

Date of Hearing: April 25, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 1680 (Lee) – As Amended March 24, 2022

SUBJECT: Transportation: prohibition orders

SUMMARY: Extends the effective date from 11 days to 12 days for a prohibition order issued by Sacramento Regional Transit District (SacRT), the Los Angeles County Metropolitan Transportation Authority (LA Metro), the Fresno Area Express, and the San Francisco Bay Area Rapid transit District (BART).

EXISTING LAW:

- 1) Authorizes SacRT, the Fresno Area Express, LA Metro, or BART 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.
- 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 or loitering with intent to commit prostitution.
- 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) Defines “transit district” to mean SacRT, LA Metro, the Fresno Area Express, or BART.
- 8) Establishes categories of peace officers with varying powers and authority to make arrests and carry firearms.
- 9) Provides that a member of the San Francisco Bay Area Rapid Transit District Police Department is a peace officer whose authority extends to any place in the state for the purpose of enforcing the law in or about the properties owned, operated, and administered by the San Francisco Bay Area Rapid Transit District, when performing necessary duties with respect to patrons, employees, and properties of the district, or when making an arrest if there is immediate danger to a person or property or of an escape of the perpetrator of an offense.
- 10) Makes it an infraction for a person to do any of the following with respect to the property, facilities, or vehicles of a transit district:
- a) Operate, interfere with, enter into, or climb on or in the property, facilities, or vehicles of the transit district without permission,
 - b) Interfere with the operator or operation of a transit vehicle, or impede the safe boarding or alighting of passengers,
 - c) Extend any portion of the body through a window opening of a transit vehicle in a manner that may cause harm or injury,
 - d) Throw an object from a transit vehicle,
 - e) Commit an act or engage in a behavior that may, with reasonable foreseeability, cause harm or injury to any person or property; or,
 - f) Violate a notice, prohibition, instruction, or direction on a sign that is intended to provide for the safety and security of transit passengers, or the safe and secure operation of the transit system,

- g) Knowingly give false information to a district employee, or contracted security officer, engaged in the enforcement of a district ordinance or a state law, or otherwise obstruct the issuance of a citation for the violation of a district ordinance or a state law; or,
- h) Violate any of the conditions established by a transit district ordinance under which a passenger may board a transit vehicle with a bicycle and where that bicycle may be stowed on the transit vehicle.

FISCAL EFFECT: Unknown

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 passengers committing certain illegal behaviors entry onto transit vehicles and facilities. In 2013, BART initiated its AB 716 program, which also required BART to provide the Legislature with annual reports on the program. The program was made permanent with the passage of AB 730 (Quirk), Chapter 46, Statutes of 2017.

Last year the Legislature passed AB 1337 (Lee), Chapter 534, Statutes of 2021 to extend the authority for BART to issue prohibition orders to include the property, facilities, and vehicles upon which it owes policing responsibilities to a local government, and expands current law to make entering or remaining on those properties without permission a misdemeanor.

According to the author, “This bill proposes to ensure BART can issue prohibition orders where they operate, regardless if they own the property or not. Prior to the reform established by AB 1337, it only allowed for BART to issue prohibition orders on property they own, regardless if they operate there.”

According to BART’s annual report, as required by AB 716, the number of prohibition orders issued in 2019 was 371 compared to 376 in 2018. Battery and threats to BART patrons continued to be a noticeable problem in 2019, accounting for 28% of prohibition orders issued. To address this, BART is implementing high visibility foot patrols and commanders for specific zones. The report notes a need or continued outreach efforts involving mental health and homelessness. BART created the Crisis Intervention Training officers and police personnel to offer services at the scene by referring individuals in crisis to appropriate resources through local city or county organizations. In 2019, less than 3% of individuals issued prohibition orders violated the order. In 2018, seven persons violated the prohibition order for a total of 12 arrests.

Previous legislation:

AB 1337 (Lee,) Chapter 534, Statutes of 2021 extended the authority for BART to issue prohibition orders to include the property, facilities, and vehicles upon which it owes policing responsibilities to a local government, 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 in part, 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 in part, 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. 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. SB 1561 also described the kinds of behaviors according to their potential severity and prescribes the progressive penalties based upon the severity and frequency of violations.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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