

GOVERNOR'S VETO
AB 2441 (Kalra)
As Enrolled August 29, 2022
2/3 vote

SUMMARY

Requires a public transit district to provide written notice to an exclusive representative of the workforce affected by autonomous transit vehicle technology, among other provisions.

- 1) Limit the scope of this bill relating to local public transit agencies and new technology to "autonomous transit vehicle technology."
- 2) Define, or revise (as previously passed by the Assembly), the definition of the following terms:
 - a) "Autonomous transit vehicle technology" to mean technology that has the capability to drive a vehicle without the active physical control by a human operator.
 - b) "Plan to acquire or deploy" to include any public notification that initiates acquisition or deployment of autonomous transit vehicle technology.
 - c) "Procurement process" to mean the issuance of a request for proposals, a solicitation for proposals, or a request for quotations.
- 3) Require a public transit employer to notify the exclusive representative in writing of the workforce affected by new vehicle technology of its determination to begin, or its substantive progress toward initiating, actions relating to procurement, or plans to acquire and deploy any autonomous transit vehicle technology for use in public transit services, as provided.
- 4) Require that following a written request by the exclusive employee representative, an within 30 days of receiving information, as provided, the public transit employer must commence collective bargaining in which both parties must bargain over the development and implementation of such technology; creating a transition plan for affected workers, and creating plans to train and prepare the affected workforce to fill new positions created by the autonomous transit vehicle technology.
- 5) Make technical and conforming changes for these purposes.

Governor's Veto Message

This bill would require a public transit district to provide notice 12 months before "any plan to acquire or deploy" new autonomous transit vehicle technology and negotiate with employee representatives before deploying such technology.

I am supportive of ensuring workers affected by new technology are consulted and have input upon decision that will impact their job. However, I am returning this bill without my signature because it contains some ambiguous terms that may lead to more adjudications than intended, and I believe more work is needed to clearly define the scope and application of the bill. I look forward to continuing to work on this issue with the stakeholders to ensure workers' voices are fairly represented and addressed when new transit technology is deployed.

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

This bill prescribes that certain 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-Milius-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, but would impose certain requirements on the procurement, acquisition, and deployment of new technology, as provided.

According to the Author

"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.

"[This bill] rightfully recognizes these technologies often come with impacts on the existing workforce that should be reviewed. While a transit agency may score a cost-savings in labor costs, the state must be vigilant in ensuring public safety and maintaining an adequate workforce."

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

While pending in the Senate Committee on Labor, Public Employment and Retirement, Monterey-Salinas Transit aligned its concerns and opposition, unless amended position with those of the California Transit Association, in which both expressed certain concerns and offered amendments to address those concerns. Among the concerns, both expressed the broadness of the prior version of the bill that could trigger its requirements prior to the deployment of any number of technological advances.

The Orange County Transportation Authority (OCTA) also registered an oppose, unless amended position as to the prior version of this bill in the Senate citing that the definition of "new vehicle technology" is very broad such that it would include a number of other items that are not necessarily associated with autonomous vehicles. Among other things, the OCTA states that the amendments in the Senate go beyond the original intent to target the impact automated transit vehicles would have on transit workers. In its written communication to the author, the OCTA offered several amendment suggestions.

FISCAL COMMENTS

None. This bill is keyed nonfiscal by Legislative Counsel.

VOTES

ASM PUBLIC EMPLOYMENT AND RETIREMENT: 4-1-1

YES: Cooper, Calderon, Cooley, O'Donnell

NO: Voepel

ABS, ABST OR NV: Seyarto

ASSEMBLY FLOOR: 50-18-9

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bloom, Boerner Horvath, Mia Bonta, Bryan, Carrillo, Cervantes, Daly, Mike Fong, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Villapudua, Ward, Akilah Weber, Wilson, Wood, Rendon

NO: Choi, Cunningham, Megan Dahle, Davies, Flora, Fong, Gallagher, Kiley, Lackey, Mathis, Mayes, Nguyen, Patterson, Seyarto, Smith, Valladares, Voepel, Waldron

ABS, ABST OR NV: Bennett, Bigelow, Calderon, Chen, Cooley, Cooper, Gray, McCarty, Wicks

SENATE FLOOR: 30-9-1

YES: Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Gonzalez, Hertzberg, Hueso, Hurtado, Kamlager, Laird, Leyva, Limón, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener

NO: Bates, Borgeas, Dahle, Grove, Jones, Melendez, Nielsen, Ochoa Bogh, Wilk

ABS, ABST OR NV: Glazer

ASSEMBLY FLOOR: 54-16-10

YES: Aguiar-Curry, Alvarez, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Cooper, Mike Fong, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Haney, Holden, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, McCarty, McKinnor, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

NO: Choi, Cooley, Megan Dahle, Davies, Flora, Fong, Gallagher, Kiley, Mathis, Nguyen, Patterson, Seyarto, Smith, Valladares, Voepel, Waldron

ABS, ABST OR NV: Bigelow, Chen, Cunningham, Daly, Gray, Grayson, Irwin, Lackey, Mayes, Villapudua

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