

Submitted by: Assembly Member Martinez
Assembly Member Johnson
Assembly Chair Constant
Prepared by: Assembly Counsel's Office
For reading: March 5, 2024

ANCHORAGE, ALASKA
AO No. 2024-20(S)

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE SECTIONS 8.05.015, 8.10.010, and 11.70.030 TO EXPAND**
3 **AND CLEARLY DEFINE LEGAL PROTECTIONS FOR PUBLIC TRANSIT**
4 **WORKERS.**
5

6
7 **WHEREAS**, public transit **workers** **[employees]** are frontline critical public servants
8 who worked tirelessly in the face of the challenges posed by the COVID-19
9 pandemic by operating and maintaining buses throughout the entire time; and
10

11 **WHEREAS**, public transit **workers** **[employees]** kept the Municipality safely
12 moving during the most recent record snowfalls, when schools and businesses were
13 closed, operating all but one day during the numerous snowfall events; and
14

15 **WHEREAS**, public transit **workers** **[employees]** frequently go above and beyond,
16 perform their duties with professionalism, work long hours, and safely maneuver
17 large buses through traffic, around tight corners, narrow streets, detours, and
18 through all sorts of weather; and
19

20 **WHEREAS**, according to the Federal Transit Administration (**FTA**), the rate of
21 attacks on transit operators nationwide has increased more than 400 percent
22 throughout the 2010s; and
23

24 **WHEREAS**, **everyone deserves a safe workplace, including public transit**
25 **workers who are responsible for keeping the Municipality moving everyday**
26 **by providing safe, reliable, efficient, and affordable access to local jobs,**
27 **schools and educational opportunities, medical appointments, groceries,**
28 **pharmacies, and other daily life activities; and**
29

30 **WHEREAS**, **public transit workers include anyone involved in any aspect of**
31 **an agency's public transit operations, not just those who drive buses but also**
32 **those who provide customer service, bus stop site enhancements, security,**
33 **planning and scheduling, maintenance, accounting and grant management,**
34 **department and division oversight, etc. are all considered public transit**
35 **workers as their important work touches the transit program; and**
36

37 **WHEREAS**, **with the rise in public transit worker assaults, the FTA now**
38 **requires transit agencies to report physical and non-physical assaults**
39 **quarterly and annually through the National Transit Database on public transit**
40 **workers to maintain federal funding compliance; and**
41

42 **WHEREAS**, the provision of the Municipality's penal code proscribing assault as an

1 offense against persons, AMC 8.10.010, creates a particular protected class of
2 public servants which currently includes police and firefighters, but omits other first
3 responders as well as public transit workers; now, therefore,
4

5 **THE ANCHORAGE ASSEMBLY ORDAINS:**

6
7 **Section 1.** Anchorage Municipal Code section 8.05.015 is hereby amended to
8 read as follows (*the remainder of the section is not affected and therefore not set*
9 *out*):

10
11 **8.05.015 Definitions.**

12
13 A. *Definitions.* Except as otherwise provided in this title or unless the
14 context clearly indicates otherwise, the definitions of the words and
15 phrases in AS 11.81.900, or the definitions applicable to the Alaska
16 Statutes provisions corresponding to the offense described in sections
17 of this title, shall be the definitions of those same words and phrases
18 used in this title. The definitions of words and terms below shall apply
19 for purposes of this title unless otherwise provided:
20

21 1. *Animal control officer* means public employee charged by law
22 with the duty to enforce the provisions of Title 17 of the
23 Anchorage Municipal Code.

24
25 2. *Camping* means the use of space for the purpose of sleeping
26 or establishing temporary living quarters, including, but not
27 limited to, erection of a tent or other shelter.
28

29 3[2]. *Child* refers to any person under 16 years of age.

30
31 [3. FAMILY MEMBER MEANS A:

32
33 A. SPOUSE, CHILD, GRANDCHILD, PARENT,
34 GRANDPARENT, SIBLING, UNCLE, AUNT, NEPHEW
35 OR NIECE OF THE VICTIM, WHETHER RELATED BY
36 BLOOD, MARRIAGE OR ADOPTION;
37

38 B. PERSON WHO LIVES, OR HAS PREVIOUSLY LIVED,
39 IN A SPOUSAL RELATIONSHIP WITH THE VICTIM;
40

41 C. PERSON WHO LIVES IN THE SAME HOUSEHOLD AS
42 THE VICTIM; OR
43

44 D. PERSON WHO IS A FORMER SPOUSE OF THE
45 VICTIM OR IS OR HAS BEEN IN A DATING,
46 COURTSHIP OR ENGAGEMENT RELATIONSHIP
47 WITH THE VICTIM.]
48

49 4. *Domestic violence and crime involving domestic violence* mean
50 one or more of the following offenses or an offense under a law
51 or ordinance of another jurisdiction having elements similar to

1 these offenses, or an attempt to commit the offense, by a
2 household member against another household member:

- 3
4 a. A crime against the person under AMC 8.10;
5
6 b. Criminal trespass under AMC 8.45;
7
8 c. Criminally negligent burning under AMC 8.20.030;
9
10 d. Criminal mischief under AMC 8.20.010;
11
12 e. Violating a protective order under AMC 8.30.105;
13
14 f. Harassment under AMC 8.10.110.
15

16 For purposes of this section, household member has the
17 definition assigned to that term by AS 18.66.990(5).
18

19 5. Family member means a:
20

- 21 a. Spouse, child, grandchild, parent, grandparent, sibling,
22 uncle, aunt, nephew or niece of the victim, whether
23 related by blood, marriage or adoption;
24
25 b. Person who lives, or has previously lived, in a spousal
26 relationship with the victim;
27
28 c. Person who lives in the same household as the victim;
29 or
30
31 d. Person who is a former spouse of the victim or is or has
32 been in a dating, courtship or engagement relationship
33 with the victim.
34

35 6. First Responder means [~~“peace officer” as defined by AS~~
36 ~~11.81.900,~~ firefighter, paramedic, emergency medical
37 technician, member of the mobile crisis team or crisis
38 intervention team, ~~“peace officer” as defined by AS~~
39 ~~11.81.900,~~ or other public employee, who, in the course of their
40 professional duties, responds to fire, medical, hazardous
41 material, or other similar emergencies.
42

43 7. Lawful order means an order which is given where the
44 defendant's conduct or speech substantially impedes an officer
45 in the performance of any duties in effecting an arrest, in
46 investigating a crime, or in ensuring the public safety.
47

48 8[6]. Minor refers to any person under 18 years of age.
49

50 9[7]. Minor offense means a noncriminal offense punishable only by
51 a fine, but not by imprisonment or other penalty; conviction of a

1 minor offense does not give rise to any disability or legal
 2 disadvantage based on conviction of a crime; a person charged
 3 with a minor offense is not entitled to a trial by jury or to have a
 4 public defender or other counsel appointed at public expense
 5 to represent the person.
 6

7 10. Public transit worker means ~~an[a-public]~~ employee of a
 8 Federal Transit Administration (FTA) applicant, recipient,
 9 subrecipient, or contractor who is involved in any aspect
 10 of an agency's public transit operation funded by the FTA,
 11 including those employees who, in the course of their
 12 professional duties, operates a vehicle under the People
 13 Mover, AnchorRIDES, [RideShare] or any other program
 14 operating under the authority of chapter 11.70.
 15

16 (AO No. 2014-42, § 1, 6-21-14)
 17

18 **Section 2.** Anchorage Municipal Code section 8.10.010 is hereby amended to
 19 read as follows:
 20

21 **8.10.010 Assault.**
 22

- 23 A. It is unlawful for any person to commit an assault.
 24
 25 B. A person commits an assault if:
 26
 27 1. That person recklessly causes physical injury to another
 28 person;
 29
 30 2. With criminal negligence that person causes physical injury to
 31 another person by means of a dangerous instrument;
 32
 33 3. By words or other conduct that person recklessly places
 34 another person in fear of imminent physical injury; or
 35
 36 4. That person recklessly uses words or other conduct which
 37 places a family member in reasonable fear of imminent physical
 38 injury or death to that family member or another person,
 39 provided however, this subsection does not prohibit lawful
 40 discipline of a minor by a parent or another person with lawful
 41 physical custody or control of a minor.
 42
 43 C. A peace officer without a warrant may arrest a person if the peace
 44 officer has probable cause to believe the person has, either in or
 45 outside the presence of the officer, committed a crime involving
 46 domestic violence as defined in AMC 8.05.015.4 and AS 18.66.990.
 47
 48 D. It is unlawful when an assault is committed against the person of a
 49 public transit worker, first responder, [POLICE OFFICER,
 50 FIREFIGHTER, PARAMEDIC] or animal control officer and the person
 51 committing the offense knows or reasonably should know that such

1 victim is a public transit worker, first responder, [POLICE OFFICER,
2 FIREFIGHTER, PARAMEDIC] or animal control officer engaged in the
3 performance of official duties.
4

- 5 E. Violation of this section is a class A misdemeanor. Violation of
6 subsection D. may be considered by the court as an aggravating factor
7 in sentencing a defendant convicted under this section.
8

9 (AO No. 79-24; AO No. 85-209; AO No. 93-41; AO No. 97-66, § 1, 5-6-97;
10 AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2011-
11 110, § 2, 11-8-11; AO No. 2014-42, § 1, 6-21-14)
12

13 **Section 3.** Anchorage Municipal Code section 11.70.030 is hereby amended to
14 read as follows:
15

16 **11.70.030 Prohibited acts.**
17

- 18 A. It is unlawful for any person while aboard a passenger vehicle which
19 is transporting passengers in regular route service within the limits of
20 the Municipality of Anchorage to:
21

- 22 1. Smoke, consume, or use a lighted or smoldering pipe, cigar,
23 cigarette, **[OR]** any other tobacco product, **marijuana, or any**
24 **illegal substance;**
25
- 26 2. Drink or consume alcohol or transport open alcohol containers;
27
- 28 3. Disturb or harass other passengers;
29
- 30 4. Discard, dispose, place, throw, or drop any litter, food or drink
31 in or from a passenger vehicle, except into receptacles
32 designated for that purpose;
33
- 34 5. Play any radio, MP3 player, boom box, cassette record,
35 musical instrument or other such device, unless it is connected
36 to an earphone that limits the sound to the individual user;
37
- 38 6. Carry any live animals except:
39
 - 40 a. Properly contained small animals; or
 - 41
 - 42 b. A service animal accompanied by a passenger with a
43 disability or a trainer;
44
- 45 7. Stand in front of the white/yellow line marked on the forward
46 end of the floor of any passenger vehicle or otherwise conduct
47 himself/herself in such a manner as to obstruct the vision of the
48 passenger vehicle operator;
49
- 50 8. Knowingly fail or refuse to pay the applicable fare for
51 transportation on the passenger vehicle in cash, **check, credit**

1 card, or by mobile ticketing [OR TOKENS] in the required
2 manner;

3
4 9. Present a pass, badge or other fare medium when the person
5 presenting such far knows that the pass, badge or other fare
6 medium is not valid;

7
8 10. Violate indecent exposure or exhibition laws as defined in
9 section 8.10.080;

10
11 11. Willfully obstruct, impede, hinder, interfere with or otherwise
12 disrupt the safe and efficient operation of the passenger vehicle
13 or any passenger vehicle operator in the performance of his/her
14 duties;

15
16 12. Distribute handbills or flyers on any topic or solicit or panhandle
17 from passengers;

18
19 13. Use abusive language, insulting threats, or any other type of
20 obscenity or physical abuse upon a public transit worker
21 **[PASSENGER VEHICLE OPERATOR]** or another passenger;

22
23 14. Vandalize or destroy any portion of a passenger vehicle;

24
25 15. Deposit bodily fluids such as spit, urine, feces, vomit or blood
26 in a passenger vehicle;

27
28 16. Carry any flammable or combustible liquids, explosives, acids
29 or any other item inherently dangerous or offense to others;

30
31 17. Conduct cell phone conversations on speaker phone;

32
33 18. Refuse to leave a public transportation department facility,
34 bus stop, or passenger vehicle at the request of a public
35 transit worker [PASSENGER VEHICLE OPERATOR] after
36 violating this section.

37
38 B. Any person who engages in the prohibited acts identified in
39 subsection 11.70.030A. may be subject to penalties ranging from
40 a written warning letter to a lifetime ban revoking access to all
41 public transportation department facilities, bus stops, or
42 passenger vehicles. The public transportation department shall
43 provide for and publish the department's penalty policy and
44 appeal process.

45
46 C. Any person convicted of assaulting a public transit worker under
47 subsection[Section] 8.10.010D. shall be automatically banned from
48 the public transit system for a period of one year, beginning on the
49 date of sentencing for a conviction.

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51 (AO No. 2000-127(S), § 1, 10-14-00; AO No. 2009-112, § 2, 10-13-09)

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Section 4. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2024.

Chair

ATTEST:

Municipal Clerk

MUNICIPALITY OF ANCHORAGE



ASSEMBLY MEMORANDUM

No. AM 232-2024

Meeting Date: March 5, 2024

1 **From: Assembly Member Martinez**

2
3 **Subject: AO 2024-20(S) - AN ORDINANCE OF THE ANCHORAGE**
4 **ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 8.05.015,**
5 **8.10.010, and 11.70.030 TO EXPAND AND CLEARLY DEFINE LEGAL**
6 **PROTECTIONS FOR PUBLIC TRANSIT WORKERS.**

7
8 The substitute S version to AO 2024-20 proposes the following changes:

- 9
10 • Inserting several additional findings of fact to the “Whereas” clauses to
11 provided additional information and context in support of the changes
12 proposed by the ordinance.
13 • Section 1. Amending section 8.05.015 to modify the definitions previously
14 proposed. Specifically, it:
15 ○ Reorders some of the language used to define “First Responder” to clarify
16 that “peace officer” is a separate and distinct category within term of “first
17 responder” and that other first responders, such as firefighters,
18 paramedics, EMTs should never be construed as falling within the
19 meaning of the term “peace officer.”
20 ○ Amends the definition of public transit worker to expand the protections
21 proposed to extend to anyone involved in any aspect of an agency’s
22 public transit operations, not just those who drive vehicles.
23 • Section 3. Amending the language in section 11.70.030 to update and
24 expand the terms defining “prohibited conduct” and inserting a new
25 subsection B to provide a foundation in code for the Public Transportation
26 Department’s administrative penalty process.

27
28 Additionally, the S version corrects minor drafting errors throughout the original
29 ordinance as well as amending both existing and proposed language to consistently
30 employ the term “public transit worker.”

31
32
33 **I request your support for the ordinance.**

34
35 Reviewed by: Assembly Counsel’s Office

36
37 Respectfully submitted: George Martinez, Assembly Member
38 District 5, East Anchorage
39



MUNICIPALITY OF ANCHORAGE
Assembly Information Memorandum

No. AIM 36-2024

Meeting Date: March 5, 2024

1 **From: ASSEMBLY MEMBER MARTINEZ**

2
3 **Subject: AO 2024-20(S) - INFORMATION FOR THE ASSEMBLY'S**
4 **CONSIDERATION.**

5
6
7 For the Assembly's consideration; please see the attached memorandum from the
8 Public Transportation Department Director concerning assaults against public
9 transit workers.

10
11
12
13 Prepared by: Assembly Counsel's Office

14
15 Respectfully submitted: George Martinez, Assembly Member
16 District 5, East Anchorage
17
18
19

Municipality of Anchorage
Public Transportation Department
Memorandum



Date: 26 February 2024

TO: Mayor Bronson

THROUGH: Kent Kohlhase, Municipal Manager
Kolby Hickel, Deputy Municipal Manager

FROM: Jamie Acton, Public Transportation Department Director *jma*

SUBJECT: Public Transit Worker Assaults

BACKGROUND

According to data from the Federal Transit Administration’s (FTA) National Transit Database (NTD), violent assaults on public transit workers have tripled across the industry over the last 15 years.

Assaults on public transit workers are caused by a variety of factors, primarily stemming from fare and rule disputes from passengers on transit vehicles, at bus stops, and transit facilities. However, many assaults are uncategorized and appear to be random acts of violence. All public transit workers are at risk of assault – not just bus operators.

As a result, of the increase in assault frequency and violent nature, the FTA recently amended its definition of assault and changed the required reporting necessary when an assault occurs. According to FTA a physical assault is one where the assailant makes physical contact with the worker, including bodily contact (including saliva) or by any object, weapon, or projectile to do so. A Non-physical assault include verbal threats, harassment, intimidation, or interference with a worker’s duties. For example: a transit rider attempts to strike a supervisor with a metal bar, but no physical contact was made would be categorized as a non-physical assault on a transit worker.

Unfortunately, Public Transportation Department (PTD) employees are not immune to physical and non-physical assaults. During my time as PTD director (the last 6 years), every PTD division (People Mover & AnchorRIDES Operations, Planning/Marketing/Comms, Customer Service, Maintenance, and Admin/Finance) have all experienced some form or variation of assault.

In PTD’s short-range transit plan “Transit on the Move,” the community identified Transit Security (on and off vehicles) as priority #3 out of the 29 projects ranked. In January 2023, PTD utilized FTA grant funds (expiring 2028), to establish a contracted Transit Security program with Securitas.

NEXT STEPS

- Pass Assembly Ordinance (AO) 2024-20S. This AO expands and clearly defines the legal protections in Anchorage Municipal Code (AMC) for public transit workers. Additionally, the AO amends AMC sections 8.05.015, 8.10.010, and 11.70.030.

Municipality of Anchorage
Public Transportation Department
Memorandum



NEXT STEPS CONTINUED

- Introduce State Legislation that increases consequences for assaults on public transit workers. In more than 30 states, assaulting a public transit worker is classified as a special category of misdemeanor associated with greater punitive measures, including jail time, fines up to \$215,000, and permanent banishment from transit.
- Lessen the opportunity for assault. Nationwide advocates, contractors, and unions are pushing for the role of fare collection and its enforcement to be removed from transit operator responsibilities, as this interaction serves as the trigger for many attacks. They are also pushing for driver compartment redesign that completely physically separates drivers from passengers on buses.
- Train and support all public transit workers for the conditions they presently face within their role at PTD. De-escalation, assault awareness and prevention, and cultural sensitivity training should be conducted annually, with refreshers offered as needed for all PTD staff. Additionally, provide improved and increased support for any public transit worker that experiences a physical or non-physical assault. Support is currently provided through the Municipality of Anchorage (MOA) Employee Assistance Program (EAP), Workers' Compensation, and unofficially by PTD management.
- Resurrect the PTD "Ride with Respect" marketing campaign. This internal and external campaign encourages passengers and public transit workers to commit to treating everyone with kindness and respect by following the PTD Code of Conduct.