

115TH CONGRESS
2D SESSION

S. 3215

To amend title 49, United States Code, to require the development of a bus operations safety risk reduction program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 16, 2018

Mr. VAN HOLLEN introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend title 49, United States Code, to require the development of a bus operations safety risk reduction program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bus Operator and Pe-
5 destrian Protection Act”.

6 **SEC. 2. BUS OPERATIONS SAFETY RISK REDUCTION PRO-**
7 **GRAM.**

8 (a) PUBLIC TRANSPORTATION SAFETY PROGRAM
9 SECTION.—Section 5329 of title 49, United States Code,
10 is amended by adding at the end the following:

1 “(1) BUS OPERATIONS SAFETY RISK REDUCTION
2 PROGRAM.—

3 “(1) REQUIREMENTS.—Not later than 2 years
4 after the date of enactment of this subsection, the
5 Secretary shall require a recipient that operates
6 fixed route bus service to—

7 “(A) develop a risk reduction program for
8 bus operations (referred to in this subsection as
9 a ‘covered program’) in accordance with para-
10 graph (2) to improve safety by reducing the
11 number and rates of accidents, injuries, as-
12 saults on bus operators, and fatalities;

13 “(B) submit the covered program, includ-
14 ing the implementation plan required under
15 paragraph (3), to the Secretary for review and
16 approval; and

17 “(C) implement the covered program, in-
18 cluding the implementation plan, as approved
19 by the Secretary.

20 “(2) DEVELOPMENT OF PROGRAM.—A recipient
21 required to develop and submit a covered program
22 under paragraph (1)—

23 “(A) shall develop the program by con-
24 ducting risk analysis on the bus operations of
25 the recipient;

1 “(B) may incorporate the program into an
2 applicable comprehensive agency safety plan
3 that the recipient prepares under subsection
4 (d), if the comprehensive agency safety plan ful-
5 fills each requirement under this subsection;
6 and

7 “(C) shall develop the program in coopera-
8 tion with bus operators and collective bar-
9 gaining representatives of bus operators, includ-
10 ing the development of—

11 “(i) the risk analysis required under
12 subparagraph (A); and

13 “(ii) the implementation plan required
14 under paragraph (3).

15 “(3) IMPLEMENTATION PLAN.—A covered pro-
16 gram shall include an implementation plan for—

17 “(A) reduction of vehicular and pedestrian
18 accidents involving buses that includes—

19 “(i) deployment of driver assistance
20 technologies for bus operators that reduce
21 or prevent accidents; and

22 “(ii) measures to reduce visibility im-
23 pairments for bus operators that con-
24 tribute to accidents, including—

1 “(I) retrofits to buses in revenue
2 service; and

3 “(II) specifications for future
4 procurements that reduce visibility
5 impairments;

6 “(B) bus operator assault mitigation, in-
7 cluding—

8 “(i) the deployment of assault mitiga-
9 tion infrastructure and technology on
10 buses, including barriers to restrict the un-
11 wanted entry of an individual or object
12 into the workstation of a bus operator if
13 the risk analysis conducted by the recipient
14 under paragraph (2) determines that such
15 a barrier would reduce assaults on and in-
16 juries to bus operators; and

17 “(ii) conflict de-escalation training for
18 bus operators;

19 “(C) installation of seating and modifica-
20 tion to design specifications of bus operator
21 workstations that reduce or prevent injuries
22 from ergonomic risks; and

23 “(D) any other measure that the Secretary
24 determines would significantly reduce the num-
25 ber and rate of accidents, injuries, assaults on

1 bus operators, and fatalities related to bus op-
2 erations.

3 “(4) UPDATING REQUIREMENTS.—The Sec-
4 retary shall require a recipient required to develop a
5 covered program to—

6 “(A) update the program annually; and

7 “(B) resubmit the program for approval by
8 the Secretary not less frequently than once
9 every 3 years.”.

10 (b) FAST ACT.—Section 3022 of the Fixing Amer-
11 ica’s Surface Transportation Act (49 U.S.C. 5329 note;
12 Public Law 114–94) is amended—

13 (1) by redesignating subsection (c) as sub-
14 section (d); and

15 (2) by inserting after subsection (b) the fol-
16 lowing:

17 “(c) FINAL RULE.—Not later than 1 year after the
18 date of enactment of the Bus Operator and Pedestrian
19 Protection Act, the Secretary shall issue a final rule re-
20 garding the protection of public transportation operators
21 from the risk of assault.”.

22 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) AMOUNT AND DURATION.—There are authorized
24 to be appropriated to carry out implementation plans
25 under the risk reduction program described in section

1 5329(l) of title 49, United States Code, as added by sec-
 2 tion 2 of this Act, \$25,000,000 for each of fiscal years
 3 2019 through 2023.

4 (b) FORMULA.—Of the amounts made available
 5 under subsection (a) for a fiscal year—

6 (1) 80 percent shall be distributed under the
 7 formula set forth in section 5336 of title 49, United
 8 States Code, other than subsection (b) of such sec-
 9 tion; and

10 (2) 20 percent shall be distributed under the
 11 formula set forth in section 5311(c)(3) of such title.

12 **SEC. 4. OPERATOR ASSAULT DATA.**

13 Section 5335 of title 49, United States Code, is
 14 amended by adding at the end the following:

15 “(d) OPERATOR ASSAULT DATA.—

16 “(1) REPORT.—A recipient shall report to the
 17 Secretary, for inclusion in the National Transit
 18 Database, any information on each assault on an op-
 19 erator.

20 “(2) OTHER REPORTS.—A report required
 21 under paragraph (1) shall be separate from the re-
 22 porting on other safety incidents in the National
 23 Transit Database.

24 “(3) DEFINITIONS.—For purposes of this sub-
 25 section:

1 “(A) The term ‘assault on an operator’
2 means any circumstance in which an individual
3 knowingly, without lawful authority or permis-
4 sion, and with intent to endanger the safety or
5 health of any individual or with a reckless dis-
6 regard for the safety or health of human life,
7 interferes with, disables, or incapacitates any
8 dispatcher, driver, captain, locomotive engineer,
9 railroad conductor, or other individual while the
10 individual is employed in dispatching, operating,
11 controlling, or maintaining on-track equipment
12 or a public transportation vehicle, including cir-
13 cumstances that do not require immediate med-
14 ical attention or that do not result in a fatality.

15 “(B) The term ‘recipient’ has the meaning
16 given the term in section 5329(a).”.

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