

SB208 - Criminal Law - Assault of a Public Transpo

Uploaded by: Brian Wivell

Position: FAV



Statement of the Amalgamated Transit Union (ATU) Locals 689 and 1300

SB208 - Criminal Law - Assault of a Public Transportation Service Provider - Penalties

January 10th, 2022

TO: The Honorable William C. Smith Jr. and Members of the Judicial Proceedings Committee
FROM: Brian Wivell, Political & Communications Director, ATU Local 689

Thank you for the opportunity to testify today on behalf of the Amalgamated Transit Union (ATU), the largest labor organization representing transit workers in the United States and Canada. Founded in 1892, the ATU today is comprised of more than 180,000 members in 267 local unions spread across 46 states and nine provinces, including the workers at the Maryland Transit Administration (MTA), ATU Local 1300, employees of the Washington Metropolitan Area Transit Authority (WMATA), Local 689, as well as workers at private transit companies throughout the state (Local 1764). Composed of bus drivers, light rail and subway operators, maintenance and clerical personnel, and other transit, intercity, and municipal employees, the ATU works to promote transit issues and fights for the interests of its hard-working members.

ATU fully supports Senate Bill 208, which would add certain public facing transit workers to a list of protected professions, one that includes law enforcement officers, firefighters, and emergency medical workers. Assaults on these categories of workers would result in stronger penalties, hopefully serving as a deterrent to these heinous attacks. We strongly urge the General Assembly to pass this legislation as soon as possible.

A Dangerous Job

Due to the nature of their employment, which includes handling money, dealing with complaints, working alone, working late, and enforcing regulations, transit employees are vulnerable to horrific criminal acts. Bus drivers frequently travel in unsafe neighborhoods, dealing with people who do not want to pay fares and children who hurl rocks and snowballs at their vehicles. And they are confronting all of this while trying to safely steer their vehicles through traffic.

WMATA's own data shows a concerning rise in attacks on transit workers in just the last year.

Assaults on WMATA Transit Workers in Maryland		
Employee Type	2020	2021
Bus Operator	12	26
Train Operator	0	6
Station Manager	4	5

Source: WMATA's Government Relations Department. Only includes assaults that have been reported to them.

Current Law is Not Sufficient

The current law dealing with this issue (which only applies to MTA and not WMATA or any other properties) states that it is illegal to obstruct, hinder, interfere with, or otherwise disrupt or disturb the operation or operator of a transit vehicle or railroad passenger car. Unfortunately, the penalty is only a misdemeanor subject to a fine of not more than \$1000 for each offense. This is of course not enough to deter anyone from interfering with an operator. The potential prison term set forth under SB 208 could send a strong message that transit workers and the people who rely on us to get to their destination are deserving of protection.

Transit Workers Should be Treated Differently

The most common argument that we hear in the states in opposition to enhanced penalties in these cases is that laws that make it more of a crime to harm some people as compared to others are undemocratic. However, in most states, legislators have come to understand that when transit workers, especially those individuals who operate vehicles, are assaulted in the course of performing their duties, the safety of every individual on board the vehicle is placed in immediate jeopardy. In addition, other cars, pedestrians, and bicyclists are put at risk when bus drivers are distracted for any reason, especially when they become the victim of a senseless assault or battery.

District of Columbia Increased Penalties in 2008

In response to a dramatic increase in incidents in which WMATA employees have been attacked in the course of performing their duties, the District of Columbia in 2008 passed legislation providing for enhanced penalties for offenses committed against transit operators and Metrorail station managers. The bill (attached) provides for up to one and one-half times the maximum term of imprisonment otherwise authorized by the offense, or one and one-half times the maximum fine, or both. The bill also requires WMATA to put up signs on buses and in rail stations notifying the public about the existence of enhanced penalties.

It makes little sense for a person riding on a Metro bus originating in Washington, D.C. crossing into Prince George's County or Montgomery County to face steeper penalties on the District side. Maryland should protect its citizens in a similar fashion.

Conclusion

ATU commends the administration for the introduction of this critical legislation. This bill, which is long overdue, is unfortunately necessary in today's violent world. The hard-working men and women at MTA, WMATA, and the other public and private transit operations here in Maryland and the millions of customers we serve on a daily basis deserve to be protected from senseless criminal acts that can result in the serious injury or death of transit workers and other innocent bystanders on our streets. It is time to take the necessary steps to protect the public at large.

State Laws Providing for Specific Penalties in Connection with Interfering with Transit and School Bus Employees

State	Section	Provision	Penalty
CA	Cal Pen Code 190.25	Murder of a transportation worker.	Life without parole.
CA	Cal Pen Code 212.5	Robbery of a transportation worker.	First degree robbery.
CA	Cal Pen Code 241.3	Assault of transportation worker or passenger.	\$2,000 fine, 1 year in jail, or both.
CA	Cal Pen Code 243.3	Battery of transportation worker or passenger.	\$10,000 fine or 1 year in jail, or both. If injury occurs, up to 3 years prison.
CA	Cal Pen Code 245.2	Assault with deadly weapon on transportation worker.	Up to 5 years prison.
CO	C.R.S. 32-9-160	Wrongfully interfering with any RTD employee in the proper discharge of his duties.	Misdemeanor. Fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than ninety days, or both.
DC	§22-3751 et seq.	Enhanced penalties for offenses committed against transit operators and Metrorail station managers.	Up to one and ½ times the maximum term of imprisonment otherwise authorized by the offense, or one and ½ times the maximum fine, or both.
DC	§22-1309	Notice of enhanced penalties.	Requires WMATA to post signs regarding the enhanced penalties on all buses trains, and at or near Metrorail station kiosks.
FL	Fla Stat 784.07	Assault of transit employee.	1 st degree misdemeanor.
FL	Fla Stat 784.07	Battery of transit employee.	3 rd degree felony.
FL	Fla Stat 784.07	Aggravated assault of transit employee.	2 nd degree felony.
FL	Fla Stat 784.07	Aggravated battery of transit employee.	1 st degree felony.
GA	OCGA 16-5-20	Simple assault committed in a transit vehicle or station.	Misdemeanor of a “high & aggravated nature.”
GA	OCGA 16-5-21	Aggravated assault committed in a	3 to 20 years in prison.

		transit vehicle or station.	
GA	OCGA 16-5-23	Simple battery committed in a transit vehicle or station.	Misdemeanor of a “high & aggravated nature.”
GA	OCGA 16-5-23.1	Battery committed in a transit vehicle or station.	Misdemeanor of a “high & aggravated nature.”
GA	OCGA 16-5-24	Aggravated battery committed in a transit vehicle or station.	5 to 20 years in prison.
HI	HRS 711-1112	Interference with operator of public transit vehicle.	Class ‘C’ felony.
ID	ID Code 18-1522	Disruption or interference with school bus driver.	Misdemeanor.
IL	625 ILCS 50/1	Requires a <u>notice</u> to be prominently displayed in each vehicle used for the transportation of the public for hire which must substantially state the following: “Any person who assaults or harms an individual whom he knows to be a driver, operator, employee or passenger of a transportation facility or system engaged in the business of transportation for hire and who is then performing in such capacity or using such public transportation as a passenger, if such individual is assaulted, commits a Class ‘A’ misdemeanor, or if such individual is harmed, commits a Class 3 felony.	N/A
IL	720 ILCS 5/12-2	Aggravated assault on a driver, operator, employee, or passenger of any transportation facility or system engaged in the business of transportation of the public for hire.	Class ‘A’ misdemeanor.
IL	720 ILCS 5/12-4	Aggravated battery (intentionally or knowingly causing great bodily harm) to a driver, operator, employee, or passenger of any transportation facility or system engaged in the business of	Class 3 felony.

		transportation of the public for hire.	
LA	R.S. 14:34.5.1	Battery of bus operator or cable car operator while that person is on duty in course and scope of his or her employment.	Fine not more than \$500 and prison for not less than forty-eight hours nor more than six months without benefit of probation, parole, or suspension of sentence.
MA	Mass Ann Laws Ch.265, Sect 13 D	Assault & battery on certain public officers & employees (including bus, trackless trolley, rail, or rapid transit motorman, operator, gateman, guard or collector).	90 days to 2½ years prison or fine of \$500 to \$5000.
MD	Md. Transportation Code Ann. § 7-705 (b) (8)	Prohibited Acts: Obstruct, hinder, or interfere with the operation or operator of a transit vehicle or railroad passenger car or a person engaged in official duties as a station agent, conductor, or station attendant.	Misdemeanor subject to a fine of not more than \$1,000, imprisonment not exceeding 90 days, or both.
MN	Minn Stat 609.855	Unlawful interference with transit operator.	Up to 3 years in prison or \$5000 fine, or both if violation was accompanied by force or violence or a communication of a threat of force or violence. If no force or violence or threat of force or violence, up to 90 days in jail or fine not to exceed \$700.
MO	578.305 R.S. Mo	Assault with intent to commit bus hijacking (intimidation, threat, assault or battery toward any driver, attendant or guard of a bus so as to interfere with the performance of duties by such person).	Class ‘C’ felony. Class ‘A’ felony if a dangerous weapon is employed.
MO	578.305 R.S. Mo	Bus hijacking (seizure or exercise of control, by force or violence, or threat of force or violence, of any bus).	Class ‘B’ felony.
NC	G.S. 14-33(c)(7)	Assault on a public transit operator, including a public employee or a private contractor	Class A1 Misdemeanor.

		employed as a transit operator, when the operator is discharging or attempting to discharge his or her duties.	
NV	Nev Rev Stat Ann 193.161	Felony committed on a school bus while bus operator engaged in official duties.	Imprisonment for a term equal to & in addition to term prescribed by statute for that crime.
NV	Nev Rev Stat Ann 200.030	Murder of the first degree. Among other types of murder, it includes murder committed on a school bus while the bus operator was engaged in official duties.	Class 'A' felony.
NV	Nev Rev Stat Ann 200.471	Assault on a transit operator.	Gross misdemeanor. If assault is made with a deadly weapon, or the present ability to use a deadly weapon, upgraded to a 'B' felony (1-6 years prison or up to \$5000 fine, or both).
NV	Nev Rev Stat Ann 200.481	Battery of transit operator who sustains substantial bodily harm.	Class 'B' felony (minimum 2-10 years prison or up to \$10,000 fine, or both). No substantial bodily harm needed if deadly weapon used. Gross misdemeanor if no substantial bodily harm & no deadly weapon.
NM	NM Stat Ann 30-7-12	Seizure or exercising control of a bus by force or violence or by threat of force or violence.	3 rd degree felony.
NM	NM Stat Ann 30-7-12	Intimidating, threatening, or assaulting any driver of a bus with intent of seizing or exercising control of bus.	4 th degree felony.
NJ	NJ Stat 2C:12-1	Simple assault upon any operator of a motorbus or any employee of a rail passenger service, or school bus driver.	Upgraded to 3 rd degree aggravated assault if victim suffers bodily injury. 4 th degree aggravated assault if no injury.
NY	NY Penal Law 120.05, sub. 11	Assault on train operator, ticket inspector, conductor, bus operator or station agent while such	2 nd degree assault.

		employee is performing an assigned duty on, or directly related to, the operation of a train or bus.	
OH	ORC Ann. 2903.13	Assault of a school bus driver.	5 th degree felony.
OK	21 Okl St. 1903	Using force or violence or threat of force or violence to seize or exercise control over a bus.	Felony (up to 20 years prison or \$20,000 fine, or both. Intent to seize control of bus by intimidation, threat, or assault punishable by 'A' felony (up to 10 years prison or \$5,000 fine, or both. For either offense, the more severe penalty applies if deadly weapon is used.
OR	ORS 163.165	Assault in the third degree (including the causing of physical injury to the operator of a public transit vehicle while the operator is in control of or operating the vehicle).	Class C felony.
PA	18 Pa.C.S. § 2702	Intentionally, knowingly or recklessly causing serious bodily injury to an employee of an agency, company or other entity engaged in public transportation, while in the performance of duty.	Felony of the first degree.
RI	RI Gen Laws 11-5-5	Assault of public officials (including Rhode Island Public Transit Authority bus drivers).	Felony punishable by up to 3 years prison or \$1,500 fine, or both.
SC	SC Code Ann 16-3-612	Student committing assault & battery against school personnel (including bus drivers).	Misdemeanor punishable by up to 1 year in prison or up to \$1,000 fine, or both.
SC	SC Code Ann 58-23-1830	Obstructing, hindering, interference with, or otherwise disrupting or disturbing the operation or operator of a public transportation vehicle.	Misdemeanor. First offense: Up to 30 days jail or \$200 fine. Second offense: Up to 60 days jail, or \$500 fine, or both. Third or subsequent offense: Up to 90 days jail or \$1,000 fine, or both.

SC	SC Code Ann 59-67-245	Interference with operation of a school bus (includes threats to driver).	Misdemeanor (\$100 fine or 30 days jail).
UT	UT Code Ann 76-10-1504	Assault with intent to commit bus hijacking (intimidation, threat, assault or battery toward any driver, attendant or guard of a bus so as to interfere with the performance of duties by such person).	2 nd degree felony. 1 st degree felony if dangerous weapon used.
UT	UT Code Ann 76-10-1504	Bus hijacking (seizure or exercise of control, by force or violence, or threat of force or violence, of any bus).	1 st degree felony.
WA	Rev Code Wash (ARCW) 7.48.140	Interference with the provision or use of public transportation services, or obstructing or impeding a municipal transit driver, operator, or supervisor in performance of duties.	Public nuisance.
WA	Rev Code Wash (ARCW) 9.66.010	Interference with municipal transit vehicle or station.	Public nuisance.
WA	Rev Code Wash (ARCW) 9.91.025	Unlawful bus conduct (includes intentional obstruction of municipal transit vehicles or interference with provision of public transportation services.	Misdemeanor.
WA	Rev Code Wash (ARCW) 9A.36.031	Assault upon a person employed as a transit operator or driver, immediate supervisor, mechanic, or security officer. Includes public or private transit company or a contracted transit service provider. Also includes assault on a school bus driver or mechanic employed by a school district transportation service.	3 rd degree assault (Class 'C' felony).
WI	Wis Stat 940.20	Battery to public transit vehicle operator, driver, or passenger.(Occurring on the vehicle, if offender forces victim to leave vehicle, or if victim is prevented from gaining access to the vehicle).	Class 'E' felony.

WV	W. Va. Code § 61-2-10b	Assault, battery, unlawful assault, or malicious assault on an employee of a mass transportation system acting in his or her official capacity.	Jail time ranges from 24 hours to 15 years, depending on severity and number of violations.
WV	W. Va. Code § 61-2-16a	Malicious assault; unlawful assault; battery and recidivism of battery; assault on a driver, conductor, motorman, captain, pilot or other person in charge of any vehicle used for public conveyance.	Up to 15 year in prison.

SB 208 - Assault of a Public Transportation Operat

Uploaded by: Donna Edwards

Position: FAV



MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

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Donna S. Edwards

Secretary-Treasurer

Gerald W. Jackson

SB 208 – Assault on Public Transportation Operator - Penalties
Senate Judicial Proceedings Committee
January 13, 2022

SUPPORT

Donna S. Edwards
President
Maryland State and DC AFL-CIO

Chairman Smith and members of the Committee, thank you for the opportunity to provide testimony in support of SB 208 – Assault on Public Transportation Operator - Penalties. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of the 340,000 union members in the state of Maryland, I offer the following comments in support of SB 208.

Assault on our public employees is an assault on all of us. With several high profile assaults on transportation workers in Maryland in recent months, it is imperative that we act sooner, rather than later, on imposing stiffer penalties against those who would bring harm on our bus drivers and train operators.

Current law recognizes that fact by imposing felony penalties for a physical assault if the victim is a police officer, firefighter, first responder, or parole officer, that is engaged in the performance of their job. Unfortunately, our transit workers, are not covered under that umbrella of greater protection if they happen to be assaulted on the job.

Transportation workers interact with the public on a daily basis, and are, oftentimes, the subject of assault. These workers are the face of our transportation system – providing top-notch service to everyone who utilizes public transportation – and they deserve the same respect and protection afforded to other public employees who are at risk of being assaulted on the job.

It is time for us to bring our transportation workers up to parity with police, firefighters, first-responders, and parole officers, by imposing felony penalties for those who assault them.

We urge a favorable report on SB 208.

SB0208-JPR_MACo_SUP.pdf

Uploaded by: D'Paul Nibber

Position: FAV



Senate Bill 208

Criminal Law - Assault of a Public Transportation Service Provider - Penalties

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: January 13, 2021

From: D'Paul Nibber

The Maryland Association of Counties (MACo) **SUPPORTS** SB 208. This bill extends criminal penalties to anyone who causes physical injury to a “bus operator, a train operator, a light rail operator, a paratransit operator, a station attendant, or any other individual engaged in providing public transit services.” These individuals keep Maryland’s transit system running so that workers can reach their places of employment and contribute to the economy. MACo recognizes the important contributions of these hard-working public servants and endorses these sensible protections.

Throughout the COVID-19 pandemic, local governments and their workers have experienced extraordinary stress in sustaining public services for residents. Worker attrition and recruitment due to difficult work environments is a serious concern for MACo membership.

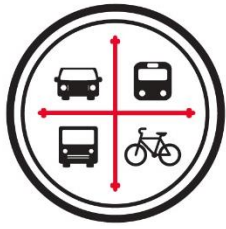
Specifically, several counties have reported experiencing issues recruiting and retaining school bus drivers, largely attributable to hostile work environments. In October of 2020, one Maryland Transit Administration driver was fatally shot while on duty. Another driver reported constant harassment on the job - including threats of violence and minor assault - resulting in her leaving her position.

Altogether, SB 208 is needed for two major reasons: reinforcing commitment to public servants and protecting a critical service: public transportation. For these reasons, MACo **SUPPORTS** SB 208 and urges a **FAVORABLE** report.

SB 208 Support_CMTA_JPR.pdf

Uploaded by: Eric Norton

Position: FAV



Transportation Alliance

January 13, 2022

Testimony on SB 208 – *Criminal Law - Assault of a Public Transportation Service Provider – Penalties Judicial Proceedings*

Position: Favorable

The Central Maryland Transportation Alliance supports SB 208 in the hopes that it will help to protect and support the State's transit operators.

Transit operators are essential and dedicated public servants who go out every day to provide critical transportation services to Marylanders across the State. Being in such a public-facing role means operators have daily contact with riders, drivers, and everyone else using our streets, which can put them at a higher risk for attacks. According to the Maryland Transit Administration, the agency has experienced an average of 50 operator assaults a year since 2013.

Current law aims to provide additional protection for first responders, law enforcement officers and firefighters by enforcing an increased penalty for assault. SB 208 would add transit operators to that list. We respectfully encourage a favorable report.

SB 208 Driver Assault Letter of Support TAM.pdf

Uploaded by: John Duklewski

Position: FAV



Bill: Senate Bill 208: Criminal Law - Assault of a Public Transportation Service Provider - Penalties

Position: SUPPORT

Dear Chairman Smith, Vice-Chair Waldstreicher, and Members of the Committee:

The Transportation Association of Maryland is a 501(c)(3) organization representing 104+ member organizations consisting of locally operated transit agencies (LOTS), non-profit transit providers, transportation vendor and transportation supporters with 20,000+ individual members. TAM is the legislative voice and vigilant eyes and ears of the transportation industry in Maryland. TAM's mission is to strengthen community transportation in Maryland through advocacy and professional development.

This bill would grant transit operators the same legal protections against assault as police officers, firefighters, and emergency medical responders, making second-degree assault against them a felony punishable by up to 10 years imprisonment and/or a fine of up to \$2,500.

According to a TAM member survey conducted in 2020, over half of Maryland transit organizations have experienced multiple driver assaults in the previous year and over three out of four describe their drivers as regularly experiencing verbal threats and intimidation.

Our members use every available resource to provide safe and reliable service and our association has made great efforts to train our members' drivers to avoid conflict. However, occurrences of assault against drivers have been both increasing and escalating in nature. According to the Federal Transit Administration's National Transit Database, assaults on transit operators have increased fourfold since 2009. An average of 174 operator assaults that the Federal Transit Administration considers "major incidents" occurred each year during that period, according to the government database. In Maryland, we have seen three shooting deaths of bus drivers in the City of Baltimore in less than a year.

As we have seen throughout the COVID-19 pandemic, drivers are front-line operators who provide essential community mobility. Many drivers are senior citizens, retired from the protected class of public servants, operate at unusual hours in early morning and at night, handle money, and are strapped in and alone in their driver seat. They are uniquely vulnerable to assault.

Assaults on drivers not only endanger the driver but also put the lives of other passengers and pedestrians at risk as drivers are forced to confront attacks while trying to safely operate their vehicles. Enhancing the penalties for violence against transit operators will be an effective deterrent and numerous localities and states have already enacted stiffer penalties for such incidents.

For these reasons, the Transportation Association of Maryland respectfully requests a favorable vote.

Should you have any questions, please feel free to contact John Duklewski at 410-553-4245 or jduklewski@taminc.org.

Sincerely,

John Duklewski
Executive Director, Transportation Association of Maryland

SB0208 - MTA - Assault of a Public Transportation

Uploaded by: Molly O'Hara

Position: FAV



Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
James F. Ports, Jr.
Secretary

January 13, 2022

The Honorable William C. Smith, Jr.
Chairman, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis MD 21401

Re: Letter of Support – Senate Bill 208 – Criminal Law – Assault of a Public Transportation Operator - Penalties

Dear Chairman Smith and Committee Members:

The Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) supports Senate Bill 208 as it will enhance the safety of our public transit operators and reinforce the important role these individuals perform for our State.

Senate Bill 208 increases the penalty for voluntarily causing physical injury to bus, train, or light rail operators or any other individuals providing public transportation services from second degree misdemeanor assault to second degree felony assault. Currently, the penalty is only increased for those who assault a law enforcement officer, first responder on duty, or a parole or probation officer.

The MDOT MTA is grateful for the service of the dedicated individuals who operate our buses, light rail, metro subway, MARC, and mobility vehicles. These individuals safely drive our children to school, transport the vulnerable to medical appointments, and ensure the workers of our State arrive at their place of employment on time. The current COVID-19 pandemic has only further highlighted the vital nature of their work.

Since 2013, an average of 50 assaults against MDOT MTA operators are reported each year. In the past two years, the MDOT MTA has lost two operators in the line of duty. The MDOT MTA believes that any assault committed against our operators is reprehensible and should be treated with the same severity as assaults against other front-line workers. The increased penalties in Senate Bill 208 will serve as a strong deterrent to any individuals considering violence against our operators and underscores that the State of Maryland truly values the essential nature of their work.

For these reasons, the Maryland Department of Transportation and the Maryland Department of Transportation Maryland Transit Administration respectfully request that the Committee grant Senate Bill 208 a favorable report.

Respectfully submitted,

James F. Ports, Jr.
Secretary
Maryland Department of Transportation
410-865-1001

Holly Arnold
Administrator
Maryland Transit Administration
410-767-3943

SB208_PaulWiedefeld_fav.pdf

Uploaded by: Paul Wiedefeld

Position: FAV



WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Public Testimony in Support of SB 208

Criminal Law – Assault of a Public Transportation Service Provider – Penalties

Before the Senate Judicial Proceedings Committee

January 13, 2022

Mr. Chairman, members of the committee, thank you for allowing me to testify today. For the record, my name is Paul Wiedefeld and I am the General Manager and CEO for the Washington Metropolitan Area Transit Authority (WMATA). I am here to urge your strong support for Senate Bill 208.

I would like to start my testimony by publicly thanking the Maryland Department of Transportation for backing this critical legislation and also acknowledging the past sponsorship of this legislation by Senators Waldstreicher and McCray. We believe this bill will go a long way in improving the conditions and situations that many transit operators must deal with while attempting to provide basic transportation services in the State of Maryland.

When a transit operator is assaulted, it not only jeopardizes the safety of a WMATA employee, but fellow riders and the public at large. As noted by the Amalgamated Transit Union Local 689, these situations can occur on both our Metrorail and our Metrobus systems. Due to the closer interactions between customers and bus operators, Metro encounters most of these types of issues on its bus system. The offenses our operators encounter vary and include: spitting on operators; striking operators with closed fists, sticks, bricks and poles; assaults with deadly weapons (for example, guns and knives); fondling and attempting to undress female operators.

In just the past year in Maryland, our operators have had two encounters with individuals carrying firearms. In one instance, when a bus was stopped at an intersection away from a bus stop, a suspect kicked the bus door, demanding entry. When the operator kept the door closed, the suspect pointed a handgun at our operator. The operator was able to move the bus to a safe location and called for police assistance. In another instance, a passenger started a verbal altercation with one of our operators, came forward to approach the operator and opened his backpack to show the butt of a handgun. The suspect did exit the bus and police were contacted.

These altercations not only put our drivers in harm's way, they also put passengers on the bus and pedestrians and motorists on the public streets in jeopardy. We shudder to think of the injuries that may result from an operator losing control of a vehicle after being hit by a brick – or some other object – while operating his or her vehicle.

With my experience in the aviation industry, I can attest that heightened federal penalties for assaulting airline employees are appropriate and reflect the reality that public safety requires strong penalties to protect not only the front line employee but everyone relying on these essential workers. Laws such as what is proposed in SB 208 send an important message. Just as there are penalties for assaulting crews on airlines, tougher penalties for assaulting transit workers are necessary to protect the safety of not just our operators, but all of our passengers.

Metro has taken many actions to deter such assaults – all Metrobuses are equipped with security cameras and plexiglass shields to protect the operator. Additionally, we deploy undercover Metro Transit Police officers dedicated to riding buses and have additional scout cars patrolling troubled bus routes.

These actions have been helpful, but alone are not enough. In the past few years, we have experienced a significant increase in assaults on Metro employees. Specifically in Maryland, the number of assaults on station managers, train operators and bus operators has increased from a total of 16 in 2020 to 37 in 2021.

Assaults in Maryland		
Employee Type	2020	2021
Bus Operator	12	26
Train Operator	0	6
Station Manager	4	5

We firmly believe that the actions we are taking, coupled with the additional penalties provided by this legislation, will reduce these incidents in the future.

I thank the Maryland Department of Transportation and members of this Committee for providing leadership on this important issue and thank you for this opportunity to testify in support of SB 208.

Senate Bill 208 Testimony 1.11.22.pdf

Uploaded by: Robin Budish

Position: FAV



516 N. Charles Street, Suite 312 - Baltimore, Maryland 21201

January 11, 2022

The Honorable William C. Smith, Jr. Chairman, Senate Judicial Proceedings Committee 2 East
Miller Senate Office Building Annapolis MD 21401

Re: Letter of Support – Senate Bill 208 – Criminal Law - Assault of a Public Transportation Service Provider – Penalties

Dear Chairman Smith and Committee Members:

Transit Choices fully supports Senate Bill 208, as it relates to the purpose of increasing the penalties for intentionally causing physical injury to certain individuals providing public transit services; and generally relating to penalties for assault.

Senate Bill 208 would increase the penalty for voluntarily causing physical injury to bus, train, or light rail operators or any other individuals providing public transportation services. A person who intentionally causes physical injury is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

Transit Choices recognizes and appreciates the dedicated men and women who operate our buses, light rail, metro subway, MARC, and mobility vehicles for their hard work and dedication to public safety and world-class customer service. These individuals are essential workers who provide access to schools, jobs, medical care, and healthy food – particularly for those that are most dependent on it and lack access to a car.

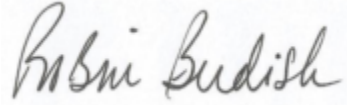
Public transit operators are facing a growing rate of assaults. In the past several years, there has been a dramatic increase in the level and intensity of senseless attacks on transit operators. We feel the direction of anger or frustration at people who are doing their jobs and operating our transit systems is completely unacceptable.

Any assault committed against our operators is abhorrent and should be treated with the same severity as assaults against other front-line workers. The increased penalties in Senate Bill 208 will serve as a strong deterrent to any individuals considering violence against our operators. A victory will make it clear that the state of Maryland truly values the essential nature of their work.

Page two
Transit Choices

For these reasons, Transit Choices respectfully requests that the Committee grant Senate Bill 208 a favorable report.

Respectfully submitted,

A handwritten signature in cursive script that reads "Robin Budish". The signature is written in dark ink on a light-colored background.

Robin Budish
Director
410.528.8696