

**(Without Reference to File)**

CONCURRENCE IN SENATE AMENDMENTS

AB 96 (Kalra)

As Amended September 6, 2023

Majority vote

**SUMMARY**

Requires a public transit employer to provide written notice to an exclusive representative of the workforce affected by autonomous transit vehicle technology, and that collective bargaining commence within a certain timeframe, among other provisions.

**Senate Amendments**

- 1) Require, upon a written request by the union, that the public transit employer and the union commence collective bargaining within 30 days of the union's receipt of the notice by the employer of its intention to begin the procurement process or within 10 days of the public transit employer receiving the written request, whichever occurs later.

As previously passed by the Assembly, this bill only required collective bargaining to commence within 30 days of the exclusive employee representative receiving the notification from the public transit employer.

- 2) Vest the Public Employment Relations Board (PERB) with jurisdiction to process allegations of unfair practice violations relating to these provisions; limit its jurisdiction to those public transit district employers in which the PERB's powers and duties already apply, as appropriate; require that the PERB's regulations apply; and, authorize the PERB to make additional emergency regulations, as provided.

**COMMENTS**

*1) Background: Public Transit District Employer-Employee Relations*

As to public employer-employee relations, many public transit districts are not subject to a common statutory framework 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 (MMBA) governing local public employer-employee relations may apply to others, or these relations are stipulated in joint powers agreements or articles of incorporation.

*2) This Bill*

While technological advances may bring improvements and efficiencies to the provision of public transit services, such technology also may supplant certain employees, positions, or jobs. In addition, certain (but not all) technologies may also require that employers hire employees, and/or that employees be trained in the use and maintenance of the technology.

This bill prescribes that certain information be provided by a public transit district employer to an exclusive employee representative 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. Further, it vests the PERB with jurisdiction over these matters, but limits its powers and duties to apply only to those public transit district employers in which the PERB has jurisdiction.

This bill does not foreclose a public transit district from procuring, acquiring, or deploying use of autonomous transit vehicle technology. Rather, it resolves to allow employees, through their exclusive representative, the ability to provide input regarding such technology via the collective bargaining process.

*3) Equity Solutions and Maximizing Benefits for Underserved and Marginalized Communities*

Pursuant to HR 39 (Gipson) of 2021, to continue the Assembly's commitment to investing in equity solutions and maximizing benefits for underserved and marginalized communities, legislative analyses of the Assembly must discuss the equity impact that a bill will, or may, have on such communities, if any.

This bill does not present a particular focus towards addressing equity in relation to maximizing benefits for underserved or marginalized communities as articulated in HR 39. However, under a broader context, the author asserts that, "[t]his bill would preserve union jobs and helping [individuals] stay in a good job with benefits and access to collective bargaining can help build up more equitable communities."

*4) Please see the policy committee analysis for a full discussion of this bill.*

**According to the Author**

"There are no existing protections for transit workers who face displacement with the implementation of autonomous driving technology. Autonomous technologies that may displace workers are enticing to transit agencies as it would allow them to save money on labor costs. 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.

"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 Public Affairs Council states in part that, "[This bill] is a comprehensive measure meant to restore and protect transit workers' voice in the implementation of new transit service, 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 industry. These 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."

### **Arguments in Opposition**

Among other things, the Automated Vehicle Industry Association states that, "[a]s recognized by the Newsom Administration in vetoing this exact bill last year, the bill would impose onerous requirements on transit agencies that would delay the rollout of autonomous vehicles ("AV") for use in public transit, and by doing so, would deny Californians the substantial transit-related benefits offered by AVs. In addition, we believe enactment of his bill will threaten California transit agencies' ability to compete for federal and state funding that value innovative solutions, particularly in serving vulnerable and/or underserved populations."

### **FISCAL COMMENTS**

This bill was passed by the Senate Appropriations Committee pursuant to Senate Rule 28.8.

### **VOTES:**

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

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

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

#### **ASSEMBLY FLOOR: 56-10-14**

**YES:** Addis, Aguiar-Curry, Alvarez, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Wendy Carrillo, Connolly, Davies, Mike Fong, Friedman, Gabriel, Garcia, Gipson, Grayson, Haney, Holden, Irwin, Jackson, Jones-Sawyer, Kalra, Low, Lowenthal, Maienschein, McKinnor, Muratsuchi, Stephanie Nguyen, Pacheco, Papan, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Santiago, Schiavo, Soria, Ting, Valencia, Villapudua, Waldron, Weber, Wicks, Wilson, Wood, Zbur, Rendon

**NO:** Megan Dahle, Dixon, Essayli, Flora, Vince Fong, Gallagher, Hoover, Mathis, Joe Patterson, Sanchez

**ABS, ABST OR NV:** Alanis, Arambula, Juan Carrillo, Cervantes, Chen, Hart, Lackey, Lee, McCarty, Ortega, Jim Patterson, Ta, Wallis, Ward

### **UPDATED**

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