

116TH CONGRESS  
1ST SESSION

# H. R. 1139

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2019

Mrs. NAPOLITANO (for herself, Mr. KATKO, Mr. LOWENTHAL, Mr. KING of New York, Mr. QUIGLEY, Mr. DAVID SCOTT of Georgia, Mr. HUFFMAN, Mr. POCAN, Mr. LIPINSKI, Mr. CUMMINGS, Mr. GARAMENDI, Ms. BLUNT ROCHESTER, Mr. RYAN, Mr. GRIJALVA, Mr. SUOZZI, Ms. BROWNLEY of California, Mr. AGUILAR, Mr. NADLER, Mr. SHERMAN, Ms. SCHAKOWSKY, Ms. TITUS, Mrs. WATSON COLEMAN, Mr. CARSON of Indiana, Mr. JOHNSON of Georgia, Mr. BLUMENAUER, Mr. MCEACHIN, Mr. VARGAS, Mr. SEAN PATRICK MALONEY of New York, Mr. HIGGINS of New York, Mr. TONKO, Ms. JOHNSON of Texas, Ms. CLARKE of New York, Mr. KILMER, Mr. SIRES, Mr. PALLONE, Mr. BROWN of Maryland, Mr. DESAULNIER, Mr. ROSE of New York, Mrs. DAVIS of California, Mr. KRISHNAMOORTHY, Ms. MOORE, Ms. ROYBAL-ALLARD, Ms. OMAR, Mr. GREEN of Texas, Mrs. LAWRENCE, Ms. NORTON, Ms. JAYAPAL, Ms. FUDGE, Mr. COHEN, Mr. TAKANO, Ms. LOFGREN, Mr. CARBAJAL, Mr. LARSEN of Washington, Mr. NORCROSS, Mr. PASCRELL, and Mr. CARTWRIGHT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Transit Worker and  
3 Pedestrian Protection Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

9 (2) Assaults on public transportation workers  
10 are a growing problem, with daily reports of bus op-  
11 erators and rail transit employees being beaten, hav-  
12 ing items thrown at them, being spat upon, and  
13 being verbally abused.

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

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

20 (A) prevent a driver from fully seeing the  
21 driver’s surroundings; and

22 (B) have caused serious accidents with pe-  
23 destrians.

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

1           (6) Section 3022 of the FAST Act (49 U.S.C.  
2           5329 note; Public Law 114–94) required the Sec-  
3           retary of Transportation to issue a notice of pro-  
4           posed rulemaking to address protection of public  
5           transportation operators from the risk of assault.

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

9   **SEC. 3. BUS OPERATIONS SAFETY RISK REDUCTION PRO-**  
10                                   **GRAM.**

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

13           “(1) BUS OPERATIONS SAFETY RISK REDUCTION  
14           PROGRAM.—

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

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

24                           “(B) submit the program required under  
25           subparagraph (A), including the implementation

1 plan required under paragraph (3), to the Sec-  
2 retary for review and approval; and

3 “(C) implement the program and plan ap-  
4 proved by the Secretary.

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

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

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

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

20 “(i) the risk analysis required under  
21 subparagraph (A); and

22 “(ii) the implementation plan required  
23 under paragraph (3).

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

4                   “(A) reduction of vehicular and pedestrian  
5           accidents involving buses that includes—

6                           “(i) deployment of driver assistance  
7           technologies for bus operators that reduce  
8           or prevent accidents; and

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

15                   “(B) bus operator assault mitigation, in-  
16           cluding—

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

1                   “(ii) conflict de-escalation training for  
2                   bus operators;

3                   “(C) installation of seating and modifica-  
4                   tion to design specifications of bus operator  
5                   workstations that reduce or prevent injuries  
6                   from ergonomic risks; and

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

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

15                         “(A) update the program annually; and

16                         “(B) resubmit the program for approval by  
17                         the Secretary not less than once every 3  
18                         years.”.

19 **SEC. 4. RAIL OPERATIONS WORKER ASSAULT RISK REDUC-**  
20 **TION PROGRAM.**

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

1       “(m) RAIL OPERATIONS WORKER ASSAULT RISK  
2 REDUCTION PROGRAM.—

3               “(1) REQUIREMENTS.—Not later than 2 years  
4 after the date of enactment of this subsection, the  
5 Secretary shall require each recipient that operates  
6 a rail fixed guideway public transportation system  
7 that is not subject to regulation by the Federal Rail-  
8 road Administration to—

9               “(A) develop a risk reduction program for  
10 assaults on rail workers under paragraph (2) to  
11 improve safety by reducing the number and se-  
12 verity of assaults on rail workers, including op-  
13 erators and station personnel;

14               “(B) submit the program required under  
15 subparagraph (A), including the implementation  
16 plan required under paragraph (3), to the Sec-  
17 retary for review and approval; and

18               “(C) implement the program and plan ap-  
19 proved by the Secretary.

20               “(2) DEVELOPMENT OF PROGRAM.—A recipient  
21 required to develop and submit a risk reduction pro-  
22 gram for assaults on rail workers under paragraph  
23 (1)—

1           “(A) shall develop the program by con-  
2           ducting risk analysis on assaults on workers  
3           serving the rail operations of the recipient;

4           “(B) may incorporate the program into an  
5           applicable comprehensive safety plan that the  
6           recipient prepares under subsection (d), if the  
7           plan addresses each requirement under this  
8           subsection; and

9           “(C) shall develop the program in coopera-  
10          tion with rail workers and collective bargaining  
11          representatives of rail workers, including the  
12          development of—

13                 “(i) the risk analysis required under  
14                 subparagraph (A); and

15                 “(ii) the implementation plan required  
16                 under paragraph (3).

17          “(3) IMPLEMENTATION PLAN.—Each risk re-  
18          duction program for assaults on rail workers under  
19          paragraph (1) shall include an implementation plan  
20          for rail worker assault mitigation.

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

24                 “(A) update the program annually; and



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

4 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

5           (a) AMOUNT AND DURATION.—There are authorized  
6 to be appropriated to carry out implementation plans  
7 under the bus operations safety risk reduction program  
8 described in subsection (l) of section 5329 of title 49,  
9 United States Code (as added by section 3 of this Act),  
10 \$25,000,000 for each of fiscal years 2019 through 2023.

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

14           (1) 80 percent shall be distributed under the  
15 formula set forth in section 5336 of title 49, United  
16 States Code, other than subsection (b) of that sec-  
17 tion; and

18           (2) 20 percent shall be distributed under the  
19 formula set forth in section 5311(e)(3) of that title.

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

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

23           “(d) TRANSIT WORKER ASSAULT DATA.—

24           “(1) REPORT.—A recipient shall report to the  
25 Secretary, for inclusion in the National Transit

1 Database, any information on each assault on a  
2 transit worker.

3 “(2) OTHER REPORTS.—A report required  
4 under paragraph (1) shall be separate from the re-  
5 porting on other safety incidents in the National  
6 Transit Database.

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

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

20 “(B) RECIPIENT.—The term ‘recipient’  
21 has the meaning given the term in section  
22 5329(a).”.

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