

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

1 **WHEREAS**, the provision of the Municipality's penal code proscribing assault as an **# 13.A.**  
 2 offense against persons, AMC 8.10.010, creates a particular protected class of  
 3 public servants which currently includes police and firefighters, but omits other first  
 4 responders as well as public transit workers; now, therefore,

5  
 6 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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

11  
 12 **8.05.015 Definitions.**

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

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

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

29  
 30 3[2]. *Child* refers to any person under 16 years of age.

31  
 32 [3. FAMILY MEMBER MEANS A:

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

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

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

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

49  
 50 4. *Domestic violence and crime involving domestic violence* mean  
 51 one or more of the following offenses or an offense under a law

# 13.A.

or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

- a. A crime against the person under AMC 8.10;
- b. Criminal trespass under AMC 8.45;
- c. Criminally negligent burning under AMC 8.20.030;
- d. Criminal mischief under AMC 8.20.010;
- e. Violating a protective order under AMC 8.30.105;
- f. Harassment under AMC 8.10.110.

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

5. Family member means a:

- a. Spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew or niece of the victim, whether related by blood, marriage or adoption;
- b. Person who lives, or has previously lived, in a spousal relationship with the victim;
- c. Person who lives in the same household as the victim;  
or
- d. Person who is a former spouse of the victim or is or has been in a dating, courtship or engagement relationship with the victim.

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

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

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

9[7]. Minor offense means a noncriminal offense punishable only by

#13.A.

a fine, but not by imprisonment or other penalty; conviction of a minor offense does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a minor offense is not entitled to a trial by jury or to have a public defender or other counsel appointed at public expense to represent the person.

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

(AO No. 2014-42, § 1, 6-21-14)

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

**8.10.010 Assault.**

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

# 13.A.

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.

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

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

**11.70.030 Prohibited acts.**

- A. It is unlawful for any person while aboard a passenger vehicle which is transporting passengers in regular route service within the limits of the Municipality of Anchorage to:
1. Smoke, consume, or use a lighted or smoldering pipe, cigar, cigarette, **[OR]** any other tobacco product, **marijuana, or any illegal substance;**
  2. Drink or consume alcohol or transport open alcohol containers;
  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 record, 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

#13.A.

transportation on the passenger vehicle in cash, check, credit card, or by mobile ticketing [OR TOKENS] in the required manner;

9. Present a pass, badge or other fare medium when the person presenting such far 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 **public transit worker [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;
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 **public transportation department facility, bus stop, or** passenger vehicle at the request of a **public transit worker [PASSENGER VEHICLE OPERATOR]** after violating this section.

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

**C. Any person convicted of assaulting a public transit worker under subsection [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.**