

ASSEMBLY THIRD READING  
AB 96 (Kalra)  
As Amended May 1, 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, at least 10 months before beginning a procurement process to acquire or deploy any autonomous vehicle technology for public transit services that would eliminate job functions or jobs of a workforce, to provide written notice to the exclusive representative of the workforce affected by the technology of its determination to begin that procurement process.
- 2) Require, upon written request by the exclusive representative, the public transit employer and exclusive representative to commence collective bargaining within 30 days of the exclusive representative receiving the aforementioned written notice; however, collective bargaining is limited to the following subjects, or related mandatory subjects of bargaining:
  - a) Developing and implementing the new autonomous transit vehicle technology, and
  - b) Creating plans to train and prepare the affected workforce to fill new positions created by a new autonomous transit vehicle technology.
- 3) 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.
- 4) Expressly establish that these provisions must not supersede the rights of an exclusive representative to the disclosure of information by a public transit employer pursuant to the California Public Records Act, as provided.
- 5) Include a severability clause to shield otherwise valid provisions from becoming invalid.
- 6) 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-Milias-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**

Registering a position of "oppose, unless amended" on this bill, the California Transit Association 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 California Transit Associations further states that, "[the MMBA] already requires that transit employers 'meet and confer in good faith regarding wages, hours, and other terms and conditions of employment' and that both parties are under an 'obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach 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."

## **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: 0000266