



Transportation Trades Department, AFL-CIO
A bold voice for transportation workers

Operator Assault

Matthew Colvin, Legislative Representative

TTD

About the Transportation Trades Department (TTD)

- ▶ Umbrella Organization within the AFL–CIO
- ▶ Represents 32 Unions
- ▶ Intercity Bus, Charter Bus, and School Bus; Transit; Rail; Aviation; Highway; Maritime and Longshore Workers
- ▶ Congress, Executive Branch, Independent Government Agencies
- ▶ Federal Policy



AVIATION



BUS



HIGHWAY



MARITIME




RAIL



TRANSIT

Overview

- ▶ Bad and incomplete data makes it hard to express the problem.
 - ▶ Reliance on surveys, anecdotal evidence to share our stories.
 - ▶ Awaiting federal action on FAST Act implementation.
 - ▶ Pushing forward with new legislation.
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Assessing the Problem: Federal Data

- ▶ Weak reporting requirements leads to federal data that does not paint the whole picture.
 - Currently, the National Transportation Database does not accommodate the reporting of minor assaults or threats that do not result in an arrest.
 - Some physical assaults may not result in arrest (e.g., thrown objects, minor injuries).
 - Assault such as spitting or verbal insults may not cause physical harm to the operator, but it can cause significant emotional distress or cause the driver to be distracted while operating the vehicle.

Assessing the Problem: Federal Data

- ▶ In a review of federal data for the period of 2008 through 2012 for injured transit vehicle operators for all modes, ten agencies with the largest number of assaults accounted for 587 of 706 of the injuries reported (83.1%).
- ▶ Of the total assaults, 85.9 percent were reported on motorbus (504 out of 587 total assaults on operators).
- ▶ The Metropolitan Transit Authority (MTA), New York City Transit (NYC Transit) reported 282 of the 504 assaults on bus operators, 56.0 percent of the total. The Chicago Transit Authority (CTA) reported 118 out of the remaining 222 incidents (23.4% of the total motorbus operator assaults) from 2008 through 2012.

An Incomplete Picture

- ▶ Transit agencies don't have a unified definition of assault, making it difficult to gather consistent data.
- ▶ The definition of operator assault is important. If an agency does not consider an incident to be an assault, the operator may not receive certain benefits and support, and the incident may be considered by supervisors and others as insignificant.

An Incomplete Picture

- ▶ Difficult to paint a nationwide picture with little transparency, various assault definitions.
- ▶ Between 2015 and 2017, LA Metro averaged 140 assaults per-year (disclosed to press).
- ▶ Between 2014 and 2016, CTA averaged 39 assaults per-year (information received via-FOIA request).

An Incomplete Picture

- ▶ In May 2012, a spokesman for the MTA discussed the significant rise in violent assaults on its bus operators.
- ▶ In 2010, there were 72 physical assaults on NYC Transit bus drivers or subway workers and 936 cases of harassment, a category that includes verbal abuse, spitting, and any other non-physical incidents. In 2011, the number of assaults rose to 94, with 1,092 incidents of harassment.

An Incomplete Picture

- ▶ In 2005, the Amalgamated Transit Union (ATU) and its local 741 in Ottawa, Canada, conducted a survey of bus operators on the topic of assaults, with 1,468 operators and 7 union locals in Canada participating in the survey. Of these, 36 percent replied that they had been a victim of a physical assault, and 55 percent had experienced verbal assaults.

The Financial Toll of Inaction on Transit Agencies

- ▶ Transit agencies should consider the costs of their inaction:
- ▶ Each bus driver assault cost LA Metro \$49,071 per workers compensation claim for legal expenses, disability payments and medical costs.
- ▶ In 2015, Metro spent more than \$6 million in public taxpayer dollars on compensation claims, the agency reported. Metro also said that sometimes operators did not return to the job after serious assaults.

(SGV Tribune, 2018)

Reports from Operators

- ▶ In 2012, a Los Angeles County Metropolitan Transportation Authority (LACMTA) bus driver, and member of UTU Local 1563, was murdered aboard his bus here Sunday morning, May 20, by a lone gunman.

Reports from Operators

- ▶ Diane Rude, a veteran driver in Minneapolis, had her bus hijacked in 2006 by a man who attempted to strangle her while forcing her to continue driving. She was held hostage for an hour and has experienced trauma from the event to this day.

Reports from Operators

- ▶ Luddie Hatten was assaulted by a passenger in 2013. The passenger made sexual advances toward Luddie and physically assaulted him after Luddie stopped the bus and forced the passenger off. Luddie pursued legal action against the passenger, but the suspect/passenger faced no punishment for his actions, and within weeks of being assaulted Luddie was required to allow the passenger to board his bus.

Reports from Operators

- ▶ Keisha McGregor was attacked after a passenger who missed his stop became unruly and punched Keisha in the face. Keisha's story was covered by a local CBS affiliate.

Reports from Operators

- ▶ In 2017, a woman who admitted to throwing a cup of her own urine at a Washington, D.C. Metrobus driver was sentenced to 120 days in jail. The driver had a plastic shield, but videos show Opal Brown reaching around the shield and dumping the liquid before running off the bus.

Legislative History

- ▶ In 2015, Congress reauthorized the first long-term surface transportation bill in more than 10 years.
- ▶ TTD and many of our member unions fought for the inclusion of Section 3022 (Improved Public Transportation Safety Measures).
- ▶ This bipartisan measure requires the Secretary of Transportation to issue a notice of proposed rulemaking on protecting public transportation operators from the risk of assault.
- ▶ While FTA has indicated that an NPRM is forthcoming, it is unlikely that the proposed rule under this administration will include prescriptive steps that ensure transit agencies are protecting transit operators from the ongoing threat of assaults.

Recent Action

- ▶ In June 2018, Congresswoman Grace Napolitano (D-CA) and John Katko (R-NY) introduced the bipartisan *Bus Operator and Pedestrian Protection Act*.
- ▶ The bill would require transit agencies to develop Bus Operations Safety Risk Reduction Programs to improve safety.
- ▶ The risk reduction programs aim to reduce the number of bus accidents due to blind spots, prevent assaults on bus drivers, and improve bus driver seating to reduce ergonomic injuries.

Recent Action

- ▶ Transit agencies will be required to implement the following safety improvements as a part of their Bus Operations Safety Risk Reduction program:
 - Driver assistance technology that reduces accidents
 - Modified bus specifications and retrofits to reduce visibility impairments
 - Assault mitigation infrastructure and technology, including barriers to prevent assault on bus drivers
 - De-escalation training for bus drivers
 - Installation of bus driver seating to reduce ergonomic injuries

Recent Action

- ▶ The bill will also require transit agencies to report all assaults on bus drivers to the USDOT's National Transit Database (NTD) and for that data to be reported annually.
- ▶ Future of this legislation?

Questions?

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TTD

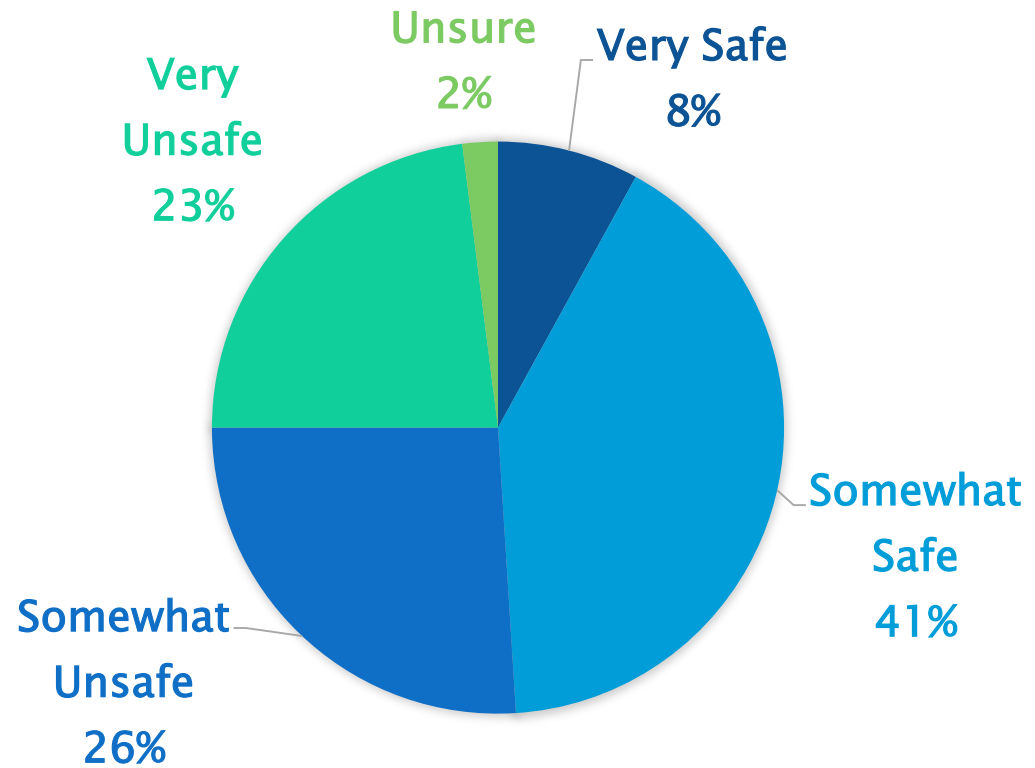
Dean Mitchell



Operator Assault Survey

Generally speaking, how safe is your work environment?

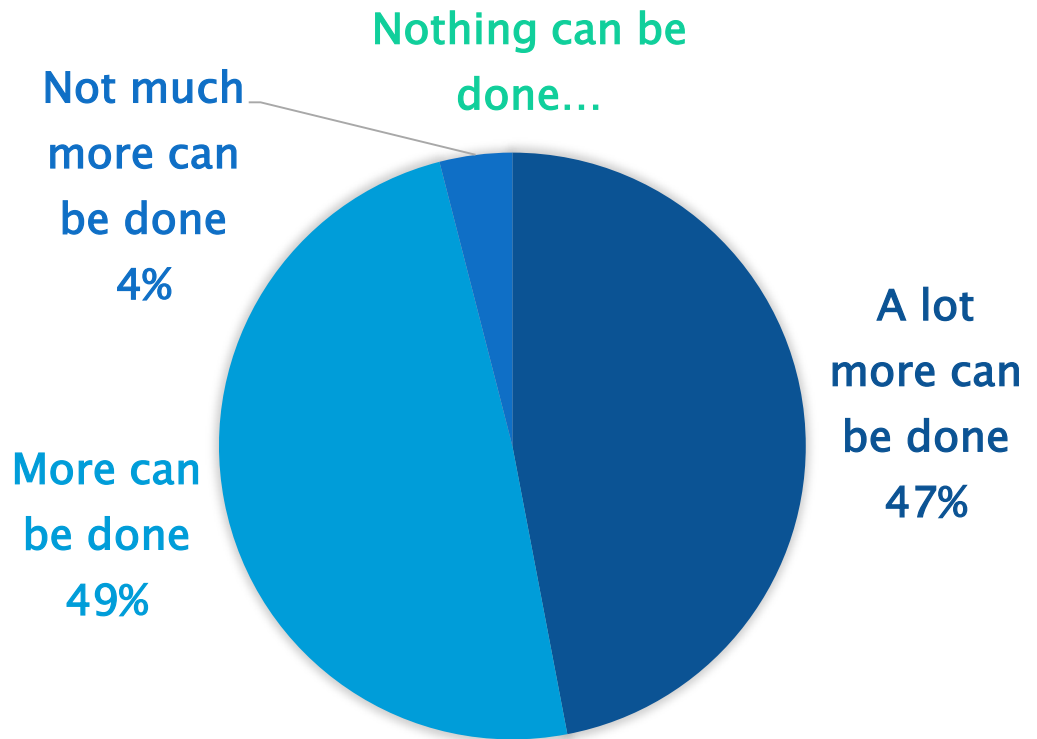
- 49% Safe
- 49% Unsafe



Operator Assault Survey

When it come to your safety and the safety of co-workers, which best fits?

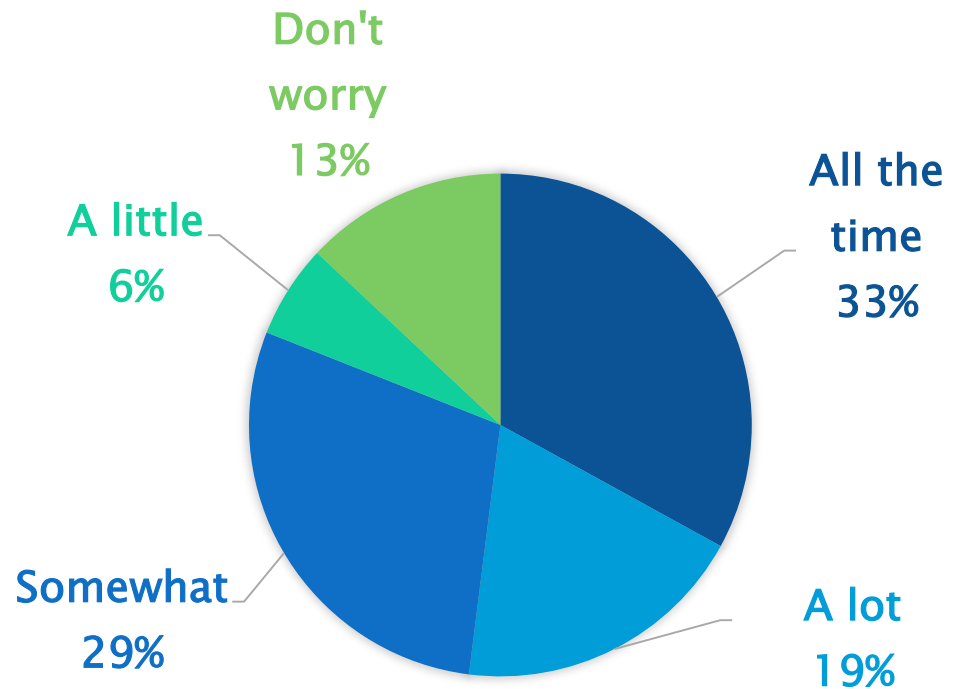
96% more can be done



Operator Assault Survey

How much do you worry you may be personally threatened or hurt while on duty?

42% a lot or more



Operator Assault Survey

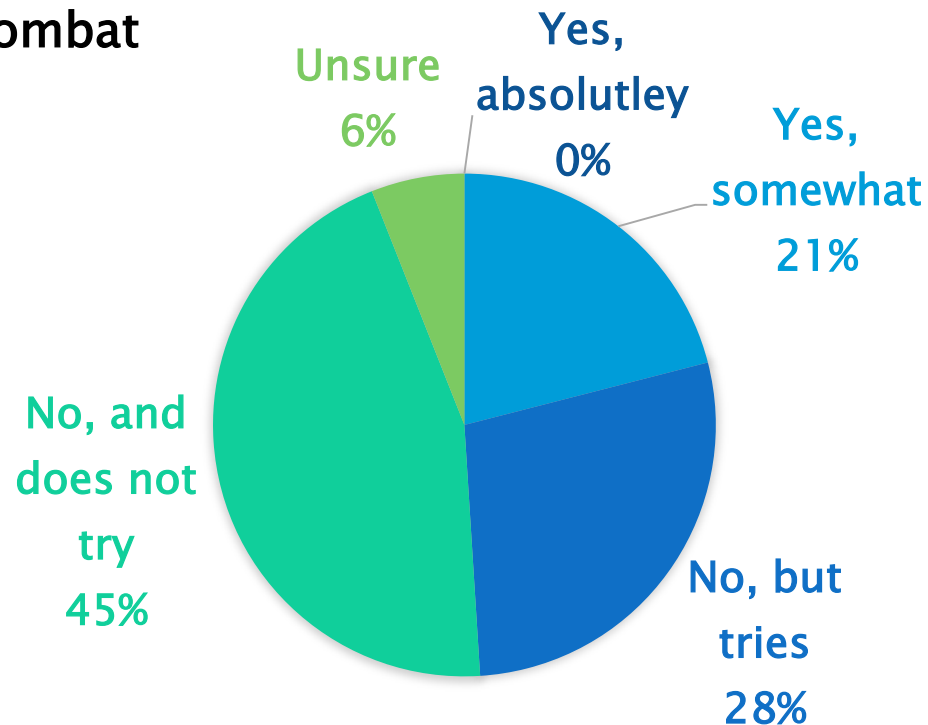
Have you ever been the victim of an operator assault?

- 24% major physical assault
- 41% minor physical assault
- 94% verbal assault
- 79% know co-worker physically assaulted

Operator Assault Survey

Do you feel that your employer has provided you the proper tools to combat operator assault?

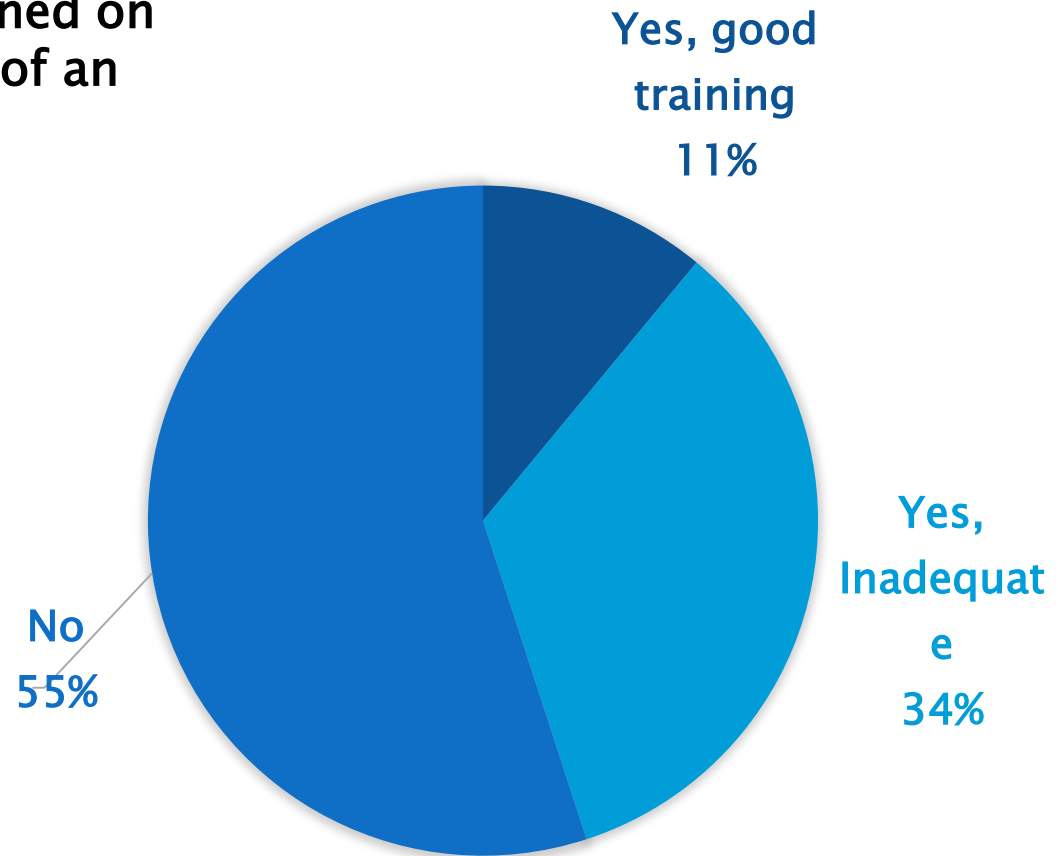
- 21% Yes
- 73% No



Operator Assault Survey

Have you been trained on what to do in case of an operator assault?

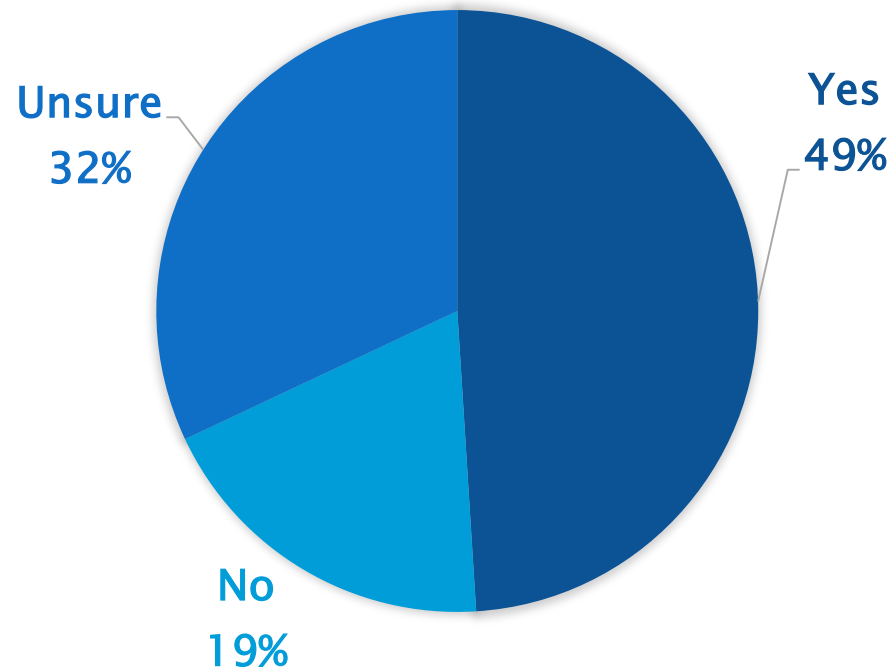
45% Yes
55% No



Operator Assault Survey

Does your employer threaten discipline if you leave the driver's seats if you are assaulted?

49% Yes



Operator Assault Survey

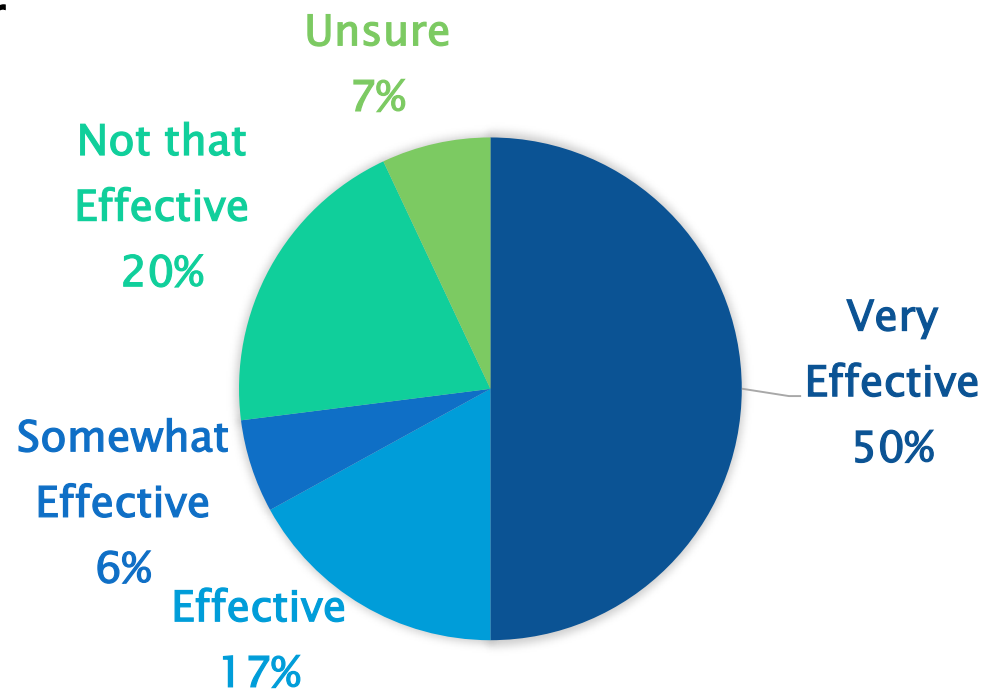
Does the bus you currently have any deterrents to operator assaults?

- 26% protective shields
- 74% emergency call button
- 74% two-way radio
- 80% camera
- 15% transit police

Operator Assault Survey

How effective do you believe increasing criminal penalties (i.e. fines or jail sentences) are toward reducing the occurrence of operator assaults?

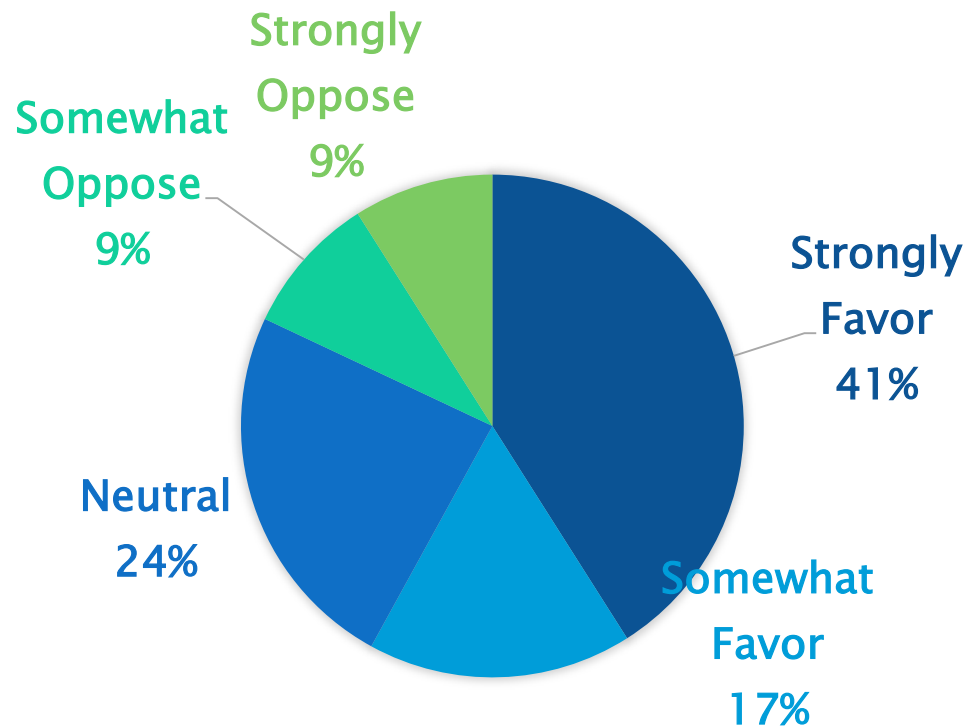
- 67% Effective



Operator Assault Survey

When it comes to protective shields, which best represents your current view?

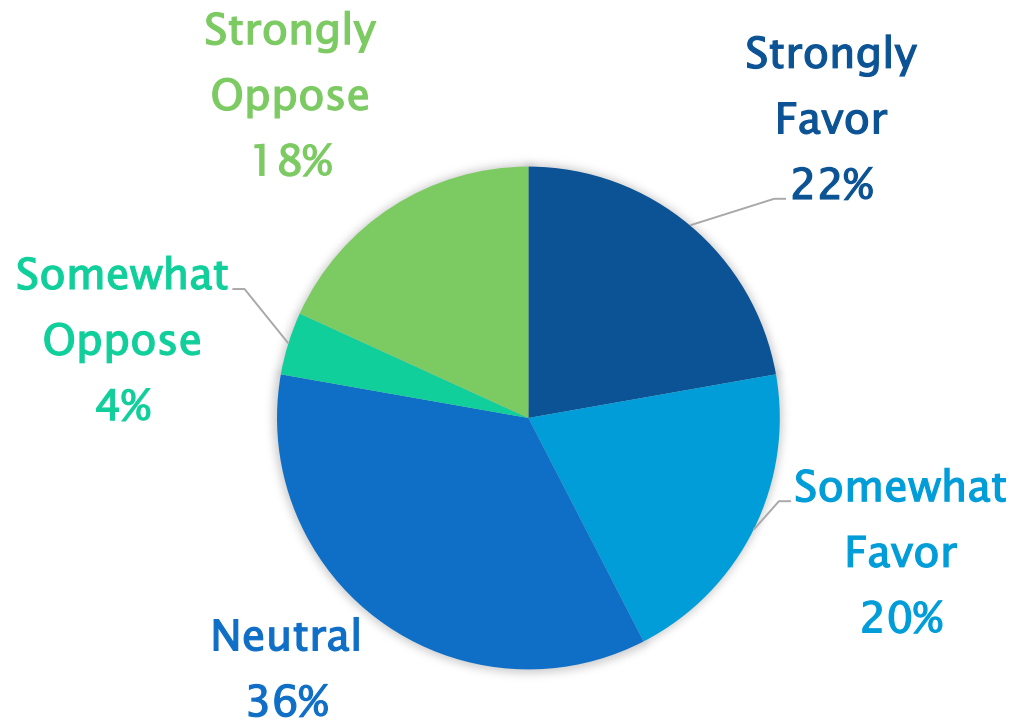
58% Favor
18% Oppose



Operator Assault Survey

When it comes to inward cameras, which best represents your current view?

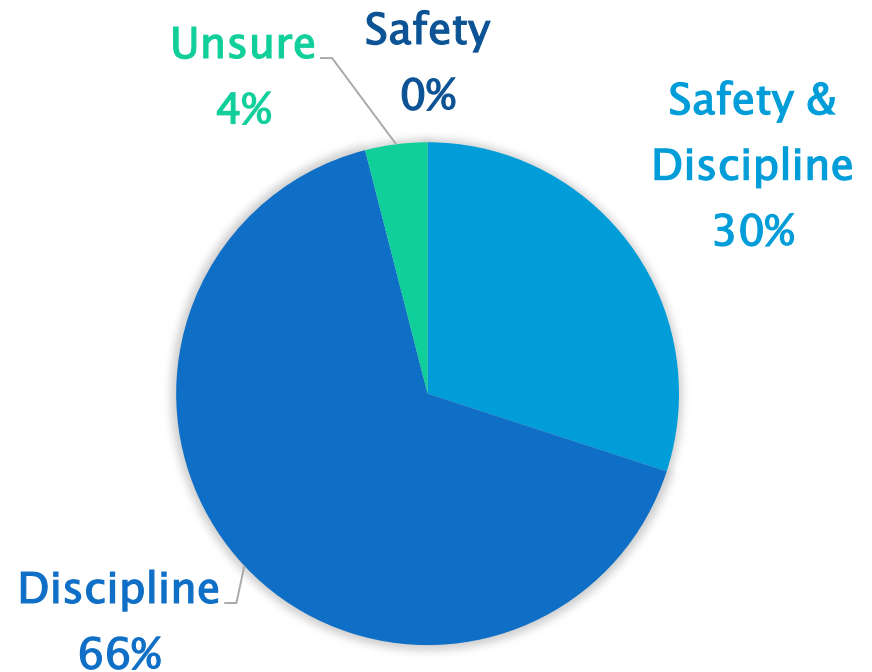
42% Favor
22% Oppose



Operator Assault Survey

In your opinion, is the inward camera primarily for safety or primarily for discipline?

66% primarily discipline



Operator Assault Survey

What is the one change in the fight against operator assault you would like to see? (Enter your idea)

Persons being banned and operators being able to keep their jobs

Making the policies to not put operators in danger!!!

More proactive from transit management on protecting its employees at work one biggest priority is a protection shield for operators to be behind while on duty.....ASAP

Glass doors

Make assault on a driver a higher crime, especially SPITTING

Operator Assault Survey

What is the one change in the fight against operator assault you would like to see? (enter your idea)

Should be a felony charge and NOT a misdemeanor charge!!!

Visible officers, protection shields more support from management when assaults take place, and the opportunity to protect and defend yourself when needed.

Shields that fully enclose the operators that do not obstruct the view of the wheelchair lift. My employer has only provided partial shields that are a hazard and I am constantly hurting myself with the levers

Protective shields /// Transit police unit

Operator Assault Survey

What is the one change in the fight against operator assault you would like to see? (enter your idea)

POLICE AGENCIES ALLOW TO GIVE TICKETS AND MAKE ARREST. THOSE WHO CAUSE PROBLEMS KNOW POLICE WILL NOT SHOW UP AND NOTHING WILL BE DONE. THAT'S WHY RIDERSHIP IS LOW PATRONS DO NOT FEEL SAFE.

Some across the board reaction from police department no matter what county we are in

Cage protector

Increase jail time for offenders

Operator Assault Survey

What is the one change in the fight against operator assault you would like to see? (enter your idea)

Minimize operators interactions with passengers. Similar to airline pilots, and rail engineers

Actually enforce the laws and be consistent. Stop allowing the public to take advantage. Officers more present.

More protection

transit police and respect for the job

Law enforcement riding undercover

Operator Assault Survey

What is the one change in the fight against operator assault you would like to see? (enter your idea)

The person will receive more jail time and it will become a felony. Thanks

Protective shields

don't take cash. tickets only

need more road security for transit buses

Operator Assault Survey

What is the one change in the fight against operator assault you would like to see? (enter your idea)

It is no good to have cameras. When the cameras are used against the drivers. No good to have emergency radio when the response time is too long for the Dispatcher to pick up. Then MTA management desires to blame the driver for the problem. Get rid of the bum/transient free ride tokens/bus passes. Keep the bums and crazy ones off the bus.

A reasonable barrier that was developed by bus operators and manufacturers. The current one we have in LAMTA gives off a bad glare.. and more police presents on dangerous lines

Operator Assault Survey

What is the one change in the fight against operator assault you would like to see? (enter your idea)

Felony convictions...Since assaults can happen while the bus is in motion...Allowing drivers to have pepper spray...Advertising it's a felony to verbally or physically assault a driver. Fines and penalties assessed. Funding for security. Allowing drivers to sue for damages our assailant for damages, especially when spat on.

Less interaction with passengers... similar to airline pilots and train engineers.

Minimize operators interactions with passengers. Similar to airline pilots, and rail engineers

Questions?