

Date of Hearing: January 11, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION  
Jim Frazier, Chair  
AB 61 (Travis Allen) – As Amended April 20, 2015

**SUBJECT:** Shuttle services: loading and unloading of passengers

**SUMMARY:** Allows local authorities to permit private shuttle service vehicles to use public bus stops. Specifically, **this bill:**

- 1) Allows local authorities, upon agreement between a transit system and a private shuttle service provider, to permit shuttle service vehicles to stop alongside any or all curb spaces designated for the loading or unloading of passengers of the transit system's buses.
- 2) 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, and defines other, related terms.
- 3) 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.

**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 bus operator 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

**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, which is set to expire at the end of January 2016, 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 must obtain a permit from SFMTA to participate in the program and must pay \$3.67 each time they stop in one of the designated zones. Operators must 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 into an ongoing program in November 2015. Pending an appeal on California Environmental Quality Act (CEQA) compliance to the San Francisco Board of Supervisors, the ongoing program takes effect February 1, 2016, 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 CEQA by exempting the pilot project from environmental review. That litigation has yet to be resolved, with proposed rulings from both parties due January 22, 2016, and a ruling from the court due 90 days thereafter.

This bill would authorize local governments, upon agreement between a transit system and a shuttle service provider, to allow private shuttles to stop at red zones used as public bus stops. This authorization mirrors the existing authorization to permit a school district to use public bus stops for school buses, upon agreement between the transit system and the school district. 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 may be premature.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

1 private citizen

### **Opposition**

American Federation of State, County and  
Municipal Employees, AFL-CIO  
AFSCME Council 57  
Amalgamated Transit Union  
Bernal Heights Democratic Club  
California Alliance for Retired Americans  
California Council of the Blind

D5 Action  
FDR Democratic Club of San Francisco  
Gray Panthers of San Francisco  
Harvey Milk LGBT Democratic Club  
Haight Ashbury Neighborhood Council  
Pacific Felt Factory  
Potrero Hill Democratic Club  
San Francisco Green Party  
San Francisco Latino Democratic Club  
San Francisco Senior and Disability Action  
San Francisco Tomorrow  
SaveMuni  
California State Council of the Services  
Employees International Union  
Transport Workers Union Local 250-A  
UNITE HERE Local 2  
Upper Noe Neighbors  
18 private citizens

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