

Date of Hearing: July 5, 2023

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

SB 434 (Min) – As Amended March 16, 2023

SENATE VOTE: 40-0

SUBJECT: Transit operators: street harassment survey

SUMMARY: Requires the ten public transit operators with the most unlinked trips, upon appropriation of funds by the Legislature, to collect and publish survey data, and conduct outreach activities, for the purpose of improving the safety of riders and reducing street harassment on public transit. Specifically, **this bill:**

- 1) The legislature finds and declares: Women of all ages, particularly women of color and members of the LGBTQ+ communities, experience higher levels of street harassment. Ensuring the availability of safe and accessible public transit is a key priority for the legislature.
- 2) Requires transit operators, on or before December 31, 2024, to collect and publish survey data, for the purposes of informing their efforts to improve the safety of riders and reduce street harassment on public transit. Transit operators are required to conduct the survey if funds are appropriated by the Legislature and to the extent feasible with the funding the operator receives to implement the bill.
- 3) Requires transit operators to collect, at a minimum, specified data including demographic information and information regarding a rider's experiences with safety and street harassment.
- 4) Authorizes transit operators to utilize the sample survey being developed by the Mineta Transportation Institute at San Jose State University (MTI) for these purposes, including adding additional questions.
- 5) Requires transit operators to conduct outreach activities, with subpopulations of riders who are underrepresented in surveys and impacted by street harassment.
- 6) Authorizes transit operators to collect survey data in multiple languages to reach limited English-proficient riders impacted by street harassment.
- 7) Requires transit operators to publish and make publically available on its internet website all of the survey data collected pursuant to the bill, except any personally identifiable information.
- 8) Declares that transit operators that have collected such information and conducted outreach activities in the five years before the effective date of the bill be deemed to have met the requirements of the bill.
- 9) Declares the bill may constitute a reimbursable mandate.

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. (Penal Code (PEN) 640)
- 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. (Civil Code (CIV) 51)
- 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. (Government code (GOV) 11135)
- 5) Requires MTI to, on or before December 31, 2023, develop and make available on its internet website a survey for the purpose of promoting consistency in the collection of specified survey data to inform efforts to improve the safety of riders and reduce street harassment on public transit. (PUC 99177)
 - a) 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 characteristic listed or defined in Section 11135 of the Government Code, that the person experiences as intimidating, alarming, terrorizing, or threatening to their safety. For the purposes of this section, street harassment because of age shall include any chronological age;
 - b) Defines “Survey data” to mean information regarding public transit riders and their experiences using public transit, including, but not limited to, demographic information about riders and information about their experiences with safety, including, but not limited to, street harassment; and,
 - c) Defines “Transit operator” to mean the 10 transit operators, as defined in Section 99210, with the most unlinked passenger trips in 2019 in the state, according to the National Transit Database.

FISCAL EFFECT: According to the Senate Appropriations Committee, unknown, significant one-time costs, potentially in excess of \$10 million in the aggregate, for the 10 specified transit operators to interface with riders, conduct outreach activities, collect survey data (potentially in multiple languages), redact riders’ personally identifiable information, and publish the data by the end of 2024. (General Fund, Public Transportation Account, and/or other transit-eligible special funds).

COMMENTS: Harassment in public spaces is a multifaceted issue that affects many groups of people: women, ethnic minorities, members of the LGBTQ+ community, the elderly, adolescents, and people with disabilities. The vast majority of street harassment involves conduct that is not criminal, such as verbal harassment, and takes place in spaces open and accessible to the public, such as streets and sidewalks, businesses, public transit, and parks. Street harassment includes unwanted sexual and racialized comments and slurs, whistling, leering, and other intimidating actions.

The sponsors of SB 434, Stop AAPI Hate, formed as a coalition “in response to the alarming escalation of xenophobia and bigotry resulting from the COVID-19 pandemic.” According to the coalition, more than 9,000 acts of hate against Asian Americans and Pacific Islanders (AAPIs) have been reported to Stop AAPI Hate since the COVID-19 pandemic began in March 2020. Many more incidents continue to go unreported, making the actual number much higher. California leads all states in the number of hate incidents by a wide margin, with over 3,500 hate incidents or 38.6% of all reports. Hate incidents reported by women make up nearly two-thirds of all reports in the state, and a majority of these reports are accounts of verbal harassment or name-calling, including sexist slurs, in public.

Transit riders experiencing harassment on public transit systems have been a concern for transit operators. Increasing transit ridership is paramount to meeting our state’s climate goals and permanent mode shift is a priority. One of the concerns of many current and potential transit riders is safety and security in the system, especially for women. According to a 2019 California statewide study by UC San Diego Center on Gender Equity and Health, 77% of women experience sexual harassment in public spaces, including 29% on mass transit. Furthermore, women who identify as lesbian or bisexual are more likely to report experiencing sexual harassment than straight women.

According to the author, “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 434 requires California’s 10 largest transit operators to gather qualitative and quantitative data on street harassment of women and other vulnerable communities. This way, transit operators can develop data-driven initiatives to prevent street harassment on public transit systems and bring back riders. 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.”

In 2022, SB 1161 (Min) was passed which required MTI to create a transit survey by December 31, 2023, that operators could use to develop data-driven initiatives to help prevent street harassment on public transit systems.

SB 434 takes the next step by requiring the top 10 transit operators in the state, by December 31, 2024, to gather and publish data about riders and their experiences with street harassment on their systems. As part of the survey process, operators would be required to conduct outreach activities with specific subpopulations of riders who are traditionally underrepresented, such as women, non-English speakers, LGBTQ+, and people with disabilities.

As written transit operators are permitted but not required to utilize the survey developed by MTI, add additional questions, or use their own survey. Additionally, if a transit operator has collected the data or conducted the outreach activities required by the bill in the last five years, they are deemed to have met the requirements of the bill. This takes into account the work of systems like LA Metro and BART.

Committee Comments:

Smaller transit operators are excluded. This bill would only apply to the top 10 transit operators which are 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. While this minimizes the burden placed on smaller transit agencies it also excludes these agencies from receiving funding that might help enhance safety for their riders.

It is unclear how funding would be distributed should SB 434 become law. There are no provisions creating a structure for the distribution of that funding or a mechanism for taking into consideration agencies who have already begun work in this area. Should an appropriation be made for this bill, the Legislature may want to consider establishing a grant program for all transit agencies and targeting the funding towards activities that enhance safety.

Transit operating funding shortfalls. As federal pandemic relief funds are expended, some transit operators will face funding shortfalls. According to recent testimony by the California Transit Association, statewide transit operators have a \$6 to \$8 billion operations funding shortfall over the next five years. This bill may be premature as the recently enacted Budget Act will provide \$5.1 billion for transit operators and as part of that agreement, the Transit Transformation Task Force will be formed to develop policy recommendations to grow transit ridership and improve the transit experience.

RELATED/PREVIOUS LEGISLATION:

SB 1161 (Min) Chapter 318, Statutes of 2022 required MTI to develop and make available on its internet website a survey for the purpose of promoting consistency in the collection of survey data by transit agencies to inform efforts to improve the safety of riders and reduce street harassment on public transit.

AB 2549 (M. Bonta of 2022) would have required the California Department of Public Health to conduct research and a five-year, statewide, public campaign to raise awareness and understanding of street harassment as a public health problem in the state with the purpose of preventing its occurrence. *This bill was held on suspense by the Assembly Appropriations Committee.*

REGISTERED SUPPORT / OPPOSITION:**Support**

AAPI Equity Alliance
ACLU California Action
African Advocacy Network
Alliance for Girls
Apex Express
API Council of San Francisco
API Forward Movement
Asian American Pacific Islander Coalition of the North Bay
Asian Americans in Action
Asian Law Alliance
Asian Pacific American Dispute Resolution Center
Asian Pacific American Women Lawyers Alliance
Asian Pacific Community Fund
Asian Pacific Environmental Network
Asian Youth Center
Asian Youth Center
AYPAL: Building API Community Power
Bay Area Council
CAIR California
CalChamber
California Association of Human Relations Organizations
California Commission on Asian and Pacific Islander American Affairs
California Healthy Nail Salon Collaborative
Cambodia Town
Center for Asian Americans in Action
Center for Asian Americans United for Self-Empowerment
Center for Leadership, Equity, and Research
Chinese Culture Center of San Francisco
Chinese for Affirmative Action
Chinese Progressive Association
City and County of San Francisco
City & County of San Francisco Office of Sexual Harassment and Assault, Response and Prevention
Community Legal Services in East Palo Alto
Consumers for Auto Reliability and Safety
Contigo Communications
County of Los Angeles Board of Supervisors
Disability Rights California
East Bay La Raza Lawyers Association
Educating Marissa
El/La Para TransLatinas
Empowering Pacific Islander Communities
Equal Justice Society
Equality California
Ethnic Media Services

Food Empowerment Project
Food for People
Heart of Los Angeles
Hmong Innovating Politics
Inland Empire Immigrant Youth Collective
Japantown Task Force
Justice in Aging
Korean American Center
Korean American Coalition
Korean American Coalition of Los Angeles
Korean American Federation of Los Angeles
Korean Community Center of the East Bay
Korean Community Services
La Raza Community Resource Center
Los Angeles County Metropolitan Transportation Authority
Macla/Movimiento De Arte Y Cultura Latino Americana
Mixteco Indigena Community Organizing Project
National Pacific Islander Education Network
Nicos Chinese Health Coalition
North East Medical Services
Oakland Lacrosse Club
OCA - Sacramento Chapter
Orange County Asian and Pacific Islander Community Alliance
Pacific Asian Counseling Services
People Organizing to Demand Environmental & Economic Rights
San Francisco Bay Area Rapid Transit District
San Francisco Municipal Transportation Agency
San Francisco Senior and Disability Action
San Francisco Transit Riders
San Gabriel Valley Council of Governments
Santa Monica Democratic Club
Self-Help for the Elderly
Silicon Valley Asian Pacific American Democratic Club
Soma Pilipinas - Sf Filipino Cultural Heritage District
South Asian Network
Southeast Asian Community Center
Southeast Asian Development Center
Stop AAPI Hate
Streets for All
Thai Community Development Center
The Betti Ono Foundation
The Unity Council
The Women's Building
Transform
Tranzito
University of California Student Association
Women's Foundation California
Women's Foundation of California
Wu Yee Children's Services

Youth Against Hate
YWCA Berkeley/Oakland

Opposition

None on file

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