

**BILL:** AB 2441 (Kalra, D-San Jose)  
Introduced February 17, 2022  
Amended June 2 2022

**SUBJECT:** AB 2441 would require public transit employers to notify union representatives of intention to procure new vehicle technologies for public transit services, and engage in collective bargaining related to the use of that technology in certain circumstances.

**STATUS:** Pending on the Senate Floor  
Passed the Senate Labor, Public Employment and Retirement Committee 4-0  
Passed the Assembly Floor 50-18  
Passed the Assembly Public Employment & Retirement Committee 4-1

**SUMMARY AS OF JUNE 2, 2022:**

AB 2441 (Kalra, D-San Jose) would require transit agencies to disclose to their respective employee representatives, any plans to introduce new vehicle technologies for public transit services. Upon its determination to begin or make substantive progress toward initiating any procurement process or plan to acquire or deploy any new vehicle technology for public transit services, the employer would need to provide a written notice to the employee representative no less than 12 months before the process, plan, or deployment. "New vehicle technology" is defined as autonomous technology, camera and voice systems whose principal purpose is to replicate customer information services currently provided by a transit worker, and other new technology that pertains directly to the operation of a vehicle that eliminates jobs or job functions of the workforce to which they apply. The definition also would include maintenance services of the aforementioned.

Following the notification, the employee representative can request that the employer provide a comprehensive analysis of the effects of the new products, services, or type of operation on workers, the potential gaps in skills that may result, and the total amount budgeted for training and retraining programs for affected workers. If requested by the employee representative, a public transit employer must engage in collective bargaining with the union in the following ways:

- Developing and implementing the new product or service;
- Creating a transition plan for affected workers, and;
- Creating plans to train and prepare the affected workforce to fill new positions created by a new service or product.

**EFFECTS ON ORANGE COUNTY:**

| As a public transit employer, AB 2441 would have significant impacts on the Orange County Transportation Authority's (OCTA) operations and services. It is

understood that the author's original intent was to target the impact automated transit vehicles would have on transit workers. Recent amendments go beyond autonomous vehicle technologies, however, by instead including "new vehicle technologies." "New vehicle technologies" are defined in such a manner that would include technologies that have no impact on jobs. It can be argued that most new, innovative technology being implemented could change job functions of workers; therefore, it is unclear how far reaching the impacts of this bill would become. This could include installing a button that allows for automated lift ramps. While it would remove a job function of the coach operator, it also inherently improves their overall job. As this bill is currently drafted, that kind of scenario could trigger this notification protocol and the potential for it to be collectively bargained over. There is no limit to how many times this could be initiated. Furthermore, transit agencies are already engaged in collective bargaining procedures with employees, which would render this bill redundant and unnecessary. The bill needs to be significantly amended to narrow the focus to only autonomous technology deployment in order to exclude other technology advancements that are not associated with automated transit vehicles.

Given these concerns, AB 2441 should be amended in the following ways:

- Remove the reference to "new vehicle technologies" and replace it with specific definitions for "autonomous technology" and "automated transit vehicles." The definitions could be consistent with the regulatory definitions created by the California Department of Motor Vehicles.
- Narrow the focus to procurement processes in order to eliminate confusion upon when to notify employee representatives.
- Revise and simplify the provisions related to notification of procurement. Instead, require the employer to notify the employee representative 12 months prior to beginning a procurement process to acquire autonomous transit vehicles that, once deployed, could displace existing employees. Following the notification, if the employee representative finds that it would displace workers, they would notify the employer and detail the impact to job functions.
- Limit the requirements related to collective bargaining to better align with existing law.

An OPPOSE UNLESS AMENDED position is consistent with OCTA's 2021-22 State Legislative Platform principles to "Oppose policies that significantly increase costs, threatening OCTA's ability to deliver projects and provide transit service."

#### **OCTA POSITION:**

Staff recommends: OPPOSE UNLESS AMENDED

AMENDED IN SENATE JUNE 2, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2441**

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**Introduced by Assembly Member Kalra**

February 17, 2022

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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.

LEGISLATIVE COUNSEL’S DIGEST

AB 2441, as amended, Kalra. Public employment: local public transit agencies: ~~new technologies~~; *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 matter subject to collective bargaining.

This bill would ~~prescribe requirements for public transit employers in connection with the introduction of new technologies for public transit services that introduce new products, services, or type of operation, as specified, or that eliminate jobs or job functions of the workforce to which they apply. The bill would require a public transit employer to provide notice, as specified,~~ *written notice to the applicable exclusive employee representative of the workforce affected by new vehicle technology of its intention to begin determination to begin, or its substantive progress toward initiating, any procurement process or a plan to acquire or deploy to any new technologies vehicle technology for public transit services, as described above, services that would eliminate job functions or jobs of the workforce to which the new vehicle*

*technology applies not less than 12 months before commencing the process, plan, or deployment. The bill would require a public transit employer, upon a written request of the exclusive employee representative, to provide specified information to the exclusive employee representative, including the potential gaps in skills that may result from the new service. The bill would also prescribe subjects in this regard that would be mandatory subjects of require the public transit employer, following the written request for information by the exclusive employee representative, to engage in collective bargaining, bargaining on specified subjects, including creating plans to train and prepare the affected workforce to fill new positions created by a new service or product.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 9.1 (commencing with Section 3125) is  
2 added to Division 4 of Title 1 of the Government Code, to read:  
3  
4 CHAPTER 9.1. PUBLIC TRANSIT EMPLOYER OBLIGATIONS  
5  
6 3125. For the purposes of this chapter:  
7 (a) ~~“Plan~~  
8 (a) *“Autonomous technology” means technology that has the*  
9 *capability to drive a vehicle without the active physical control by*  
10 *a human operator.*  
11 (b) *“New vehicle technology” means any of the following:*  
12 (1) *Autonomous technology.*  
13 (2) *Camera and voice systems whose principal purpose is to*  
14 *replicate customer information services currently provided by a*  
15 *transit worker.*  
16 (3) *Other new technology that pertains directly to the operation*  
17 *of a vehicle and eliminates jobs or job functions of the workforce*  
18 *to which it applies.*  
19 (4) *Maintenance services of the technologies specified in*  
20 *paragraphs (1) to (3), inclusive.*  
21 (c) *“Plan to acquire or deploy” includes any public notification*  
22 ~~*on the subject of that initiates acquisition or deployment.*~~  
23 *deployment of new vehicle technology.*

~~(b)~~

(d) “Procurement process” means any of the following:

(1) A request for information.

(2) A request for proposal.

(3) A request for quotation.

(4) Any request *substantially* similar to paragraphs (1) to (3), inclusive, that ~~is intended to begin~~ *begins* the process of acquiring new equipment or technology.

~~(e)~~

(e) “Public transit employer” means any local government agency, including any city, county, *city and county*, special district, transit district, or joint powers authority that provides public transit services within the state.

~~(d)~~

(f) “Public transit services” means the provision of passenger transportation services *by the district* to the general public, including paratransit service.

3126. (a) A public transit employer shall ~~notify~~ *notify, in writing*, the exclusive employee representative *of the workforce affected by new vehicle technology* of its ~~intention to begin~~ *determination to begin, or its substantive progress toward initiating*, any procurement process or plan to acquire or deploy ~~in relation to any new technologies~~ *vehicle technology* for public transit services as described in subdivision (b) not less than 12 months before commencing the process, plan, or deployment.

(b) The notification required by subdivision (a) shall apply to any new *vehicle* technology for public transit ~~services that does either of the following: services, including automated vehicles, that eliminates job functions or jobs of the workforce to which the new vehicle technology will apply.~~

~~(1) Changes or introduces new products, services, or type of operation, including, but not limited to, automated vehicles, which effect the nature of work or require job training of the workforce to which they will apply.~~

~~(2) Eliminates job functions or jobs of the workforce to which they will apply.~~

~~(c) The notification required by subdivision (a) shall include the following information:~~

~~(c) After the notification required by subdivision (a) and upon written request by the exclusive employee representative, the public~~

1 transit employer, within 15 days of its next regular governing  
2 board meeting, shall provide the following information to the  
3 exclusive employee representative:

4 (1) A comprehensive analysis of the effects of new products,  
5 services, or type of operation on workers, including workers who  
6 may not be adequately skilled in their use or may be fully displaced  
7 by them.

8 (2) The potential gaps in skills that may result from the new  
9 service on the workers to which it will ~~apply~~ apply.

10 (3) The total amount budgeted for, and descriptions of, training  
11 and retraining programs for affected workers.

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

16 3127. ~~Following the notification provided under~~ *written request*  
17 *by the exclusive employee representative under subdivision (c) of*  
18 *Section 3126, a public transit employer shall engage in collective*  
19 *bargaining with an affected exclusive employee representative on*  
20 *the following subjects:*

21 (a) Developing the new product or service.

22 (b) Implementing the new product or service.

23 (c) Creating a transition plan for affected workers.

24 (d) Creating plans to train and prepare the affected workforce  
25 to fill new positions created by a new service or product.

26 3128. This chapter shall not be construed as creating any labor  
27 requirements that are less protective of employees than any labor  
28 requirements created pursuant to statute or a collective bargaining  
29 agreement.

30 3129. The provisions of this chapter are severable. If any  
31 provision of this chapter or its application is held invalid, the  
32 invalidity shall not affect other provisions or applications that can  
33 be given effect without the invalid provision or application.