

116TH CONGRESS
1ST SESSION

S. 436

To amend title 49, United States Code, to require the development of public transportation operations safety risk reduction programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2019

Mr. VAN HOLLEN (for himself, Mr. REED, Ms. WARREN, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend title 49, United States Code, to require the development of public transportation operations safety risk reduction programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transit Worker and
5 Pedestrian Protection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Public transportation workers are vital to
2 the safe, efficient, and affordable movement of peo-
3 ple and to the economic prosperity of the country.

4 (2) Assaults on public transportation workers
5 are a growing problem, with daily reports of bus op-
6 erators and rail transit employees being beaten, hav-
7 ing items thrown at them, being spat upon, and
8 being verbally abused.

9 (3) This is not only a tragic situation for public
10 transportation workers, but also a major safety risk
11 for passengers, other motorists, and pedestrians.

12 (4) An additional risk to safe bus operation is
13 the existence of blind spots in the view from a bus
14 operator workstation that—

15 (A) prevent a driver from fully seeing the
16 driver’s surroundings; and

17 (B) have caused serious accidents with pe-
18 destrians.

19 (5) Blind spots are avoidable, and buses can be
20 designed to provide the bus operator a clear view
21 outside the vehicle.

22 (6) Section 3022 of the FAST Act (49 U.S.C.
23 5329 note; Public Law 114–94) required the Sec-
24 retary of Transportation to issue a notice of pro-

1 posed rulemaking to address protection of public
2 transportation operators from the risk of assault.

3 (7) The Secretary of Transportation has failed
4 to issue a notice of proposed rulemaking as required
5 under section 3022 of the FAST Act.

6 **SEC. 3. BUS OPERATIONS SAFETY RISK REDUCTION PRO-**
7 **GRAM.**

8 Section 5329 of title 49, United States Code, is
9 amended by adding at the end the following:

10 “(1) BUS OPERATIONS SAFETY RISK REDUCTION
11 PROGRAM.—

12 “(1) REQUIREMENTS.—Not later than 2 years
13 after the date of enactment of this subsection, the
14 Secretary shall require each recipient that operates
15 fixed route bus service to—

16 “(A) develop a risk reduction program for
17 bus operations under paragraph (2) to improve
18 safety by reducing the number and rates of ac-
19 cidents, injuries, assaults on bus operators, and
20 fatalities;

21 “(B) submit the program required under
22 subparagraph (A), including the implementation
23 plan required under paragraph (3), to the Sec-
24 retary for review and approval; and

1 “(C) implement the program and plan ap-
2 proved by the Secretary.

3 “(2) DEVELOPMENT OF PROGRAM.—A recipient
4 required to develop and submit a risk reduction pro-
5 gram for bus operations under paragraph (1)—

6 “(A) shall develop the program by con-
7 ducting risk analysis on the bus operations of
8 the recipient;

9 “(B) may incorporate the program into an
10 applicable comprehensive safety plan that the
11 recipient prepares under subsection (d), if the
12 plan addresses each requirement under this
13 subsection; and

14 “(C) shall develop the program in coopera-
15 tion with bus operators and collective bar-
16 gaining representatives of bus operators, includ-
17 ing the development of—

18 “(i) the risk analysis required under
19 subparagraph (A); and

20 “(ii) the implementation plan required
21 under paragraph (3).

22 “(3) IMPLEMENTATION PLAN.—Each risk re-
23 duction program for bus operations under paragraph
24 (1) shall include an implementation plan for—

1 “(A) reduction of vehicular and pedestrian
2 accidents involving buses that includes—

3 “(i) deployment of driver assistance
4 technologies for bus operators that reduce
5 or prevent accidents; and

6 “(ii) measures to reduce visibility im-
7 pairments for bus operators that con-
8 tribute to accidents, including retrofits to
9 buses in revenue service and specifications
10 for future procurements that reduce visi-
11 bility impairments;

12 “(B) bus operator assault mitigation, in-
13 cluding—

14 “(i) the deployment of assault mitiga-
15 tion infrastructure and technology on
16 buses, including barriers to restrict the un-
17 wanted entry of individuals and objects
18 into bus operators’ workstations when a re-
19 cipient’s risk analysis determines that such
20 barriers would reduce assaults on and inju-
21 ries to bus operators; and

22 “(ii) conflict de-escalation training for
23 bus operators;

24 “(C) installation of seating and modifica-
25 tion to design specifications of bus operator

1 workstations that reduce or prevent injuries
2 from ergonomic risks; and

3 “(D) other measures that the Secretary de-
4 termines would significantly reduce the number
5 and rate of accidents, injuries, assaults on bus
6 operators, and fatalities related to bus oper-
7 ations.

8 “(4) UPDATING REQUIREMENTS.—The Sec-
9 retary shall require each recipient required to de-
10 velop a program under paragraph (1) to—

11 “(A) update the program annually; and

12 “(B) resubmit the program for approval by
13 the Secretary not less than once every 3
14 years.”.

15 **SEC. 4. RAIL OPERATIONS WORKER ASSAULT RISK REDUC-**
16 **TION PROGRAM.**

17 (a) PUBLIC TRANSPORTATION SAFETY PROGRAM
18 SECTION.—Section 5329 of title 49, United States Code,
19 as amended by section 3, is further amended by adding
20 at the end the following:

21 “(m) RAIL OPERATIONS WORKER ASSAULT RISK
22 REDUCTION PROGRAM.—

23 “(1) REQUIREMENTS.—Not later than 2 years
24 after the date of enactment of this subsection, the
25 Secretary shall require each recipient that operates

1 a rail fixed guideway public transportation system
2 that is not subject to regulation by the Federal Rail-
3 road Administration to—

4 “(A) develop a risk reduction program for
5 assaults on rail workers under paragraph (2) to
6 improve safety by reducing the number and se-
7 verity of assaults on rail workers, including op-
8 erators and station personnel;

9 “(B) submit the program required under
10 subparagraph (A), including the implementation
11 plan required under paragraph (3), to the Sec-
12 retary for review and approval; and

13 “(C) implement the program and plan ap-
14 proved by the Secretary.

15 “(2) DEVELOPMENT OF PROGRAM.—A recipient
16 required to develop and submit a risk reduction pro-
17 gram for assaults on rail workers under paragraph
18 (1)—

19 “(A) shall develop the program by con-
20 ducting risk analysis on assaults on workers
21 serving the rail operations of the recipient;

22 “(B) may incorporate the program into an
23 applicable comprehensive safety plan that the
24 recipient prepares under subsection (d), if the

1 plan addresses each requirement under this
2 subsection; and

3 “(C) shall develop the program in coopera-
4 tion with rail workers and collective bargaining
5 representatives of rail workers, including the
6 development of—

7 “(i) the risk analysis required under
8 subparagraph (A); and

9 “(ii) the implementation plan required
10 under paragraph (3).

11 “(3) IMPLEMENTATION PLAN.—Each risk re-
12 duction program for assaults on rail workers under
13 paragraph (1) shall include an implementation plan
14 for rail worker assault mitigation.

15 “(4) UPDATING REQUIREMENTS.—The Sec-
16 retary shall require each recipient required to de-
17 velop a program under paragraph (1) to—

18 “(A) update the program annually; and

19 “(B) resubmit the program for approval by
20 the Secretary not less than once every 3
21 years.”.

22 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) AMOUNT AND DURATION.—There are authorized
24 to be appropriated to carry out implementation plans
25 under the bus operations safety risk reduction program

1 described in subsection (l) of section 5329 of title 49,
2 United States Code (as added by section 3 of this Act),
3 \$25,000,000 for each of fiscal years 2019 through 2023.

4 (b) FORMULA.—Of the amounts made available to
5 carry out subsection (l) of section 5329 of title 49, United
6 States Code, for a fiscal year—

7 (1) 80 percent shall be distributed under the
8 formula set forth in section 5336 of title 49, United
9 States Code, other than subsection (b) of that sec-
10 tion; and

11 (2) 20 percent shall be distributed under the
12 formula set forth in section 5311(c)(3) of that title.

13 **SEC. 6. TRANSIT WORKER ASSAULT DATA.**

14 Section 5335 of title 49, United States Code, is
15 amended by adding at the end the following:

16 “(d) TRANSIT WORKER ASSAULT DATA.—

17 “(1) REPORT.—A recipient shall report to the
18 Secretary, for inclusion in the National Transit
19 Database, any information on each assault on a
20 transit worker.

21 “(2) OTHER REPORTS.—A report required
22 under paragraph (1) shall be separate from the re-
23 porting on other safety incidents in the National
24 Transit Database.

25 “(3) DEFINITIONS.—In this subsection:

1 “(A) ASSAULT ON A TRANSIT WORKER.—
2 The term ‘assault on a transit worker’ means
3 any circumstance in which an individual know-
4 ingly, without lawful authority or permission,
5 and with intent to endanger the safety or health
6 of any individual, or with a reckless disregard
7 for the safety or health of human life, interferes
8 with, disables, or incapacitates any transit
9 worker while the transit worker is performing
10 his or her duties, including circumstances that
11 do not require immediate medical attention or
12 that do not result in a fatality.

13 “(B) RECIPIENT.—The term ‘recipient’
14 has the meaning given the term in section
15 5329(a).”.

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