



A bold voice for transportation workers

STRONG MEASURES NEEDED TO PREVENT ASSAULTS ON TRANSPORTATION WORKERS

It is an outrage that on any day, working people who staff the front lines of our passenger transportation system face brutal assaults and abusive and unruly behavior by the users of the system. The reality is this has long been a problem that plagues our transportation workforce. The pandemic has only made it worse and shines a spotlight on the failure of our government and employers to act aggressively to put a stop to it.

We know that frontline transportation workers charged with safely moving passengers across the nation perform critical jobs that are challenging in the best of circumstances. During the coronavirus emergency, the simple act of coming to work has put employees at high risk of contracting COVID-19 and tragically, has claimed thousands of lives. Yet, even at a time when transportation workers are putting their lives on the line to continue to provide essential services, the scourge of assault against them has only worsened. TTD has long advocated for decisive actions by the federal government and employers to protect workers from unruly and dangerous behavior from the public, and these needs have never been more clear or immediate as employees face unprecedented levels of violence while they are tasked with enforcing COVID-19 safety measures like masking requirements. These conditions are intolerable and have been allowed to fester far too long. It is time to send the nation and, specifically, the traveling public a clear message and take whatever measures are needed to protect the passenger transportation workforce.

Transit

Like frontline workers across all modes of passenger transportation, public transit employees have had to face the serious, and sometimes deadly, threat of assaults simply for doing their job, such as trying to enforce mask and other safety mandates. These attacks are not limited to red or blue states, or to large or small cities. From New York City and San Francisco to Durham and Lubbock, there have been hundreds of COVID-related violent encounters between bus station agents or drivers and angry passengers who refuse to wear masks or follow social distancing protocols.

When a passenger boards a transit vehicle without a mask, workers are faced with the choice of saying nothing and risking that an infected rider will spread the virus, or telling the passenger to put on a mask and risking a violent reaction. As we have long known in this industry, where transit workers are also in charge of enforcing fare collection, when you confront a passenger, it can escalate quickly. Historically, we have seen thousands of incidents of transit workers being yelled at, spit on, having objects thrown at them, and sadly, facing violent attacks, serious injury, or death. Working people should never be forced to choose between doing their job and risking their life.

By way of example, last May, a St. Louis man boarded a bus without a mask. After the female driver informed him that he could only ride the bus with a face covering on, the man fired a 9 mm pistol at the driver. She was saved only by the polycarbonate shields that were installed as part of the COVID response. In Philadelphia, a man pulled a gun on a driver for asking him to wear his mask. In Austin, a man threatened a bus driver with broken scissors after being told to wear a mask. In Springfield, MA, a PVTA bus driver was assaulted after asking a passenger to wear a face covering. The suspect punched the woman driver in the back of the head and then assaulted another person who tried to help. In Knoxville, TN, police arrested a man who threatened a bus driver with a box cutter after she asked him to put on a face mask before boarding. In Staten Island, NY, a man was arrested on assault charges for throwing hot coffee onto an MTA bus driver's face when he was asked to put on a face covering.

TTD applauds President Biden for his action to require masks on public transportation. TSA's Security Directive (SD) 1582/84-21-01 regarding face mask requirements, which supports enforcement of the CDC order, is long overdue. The SD requires transit systems to establish procedures to manage situations with persons who refuse to comply with the requirement to wear a mask. At a minimum, these procedures must ensure that if an individual refuses to comply, the agency must deny boarding, make best efforts to disembark the individual as soon as practicable, or make best efforts to remove the individual. However, unlike airline workers, transit workers do not have access to TSA agents screening passengers before they get on a transit vehicle, meaning that the burden of enforcement ultimately still lies with the transit worker. So long as mask and other COVID requirements remain in place, local law enforcement presence should be increased on buses to aid in enforcement.

Finally, assaults on transit workers have been a significant problem long before the COVID epidemic. TTD successfully fought for the inclusion of historic worker safety requirements in the Infrastructure Investment and Jobs Act, which still has not come before the House for a vote. We strongly urge the passage of this bill and the quick enforcement of the transit worker safety regulations it includes to put a quick end to the significant threat of violence faced by workers in this industry every single day.

Aviation

During the past 18 months, airline employees and contractors, as well as security and screening personnel have suffered under unprecedented disruption and violence from travelers, unwilling to obey with COVID-19 mandates, comply with crewmember, employee, or Transportation Security Officer (TSO) instructions, consume alcohol responsibly, or a combination of the above. Per the most recent Federal Aviation Administration (FAA) data, there have been 4,626 reports of unruly passenger incidents this year, of which 3,366 were related to compliance with federal mask mandates. Employees who interact with passengers both on the ground and in the air have been physically assaulted, and in some cases seriously injured. These workers continue to serve each day in an extreme high-stress environment to ensure that air travel may continue unabated.

In response to these incidents, FAA has issued over \$1 million in fines against unruly passengers, and TSA has also issued fines in accordance with the Biden Administration's welcome Executive Order on Promoting COVID-19 Safety in Domestic and International Travel. However, incidence of unruly passengers and assaults against employees only continues to increase, and it is clear that further efforts are required to reduce incidents, mitigate them when they occur, and protect employees who have been subject to assault. TTD calls for the following actions:

- Deployment of stronger and clearer messaging in airports and on aircraft on federal COVID-19 mandates and the consequences of interfering with employees on the ground and in the air
- Steps by airport concessionaires and airlines to reduce the incidence of intoxicated passengers attempting to board flights
- Protecting customer service and gate agents by finalizing outstanding FAA Employee Assault Response Plans as mandated by the 2018 FAA Reauthorization Act, and increasing awareness and uniform application of the Department of Justice's 2017 decision that correctly determined that assaults against all employees with security duties, like gate agents, are a federal criminal offense
- Increased airline staffing to ensure that there are adequate flight attendants and service agents to observe and respond to incidents
- Completion of the Congressionally mandated Secondary Cockpit Barriers rulemaking to require that all new aircraft are equipped with devices to prevent access to the flight deck when the primary reinforced door is open during flight, as well as passage of the Saracini Enhanced Aviation Act of 2021 (H.R. 911) which would mandate secondary barriers on in existing, in-service aircraft.
- Additional interagency cooperation between DOJ, DOT, and TSA to increase the referral and prosecution of severe incidents to the DOJ
- Continued development and use of airline prohibited passenger lists, and the sharing of those lists between airlines to ensure that passengers who are unruly on one airline are not able to repeat the behavior on a different carrier.
- Support and facilitation from airlines for employees who are assaulted if they choose to pursue criminal charges/participate in criminal justice proceedings

Passenger Rail

Amtrak employees, including conductors, on-board service workers, station agents, and others have long been the targets of assault by unruly passengers. Unfortunately, Amtrak and federal authorities are ill-equipped to deal with these incidents, as assaults on-board trains, and/or in rural stations and locales have presented significant jurisdictional and prosecutorial challenges, and the Federal Railroad Administration (FRA) lacks key deterrence authorities. As with other modes, these shortfalls have been increasingly laid bare during the pandemic. According to the Amtrak Police Department it has recorded 4,562 disorderly conduct incidents between October 1, 2018 and September 14, 2021, including a 29% increase in incidents in FY '21.

In response, Amtrak has for the first time begun to develop and deploy a list of prohibited passengers. TTD commends this effort, and encourages Amtrak to further pursue strategies to keep dangerous and unruly passengers off trains, including the potential expansion of the [TSA Do Not Fly List to passenger rail](#). This is particularly important in an environment without TSA screening and where passengers can easily re-board the next train after being removed. We also call on Amtrak and the Amtrak Police Department to develop policies that ensure that passengers who commit crimes against employees are not able to evade justice due to challenges presented by jurisdictional or geographical complications. An assault against an employee may take place far from the individual's crew base or from a station in which Amtrak Police are present. Amtrak should work with its on-board unions to ensure that these incidents do not fall through the cracks, and that employees are assisted and supported in instances where criminal or civil charges may be possible.

Additionally, unlike the FAA, the FRA's substantial and wide-reaching authority to assess civil penalties does not include the ability to assess fines against unruly passengers. Particularly over the course of the pandemic, the FAA has levied significant civil penalties to bad actors travelling through airports and on airplanes. While fines are limited in their ability to stop assault, we believe that they play an important deterrent role, and that it is inconsistent and constraining that FRA is unable to levy penalties in a similar manner. If FRA is unable to do so under current authority, we call on Congress to provide parity to the agency to aid its fight against unruly passengers.

Finally, as discussed in [Policy Statement number one](#), the passage of the Infrastructure Investment and Jobs Act is essential for many reasons. Among these is Section 22424, which would ensure coverage under Critical Incident Stress Plans for Amtrak and commuter rail employees who are assaulted and require medical attention. While no employee should be assaulted at work, the provision of leave, counseling and support services, and transportation to the employees' home terminal following an assault are important new protections for passenger rail workers. TTD encourages the implementation of these new requirements expeditiously following passage of the bill.

The status quo across passenger transportation is unacceptable. The frontline workforce should not be subject to abuse, assault, or injury on the job from passengers. These workers form the backbone of the system and cannot be expected to continue to serve without appropriate measures in place that mitigate against the despicable behavior of unruly and violent passengers seen over the course of the pandemic.

Transportation labor will not be silent about the need to act and will continue to pressure our elected leaders and employers to do whatever it takes to protect the men and women who move America.

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