

Date of Hearing: March 14, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
AB 1641 (Travis Allen) – As Introduced January 11, 2016

SUBJECT: Shuttle services: loading and unloading of passengers

SUMMARY: Allows local governments to allow private shuttle buses to use public bus stops. Specifically, **this bill:**

- 1) Authorizes local authorities, upon agreement between a transit system operating buses engaged as common carriers in local transportation (public transit buses) and a shuttle service provider, to permit shuttle service vehicles to stop for the loading or unloading of passengers alongside any or all curb spaces designated for the loading or unloading of passengers of transit system buses.
- 2) Defines “shuttle service vehicle” as a motor vehicle designed, used, or maintained by or for a charter-party carrier of passengers, a passenger stage corporation, or any highway carrier of passengers required to register with the Public Utilities Commission.
- 3) Defines “shuttle service” as transportation by private vehicles offered for the exclusive or primary use of a discrete group, including, but not limited to, clients, patients, students, paid or unpaid staff, visitors, or residents, between an organization or entity’s facilities or between the organization or entity’s facilities and other locations, on a regularly scheduled basis.
- 4) Defines “shuttle service provider” as any person using shuttle service vehicles to provide shuttle service.
- 5) States the Legislature's intent not to replace public transit services and states that this applies only to shuttle services that do not offer services to the general public as common carriers.
- 6) Declares the urgency of this measure to take effect immediately.

EXISTING LAW:

- 1) Prohibits local governments from regulating the movement or parking of vehicles unless specifically authorized by state law.
- 2) Prohibits parking in a variety of places, including alongside curb space authorized for the loading and unloading of public transit buses when indicated by a sign or red paint on the curb erected or painted by local authorities pursuant to an ordinance.
- 3) Authorizes local authorities, upon agreement between a transit system operating buses and a public school district or private school, to permit school buses owned by, or operated under contract for, that public school district or private school to stop for the loading or unloading of passengers alongside any or all curb spaces designated for the loading or unloading of passengers of the transit system buses.

FISCAL EFFECT: Unknown, this bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS: In 2014, the San Francisco Municipal Transportation Agency (SFMTA) began an 18-month pilot program to allow private shuttles—often referred to as “tech buses” because of the number of them that transport tech workers from San Francisco to jobs in the Silicon Valley—to share SFMTA bus stops with public, common carrier buses. Under the pilot program, SFMTA designated 124 zones in which private shuttles are allowed to stop, including a mix of red zones shared between SFMTA buses and private shuttles and shuttle-only white zones. Shuttle operators were required to obtain a permit from SFMTA to participate in the program and pay \$3.67 each time they stopped in one of the designated zones. Operators were required to abide by the rules of the pilot program, including providing data to SFMTA on a daily basis on stops and operations within San Francisco. An October 2015 analysis of the pilot program found 479 vehicles registered by 16 permitted shuttle service providers making nearly 3,000 stops per workday, with about 8,500 people riding a permitted shuttle round-trip each day.

Based on the findings of the pilot program, the SFMTA board approved the extension of the pilot program in November 2015 with several additional requirements on shuttle operators dealing with vehicle size, emissions, labor, and data sharing standards.

Shortly after the San Francisco Board of Supervisors voted 9-1 to authorize SFMTA to embark on the pilot program, the Coalition for Fair, Legal and Environmental Transit and the Service Employees International Union Local 1021, among other petitioners, filed suit in San Francisco Superior Court against the City and County of San Francisco, Mayor Ed Lee, the Board of Supervisors, SFMTA, Google, Genentech, Apple, and several private transportation providers. The suit alleges that the pilot project is not authorized by state law because the Vehicle Code prohibits vehicles other than public buses from stopping at red zones designated as public, common carrier bus stops. The suit additionally alleges that the city violated the California Environmental Quality Act (CEQA) by exempting the pilot project from environmental review. That litigation has yet to be resolved. The CEQA challenge was dropped by the plaintiffs as part of the negotiations that led to the program extension, and the court will hear arguments to dismiss the case on the grounds that the case is moot on April 28, 2016.

This bill would authorize local governments, upon agreement between a transit system and a shuttle service provider, to allow private shuttles to use public bus stops. This authorization mirrors the existing authorization for a transit system to allow a school district to use public bus stops for school buses, upon agreement between the two entities. According to the author, the bill seeks to address a discrepancy in the law and “confirm local jurisdictions’ ability to enable employer shuttles to utilize municipal curb spaces upon local agreement.”

Committee concerns: Whether or not existing law authorizes private shuttles to use public bus stops and under what parameters is the subject of ongoing litigation. Until the court opines on what the law currently allows, this bill is premature.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

Amalgamated Transit Union

American Federation of State, County and Municipal Employees
California Council of the Blind
Cultural Space Coalition
Haight Ashbury Neighborhood Council
Potrero Hill Democratic Club
San Francisco Green Party
Services Employees International Union
United Transportation Union
36 private citizens

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