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SB-1161 Transit operators: street harassment survey. (2021-2022)

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Senate Bill No. 1161

CHAPTER 318

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

[Approved by Governor September 13, 2022. Filed with Secretary of State September 13, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1161, Min. Transit operators: street harassment survey.

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 the Mineta Transportation Institute at San Jose State University to, on or before December 31, 2023, develop and make available on its internet website a survey for the purpose of promoting consistency in the collection of specified survey data to inform efforts to improve the safety of riders and reduce street harassment on public transit.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Public transportation ensures that each person may enjoy the freedom of movement. Providing a safe journey for women and other vulnerable communities will increase ridership throughout the public transit system.

(b) The State of California encourages transit operators to recognize a definition of rider safety that acknowledges safety is not merely the freedom from physical harm but also the freedom to take public transit without street harassment.

(c) Street harassment on public transit diminishes ridership growth, undermines riders' safety, hurts all riders, and can reinforce social inequality and economic hardship throughout a rider's lifetime.

(d) Women and girls, particularly those of color and those in the LGBTQ+ communities, are often the targets of street harassment on public transit. Such harassment includes unwanted sexual and racialized comments and slurs, whistling, leering, and other intimidating actions. According to a 2019 statewide study by the University of California, San Diego Center on Gender Equity and Health, 77 percent of women experience sexual harassment in a public space, including 29 percent on mass transit. Furthermore, women who identify as lesbian or bisexual are more likely to report experiencing sexual harassment than straight women.

(e) A 2019 bay area study by Alliance for Girls found that girls, including transgender girls, cisgender girls, and nonconforming youth, in the Cities of San Francisco, San Jose, and Oakland expressed feeling unsafe on public transportation due to the daily harassment they experience on buses and trains on their way to and from school.

(f) LGBTQ riders face elevated risk of harassment and discrimination on transit systems, according to a 2018 report by the Movement Advancement Project. Additionally, 2017 data from the Center for American Progress found that 11 percent of transgender people and 9 percent of LGBT people with disabilities avoided public transportation due to fear of discrimination.

(g) According to a 2019 report by the Los Angeles Metropolitan Transportation Authority, safety is the primary barrier to riding transit for women. Fear of harassment leads to behavioral adjustments and precautions by women riders, including leaving a bus or train mid-trip to avoid harassment, avoiding travel in the evening, avoiding certain settings such as crowded buses, and not walking alone.

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

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

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

(k) Though they experience higher levels of harassment, women of color are also more dependent on public transit. According to the Center for American Progress, women of color experience a persistent gender wage gap in conjunction with racial bias in the workplace, which leaves them perpetually underpaid. Without the economic means for private transportation options, women of color are more likely to be dependent on public transportation.

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

(m) The Legislature affirms that protecting transit riders' safety, combating street harassment that could be experienced in transit journeys, and ensuring equal access to transportation are public policy priorities.

(n) Public transit operators may attract new riders by taking steps to enhance rider safety and to combat street harassment. When riders feel safe waiting at transit stops and riding transit, they may increasingly use public transit. In turn, the growing ridership helps to enable the public transit system to thrive.

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

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

(1) "Institute" means the Mineta Transportation Institute at San Jose State University.

(2) "Street harassment" means words, gestures, or actions directed at a specific person in a public place, without the consent of that person, because of a characteristic listed or defined in Section 11135 of the Government Code, that the person experiences as intimidating, alarming, terrorizing, or threatening to their safety. For the purposes of this section, street harassment because of age shall include any chronological age.

(3) "Survey data" means information regarding public transit riders and their experiences using public transit, including, but not limited to, demographic information about riders and information about their experiences with safety, including, but not limited to, street harassment.

(4) "Transit operator" means the 10 transit operators, as defined in Section 99210, with the most unlinked passenger trips in 2019 in the state, according to the National Transit Database.

(b) (1) On or before December 31, 2023, the institute shall develop and make available on its internet website a survey for the purpose of promoting consistency in the collection of survey data to inform efforts to improve the safety of riders and reduce street harassment on public transit.

(2) The survey shall include questions asking for the following information:

(A) Demographic information regarding riders, including their race, ethnicity, religion, age, disability, income, primary language, sex, gender, gender identity, gender expression, and sexual orientation.

(B) Information regarding a rider's experiences with safety while waiting at public transit stops and riding public transit, including:

- (i) Whether a rider experiences street harassment.
- (ii) The frequency with which a rider experiences street harassment.
- (iii) The type of street harassment experienced by a rider.
- (iv) The actual or perceived characteristics that serve as the basis for street harassment experienced by a rider.
- (v) Where and when a rider experiences street harassment, including on what mode of transit.
- (vi) Whether a rider experiencing street harassment is alone or accompanied by others.
- (vii) Whether a rider experiencing street harassment reports the incident, and, if so, to whom and the response received.
- (viii) The impact of street harassment on a rider, including whether and how they change their use of transit.
- (ix) A rider's perceptions of safety while using transit.

(3) In developing the survey, the institute shall consult with organizations representing subpopulations impacted by street harassment and with transit operators. The institute shall consider existing efforts by a transit operator to collect survey data and make recommendations on how a transit operator may use or update available survey data instead of collecting new survey data.