Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Metro

Board Report

File #: 2018-0433, **File Type:** Federal Legislation / State Legislation (Position) **Agenda Number:** 49.

EXECUTIVE MANAGEMENT COMMITTEE
JULY 19, 2018

SUBJECT: FEDERAL LEGISLATION

ACTION: ADOPT STAFF RECOMMENDED POSITIONS

RECOMMENDATION

ADOPT staff recommended positions:

A. House Resolution 6016 (Napolitano) - Bus Operator and Pedestrian Protection Act **SUPPORT WORK WITH AUTHOR**

B. House Resolution 3305 (Blumenauer) - The Bikeshare Transit Act of 2017 **SUPPORT**

ATTACHMENTS

Attachment A - H.R. 6016 (Napolitano) Legislative Analysis
Attachment B - H.R. 3305 (Blumenauer) Legislative Analysis

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ATTACHMENT A

BILL: **HOUSE RESOLUTION 6016**

AUTHOR: **REPRESENTATIVE GRACE NAPOLITANO**

SUBJECT: **BUS OPERATOR AND PEDESTRIAN PROTECTION ACT**

STATUS: **HOUSE – REFERRED TO THE TRANSPORTATION AND INFRASTRUCTURE SUBCOMMITTEE ON HIGHWAYS AND TRANSIT**

ACTION: **SUPPORT WORK WITH AUTHOR**

RECOMMENDATION

Staff recommends that the Board of Directors adopt a SUPPORT WORK WITH AUTHOR position on H.R. 6016 – the Bus Operator and Pedestrian Act authored by Representative Grace Napolitano of California.

ISSUE

As a result of Members of Congress hearing major news stories of an increase in nationwide bus operators assaults, a number of members of Congress have expressed their concerns for the safety of bus operators and passengers as these assaults often occur while the bus is moving.

Representative Grace Napolitano has introduced H.R. 6016, The Bus Operator and Pedestrian Protection Act, which gives transit agencies two years to develop Bus Operations Safety Risk Reduction Programs in partnership with their transit workforce, and with oversight from the U.S. Department of Transportation (USDOT). The bill authorizes $25 million per year for 5 years to pay for the implementation of these safety improvements as part of their Bus Operations Safety Risk Reduction Programs:

- Assault mitigation infrastructure and technology, including barriers to prevent assaults on bus operators
- De-escalation training for bus operators
- Modified bus specifications and retrofits to reduce visibility impairments
- Driver assistance technology that reduces accidents
- Installation of enhanced bus driver seating to reduce ergonomic injuries

This legislation will also require transit agencies to report all assaults on bus drivers to the USDOT's National Transit Database (NTD).

DISCUSSION

Last year, Metro sponsored AB 468 (Santiago), signed by Governor Jerry Brown, which authorizes Metro to issue prohibition orders. This legislation was a direct result of Metro board actions as well as strategies with our Systems Safety, Security, Operations and Law enforcement staff to combat assaults on bus operators

Metro has undertaken steps to install barriers on all Metro buses including retrofitting older coaches with a reasonable useful life remaining and on all new buses. We have also installed closed circuit monitors above the operator's compartment and behind the operator. The placement of these monitors has provided a demonstrable deterrent to diminish assaults against bus operators. The first buses that were installed with monitors were placed on bus lines with high fare evasion rates.

In addition to measures taken by Metro to mitigate assaults on bus operators, we continue to work on the following safety-related items:

- Implemented de-escalation training for all bus operators both on an annual basis and intensively after an incident occurs;
- Currently conducting a demonstration pilot project at Divisions 10 and 13 to evaluate competing collision avoidance and mitigation technologies to prevent bus-pedestrian accidents, particularly when buses are making right or left hand turns. The technologies that will be tested are designed to emit an audible alert through external speakers on the buses to warn pedestrians waiting at the intersections that the bus is turning, and,
- We are also in the planning stages of performing a mandatory barrier usage pilot program at one bus division, when all of the buses have been fully retrofitted with barriers. This pilot program is intended to determine whether required usage of barriers materially reduces the incidence of assaults against bus operators.

While Metro strongly supports the goals of this legislation to protect bus operators, Metro would like to work with the Congresswoman to ensure the language in the bill provides a reasonable regulatory path.

H.R.6019 is supported by the Almalgamated Transportation Union (ATU), International Association of Sheet Metal, Air, Rail, and Transportation Workers (SMART), Transport Workers Union of America (TWU), AFL-CIO Transportation Trades Department, and Teamsters.

For these reasons, staff recommends that the Board of Directors adopt a SUPPORT WORK WITH AUTHOR position on H.R. 6016.

DETERMINATION OF SAFETY IMPACT

Staff has reviewed this proposal and has determined that the legislation would assist in improving bus operator safety in Los Angeles County and nationwide.

FINANCIAL IMPACT

Staff has not determined the financial impact of the bill, but anticipates that some impacts will be minor, since Metro has already implemented seat improvements, de-escalation training and operator barriers. The capital cost of driver assistance technology and changes to bus specifications have not been determined.

ALTERNATIVES CONSIDERED

Staff has considered adopting either an oppose or neutral position on the bill. An oppose or neutral position would be inconsistent with Metro's Board approved 2018 Federal Legislative Program.

NEXT STEPS

Should the Board approve a SUPPORT WORK WITH AUTHOR position for H.R.6019, staff will prepare a position letter for the bill and work with Representative Grace Napolitano and other members of Congress as this bill continues to be considered by the appropriate congressional committees.

ATTACHMENT B

BILL: HOUSE RESOLUTION 3305

AUTHOR: REPRESENTATIVE EARL BLUMENAUER

SUBJECT: THE BIKESHARE TRANSIT ACT OF 2017

STATUS: HOUSE – REFERRED TO THE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE, SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

ACTION: SUPPORT

RECOMMENDATION

Staff recommends that the Board of Directors adopt a SUPPORT position on H.R. 3305 –The Bikeshare Transit Act of 2017 (115th Congress) authored by Representative Earl Blumenauer of Oregon.

ISSUE

U.S. Representative Earl Blumenauer has introduced H.R. 3305 (Blumenauer) – The Bikeshare Transit Act of 2017 which would, if enacted into federal law, clarify the definition of bikeshare projects that qualify as an "associated transit improvement" under Title 49 of U.S. Code, add bikeshare projects to the definition of "capital project" under Title 49 of U.S. Code, and make bikeshare projects eligible for funding under the Congestion Mitigation and Air Quality Improvement Program (CMAQ) under Title 23 of U.S. Code. The legislation seeks to add bikeshare projects to the formal definitions of transit projects as well as make clear to states that administer FHWA funding that bikeshare is eligible to receive federal funding.

While some bikeshare systems throughout the nation have received federal support through the CMAQ program, there is no established federal program that currently funds the ongoing needs of bikeshare systems. States such as California recognize that bikeshare projects are eligible for CMAQ funding, but the interpretation of eligibility is not uniform across the nation. To best support the development of successful bikeshare projects as well as be supportive of federal funding for bikeshare projects, it is important to clarify current law and support the uniform implementation of federal involvement in bikeshare projects nationwide.

DISCUSSION

Nationally, bikeshare systems are opening in large and small communities and represent an important mode of transit that can improve air quality, reduce congestion and enhance the quality of life for individuals. Currently, there are well over 100 bikeshare systems throughout the nation with more than 35 million trips taken last year. To help provide federal resources to bikeshare projects, Congressman Blumenauer's

legislation, H.R. 3305, would define “bikeshare” in U.S. Code as well as make bikeshare projects eligible for federal funding. The Bikeshare Transit Act will allow federal funding to be used for acquiring or replacing bikeshare related equipment and the construction of bikeshare facilities. The Bikeshare Transit Act will remove significant barriers facing new bikeshare projects as well as those for existing bikeshare programs applying for federal funding.

Staff believes that by supporting bikeshare systems throughout the nation, our region could directly benefit by learning best practices. Additionally, by solidifying the eligibility of bikeshare projects under federal law, Metro staff believes that support from the FHWA and FTA to implement and work through issues related to bikeshare projects would be improved and would directly benefit bikeshare programs across Los Angeles County.

Determination of Safety Impact

Staff has reviewed this legislation and determined that the legislation does not have a negative impact on safety.

FINANCIAL IMPACT

Staff has determined that the legislation could have a positive financial impact on our agency if the USDOT were to direct federal funds for our agency’s bikeshare program.

ALTERNATIVES CONSIDERED

The Board of Directors could consider adopting an Oppose position on this legislation, however, this would be inconsistent with our Board-approved 2018 Federal Legislative program and the Najarian-Barger Motion adopted by the Board on May 24, 2018 related to bikeshare.

NEXT STEPS

Should the Board decide to SUPPORT H.R.3305, staff will draft a support letter and work with the Los Angeles County Congressional Delegation to advocate for the passage of The Bikeshare Transit Act of 2017.