

AMENDED IN SENATE MARCH 17, 2022

SENATE BILL

No. 1161

Introduced by Senator Min

February 17, 2022

An act to add Section 99177 to the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1161, as amended, Min. Transit districts: street harassment initiatives.

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.

This bill would require certain transit districts to develop and implement initiatives to ~~address~~ *reduce* the street harassment, as defined, ~~of experienced by~~ persons traveling by their systems at any point along the whole journey, as defined, and to consider the safety concerns and needs of these persons when planning, designing, and operating their systems. The bill would require these initiatives to be developed based on specified ridership data and in coordination and consultation with persons who travel by their systems, and would require those transit agencies to conduct outreach in multiple languages in order to reach limited English proficient persons impacted by street harassment. The bill would require these initiatives to include changes to policies, design, operations, or other aspects of transit systems, as specified. To the extent the bill imposes additional duties on a local agency, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Public transportation ensures that each person may enjoy
- 4 the freedom of movement. Providing a safe journey for women
- 5 and other vulnerable communities will increase ridership
- 6 throughout the public transit system.
- 7 (b) The State of California would benefit from an expanded
- 8 concept of ridership safety. Transit districts must go beyond their
- 9 traditional definition that refers exclusively to physical
- 10 infrastructure and prevention of bodily injury to riders, cyclists,
- 11 and pedestrians. An expanded understanding of safety is necessary.
- 12 Safety is not merely the freedom from harm but also the freedom
- 13 to move by fully accessing public transit without street harassment.
- 14 (c) Street harassment on public transit diminishes ridership
- 15 growth, undermines riders’ safety, hurts all riders, and can reinforce
- 16 social inequality and economic hardship throughout a rider’s
- 17 lifetime.
- 18 (d) Women are often the targets of street harassment on public
- 19 transit. Such harassment includes unwanted sexual and racialized
- 20 comments and slurs, whistling, leering, and other intimidating
- 21 actions. According to a 2019 statewide study by the University of
- 22 California, San Diego Center on Gender Equity and Health, 77
- 23 percent of women experience sexual harassment in a public space,
- 24 including 29 percent on mass transit. Furthermore, women who
- 25 identify as lesbian or bisexual are more likely to report
- 26 experiencing sexual harassment than straight women.
- 27 (e) According to a 2019 report by Los Angeles Metro Rail,
- 28 safety is the primary barrier to riding transit for women. Fear of

1 harassment leads to behavioral adjustments and precautions by
2 women riders, including leaving a bus or train mid-trip to avoid
3 harassment, avoiding travel in the evening, avoiding certain settings
4 such as crowded buses, and not walking alone.

5 (f) Low-income women face even greater barriers to movement,
6 including safety concerns, poor walking environments, lower
7 access to driver’s licenses, and transit inefficiencies such as long
8 travel times and infrequent service. Unlike more affluent women,
9 low-income women have fewer private transportation options.

10 (g) Women of color on public transit experience even more
11 threats to their safety. According to the Los Angeles Department
12 of Transportation, women of color report feeling more unsafe on
13 public transportation than women who identify as white.

14 (h) Data collected by the Stop AAPI Hate coalition finds that
15 nearly 40 percent of the nationwide acts of hate against Asian
16 Americans and Pacific Islanders happen in California, and hate
17 incidents involving women make up nearly two-thirds of all reports
18 in the state. Most of these hate incidents involve verbal harassment
19 and occur in public spaces, including public transit.

20 (i) Despite more violations to their safety on public transit,
21 women of color are also more dependent on public transit.
22 According to the Center for American Progress, women of color
23 experience a persistent gender wage gap in conjunction with racial
24 bias in the workplace, which leaves them perpetually underpaid.
25 Without the economic means for private transportation options,
26 women of color are more likely to be dependent on public
27 transportation.

28 (j) Riders significantly underreport instances of street
29 harassment. Research published by the University of California,
30 Los Angeles Lewis Center for Regional Policy Studies finds that
31 only 10 percent of people who experienced or observed sexual
32 harassment on transit reported the incident. Research collected by
33 the Mineta Transportation Institute at San Jose State University
34 finds that street harassment is underreported globally as women
35 are often embarrassed and reluctant to report when public culture
36 puts the blame on the victims of harassment.

37 ~~(k) The Legislature affirms that every rider has a right to be~~
38 ~~protected from street harassment. Each transit district has a~~
39 ~~responsibility to respond effectively when street harassment is~~

1 reported to, or observed by, transit district staff, including bus and
2 rail drivers.

3 ~~(l) Protecting~~

4 ~~(k) The Legislature affirms that protecting transit riders' safety,~~
5 ~~including the right to a transit journey providing transit journeys~~
6 ~~free from street harassment, is a public policy priority. Street~~
7 ~~harassment on public transit prevents equal access to transportation~~
8 ~~as required under California law. and ensuring equal access to~~
9 ~~transportation are public policy priorities.~~

10 ~~(m)~~

11 (l) Public transit systems can increase ridership by ensuring all
12 riders travel safely and free from street harassment. When riders
13 feel safe walking to transit stops, waiting at transit stops, and riding
14 transit, they will increasingly use public transit. In turn, the growing
15 ridership enables the public transit system to thrive.

16 SEC. 2. Section 99177 is added to the Public Utilities Code,
17 immediately following Section 99176, to read:

18 99177. (a) For the purpose of this section, the following
19 definitions apply:

20 (1) "Street harassment" means words, gestures, or actions
21 directed at a specific person in a public place, without the consent
22 of that person, based on the person's actual or perceived race,
23 ethnicity, religion, age, sex, gender, gender identity, gender
24 expression, or sexual orientation, that the person experiences as
25 intimidating, alarming, terrorizing, or threatening to their safety.

26 (2) "Transit districts" means the 10 transit districts with the
27 highest ridership volume in the state.

28 (3) "Whole journey" means walking to and from public transit
29 stops, waiting at public transit stops, and riding public transit
30 vehicles.

31 ~~(b) The Legislature recognizes that the safety of persons~~
32 ~~traveling by public transit in the state includes the right to be free~~
33 ~~from street harassment during the whole journey.~~

34 ~~(e)~~

35 (b) (1) Transit districts shall develop and implement initiatives
36 to ~~address~~ *reduce* the street harassment ~~of~~ *experienced by* persons
37 traveling by their systems, and shall consider the safety concerns
38 and needs of these persons when planning, designing, and operating
39 their systems.

1 (2) (A) Transit districts shall develop these initiatives based on
2 ridership data, which may be quantitative or qualitative in nature.
3 Quantitative data shall be categorized by race, ethnicity, religion,
4 age, sex, gender, gender identity, gender expression, and sexual
5 orientation. Transit districts may rely on new or existing sources
6 of ridership data, provided that any quantitative data is categorized
7 by race, ethnicity, religion, age, sex, gender, gender identity, gender
8 expression, and sexual orientation.

9 (B) Ridership data may include, but is not limited to, all of the
10 following:

11 (i) Whether a person traveling by public transit experiences
12 street harassment at any point along the whole journey.

13 (ii) The frequency that a person experiences street harassment
14 during the whole journey.

15 (iii) Where and when a person experiences street harassment.

16 (iv) On what mode of transit a person experiences street
17 harassment.

18 (v) What type of street harassment is experienced.

19 (vi) Whether a person experiencing street harassment is traveling
20 alone or accompanied by others.

21 (vii) Whether a person experiencing street harassment reported
22 the incident and to whom.

23 (viii) The person's perceptions of safety throughout the whole
24 journey.

25 (3) Transit districts shall develop these initiatives in coordination
26 and consultation with persons who travel by their systems. These
27 persons shall include persons who are at increased or
28 disproportionate risk of experiencing street harassment, and persons
29 who are underrepresented in surveys and other traditional data
30 sources or who are otherwise hard to reach. These persons may
31 include, but are not limited to, women, non-English speaking riders,
32 and LGBTQ riders. Transit agencies shall conduct outreach in
33 multiple languages in order to reach limited English proficient
34 persons impacted by street harassment.

35 (4) These initiatives shall include changes to policies, design,
36 operations, or other aspects of transit systems, and may include,
37 but are not limited to, all of the following:

38 (A) Performing safety audits of transit systems or parts thereof
39 that consider the experiences of riders by gender.

1 (B) Developing a rubric, questionnaire, or other tool to analyze
2 and understand the impacts of prospective changes to transit system
3 policies, design, or operations on riders by gender or other
4 characteristics such as socioeconomic status.

5 (C) Increasing the presence of transit staff who are not transit
6 police or other law enforcement.

7 (D) Improving the physical infrastructure of transit vehicles,
8 stations, and stops to increase the safety and perception of safety
9 for riders.

10 (E) Improving the frequency, timing, and reliability of service.

11 (F) Implementing on-demand stops for riders who travel at
12 night.

13 (G) Training transit staff ~~on how about when and how the law~~
14 ~~or transit district policies require them to respond to and report~~
15 ~~incidents of street harassment in accordance with any legal~~
16 ~~obligations or transit district policies: harassment.~~

17 (H) Conducting educational and awareness raising campaigns
18 regarding street harassment.

19 ~~(I)~~

20 (c) Eligible federal funds, State Transportation Assistance
21 Program funds pursuant to Section 99313.6, or moneys
22 appropriated through the annual Budget Act may be used by transit
23 districts to meet the requirements of this section.

24 (d) *Nothing in this section shall be construed to create new or*
25 *additional liability for a transit operator for failing to respond to*
26 *an incident of street harassment.*

27 SEC. 3. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.