

SENATE BILL REPORT

SB 5402

As of February 13, 2023

Title: An act relating to authorizing public transportation benefit areas to become limited authority Washington law enforcement agencies.

Brief Description: Authorizing public transportation benefit areas to become limited authority Washington law enforcement agencies.

Sponsors: Senators Randall, Gildon, Trudeau, Holy, Nobles, Lovick, Kuderer, Nguyen and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 2/13/23.

Brief Summary of Bill

- Authorizes public transportation benefit areas to become limited authority law enforcement agencies.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Joe McKittrick (786-7287)

Background: A general authority Washington law enforcement agency is any agency department or division of a municipal corporation, political subdivision, or other unit of local government, and any agency department or division of state government that has as its primary function the detection and apprehension of individuals committing infractions or violating the traffic or criminal laws in general, such as the Washington State Patrol and the Department of Fish and Wildlife.

A limited authority Washington law enforcement agency is any agency political subdivision, or unit of local government, and any agency, department, or division of state government that has as one of its functions the apprehension or detection of individuals

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committing infractions or violating the traffic or criminal laws relating to limited subject areas such as the state Departments of Natural Resources and Social and Health Services, the State Gambling Commission, the State Lottery Commission, the State Parks and Recreation Commission, the state Utilities and Transportation Commission, the state Liquor and Cannabis Board, the Office of the Insurance Commissioner, the state Department of Corrections, and the Office of Independent Investigations.

A public transportation benefit area (PTBA) is a municipal corporation tasked with providing public transportation. PTBAs are the most common form of transit agency and may be composed of a service area that is smaller than county-wide, county-wide, or multi-county.

Summary of Bill: PTBAs are included in the definition of limited authority Washington law enforcement agencies. Designated officers of PTBAs are vested with the authority to enforce general criminal statutes or ordinances of the state within transportation facilities, any bus or other mode of public transportation, and the boundaries of property owned or managed by the PTBA.

Designated officers are authorized to issue traffic infractions for violations of state or local laws, ordinances, regulations, or resolutions relating to stopping, standing, or parking of a vehicle that occur on property owned or managed by the PTBA. PTBA officers are also authorized to enforce the PTBA's rules, regulations and policies regarding passenger conduct.

The inclusion of PTBAs as limited authority law enforcement agencies does not preclude general authority Washington State peace officers from exercising their authority.

Appropriation: None.

Fiscal Note: Requested on February 10, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is a result of concerns over lack of timely public safety response to heightened incidents on or near public transit facilities across the state. Transit agencies have contracted with county sheriffs and local municipalities within their transit districts to ensure public safety is prioritized when 911 is called. Law enforcement plays an important role in transit public safety continuum. This is an essential component to create a safe space for all riders and operators. This bill will ensure that transit agencies have access to tools that will maintain safety on buses, trains, and near transit facilities so the communities can access these greener modes of transportation. Due to workforce challenges, it is harder for municipalities to continue to

contract with law enforcement agencies to provide officers. This bill would authorize local transit agencies to recruit their own limited jurisdiction law enforcement officers.

CON: All people deserve to be safe from harm and violence. Increasing safety on public transit must be addressed. To build a safe system, strategies must be used that work, with upstream safety solutions that do not rely on police and guns, such as mental health interventions. Authorizing transit agencies to create policing units before any public or stakeholder process has been done is getting it in the wrong order. Spending limited resources on creating policing units is a resource draw. Systems are already in place that disproportionately affect black riders. Much work needs to be done to heal communities and build trust with law enforcement. This does not do that. Transit agencies should not oversee people with guns. Limited law enforcement agencies are not subject to the same regulatory oversight as other law enforcement. This bill undermines the Legislature's past work on Keep Washington Working, which limits law enforcement collaboration with the deportation pipeline.

OTHER: There are concerns about who is going to do this job. Filling these positions can be difficult with law enforcement staffing at record lows. There are concerns with the timeline and expectations for the new limited authority and what the plan is for getting new officers trained. There are concerns with how this would look assuming training was done and spots were filled. The goal is to get officers on public transit, but what happens when something goes wrong?

Persons Testifying: PRO: Senator Emily Randall, Prime Sponsor; Jason Whalen, Pierce Transit Board of Commissioners, Mayor of Lakewood; Grantley Martelly, Pierce Transit; Andrew Boring, Amalgamated Transit Union.

CON: Bryce Yadon, Transportation choices Coalition; Lorena Gonzalez, ACLU - WA; Sam Martin, Washington for Black Lives.

OTHER: Taylor Gardner, WA Assn of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: No one.