

ASSEMBLY THIRD READING
AB 2441 (Kalra)
As Introduced February 17, 2022
Majority vote

SUMMARY

Requires a public transit district to notify an employee organization of its intent relating to new technologies for public transit services, as prescribed, among other provisions.

Major Provisions

- 1) Requires a public transit employer to notify the exclusive representative of its intention to begin any procurement process or plan to acquire or deploy in relation to new technologies for public transit services, as provided, not less than 12 months before commencing the process, plan, or deployment. More specifically, regarding the notification:
 - a) The notification must apply to new technology for public transit services that either:
 - i) Change or introduce new products, services, or type of operation, including, but not limited to, automated vehicles, which affect the nature of work or require job training of the workforce to which they will apply, or
 - ii) Eliminate job functions or jobs of the workforce to which they will apply.
 - b) The notification must include the following information:
 - i) A comprehensive analysis of the effects of new services, or type of operation on workers, including workers who may not be adequately skilled in their use or may be fully displaced by them;
 - ii) The potential gaps in skills that may result from the new service on the workers to which it will apply, and
 - iii) The total amount budgeted for, and description of, training and retraining programs for affected workers.
- 2) Following the prescribed notification, a public transit employer must engage in collective bargaining with an affected exclusive employee representative on developing and implementing the new product or service, creating a transit plan for affected workers and plans to train and prepare the affected workforce to fill new positions created by the new service or product.
- 3) Expressly establishes that these provisions must not be construed to create any labor requirements that are less protective of employees than other labor requirements created pursuant to a collective bargaining agreement.
- 4) Includes a severability clause to shield otherwise valid provisions and the application of the law from becoming invalid, if other provisions are later deemed to be invalid.

COMMENTS*1) Technology and Public Transit Districts: Employer-Employee Common Interests: Harmonious Relations*

This bill prescribes that certain specified information be provided by a public transit employer to an employee organization and includes provisions relating to collective bargaining that generally involve the acquisition and deployment of new technology by a public transit district. While technological advances may bring improvements and efficiencies to the provision of public transit services, certain (but not all) technologies may also require that employers hire employees, employees be trained in the use of the technology, or the technology may relieve employees of their employment.

Many public transit districts are not subject to a common statutory scheme or an administrative agency that has jurisdiction over the conduct of employer-employee relations. The governance of these relations for some are embedded in the Public Utilities Code; whereas, the Meyers-Milias-Brown Act may apply to others, or, relations are stipulated in joint powers agreements or articles of incorporation.

This bill does not foreclose a public transit district from acquiring or deploying the use of new technology; however, it is broad in its coverage as to what forms of technology to which it would apply. Because "new technologies" is not defined in the bill, it could be construed to apply to any new technology that has not yet been acquired or deployed for use by a public transit district, including, but not limited to, autonomous vehicles, fare collections systems, vehicle cleaning systems, transit vehicle or personnel communications systems, light rail turnstile systems, personal safety equipment, and office equipment, etc.

*2) Please see the policy committee analysis for a full discussion of this bill.***According to the Author**

"Many transit agencies have begun embracing autonomous technology. Unfortunately, the rollout of these new technologies can result in safety and equity issues, as well as the sudden displacement of public jobs.

"Autonomous technologies and other products that may displace workers are enticing to transit agencies as it would allow them to save money on labor costs. However, transit employees play a critical role in facilitating a safe and smooth passenger experience for commuters and passengers across the state. In fulfilling non-driving responsibilities, workers can increase accessibility for riders with disabilities, elderly riders, riders who speak other languages, and even younger riders.

"Autonomous technology extends past "self-driving," as self-driving technology is very slowly being implemented and still has a ways to go to contend with all the variables of the road. Other autonomous technology being rolled out include camera and voice systems that seek to replicate what a transit worker would do in anticipating rider needs and answering common questions. Some autonomous technology companies also attract transit agencies by offering their own staff to perform maintenance on these systems so the transit agency does not need to keep staff in-house to work on systems issues."

That author concludes by stating that, "As technology continues to advance, we do not need to leave workers behind. Workers deserve a seat at the table when it comes to major changes in their workplace. [This bill] would restore and protect transit workers' voice in the implementation of new transit services and technologies, including automated vehicles."

Arguments in Support

Both the California Teamsters Public Affairs Council (Teamsters) and the California Conference of the Board of the Amalgamated Transit Union (ATU) state, among other things, that, "[this bill] is a comprehensive measure meant to restore and protect transit workers' voice in the implementation of new transit services, including automated vehicles," and that, "[t]hese new technologies may cut labor costs in the short term but fail to recognize the importance transit employees play in facilitating a safe and smooth passenger experience for commuters and passengers across the state." Both organizations also state that, "[w]e fundamentally believe that workers deserve a voice in these conversations can bring invaluable insight informed by their own experiences in the field," and that, "...new technologies should assist workers to provide a better overall transit service, not replace them. By requiring employers to bargain over the implementation of these products, transit workers will have a seat at the table...."

In part, the California State Legislative Board of the SMART Transportation Division states that, "[t]he requirements of this bill will put workers and riders' safety at the forefront of transitions to the future of work with autonomous technology in public transit."

Arguments in Opposition

Although not expressing opposition to this bill as of the date of this writing, the California Transit Association (CTA) has expressed the following concerns:

"...the bill is overly broad and would trigger a lengthy, and potentially fraught process prior to the deployment of any number of technological advancements. As used in the context of the bill, "new technology" is not defined. Therefore, it is not clear what projects or programs instituted by a transit agency would qualify as new technology. While the bill does list "automated vehicles" as a new technology, the bill could apply to any number of technologies that improve transit operations, including: zero-emission bus or rail purchases; charging or fueling infrastructure; new ticketing machines on buses or at stations; wayfinding technologies; bike racks on vehicles (or other vehicle upgrades like driver cages); and computers in employee offices. We believe the author's intent is to require notification and potentially bargaining prior to the deployment of autonomous vehicles and language entirely focused on that specific technology should be the starting place for negotiations with our member agencies."

In addition, the CTA states that, "...transit agencies routinely engage in collective bargaining with their employees and believe that how employees are managed vis-à-vis autonomous vehicle deployment would be subject to those processes moving forward. As such, this bill may be unnecessary."

FISCAL COMMENTS

None.

VOTES

ASM PUBLIC EMPLOYMENT AND RETIREMENT: 4-1-1

YES: Cooper, Calderon, Cooley, O'Donnell

NO: Voepel

ABS, ABST OR NV: Seyarto

UPDATED

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