BOARD of SUPERVISORS



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MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair

Land Use and Transportation Committee

FROM: John Carroll, Assistant Clerk

DATE: February 27, 2024

SUBJECT COMMITTEE REPORT, BOARD MEETING

Tuesday, February 27, 2024

The following file should be presented as COMMITTEE REPORT during the Board meeting on Tuesday, February 27, 2024. This resolution was acted upon during the Land Use and Transportation Committee meeting on Monday, February 26, 2024, at 1:30 p.m., by the votes indicated.

BOS Item No. 35 File No. 240132

[Supporting California State Senate Bill No. 915 (Cortese) - The Autonomous Vehicle Service Deployment and Data Transparency Act]

Resolution supporting California State Senate Bill No. 915, introduced by Senator Dave Cortese, which prioritizes local control in the decision to deploy autonomous vehicle services, contingent upon an autonomous vehicle service company receiving approval by the California Department Motor Vehicles and the California Public Utilities Commission, and will prevent deployment in a geographic location until a local government passes an ordinance authorizing operations.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Myrna Melgar – Aye Supervisor Dean Preston – Aye Supervisor Aaron Peskin – Aye

Cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Anne Pearson, Deputy City Attorney

1110 1101 270 102	File No.	240132
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Committee Item I	No.	10	
Board Item No.	35		

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

	Committee: Land Use and Transportation Date: February 26, 2024				
Board of Supervisors Meeting:		Date:	February 27, 2024		
Cmte Board					
Motion Resolution Ordinance Legislative Digest Budget and Legisla Youth Commission Introduction Form Department/Agency MOU Grant Information F Grant Budget Subcontract Budget Subcontract Budget Contract / DRAFT N Form 126 – Ethics C Award Letter Application Public Corresponde	Report Cover Letter and/ form t lills Act Agreemen Commission	or Rep	oort		
OTHER					
California Senate B Transfer Memo – For Committee Report B	ebruary 20, 2024		21, 2024		
Prepared by: John Carroll Prepared by: John Carroll Prepared by:	Date: Date: Date:		uary 23, 2024 uary 27, 2024		

1	[Supporting California State Senate Bill No. 915 (Cortese) - The Autonomous Vehicle Service
2	Deployment and Data Transparency Act]
3	Resolution supporting California State Senate Bill No. 915, introduced by Senator Dave
4	Cortese, which prioritizes local control in the decision to deploy autonomous vehicle
5	services, contingent upon an autonomous vehicle service company receiving approval
6	by the California Department Motor Vehicles and the California Public Utilities
7	Commission, and will prevent deployment in a geographic location until a local
8	government passes an ordinance authorizing operations.
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10	WHEREAS, On January 9, 2024, Senator Dave Cortese, introduced California State
11	Senate Bill No. 915 that empowers local communities, maintains safety for pedestrians,
12	passengers, and other vehicles, and establishes a community-centered approach; and
13	WHEREAS, Senate Bill No. 915 (SB 915) would empower local governments to
14	determine how self-driving vehicles operate in a given area, as well as enforce traffic laws on
15	autonomous vehicle companies by enacting new local ordinances, as needed, in real-time;
16	and
17	WHEREAS, Senate Bill No. 915 allows each local government to set up its own rules
18	for self-driving vehicles based on the community's unique needs, and local governments will
19	be able to govern fares on robo-taxis and the number of autonomous vehicles on the road and
20	manage traffic and reduce the potential for injuries; and
21	WHEREAS, Senate Bill No. 915 has the support of the California Teamsters Public
22	Affairs Council, California Conference Board of the Amalgamated, Transit Union, California
23	League of Cities, and the California Labor Federation; and
24	WHEREAS, Peter Finn, Teamsters Western Region International Vice President and
25	Secretary-Treasurer of Teamsters Local 856 was reported as saying, "Our streets should not

be private laboratories for untested technology. SB 915 is the common-sense measure to ensure autonomous vehicles don't operate in a regulatory vacuum, putting lives at risk. Local communities deserve a say in how these vehicles operate on their streets."; and

WHEREAS, According to Senator Dave Cortese, "City councils and county boards of supervisors adopt ordinances on any given week, nimbly and with local accountability. SB 915 returns control to the local communities who know their streets best. The emergence of autonomous vehicles is an exciting technological development with massive potential upsides for safety and convenience. We must ensure this innovative technology rolls out safely. SB 915 strikes the right balance between responsible technology deployment and public safety. Under SB 915, the rules of the road will continue to be established and enforced by the people who live there;" and

WHEREAS, Over the last year, driverless vehicles have delayed transport and medical care, blocked emergency vehicles, and interfered during active firefighting and crime scenes, forcing first responders to relocate their emergency vehicles because of wayward autonomous vehicles; and

WHEREAS, Many communities have expressed concerns over the number of driverless vehicles allowed to operate on their local streets, hours allowed for service and operation, locations of vulnerable populations (e.g. schoolyards), and damage to local streets and roads with heavier than average displacement; and

WHEREAS, These events have sparked a backlash in communities in recent months following a series of traffic snarls and accidents, including one incident where a pedestrian was run over and dragged by a Cruise vehicle after she was struck by another car; yet the Department of Motor Vehicles only took disciplinary action, suspending Cruise's deployment permit, after it became clear that Cruise misled California regulators about the severity of the event; and

1	WHEREAS, SB 915 will go a long way towards repairing the flawed approach that
2	governs the deployment of robotaxis and similar services in California by allowing each city,
3	county, or city and county that adopts a policy to allow businesses to provide autonomous
4	vehicle services to include and consider: maximum rates for passenger fares for robotaxis,
5	establishment of vehicle caps, establishment of data transparency, establishment of
6	interoperability for emergency responders, a process of ensuring ADA accessibility, and
7	annual inspections for health and safety; now, therefore, be it
8	RESOLVED, That the Board of Supervisors of the City and County of San Francisco
9	supports Senate Bill 915, "The Autonomous Vehicle Service Deployment and Data
10	Transparency Act"; authored by Senator Dave Cortese (D-San Jose) and principally authored
11	by Assembly Member Freddie Rodriguez (D-Pomona), which prioritizes local control in the
12	decision to deploy autonomous vehicle services, contingent upon an autonomous vehicle
13	service company receiving approval by the California Department of Motor Vehicles and the
14	California Public Utilities Commission, and will prevent deployment in a geographic location
15	until a local government passes an ordinance authorizing operations; and, be it
16	FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
17	Francisco directs the Clerk of the Board of Supervisors to transmit a copy of this Resolution to
18	Senators Dave Cortese and Scott Wiener, and Assembly Members Freddie Rodriguez, Phil
19	Ting, and Matt Haney.
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Introduced by Senator Cortese

(Principal coauthor: Assembly Member Rodriguez)

January 9, 2024

An act to add Section 53075.1 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 915, as introduced, Cortese. Local government: autonomous vehicles.

Existing law authorizes an autonomous vehicle, as defined, to be operated on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated if certain requirements are met, including that the vehicle is being operated solely by employees, contractors, or other persons designated by the manufacturer. Existing law prohibits an autonomous vehicle from being operated on public roads until the manufacturer submits an application to the Department of Motor Vehicles containing certain certifications regarding safety and other technological requirements and the department approves that application pursuant to adopted regulations. Existing law, commencing January 1, 2030, and to the extent authorized by federal law, prohibits the operation of certain new autonomous vehicles that are not zero-emission vehicles, as defined.

Existing law provides for the local regulation of certain types of transportation services, including taxicab companies. Existing law requires each city or county in which a taxicab company is substantially located to adopt an ordinance or resolution in regards to taxicab transportation service, which includes provisions for a permitting program for taxicab drivers. Under existing law, it is unlawful to operate

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a taxicab company without a valid permit to operate issued by each city or county in which the taxicab company is substantially located.

This bill would prohibit an autonomous vehicle service, which has received approval to conduct commercial passenger service or engage in commercial activity using driverless vehicles by the Department of Motor Vehicles, the Public Utilities Commission, or another state agency, from commencing operation within a local jurisdiction until authorized by a local ordinance enacted pursuant to the bill's provisions. The bill would authorize each city, county, or city and county in which an autonomous vehicle has received authorization to operate, to protect the public health, safety, and welfare by adopting an ordinance or resolution in regard to autonomous vehicle services within that jurisdiction. The bill would require each city, county, or city and county that adopts an ordinance or resolution to include certain provisions within that ordinance or resolution. These would include a policy for entry into the business of providing autonomous vehicle services including a permitting program, the establishment of reasonable vehicle caps and hours of service restrictions, and the establishment of an interoperability or override system accessible by first responders in case of an emergency.

The bill would authorize each city, county, or city and county to levy service charges, fees, or assessments in the amount sufficient to pay for the costs of carrying out an ordinance or resolution adopted in regard to autonomous vehicle services. The bill would require a permitted autonomous vehicle service conducting passenger service to take various actions, including maintaining reasonable financial responsibility and keeping its vehicles in safe operating condition, as specified. The bill would make it unlawful to operate an autonomous vehicle service without a valid permit to operate issued by the local jurisdiction in which the service is substantially located, with violations subject to administrative fines. The bill would also authorize a city, county, or city and county to enter into an agreement with another city, county, or city and county to form a joint powers authority or into an agreement with a transit agency for the purpose of regulating or administering autonomous vehicle services within jurisdictional boundaries. To the extent the bill would impose new duties on local jurisdictions, it would create a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the 2 following:
- 3 (a) California has witnessed the growth and expansion of 4 autonomous vehicle services in urban areas across the state, 5 including the bay area and Los Angeles.

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- (b) The approval and deployment of autonomous vehicle services in California is governed entirely by the Department of Motor Vehicles and the Public Utilities Commission, and currently allows for minimal local control or public input.
- (c) The deployment of autonomous vehicle services, over the objections of local government, the general public, law enforcement, and emergency responders, has led to numerous accidents, injuries, and traffic congestion.
- (d) Given the localized nature of transportation, the deployment and regulation of autonomous vehicle services requires local approval and local control.
- (e) This act shall be known as the "Autonomous Vehicle Service Deployment and Data Transparency Act (AVS-DDTA)."
- (f) The purpose of this act is to prioritize local control in the decision to deploy autonomous vehicle services, where an entity has already received any deployment approval by the Department of Motor Vehicles, the Public Utilities Commission, or any other state agency.
- SEC. 2. Section 53075.1 is added to the Government Code, to read:
 - 53075.1. (a) Upon receiving approval to conduct commercial passenger service or engage in commercial activity using driverless vehicles by the Department of Motor Vehicles, the Public Utilities Commission, or any other state agency, an autonomous vehicle service shall not commence operation within a local jurisdiction

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until authorized by a local ordinance enacted pursuant to this section.

- (b) Notwithstanding Chapter 8 (commencing with Section 5351) of Division 2 of the Public Utilities Code, every city, county, or city and county in which an autonomous vehicle service has received authorization to operate, may protect the public health, safety, and welfare by adopting an ordinance or resolution in regard to autonomous vehicle services within the jurisdiction of the city, county, or city and county.
- (c) Each city, county, or city and county that adopts an ordinance or resolution pursuant to subdivision (b) shall provide, at a minimum, a policy for entry into the business of providing autonomous vehicle services in that ordinance or resolution. The policy shall include, but not be limited to, a permitting program for autonomous vehicle services that includes all of the following provisions:
- (1) The establishment or registration of rates for the provision of an autonomous vehicle service conducting commercial passenger service that meets the following requirements:
- (A) The autonomous vehicle service may set fares or charge a flat rate. However, the city, county, or city and county may set a maximum rate.
- (B) The autonomous vehicle service may use any type of device or technology approved by the Division of Measurement Standards to calculate fares, including the use of Global Positioning System metering, provided that the device or technology complies with Section 12500.5 of the Business and Professions Code and with all regulations established pursuant to Section 12107 of the Business and Professions Code.
- (C) The autonomous vehicle service shall disclose fares, fees, or rates to the customer. A permitted robotaxi company may satisfy this requirement by disclosing fares, fees, or rates on its internet website, mobile telephone application, or telephone orders upon request by the customer. The rate may also be provided on the exterior of the vehicle or be clearly visible in either print or electronic form inside the robotaxi.
- (2) The establishment of reasonable vehicle caps and hours of service restrictions.

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(3) The establishment of a certification process to ensure that all autonomous vehicle services comply with the state and federal disability access laws.

- (4) The establishment of a fee schedule and disciplinary process for any moving violations or traffic obstruction caused during the operation of a vehicle by an autonomous vehicle service.
- (5) The establishment of an interoperability or override system accessible by first responders in the case of an emergency.
- (6) The establishment of any data transparency of sharing agreements necessary to administer or carry out an ordinance adopted pursuant to subdivision (b).
- (d) Each city, county, or city and county may levy service charges, fees, or assessments in an amount sufficient to pay for the costs of carrying out an ordinance or resolution adopted in regard to autonomous vehicle services pursuant to this section.
- (e) A permitted autonomous vehicle service conducting passenger service shall do all of the following:
- (1) Maintain reasonable financial responsibility to conduct passenger transportation services in accordance with the requirements of an ordinance or resolution adopted pursuant to subdivision (b).
- (2) Maintain a disabled access education and training program to instruct its employees on compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and amendments thereto, and state disability rights laws, including making clear that it is illegal to decline to serve a person with a disability or who has a service animal.
- (3) Maintain its motor vehicles used in passenger transportation services in a safe operating condition, and in compliance with the Vehicle Code, subject to annual inspection by the city, county, or city and county in which it is substantially located, at a facility that is certified by the National Institute for Automotive Service Excellence or a facility registered with the Bureau of Automotive Repair.
- (4) Provide the city, county, or city and county that has issued a permit under this section an address of an office or terminal where documents supporting the factual matters specified in the showing required by this subdivision may be inspected by the permitting city, county, or city and county.

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(5) Comply with all provisions of an ordinance adopted pursuant to this section.

- (f) (1) It shall be unlawful to operate an autonomous vehicle service without a valid permit to operate issued by each city, county, or city and county in which the service is substantially located.
- (2) The minimum fine for violation of paragraph (1) shall be five thousand dollars (\$5,000) and may be imposed administratively by the permitting city, county, or city and county.
 - (g) A city or county may do any of the following:
- (1) Enter into an agreement with any other city, county, or city and county to form a joint powers authority for the purpose of regulating or administering autonomous vehicle services that are substantially located within the jurisdictional boundaries of the joint powers authority. For purposes of this paragraph, an autonomous vehicle service is substantially located within the jurisdictional boundaries of the joint powers authority if it is substantially located within one of the parties to the joint powers agreement.
- (2) Enter into an agreement with a transit agency for the purpose of regulating or administering the autonomous vehicle service substantially located within the jurisdictional boundaries of the transit agency. For purposes of this paragraph, an autonomous vehicle service is substantially located within the jurisdictional boundaries of the transit agency if it is substantially located within the city or county that enters into an agreement pursuant to this clause, and the transit agency may exercise all powers granted to the city or county that is a party to the agreement by this section in order to regulate or administer robotaxi companies within those boundaries.
 - (h) For purposes of this section:
- (1) "Autonomous vehicle service" means any entity that has received authority to conduct commercial passenger service or engage in commercial activity using driverless vehicles by the Department of Motor Vehicles, the Public Utilities Commission, or any other state agency.
- (2) "Reasonable vehicle caps" shall mean that the allowable number of vehicles does not contribute to a significant and measurable increase in traffic congestion as determined by the local jurisdiction's appropriate transportation agency.

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(3) "Substantially located" means in reference to a city or county, or city and county, that the autonomous vehicle service has been granted authority to conduct commercial passenger service or engage in commercial activity using driverless vehicles by the Department of Motor Vehicles, the Public Utilities Commission, or any other state agency.

- (i) Notwithstanding any other provision of this section, an airport operator shall have separate and ultimate authority to regulate autonomous vehicle service access to the airport and set access fees for autonomous vehicles at the airport.
- (j) Nothing in this section shall affect the authority of a jurisdiction to regulate autonomous vehicle service to an airport it owns or operates and to set access fees or requirements.
- SEC. 3. The Legislature finds and declares that Section 2 of this act adding Section 53075.1 to the Government Code addresses 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, Section 2 of this act applies to all cities, including charter cities.
- SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

President, District 3 BOARD of SUPERVISORS



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Tel. No. 554-7450 Fax No. 554-7454 TDD/TTY No. 544-6546

Aaron Peskin

PRESIDENTIAL ACTION				
Date: 2	2/20/24			
To:	Angela Calvil	llo, Clerk of the	e Board of Supervisors	
Madam Clerk Pursuant to I	*	, I am hereby:		
□ Waiving	30-Day Rule	e (Board Rule No. 3.	23)	
File N	lo.		(Primary Sponso	r)
Title.				,
	ing (Board Rule	e No 3.3)		
File N	Io. <u>2</u>	240132	Chan (Primary Spon	sor)
Title.			e Senate Bill No. 915 (crice Deployment and D	Cortese) - The
From: Public Safety & Neighborhood Services Committee				
To:	Land Use &	& Transportatio	on	Committee
☐ Assigning	g Temporary	Committee A	ppointment (Board Rule N	o. 3.1)
Supervis	or:		Replacing Supervisor:	
Fe	or: Da	ite)	(Committee)	Meeting
Start	Time:	End Tim	e:	,
Temp	porary Assign	nment: • Part	Den M	esident

Aaron Peskin, President Board of Supervisors



MYRNA MELGAR

DATE: February 21, 2024

TO: Angela Calvillo

Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee

COMMITTEE REPORTS

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, February 27, 2024, as Committee Reports:

File No. 231080 Planning Code - Fleet Charging

Sponsors: Peskin; Chan

File No. 231223 Planning Code - Parcel Delivery Service

Sponsor: Chan

File No. 240132 Supporting California State Senate Bill No. 915 (Cortese) – The

Autonomous Vehicle Service Deployment and Data Transparency

Act Sponsors: Chan; Peskin

This matter will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, February 26, 2024, at 1:30 p.m.

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

	1.	For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)		
	2.	Request for next printed agenda (For Adoption Without Committee Reference) (Routine, non-controversial and/or commendatory matters only)		
	3.	Request for Hearing on a subject matter at Committee		
	4.	Request for Letter beginning with "Supervisor inquires"		
	5.	City Attorney Request		
	6.	Call File No. from Committee.		
	7.	Budget and Legislative Analyst Request (attached written Motion)		
	8.	Substitute Legislation File No.		
	9.	Reactivate File No.		
	10.	Topic submitted for Mayoral Appearance before the Board on		
The pr	oposed	legislation should be forwarded to the following (please check all appropriate boxes):		
	□ Sm	all Business Commission Youth Commission Ethics Commission		
	□ Pla	nning Commission Building Inspection Commission Human Resources Department		
Genera	al Plan F	Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):		
	☐ Ye			
(Note:	For Imp	perative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)		
Sponso	or(s):			
Chan	, Pesk	in		
Subjec	t:			
		California State Senate Bill 915 (Dave Cortese) - The Autonomous Vehicle Service and Data Transparency Act		
Long 7	itle or t	ext listed:		
control receivi	in the de	porting California State Senate Bill No. 915, introduced by Senator Dave Cortese which prioritizes local ecision to deploy autonomous vehicle services, contingent upon an autonomous vehicle service company oval by the California Department Motor Vehicles and the California Public Utilities Commission, and will ment in a geographic location until a local government passes an ordinance authorizing operations.		

Signature of Sponsoring Supervisor: