
SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT
Senator Lola Smallwood-Cuevas, Chair
2025 - 2026 Regular

Bill No:	SB 1166	Hearing Date:	March 25, 2026
Author:	Arreguín		
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Urgency:	No	Fiscal:	Yes
Consultant:	Glenn Miles		

SUBJECT: Alameda-Contra Costa Transit District: employee relations

KEY ISSUE

This bill transfers jurisdiction for unfair labor practice complaints involving the Alameda-Contra Costa Transit District (ACTD) from the court system to the Public Employment Relations Board (PERB).

ANALYSIS

Existing law:

- 1) Governs collective bargaining in the private sector under the federal National Labor Relations Act (NLRA) but leaves to the states the regulation of collective bargaining in their respective public sectors. While the NLRA and the decisions of its National Labor Relations Board (NLRB) often provide persuasive precedent in interpreting state collective bargaining law, public employees generally have no collective bargaining rights absent specific statutory authority establishing those rights (29 United State Code § 151 et seq.)
- 2) Provides several statutory frameworks under California law to provide public employees collective bargaining rights, govern public employer-employee relations, and limit labor strife and economic disruption in the public sector through a reasonable method of resolving disputes regarding wages, hours and other terms and conditions of employment between public employers and recognized public employee organizations or their exclusive representatives. These include the Meyers-Milias-Brown Act (MMBA) which provides for public employer-employee relations between local government employers and their employees, including some, but not all public transit districts. (Government Code § 3500 et seq.)
- 3) Establishes PERB, a quasi-judicial administrative agency charged with administering certain statutory frameworks governing employer-employee relations, resolving disputes, and enforcing the statutory duties and rights of public agency employers and employee organizations, but provides the City and County of Los Angeles, respectively, local alternatives to PERB oversight. (GC § 3541)
- 4) Does not cover California's public transit districts by a common collective bargaining statute. Instead, while some transit agencies are subject to the MMBA, many transit agencies are instead still subject to labor relations provisions found in each district's specific Public Utilities Code (PUC) enabling statute, in joint powers agreements, or in articles of incorporation and bylaws. (e.g., Public Utilities Code § 28500)

- 5) Provides transit employees not under the MMBA with basic rights to organization and representation but does not define or prohibit unfair labor practices. Unlike other California public agencies and employees, these transit agencies and their employees generally must rely upon the courts to remedy alleged violations. Additionally, they may be subject to provisions of the federal Labor Management Relations Act of 1947 (Taft-Hartley) and the 1964 Urban Mass Transit Act, now known as the Federal Transit Act. (PUC § 24501 et seq.; 49 United State Code § 5333 (b))
- 6) Provides that the following provisions shall govern disputes between exclusive bargaining representatives of public transit employees and local agencies not covered by the MMBA:
 - a) The disputes shall not be subject to any fact-finding procedure otherwise provided by law.
 - b) Each party shall exchange contract proposals not less than 90 days before the expiration of a contract and shall be in formal collective bargaining not less than 60 days before that expiration.
 - c) Each party shall supply to the other party all reasonable data as requested by the other party.
 - d) At the request of either party to a dispute, the California State Mediation and Conciliation Service shall assign a conciliator to mediate the dispute and shall have access to all formal negotiations. (GC § 3611)
- 7) Authorizes the Governor to appoint a committee to investigate a transit district's labor dispute relating to an impasse in bargaining that results in a threatened or actual strike and provides a process to resolve the dispute. (GC § 3612 to § 3616)
- 8) Provides for the continuance of the Alameda-Contra Costa Transit District (ACTD), as specified. (PUC § 24561 et seq.)
- 9) Requires the ACTD transit board to bargain in good faith with the district employees' accredited representatives, as specified, and requires both parties to bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, salaries, hours, working conditions, and grievance procedures. (PUC § 25051)
- 10) Authorizes the district and the union to submit unresolved disputes over contract term governing wages, salaries, hours, or working conditions an arbitration board, as specified, whose decision shall be final. (PUC § 25051 (a) (1))
- 11) Requires the parties to submit questions regarding whether a union represents a majority of employees or whether a proposed bargaining unit is or is not appropriate to the State Conciliation Service for disposition. (PUC § 25052)

This bill:

- 1) State's that the bill's primary purpose is to promote the improvement of personnel management and employer-employee relations within the district by providing a uniform basis for recognizing the right of employees to join employee organizations of their own choice, to be represented, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford employees a voice at work.

- 2) Grants PERB jurisdiction to enforce the bill's provisions.
- 3) Provides that the requirements and impasse resolution and injunctive relief procedures of Chapter 3 (commencing with Section 3610) of Division 4.5 of Title 1 of the Government Code shall remain exclusive and this bill shall not displace or supplant them.
- 4) Authorizes the employees' union to select to move one or more of its represented bargaining units to PERB's jurisdiction unfair practice charges and provides that that a selection for PERB jurisdiction is irrevocable for that unit.
- 5) Requires the union to file notification of such a selection with PERB's general counsel or designee, and provide service to the district, as specified.
- 6) Requires the district to give reasonable written notice to the union of its intent to make any change to matters within the scope of representation to allow the union a reasonable amount of time to negotiate with the district regarding the proposed changes.
- 7) Authorizes any charging party, respondent, or intervenor aggrieved by a final PERB decision or order in an unfair practice case, except a PERB decision not to issue a complaint, to petition for a writ of extraordinary relief from that decision or order.
- 8) Requires the aggrieved party to file the petition for a writ of extraordinary relief in the district court of appeal having jurisdiction over any county in which the district operates.
- 9) Requires the petitioner to file within 30 days from the date of PERB's issuance of its final decision or order, or order denying reconsideration, as applicable.
- 10) Requires, upon the filing of the petition, the court to cause the relevant party to serve notice on PERB and thereafter the court shall have jurisdiction of the proceeding.
- 11) Requires PERB to certify and file in the court, the record of PERB's proceeding within 10 days after the clerk's notice unless the court extends that time for good cause shown.
- 12) Authorizes the court to grant any temporary relief or restraining order it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as modified, or setting aside in whole or in part, PERB's decision or order.
- 13) Makes PERB's findings with respect to questions of fact, including ultimate facts, if supported by substantial evidence on the record considered as a whole, conclusive. Provides that Title 1 (commencing with Section 1067) of Part 3 of the Code of Civil Procedure relating to writs shall, except where specifically superseded by the bill's relevant provision, apply to these proceedings.
- 14) Authorizes PERB to seek enforcement of any final decision or order in a district court of appeal or superior court having jurisdiction over the county where the events giving rise to the decision or order occurred if the time to petition for extraordinary relief from a PERB decision or order has expired.
- 15) Requires PERB to respond within 10 days to any inquiry from a party to the action as to why PERB has not sought court enforcement of the final decision or order.

- 16) Requires PERB to seek enforcement of the final decision or order upon the request of the party if PERB's response to the party's inquiry does not indicate that there has been compliance PERB's final decision or order.
- 17) Requires PERB to certify and file in the court the record of PERB's proceeding and appropriate evidence disclosing the failure to comply with PERB's decision or order. If, after hearing, the court determines that PERB issued the order pursuant to its established procedures and that the person or entity refuses to comply with the order, the court shall enforce the order by writ of mandamus or other proper process. The court may not review the merits of the order.
- 18) Declares that a special statute is necessary and that the Legislature cannot make a general statute applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique need of the Alameda-Contra Costa Transit District to efficiently and cost-effectively adjudicate unfair labor practice complaints.
- 19) Requires state mandated local costs to be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

COMMENTS

1. Need for this bill?

According to the author:

“The vast majority of local government labor relations are governed by the Meyers-Milias-Brown Act (MMBA) (e.g., cities, counties, municipalities, most special districts). PERB resolves unfair labor practice charges and representation disputes for employers and employees under the MMBA.”

“However, public transit districts have collective bargaining statutes governed by individual codes under Public Utilities Code, meaning by default, that public transit districts and their employees must rely upon the courts to remedy any alleged labor disputes. Courts often go without expertise in public sector labor relations. To address this disparity, the Legislature has brought several public transit districts under PERB's jurisdiction to adjudicate labor disputes (e.g., BART, OCTA, SacRT, SCMTD, VTA).”

“AC Transit is one of the remaining public transit districts whose unionized employees do not have the opportunity to access to PERB's expertise on labor law or its provision of expeditious and cost-effective alternatives to processing labor disputes, which means claims of unfair labor practices currently must go through superior court.”

2. Proponent Arguments

According to the American Federation of State, County and Municipal Employees:

“Alameda-Contra Costa Transit District’s (AC Transit) establishing statute lies within the Public Utilities Code and therefore AC Transit does not fall under PERB’s jurisdiction by default. To seek resolution for an unfair labor practice (ULP), AC Transit or its employees must file a writ in Superior Court. This process can be time-consuming, prohibitively expensive, and may involve a judge who has no experience with public sector employer-employee relations. Furthermore, California’s chronically under-resourced court system has a severe backlog. Delays wrought by the existing process can carry on for years, contribute to labor tension, and complicate contract negotiations.”

“PERB is a more timely, accessible, and labor-focused venue to resolve any future ULP conflicts that may arise. Transit agencies should have access to the same well-regarded employer-employee conflict resolution process as most California public employees.”

3. Opponent Arguments:

None received.

4. Dual Referral:

The Senate Rules Committee referred this bill to both the Senate Labor, Public Employment and Retirement Committee and to the Senate Judiciary Committee.

5. Prior Legislation:

SB 957 (Laird, Chapter 240, Statutes of 2022) transferred jurisdiction for unfair labor practice complaints involving Santa Cruz Metropolitan Transit District (SCMTD) from the court system to the Public Employment Relations Board (PERB).

SB 598 (Pan, Chapter 492, Statutes of 2021) granted unions the option of transferring jurisdiction over unfair labor practices for their represented bargaining units within the Sacramento Regional Transit District from the judicial system to PERB.

AB 2850 (Low, Chapter 293, Statutes of 2020) granted PERB jurisdiction over disputes relating to employer-employee relations between the San Francisco Bay Area Rapid Transit District and its employees, among other provisions.

AB 355 (Daly, Chapter 713, Statutes of 2019) transferred jurisdiction over unfair labor practice charges at the Orange County Transportation Authority from the judicial system to PERB; and authorizes parties to a labor dispute to appeal PERB decisions and orders to the courts through a petition for a writ of extraordinary relief filed within 30 days of the PERB ruling.

AB 2305 (Rodriguez, 2018) would have expanded PERB’s jurisdiction to include disputes between public agencies and peace officer employee organizations other than those employers and employees under the jurisdiction of employee relations commissions for the City and County of Los Angeles. Disputes between public agencies and individual peace officers would have remained outside of PERB’s jurisdiction. The Governor vetoed the bill.

AB 2886 (Daly, 2018) would have transferred jurisdiction over unfair labor practices for the Orange County Transportation Authority and the San Joaquin Regional Transit District to PERB, effective January 1, 2020. The Governor vetoed the bill.

AB 3034 (Low, 2018) would have amended the PUC by including BART's supervisory, professional, and technical employee units under MMBA's provisions; thereby, granting them certain statutory rights related to the employer-employee relationship, and bringing them under PERB's jurisdiction. The Governor vetoed the bill.

SUPPORT

American Federation of State, County and Municipal Employees
American Federation of State, County and Municipal Employees, Council 57
American Federation of State, County and Municipal Employees, Local 3916

OPPOSITION

None received.

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