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Support, HB-1144 State Public Transit Service and Stations – Exclusion for Assaults and Bodily Injury

To the Honorable Mark Korman, Chair; Regina Boyce, Vice Chair and Members of the House Environment and Transport Committee.

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Support, HB1144 State Public Transit Service and Stations - Exclusion for Assault and Bodily Injury

My name is David Pendleton, I am the Director of the Maryland Safety and Legislative Board for the Transportation Division of the International Association of Sheet Metal Air Rail Transportation Workers (SMART). Our members in the State of Maryland are employees of CSX Transportation, Norfolk Southern, Canton Railroad, Amtrak and MARC (Amtrak and Alstom). We are Conductors, Engineers, Yardmasters, Switchmen, and Utility Workers. We are the **TRAIN UNION**.

SMART's first responsibility is to ensure a safe working environment for Its members. On their behalf I urge a favorable report for **HB-1144**.

Assault is a terrible crime that is perpetrated on its victims without regard for their race, sex, age or religion. More often than not, assaults on Conductors stem from us saying two small words...ticket please. It is the simplest of our duties that causes the most issues.

Often when this happens on MARC, the perpetrator is allowed to catch the very next train. Should it happen in the morning, we're likely to see them later in the afternoon on the same day. Definitely, the next day.

HB-1144 would put a stop to this injustice. It would hold perpetrators of assault accountable for their actions by taking away the privilege of utilizing public transit services. Passage of this bill will send a clear message that the State wants a safer public transit service for its workers and commuters.

This commonsense legislation has passed in Virginia, Illinois, New Jersey, New York, Oregon, California, Georgia, Florida and here locally in Montgomery County. It is time for the State of Maryland to join this list. To make the commute to work safer for the riding public

Thank you for your time and consideration of our position. I urge a favorable report

Sincerely,
David Sr

David Pendleton Sr., Chairperson/Director
Maryland Safety & Legislative Board, LO-023
SMART Transportation Division

Comparable Laws

- **Virginia** - Passed in 2023 - Originally bill [HB 2330](#) – Section F: "The sentence of such person upon conviction shall also prohibit such person from entering or riding in any vehicle operated by the public transportation service that employed such operator for a period of not less than six months as a term and condition of such sentence."
- **Illinois** - Passed in 2023 - Originally bill [HB 1342](#) – Allows transit agencies to pass regulations that allow them to ban passengers or confiscate their ride cards if they verbally or physically threaten a transit worker. This is a lower bar than actual physical assault – just threats or yelling would qualify.
- **New Jersey** - Passed in 2022 - Originally bill [HB 4071](#) - "developing a new policy that will ban riders who assault drivers or other NJ Transit employees, with a lifetime ban possible for assault with a deadly weapon...the policy is part of a law passed last year, the Motorbus and Passenger Rail Service Employee Violence Protection Act (VPA), that also raised fines for assaulting transit workers. "The policy would be similar to a national 'no fly list' law that airlines are seeking to bar violent passengers."
- **New York** – Passed in 2010, New York penal [code 65.10](#) k2, allows a judge to ban an individual for assaulting (sexually or physically) an employee of the MTA, however not a single offender had it applied to them. In 2022, the MTA in NYC previously sought under existing criminal statutes in NY to add a ban from public transit to the sentences of those convicted of assaults on transit workers. But Gov. Hochul also announced recently that she was seeking to change policy to do that... "These new investments build on the Governor's previous deployments of public safety programs and resources throughout the subway system, including a new proposal to ban assaulters of commuters and transit workers, improved coordination between law enforcement and district attorneys, and installing new cameras in subway trains throughout the system to help protect customers, conductors and staff."
- **Oregon** - Effective Since 2017 – [TriMet code 28.18](#), has allowed for TriMet to issue long-term bans since 2017 for people who commit assaults on board that rise to the level of a felony, but those who commit misdemeanors were banned for a maximum of 90 days." Since 2022 - A person who has committed three or more violations would become eligible for a ban of six month or longer, regardless of the level of their offense. The changes will take effect Jan. 13." See: ORS 166.116 Interfering with public transportation.
- **California** – [AB-716](#), passed in 2012, granted authority to local transit agencies the authority to issue prohibition orders. Most recently updated in September 2024, Certain transit operators are given authority to ban passengers. For example, VTA received permission in Assembly Bill 1735 in 2024. The Sacramento Regional Transit District, the Los Angeles County Metropolitan Transportation Authority, the Fresno Area Express, and the San Francisco Bay Area Rapid Transit District are also permitted under state law to issue prohibition orders.
- **Georgia** - [MARTA](#), Bans typically range from 14 to 60 days depending on the violation, crimes against a person (sexual or violent) especially involving a weapon carries a 365 day ban, potentially lifetime depending on severity of crime. Repeat offenders 3 violations in 90 days – 1 year, 4 in 90 = lifetime
- **Florida** - "[PTSA](#)" – They have a code of conduct policy that lists prohibited behaviors, fare evasion is not listed. Violations can lead to expulsion or trespass orders, however PTSA does not have the authority to issue trespass orders. PTSA relies on local police for enforcement, blanket trespass orders are issued to local police for their use on PTSA right of ways.
- **Montgomery County Maryland** - "[Montgomery County Transit's Disruptive Behavior policy](#) is believed to discourage repeat violations of agency rules. Individuals who violate the disruptive behavior rule by engaging in prohibited behavior are subject to a 90-day suspension of service and/or fines or imprisonment for up to 6 months. Prohibited behaviors include interfering with the operation of the vehicle, eating/drinking/smoking, fighting, spitting, yelling, threatening the driver or others on board, tossing or throwing articles or projectiles, and unwanted touching or conversation with another passenger. The exclusion is enforced by transit supervision with assistance from local law enforcement when needed."

Effectiveness of Exclusion Policies

In 2024, the National Academies released a report on its study of [Transit Exclusion Policies in Public Transportation Systems](#). The study analyzed many transit systems across the country. It studied effectiveness for three, each have similar operations to the MTA.

- BART – California
- MARTA – Georgia
- PTSA – Florida

Each system uses a different means of enforcement and have varying levels of dependency on local police for assistance with enforcement. BART and MARTA being the biggest, each have their own police force (like the MTA), are able to enforce its policy using its own police force. Whereas PTSA relies on Local police for enforcement.

BART

Operating out of San Francisco, connecting the East Bay cities with San Mateo and Santa Clara Counties along with an additional 130 miles of track, 50 stations and operations in 5 counties. According to the study, since 2015, when BART began to include info on repeat offenders, people “overwhelmingly” complied with the prohibition orders. Only a small percentage of people who were readmitted re-offended more than once. Only one time in 2015, did someone violate the prohibition order. No one violated it in 2016 and 2017. Over an 8-year period, 2,365 prohibition orders were issued, averaging 296 orders issued per year. Over that same period on average, annually, 18 times or 6% were prohibition orders violated.

MARTA

Operating out of Atlanta, and throughout the 5 cities surrounding it. Has 1,439 roadway miles, 100 routes, 30 stations serviced by rail and a mobility fleet of 173 lift vans. According to the report, its policy has reduced crime and has made passengers feel safe. MARTA has suspended 10,000 passengers since 2013 for unruly behavior. In 2022 MARTA reported that Part 1 crimes (including violent crime and property damage) are down 17%, operator assaults are down 42%. On average, 5 year [Crime statistics](#) on MARTA shows a drop since the implementation of their Code of Conduct.




PTSA

Operating out of Pinellas County Florida, covering St Petersburg, Largo, Clearwater and other jurisdictions in the county. They work alongside HART, providing transit service to Hillsborough Tampa Airport. According to the report, PTSA believe its Exclusion and trespass policy is a deterrent. 85% of its passengers who reboard after an exclusion, complies with their code of conduct.

Data on Transit Operator Assaults in Maryland and Notes on Attachments

- The NTD lists 33 "major events" of assaults on operators in 2024 that were reported by WMATA and MTA to the FTA. If you expand this to all incidents they reported it grows to 95.
 - Note that the [Urban Institute critiqued the NTD report](#) process, finding that, "***Assaults on transit workers have tripled since 2008***. Using data from the National Transit Database, I find that "major" assaults on transit workers (PDF)—defined by the Federal Transit Administration (FTA) ***as an event resulting in a fatality or injury requiring medical transport***—nearly tripled between 2008 and 2022, from 168 to 492 annual events nationwide. Given the high reporting threshold for inclusion in the dataset, this staggering increase should be interpreted as an undercount of the true magnitude of this issue. New Jersey Transit, for example, reported three major assault events in 2021, but reports from other sources have cited the agency with more than 130 assault events for the same year. Assaults, both those that do and do not meet the FTA's "major" threshold, include stabbing, spitting, hitting and kicking, and unwelcome sexual misconduct. Operators have also reported being robbed, having things thrown at them, being doused with urine and hot beverages, being threatened at gunpoint, and shot at."
- The NTD's non-major event data (i.e. no one had to go to the hospital) includes 191 physical assaults on transit operators in 2024 at WMATA (unable to remove non-Maryland data), MTA, MARC, RideOn, and PG's TheBus. The same data includes 204 assaults on "other transit workers."
- Transportation Article §7-714 requires that MTA publish a report "Assaults on Public Transit Operators" starting on December 1st, 2023 and each December 1st after that. MTA published the first report ([attached here](#)). As of yet, the 2024 report has not been released.
- ***The Bipartisan Infrastructure Law (BIL), Public Law 117-58, modified 49 U.S.C. 5329***, including a new definition of transit worker assault, initiatives to improve the collection of data on transit worker assaults that is reported to the National Transit Database (NTD), and a requirement for agencies serving large UZAs to establish risk reduction programs aimed at preventing transit worker assaults. According to NTD data, transit worker assaults have increased 121 percent from 2008 to 2021.
- [Governing](#) has a very solid overview of transit worker safety legislation as of 2023.

Other Transit Agencies

Transit Agency	Fine	Suspension/Ejection*	Barring/Banning*	Appeals
BART 	\$75 Adults \$55 Minors >\$250 Criminal	Warning Immediate	Immediate 30 Days > 1 Year	Internal Hearing Court Hearing
CTA - Chicago 	<\$300 Fare Forfeiture	Immediate	Under Consideration	Under Consideration
DART 	>\$100	Immediate Trespass Warning	Immediate Trespass Warning <Permanent	Internal Appeals Decision is Final
LA Metro 	>\$75 Adults >\$40 Minors Fare Forfeiture	1st Offense 2nd Offense	3rd Offense or Greater <Permanent	Internal Hearing Decision is Final
MARTA 	\$0 Fare Forfeiture	Immediate >12 Hours	Notice 14 Days >1 Year <Permanent	Internal Panel Decision is Final

* Length of time varies from hours to days to permanent depending on a variety of factors by Agency.



<https://www.wmata.com/about/board/meetings/board-pdfs/upload/3A-Tariff-Update.pdf>

SUSPENSION-OF-SERVICE POLICY

Suspensions of service or passenger bans demonstrate the agency's commitment to improving the security of transit service. These suspension-of-service policies have been implemented at agencies such as Capital District Transportation Authority in Albany, New York; Metro Transit in Madison, Wisconsin; Montgomery County Transit in Maryland; Las Vegas RTC; Pierce Transit; SUN METRO in El Paso, Texas; and the Edmonton Transit System in Canada.

These were reported to be effective in reducing repeat offenders. The transit agencies worked with their municipalities to adopt laws that enable them to exclude individuals who violate their fare payment and other policies or codes of conduct. Any excluded individual who attempts to board a bus would be considered trespassing on agency property.

This policy deters potential offenders through the threat of not being allowed onto the transit system. Other agencies, such as CATS in Charlotte, North Carolina, have established ordinances that prohibit violations of agency rules.

Advantages

- Bus operator perspective—increased perception of security and management support for operators; lets bus operators know that management is serious about their security.
- Customer perspective—lets customers know that the agency is serious about security and might not allow violations of their codes of conduct.
- Does not require significant investments in equipment or security personnel.

Disadvantages

- Agency perspective—agency needs to change the municipal or provincial ordinance to introduce legislation stating that an individual violating an agency's code of conduct might be banned from accessing the transit system for X days. This may take time and effort.
- Without support of the legal system and prosecutors in ensuring that offenders who try to access the system might be charged, the policy may not be effective.
- Larger systems may have difficulty enforcing the policy because identifying the banned individuals could be problematic.