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SB-434 Transit operators: street harassment survey. (2023-2024)

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Senate Bill No. 434

CHAPTER 396

An act to add Section 99178 to the Public Utilities Code, relating to transportation.

[Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 434, 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. Existing law requires 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.

This bill would require a transit operator, as defined, to collect and publish specified survey data for the purpose of informing efforts to improve the safety of riders and reduce street harassment on public transit on or before December 31, 2024, to the extent feasible with the funding it receives to conduct these activities from the Department of Transportation under a funding agreement with a transit operator to collect and publish that survey data, as provided. The bill would require the department to enter into these funding agreements on or before July 1, 2024. The bill would require a transit operator to conduct outreach activities with subpopulations of riders who are underrepresented in surveys and impacted by street harassment to gain insight into the perspectives of these riders based on their experiences. The bill would authorize a transit operator to collect survey data in multiple languages to reach limited-English-proficient riders impacted by street harassment, as provided. The bill would require a transit operator to publish and make publicly available on its internet website the survey data collected pursuant to these provisions and promptly notify the Governor and the Legislature of publication of the survey data. The bill would provide that specified information collected by a transit operator in the 5 years before the effective date of this bill is deemed to be survey data collected by the transit operator for purposes of the bill, and that specified outreach activity conducted by a transit operator in the 5 years before the effective date of this bill is deemed to be outreach activity conducted by the transit operator for purposes of the bill. 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 Local Program: yes

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 Oakland and San Jose and the City and County of San Francisco 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 99178 is added to the Public Utilities Code, immediately following Section 99177, to read:

99178. (a) For purposes of this section, the terms "street harassment," "survey data," and "transit operator" have the same meanings as defined in Section 99177.

(b) (1) On or before December 31, 2024, a transit operator shall collect and publish survey data, in accordance with this section, to the extent feasible with the funding it receives to implement this section from the Department of Transportation pursuant to paragraph (2), for the purpose of informing their efforts to improve the safety of riders and reduce street harassment on public transit.

(2) On or before July 1, 2024, the Department of Transportation shall enter into a funding agreement with a transit operator to collect and publish the survey data described in paragraph (1).

(c) A transit operator shall collect, at a minimum, the information described in paragraph (2) of subdivision (b) of Section 99177.

(d) A transit operator may, but is not required to, use the survey made available pursuant to Section 99177 and may ask additional questions beyond those in the survey.

(e) A transit operator shall conduct outreach activities with subpopulations of riders who are underrepresented in surveys and impacted by street harassment to gain insight into the perspectives of these riders based on their experiences. Activities may include focus groups, participatory workshops, or other methods of engaging riders. Subpopulations may include, but are not limited to, women riders, non-English-speaking riders, LGBTQ+ riders, and riders with disabilities.

(f) A transit operator may collect survey data in multiple languages to reach limited-English-proficient riders impacted by street harassment. The languages may be determined by existing data on riders or the top non-English languages used by limited-English-proficient persons in the community served by the transit operator according to the most recent American Community Survey by the United States Census Bureau.

(g) (1) A transit operator shall publish and make publicly available on its internet website all survey data collected pursuant to this section, including the information described in paragraph (2) of subdivision (b) of Section 99177, as required by subdivision (c).

(2) Notwithstanding paragraph (1), a transit operator shall not publish any personally identifiable information.

(3) A transit operator shall promptly notify the Governor and the Legislature of the publication of the survey data.

(h) Notwithstanding anything in this section to the contrary, any information described in paragraph (2) of subdivision (b) of Section 99177 collected by a transit operator in the five years before the effective date of this section shall be deemed to be survey data collected by the transit operator pursuant to this section, and any outreach activities conducted by a transit operator to collect that information in the five years before the effective date of this section shall be deemed to have been conducted by the transit operator pursuant to this section.

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

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