

Date of Hearing: July 1, 2019

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 397 (Glazer) – As Amended June 17, 2019

**SENATE VOTE:** 37-0

**SUBJECT:** Public transit operators: passengers with pets: evacuation orders

**SUMMARY:** Requires public transit operators to allow passengers to board a bus with their pets during the implementation of an emergency evacuation order, as specified. Specifically, **this bill:**

- 1) Defines “evacuation order” to mean an order from the Governor, county emergency management official, county sheriff, chief of police, or fire marshal, under which persons subject to the order are encouraged to relocate outside of the geographic area covered by the order due to imminent danger resulting from a natural or manmade disaster, as specified.
- 2) Defines “pet” as a cat or a dog, as specified.
- 3) Requires a public transit operator to allow passengers to board a public transit vehicle with their pets, as defined, in the area where an evacuation order has been issued.
- 4) Requires the Office of Emergency Services (OES) and the California Department of Food and Agriculture (CDFA), in consultation with public transit operators and county emergency management officials, to develop best practices for allowing pets on public transit vehicles serving areas subject to an evacuation order.
- 5) Clarifies that the best practices developed shall not prohibit a public transit operator from enacting policies that ensure the safety of transit riders.
- 6) Declares that the bill may connote a reimbursable mandate as determined by the Commission on State Mandates.

**EXISTING LAW:**

- 1) Imposes various requirements on transit operators, as specified.
- 2) Prohibits a person from doing any specified acts with respects to the property, facilities, or vehicles of a transit district, including, among other things, interfering with the operator or operation of a transit vehicle, or impeding the safe boarding or alighting of passengers.
- 3) Creates OES, to be responsible for the state’s emergency and disaster response services for natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property.
- 4) Requires OES, in consultation with CFDA, to approve, adopt, and incorporate the "California Animal Response Emergency System" (CARES) program into the standardized emergency management system (SEMS).

**FISCAL EFFECT:** Unknown

**COMMENTS:** Following Hurricane Katrina in 2005, the Congress passed and President Bush signed into law, the Pet Evacuation and Transportation Standards (PETS) Act (P.L. 109-308), which required states, cities, and counties, in order to receive federal funding for disaster relief plans, to “account for the needs of individuals with household pets.” Since the bill’s enactment, more than 30 states, including California, have amended their disaster relief plans to account for the needs of pets.

In fact, in 2006, the Legislature passed and Governor Schwarzenegger signed into law AB 450 (Yee), Chapter 604, Statutes of 2006, which required OES to approve, adopt, and incorporate the CARES program into the SEMS. SB 450 also required OES, CDFA, and other interested parties, to enter into a memorandum of understanding to incorporate the CARES program into their emergency planning. According to CARES its mission is, “supporting animal care efforts during all phases of emergency management.” CARES estimates California is home to 6.7 million dogs and 7.1 million cats, in addition to hundreds of thousands of sheep, goats, and horses, and millions of chickens, cattle and wild animals. A 2013 CARES Program Assessment Report found, “Resources for animal emergencies are a huge issue. Resource lists are incomplete and levels of personnel, equipment and supplies are insufficient. Resource databases, mutual aid plans and agreements, and additional resources and funding are needed.”

Specifically, CARES works to: strengthen the system for coordinating and sharing animal emergency information and resources among all levels of government; enhance the management of animals for their safety and well-being during emergencies; develop and distribute information, including best practices, regarding the protection and care of animals prior to, during, and after an emergency incident; recommend policies to ensure California’s animal emergency response system and the actions taken by participating organizations are consistent with SEMS and the National Incident Management System (NIMS); strengthen California’s ability to assist animals during regional and state-wide emergencies, and, coordinate member participation and ensure animal welfare in the effectual evacuating, transporting, sheltering, feeding, and safely returning animals to their place of origin or to another appropriate location.

In recent years, as natural disasters, such as wildfire, has become more prevalent in California, there has been an increased focus on the evacuation of pets. Emergency managers remain concerned that people will not heed evacuation orders if they are unable to take family pets along. In fact, it is estimated that at least 10,000 pets were displaced in the Woolsey and Hill Fires in Los Angeles and Ventura Counties and the Camp Fire in Butte County in 2018.

One of the methods local emergency managers use to help evacuate people in the case of a natural or manmade disaster is to utilize public transit, mainly public buses. In fact, public transit operators in California are included in local emergency planning and participate when an Emergency Operations Center (EOC) is activated. Public transit buses are mainly used to evacuate people from larger facilities, usually people who are elderly or disabled, who may not have access to a vehicle or be able to evacuate themselves safely. For example, Santa Rosa CityBus is the City of Santa Rosa’s municipal transit system, and operates 29 buses in its fixed-route fleet and 13 vehicles in its paratransit fleet. Santa Rosa CityBus was called into action in the Tubbs Fire in 2017 in the middle of the night after the EOC was activated. Bus operators rushed to get the buses and were dispatched to different locations. The buses were used to evacuate the Kaiser Hospital and senior resident facilities. Additionally, they moved evacuees from one shelter location to another as needed.

According to Santa Rosa CityBus, the direction from the EOC was to take all pets to ensure residents would evacuate.

SB 397 requires public transit operators within the state to allow passengers to board transit vehicles with their pets when an evacuation order is issued. The bill directs OES, working with CDFA, local emergency managers, and local public transit operators, to develop statewide best practices for public transit operators to follow in evacuations, while retaining the public transit operator's right to protect the transit rider.

According to the author, "a significant concern for pet owners during times of natural disaster is ensuring the safety and the care of their animals. California is home to nearly 19 million domestic pets- nearly 1 of every 3 California households has a cat or dog as part of their family. During the 2018 wildfires, experts estimate that over 10,000 pets were displaced by the Woolsey, Hill, and Camp Fires. The fires moved quickly, and many residents had to evacuate, but not all were able to take their pets with them. Numerous studies have shown that people are reluctant to evacuate during a disaster without their animals. Crucial to the safety of Californians is the ability to safely evacuate in periods of imminent danger, like earthquakes, fires and flooding, and other natural disasters. Public transportation can play an integral role in mitigating, preparing, and responding to these natural disasters in both rural and urban settings. Creating a plan for pets on public transit will improve compliance with evacuation orders for those who do not want to leave their pets behind, and those without their own forms of transportation. This bill would require the California Office of Emergency Services and the California Department of Food and Agriculture, in consultation with public transit operators and county emergency management officials across the state, to develop best practices for allowing pets to board during mandatory evacuations. This will increase compliance with evacuation orders and help keep pets and their owners safe in the face of natural disasters."

Additionally, the author notes that this bill would bring California in line with other states that have enacted similar statutes. In fact, in 2017, several years after Hurricane Sandy, New York passed legislation to require the New York Metropolitan Transportation Authority to permit animals on board buses, trains and subways.

Writing in support, the San Diego Humane Society states, "during major events, primarily fast-moving fires, our Humane Law Enforcement Officers join with other first responders to assist with evacuations. Removing barriers to self-evacuation, such as allowing residents on public transportation with their pets, frees resources for more complicated evacuations like large animal rescue or evacuation of rural areas without access to public transport."

*Previous legislation:* AB 450 (Yee), Chapter 604, Statutes of 2006, requires OES to approve, adopt, and incorporate the CARES program into the standardized emergency management system.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Mars, Incorporated  
San Diego Humane Society

**Opposition**

None on file

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