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AB-96 Public employment: local public transit agencies: autonomous transit vehicle technology. (2023-2024)

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Assembly Bill No. 96

CHAPTER 419

An act to add Chapter 9.1 (commencing with Section 3125) to Division 4 of Title 1 of the Government Code, relating to public employment.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 96, Kalra. Public employment: local public transit agencies: autonomous transit vehicle technology.

Existing law creates various transit districts and prescribes requirements applicable to their labor relations, including those that address the recognition and certification of exclusive employee representatives, unit determinations, and procedures for meeting and conferring on matters subject to collective bargaining. Existing law establishes the Public Employment Relations Board (PERB) in state government as a means of resolving disputes and enforcing the statutory duties and rights of specified public employers and employees under various acts regulating collective bargaining. Existing law includes within PERB's jurisdiction the resolution of disputes alleging violation of rules and regulations adopted by a public agency, as defined, concerning unit determinations, representations, recognition, and elections, as specified. Existing law authorizes PERB to adopt rules and regulations to carry out its purposes, as provided. Existing law does not apply the above provisions to employees of specified public transit agencies.

This bill would require a public transit employer, at least 10 months before beginning a procurement process to acquire or deploy any autonomous transit vehicle technology for public transit services that would eliminate job functions or jobs of a workforce, to provide written notice to the exclusive employee representative of the workforce affected by the autonomous transit vehicle technology of its determination to begin that procurement process. The bill would require the public transit employer and exclusive employee representative, upon written request by the exclusive employee representative, to commence collective bargaining within a specified time period on certain subjects, including creating plans to train and prepare the affected workforce to fill new positions created by the autonomous transit vehicle technology. The bill would vest PERB with jurisdiction to process unfair practice charges alleging violations of these provisions, but only as to transit district employers where PERB has jurisdiction to process unfair practice charges. Should an employee organization file an unfair practice charge with PERB, the bill would require PERB's powers and duties to apply, as appropriate, and would require PERB's regulations to apply. The bill would authorize PERB to make additional emergency regulations, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 9.1 (commencing with Section 3125) is added to Division 4 of Title 1 of the Government Code, to read:

CHAPTER 9.1. Public Transit Employer Obligations

3125. For the purposes of this chapter:

- (a) "Autonomous transit vehicle technology" means technology that has the capability to drive a vehicle without the active physical control by a human operator.
- (b) "Plan to acquire or deploy" includes any public notification that initiates acquisition or deployment of autonomous transit vehicle technology.
- (c) "Procurement process" means the issuance of a request for proposals, a solicitation of proposals, or a request for quotations.
- (d) "Public transit employer" means any local governmental agency, including any city, county, city and county, special district, transit district, or joint powers authority, that provides public transit services within the state.
- (e) "Public transit services" means the provision of passenger transportation services by the public transit employer to the general public, including paratransit service.

3126. (a) At least 10 months before beginning a procurement process to acquire or deploy any autonomous transit vehicle technology for public transit services that would eliminate job functions or jobs of the workforce, a public transit employer shall notify, in writing, the exclusive employee representative of the workforce affected by the autonomous transit vehicle technology of its determination to begin that procurement process.

(b) Nothing in this section shall supersede the exclusive employee representative's right to disclosure of information by the public transit employer pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000)).

3127. (a) Upon a written request by the exclusive employee representative, the public transit employer and exclusive employee representative shall commence collective bargaining within 30 days of the exclusive employee representative receiving the notification required by subdivision (a) of Section 3126 or within 10 days of the public transit employer receiving the written request, whichever occurs later.

(b) The exclusive employee representative and the public transit employer shall only bargain over the following subjects, or related mandatory subjects of bargaining:

- (1) Developing the new autonomous transit vehicle technology.
- (2) Implementing the new autonomous transit vehicle technology.
- (3) Creating a transition plan for affected workers.
- (4) Creating plans to train and prepare the affected workforce to fill new positions created by a new autonomous transit vehicle technology.

3128. This chapter shall not be construed as creating any labor requirements that are less protective of employees than any labor requirements created pursuant to statute or a collective bargaining agreement.

3129. The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

3130. The Public Employment Relations Board shall have jurisdiction to process unfair practice charges alleging violations of this chapter, but only as to transit district employers where the board has jurisdiction to process unfair practice charges. Should an employee organization file an unfair practice charge with the board under this chapter, the powers and duties of the board described in Section 3541.3 shall apply, as appropriate, to this chapter, and the regulations of the board shall apply to this chapter. The board shall perform its duties under this section consistent with its regulations and may make additional regulations. The board may also adopt, amend, or repeal all rules and regulations necessary to carry out this chapter as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2). The adoption, amendment, or repeal of regulations pursuant to this section is conclusively presumed to be necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1.