

Date of Hearing: June 27, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

SB 1161 (Min) – As Amended June 16, 2022

**SENATE VOTE:** 39-0

**SUBJECT:** Transit operators: street harassment plans

**SUMMARY:** Requires the top ten transit operators, subject to an appropriation by the Legislature, to develop and implement a plan to reduce street harassment experienced by its riders based on survey data. Specifically, **this bill:**

- 1) Defines “street harassment” to mean “words, gestures, or actions directed at a specific person in a public place, without the consent of that person, because of a person’s sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, that the person experiences as intimidating, alarming, terrorizing, or threatening to their safety.
- 2) Requests the University of California, Institute for Transportation Studies (UC ITS) to develop and make available to transit operators a survey that includes demographic information, information regarding a rider’s experiences with safety while waiting at public transit stops, and riding public transit, as specified.
- 3) Requires the top ten transit operators, subject to an appropriation in the Budget Act, to collect survey data on or before June 30, 2024. The survey developed by UC ITS is not required to be used by the transit operators and may ask additional questions.
- 4) Requires the top ten transit operators to conduct outreach activities with subpopulations of riders who are underrepresented in surveys and impacted by street harassment to gain insight into the perspectives of these riders base on their experiences that may include focus groups, participatory workshops or other methods of engaging riders.
- 5) Subject to an appropriation in the annual Budget Act, requires transit operators to develop and begin implementing a plan, in consultation with relevant local governments or private enterprises, to reduce street harassment based on and informed by the survey data collected. Requires the plan to include the following projects:
  - a) Performing safety audits of transit systems or parts;
  - b) Developing a rubric, questionnaire, or other tool to analyze and understand the impacts of prospective changes to transit systems;
  - c) Increasing the presence of transit staff who are not transit police, private security, or other law enforcement, such as increasing the presence of unarmed transit ambassadors or crisis intervention specialists;
  - d) Improving physical infrastructure of transit vehicles, stations and stops to increase the safety and perception of safety for riders;

- e) Improving the frequency, timing and reliability of service;
  - f) Training staff about when and how the law or transit policies require them to respond to and report incidents of street harassment; and,
  - g) Conducting educational and awareness raising campaigns regarding street harassment.
- 6) Requires transit agencies to provide the California Transportation Agency (CalSTA) with a summary of the survey data collected by the transit operator, a description of the plan developed by the transit operator and the actions taken to implement that plan, and an evaluation of the plan.
- 7) Requires CalSTA to produce and submit a report to the Legislature assessing the survey data, plans, actions, and self-evaluations of the transit operators and summarizes key findings and insights.

**EXISTING LAW:**

- 1) Creates various transit districts throughout the state, with specified powers and duties relative to providing public transit service, and has various provisions applicable to all public transit and transit districts.
- 2) Authorizes a public transportation agency to enact and enforce an ordinance to impose an administrative penalty for a number of activities, such as fare evasion, smoking, and willfully disturbing others by engaging in boisterous or unruly behavior.
- 3) Requires that all persons within the jurisdiction of the state are free and equal, and are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever, no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status
- 4) Requires that no person shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.

**FISCAL EFFECT:** According to the Senate Appropriations Committee:

- UC ITS estimates a one-time cost of approximately \$92,000 for 1.0 PY of staff time to develop a survey tool for use by transit operators. (General Fund or Public Transportation Account)
- Unknown, significant local costs, potentially in the low tens of millions, for 10 specified transit operators to collect survey data, conduct focus groups, consult with riders, develop and implement plans to reduce street harassment, and incorporate rider safety concerns when planning, designing, and operating transit systems. The bill is keyed as a state mandate

because the bill imposes these new duties on transit operators. Staff assumes that it is unlikely that these costs would be deemed reimbursable by the state because transit operators have general authority to set transit fares to cover their operating costs. Ultimately, whether these costs are state-reimbursable would be subject to a determination by the Commission on State Mandates, should a transit operator file a claim for reimbursement.

- CalSTA estimates one-time costs in the range of \$150,000 to \$200,000 for 1.0 PY of staff time to assess survey data provided by transit operators, assess the plans and actions of each operator, and summarize key findings and insights in the report to the Legislature. (State Highway Account)

#### COMMENTS:

Harassment has been a barrier to women and others using public transit. According to a University of California, San Diego Center on Gender Equity and Health report *Measuring #MeToo in California: A Statewide Assessment of Sexual Harassment and Assault*, a survey of women in California found that 77% of women reported being harassed in public, including 29% of women on public transit. A University of California, Los Angeles study *Public Transit Safety Among University Students* found that 72% of respondents using the bus system and 48% of respondents using the rail system reporting having experienced at least one sexual harassment behavior at a transit setting in the last five years. While 45% of male students reported “always” feeling safe waiting or riding the bus during the day, only about 26% of female students felt the same. The feeling of safety dropped to 20% for women on rail lines. 65% of female students reported the need to take precautions during their transit trips, compared to 30% of male students who did the same. Students felt uncomfortable reporting the incidents. Only 10% of students who experienced or observed crimes of sexual harassment on transit reported the incident, and even then the reports were mostly to friends or family, not to police or transit operators.

Incidents of harassment have been going up. According to a Los Angeles Metropolitan Transportation Agency (LA Metro) report in 2019, *Understanding How Women Travel*, the share of female riders who report experiencing sexual harassment within the past six months of 2018 was greater than it was when LA Metro first began asking riders in 2014 (25% of LA Metro women bus riders and 33% of women rail riders reported experiencing sexual harassment in that survey).

*According to the author*, “From the first mile to the last, no Californian should feel unsafe traveling to work, to school, or anywhere. Unfortunately, that is not the reality for many individuals who use public transit, especially women, minorities, members of the LGBTQ+ community, disabled riders, and many more.

California’s public transit systems provide a crucial service to local communities but studies show that many women and other vulnerable communities commonly experience harassment while using transit services. SB 1161 requires California’s 10 largest transit operators to gather research on street harassment of women and other vulnerable communities, and to develop data-driven initiatives to help prevent street harassment on public transit systems.

This measure will help restore confidence in the safety of public transportation so that everyone — especially those most vulnerable to harassment — can ride from one place to the next without fear.”

Under the provisions of this bill, UC ITS is encouraged to develop survey questions that may be used by the top 10 transit operators in the state: LA Metro, San Francisco Municipal Transportation Agency (MUNI), BART, San Diego Metropolitan Transit System, Alameda – Contra Costa Transit (AC Transit), Orange County Transportation Authority (OCTA), Long Beach Transit, Santa Clara Valley Transportation Authority (VTA), Sacramento Regional Transit, and the Los Angeles Department of Transportation.

Subject to an appropriation in the annual Budget Act, a transit operator by June 30, 2025 will be required to develop and begin implementing a plan to reduce the street harassment experienced by its riders. The plan is required to be based on and informed by the survey data collected and should be developed in consultation with riders. The plan may include performing safety audits of transit systems or parts, developing a rubric, questionnaire, or other tool to analyze and understand the impacts of prospective changes to transit systems, increasing the presence of transit staff who are not transit police, private security, or other law enforcement, such as increasing the presence of unarmed transit ambassadors or crisis intervention specialists. Improving physical infrastructure of transit vehicles, stations and stops to increase the safety and perception of safety for riders, improving the frequency, timing and reliability of service; training staff about when and how the law or transit policies require them to respond to and report incidents of street harassment, and conducting educational and awareness raising campaigns regarding street harassment.

Stop AAPI Hate, writing in support, argues “According to a 2019 statewide study by the University of California San Diego Center on Gender Equity and Health, 77 percent of women experience sexual harassment in a public space, including 29 percent on mass transit. Furthermore, women who identify as lesbian or bisexual are more likely to report experiencing sexual harassment than heterosexual women.

This bill would promote safe and equitable mobility by requiring the ten largest transit districts in California to gather and analyze rider experiences with street harassment that occurs at a transit stop or on transit. As transit districts look to increase ridership, efforts to protect rider safety, including the prevention of street harassment on transit, can be a critical tool in rebuilding trust and patronage. Spending money to increase.”

Increasing the physical presence of transit staff may be key to increasing safety. A 2009 study from the Mineta Transportation Institute entitled “How to Ease Women’s Fear of Transportation Environments: Case Studies and Best Practices,” noted that “gender emerges as the most significant factor related to anxiety and fear about victimization in transit environments. Researchers have also identified more pronounced levels of fear of public settings among the elderly, certain ethnic groups, and low income people, who typically tend to live in high-crime neighborhoods.” The study went on to discuss that “Crime surveys and empirical studies from different parts of the world show that a majority of women are fearful of the potential violence against them when in public spaces.” The report points out that while security cameras help ease the concerns that men have with safety and public transit, women feel more comfortable when there is a transit employee or security officer around.

*Committee comments:* This bill would only apply to the top 10 transit agencies if there is an appropriation in the annual Budget Act funding the requirements of this bill. While, that provision would minimize the burden the requirements of this would otherwise have placed on

smaller transit agencies it also excludes smaller transit agencies from receiving funding that might help enhance the safety of those transit agencies riders.

Further, this bill provides for permitting that funding to be used on increasing the frequency and reliability of transit services. While increasing frequency will reduce the amount of time someone spends waiting for a bus, reducing the potential for street harassment, there is a possibility that transit agencies may use all of the money appropriated for the purposes of funding the provisions in this bill for that purpose. This is particularly likely considering transit agencies have taken significant losses to operating revenue as a result of lost fare box revenue as a result of the significant decrease in ridership after the start of by the COVID-19 Pandemic.

Also, it is unclear how the money would be distributed should this bill pass and be signed into law. There are no provisions creating a structure for the distribution of that funding nor is there a provision specifying an agency to be in charge of distributing the funding. Should an appropriation be made for this bill, the Legislature may want to consider establishing a grant program that all transit agencies would be eligible for and consider targeting the funding towards activities that enhance safety.

The bill also provides for UC ITS to potentially get funding to develop a survey consistent with the requirements in this bill. Presumably the purpose of doing this is to standardize the data all of the transit agencies are receiving to help CalSTA better evaluate the program. However, while the bill establishes this UC ITS survey, it does not require the transit agencies to use it, defeating the purpose of having a survey across the agencies collecting the same data for the purposes of evaluating the program.

Finally the California Transit Association has requested an amendment to this bill to modify a provision that ensures a transit agency cannot be liable for safety improvements in areas where they do not have jurisdiction to do so. The California Transit Association has requested striking 99177(i) and replacing it with the following:

*Nothing in this section shall be construed to require a transit operator to develop or implement a plan for addressing street harassment perpetrated in facilities or rights of way in which it currently has no legal jurisdiction.*

*Related Legislation:* AB 2549 (Mia Bonta), of 2022 would have required the Department of Public Health to conduct research and prepare a report on street harassment in the state, and to conduct a five-year statewide campaign to raise awareness and understanding of street harassment as a public health problem. That bill was held under suspense in Assembly Appropriations Committee.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Aapi Equity Alliance  
ACLU California Action  
African Advocacy Network  
Alliance for Girls  
Apex Express  
Aapi Forward Movement  
Asian American Pacific Islander Coalition of The North Bay

Asian Americans in Action  
Asian Pacific American Dispute Resolution Center (APADRC)  
Asian Pacific American Women Lawyers Alliance (APAWLA)  
Asian Pacific Community Fund  
Asian Youth Center  
Aypal: Building Api Community Power  
California Association of Human Relations Organizations  
California Chamber of Commerce  
California Commission on Asian and Pacific Islander American Affairs  
California Healthy Nail Salon Collaborative  
Cambodia Town INC.  
California Transit Association (If amended)  
Center for Asian Americans in Action  
Center for Asian Americans United for Self Empowerment (CAUSE)  
Chinese Culture Center of San Francisco  
Chinese for Affirmative Action  
Chinese Progressive Association  
City & County of San Francisco Office of Sexual Harassment and Assault, Response and Prevention  
City and County of San Francisco  
City and County of San Francisco Department on The Status of Women  
City of La Mesa  
Community Legal Services in East Palo Alto  
Consumers for Auto Reliability & Safety  
Consumers for Auto Reliability and Safety  
Contigo Communications  
Council on American-islamic Relations, California  
Council on American-islamic Relations, California Chapter  
Educating Marissa, LLC  
Empowering Pacific Islander Communities (EPIC)  
Empowering Pacific Islander Communities (EPIC) Fiscally Sponsored by Community Partners  
Equal Justice Society  
Eric Garcetti, Mayor of Los Angeles  
Food Empowerment Project  
Heart of Los Angeles (HOLA)  
Hmong Innovating Politics  
Inland Empire Immigrant Youth Collective  
Japantown Task Force  
Japantown Task Force, INC. (san Francisco)  
Korean American Center  
Korean American Coalition - Los Angeles  
Korean Community Center of The East Bay  
LA Raza Community Resource Center  
Los Angeles County  
Los Angeles County Metropolitan Transportation Authority  
Macla/movimiento De Arte Y Cultura Latino Americana  
Mixteco Indigena Community Organizing Project  
National Pacific Islander Education Network  
Nems

North East Medical Services (NEMS)  
Oca - Sacramento Chapter  
Oca Sacramento - Asian Pacific American Advocates  
Pacific Asian Counseling Services  
People Organizing to Demand Environmental & Economic Rights  
San Francisco Bay Area Rapid Transit District (BART)  
San Francisco Municipal Transportation Agency (SFMTA)  
San Francisco Transit Riders  
Self-help for The Elderly  
Silicon Valley Asian Pacific American Democratic Club  
Soma Pilipinas  
Soma Pilipinas - Sf Filipino Cultural Heritage District  
South Asian Network  
Southeast Asian Development Center  
Special Service for Groups/api Forward Movement  
Stop Aapi Hate  
Thai Community Development Center  
The Unity Council  
The Women's Building  
Tranzito  
UC San Diego Triton Lobby Corps  
UC Student Association  
Women's Foundation California  
Wu Yee Children's Services  
Youth Against Hate  
Ywca Berkeley/Oakland

**Opposition**

None on file

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