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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R.

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 HOUSE OF REPRESENTATIVES

Mrs. NAPOLITANO introduced the following bill; which was referred to the Committee on _____

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”.

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

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

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

8 “(1) REQUIREMENTS.—Not later than 2 years
9 after the date of the enactment of this subsection,
10 the Secretary shall require each recipient that oper-
11 ates fixed route bus service to—

12 “(A) develop a risk reduction program for
13 bus operations under paragraph (2) to improve
14 safety by reducing the number and rates of ac-
15 cidents, injuries, assaults on bus operators, and
16 fatalities;

17 “(B) submit the program, including any
18 the implementation plan required under para-
19 graph (3), to the Secretary for review and ap-
20 proval; and

21 “(C) implement the program and plans ap-
22 proved by the Secretary.

23 “(2) DEVELOPMENT OF PROGRAM.—A recipient
24 required to develop and submit a risk reduction pro-
25 gram for bus operations under paragraph (1)—

1 “(A) shall develop such program by con-
2 ducting risk analysis on the bus operations of
3 the recipient;

4 “(B) may incorporate such program into
5 an applicable comprehensive safety plan that
6 such recipient prepares pursuant to subsection
7 (d), if all requirements under this subsection
8 are addressed in the recipient’s comprehensive
9 safety plan; and

10 “(C) shall develop such program in co-
11 operation with bus operators and collective bar-
12 gaining representatives of bus operators, includ-
13 ing the development of—

14 “(i) the risk analysis required under
15 subparagraph (A); and

16 “(ii) implementation plans required
17 under paragraph (3).

18 “(3) IMPLEMENTATION PLAN.—Each risk re-
19 duction program for bus operations under paragraph
20 (1) shall include an implementation plan for—

21 “(A) reduction of vehicular and pedestrian
22 accidents involving buses that includes—

23 “(i) deployment of driver assistance
24 technologies for bus operators that reduce
25 or prevent accidents; and

1 “(ii) measures to reduce visibility im-
2 pairments for bus operators that con-
3 tribute to accidents, including retrofits to
4 buses in revenue service and specifications
5 for future procurements that reduce visi-
6 bility impairments;

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

9 “(i) the deployment of assault mitiga-
10 tion infrastructure and technology on
11 buses, including barriers to restrict the un-
12 wanted entry of individuals and objects
13 into bus operators’ workstations when a re-
14 cipient’s risk analysis determines that such
15 barriers would reduce assaults and injuries
16 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) other measures that the Secretary de-
24 termines would significantly reduce the number
25 and rate of accidents, injuries, assaults on bus

1 operators, and fatalities related to bus oper-
2 ations;

3 “(4) UPDATING REQUIREMENTS.—The Sec-
4 retary shall require each recipient required to de-
5 velop a program under paragraph (1) to—

6 “(A) update such program annually; and

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

10 (b) FAST ACT.—Section 3022(a) of the Fixing
11 America’s Surface Transportation Act (49 U.S.C. 5329
12 note) is amended by adding the following new sentence:
13 “Not later than 1 year after the date of the enactment
14 of the Bus Operator and Pedestrian Protection Act, the
15 Secretary shall issue a final rule regarding the protection
16 of public transportation operators from the risk of as-
17 sault.”

18 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) AMOUNT AND DURATION.—There are authorized
20 to be appropriated to carry out implementation plans
21 under the risk reduction program described in section
22 5329(l) of title 49, United States Code, as added by sec-
23 tion 2 of this Act, \$25,000,000 for each of fiscal years
24 2019 through 2023.

1 (b) FORMULA.—Of the amounts made available to
2 carry out this subsection for a fiscal year—

3 (1) 80 percent shall be distributed under the
4 formula set forth in section 5336 of title 49, United
5 States Code, other than subsection (b) of such sec-
6 tion; and

7 (2) 20 percent of shall be distributed under the
8 formula set forth in section 5311(c)(3) of such title

9 **SEC. 4. OPERATOR ASSAULT DATA.**

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

12 “(d) OPERATOR ASSAULT DATA.—

13 “(1) REPORT.—The recipient of a grant under
14 this chapter shall report to the Secretary, for inclu-
15 sion in the National Transit Database, any informa-
16 tion on each assault on an operator.

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

21 “(3) DEFINITION.—For purposes of this sub-
22 section:

23 “(A) The term ‘assault on an operator’
24 means any circumstance when a individual
25 knowingly and without lawful authority or per-

1 mission with intent to endanger the safety or
2 health of any individual, or with a reckless dis-
3 regard for the safety or health of human life,
4 interferes with, disables, or incapacitates any
5 dispatcher, driver, captain, locomotive engineer,
6 railroad conductor, or other individual while the
7 individual is employed in dispatching, operating,
8 controlling, or maintaining on-track equipment
9 or a public transportation vehicle, including cir-
10 cumstances that do not require immediate med-
11 ical attention or that do not result in a fatality.

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