

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: June 16, 2023

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso *KEK for*
Chief Legislative Analyst

Council File: 23-0002-S54
Assignment No. 23-06-0314

SUBJECT: Revised Resolution to Support SB 434 (Min) – "Public Transit for All: Improving Safety and Increasing Ridership"

CLA RECOMMENDATION: Adopt Revised Resolution to include in the City's 2023-2024 State Legislative Program SUPPORT for SB 434 (Min), which would require California's major public transit operators to collect and publish survey data relative to their efforts to improve the safety of riders and reduce street harassment.

SUMMARY

Public transit service provides a crucial service to local communities and often serves individuals with the lowest income levels who must rely on a bus, train, or subway to access vital services. Data from the Pew Research Center shows that Americans who are lower-income, black or Hispanic, immigrants or under 50 are especially likely to use public transportation on a regular basis. It is estimated that over half of all transit ridership in Los Angeles County are women.

Resolution (Lee, Raman – Hernandez), introduced on April 26, 2023, states that since the onset of the COVID-19 pandemic, fear-mongering, discrimination, hate incidents, and crimes against Asian-American and Pacific Islanders (AAPI) have increased significantly. The Resolution cites several statistics related to AAPI hate incidents and harassment in public spaces, including on public transit. Recent studies also show that women, seniors, LGBTQ+ riders, and other vulnerable populations experience harassment while commuting.

Existing law provides various provisions applicable to all public transit districts and also requires the Mineta Transportation Institute (MTI) at San Jose State University, on or before December 31, 2023, to develop a survey for California public transit operators to collect and publish ridership data for the purpose of improving rider safety and reducing street harassment on public transit.

On February 13, 2023, Senator Min introduced SB 434 that would require the top ten public transit operators, upon appropriation of funds by the Legislature, to collect and publish survey data on or before December 31, 2024 for the purposes of informing their efforts to improve safety of riders and reduce street harassment on public transit. The purpose of the proposed legislation is for all transit operators to understand their riders' experience. Specifically, the bill would:

- Make findings and declarations regarding the need to increase safety and security on public transit systems, especially for women and girls.
- Define “street harassment” as 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 as discrimination in the California Government Code, that the person experiences as intimidating, alarming, terrorizing, or threatening to their safety.
- Define “survey data” as 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.
- Define “transit operator” as the ten transit operators, as defined in state transit law, with the most unlinked passenger trips in 2019 in the state, according to the National Transit Database.
- Require transit operators to collect specified data including: demographic information; rider’s experiences with safety while waiting at public transit stops and riding public transit; where and when a rider experiences street harassment; the impact of street harassment on a rider, including whether and how they change their use of transit; and a rider’s perceptions of safety while using transit.
- Authorize transit operators to utilize the sample survey being developed by MTI for these purposes, including adding additional questions.
- Require a transit operator 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 based on their experiences.
- Authorize a transit operator to collect survey data in multiple languages to reach limited-English-proficient riders impacted by street harassment.
- Require a transit operator to publish the survey data and make it publicly available on its internet website.
- Declare 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.
- Declare that nothing in the bill shall be construed to create new or additional liability for a transit operator for failing to respond to an incident of street harassment.

SB 434 builds on the efforts of SB 1161 (Min), which was chaptered into law in 2022, as a critical step in addressing and preventing harassment of vulnerable populations (i.e., women, seniors, persons with disabilities, non-English-proficient riders, LGBTQ+ riders) on public transit systems. On June 29, 2022, Council adopted a support position relative to SB 1161 (C.F. 22-0002-S79), a bill co-sponsored by the Los Angeles County Metropolitan Transportation Authority (Metro) and the Stop AAPI Hate Coalition, requiring transit operators to recognize street harassment as a safety concern on public transit systems, and develop and implement mitigation initiatives based on rider survey data.

Additionally, on May 17, 2022, the Council approved several actions related to curtailing street harassment in public spaces and transit systems (C.F. 21-0263), including instructing the Los Angeles Department of Transportation (LADOT) to:

- Require the City's transit operating contractors to collect data about street harassment and to develop procedures and processes to receive and report incidents of harassment on transit and at bus stops.
- Report with statistics on the reliability of transit service and the possibility of expanding the real-time bus arrival information at bus stops to include anti-harassment information and options to report real-time incidents.
- Report on their new pilot program that would require the City's transit contractors to allow on-demand stops at night.
- Report on the resources needed to create a mandatory educational and bystander training program for transit operators and all other LADOT employees who work in the public right-of-way.

A revised Resolution has been prepared by this Office to remove the commendatory language and maintain consistency with the standard legislative position format.

DEPARTMENTS NOTIFIED

Department of Transportation

BILL STATUS

6/08/23 Referred to Com. on Trans.

5/25/23 In Assembly. Read first time. Held at desk.

5/25/23 Read third time. Passed (Ayes 40. Noes 0) Ordered to Assembly.



Mandana Khatibshahidi
Analyst

SMT:mk

Attachments: 1. Revised Resolution
2. SB 434 (Min)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to, or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council; and

WHEREAS, since the onset of the COVID-19 pandemic, fear-mongering, discrimination, hate incidents, and crimes against Asian-American Pacific Islanders (AAPI) have increased significantly; and

WHEREAS, according to a report by Stop AAPI Hate, almost 11,000 hate incidents against AAPI individuals were reported in 2021 and 2022 across the country, with 67 percent of the incidents involving harassment and 40 percent occurring in public spaces, including on public transit; and

WHEREAS, recent studies of California public transit show that women, seniors, LGBTQ+ riders, and other vulnerable populations experience harassment while commuting; and

WHEREAS, in 2022, Governor Newsom signed SB 1161 (Min) into law, which required the Mineta Transportation Institute at San Jose State University to create a community survey for California transit operators to strengthen and promote passenger safety; and

WHEREAS, pending before the Legislature is SB 434 (Min), "Public Transit for All: Improving Safety and Increasing Ridership," which would require California's largest public transit operators to collect and publish data to improve passenger safety and increase ridership; and

WHEREAS, SB 434 would require California's transit operators to gather and publish qualitative and quantitative ridership data regarding harassment as riders wait at transit stops and ride transit vehicles;

WHEREAS, SB 434 would build on SB 1161 and be a critical first step in addressing and preventing harassment of vulnerable populations on public transit systems;

NOW, THEREFORE, BE IT RESOLVED, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2023-2024 State Legislative Program SUPPORT for SB 434 (Min), which would to require California transit operators to collect and publish survey data as a critical first step towards addressing street harassment, improving passenger safety, and increasing transit ridership.

AMENDED IN SENATE MARCH 16, 2023

SENATE BILL

No. 434

Introduced by Senator Min
(Coauthor: Assembly Member Haney)

February 13, 2023

An act to add Section 99178 to the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 434, as amended, Min. Transit operators: street harassment survey.

Existing law creates various transit districts throughout the state, with specified powers and duties relative to providing public transit service. Existing law provides various provisions applicable to all public transit and transit districts. Existing law requires the Mineta Transportation Institute at San Jose State University 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.

This bill would require a transit operator, as defined, upon ~~allocation of certain funds~~ *appropriation of certain funds* by the Legislature, to collect *and publish* specified survey data for the purpose of informing efforts to improve the safety of riders and reduce street harassment on public transit on or before ~~June 30, 2024~~ *December 31, 2024*. The bill would require a transit operator 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 based on their experiences. *The bill would authorize a transit operator to collect survey data in multiple languages to reach limited-English-proficient riders*

1 harassment on public transit. Such harassment includes unwanted
2 sexual and racialized comments and slurs, whistling, leering, and
3 other intimidating actions. According to a 2019 statewide study
4 by the University of California, San Diego Center on Gender
5 Equity and Health, 77 percent of women experience sexual
6 harassment in a public space, including 29 percent on mass transit.
7 Furthermore, women who identify as lesbian or bisexual are more
8 likely to report experiencing sexual harassment than straight
9 women.

10 (e) A 2019 bay area study by Alliance for Girls found that girls,
11 including transgender girls, cisgender girls, and nonconforming
12 youth, in the Cities of San Francisco, San Jose, and Oakland
13 expressed feeling unsafe on public transportation due to the daily
14 harassment they experience on buses and trains on their way to
15 and from school.

16 (f) LGBTQ riders face elevated risk of harassment and
17 discrimination on transit systems, according to a 2018 report by
18 the Movement Advancement Project. Additionally, 2017 data from
19 the Center for American Progress found that 11 percent of
20 transgender people and 9 percent of LGBT people with disabilities
21 avoided public transportation due to fear of discrimination.

22 (g) According to a 2019 report by the Los Angeles Metropolitan
23 Transportation Authority, safety is the primary barrier to riding
24 transit for women. Fear of harassment leads to behavioral
25 adjustments and precautions by women riders, including leaving
26 a bus or train mid-trip to avoid harassment, avoiding travel in the
27 evening, avoiding certain settings such as crowded buses, and not
28 walking alone.

29 (h) Low-income women face even greater barriers to movement,
30 including safety concerns, poor walking environments, lower
31 access to driver's licenses, and transit inefficiencies such as long
32 travel times and infrequent service. Unlike more affluent women,
33 low-income women have fewer private transportation options.

34 (i) Women of color on public transit experience even more
35 threats to their safety. According to the Los Angeles Department
36 of Transportation, women of color report feeling more unsafe on
37 public transportation than women who identify as white.

38 (j) Data collected by the Stop AAPI Hate coalition finds that
39 nearly 40 percent of the nationwide acts of hate against Asian
40 Americans and Pacific Islanders happen in California, and hate

1 For the purposes of this section, street harassment because of age
2 shall include any chronological age.

3 (2) ~~“Survey data” means information regarding public transit~~
4 ~~riders and their experiences using public transit, including, but not~~
5 ~~limited to, demographic information about riders and information~~
6 ~~about their experiences with safety, including, but not limited to,~~
7 ~~street harassment.~~

8 (3) ~~“Transit operator” means the 10 transit operators, as defined~~
9 ~~in Section 99210, with the most unlinked passenger trips in 2019~~
10 ~~in the state, according to the National Transit Database.~~

11 (b) ~~(1) On or before June 30, December 31, 2024, a transit~~
12 ~~operator shall, upon allocation appropriation of funds by the~~
13 ~~Legislature from the Public Transportation Account, Legislature,~~
14 ~~collect and publish survey data data, in accordance with this~~
15 ~~section, to the extent feasible with the funding it receives to~~
16 ~~implement this section, for the purpose of informing their efforts~~
17 ~~to improve the safety of riders and reduce street harassment on~~
18 ~~public transit.~~

19 ~~(2) The~~

20 (c) A transit operator shall collect, at a minimum, the information
21 described in paragraph (2) of subdivision (b) of Section 99177.

22 ~~The~~

23 (d) A transit operator may, but is not required to, use the survey
24 made available pursuant to Section 99177 and may ask additional
25 questions beyond those in the survey.

26 ~~(e)~~

27 (e) A transit operator shall conduct outreach activities with
28 subpopulations of riders who are underrepresented in surveys and
29 impacted by street harassment to gain insight into the perspectives
30 of these riders based on their experiences. ~~These activities~~ Activities
31 may include focus groups, participatory workshops, or other
32 methods of engaging riders. *Subpopulations may include, but are*
33 *not limited to, women riders, non-English-speaking riders,*
34 *LGBTQ+ riders, and riders with disabilities.*

35 (f) A transit operator may collect survey data in multiple
36 languages to reach limited-English-proficient riders impacted by
37 street harassment. The languages may be determined by existing
38 data on riders or the top non-English languages used by
39 limited-English-proficient persons in the community served by the