

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 394 (Wilson)
Version: April 23, 2025
Hearing Date: July 15, 2025
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Public transportation providers

DIGEST

This bill permits a court, when issuing a temporary restraining order (TRO) or order after hearing to protect a public transit system employee from violence in the workplace, to make the order enforceable across the entirety of the public transit system where the underlying act of violence occurred, as specified.

EXECUTIVE SUMMARY

Current law provides two mechanisms for excluding persons who have engaged in acts of vandalism, harassment, or violence at a public transit location or on a public transit vehicle.

First, specified transit authorities – Sacramento Regional Transit District, the Los Angeles County Metropolitan Transportation Authority, the Fresno Area Express, the San Francisco Bay Area Rapid Transit District, the Santa Clara Transportation Authority, or the Santa Monica Department of Transportation – can issue their own administrative prohibition orders against persons who have engaged in vandalism or violence at a transit station or on a vehicle. The prohibition order process requires notice and an opportunity to be heard, and has express protections for when a prohibited person still needs to use public transit for essential life activities.

Second, all employers and collective bargaining representatives can petition for a civil restraining order from a court for an employee who has suffered harassment, violence, or a credible threat of violence at the workplace. The court can issue a TRO on an ex parte basis, and then may enter a restraining order after the respondent has been given notice and an opportunity to be heard. In order to enter a restraining order after hearing, the court must find, by clear and convincing evidence, that the respondent engaged in harassment or unlawful violence, or made credible threats of violence; upon

making this finding, the court has significant discretion to apply the order broadly, including to cover other employees at the same workplace or workplaces as the affected employee, and family members of the threatened employees. The initial order can last for up to three years, and can be renewed for up to three additional years.

This bill expands the workplace violence restraining order provisions to expressly permit a judge, at their discretion, to issue a TRO or restraining order that prohibits the subject of the order from the entirety of the public transit system, when the subject of the order engaged in a battery of a public transportation provider's employee, as defined. The bill clarifies that the "entirety of the public transit system" includes all vehicles, stations, stops, and facilities operated by the transit agency. The bill also expands the crime of battery of a transportation worker to include public transportation providers and employees and contractors of public transportation providers.

In light of concerns about inadvertently encouraging overbroad orders, the author has agreed to amend the bill to eliminate the transit-specific provision regarding the scope of orders and instead clarify that public transit employers count as employers for purposes of the workplace violence restraining order statute. These changes, which are declaratory of existing law, should help public transit employers, or their unions, obtain orders to protect their employees from workplace violence.

This bill is sponsored by ATU/Teamsters, the California Rapid Transit Association, and the SMART – Transportation Division, and is supported by over 20 private organizations and public entities. This bill is opposed by ACLU California Action and the Western Center on Law & Poverty. The Senate Public Safety Committee passed this bill with a vote of 6-0.

PROPOSED CHANGES TO THE LAW

Existing law:

1) Defines the following relevant terms:

- a) "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an employee to or from a place of work; entering the workplace; following an employee during hours of employment; making telephone calls to an employee; or sending correspondence to an employee by any means, including, but not limited to, the use of the public or private mails, interoffice mail, facsimile, or computer mail.
- b) "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family, and that serves no legitimate purpose.
- c) "Employer" and "employee" have the same meaning as in the Labor Code, as specified; "employer" also includes a federal agency, the state, a state agency,

- a city, county, or district, and a private, public, or quasi-public corporation, or any public agency thereof or therein, and “employee” also includes the members of boards of directors of private, public, and quasi-public corporations and elected and appointed public officers, and a volunteer or independent contractor who performs services for the employer at the employee’s worksite.
- d) “Harassment” is a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose; the course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause emotional distress.
 - e) “Petitioner” means the employer or collective bargaining representative that petitions under subdivision (a) for a temporary restraining order and order after hearing.
 - f) “Respondent” means the person against whom the temporary restraining order and order after hearing are sought and, if the petition is granted, the restrained person.
 - g) “Temporary restraining order” and “order after hearing” mean orders that include any of the following restraining orders, whether issued ex parte or after notice and hearing: (1) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls, as specified, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the employee; or (2) an order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in (1).
 - h) “Unlawful violence” is any assault or battery, or stalking, as specified, but does not include lawful acts of self-defense or defense of others. (Code Civ. Proc., § 527.8(b).)
- 2) Provides that an employer or collective bargaining representative of an employee, as specified, who has suffered harassment, unlawful violence, or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace, may seek a temporary restraining order and an order after hearing on behalf of the employee and, at the discretion of the court, any number of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer. (Code Civ. Proc., § 527.8(a).)
- a) Before the employer or collective bargaining representative files a petition, the employee must be given the opportunity to decline to be named in the petition; if they decline, the employer or collective bargaining representative may still bring a petition on behalf of other employees. (Code Civ. Proc., § 527.8(e).)

- b) At the discretion of the court, on a showing of good cause, a temporary restraining order or order after hearing issued may include other named family or household members, or other persons employed at the employee's workplace or workplaces. (Code Civ. Proc., § 527.8(d).)
 - c) A court may not issue a temporary restraining order or order after hearing prohibiting speech or other constitutionally protected activities, or other activities protected by law. (Code Civ. Proc., § 527.8(c).)
- 3) Provides that, upon a filing of a petition under 2), the petitioner may also obtain a TRO, which may include any of the protective orders in 1)(g), if they file a petition that, to the satisfaction of the court, shows one of the following:
- a) Reasonable proof that an employee has suffered unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm would result to an employee.
 - b) Clear and convincing evidence of all of the following: (1) that an employee has suffered harassment by the respondent; (2) that great or irreparable harm would result to an employee; (3) that the course of conduct at issue served no legitimate purpose; and (2) that the issuance of the order is not prohibited under 2)(c). (Code Civ. Proc., § 527.8(f).)
- 4) Establishes timelines and procedures for the workplace violence restraining order process, including:
- a) A request for the issuance of a TRO shall be granted or denied on the same day the petition is submitted to the court, unless it is filed too late for effective review, in which case it shall be granted or denied on the next day of judicial business.
 - b) A TRO shall remain in effect for up to 21 days, or, upon a showing of good cause, 25 days.
 - c) Upon the filing of a petition, the respondent shall be personally served with a copy of the petition, TRO, if any, and notice of hearing on the petition; service must be at least five days before the hearing, which time the court may shorten for good cause.
 - d) The respondent may file a response that explains, excuses, justifies, or denies the alleged harassment, unlawful violence, or credible threats of violence.
 - e) The respondent is entitled to one continuance, as a matter of course, for a reasonable period, to respond.
 - f) At the hearing, the judge shall receive any relevant testimony and may make an independent inquiry.
 - g) If the judge finds, by clear and convincing evidence, that the respondent engaged in harassment, engaged in unlawful violence, or made a credible threat of violence, an order shall issue prohibiting further harassment unlawful violence, or threats of violence. (Code Civ. Proc., § 527.8(g)-(k), (n), (p).)

- 5) Provides that an order after hearing issued under 4) may have a duration of not more than three years, subject to modification or termination, as specified, and an order may be renewed, upon request of a party, for a duration of not more than three years, without a showing of further harassment, unlawful violence, or credible threats of violence; if no duration is stated in the order, the duration is automatically three years. (Code Civ. Proc., § 527.8(l).)
- 6) Provides that a person subject to a protective order issued under 2) shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the order is in effect. (Code Civ. Proc., § 527.8(t).)¹
- 7) Provides that any intentional disobedience of any TRO or order after hearing granted under 2) is punishable as a misdemeanor, and subsequent violations are punishable as a wobbler, as specified. (Code Civ. Proc., § 527.8(u).)
- 8) Defines “transit district” as the Sacramento Regional Transit District, the Los Angeles County Metropolitan Transportation Authority, the Fresno Area Express, the San Francisco Bay Area Rapid Transit District, the Santa Clara Transportation Authority, or the Santa Monica Department of Transportation. (Pub. Util. Code, § 99171(e).)
- 9) Authorizes a transit district to issue a prohibition order to any person to whom the following applies:
 - a) On at least three separate occasions within a 90-day period, the person is cited for an infraction committed in or on a vehicle, bus stop, or train or light rail station of the transit district, for any of the following:
 - i. Interfering with the operator or operation of a transit vehicle, or impeding the safe boarding or alighting of passengers.
 - ii. Committing any act or engaging in any behavior that may, with reasonable foreseeability, cause harm or injury to any person or property;
 - iii. Willfully disturbing others on or in a transit facility or vehicle by engaging in boisterous or unruly behavior;
 - iv. Carrying an explosive, acid, or flammable liquid in a public transit facility or vehicle;
 - v. Urinating or defecating in a transit facility or vehicle, except in a lavatory;
 - vi. Willfully blocking the free movement of another person in a transit facility or vehicle; or
 - vii. Defacing with graffiti the interior or exterior of the facilities or vehicles of a public transportation system.

¹ Beginning January 1, 2026, a person subject to a workplace violence restraining order will also be prohibited from possessing or purchasing ammunition. (See SB 899 (Skinner, Ch. 544, stats. 2024).)

- b) The person is arrested or convicted for a misdemeanor or a felony committed in or on a vehicle, bus stop, or light rail station for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance.
 - c) The person is convicted of loitering with the intent to commit specified drug offenses. (Pub. Util. Code, § 99171(a)(1).)
- 10) Provides that a person subject to an order under 9) may not enter the property, facilities, or vehicles of the transit district for a period of time deemed appropriate by the transit district, subject to the following time limits:
- a) Thirty days for the infractions listed in 9)(a), with a second order within one year not exceeding 90 days and a third or subsequent order within year not exceeding 180 days.
 - b) Thirty days if based on an arrest for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance.
 - c) Upon conviction of a misdemeanor offense, the duration of the prohibition order shall not exceed 180 days when added to the duration of the prohibition order for the initial arrest.
 - d) Upon conviction of a felony offense, the duration of the prohibition order shall not exceed one year when added to the duration of the prohibition order for the initial arrest. (Pub. Util. Code, § 99171(a)(2).)
- 11) Requires the subject of the order to first be given the opportunity to contest the proposed action in accordance with procedures adopted by the transit district, which must include, at a minimum:
- a) Specified notice protections, including the personal service of the notice of prohibition order and the process for contesting the order.
 - b) The opportunity for the alleged violator to contest the prohibition order, as specified, in an initial review, which may be requested for a period of 10 days from the delivery of the prohibition order by personal service.
 - c) The requirement that, if the person is dependent upon the transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the transit district shall modify a prohibition order to allow for those trips.
 - d) If the person is dissatisfied with the hearing results, the person must be able to request an administrative hearing, as specified, that provides an independent, objective, fair, and impartial review of the prohibition order before a hearing officer.
 - e) A person dissatisfied with their administrative hearing may seek judicial review, as specified. (Pub. Util. Code, § 99171(a)(3), (b), (c).)

- 12) Requires a transit district, before exercising the authority in 9), to establish an advisory committee for the purpose of evaluating the procedures for, and issuance of, prohibition orders and recommending a course of training for personnel charged with issuing and enforcing prohibition orders, as specified. (Pub. Util. Code, § 99172.)
- 13) Provides that, when a battery is committed against the person of an operator, driver, or passenger on a bus, taxicab, streetcar, cable car, trackless trolley, or other motor vehicle, including a vehicle operated on stationary rails or on a track or rail suspended in the air, used for the transportation of persons for hire, or against a school bus driver, or against the person of a station agent or ticket agent for the entity providing the transportation, and the person who commits the offense knows or reasonably should know that the victim, in the case of an operator, driver, or agent, is engaged in the performance of their duties, or is a passenger, the offense is punishable as follows:
 - a) By a fine not exceeding \$10,000, or by imprisonment in a county jail not exceeding one year.
 - b) If an injury is inflicted on the victim, by a fine not exceeding \$10,000, or by imprisonment in a county jail not exceeding one year or in the state prison for 16 months, or two or three years, or by both that fine and imprisonment. (Pen. Code, § 243.3.)

This bill:

- 1) Adds, to the definition of “unlawful violence” within the workplace violence prevention order statute, a violation of Penal Code section 243.3, set forth in 13), above.
- 2) Provides that, if a workplace violence TRO or order after hearing is issued based on a respondent’s violation of Penal Code section 243.3, the order, at the court’s discretion, may be enforceable across the entirety of any public transit system where the underlying offense occurred, including all vehicles, stations, stops, and facilities operated by the transit agency.
- 3) Provides that “public transit system,” for purposes of 2), includes, but is not limited to, a system operated by a transit district, municipal operator, county transportation commission, transportation authority, joint powers authority, or other public transit operator.
- 4) Provides that a law enforcement agency with jurisdiction over the public transit system shall have the authority to issue orders issued under 2), and requires the public transit system to promptly notify any relevant law enforcement agency of the issuance of the order to assist with enforcement.

- 5) Adds, to the persons protected by Penal Code section 243.3, a public transportation provider, an employee of a public transportation provider, or a contractor of a public transportation provider.

COMMENTS

1. Author's comment

According to the author:

California's public transit employees continue to face escalating threats of violence and harassment, creating unsafe conditions for both workers and passengers. Existing laws, such as Penal Code 243.3, provide limited protection, covering only specific transit roles while excluding essential employees like janitors, fare collectors, and station agents. AB 394 promotes safer transit environments in two key ways. First, it expands Penal Code 243.3 to protect all transit employees against battery. Second, it clarifies that transit agencies may seek temporary restraining orders (TROs) against violators of this code section, with applicability across the entire transit system.

By enhancing these safety measures, AB 394 helps foster a safer, more equitable transit environment, bolstering ridership and reinforcing confidence in California's public transportation system.

2. Background on workplace violence restraining orders and transit district prohibition orders

a. Workplace violence restraining orders

California law allows anyone to petition a court for a civil restraining order to protect them from a person who has committed unlawful violence, made a credible threat of violence, or engaged in extreme harassment against them.² An order may require the person restrained to refrain from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the person who sought the restraining order.³

California also permits a person's employer, or their collective bargaining representative, to seek a restraining order against a person who has committed

² Code Civ. Proc., § 527.6(a).

³ *Id.*, § 527.6(b)(6).

violence, threatened, or harassed an employee.⁴ An employer or collective bargaining representative can seek and obtain a TRO or order after hearing for their employee under largely the same terms as the employee can obtain one for themselves: a TRO may be issued on an ex parte basis following the filing of a petition; an order after hearing may be issued after the respondent has been given a notice or opportunity to be heard; and a person against whom a TRO or restraining order is entered is prohibited from possessing or purchasing firearms.⁵

There are also a few differences between the two procedures: a workplace violence restraining order has a maximum duration of three years, not five years, and can be renewed for another three-year term, not a five-year term; and the employer or collective bargaining representative must make a showing, by clear and convincing evidence, that the respondent engaged in harassment, engaged in unlawful violence, or made a credible threat of violence.⁶ Where the petition is based on unlawful violence or a credible threat of violence, however, the petition needs to show “reasonable proof” that the incident occurred and that great or irreparable harm would result to an employee.⁷

Once the court has found that the petitioner has met their burden, the court has broad discretion to expand the TRO or restraining order’s terms beyond the affected employee. A workplace violence restraining order can extend to the employee’s family or household members named in the petition, or to other persons employed at the employee’s workplace or workplaces, and the employer can obtain an order that extends to employees at other workplaces.⁸

b. Transit district prohibition orders

Certain transit districts – Sacramento Regional Transit District, the Los Angeles County Metropolitan Transportation Authority, the Fresno Area Express, the San Francisco Bay Area Rapid Transit District, the Santa Clara Transportation Authority, or the Santa Monica Department of Transportation – are permitted to establish their own administrative process for issuing prohibition orders.⁹ These orders apply to a wider range of conduct than workplace prevention restraining orders, including repeat instances of vandalism and certain drug-related activity, but are much shorter in length

⁴ *Id.*, § 527.8. The statute also applies to members of certain boards, volunteers, and independent contractors, as specified; this analysis uses “employee” to cover all of these categories. (*See id.*, § 527.8(b)(3).)

⁵ *Id.*, § 527.8.

⁶ *Compare id.*, § 527.6 with *id.*, § 527.8.

⁷ *Id.*, § 527.8(k). The “clear and convincing evidence” threshold also applies at the TRO phase for acts of harassment. (*Id.*, § 527.8(f).)

⁸ *Id.*, § 527.8(d), (e).

⁹ Pub. Util. Code, § 99171.

(90 days to one year).¹⁰ The transit district itself determines the scope of the order in the first instance.¹¹

In terms of process, a transit district has greater leeway than a court to issue a prohibition order on its own terms, and with little to no involvement from the subject. In terms of process, the transit agency's powers are more limited than a court's in some ways, and broader in others. A key distinction between the order types is there is no version of a TRO in the prohibition order statute, so the transit district has no way to immediately prohibit a dangerous person from the transit spaces.¹² Instead, the order can take effect only after the subject of the proposed prohibition order has been notified of the order and given a 10-day window to request a hearing.¹³ Aside from the delayed implementation, the transit district arguably has broader discretion to act than a court: the burden is on the subject to request a review to contest the order, and their review options are limited to administrative appeals.¹⁴ A prohibition order can encompass all property, facilities, and vehicles of the transit district.¹⁵ If, and only if, the subject of the order appeals all the way to the administrative hearing stage, the hearing officer can modify the order for a subject who is dependent on the transit system for "trips of necessity" – including travel to and from medical or legal appointments, school, places of employment, or obtaining food or clothing – so as to allow them to use the transit system for those necessary trips.¹⁶

3. Public transit employees are facing a rise in workplace violence

Data collected by the Federal Transit Administration show that assaults on transit workers are increasing.¹⁷ The fatality and injury rate from major assaults on transit workers nearly doubled between 2018 and 2023.¹⁸ For bus workers, more assaults occurred on vehicles than in stations; for rail workers, station assaults became more common than rail assaults in 2023.¹⁹

As many of the bill's supporters report, California is facing a transit worker shortage. The causes for the shortage are diverse; current and former transit employees list inadequate pay, difficult schedules, and a lack of responsiveness from management as

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ United States Department of Transportation, Federal Transit Administration, APTA Security & Emergency Management Roundtable: Protecting Transit Workers & Customers From Assaults (Jun, 1, 2024) pp. 3-6, available at <https://www.transit.dot.gov/sites/fta.dot.gov/files/2024-12/Assaults-on-Transit-Workers-FTA-Actions-12-09-2024.pdf>. All links in this analysis are current as of July 11, 2025.

¹⁸ *Id.* at p. 3.

¹⁹ *Id.* at pp. 4-5.

factors.²⁰ Workplace assaults and harassment, however, also rank among the top reasons why former transit workers report leaving their jobs.²¹

4. This bill is intended to allow public transit employers and public transit employee unions to better protect their workers

In light of the rise of workplace violence for public transit employees, this bill is intended to clarify the surrounding the right of a public transit employer, or a public transit employee union, to obtain a workplace violence prevention order to protect public transit employees.

First, the bill clarifies that “unlawful violence,” for purposes of the workplace violence restraining order statute, includes battery of a transit worker or passenger. Because the definition of “unlawful violence” already includes “any assault or battery,”²² this is simply a clarifying change.

Second, as currently in print, this bill specifies that a public transit employer, or a public transit employer’s union, to obtain a workplace violence restraining order barring the subject from the entire public transit system, on the basis of such a battery. It is worth noting here that, while battery may suggest serious violence, it actually includes requires only that the offender touched the transportation worker in “a harmful or offensive manner,” and does not require that the transportation worker have suffered an injury.²³ That is not to minimize the trauma of any unwanted touching, but to note that the bill’s grant of authority for a system-wide order does not necessarily require a violent act. Additionally, this bill does not require the court to undergo any analysis of the scope of the risk that the respondent poses to the victim or other transportation workers before entering a system-wide ban.

There is no question that protecting transportation workers from violence is extremely important. At the same time, depriving an individual of access to public transportation for a period of months or years is a massive consequence, which may be far in excess of the restriction necessary to keep workers safe. Civil restraining orders are protective, not punitive.²⁴ And as the bill’s opponents point out, an order that is not narrowly tailored in light of the threat posed by the subject of the order can wreak havoc on that person’s life.

²⁰ E.g., APTA Transit Workers Shortage Study, Synthesis Report (Mar. 2023) p. 2, *available at* <https://www.apta.com/wp-content/uploads/APTA-Workforce-Shortage-Synthesis-Report-03.2023.pdf>.

²¹ *Id.* at p. 10.

²² Civ. Code, § 527.8(b)(8).

²³ See Cal. Crim., No. 948 (2025).

²⁴ E.g., *Olson v. Doe* (2022) 12 Cal.5th 669, 678 (“The quick injunctive relief provided by [Code of Civil Procedure] section 527.6 lies only to prevent threatened injury – that is, future wrongs – and is not intended to punish the restrained party for past acts of harassment” (cleaned up).)

Information provided by the sponsor and supporters of the bill indicate that some superior courts have granted system-wide orders in the past, but they are few and far between. The sponsor and supporters have also indicated that these courts already take very seriously the consequences of barring a person from public transit. Other courts, however, do not believe that it is ever appropriate to grant such an order to protect a public transit employee. Given that only certain transit agencies are able to use the prohibition order procedure, this would leave many public transit employees with zero protection from harassment and abuse as they go about their jobs. While access to public transit is vital, so ensuring that every employee can go to work safely.

In order to balance the considerations discussed above, the author has agreed to amend the bill to (1) remove the provision specifically authorizing system-wide protective orders, and (2) clarify that the definition of an “employer” within the workplace violence restraining order statute includes public transit agency employers. These provisions are intended to ensure that the protections of workplace violence restraining orders apply to public transit employees. The amendments are set forth below in Comment 5.

This bill also modifies the crime of battery against a transportation worker.²⁵ This provision of the bill is within the jurisdiction of the Senate Public Safety Committee, which passed this bill with a vote of 6-0.

5. Amendments

As noted above, the author has agreed to amend the bill to provide clearer guidance to the courts the appropriate scope of a workplace violence restraining order. The amendments are set forth below, subject to any nonsubstantive changes the Office of Legislative Counsel may make:

Amendment 1

On page 3, in line 32, after “district” insert “or joint powers authority, a public transit operator, whether operated directly by a public entity or through a contract or subcontract,”

Amendment 2

On page 4, in line 2, after “worksite.” insert “This paragraph is declaratory of existing law.”

²⁵ See Pen. Code, § 243.3.

Amendment 3

On page 4, in line 31, after “others.” insert “This paragraph is declaratory of existing law.”

Amendment 4

On page 7, delete lines 17-38.

6. Arguments in support

According to the California Transit Association:

Transit employees frequently face threats of violence – and these incidents have steadily climbed over the past several years. Unfortunately, existing laws intended to protect transit employees have proven too narrow and insufficient. AB 394 promotes safer transit environments for both riders and workers in two keys ways. First, the bill expands existing law (Penal Code Section 243.3) to protect all transit employees against battery. Second, AB 394 clarifies that a transit agency may seek a temporary restraining order against a perpetrator for a violation of Penal Code Section 243.3, and that the restraining order may apply across the entirety of the transit system where the offense occurred.

Every day, transit workers are spit at, stabbed, hit, sexually assaulted and more. Unfortunately, the vast majority of incidents have historically not even made it into the National Transit Database, which until 2023 only recorded *major assaults* – meaning they resulted in a fatality or injury requiring medical transport. Major assaults alone on transit workers went up 73% from just 2018 to 2023.

These incidents have directly impacted daily operations, and as a result, many agencies throughout the state are experiencing severe operator and employee shortages. This has also impacted riders' feelings of safety on public transit systems, and is frequently cited as a leading reason members of the public avoid utilizing public transit.

7. Arguments in opposition

According to the Western Center on Law and Poverty:

Despite the car dependence of many Californians, 2.76 million Californians are carless, with approximately 2.09 million people utilizing public transit. Carless households are disproportionately people of color and low-income. Without vehicles, these households typically spend more time on travel and often have to travel further to access services. Since these same communities are disproportionately represented in both criminal charging and incarceration, AB

394 will disproportionately impact low-income people of color reliant on public transportation.

As a result of AB 394, many people will be foreclosed from any form of transportation, which “is a key social determinant of health.” Transportation is required to access housing, employment, social networks, access to medical care. In fact, transportation is essential to manage chronic diseases, which disproportionately impact incarcerated and formerly incarcerated individuals. AB 394 may prevent formerly incarcerated individuals accessing vital treatment for chronic conditions like high blood pressure, asthma, cancer, arthritis, tuberculosis, hepatitis C, HIV, and mental health disorders. Moreover, transportation is a key factor linked to social mobility, so AB 394 will only contribute to maintaining cycles of poverty among California’s most vulnerable communities.

SUPPORT

California Transit Association (sponsor)
SMART – Transportation Division (co-sponsor)
AAA Northern California, Nevada & Utah
Alameda-Contra Costa Transit District
Automobile Club of Southern California
Bay Area Council
California District Attorneys Association
California Federation of Labor Unions, AFL-CIO
California Police Chiefs Association
California School Employees Association
California State Sheriffs’ Association
City and County of San Francisco
City of Murrieta
City of Norwalk
City of San Luis Obispo
County of Orange
Livermore Amador Valley Transit Authority
Monterey-Salinas Transit District
Peninsula Corridor Joint Powers Board
Riverside Transit Agency
San Diego Metropolitan Transit System
San Francisco Bay Area Rapid Transit (BART)
San Francisco Bay Ferry
San Mateo County Transit District
Santa Cruz Metropolitan Transit District
Solano County Transit
Stanislaus Regional Transit Authority

SunLine Transit Agency

OPPOSITION

ACLU California Action

Western Center on Law & Poverty

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation:

SB 1417 (Allen, Ch. 189, Stats. 2024) authorized the Santa Monica Department of Transportation to issue PUC prohibition orders.

AB 2824 (McCarty, 2024) would have amended Penal Code section 243.3 to include an employee or contractor of a public transportation provider. AB 2824 died in the Assembly Public Safety Committee.

AB 1735 (Low, Ch. 69, Stats. 2023) authorized the Santa Clara Valley Transportation Authority to issue PUC prohibition orders.

AB 1337 (Lee, Ch. 534, 2021) authorized PUC prohibition orders to be issued for properties, facilities, and vehicles for which the Bay Area Rapid Transit District owes policing responsibilities.

AB 730 (Quirk, Ch. 46, 2017) removed the sunset on the PUC prohibition order statutes.

PRIOR VOTES:

Senate Public Safety Committee (Ayes 6, Noes 0)

Assembly Floor (Ayes 76, Noes 0)

Assembly Appropriations Committee (Ayes 14, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

Assembly Public Safety Committee (Ayes 9, Noes 0)
