

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 4071
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: DECEMBER 23, 2021

SUMMARY

Synopsis: “Motorbus and Passenger Rail Service Employee Violence Prevention Act.”

Type of Impact: State expenditure and revenue increases.

Agencies Affected: New Jersey Transit Corporation; The Judiciary.

Office of Legislative Services Estimate

Fiscal Impact	
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates the bill would result in an indeterminate increase in State expenditures and revenues. The New Jersey Transit Corporation (NJ Transit) would incur expenses from the bill’s requirements to provide de-escalation training, establish a program to assist and support employees that have been a victim of assault, and equip each bus and rail and light rail vehicle with a communication system that allows the operator to alert NJ Transit or a law enforcement agency when the operator is in distress.
- The bill also upgrades the penalty for assault on bus and rail service employees to a third degree aggravated assault. The State could gain revenues by way of fines imposed on individuals convicted of this crime; however, the State’s ability to collect criminal fines and penalties has historically been limited.

BILL DESCRIPTION

This bill, named the “Motorbus and Passenger Rail Service Employee Violence Prevention Act,” upgrades the penalty for all assaults on a motorbus service employee or autobus operator, the operator’s supervisor, and a rail passenger employee to, at minimum, third degree aggravated assault.

The bill empowers NJ Transit, motorbus companies, and all rail passenger service providers to prohibit riders from accessing their transportation services for up to one year if the person commits assault on a motorbus service employee, including autobus company employees, or a rail passenger employee. If a deadly weapon was used during the assault, the rider may be prohibited from accessing transportation services for life. The bill requires that NJ Transit and motorbus companies equip each bus and rail and light rail vehicle with a radio or other communication system that allows the operator to alert the company or NJ Transit, as appropriate, and appropriate law enforcement agencies when the operator is in distress. The bill requires NJ Transit and motorbus companies to take measures to help protect employees. The bill also requires NJ Transit and motorbus companies to provide resources to assist bus operators and rail employees that have been assaulted and to provide periodic training to bus operators and rail employees.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill will result in an indeterminate increase in State costs, primarily due to the following reasons:

1. The bill requires NJ Transit to equip each bus and rail and light rail vehicle with a communication system to alert the appropriate law enforcement agencies when the operator of the vehicle is in distress. The OLS has insufficient information on the likely costs for equipping all NJ Transit services with radio or other communication system.

2. The bill requires motorbus and rail companies to coordinate with local law enforcement and NJ Transit police to ride along on potentially problematic routes. This is likely to increase the workload of the applicable law enforcement agency and therefore, costs from providing such services to motorbus and rail companies is likely to go up. The OLS does not have adequate information on the associated costs as it is unclear how many drivers or routes may require such assistance.

3. The bill requires NJ Transit to provide programs and resources to support bus operators and rail employees that have been assaulted and to provide periodic training on de-escalation of violence. The bill does not provide specific requirements on the above-mentioned programs and training. The OLS has no further information on the likely fiscal impact of these provisions.

According to some news reports, NJ Transit reported 82 assaults of bus operators between January and September 2021 and 52 assaults of rail crews during that period. During the same time period in 2020, NJ Transit reported 81 assaults of bus operators and 32 assaults of rail crews, indicating an overall increase in assault numbers.

The bill empowers the NJ Transit to prohibit riders from accessing their transportation services for up to one year if the person commits assault on a motorbus or rail service employee and for life if a deadly weapon was used in the assault. This may result in loss in revenue from fares for riders who are prohibited from using transport services, but the OLS finds that the fiscal impact may be nominal.

Lastly, this bill upgrades the penalty for assault on bus and rail service employees to a third degree aggravated assault. A crime of the third degree is punishable by three to five years imprisonment, up to a \$15,000 fine, or both. This could result in the State gaining by way of fines and penalties, however, the State's ability to collect fines has historically been limited. The OLS notes that there is a presumption of non-incarceration for first-time offenders of third and fourth degree crimes. The OLS finds that the incarceration costs for the Department of Corrections (DOC) for repeat offenders may be nominal. Data obtained from the DOC indicate that the average annual cost to house an inmate in a State prison facility during FY 2019 totaled \$50,191. However, the OLS notes that because the DOC is currently experiencing a reduction in the State-sentenced prison population, the department should be able to house any additional inmates attributable to the bill within its current institutional facilities at a much lower marginal cost of \$8.60 per day, or \$3,139 annually, per inmate for food, wages and clothing.

Section: Judiciary

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).