

ATU JOINT CONFERENCE

MILWAULKEE, WISCONSIN

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Joseph S. Pass, Esquire
Jubelirer, Pass & Intrieri, P.C.
219 Fort Pitt Blvd.
Pittsburgh, PA 15222
412-281-3850
jsp@jpilaw.com
www.jpilaw.com

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In this presentation:

- Assault defined
- News stories
- Recent court cases
- What's being done

ASSAULT:

Assault is defined as:

- ❖ Overt physical and verbal acts by a passenger/pedestrian/third party
- ❖ Interferes with the mission of a bus operator—to complete his or her scheduled run safely.
- ❖ That adversely affects the safety of the operator and customers.

[Video](#) of an assault.



Source: Transit Cooperative Research Program, Synthesis 93,
[Practices to Protect Bus Operators from Passenger Assault.](#)

Assaults are on the rise

“There has been a dramatic increase in the level and intensity of senseless attacks on transit workers.”

[Operators' Video](#) on assault¹

Operator assaults have increased by 31% between 2008 and 2013 according to the National Transit Database².

[List of Operator Assaults in Cincinnati, OH](#)³

Sources: 1. ATU.org, YouTube; 2. <https://www.transit.dot.gov/ntd/ntd-data>; 3. ATU Local 627

Assaults are on the rise

Types of assaults on drivers:

- Punched
- Slapped
- Stabbed
- Shot, and
- Bodily fluids thrown upon them

[Ripped from the Headlines: Bus Drivers Under Attack](#); Amalgamated Transit Union

Assaults are on the rise

Some causes of assaults by passengers:

- ❖ Intoxication
- ❖ Mental illness
- ❖ Frustration with fare increases, service reductions or delays
- ❖ Frustration with government service

Ripped from the Headlines: Bus Drivers Under Attack; Amalgamated Transit Union

Assault on Transit Workers

NEWS FROM AROUND THE U.S.

PORTLAND, OR.

Three suspects arrested in assault on TriMet bus driver

- ❖ Three teenage girls (ages 18, 17, and 14) pepper sprayed and spit on the driver.
- ❖ 18-year-old was accused of third-degree assault, interfering with public transportation, second-degree disorderly conduct, and second-degree unlawful use of pepper spray.
- ❖ Minors were charged with second-degree disorderly conduct and second-degree unlawful use of pepper spray.

http://www.oregonlive.com/portland/index.ssf/2017/06/3_suspects_arrested_in_assault.html

DENVER, CO.

Three Charged With Assault On RTD Bus Driver

- ❖ Three passengers put an RTD bus driver in the hospital.
- ❖ They refused to pay the fare.
- ❖ The driver was hit hard enough against the bus windshield to break the glass
- ❖ The three offenders were charged with endangering public transportation, a bias motivated crime, and second-degree assault.

<http://denver.cbslocal.com/2017/03/02/3-charged-with-assault-on-rtd-bus-driver>

SAN ANTONIO, TX: VIA bus driver attacked by passenger

- ❖ A man punched the driver in the face.
- ❖ The motive for the attack was not given.

<https://www.ksat.com/news/san-antonio-texas-via-bus-driver-attacked-by-passenger>

NEW YORK, NY:

Bus driver attacked by passengers when he refused to stop

- ❖ A man and a woman assaulted a Bronx bus driver when he refused their demands to stop the vehicle
- ❖ The woman spat in his eye and the man punched him in the face

WASHINGTON

Suspect sought in
assault on driver on
moving Ride On bus



- ❖ A man assaulted and seriously injured a driver — while the bus was moving.
- ❖ There was a verbal altercation.
- ❖ The driver began to call the police.
- ❖ The suspect took the driver's phone and began hitting him with it.
- ❖ The driver was taken to a hospital with serious injuries.

WEST PALM BEACH, FL

Video shows passenger attacking Palm Tran bus driver

❖ The passenger told the driver he did not have money for the fare.

❖ [Video](#)

<http://www.wptv.com/news/region-c-palm-beach-county/video-shows-passenger-attacking-palm-tran-bus-driver>

KANSAS CITY, MO

Man saves bus driver from attack

In this case, the driver was attacked from behind.

The driver received minor injuries and the attacker was arrested for assault.

[Video](#)

<http://nbc4i.com/2017/01/30/video-man-saves-bus-driver-from-attack/>

UPPER DARBY, PA

Man assaulted SEPTA bus driver with pole



- ❖ Passenger was asked to exit the bus by the driver, but for some unknown reason, the passenger refused.
- ❖ The passenger began to take photographs of the bus driver. The bus driver pushed the phone away. The passenger allegedly punched the driver and hit him with a pole.
- ❖ Charges were filed against the passenger including simple assault, harassment, disorderly conduct and public drunkenness.

SPOKANE, WA

Spokane Transit Authority bus driver Assaulted by passenger

- ❖ A departing passenger punched the experienced driver who was training a new driver.
- ❖ The passenger was arrested.
- ❖ The driver was taken to a hospital.
- ❖ President of Amalgamated Transit Union Local 1015, Thomas Leighty, said he is concerned about a recent uptick in aggressive behavior toward drivers.

<http://www.spokesman.com/stories/2017/mar/10/spokane-transit-authority-bus-driver-assaulted-by-/.html>

PITTSBURGH, PA

Man charged with assaulting bus driver over fare

- ❖ Passenger boarded the bus but refused to pay.
- ❖ He told the driver he was only riding for a mile and didn't think he had to pay.
- ❖ A fight ensued and the driver was injured.

RECENT COURT CASES

Commonwealth v. Moore

In Philadelphia, a pedestrian boarded a SEPTA bus but did not pay his fare. As the bus driver proceeded into traffic, the pedestrian started choking the bus driver without any provocation.

As the bus driver was being dragged out of his seat, he managed to stop the bus by engaging the bus's emergency brake. Once free from his seatbelt, the driver was able to pull them both to the floor where other passengers eventually came to the driver's aid and called 911.

The driver was treated for a sprained left toe and was out of work for approximately 2 months.

The pedestrian was convicted of two counts of aggravated assault, two counts of simple assault, two counts of recklessly endangering another person and one count of resisting arrest.

The pedestrian was sentenced to a term of six to twelve years' imprisonment, followed by two years' probation.

State v. Mincy

In Ohio, two young men boarded a bus without paying. One of the young men took a gun from his pants, pointed it towards the driver, and then brandished the gun at passengers and screamed for information relating to a gang shooting that occurred the night before.

The driver was able to press the panic button to alert authorities of the situation, but did not drive away out of fear that she or someone else would be shot.

After a few minutes, the two men exited the rear of the bus, and one pointed the gun at the bus while moving the gun from left to right as if he was going to spray the bus with gunfire.

Once the men were gone, the driver drove the bus a few blocks and stopped to wait for police. The driver suffered chest pains and breathing difficulty as a result of these events.

Charges against the assailants included: felonious assault, kidnapping, inducing panic, and disruption of public services.

Bradford v. Ft. Worth Transit Co.

In Texas, a group of 6 teenage boys were riding the bus when one of them tried to molest a female passenger. The driver stopped the bus and warned the boy(s) to stop bothering the female passenger. Prior to exiting, the boys engaged the driver in a verbal altercation.

The next day, the same boys boarded the same driver's bus. At the same stop, the boys cornered and blocked the driver from any avenue of escape. One boy then pulled a knife and began beating the driver.

The boys eventually backed off the bus to the ground. The driver then stood up, pulled a pistol from his shirt, and fired three shots outside and toward the back of the bus. One shot happened to kill one of the boys in the group.

The court held that since there was evidence to support the notion that the driver believed he was in danger from more than one assailant, he had to right to defend against all assailants.

Further, the court held that the driver was engaged on a personal mission and thus was not in the scope of his employment. Therefore, the Court held the transit company was not liable.

Cannon v. State

In Georgia, a driver opened the doors for an agitated young woman who approached the bus. Right after the bus stopped for the young woman, a man pulled up in a car and also approached the bus door.

Believing the man was with the woman, the driver opened the bus doors.

Rather than boarding the bus, the man brandished a handgun at the driver and ordered the woman off the bus. The man drove away with the woman, but the driver managed to write down the license plate number of the vehicle.

The man was convicted of bus hijacking, possession of a firearm during the commission of bus hijacking, aggravated assault with a deadly weapon against the bus driver, and possession of a firearm during the commission of aggravated assault.

What's being done?

RESEARCH AND LEGISLATION

Amalgamated Transit Union

- ❖ “Transit Union calls for [felony law & protective measures](#) to prevent attacks on bus drivers.”
- ❖ “The union believes a first step toward combating these attacks should be the prosecution of these individuals to the fullest extent of the law.”

Source: <https://www.atu.org>

FEDERAL TRANSIT ADMINISTRATION

July, 2015: The Transit Advisory Committee for Safety (TRACS) released

Preventing and Mitigating Transit Worker Assaults in the Bus and Rail Transit Industry covering:

- Background on assaults
- Causes for assaults
- Prevention of assault
- Full report is available online at www.transit.dot.gov

FEDERAL TRANSIT ADMINISTRATION

June-August, 2016: The Federal Transit Administration hosted the [*National Online Dialogue on Transit Worker Assault*](#).

- Opportunity for the transit industry and the public stakeholders to discuss their experiences with assaults on transit workers.
- You can browse through the Online Dialogue but can no longer comment.
- Web address: <https://usdot.uservice.com/forums/374175-national-online-dialogue-on-transit-worker-assault>

TRANSIT COOPERATIVE RESEARCH PROGRAM

Operator Protection Measures

- ❖ Barriers
- ❖ Audio and Video Surveillance
- ❖ Emergency Communications
- ❖ Self-Defense Tools and Training
- ❖ Arm drivers????



AMERICAN PUBLIC TRANSPORTATION ASSOCIATION

- ❖ Committee on Public Safety meets once a year to discuss development in policing and security affecting transit.
- ❖ The Bus Safety Committee meets twice a year to discuss safety topic affecting bus transportation.

NATIONAL TRANSIT SAFETY RESEARCH & ASSISTANCE CENTER

- ❖ Established by the Center for Urban Transportation Research to “provide resources to public transportation providers, local and state governments, the private sector, and other transit stakeholders to improve public transportation safety in the United States.”
- ❖ Maintains a list of Federal Safety Laws and Regulations on their website:
- ❖ www.transitsafetycenter.org

POSSIBLE SOLUTIONS:

- ❖ More Training
- ❖ More secure workspace
- ❖ Plexiglass to shield drivers
- ❖ Retrofit an existing bus with a door and bulletproof glass
- ❖ Requiring passengers to pay before they board
- ❖ Use aerosol deterrents, such as pepper spray, if certified.

POSSIBLE SOLUTIONS:

-Operator Safety: Protecting Bus Drivers - By Maile Bucher, [MASS TRANSIT MAGAZINE](#), November, 2016

- ❖ Install security cameras
- ❖ Call buttons to alert police
- ❖ Install bus barriers

POSSIBLE SOLUTIONS:

Armed Operators:

Brooklyn State Senator Eric Adams wants transit workers to be armed with tasers - Pete Donohue, [NEW YORK DAILY NEWS](#), April 16, 2012

Legislation

ATU CHART

ASSAULT BY STATE:

[CHART](#)



OHIO

House Bill 222

- ❖ Increase the penalty for assault when the victim is an employee of an Ohio transit system
- ❖ Fine of up to \$5000 and a six-month or lifetime prohibition from riding an Ohio transit system
- ❖ Post a warning sign indicating that abuse or assault of staff will not be tolerated and might result in a felony conviction.

OHIO

❖ [Buckeye State Sheriff's Association Legislative Report](#)

❖ [Ohio House Bill 222 Sheriff's Support](#)

MINNESOTA LAW, 2013

Previous penalty was up to 90 days in a prison and a \$1,000 fine.

- ❖ New law classifies certain assaults against bus and train operators as gross misdemeanors
- ❖ Punishable by up to a year in prison and a \$3,000 fine.

NEW YORK STATE]

Assault a Transit Employee

and You WILL Go to Jail

December 05th, 2013

Assault on a bus operator is
a Class D felony.



MISSOURI STATE LAW

[SENATE BILL 43](#) passed in 2013 increased the penalties:

- ❖ Assault in the first degree to a Class B felony
- ❖ Assault in the second degree to a Class C felony
- ❖ Assault in the third degree to a Class B misdemeanor.

PENNSYLVANIA

[House Bill 279 of 2015](#)

The Pennsylvania state legislature is considering a bill that would make an attack on a public transit driver an automatic first- or second-degree felony.

**Assaulting a
SEPTA Transit
Operator is a**

CRIME



"I will prosecute to the fullest extent the law allows."

Seth Williams

Philadelphia District Attorney

 **SEPTA**

MASSACHUSETTS

Police officers [have] the ability to arrest an individual who assaults a public employee while operating a public transit vehicle.



carmensunion589.org/2014/07/public-transit-workers-gain-assault-protections-in-mass-budget/

IN CONCLUSION

- ❖ Be Vigilant
- ❖ Be Proactive with management
- ❖ Be Proactive with elected leaders
- ❖ Be alert
- ❖ Be careful

Thank you.

WWW.JPILAW.COM

Joseph S. Pass, Esquire
Jubelirer, Pass & Intrieri, P.C.
219 Fort Pitt Blvd.
Pittsburgh, PA 15222
412-281-3850
jsp@jpilaw.com
www.jpilaw.com