



Feb. 20, 2023

To: Senate Judiciary Committee

From: Don Loving, CenterPointe Strategies

Re: Testimony In Support of SB 787

My name is Don Loving, and I represent the Amalgamated Transit Union, ATU Local 757. ATU represents transit workers throughout Oregon (and two properties in Washington state). Our members work at large transit agencies you've heard of, such as TriMet, Cherrots and LTD ... mid-size agencies in places such as Bend and greater Medford ... and many small agencies in smaller communities throughout the state.

SB 787 seeks to correct a problem that's been growing in transit throughout not just Oregon, but nationwide: violent assaults on transit operators. In Oregon this translates to bus drivers at all agencies and MAX drivers at TriMet. Here are four main points I'd like to bring to your attention ...

- **Assaults are growing at an exponential rate.**

Before my time with ATU, in 2017 the union sponsored a similar bill seeking to address transit worker assaults. They did so because in the previous reporting year, there were 55 such assaults documented in Oregon. Fast forward to 2023, and that number will land somewhere between 250 and 300. If we don't act, *we are rapidly approaching the time where there will be an assault against a transit operator each and every day.*

- **SB 787 does not create new law, it simply closes a loophole in existing law.**

Under current law, it is a felony to assault a transit operator in Oregon — but *it's only an assault for sure if the bus (or MAX train) is moving.* Offenders understand this. Over 90 percent of assault occur when the bus or train is not moving. Operators are assaulted in their seats at stops, outside the bus when they're helping handicapped or elderly patrons board or even when taking a quick bathroom break at a transit center.



For whatever reason, transit uniforms have made operators a target, yet far too often, these assaults are being pled down to misdemeanor “Interfering with Public Transit.”

- **The goal of SB 787 is not to incarcerate hundreds of people, but rather to simply hold people accountable for their actions.**

While it is true that, if passed, SB 787 will undoubtedly lead to a handful of offenders (deservedly) receiving jail time, that is not the ultimate goal. SB 787 simply seeks to protect transit operators and make people accountable for their actions — to the extent they are culpable. Some people offend because they have “challenges” in their life; we recognize that. But district attorneys in Oregon are already used to needing to sort through such situations, SB 787 will not greatly add to that burden. *Our best hope is that SB 787 acts as a deterrent to such behavior.* And make no mistake, there are plenty of offenders who do know exactly what they’re doing and are culpable for their actions. Those people rightly need to face felony charges.

- **SB 787 has broad-based support.**

SB 787 properly addresses a growing problem due to a quirk in the law, and people recognize that fact. I thank Sen. Prozanski for helping us draft this legislation and serving as its chief sponsor. I thank Sen. Thatcher for unhesitatingly jumping on board as the chief co-sponsor. I thank Sens. Manning, Hansell and Gorsek for also signing onto the bill. There were, frankly, others who intended to sign on and simply forgot. But SB 787 has broad, bipartisan support.

SB 787 also has transit agency management support. You will hear from agencies in support of the bill today. But I will note that earlier this session, the Joint Transportation Committee held a public hearing on transit safety. It was invited testimony only. During their remarks, *the general managers of TriMet, Cherriots, LTD and Rogue Valley all expressed support for SB 787 — all on their own, without a request from me to do so.* They cited the importance of transit worker safety first and foremost, but also corollary issues such as public confidence and safety while riding transit, employee morale, and recruitment and retention issues. On this subject, transit management throughout Oregon stands with us whole-heartedly.

In closing I’ll simply add this: in most aspects of the law — although not all — transit workers are seen as essential employees in Oregon. On behalf of ATU, I am asking you to “have their backs” and support SB 787.

Thank you.