

State Legislation – June 2019

To view documents associated with the bill, click the bill number link.

Staff is recommending a new oppose unless amended position on Assembly Bill (AB) 1112 (Friedman), replacing the previously adopted oppose position, as shown in **Table 1**, which also includes a watch position on Senate Bill (SB) 277 (Beall). The Board does not need to take an action item on legislation recommended to watch.

**Table 2** provides updates on Assembly Bill (AB) 1605 (Ting), SB 59 (Allen), and SB 127 (Wiener), on which the Transportation Authority has previously taken positions this session.

**Table 3** shows the status of bills on which the Board has already taken a position this session.

**Table 1. Recommendations for New Positions**

Recommended Positions	Bill # Author	Title and Update
<p>Oppose Unless Amended (replacing prior oppose position)</p>	<p><a href="#">AB 1112</a> <a href="#">Friedman</a> D</p>	<p><b>Shared mobility devices: local regulation.</b></p> <p>This bill would limit a local jurisdiction’s ability to regulate all “shared mobility” operators including those of shared bicycles, electric bicycles, motorized scooters, electrically motorized boards, or other similar personal transportation devices. It ties local jurisdictions’ hands with regard to cost recovery, data collection, ability to provide specified service in communities of concern, and other requirements such as SFMTA’s current “lock-to” device requirement that has reduced blockages in pedestrian pathways since it was implemented.</p> <p>Since the May Board meeting, the bill was approved by the Assembly and has been referred to three Senate Committees, which may slow down the otherwise fast progress this bill has been making. After receiving feedback from public agencies, including SFMTA, on June 3 the author introduced an amendment to clarify that the bill would allow certain regulations (e.g. fleet caps, equitable access requirements, speed limits). However, they don’t yet go far enough. SFMTA intends to submit a joint request for additional amendments with the cities of Los Angeles, Oakland, San Jose, and Santa Monica. Meanwhile, the author has expressed a willingness to keep working on amendments so as to avoid public sector opposition to the bill.</p> <p>The city’s State Legislation Committee has opposed the bill, as have other cities, including Los Angeles, which includes the Assemblymember’s own district. Recently, several state walking and biking advocacy groups publicly expressed concern about the bill’s potential implications for local jurisdictions’ ability to enact regulations to ensure safety and equity benefits.</p> <p>The Transportation Authority currently has an oppose position on this bill. We are recommending a new oppose unless amended position, which would allow us to oppose the bill until it is sufficiently amended to satisfy us and SFMTA that it will not negatively impact our ability to implement and sustain our regulatory programs, nor prevent us from collecting necessary data. <b>We are recommending adopting this revision to the bill’s position on the first read to authorize staff to advocate for additional amendments and submit the change in position, if warranted, during the Senate hearing process that is scheduled to occur before the June 25 Board meeting.</b></p>

<p>Watch</p>	<p><a href="#">SB 277</a> <a href="#">Beall D</a></p>	<p><b>Road Maintenance and Rehabilitation Program: Local Partnership Program.</b></p> <p>Currently, the state Local Partnership Program (LPP), comprised of \$200 million per year in SB 1 funds, is allocated by the California Transportation Commission (CTC) to local or regional transportation agencies that have sought and received voter approval of taxes or fees dedicated to transportation. Currently, the CTC passes 50% of funds to local self-help jurisdictions via formula, including the Transportation Authority for its Prop K sales tax, and the Bay Area Toll Authority for its bridge toll program. The remainder is allocated through a statewide competitive program.</p> <p>As amended on June 5, SB 277 would instead apportion 100% of the funds to self-help jurisdictions on a formula basis, effectively eliminating the competitive program. By April 1, 2020, the bill would require the CTC to work in conjunction with eligible recipients to develop guidelines for the restructured program, including calculation of the formula distribution, guaranteed minimum apportionments, and project eligibility. The bill has passed out of the Assembly and will next be heard in the Senate Transportation Committee.</p> <p>Turning the LPP into a strictly formula-based program would remove uncertainty and increase reliability of what the Transportation Authority would receive per grant cycle, doubling what we currently receive which is around \$2 million per year. We are generally supportive of a higher formula share, though recognize that eliminating the competitive portion of the program means the city would not be able to pursue larger statewide grants for priority projects. In the first three- year cycle of the competitive program, San Francisco Public Works was awarded a \$7 million grant for streetscape improvements on Jefferson Street. There is currently significant disagreement among self-help jurisdictions over what the split should be between the competitive share and the local formula share, as well as over how the formula is calculated, with smaller jurisdictions typically preferring a larger competitive program since their formula shares are small compared to what they could receive by securing a grant through the statewide program. If this legislation is approved, we would actively participate in the process to develop new program guidelines.</p>
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Table 2. Notable Updates on Bills in the 2018-2020 Session

Adopted Positions	Bill # Author	Title and Update
Support/ Sponsor	<a href="#">AB 1605</a> <a href="#">Ting D</a>	<p><b>City and County of San Francisco: Crooked Street Reservation and Pricing Program.</b></p> <p>This bill authorizes the San Francisco Board of Supervisors to implement a pilot reservation and pricing program on the Lombard Crooked Street, to provide congestion relief and revenues to manage one of San Francisco’s most popular tourist attractions, which is also a local residential street. Visitors would be required to make an advance reservation to drive down the street, and would be charged a fee to cover administration, maintenance, and other traffic management costs.</p> <p>The San Francisco Board of Supervisors unanimously adopted a resolution of support for AB 1605 on April 16. On April 22, the bill was successfully passed out of the Assembly Transportation Committee. On May 2, the bill passed off the Assembly Floor. It will be heard next at the Senate Governance &amp; Finance Committee before it is referred to the Transportation Committee. We continue to work with our legislators in Sacramento, Commissioner Stefani’s office, and local agency partners to advance the bill.</p>
Watch	<a href="#">SB 59</a> <a href="#">Allen D</a>	<p><b>Autonomous vehicle technology: Statewide policy.</b></p> <p>This bill would require the Office of Planning and Research to convene an autonomous vehicle interagency working group to guide policy development for autonomous passenger vehicles. The legislation would require the working group to submit a report to the Legislature on or before January 1, 2022 with policy recommendations.</p> <p>As Commissioner Yee requested at the February 12, 2019 Board meeting, we worked with SFMTA to develop language to incorporate Vision Zero goals explicitly into the legislation, which we provided to Senator Allen’s office. The bill was amended in May, adding a new principle to guide the development of policy: “Reduce motor vehicle crashes and improve road safety for all users.” This amendment is consistent with the city’s Vision Zero goal and reflects the important role that road safety should play in autonomous vehicle policy discussions. We are pleased it was incorporated into the latest version of the bill. We are not, however, recommending that that Board adopt a support position at this time. The latest version of the bill only applies to autonomous passenger vehicles. Commercial autonomous vehicles have many of the same congestion, emission, and safety concerns as passenger vehicles and should therefore be included in future policy-making discussions.</p>

Support	<a href="#">SB 127</a> <a href="#">Wiener</a> D	<p><b>Transportation funding: active transportation: complete streets.</b></p> <p>This bill requires that the California Transportation Commission adopt performance measures that include the conditions of bicycle and pedestrian facilities; accessibility and safety for pedestrians, bicyclists, and transit users; and vehicle miles traveled on the state highway system. As originally drafted, it would also have required that Caltrans include new, or improve existing, bicycle and pedestrian facilities on State Highway Operation and Protection Program-funded capital improvement projects on state highways. The Board of Supervisors unanimously adopted a resolution of support for this bill on January 29.</p> <p>As amended, this bill would still require Caltrans to provide facilities for bicycle and pedestrians on a subset of state projects; however, it eliminates the language requiring them to be physically separated. It also eliminates the required set-aside from the SHOPP account for bicycle and pedestrian facilities and includes a new consideration for disadvantaged communities, among other revisions. After introduction, the bill sat in Senate Transportation for almost three months, but with these amendments, it moved quickly through the Senate and is now awaiting Committee assignment on the Assembly side.</p>
Support	<a href="#">SB 152</a> <a href="#">Beall</a> D	<p><b>Active Transportation Program.</b></p> <p>Sponsored by the MTC, this bill, as amended, would have delegated project selection for 60% of state Active Transportation Program to Metropolitan Planning Agencies (MTC for the Bay Area), with 15% available for small/rural regions, and leaving the remaining 25% to be administered by the California Transportation Commission (CTC) as a statewide competitive program.</p> <p><u>This bill was held in Senate Appropriations and therefore will not advance this year. Senator Beall has indicated to MTC that he does not intend to advance the bill next year, so it is dead.</u> The CTC Commissioners strongly opposed delegating additional decision-making over the program to the regions. MTC reports that it will continue to talk with CTC staff about possible administrative streamlining of the program.</p>

**Table 3. Bill Status for Active Positions Taken in the 2019-2020 Session**

Adopted Positions	Bill # Author	Bill Title	Bill Status <sup>1</sup> (as of 6/3/2019)
Support/ Sponsor	<a href="#">AB 1605</a> <a href="#">Ting</a> D	City and County of San Francisco: Crooked Street Reservation and Pricing Program.	Senate Governance & Finance
Support	<a href="#">AB 40</a> <a href="#">Ting</a> D	Zero-emission vehicles: comprehensive strategy.	Two-year bill
	<a href="#">AB 47</a> <a href="#">Daly</a> D	Driver records: points: distracted driving.	Senate Desk

	<a href="#">AB 147</a> <a href="#">Burke</a> D	Use taxes: collection: retailer engaged in business in this state: marketplace facilitators.	Chaptered
	<a href="#">AB 252</a> <a href="#">Daly</a> D	Department of Transportation: environmental review process: federal program.	Senate Rules
	<a href="#">AB 659</a> <a href="#">Mullin</a> D	Transportation: emerging transportation technologies: California Smart City Challenge Grant Program.	Two-year bill
	<a href="#">AB 1286</a> <a href="#">Muratsuchi</a> D	Shared mobility devices: agreements.	Senate Judiciary
	<a href="#">SB 127</a> <a href="#">Wiener</a> D	Transportation funding: active transportation: complete streets.	Assembly Desk
	<a href="#">SB 152</a> <a href="#">Beall</a> D	Active Transportation Program.	Dead
Support if Amended	<a href="#">AB 1142</a> <a href="#">Friedman</a> D	Strategic Growth Council: transportation pilot projects: regional transportation plans.	Senate Transportation
Oppose Unless Amended	<a href="#">AB 326</a> <a href="#">Muratsuchi</a> D	Vehicles: Motorized carrying devices.	Two-year bill
Oppose	<a href="#">AB 553</a> <a href="#">Melendez</a> R	High-speed rail bonds: housing.	Two-year bill
	<a href="#">AB 1112</a> <a href="#">Friedman</a> D	Shared mobility devices: local regulation.	Senate Transportation
	<a href="#">AB 1167</a> <a href="#">Mathis</a> R	Greenhouse Gas Reduction Fund: high-speed rail: forestry and fire protection.	Two-year bill

<sup>1</sup>Under this column, “Chaptered” means the bill is now law, “Dead” means the bill is no longer viable this session, and “Enrolled” means it has passed both Houses of the Legislature. “Two-year” bills have not met the required legislative deadlines and will not be moving forward this session, but can be reconsidered in the second year of the session which begins in December 2019. Bill status at a House’s “Desk” means it is pending referral to a Committee.

**SUPPLEMENTAL MATERIALS**

Attachment 1 – Text of AB 1112 (Friedman), as Amended June 3, 2019


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**AB-1112 Shared mobility devices: local regulation.** (2019-2020)

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AMENDED IN SENATE JUNE 03, 2019

AMENDED IN ASSEMBLY MAY 07, 2019

AMENDED IN ASSEMBLY APRIL 08, 2019

AMENDED IN ASSEMBLY MARCH 28, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1112**

**Introduced by Assembly Member Friedman**

**February 21, 2019**

An act to add Division 16.8 (commencing with Section 39050) to the Vehicle Code, relating to shared mobility devices.

LEGISLATIVE COUNSEL'S DIGEST

AB 1112, as amended, Friedman. Shared mobility devices: local regulation.

Existing law generally regulates the operation of bicycles, electric bicycles, motorized scooters, and electrically motorized boards. Existing law allows local authorities to regulate the registration, parking, and operation of bicycles and motorized scooters in a manner that does not conflict with state law.

This bill would define a "shared mobility device" as a bicycle, electric bicycle, motorized scooter, electrically motorized board, or other similar personal transportation device, that is made available to the public for shared use and transportation, as provided. The bill would require shared mobility devices to include a single unique alphanumeric ID. The bill would allow a local authority to require a shared mobility device provider to provide the local authority with deidentified and aggregated trip data as a condition for operating a shared mobility device program. The bill would prohibit the sharing of individual trip data, except as provided by the Electronic Communications Privacy Act. *The bill would prohibit a local authority from imposing any unduly restrictive requirements on mobility device providers that have the effect of prohibiting the operation of all shared mobility providers in its jurisdiction. The bill would allow a local authority to require shared mobility device providers to deploy shared mobility devices in accordance with fleet caps, reasonable insurance and indemnification requirements, equitable access requirements, and speed limits, as a condition of operating a shared mobility fleet.* The bill would prohibit a local authority from ~~imposing an unduly restrictive requirement on a provider of~~ *subjecting users of* shared mobility ~~devices, including a requirement that is more~~ *devices to requirements more* restrictive than those applicable to ~~riders~~ *users* of personally owned similar transportation devices.

The bill would include findings that uniformity in certain aspects of local regulation of shared mobility devices and providers proposed by this bill addresses a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities and counties, including charter cities and counties.

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

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

**SECTION 1.** Division 16.8 (commencing with Section 39050) is added to the Vehicle Code, to read:

**DIVISION 16.8. Local Regulation of Motorized Scooters**

**39050.** The Legislature finds and declares that a basic level of statewide standards for local regulation of shared mobility devices encourages innovation and ensures basic expectations for consumers. Except as expressly stated, it is not the intent of the Legislature that this division limit regulations a local authority may otherwise implement beyond the minimum standards outlined in this division.

**39051.** For the purposes of this division, the following definitions apply, unless the context requires otherwise:

(a) "Aggregate" means data that relates to a group of trips, from which the start points, stop points, routes, and times of individual trips have been removed and that cannot be used, or combined with other information to isolate details of an individual trip.

(b) "Deidentified" means information that cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular consumer, provided that ~~a business an entity~~ that uses deidentified information meets all of the following criteria:

(1) Has implemented technical safeguards that prohibit reidentification of the consumer to whom the information may pertain.

(2) Has implemented business processes that specifically prohibit reidentification of the information.

(3) Has implemented business processes to prevent inadvertent release of deidentified information.

(4) Makes no attempt to reidentify the information.

(c) "Shared mobility device" means an electrically motorized board as defined in Section 313.5, a motorized scooter as defined in Section 407.5, an electric bicycle as defined in Section 312.5, a bicycle as defined in Section 231, or other similar personal transportation device, except as provided in subdivision (b) of Section 415, that is made available to the public by a shared mobility service provider for shared use and transportation in exchange for financial compensation via a digital application or other electronic digital platform.

(d) "Shared mobility device service provider" or "provider" means a person or ~~entity~~ *entity, other than a government entity*, that offers, makes available, or provides a shared mobility device in exchange for financial compensation or membership via a digital application or other electronic or digital platform.

(e) "Trip data" means deidentified and aggregated data elements related to trips taken by users of a shared mobility device including, but not limited to, Global Positioning System, time stamp, or route data.

(f) "Individual trip data" means data elements related to trips taken by users of a shared mobility device including, but not limited to, Global Positioning System, time stamp, or route data that are not deidentified and ~~aggregate~~ *aggregated*. Individual trip data is "electronic device information" as defined in subdivision (g) of Section 1546 of the Penal Code and is subject to the protections established in Chapter 3.6 (commencing with Section 1546) of Title 12 of Part 2 of the Penal Code.

**39052.** All shared mobility devices operated in the state shall include a single unique alphanumeric ID assigned by the provider that is visible from a distance of five feet, that is not obfuscated by branding or other markings, and that is used throughout the state, including by local authorities, to identify the shared mobility device.

**39056.** A local authority may require a shared mobility device provider, as a condition for operating a shared mobility device program, to provide to the local authority trip data for all trips within the jurisdiction of the local authority on any shared mobility device. Individual trip data shall not be shared with the local authority, except as provided by Chapter 3.6 (commencing with Section 1546) of Title 12 of Part 2 of the Penal Code.

**39057.** (a) *In regulating shared mobility devices and providers, a local authority shall not impose any unduly restrictive requirements that have the effect of prohibiting the operation of all shared mobility providers in its jurisdiction. A local authority may require a shared mobility provider, as a condition for operating a shared mobility device fleet, to deploy shared devices in accordance with the following requirements, including, but not limited to:*

*(1) Fleet caps that reasonably limit the number of shared mobility devices permitted to operate within its jurisdiction.*

*(2) Reasonable insurance and indemnification requirements.*

*(3) Required or incentivized deployment in specific regions of the local authority's jurisdiction, based on factors including, but not limited to, economic indicators, in order to ensure equitable access to shared mobility devices, provided that the local authority correspondingly reduces or eliminates associated fees and costs.*

*(4) Limits on maximum device speed, provided that these limits on roads and bicycle lanes are not below applicable statewide speed limits.*

*(b) The local authority may impose fees based on the reasonable and necessary costs incurred by the local authority as a result of administering shared mobility device programs within its jurisdiction.*

**39058.** In regulating shared mobility devices and providers, a local authority shall not ~~impose any unduly restrictive requirement on a provider, including requiring operation below cost, and shall not~~ subject the ~~riders~~ *users* of shared mobility devices to requirements more restrictive than those applicable to ~~riders~~ *users* of personally owned similar transportation devices, including, but not limited to, personally owned electric bicycles and electric scooters.

**39060.** It is the intent of the Legislature to promote and encourage the use of zero-emission shared mobility devices, which have been proven to be ~~a safe, affordable, and an~~ environmentally sustainable replacement for automobile trips. In accordance with this policy, the Legislature finds and declares that uniformity in certain aspects of local regulation of shared mobility devices is of vital statewide importance, and thus a matter of statewide concern. Thus, the Legislature finds and declares that the provisions of this division, providing for uniformity in certain aspects of local regulation of shared mobility devices and providers address a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this division applies to all cities and counties, including charter cities and counties.