

Submitted by: Assembly Member Martinez
Assembly Member Johnson
Prepared by: Assembly Counsel's Office
For reading:

ANCHORAGE, ALASKA
AO No. 2024-20

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 employees are frontline critical public servants who
8 worked tirelessly in the face of the challenges posed by the COVID-19 pandemic by
9 operating and maintaining buses throughout the entire time; and

10
11 **WHEREAS**, public transit employees kept the Municipality safely moving during the
12 most recent record snowfalls, when schools and businesses were closed, operating
13 all but one day during the numerous snowfall events; and

14
15 **WHEREAS**, public transit employees frequently go above and beyond, perform their
16 duties with professionalism, work long hours, and safely maneuver large buses
17 through traffic, around tight corners, narrow streets, detours, and through all sorts
18 of weather; and

19
20 **WHEREAS**, according to the Federal Transit Administration, the rate of attacks on
21 transit operators nationwide has increased more than 400 percent throughout the
22 2010s; and

23
24 **WHEREAS**, the provision of the Municipality's penal code proscribing assault as an
25 offense against persons, AMC 8.10.010, creates a particular protected class of
26 public servants which currently includes police and firefighters, but omits other first
27 responders as well as public transit workers; now, therefore,

28
29 **THE ANCHORAGE ASSEMBLY ORDAINS:**
30

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

34
35 **8.05.015 Definitions.**

36
37 A. *Definitions.* Except as otherwise provided in this title or unless the
38 context clearly indicates otherwise, the definitions of the words and
39 phrases in AS 11.81.900, or the definitions applicable to the Alaska
40 Statutes provisions corresponding to the offense described in sections
41 of this title, shall be the definitions of those same words and phrases
42 used in this title. The definitions of words and terms below shall apply
43 for purposes of this title unless otherwise provided:

1
2 1. *Animal control officer* means a public employee charged by law
3 with the duty to enforce the provisions of Title 17 of this Code.

4
5 2. *Camping* means the use of space for the purpose of sleeping
6 or establishing temporary living quarters, including, but not
7 limited to, erection of a tent or other shelter.

8
9 3[2]. *Child* refers to any person under 16 years of age.

10
11 [3. *FAMILY MEMBER* MEANS A:

12
13 A. SPOUSE, CHILD, GRANDCHILD, PARENT,
14 GRANDPARENT, SIBLING, UNCLE, AUNT, NEPHEW
15 OR NIECE OF THE VICTIM, WHETHER RELATED BY
16 BLOOD, MARRIAGE OR ADOPTION;

17
18 B. PERSON WHO LIVES, OR HAS PREVIOUSLY LIVED,
19 IN A SPOUSAL RELATIONSHIP WITH THE VICTIM;

20
21 C. PERSON WHO LIVES IN THE SAME HOUSEHOLD AS
22 THE VICTIM; OR

23
24 D. PERSON WHO IS A FORMER SPOUSE OF THE
25 VICTIM OR IS OR HAS BEEN IN A DATING,
26 COURTSHIP OR ENGAGEMENT RELATIONSHIP
27 WITH THE VICTIM.]

28
29 4. *Domestic violence and crime involving domestic violence* mean
30 one or more of the following offenses or an offense under a law
31 or ordinance of another jurisdiction having elements similar to
32 these offenses, or an attempt to commit the offense, by a
33 household member against another household member:

34
35 a. A crime against the person under AMC 8.10;

36
37 b. Criminal trespass under AMC 8.45;

38
39 c. Criminally negligent burning under AMC 8.20.030;

40
41 d. Criminal mischief under AMC 8.20.010;

42
43 e. Violating a protective order under AMC 8.30.105;

44
45 f. Harassment under AMC 8.10.110.

46
47 For purposes of this section, household member has the
48 definition assigned to that term by AS 18.66.990(5).

49
50 5. *Family member* means a:
51

- 1 a. Spouse, child, grandchild, parent, grandparent, sibling,
2 uncle, aunt, nephew or niece of the victim, whether
3 related by blood, marriage or adoption;
4
5 b. Person who lives, or has previously lived, in a spousal
6 relationship with the victim;
7
8 c. Person who lives in the same household as the victim;
9 or
10
11 d. Person who is a former spouse of the victim or is or has
12 been in a dating, courtship or engagement relationship
13 with the victim.
14
15 6. First Responder means “peace officer” as defined by AS
16 11.81.900, firefighter, paramedic, emergency medical
17 technician, member of the mobile crisis team or crisis
18 intervention team, or other public employee, who, in the course
19 of their professional duties, responds to fire, medical,
20 hazardous material, or other similar emergencies.
21
22 7. *Lawful order* means an order which is given where the
23 defendant's conduct or speech substantially impedes an officer
24 in the performance of any duties in effecting an arrest, in
25 investigating a crime, or in ensuring the public safety.
26
27 8[6]. *Minor* refers to any person under 18 years of age.
28
29 9[7]. *Minor offense* means a noncriminal offense punishable only by
30 a fine, but not by imprisonment or other penalty; conviction of a
31 minor offense does not give rise to any disability or legal
32 disadvantage based on conviction of a crime; a person charged
33 with a minor offense is not entitled to a trial by jury or to have a
34 public defender or other counsel appointed at public expense
35 to represent the person.
36
37 10. Public transit worker means a public employee who, in the
38 course of their professional duties, operates a vehicle under the
39 PeopleMover, AnchorRIDES, RideShare or any other program
40 operating under the authority of chapter 11.70.

41
42 (AO No. 2014-42, § 1, 6-21-14)

43
44 **Section 2.** Anchorage Municipal Code section 8.10.010 is hereby amended to
45 read as follows (*the remainder of the section is not affected and therefore not set*
46 *out*):

47 **8.10.010 Assault.**

- 48
49 A. It is unlawful for any person to commit an assault.
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51 B. A person commits an assault if:

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1. That person recklessly causes physical injury to another person;
 2. With criminal negligence that person causes physical injury to another person by means of a dangerous instrument;
 3. By words or other conduct that person recklessly places another person in fear of imminent physical injury; or
 4. That person recklessly uses words or other conduct which places a family member in reasonable fear of imminent physical injury or death to that family member or another person, provided however, this subsection does not prohibit lawful discipline of a minor by a parent or another person with lawful physical custody or control of a minor.
- C. A peace officer without a warrant may arrest a person if the peace officer has probable cause to believe the person has, either in or outside the presence of the officer, committed a crime involving domestic violence as defined in AMC 8.05.015.4 and AS 18.66.990.
- D. It is unlawful when an assault is committed against the person of a public transit worker, first responder, [POLICE OFFICER, FIREFIGHTER, PARAMEDIC] or animal control officer and the person committing the offense knows or reasonably should know that such victim is a public transit worker, first responder, [POLICE OFFICER, FIREFIGHTER, PARAMEDIC] or animal control officer engaged in the performance of official duties.
- E. Violation of this section is a class A misdemeanor. Violation of subsection D. may be considered by the court as an aggravating factor in sentencing a defendant convicted under this section.

35 (AO No. 79-24; AO No. 85-209; AO No. 93-41; AO No. 97-66, § 1, 5-6-97;
36 AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2011-
37 110, § 2, 11-8-11; AO No. 2014-42, § 1, 6-21-14)

38
39 **Section 3.** Anchorage Municipal Code section 11.70.030 is hereby amended to
40 read as follows:

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42 **11.70.030 Prohibited acts.**

- 43
44 A. It is unlawful for any person while aboard a passenger vehicle which
45 is transporting passengers in regular route service within the limits of
46 the Municipality of Anchorage to:
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48 1. Smoke, consume, or use a lighted or smoldering pipe, cigar,
49 cigarette or any other tobacco product;
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51 2. Drink or consume alcohol or transport open alcohol containers;

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3. Disturb or harass other passengers;
4. Discard, dispose, place, throw, or drop any litter, food or drink in or from a passenger vehicle, except into receptacles designated for that purpose;
5. Play any radio, MP3 player, boom box, cassette recorder, musical instrument or other such device, unless it is connected to an earphone that limits the sound to the individual user;
6. Carry any live animals except:
 - a. Properly contained small animals; or
 - b. A service animal accompanied by a passenger with a disability or a trainer;
7. Stand in front of the white/yellow line marked on the forward end of the floor of any passenger vehicle or otherwise conduct himself/herself in such a manner as to obstruct the vision of the passenger vehicle operator;
8. Knowingly fail or refuse to pay the applicable fare for transportation on the passenger vehicle in cash or tokens in the required manner;
9. Present a pass, badge or other fare medium when the person presenting such fare knows that the pass, badge or other fare medium is not valid;
10. Violate indecent exposure or exhibition laws as defined in section 8.10.080;
11. Willfully obstruct, impede, hinder, interfere with or otherwise disrupt the safe and efficient operation of the passenger vehicle or any passenger vehicle operator in the performance of his/her duties;
12. Distribute handbills or flyers on any topic or solicit or panhandle from passengers;
13. Use abusive language, insulting threats, or any other type of obscenity or physical abuse upon a passenger vehicle operator or another passenger;
14. Vandalize or destroy any portion of a passenger vehicle;
15. Deposit bodily fluids such as spit, urine, feces, vomit or blood in a passenger vehicle;

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- 16. Carry any flammable or combustible liquids, explosives, acids or any other item inherently dangerous or offense to others;
- 17. Conduct cell phone conversations on speaker phone;
- 18. Refuse to leave a passenger vehicle at the request of a passenger vehicle operator after violating this section.

B. Any person convicted of assaulting a public transit worker under Section 8.10.010D. shall be automatically banned from the public transit system for a period of one year, beginning on the date of sentencing for a conviction.

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

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 156-2024

Meeting Date: February 13, 2024

1 **From: Assembly Member Martinez**

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

7
8 The intent of the proposed ordinance is to provide more robust protections to our
9 public transit workers who are exposed to the risk of assault by their customers. The
10 proposed ordinance would expand the classes of persons specifically protected
11 under Anchorage Municipal Code section 8.10.010D. to include public transit
12 workers and explicitly provide for the court to consider the status of these victims in
13 rendering a sentence following a conviction. Additionally, this ordinance amends
14 AMC section 11.70.030 to automatically bar anyone convicted of assaulting a public
15 transit worker from utilizing the public transit system for one year from the date of
16 sentencing for a conviction.

17
18 Finally, this ordinance clarifies the protected classes by introducing more precise
19 definitions within AMC section 8.05.015, enlarging the class to include all first
20 responders, as well as reorganizing these provisions to maintain alphabetical order.

21
22 **I request your support for the ordinance.**

23
24 Reviewed by: Assembly Counsel's Office

25
26 Respectfully submitted: George Martinez, Assembly Member
27 District 5, East Anchorage



MUNICIPALITY OF ANCHORAGE
Assembly Information Memorandum

No. AIM 19-2024

Meeting Date: February 13, 2024

1 **From: ASSEMBLY MEMBER MARTINEZ**

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

5
6
7 For the Assembly's consideration; please see the attached article from
8 governing.com concerning the recent rise in assaults against transit workers
9 nationwide.

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13 Prepared by: Assembly Counsel's Office

14
15 Respectfully submitted: George Martinez, Assembly Member
16 District 5, East Anchorage
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WORKFORCE

Rise in Bus Driver Assaults Triggers New Protection Laws

More than 30 states have laws classifying assault on transit operators as a special category of misdemeanor. Incidents are increasing, and transit workers and their unions are pushing for action at all levels of government.

March 6, 2023 • **Jared Brey**



- Advocates say transit agencies can reduce incidents by rethinking the way fares are collected.

The COVID-19 pandemic brought out the best in people — and it brought out their worst as well, says Virginia state Delegate Delores McQuinn. Suicide, substance abuse, domestic violence — “all those things escalated during that period,” McQuinn says. And as “frustration and anxiety” have boiled over into illegal acts, some people are more likely to be on the receiving end because of their jobs.

“Transit workers, who’ve been essential workers during this period, seemed to have been getting their unfair share of people targeting them and assaulting them,” McQuinn says.

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That’s why she sponsored a bill in the Virginia House of Delegates that would increase the penalties for attacking bus drivers and other transit operators. The bill, which was approved by the state Senate after amendments to remove mandatory minimum sentences, would make it a Class 1 misdemeanor to assault a transit operator, and it would ban people who are convicted of those assaults from riding the bus for at least six months.

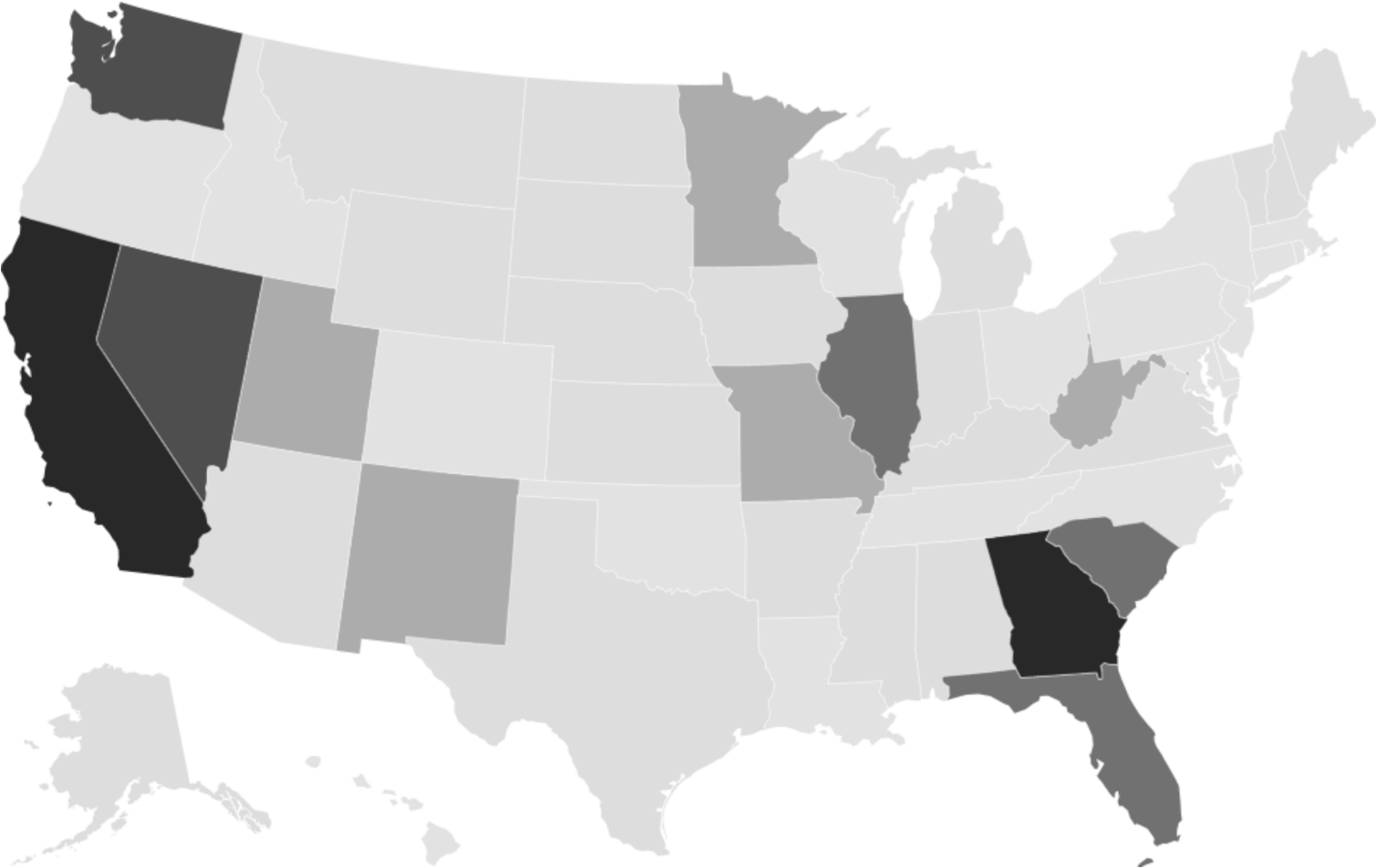
If the bill becomes law, Virginia will join more than 30 states that have laws on the books that classify assaults on bus drivers and other transit operators as a special category of violation. It’s a trend that began years ago, but which has taken on a new urgency in light of a sharp uptick in attacks. According to the Federal Transit Administration (FTA), the rate of attacks on transit operators increased more than 400 percent throughout the 2010s. The vulnerability of bus drivers and other transit workers has also been thrown into even sharper

relief during the course of the COVID-19 pandemic in the last few years.

State Laws Against Harming Transit Workers

State laws providing for specific penalties in connection with harming transit and school bus employees.

Number of State Laws



Map: Zoe Manzanetti, Governing • Source: ATU Government Affairs Department • Embed • Created with Datawrapper



The Amalgamated Transit Union (ATU), which represents public transit workers in the U.S. and Canada, has pushed for a range of measures to address operator safety at individual transit agencies and at the state and federal levels. In addition to Virginia, lawmakers in Oregon have recently moved to increase penalties for people who assault transit workers.

New Jersey passed a similar law last year, and New Jersey Transit is now working to implement a “no ride list” that permanently bans riders who attack transit operators, similar to “no fly” lists in the airline industry. In general, there’s a “double standard” when it comes to worker safety in the airline industry and on public transit, says John Costa, Amalgamated Transit Union’s international president.

“In the airline industry their reaction is very simple: You disrespect a pilot or a stewardess or anybody on the airlines, you’re taken off the plane immediately, you’re prosecuted, and you’re banned,” Costa says.

The Infrastructure Investment and Jobs Act included a provision requiring large transit agencies to create safety plans by convening safety committees made up of an equal number of labor representatives and managers. It also defines “assault on a transit worker” as an act in which someone knowingly “interferes with, disables or incapacitates a transit worker while the transit worker is performing the duties of the transit worker.” Big transit agencies will now be required to keep more detailed accounts of those assaults under FTA rules that were finalized last month. That will help workers make the case for more safety improvements, says Jeff Rosenberg, ATU’s director of government affairs.

very common for our workers to get spit on or slapped around, and a lot of times agencies would try to

sweep it under the rug,” Rosenberg says.



Recent Attacks Against Transit Workers in the U.S.

Dec. 2018 - Jan. 2023

Page 1 of 21



City	Date	Incident
Chicago, IL	January 28, 2023	A man was arrested after he sideswiped a bus and threatened the bus driver with a gun.
Kapolei, HI	January 25, 2023	A woman attacked a bus driver after confrontation over fare payment.
New York, NY	January 22, 2023	A 70-year-old MTA employee was hospitalized after she was attacked from behind on a Midtown Manhattan subway.
San Francisco, CA	January 11, 2023	A Muni bus driver was attacked with a fire extinguisher during a carjacking of the bus.
New York, NY	January 8, 2023	A passenger threatened to kill an MTA bus driver with a gun after he was asked to pay his fare.
New London, CT	December 27, 2022	A female bus operator was threatened at knifepoint outside her bus.
Jersey City, NJ	December 21, 2022	A NJ Transit bus driver was punched in the face and body multiple times by a pair of passengers.
South Salt Lake, UT	December 20, 2022	A Utah Transit Authority bus driver was hospitalized after being assaulted while taking a break. The assailant brutally beat and tried to gouge out one of bus driver eyes.
New York, NY	December 20, 2022	A man wielding a hammer attacked an MTA employee on a Manhattan subway platform, then ran off and tried to hide under a parked train.
Jersey City, NJ	December 18, 2022	A bus driver was attacked by a group of teenagers that witnesses say kicked him to the ground after he pulled over the bus to let them out.

The increasingly vulnerable working conditions have made it harder for transit agencies to attract and retain operators, contributing to a nationwide shortage of bus drivers, says Chris Van Eyken, director of research and policy at TransitCenter. Responding to assaults and other dangerous behavior on transit is a major challenge for agencies, says Van Eyken, who authored a 2021 report about safety on public transit. Beyond just increasing the amount of policing, agencies need to find ways to stop assaults before they happen — for example, by reducing the driver’s role in collecting fares, an interaction that’s one of the primary triggers for attacks, he says.

“We absolutely should be punishing people that assault and harass transit operators, but we need to be thinking about how we prevent them in the first place,” Van Eyken says.

Beyond lawmaking, groups like the ATU are pushing for changes to the physical layout of buses to give drivers more protection — from disease as well as assaults. The group recently met with Transportation Secretary Pete Buttigieg and encouraged him to step up enforcement of FTA safety directives, requiring transit agencies that receive federal funding to establish labor-management safety committees and follow through on creating safety plans. Many agencies have been slow to carry those mandates out, says Rosenberg.

While ATU supports state laws that increase the penalties for people who assault transit operators, and that bar them from getting back on the bus, Rosenberg acknowledges that they’re not likely to stop attacks from happening. Even when there are signs clearly posted on vehicles advertising the penalties for attacking transit workers, assaults tend to be spur-of-the-moment incidents in which the attackers aren’t thinking about sequences.

“We do lobby for these laws, but to be honest, I don’t think they serve as a deterrent,” Rosenberg says. “They’re just the right thing to do.”

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A Bus Driver Shortage Threatens Transit. Here’s What to Do About It.

Bus Driver Union Calls for Better Workplace Protections

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Jared Brey

Jared Brey is a senior staff writer for *Governing*. He can be found on Twitter at @jaredbrey.

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