

File No. 230325

Committee Item No. _____

Board Item No. 44

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: April 4, 2023

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OTHER

- Assembly Bill 316 - 1/26/23 _____
- CSAC and LCC Position _____
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Prepared by: Lisa Lew

Date: March 31, 2023

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bill No. 316 (Aguiar-Curry and Friedman) - Vehicles:
2 Autonomous Vehicles]

3 **Resolution supporting California State Assembly Bill No. 316, introduced by Assembly**
4 **Members Aguiar-Curry and Friedman, which restricts autonomous vehicles (AV) with a**
5 **gross vehicle weight (GVW) of 10,000 pounds or more from being operated on public**
6 **roads for testing purposes, transporting goods, or transporting passengers without a**
7 **human safety operator physically present in the AV at the time of operation.**

8
9 WHEREAS, On January 23, 2023, Assembly Members Aguiar-Curry and Friedman,
10 introduced Assembly Bill 316 that defines a “human safety operator” to mean a person
11 operating an autonomous vehicle or vehicle equipped with autonomous technology who is
12 trained in operating and shutting off the vehicle; and

13 WHEREAS, Assembly Bill 316 would require a human safety operator to meet all
14 federal and state qualifications for the type of vehicle being operated, whether in automated or
15 nonautomated mode; and

16 WHEREAS, Assembly Bill 316 has the support of the International Brotherhood of
17 Teamsters and the California Labor Federation, who argue that autonomous vehicle
18 technology threatens the livelihood of thousands of workers; and

19 WHEREAS, On January 30, 2023, Jason Rabinowitz, Teamsters Joint Council 7
20 President was reported saying, “The Teamsters are working closely with elected officials and
21 other stakeholders to make sure that technological advancement moves forward in California
22 in a way that doesn’t endanger lives or prosperity. Our elected officials have a responsibility to
23 protect workers and communities - not the shareholders at big tech companies - and this bill is
24 a great example of that.”; and

25

1 WHEREAS, California Department of Motor Vehicle (DMV) regulations prohibit the
2 testing or deployment of AVs over with a GVW of 10,001 pounds or more; this was initially
3 done for safety reasons, as vehicles with heavier weights are capable of causing significantly
4 more damage in a collision; and

5 WHEREAS, DMV held a public workshop on January 27, 2023, to receive public
6 comment to potentially start a new regulatory process to consider authorizing the testing and
7 deployment of AVs over 10,000 pounds after years of lobbying efforts to expand testing and
8 deployment permits for heavier vehicles; and

9 WHEREAS, According to its author, “Assembly Bill 316 places a needed guardrail on
10 the deployment of autonomous medium- and heavy-duty vehicles on California’s public roads.
11 As California considers expanding autonomous technology to include trucks, buses and other
12 large vehicles, AVs have greater potential to injure and kill Californians and displace large
13 portions of the workforce. This bill requires that a certified human safety operator supervise
14 AVs when they are on public roads, so that a human can respond to unanticipated driving
15 situations and emergencies. By requiring a human safety operator, this bill allows the
16 technology to continue to develop, while also protecting public safety and providing a path to
17 help California’s transportation workforce adapt to AV technology”; and

18 WHEREAS, AVs are vulnerable to cyber-attacks, which could potentially compromise
19 the safety of passengers and other road users. Hackers could gain access to the vehicle's
20 control systems and cause the vehicle to behave erratically or crash; and

21 WHEREAS, While AVs can process large amounts of data and make quick decisions,
22 they lack the human judgment and intuition that can sometimes be crucial in avoiding
23 accidents. For example, an AV may not be able to anticipate the actions of a human driver or
24 pedestrian, leading to collisions; and

25

1 WHEREAS, In addition to the safety risks, corporations such as Google (Waymo is the
2 subsidiary), Uber (Uber Freight is the subsidiary), and Amazon (Zoox is the subsidiary) have
3 yet to outline how they will ensure workers will keep their jobs as automation enters the
4 industry; and

5 WHEREAS, Assembly Bill 316 strikes a balance between technological advancement
6 and the public good; it allows for the testing and further development of autonomous heavy-
7 duty vehicles on public roads; companies can continue to test fully driverless technology on
8 private tracks as they work out the bugs and further develop the technology; the bill also
9 protects jobs and public safety as the technology is tested and advanced; now, therefore, be it

10 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
11 supports Assembly Bill 316, “The Autonomous Vehicle Public Safety Act”; this bipartisan
12 legislation, authored by Assembly Member Cecilia Aguiar-Curry (D-Winters) and co-authored
13 by Assembly Member Tom Lackey (R-Palmdale), requires human safety operators to be
14 present in AVs weighing over 10,000 pounds; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
16 Francisco directs the Clerk of the Board of Supervisors to transmit a copy of this Resolution to
17 Assembly Members Cecilia Aguiar-Curry, Laura Friedman, Phil Ting and Matt Haney.

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ASSEMBLY BILL

No. 316

**Introduced by Assembly ~~Member Aguiar-Curry~~ Members
*Aguiar-Curry and Friedman***

(Principal coauthors: Assembly Members Kalra and Lackey)

(Principal coauthor: Senator Ashby)

**(Coauthors: Assembly Members Wendy Carrillo, Grayson, Ortega,
Schiavo, Ward, Wicks, ~~and Wood~~ Wood, Baines, Juan Carrillo,
Connolly, Mike Fong, Gipson, Lowenthal, McKinnor, Papan,
Ramos, Reyes, Robert Rivas, Santiago, and Villapudua)**

(Coauthor: Senator Durazo)

January 26, 2023

An act to add Section 38751 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 316, as introduced, Aguiar-Curry. Vehicles: autonomous vehicles.

Existing law authorizes the operation of an autonomous vehicle on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle operated if specified requirements are satisfied. Existing law prohibits the operation of an autonomous vehicle on public roads until the manufacturer submits an application to the Department of Motor Vehicles, as specified, and that application is approved.

This bill would prohibit the operation of an autonomous vehicle with a gross vehicle weight of 10,000 pounds or more on public roads for testing purposes, transporting goods, or transporting passengers without a human safety operator physically present in the autonomous vehicle at the time of operation.

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

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

1 SECTION 1. Section 38751 is added to the Vehicle Code, to
2 read:

3 38751. (a) An autonomous vehicle with a gross vehicle weight
4 of 10,000 pounds or more shall not be operated on public roads
5 for testing purposes, transporting goods, or transporting passengers
6 without a human safety operator physically present in the
7 autonomous vehicle at the time of operation.

8 (b) For purposes of this section, the following terms have the
9 following meanings:

10 (1) "Autonomous vehicle" has the same meaning as defined in
11 Section 38750.

12 (2) "Human safety operator" means a person operating an
13 autonomous vehicle or vehicle equipped with autonomous
14 technology who is trained in operating and shutting off the vehicle.
15 A human safety operator shall meet all federal and state
16 qualifications for the type of vehicle being operated, whether in
17 automated or nonautomated mode.

18

19

20 **REVISIONS:**

21 **Heading—Line 1.**

22

From: [Hsu, Melody \(BOS\)](#)
To: [Somera, Alisa \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [Angulo, Sunny \(BOS\)](#)
Subject: PESKIN - Resolution In Support of Assembly Bill 316
Date: Tuesday, March 21, 2023 4:53:02 PM
Attachments: [Intro Form - PESKIN - Resolution - In Support Assembly Bill 316.pdf](#)
[PESKIN - Resolution In Support AB316 Final.docx](#)
[20230AB316_99.pdf](#)

Good afternoon,

Please find President Peskin's Resolution In Support of Assembly Bill 316, along with the introduction form and Assembly Bill 316 attached.

Per Board Rule 2.8.2, I am confirming that the California State Association of Counties and League of California Cities have not taken a position on these bills.

Lastly, since the item is requested to be placed on the For Adoption Without Committee Reference of the agenda, pursuant to Board Rule 2.1.2, I am confirming that these matters are routine, not contentious in nature, and of no special interest.

Thank you,
Melody

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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 proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: