013, BART initiated its AB 716 program, which also required BART to provide the Legislature with annual reports on the program. The program became permanent with the passage of AB 730 (Quirk), Chapter 46, Statutes of 2017.

Since then, the California Legislature has extended the authority to issue prohibition orders to the SacRT, LA Metro, FAX and VTA.

Transit agencies are authorized to exclude individuals from any or all parts of the system for up to 90 consecutive days for three separate occasions if a person was cited for the following crimes: willfully disturbing others by unruly or boisterous behavior, carrying explosive, flammable, or acidic substances in a transit facility, urinating or defecating in public, willfully blocking free movement, willfully tampering with or destroying any part of the facility, defacing transit vehicles or facilities with graffiti or inscribed material, interfering with the operator or operations of a transit vehicle, or behavior that reasonably foreseeably caused harm or injury to any person or property.

Additionally, a prohibition order can be issued after conviction for a misdemeanor or felony involving violence or threats of violence, lewd or lascivious behavior, or possession of a controlled substance. Finally, a prohibition order can be issued for loitering for drug activity or loitering for prostitution convictions. These orders can range from 30 days for arrests to 180 days for misdemeanor convictions and up to a year for felony convictions.

According to the author, "In 2022 and 2023, operators of the Santa Monica Big Blue Bus reported nearly 450 incidents of passenger disruptions on the transit system. These incidents included threats and assaults against bus drivers and other passengers. Only five transit providers are currently authorized to issue prohibition orders to repeatedly disruptive riders. SB 1417 adds Big Blue Bus to that list. This will increase safety for both workers and transit users and enhance the transit experience for riders."

Every transit agency authorized to issue prohibition orders is required to submit an annual report to the legislature on the use of prohibition orders. So far, BART is the only transit agency to have utilized this authority to issue prohibition orders, and as a result, it remains the only agency to issue such orders under this statute.

According to the most recent report from BART, "In 2022, 310 prohibition orders were issued compared to 236 in 2021. Prohibition orders were issued at 42 BART stations... In 2021, 236 prohibition orders were issued compared to 255 in 2020... In 2020, 255 prohibition orders were issued compared to 317 in 2019.

Statistics related to age, race, and gender have remained relatively consistent over the years. However, the number of younger adults (under age 35) receiving prohibition orders continues to be relatively high at 199, constituting 64% of all orders. Within this demographic, a disproportionate number of orders were issued to younger Black individuals, totaling 124 or 40% of all orders. Although this figure increased from 95 in 2021, it still represented 40% of all orders (according to the 2022 BART customer satisfaction survey, 12% of their riders identify as Black).

Ninety-three or 30% of prohibition orders issued in 2022 were for battery and threats against BART patrons. This compares to 56 in 2021, 64 in 2020, and 104 in 2019. As we emerge from the COVID-19 pandemic, we are seeing numbers rebound to pre-pandemic levels."

Santa Monica Big Blue Bus: The City of Santa Monica's Department of Transportation operates the city's transit service, known as the Big Blue Bus. The City launched the bus line in 1928 and currently serves 27,000 daily riders with 195 buses. The Big Blue Bus serves areas beyond the boundaries of the City of Santa Monica. Currently, it operates 20 routes covering 58 square miles, including connections to Los Angeles International Airport, UCLA, and downtown Los Angeles. According to the City, Big Blue Bus ridership has returned to 80% of pre-pandemic levels.

According to data compiled by the City of Santa Monica, security incidents on its system have been increasing in recent years. Security incidents can range from assaults on bus operators or passengers, property damage, to disturbances causing service disruptions, including intoxication, indecent exposure, and threats to operators or passengers. Specifically, assaults on bus operators increased by roughly 23% in the last year, and threats against operators also saw an increase.

The City of Santa Monica's Department of Transportation operates the city's transit service, known as the Big Blue Bus. The City launched the bus line in 1928 and currently serves 27,000 daily riders with 195 buses. The Big Blue Bus serves areas beyond the boundaries of the City of Santa Monica. Currently, it operates 20 routes covering 58 square miles, including connections to Los Angeles International Airport, UCLA, and downtown Los Angeles. According to the City, Big Blue Bus ridership has returned to 80% of pre-pandemic levels.

SMART Transportation Division, writing in support of this bill, argues: "In 2022 and 2023, Big Blue Bus transit workers reported nearly 450 incidents of passenger disruptions on the system, including threats and assaults against bus drivers and other passengers. Instances of property damage have also occurred, including individuals kicking and punching bus doors, shattering windows and windshields, and breaking off windshield wipers and mirrors.

Currently, only five transit agencies in the state have the authority to issue prohibition orders to passengers who exhibit frequent disruptive or dangerous behavior. When they do, existing law provides exceptions for vulnerable Californians taking necessary trips for work or medical appointments and offers a process to appeal such orders. Prohibition orders are an effective tool for transit agencies to ensure rider safety while still allowing access to the system. The City of Santa Monica is also introducing a Transit Safety Officer program that will add transit ambassador personnel to aid in de-escalating disturbances, assisting customers, and deterring crime."

Previous legislation: AB 1735 (Low) Chapter 69, Statutes of 2023) added VTA to the transit districts authorized to issue prohibition orders to passengers committing certain illegal behaviors.

AB 1337 (Lee) Chapter 534, Statutes of 2021) extended the authority of specified transit district entities to issue prohibition orders to include the property, facilities and vehicles on which it owes policing responsibilities to a local government pursuant to agreement, and expands current law to make entering or remaining on those properties without permission a misdemeanor.

AB 730 (Quirk) Chapter 46, Statutes of 2017 repealed the sunset on the law that allows BART to issue prohibition orders to passengers committing certain illegal behaviors, making BART's authority to do so permanent.

AB 468 (Santiago) Chapter 192, Statutes of 2017 added the Los Angeles County Metropolitan Transportation Authority (Metro) to the transit districts authorized to issue prohibition orders to passengers committing certain illegal behaviors.

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 the San Francisco Bay Area Rapid Transit District, until January 1, 2015, to issue prohibition orders denying passengers committing certain illegal behaviors entry onto transit vehicles and facilities and removed the sunset provisions for SacRT and the Fresno Area Express, making their related authority permanent.

SB 1561 (Steinberg) Chapter 528, Statutes of 2008 authorized SacRT 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

California State Legislative Board of SMART
City of Santa Monica
SMART-Transportation Division
Streets are for Everyone

Opposition

None on file

Analysis Prepared by: David Sforza / TRANS. / (916) 319-2093