



Legislators in Congress Introduce the *Transit Worker and Pedestrian Protection Act*

U.S. Senator Chris van Hollen (D-MD) [recently introduced S.436](#) , the *Transit Worker and Pedestrian Protection Act*. This legislation seeks to protect transit workers (with an emphasis on drivers) from assaults and other threats by devoting \$125 million in federal money over a five-year period to safety upgrades within transit systems.

If passed, the *Transit Worker and Pedestrian Protection Act* would require federally-funded transit agencies, who operate fixed-route service, to develop risk reduction programs within two years of enactment, with oversight from the U.S. Department of Transportation, to improve safety by reducing the number and rates of accidents, injuries, assaults on drivers and fatalities. The appropriated funds would be used to implement the following safety improvements:

- Assault mitigation infrastructure and technology, including barriers to restrict the unwanted entry of individuals and objects into bus operators' workstations
- De-escalation training for bus operators
- Modified bus specifications and retrofits to reduce visibility impairments
- Driver assistance technology that reduces accidents
- Installation of bus driver seating to reduce ergonomic injuries

The plan the transit agency develops, which subsequently demands DOT approval, would be required to go through regular updates. The legislation also requires that any assault on a transit worker be reported for inclusion in the National Transit Database, regardless of law enforcement involvement, circumstances that don't require immediate medical attention or events that do not result in a fatality.

In terms of the funding used for the implementation of these potentially required activities, of the amounts made available to carry out [section 5329 of title 49](#) , 80 percent will be distributed under the formula in section 5336 and 20 percent will be distributed under the formula in section 5311.

CTAA members who are classified as a recipient under [section 5329\(c\)](#), which is defined as “a State or local governmental authority, or any other operator of a public transportation system, that receives financial assistance under this chapter”, would be required to develop and implement these safety programs. This would include:

- Creating a risk reduction program within two years of the legislation’s enactment, which must:
 - o Be developed by conducting a risk analysis on the agency’s bus operations
 - o Be developed in conjunction with the bus operators and collective bargaining representatives of bus operators
 - o Incorporate all of the previously mentioned safety improvements
- Submitting the program and the implementation plan to the DOT for review and approval
- Implementing the program
- Reporting any assault to NTD for data collection
- Updating the program every year
- Updating the program and resubmit the program for DOT approval every three years

S.46 currently has three cosponsors: Sen. Jack Reed (D-RI), Sen. Elizabeth Warren (D-MA) and Sen. Robert Menendez (D-NJ). It was referred to the Senate Committee on Banking, Housing and Urban Affairs on February 11, 2019. The House companion bill, [H.R. 1139](#), was introduced by Rep. Grace Napolitano (D-CA-32) and its language replicates that of the Senate bill. The House bill currently has 65 cosponsors and was referred to the House Committee on Transportation and Infrastructure’s Subcommittee on Highways and Transit on February 12, 2019.

CTAA staff are closely monitoring this bill and have already had preliminary discussions the legislation’s staunchest proponents in the transit labor community. We do have concerns about forcing transit agencies to implement driver-passenger barriers when they are not warranted or needed. We also don’t feel it is fair to use any Section 5311 formula funds to pay for issues that are focused on fixed-route operations in large urban areas. That said, improved analysis and understanding of the issue is vital.

If you have any questions or concerns regarding this proposed legislation, please reach out to mcginley@ctaa.org. CTAA is actively monitoring this bill’s progress and will update CTAA members if more Congressional action is taken.