

ASSEMBLY THIRD READING  
AB 96 (Kalra)  
As Introduced January 9, 2023  
Majority 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.

### Major Provisions

- 1) Require a public transit employer to notify the exclusive representative in writing of the workforce affected by autonomous transit vehicle technology of its determination to begin, or substantive progress toward initiating, any procurement process or plan to acquire or deploy such technology for public transit services, as provided, not less than 12 months before commencing the process, plan, or deployment.
- 2) Establish that the written notification must apply to any autonomous transit vehicle technology for public transit services, including automated vehicles, that eliminate job functions or jobs of the workforce to which such technology will apply.
- 3) Provide that after the aforementioned mandatory written notification, and upon written request by the exclusive representative, the public transit employer must provide the exclusive representative the following information within 15 days of the employer's next regular governing board meeting: a) 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; b) the potential gaps in skills that may result from the new service on the workers to which it will apply, and c) The total amount budgeted for, and description of, training and retraining programs for affected workers.
- 4) Require that following the prescribed written request by the exclusive representative and within 30 days of the exclusive representative receiving the aforementioned information from the employer, the public transit employer must commence collective bargaining over: a) developing and implementing the new autonomous transit vehicle technology, and b) creating a transition plan for affected workers, and plans to train and prepare the affected workforce to fill new positions created by a new autonomous transit vehicle technology.
- 5) Expressly establish 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.
- 6) Expressly establish that written notifications by a public transit employer and written requests by the exclusive representative to a public transit employer do not supersede the exclusive representative's right to disclosure of information by the employer pursuant to the California Public Records Act, as provided.
- 7) Define several terms for these purposes.

## 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 development and implementation of autonomous transit vehicle technology, the creation of a transition plan for affected workers, and creation of plans to train and prepare such workers to fill new positions created by such technology. 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 supplant employees.

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 P.U.C., whereas, the Meyers-Milius-Brown Act (MMBA) governing local public employer-employee relations 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 procuring, acquiring, or deploying use of autonomous transit vehicle technology. Rather, this bill resolves to allow employees, through their exclusive representative, the ability to have input, through receipt of written receipt of information from the employer and the collective bargaining process, regarding such technology, as provided.

### 2) Please see the policy committee analysis for a full discussion of this bill

#### **According to the Author**

"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] will put workers and riders' safety at the forefront of transitions to the future of work with autonomous technology in public transit."

#### **Arguments in Support**

The California Teamsters Public Affairs Council (Teamsters) states in part 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. Regrettably, public transit employers have already begun to earmark dollars or show interest in the implementation of services that displace career-sustaining jobs across the country. These new technologies may cut costs in the short term, but fail to recognize the importance [that] transit employees play in facilitating a safe and smooth passenger experience for commuters and passengers across the state." In addition, "[m]ost recently, we have seen the necessity of transit employees in the face of a growing number of environmental disasters fueled by climate change. Just recently, workers at MTA in New York City helped evacuate passengers stranded by flash flooding during Hurricane Ida. Without a human operator on board, one can only imagine the chaos that would have ensued during a storm that took the lives of 20 residents of the city."

The California State Legislative Board of the SMART Transportation Division states in part that, "[w]e believe that workers deserve a voice in how new technologies are implemented in the

transit industry. New technologies should assist workers in providing a better overall transit service, not replace them. The requirements in this bill will put workers and riders' safety at the forefront of transitions to the future work with autonomous technology in public transit."

The American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, and the California Labor Federation, AFL-CIO, express statements similar to those of the Teamsters.

### **Arguments in Opposition**

The California Transit Association (CTA) states in part that, "[w]e understand the bill is an effort to require notification and potentially bargaining prior to the deployment of autonomous vehicles if the technology would pose workforce impacts. As we have maintained since 2022, this bill is premature and unnecessary for two key reasons: 1) A lengthy regulatory process at the Department of Motor Vehicles to permit the use of heavy-duty autonomous transit vehicles has not been conducted and is needed before transit agencies could consider procuring such vehicles, and 2) transit agencies routinely engage in collective bargaining with their employees and the Association believes that how employees are managed vis-à-vis autonomous vehicle deployment would be subject to those processes moving forward.

"In addition to the lack of a regulatory path forward, it is worth noting again that there have been only a few nascent pilots of small-scale autonomous shuttles at business parks or for first-/last-mile connections on closed campuses. None of these have displaced workers and agencies do not currently have plans to procure autonomous vehicles that would replace existing service. [The MMBA] already requires [that the parties meet and confer, including promptly upon request of either party to exchange freely information, opinions, and proposals, towards reaching an agreement on matters within the scope of representation prior to the adoption by the public agency of its final budget for the ensuing year]. Our member agencies consider worker displacement or loss of job function to be "terms and conditions" of employment that would trigger the meet and confer process."

Among other things, the Autonomous Vehicle Technology Industry Association states that, "[b]y requiring transit agencies to notify employee workforce representatives at least one year before commencing a process to acquire or to deploy any "autonomous transit vehicle technology" for public transit, [this bill] would increase burdens on public transit agencies while reducing the ability of these agencies to swiftly deploy innovative transit solutions needed in California." [This bill] would significantly inhibit transit agencies' abilities to bring such solutions to Californians in a timely manner," which, "...may have the unintentional effect of incentivizing California-based companies to innovate and create jobs in neighboring states, which risks California losing its position as a leader in the advancement of autonomous vehicle (AV) technology. Increasing barriers to transit agencies interested in using AVs stands in conflict with California's own Autonomous Vehicle Strategic Framework released last year," which, "... is intended to guide California policy with respect to AVs and reflects the collaborative work of multiple state agencies and stakeholder input to create a statewide vision for how AVs could be best integrated into California's transportation ecosystem."

### **FISCAL COMMENTS**

None.

## **VOTES**

**ASM PUBLIC EMPLOYMENT AND RETIREMENT: 5-0-2**

**YES:** McKinnor, Addis, Haney, Stephanie Nguyen, Schiavo

**ABS, ABST OR NV:** Lackey, Alanis

## **UPDATED**

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CONSULTANT: Michael Bolden / P. E. & R. / (916) 319-3957

FN: 0000164