

## SB 917 (Becker) – Staff Update

**TITLE:** Seamless Transit Transformation Act

**AUTHOR:** Becker (D-Menlo Park)

**SPONSORS:** Bay Area Council, Seamless Bay Area, TransForm

**CURRENT POSITION:** Support if Amended

**BACKGROUND/UPDATE:** SB 917 would enact the Seamless Transit Transformation Act to improve coordination and integration among the 27 transit operators in the Bay Area. On March 24, 2022, the BART Board adopted a Support if Amended position on SB 917 and authorized staff to pursue an outlined set of amendments with the author’s office. Since that time, BART staff, in collaboration with Bay Area transit operators and the Metropolitan Transportation Commission (MTC), have worked with the author’s office on bill amendments, which went into print on April 18. A summary of the amendments is provided below in addition to language that is aligned with amendments authorized by the Board.

### New Definitions

Amendments define the following terms:

- “Cable car service” means the historic cable car system operated by the San Francisco Municipal Transportation Agency.
- “Local transit service” means bus and light rail transit service within or adjacent to a transit agency’s defined service area within the region, excluding bus services that cross a toll bridge over San Francisco Bay.
- “Regional transit service” means all heavy rail, commuter rail, ferry, or express bus services, as designated by a transit agency, and bus services that cross a toll bridge over San Francisco Bay. Regional transit service does not include intercity passenger rail or services operated by the San Joaquin Regional Rail Commission.

### Connected Network Plan

- Amendments remove MTC’s consultation with the “region’s transit agencies” and replace it with a “regional transit coordinating council,” (RTCC) as defined in statute.
- MTC in consultation with the RTCC shall develop a Connected Network Plan (the Plan) on or before March 31, 2024, depending on an appropriation in the State Budget or the availability of private nonstate funding. In the absence of additional funding, MTC shall complete the Plan by December 31, 2025. These amendments address concerns with the previous deadline of December 31, 2023.
- Language regarding potential governance, institutional, or legislative changes to support the Plan was removed to acknowledge work within the current Transit Network Management Business Case.
- Amendments also specify the Plan shall establish a transit priority network, which is aligned with amendments proposed by transit agencies and MTC.

### Integrated Transit Fare Structure

- Amendments require MTC, in consultation with the RTCC, to annually review the integrated transit fare structure for necessary updates and implementation.
- Amendments specify the integrated transit fare structure shall include no-cost local transit service transfers and reduced-cost regional transit service transfers, regardless of whether transfers are between the same transit agency or multiple transit agencies except if the transfer is to a cable car service.
- New language would task MTC in consultation with the RTCC to develop an estimate, by March 31, 2024, of the financial impact associated with implementing the following fare integration policies:

- A common fare structure for regional transit services by which trips involving one or more regional transit services are priced equivalently
- A multiagency pass, which may include a cap, offering rides to local and regional transit services on a daily or monthly basis for one set price, except for paratransit service.
- If funding is secured, either policy described above shall be implemented on a three-year pilot basis. For the common fare structure, MTC is required to develop a draft and present at a public meeting at least 30 days before its adoption. The timing of when the policy shall take effect shall be determined by the commission in consultation with the RTCC.
- Transit operators and MTC intend to continue working with the author on language within this section to address questions and concerns related to fare-setting authority, agency governance, funding for such programs, and potential fiscal impacts to agencies resulting from an integrated fare structure.

### **Regional Transit Mapping and Wayfinding**

- Amendments delay MTC's development of a comprehensive, standardized regional transit mapping and wayfinding system to July 1, 2025, one year later than previously proposed.
- Amendments clarify that, in the process of developing a mapping and wayfinding system, the manner in which transit agency branding is permitted shall be identified and nothing shall prevent an agency from displaying their own map on a temporary basis if the regional system is unavailable or otherwise cannot address a need due to unforeseen circumstances.
- Amendments clarify that on or after January 1, 2026, any new investments to mapping and wayfinding, including replacement and upgrades, adhere to the standards developed, unless MTC adopts an alternate deployment timeline.
- Overall, the revised language in this section is aligned with amendments proposed by transit agencies and MTC.

### **Real Time Transit Data/Open Data Standards**

- Amendments delay deadline for MTC to establish open data standards by seven months to July 1, 2023. Transit agencies and MTC requested the deadline for agencies to comply with set standards be revised to consideration feasibility and existing resources.
- Amendments allow agencies to not disclose vehicle location information if they can otherwise comply with providing arrival/departure information. The previous requirement to provide real-time rail vehicle locations represented significant security concerns for BART.
- Amendments also clarify that nothing shall preclude transit agencies from using real-time data for their own purposes if data is also shared with MTC. Language is consistent with amendments sought by the District.

### **Compliance with Act and Withholding State Transit Assistance (STA) Funds**

- Consistent with requests made by transit agencies and MTC, the new language softens the enforcement of the provisions related to the integrated transit fare structure, regional transit mapping and wayfinding, and real time transit/open data standards. If an agency does not comply, MTC shall notify the agency of what steps are needed to comply. If the agency cannot comply due to a lack of funding, the agency shall submit a request for additional funding or for an exemption from requirements. If either request is rejected, the agency shall not receive a portion of its STA funds; however, withheld funds will be restored upon demonstration of compliance.

**CONTINUED AREAS OF CONCERN:** While the amendments published on April 18 allay many of the District's initial concerns, there remain worries regarding the bill's integrated fare structure requirements. Public transit agencies have a fiduciary responsibility to use their resources (locally derived revenue, fares, operating assistance, etc.) to deliver essential transportation service. This responsibility extends to each

agency's policy-making board, which is charged with setting fares and policies that support equitable transit service.

The bill would require MTC to adopt an integrated transit fare structure by December 31, 2023, to become effective July 1, 2024. It also specifies that a common fare structure for regional transit service and a multiagency pass be implemented as three-year pilot programs if sufficient funding is secured by MTC or agencies; the estimate of the funding needed for the pilot programs is required to be completed by MTC, in consultation with the RTCC, on or before March 31, 2024. A common regional fare structure performed well in the Fare Coordination and Integration Study, however the Fare Integration Task Force identified this as an area needing further study and evaluation. Factors a common fare structure must consider include the transfer of locally sourced funds between agencies, funding to offset agency revenue impacts, each agency board's fare setting authority, and a new governance structure. It is unclear the role agency boards would have in developing either of the proposed pilot programs, and the timing of such work should be informed by the ongoing work of the Fare Integration Task Force.

Under the pilot programs, BART's fare-setting authority would also shift to MTC. While we understand the process of development and adoption would include operator input through the RTCC, this body is not well defined in statute, and there is no formal role for transit agency governing boards in approving or rejecting proposals. It is also unclear what authority BART would retain to make any fares changes during the pilot that may be necessary to help fund the District's operating and/or capital budgets.

The proposed changes further create an accountability gap between those setting fares and those providing service. One example of this is that all federally funded transit agencies are required to conduct a Title VI Fare Equity Analysis to evaluate the impacts of any fare change on both minority and low-income populations. Under the current bill, MTC would be setting fare policies for the region, but agencies would be the ones required to conduct outreach as part of an equity analysis. The bill is silent to these requirements, and it is unclear how each agency's analysis would be considered in any fare changes decided by MTC.

Finally, the identification of additional funding to implement the bill requirements is critical. MTC has already committed some one-time funds to help implement elements of the bill, but there is not yet sufficient, annual funding identified to sustain the fare integration work or other efforts over time. This will likely require a future ballot measure or statewide legislation to increase transit operating funding.

Initial conversations with the author's office proposed removing language on an integrated fare structure and replacing it with language for MTC and transit operators to report to the Legislature on progress regarding elements of the Fare Coordination and Integration Task Force vision statement. Since there is a desire by the sponsors to see such elements included within the bill, transit operators and MTC are continuing conversations with the author's office regarding amendments with the goal of striking a balance between regional integration and preservation of transit boards' fare-setting authority.

**KNOWN SUPPORT/OPPOSITION:** Support: Bay Area Council (co-sponsor), Seamless Bay Area (co-sponsor), TransForm (co-sponsor), 350 Bay Area Action, 350 Silicon Valley, 50 Acterra Action for A Healthy Planet, Alameda County Democratic Central Committee, Arc Alternative and Renewable Construction LLC, Association for Commuter Transportation, California YIMBY, Center for Independent Living, INC., City of Half Moon Bay, City of Oakland, City of San Mateo, Climate Reality Project: Silicon Valley, East Bay for Everyone, East Bay Housing Organizations, East Bay Transit Riders Union, Elders Climate Action, NorCal and SoCal Chapters, Friends of Caltrain, Friends of Smart, Generation Housing, Greenbelt Alliance, Housing Leadership Council of San Mateo County, Joint Venture Silicon Valley, Menlo Spark, Metropolitan Transportation Commission, North Bay Leadership Council, Pacifica Climate Committee, San Francisco League of Conservation Voters, SF.CITI, Silicon Valley Chamber Coalition, Silicon Valley Youth Climate Action, Spur, Sustainable Marin, Sustainable Silicon Valley, Walk San Francisco, Wellstone Democratic Renewal Club, Youth Leadership Institute San Mateo

Opposition: None on file.

**STATUS:** Passed and the Senate Floor (31-3) on May 23. In the Assembly, referred to the Committee on Transportation.

AMENDED IN SENATE APRIL 18, 2022

**SENATE BILL**

**No. 917**

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**Introduced by Senator Becker**

(Principal coauthor: Assembly Member Quirk)

**(Coauthors: Senators Dodd and Wiener)**

(Coauthors: Assembly Members Lee, Levine, Mullin, and Ting)

February 3, 2022

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An act to amend Section 66502 of, and to add Sections 66513.5, 66516.1, 66516.7, and 66516.8 to, the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 917, as amended, Becker. Seamless Transit Transformation Act.

Existing law creates the Metropolitan Transportation Commission, as a local area planning agency and not as a part of the executive branch of the state government, to provide comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma.

This bill would require the commission to develop and adopt a Connected Network Plan, adopt an integrated transit fare structure, develop a comprehensive, standardized regional transit mapping and wayfinding system, develop an implementation and maintenance strategy and funding plan, and establish open data standards, as specified. The bill would require the region's transit agencies, as defined, to comply with those established integrated fare structure, regional transit mapping and wayfinding system, implementation and maintenance strategy and funding plan, and open data standards, as provided.

Under existing law, moneys in the ~~Transportation Planning and Development Account~~ and Public Transportation Account are continuously appropriated to the Controller for allocation to transportation planning agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board for purposes of the State Transit Assistance Program. Existing law requires the Controller to allocate those moneys to those entities based on population and qualifying revenue, as specified.

~~This bill would make any of the region's transit agencies ineligible for an allocation of those moneys~~ *require the Metropolitan Transportation Commission to notify a transit agency if the commission determines that the transit agency is out of compliance with the integrated fare structure, regional transit mapping and wayfinding system, implementation and maintenance strategy and funding plan, or open data standards described above. above, and would require the commission to indicate what steps are needed to comply. If a transit agency does not comply with the compliance parameters set by the commission or if the commission rejects the transit agency's request for additional funding or for an exemption, the bill would make that transit agency ineligible to receive a portion of those moneys in an amount to be determined by the commission. The bill would require a transit agency to regain access to any withheld funds upon demonstration of compliance.*

To the extent that this bill would mandate that a transit agency establish a new program or provide a higher level of service as part of an existing program, *and by imposing additional duties on the Metropolitan Transportation Commission*, the bill would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. This act shall be known, and may be cited, as the  
2 Seamless Transit Transformation Act.

3     SEC. 2. The Legislature finds and declares all of the following:

4     (a) Transit connectivity and integration in the nine-county San  
5 Francisco Bay area has been a longstanding challenge. Legislative  
6 efforts to mandate and incentivize coordination between dozens  
7 of disparate transit agencies date back to 1996 and earlier.

8     (b) Low-income residents, many of whom have experienced  
9 displacement and have long commutes requiring many transfers,  
10 are among the most adversely affected by the fragmentation,  
11 experiencing a significant financial burden from needing to pay  
12 multiple separate transit fares or being forced into costly vehicle  
13 ownership.

14     (c) As of 2017, only 5 percent of all trips in the San Francisco  
15 Bay area were made using transit. Per-capita transit ridership in  
16 the region decreased 12 percent between 1991 and 2016. “Plan  
17 Bay Area 2050,” prepared by the Metropolitan Transportation  
18 Commission, has identified that to achieve climate, equity, and  
19 economic goals, the share of commuters who travel by transit must  
20 increase from 13 percent in 2015 to at least 20 percent by 2050.

21     (d) The COVID-19 pandemic has led to further ridership  
22 declines, due to both dramatic shifts in travel patterns and  
23 significant transit service cuts across the region. As the region  
24 emerges from the pandemic, transit ridership is recovering much  
25 more slowly than the economy as a whole; as of November 2021,  
26 transit ridership had recovered to just 40 percent of pre-COVID  
27 levels, while traffic on a majority of bay area bridges exceeded 90  
28 percent of pre-COVID levels.

29     (e) In response to the COVID-19 pandemic, in May 2020, the  
30 Metropolitan Transportation Commission convened a 32-member  
31 Blue Ribbon Transit Recovery Task Force composed of transit  
32 agency managers, advocates, and elected officials, to coordinate  
33 transit recovery efforts and identify reforms that would position  
34 the bay area’s transit system to emerge from the pandemic stronger  
35 and more connected than before and to help recover and grow  
36 transit ridership.

37     (f) In July 2021, the task force unanimously approved the Bay  
38 Area Transit Transformation Action Plan, which included 27

1 actions to increase ridership and improve fares and payment,  
2 customer access to information, transit network management,  
3 accessibility, and funding.

4 (g) In November 2021, the region's Fare Integration Task Force,  
5 co-led by Bay Area transit agencies and the Metropolitan  
6 Transportation Commission, unanimously adopted a policy vision  
7 statement supporting the advancement of key fare integration  
8 policies, including deployment of an all-agency transit pass,  
9 reduced cost transfers, and a common fare structure for regional  
10 transit services.

11 (h) Although the Legislature has generally authorized the  
12 Metropolitan Transportation Commission to set rules and  
13 regulations related to transit fare coordination and transit  
14 connectivity, to ensure that the recommendations emerging from  
15 the Bay Area Transit Transformation Action Plan are implemented  
16 by the region's transit agencies in a timely manner and for the  
17 benefit of current and future transit riders, this act is necessary.

18 SEC. 3. Section 66502 of the Government Code is amended  
19 to read:

20 66502. (a) There is hereby created, as a local area planning  
21 agency and not as a part of the executive branch of the state  
22 government, the Metropolitan Transportation Commission to  
23 provide comprehensive regional transportation planning for the  
24 region comprised of the City and County of San Francisco and the  
25 Counties of Alameda, Contra Costa, Marin, Napa, San Mateo,  
26 Santa Clara, Solano, and Sonoma.

27 (b) For purposes of this title, the following definitions apply:

28 (1) "*Cable car service*" means the historic cable car system  
29 operated by the San Francisco Municipal Transportation Agency.

30 ~~(1)~~

31 (2) "Commission" means the Metropolitan Transportation  
32 Commission.

33 ~~(2)~~

34 (3) "Region" means the region described in subdivision (a).

35 (4) "*Local transit service*" means bus and light rail transit  
36 service within or adjacent to a transit agency's defined service  
37 area within the region, excluding bus services that cross a toll  
38 bridge over San Francisco Bay.

39 (5) "*Regional transit service*" means all heavy rail, commuter  
40 rail, ferry, or express bus services, as designated by a transit



1 *agency, and bus services that cross a toll bridge over San*  
2 *Francisco Bay. Regional transit service does not include intercity*  
3 *passenger rail or services operated by the San Joaquin Regional*  
4 *Rail Commission.*

5 ~~(3)~~

6 (6) “Transit agency” means a public agency that meets all of  
7 the following requirements:

8 (A) The public agency provides surface transportation service  
9 to the general public, complementary paratransit service to persons  
10 with disabilities as required pursuant to Section 12143 of Title 42  
11 of the United States Code, or similar transportation service to  
12 people with disabilities or the elderly.

13 (B) The public agency operates the service described in  
14 subparagraph (A) by bus, rail, ferry, or other conveyance on a  
15 fixed route, demand response, or otherwise regularly available  
16 basis.

17 (C) The public agency generally charges a fare for the service  
18 described in subparagraph (A).

19 SEC. 4. Section 66513.5 is added to the Government Code, to  
20 read:

21 66513.5. (a) The commission, in consultation with the region’s  
22 ~~transit agencies, regional transit coordinating council established~~  
23 ~~pursuant to Section 29142.4 of the Public Utilities Code, shall~~  
24 ~~develop and adopt a Connected Network Plan on or before~~  
25 ~~December 31, 2023. Plan. Subject to appropriation in the annual~~  
26 ~~Budget Act or the availability of private nonstate funding for this~~  
27 ~~purpose, the commission shall complete the Connected Network~~  
28 ~~Plan on or before March 31, 2024. In the absence of an~~  
29 ~~appropriation in the annual Budget Act or funding made available~~  
30 ~~by a private nonstate source, the commission shall complete the~~  
31 ~~Connected Network Plan by December 31, 2025.~~

32 (b) The Connected Network Plan shall do all of the following:

33 (1) Be consistent with the State Rail Plan required pursuant to  
34 Section 14036 and California Transportation Plan updated pursuant  
35 to Section 65071.

36 (2) Identify connected network transit corridors and hubs of  
37 regional significance across the region.

38 (3) *Establish a transit priority network for the region that*  
39 *identifies corridors that will most benefit from improvements that*

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1 *support fast and reliable transit service that avoids conflict with*  
 2 *traffic congestion.*

3 ~~(3)~~

4 (4) Identify service-level standards for different parts of the  
 5 network to optimize access across the region, particularly for  
 6 low-income and transit-dependent populations, corresponding to  
 7 different density and land use conditions, including by doing both  
 8 of the following:

9 (A) Identifying target travel times between key transit hubs,  
 10 service frequencies, and operating hours for weekdays, Saturdays,  
 11 and Sundays.

12 (B) Quantifying access to jobs, housing, and ~~other achievable~~  
 13 ~~opportunities~~; *major regional amenities, including, but not limited*  
 14 *to, educational institutions, medical facilities, and major*  
 15 *recreational destinations.*

16 ~~(4)~~

17 (5) Identify operating and capital funding needs associated with  
 18 the Connected Network Plan.

19 ~~(5) Identify potential governance, institutional, or legislative~~  
 20 ~~changes that would support the Connected Network Plan.~~

21 SEC. 5. Section 66516.1 is added to the Government Code, to  
 22 read:

23 66516.1. (a) (1) Consistent with Section 66516, on or before  
 24 December 31, 2023, the commission shall adopt an integrated  
 25 transit fare structure that will become effective on or before July  
 26 1, 2024. The integrated transit fare structure shall be developed in  
 27 consultation with the regional transit coordinating council  
 28 established pursuant to Section 29142.4 of the Public Utilities  
 29 Code.

30 (2) The commission, in consultation with the ~~region's transit~~  
 31 ~~agencies~~; *regional transit coordinating council described in*  
 32 *paragraph (1), shall annually review the integrated transit fare*  
 33 *structure to determine if updates are necessary; necessary, and*  
 34 *shall make updates based on the review and consultation.*

35 (3) Each of the region's transit agencies shall comply with the  
 36 integrated transit fare structure.

37 (b) The integrated fare structure shall include all of the  
 38 following:

39 (1) ~~No-cost local-local and local-regional~~ *local transit service*  
 40 *transfers and reduced-cost regional transit service* transfers,

1 regardless of whether transfers are between the same transit agency  
2 or multiple transit agencies, *except if the transfer is to*  
3 *a cable car service. In the case of a transfer to a cable car service,*  
4 *the San Francisco Municipal Transportation Agency may*  
5 *determine the appropriate transfer fare policy.*

6 ~~(2) A common fare structure for regional services by which~~  
7 ~~trips involving one or more regional services are priced~~  
8 ~~equivalently.~~

9 ~~(3)~~

10 (2) Common transfer rules for local fares, such as means for  
11 validation.

12 ~~(4)~~

13 (3) Common definitions for adults, youth, seniors, persons with  
14 disabilities, and other categories.

15 ~~(5) A multi-agency pass, which may include a cap, that allows~~  
16 ~~access to all services provided by the region's transit agencies on~~  
17 ~~a daily or monthly basis for one set price.~~

18 ~~(6) A simplified system for local transit fares across the region,~~  
19 ~~whereby the differences in local transit fares are minimized and~~  
20 ~~intersecting local transit services have the same fares.~~

21 (c) *On or before March 31, 2024, the commission, in*  
22 *consultation with the regional transit coordinating council*  
23 *described in subdivision (a), shall develop an estimate of the*  
24 *anticipated annual financial impact associated with implementing*  
25 *each of the following policies:*

26 (1) *A common fare structure for regional transit services by*  
27 *which trips involving one or more regional transit services are*  
28 *priced equivalently.*

29 (2) *A multiagency pass, which may include a cap, that allows*  
30 *access to local transit services and regional transit services*  
31 *provided by the region's transit agencies on a daily or monthly*  
32 *basis for one set price, except for paratransit service as required*  
33 *by Section 37.121 of Title 49 of the Code of Federal Regulations.*

34 (d) *If the commission or transit agencies secure sufficient*  
35 *additional funding to offset the annual net cost based on the*  
36 *financial impact estimate prepared pursuant to subdivision (c) to*  
37 *implement a multiagency pass, as described in paragraph (2) of*  
38 *subdivision (c), over a three-year period, that policy shall be*  
39 *incorporated into the integrated regional fare structure and*  
40 *implemented on a pilot basis for three years.*

1     (e) If the commission or transit agencies secure sufficient  
2     additional funding to offset the ongoing annual net cost based on  
3     the financial impact estimate prepared pursuant to subdivision (c)  
4     to implement a common fare structure for regional transit services  
5     as described in paragraph (1) of subdivision (c), over a three-year  
6     period, that policy shall be incorporated into the integrated  
7     regional fare structure and be implemented on a pilot basis for  
8     three years. The commission shall develop this common fare  
9     structure for regional transit services in consultation with the  
10    regional transit coordinating council described in subdivision (a)  
11    and shall present a draft of the policy at a public meeting at least  
12    30 days before its adoption. The timing of when the policy shall  
13    take effect shall be determined by the commission in consultation  
14    with the regional transit coordinating council described in  
15    subdivision (a).

16    (e)

17    (f) On or before October 1 of each year, each of the region's  
18    transit agencies shall notify the commission of any proposed  
19    change to its fares in order to facilitate the alignment of fare  
20    policies across the region's transit agencies in the integrated transit  
21    fare structure for the following year. The commission shall  
22    disseminate that information to all of the region's transit agencies.

23    ~~(d) Consistent with Section 99314.7 of the Public Utilities Code,~~  
24    ~~if the commission determines that one of the region's transit~~  
25    ~~agencies is out of compliance with the integrated fare structure~~  
26    ~~described in subdivision (a), then that transit agency shall not be~~  
27    ~~eligible to receive funds pursuant to Section 99313 or 99314 of~~  
28    ~~the Public Utilities Code.~~

29    (g) Transit agencies shall make every effort to comply with the  
30    requirements of this section without affecting transit service levels.  
31    If the commission determines that one of the region's transit  
32    agencies is out of compliance with the integrated fare structure  
33    described in subdivision (a), then the commission shall first notify  
34    the transit agency of noncompliance, and indicate what steps are  
35    needed to comply. If a transit agency is unable to comply due to  
36    a lack of funding, the transit agency shall submit a request for  
37    additional funding or for an exemption from the requirements of  
38    this section to the commission for approval. If the agency does not  
39    comply with the compliance parameters set by the commission or  
40    if the commission rejects the transit agency's request for additional

1 *funding or for an exemption, that transit agency shall not be*  
 2 *eligible to receive a portion of funds pursuant to Section 99313*  
 3 *or 99314 of the Public Utilities Code in an amount to be*  
 4 *determined by the commission. The transit agency shall regain*  
 5 *access to any withheld funds upon demonstration of compliance.*

6 ~~(e)~~

7 *(h) This section does not prohibit a transit agency from offering*  
 8 *free transit, or discounted transit fares for the categories of riders*  
 9 *described in paragraph (3) of subdivision (b).*

10 SEC. 6. Section 66516.7 is added to the Government Code, to  
 11 read:

12 66516.7. (a) The Legislature finds and declares both of the  
 13 following:

14 (1) The lack of a universal regional transit map and common  
 15 wayfinding format at transit stops and stations in the region adds  
 16 to the fragmented experience transit riders encounter, especially  
 17 when planning a trip across multiple transit agencies.

18 (2) Research has shown that the way transit lines and stations  
 19 are displayed on maps strongly influences how travelers use the  
 20 system.

21 (b) (1) The commission, in consultation with the ~~region's transit~~  
 22 ~~agencies~~, *regional transit coordinating council established*  
 23 *pursuant to Section 29142.4 of the Public Utilities Code*, shall, on  
 24 or before July 1, ~~2024~~, 2025, do both of the following:

25 (A) Develop a comprehensive, standardized regional transit  
 26 mapping and wayfinding system, including *standards and*  
 27 *resources to display information on print, digital, and interactive*  
 28 *media*, ~~common branding for regional transit service branding,~~  
 29 ~~and a shared digital mapping platform. Standards and resources~~  
 30 ~~shall be developed to display this information on print, digital, and~~  
 31 ~~interactive media.~~ The system shall identify the standards that are  
 32 required and the standards that allow for ~~customization.~~  
 33 *customization, including the manner in which existing transit*  
 34 *agency branding may be permitted. The system shall assess and*  
 35 *identify standards required for wayfinding information to be*  
 36 *accessible and usable by people with disabilities.*

37 (B) Develop an implementation and maintenance strategy and  
 38 funding plan to deploy the comprehensive, standardized regional  
 39 transit mapping and wayfinding system. The commission may  
 40 adopt a phased deployment of the system.

1     ~~(2) Each~~ Any new investments to mapping and wayfinding,  
2     including replacement and upgrades, made by any of the region's  
3     transit agencies shall ~~implement and comply with the~~  
4     ~~comprehensive~~, *adhere to the* standardized regional transit mapping  
5     and wayfinding system and implementation and maintenance  
6     strategy and funding plan developed pursuant to this subdivision.

7     (c) Each of the region's transit agencies shall use only the  
8     ~~comprehensive~~, standardized regional transit mapping and  
9     wayfinding system ~~by July 1, 2025, for all new mapping and~~  
10    wayfinding investments, *including replacements and upgrades,*  
11    *made on or after January 1, 2026,* unless the commission adopts  
12    a schedule that sets out an alternate deployment timeline.

13    (d) *In consultation with the regional transit coordinating council*  
14    *described in subdivision (b), the commission shall update the*  
15    *standardized regional transit mapping and wayfinding system and*  
16    *implementation and maintenance strategy and funding plan, as*  
17    *needed.*

18    (e) *Nothing in this section shall prevent a transit agency from*  
19    *displaying their own map on a temporary basis if the regional*  
20    *transit mapping and wayfinding system is unavailable or incapable*  
21    *of addressing the need due to unforeseen circumstances.*

22    ~~(d) If~~

23    (f) *Transit agencies shall make every effort to comply with the*  
24    *requirements of this section without affecting existing service*  
25    *levels. If the commission determines that one of the region's transit*  
26    *agencies is out of compliance with subdivision (b), then that transit*  
27    *agency shall not be eligible to receive funds pursuant to Section*  
28    ~~99313 or 99314 of the Public Utilities Code.~~ *the commission shall*  
29    *first notify the transit agency of noncompliance, and indicate what*  
30    *steps are needed to comply. If a transit agency is unable to comply*  
31    *due to a lack of funding, the transit agency shall submit a request*  
32    *for additional funding or for an exemption from the requirements*  
33    *of this section to the commission for approval. If the agency does*  
34    *not comply with the compliance parameters set by the commission*  
35    *or if the commission rejects the transit agency's request for*  
36    *additional funding or for an exemption, that transit agency shall*  
37    *not be eligible to receive a portion of funds pursuant to Section*  
38    ~~99313 or 99314 of the Public Utilities Code in an amount to be~~  
39    *determined by the commission. The transit agency shall regain*  
40    *access to any withheld funds upon demonstration of compliance.*

1 SEC. 7. Section 66516.8 is added to the Government Code, to  
2 read:

3 66516.8. (a) The Legislature finds and declares all of the  
4 following:

5 (1) Studies have shown that travelers view the wait time at a  
6 transit stop as the most inconvenient part of the transit journey  
7 experience.

8 (2) Despite best efforts by the region's transit agencies to adhere  
9 to their published schedules, the conditions on the roadway,  
10 including congestion and other unplanned delays, create  
11 unpredictability for on-time arrivals.

12 (3) The development of technology enabling real-time transit  
13 information, including arrival and departure predictions, vehicle  
14 locations, occupancy, and service alerts, has created an opportunity  
15 for the region's transit agencies to alleviate the wait-time  
16 frustrations and provide riders with other useful trip information.

17 (4) Transit riders should have access to consistent and uniform  
18 real-time information across all transit services in the region.

19 (b) (1) On or before ~~January~~ July 1, 2023, the commission shall  
20 establish open data standards, in consultation with the regional  
21 transit coordinating council established pursuant to Section 29142.4  
22 of the Public Utilities Code, that are aligned with, but may exceed,  
23 any data standards adopted by the state to provide real-time transit  
24 vehicle location, arrival and departure *times and* predictions, and  
25 service alerts data to transit ~~riders~~. *riders, and shall assist in the*  
26 *analysis of transit service to improve service quality. A transit*  
27 *agency may elect not to disclose vehicle location information if it*  
28 *can otherwise comply with the open data standards related to*  
29 *providing arrival and departure times and predictions. The*  
30 *commission shall update the open data standards, in consultation*  
31 *with the regional transit coordinating council described in this*  
32 *paragraph, as needed.*

33 (2) *The standards shall enable the provision of real-time arrival*  
34 *data and follow generally accepted accessibility standards.*

35 ~~(2)~~

36 (3) Each of the region's transit agencies shall comply with the  
37 standards established pursuant to this ~~subdivision~~. *subdivision and*  
38 *shall share their data with the commission in a format that is*  
39 *compatible with the standards.*

(c) The commission shall coordinate the activities of the region's transit agencies pursuant to subdivision (b), ~~serve as the region's point of contact for data development and dissemination~~ disseminate data collected pursuant to this section to third parties, and develop an implementation and funding plan for deployment of real-time information.

(d) *Nothing in this section shall preclude transit agencies from using real-time data that they collect for any purpose, such as in the development of a transit agency's own mobile application or powering real-time arrival or departure information on their internet website, as long as the data are also shared with the commission.*

(e) *Nothing in this section shall preclude transit agencies from sharing real-time data directly with third parties, as long as the data are also shared with the commission.*

~~(d) If~~

(f) *Transit agencies shall make every effort to comply with the requirements of this section without affecting transit service levels. If the commission determines that one of the region's transit agencies is out of compliance with subdivision (b), then that transit agency shall not be eligible to receive funds pursuant to Section 99313 or 99314 of the Public Utilities Code. the commission shall first notify the transit agency of noncompliance, and indicate what steps are needed to comply. If a transit agency is unable to comply due to a lack of funding, the transit agency shall submit a request for additional funding or for an exemption from the requirements of this section to the commission for approval. If the transit agency does not comply with the compliance parameters set by the commission or if the commission rejects the transit agency's request for more funding or for an exemption, that transit agency shall not be eligible to receive a portion of funds pursuant to Section 99313 or 99314 of the Public Utilities Code in an amount to be determined by the commission. The transit agency shall regain access to any withheld funds upon demonstration of compliance.*

SEC. 8. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made



- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O

## **SB 1488 (Glazer) - Staff Update**

**TITLE:** San Francisco Bay Area Rapid Transit District: Office of the BART Inspector General

**AUTHOR:** Glazer (D-Orinda)

**SPONSORS:** N/A

**CURRENT POSITION:** Oppose Unless Amended

**UPDATE:** On April 14, 2022, the BART Board adopted an Oppose Unless Amended position on SB 1488, which grants additional duties and responsibilities to the Office of the BART Inspector General (OIG). The Board directed staff to work with the OIG and author's office on amendments to address the District's concerns in several key areas. Since that time, BART staff, the OIG, and author's office have met to discuss proposed language and have generally agreed on amendments for the following provisions.

### **Definition of Abuse**

SB 1488 would add "abuse" to the OIG's mission of investigating fraud, waste, or abuse within BART's programs and operations. An amendment to include a definition of "fraud, waste, and abuse" has been agreed to and is aligned with the definition used by other local, city, county, or public agency auditors/controllers.

### **Conflicts with Existing Audit/Oversight Offices**

Regarding the OIG's expanded duties and responsibilities, BART sought amendments to clearly define the purview of the OIG as to not conflict with existing audit/oversight offices of the District. Agreed upon language states the OIG shall not interfere with the original jurisdiction nor unduly influence or undermine the independence of the Office of Civil Rights or the Office of the Independent Police Auditor. In addition, the OIG shall not investigate individual complaints prior to the appropriate officer/entity having an opportunity to review and make a determination pursuant to their lawful charge.

### **Access to Confidential Records**

SB 1488 would grant the OIG access to confidential records or property that are obtained in connection with any audit, investigation, or review. BART pursued amendments that would restrict the OIG's access to information that is protected under statute, a specific District policy, or otherwise considered privilege. Agreed upon language removes the requirement that a law specifically refers to the Inspector General (IG) for information to be exempt from disclosure.

### **Implementation of Subpoena Authority**

SB 1488 would grant the OIG authority to issue subpoenas as part of any audit, investigation, or review. BART requested language to clarify how subpoenas would be issued and enforced. Agreed upon language specifies the superior court in the county in which an interview is held has jurisdiction to compel the attendance of witnesses, the making of oral or written sworn statements, and the production of records or other property, as required by any subpoena issued by the OIG. Further, if any witness refuses to attend, testify, or produce records/property required by the subpoena, the OIG may petition the superior court for an order compelling the person to attend and answer questions under penalty of perjury or produce the records required.

### **Reporting Duties of the General Manager or Board Officer**

BART sought amendments to revise the nature and frequency of reports the General Manager shall submit to the OIG. Language requiring the General Manager respond to findings and recommendations made by OIG within 10 business days will be replaced with a requirement that the General Manager or Board Appointed Officer respond within a reasonable amount of time, not to exceed 30 days. The requirement that the General Manager shall provide quarterly updates to the OIG regarding the status of implementing outstanding recommendations will also be removed.

### **OIG Hiring and Procurement Activities**

BART requested amendments to remove the OIG's authority to appoint staff and clarify the office shall follow the District's policies, procedures, and practices regarding hiring and procurement. Current agreed upon language specifies that that in carrying out hiring and procurement activities, the OIG shall adhere to all applicable federal, state, and local laws, as verified by the appropriate District entities responsible for hiring and procurement.

### **Separate Records System**

The bill would allow the OIG to establish a system of maintaining records that is outside of the District's computer network and not accessible by other parts of the District. Agreed upon language specifies the OIG shall initially coordinate with the Office of Technology to determine the appropriate policies, procedures, licensing, and equipment necessary to establish a separate email and records system.

The amendments described above were not in print at the time of this publication. BART staff anticipate amendments will be submitted by the author in the coming weeks and considered during the bill's Assembly policy committee hearings which must occur before July 1.

Areas in which staff will continue discussions with the OIG and author include:

### **Removal of the IG from Office**

BART is pursuing amendments that would remove the IG only for "good cause" and restore original language that states the IG shall be removed by a two-thirds vote of the Board *or* a finding that the IG has violated a federal or state law/regulation, local ordinance, or ethics policy. Further discussions with the OIG and author will focus on an appropriate standard for removal to ensure the IG is not removed for disagreements or reasons related to audits or investigations conducted by the office.

### **Access to Employees**

BART is pursuing amendments to clarify that when meeting with any represented employee to complete an audit, investigation, or review, the OIG shall comply with the rights afforded to employees under current collective bargaining agreements. The OIG and author have expressed concerns with this language because future collective bargaining agreements, which are negotiated between management and BART's labor unions, could undermine the authorities granted to the office.

**KNOWN SUPPORT/OPPOSITION:** Support: Association of Local Government Auditors

Opposition: California Conference Board of Amalgamated Transit Union

**STATUS:** Passed the Senate Floor (37-0) on May 24. In the Assembly, referred to the Committees on Transportation and Judiciary.

AMENDED IN SENATE MARCH 16, 2022

**SENATE BILL**

**No. 1488**

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**Introduced by Senator Glazer**

February 18, 2022

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An act to amend ~~Section 1650 of the Vehicle Code, relating to vehicles. Sections 28840, 28841, and 28844 of, to add Sections 28841.2, 28841.4, and 28841.6 to, and to repeal Section 28845 of, the Public Utilities Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1488, as amended, Glazer. ~~Department of Motor Vehicles. San Francisco Bay Area Rapid Transit District: Office of the BART Inspector General.~~

*Existing law establishes the San Francisco Bay Area Rapid Transit District (BART), governed by a board of directors, with specified powers and duties relative to the construction and operation of a rapid transit system. Existing law also establishes the independent Office of the BART Inspector General within BART and requires the BART Inspector General to be appointed to serve an initial 4-year term by the Governor from a list of 3 nominees submitted by the board. Existing law requires the Inspector General to be removed from office by the board of directors, subject to the approval of the Governor, under certain circumstances. Existing law specifies the duties and responsibilities of the Inspector General including, among others, conducting, supervising, and coordinating audits and investigations relating to the district's programs and operations.*

*This bill would revise the duties and responsibilities of the Inspector General by, among other things, requiring the Inspector General to engage in fraud prevention activities and provide recommendations to*

*strengthen internal controls that will prevent or detect fraud, waste, or abuse. The bill would revise the manner in which the Inspector General is required to be removed from office.*

*The bill would provide that the Inspector General shall have the independence necessary to conduct all of its audits and investigations in conformity with specified standards. To ensure the confidentiality of its work from the district, the bill would authorize the Office of the BART Inspector General to establish a system for maintaining records that is outside of the district's computer network and not accessible by the district. The bill would authorize the Inspector General to appoint, employ, evaluate, and remove assistants, employees, and personnel, and to prescribe their duties, scope of authority, and qualifications, as specified.*

*The bill would provide the Inspector General with access and authority to examine all records, files, documents, accounts, reports, correspondence, or other property of the district and external entities that perform work for the district, and to meet with any employee or officer of the district or a contractor of the district as necessary to complete an audit or investigation. The bill would prohibit an employee or officer of the district or a contractor of the district from engaging in specified activities in connection with an audit, investigation, or review conducted by the Inspector General. The bill would authorize the Inspector General to issue subpoenas for the attendance of witnesses and the production of records, files, documents, accounts, reports, correspondence, or other property, or for the making of oral or written sworn statements, in any interview conducted as part of an audit, investigation, or review.*

*Existing law requires the board of directors of BART to appoint a general manager who is responsible, subject to the direction and control of the board, for the acquisition, construction, maintenance, and operation of the facilities of the district and also for the administration of the business affairs of the district.*

*This bill would require the general manager to respond to all findings and recommendations made by the Office of the BART Inspector General within 10 business days of receiving a request to respond from the Inspector General, as specified. The bill would require the general manager to provide quarterly updates to the office regarding the status of implementing each outstanding recommendation from the Inspector General.*

*By creating new duties for a local agency, the bill would impose a state-mandated local program.*

*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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

~~Existing law establishes the Department of Motor Vehicles and sets forth the powers and duties of the department. Existing law places the department under the control of a civil executive officer known as the Director of Motor Vehicles, and requires the director to administer and enforce the provisions of the Vehicle Code relating to the department.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

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

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

1     SECTION 1. Section 28840 of the Public Utilities Code is  
2     amended to read:

3     28840. (a) There is hereby created in the district an  
4     independent Office of the BART Inspector General to ensure that  
5     the district makes effective use of bridge toll revenue and other  
6     revenue and operates efficiently, effectively, and in compliance  
7     with applicable federal and state laws.

8     (b) (1) The board shall nominate three persons to the Governor  
9     who shall appoint one of the three persons nominated by the board  
10    to serve as the BART Inspector General for an initial four-year  
11    term. The board shall have the option to renew the term at will.  
12    The BART Inspector General shall be removed from office by the  
13    board, board during a term, subject to approval of the Governor,  
14    and only if either both of the following occur:

15    (A) A two-thirds majority of the members of the board votes  
16    for removal.

17    (B) The Inspector General violates a federal or state law or  
18    regulation, a local ordinance, or a policy or practice of the authority

1 relative to ethical practices, including, but not limited to, the  
2 acceptance of gifts or contributions.

3 (2) The reasons for removal of the Inspector General shall be  
4 stated in writing and shall include the basis for removal. The  
5 document stating the reasons for dismissal shall be deemed a public  
6 document and posted on the district's ~~Internet Web site.~~ *internet*  
7 *website.*

8 ~~(e) Within one year of the operative date of this article, the board~~  
9 ~~shall nominate three persons to serve as the first BART Inspector~~  
10 ~~General to be appointed pursuant to subdivision (b).~~

11 *(c) The office shall have the independence necessary to conduct*  
12 *all of its audits in conformity with the Government Auditing*  
13 *Standards, published by the Comptroller General of the United*  
14 *States, and its investigations in conformity with the Principles and*  
15 *Standards for Offices of Inspector General, published by the*  
16 *Association of Inspectors General. This independence includes*  
17 *being free from impairments from the district that may restrict the*  
18 *office's ability to conduct independent and objective audits or*  
19 *investigations and issue reports based on the results.*

20 *(d) For purposes of this article, "office" means the Office of*  
21 *the BART Inspector General.*

22 *SEC. 2. Section 28841 of the Public Utilities Code is amended*  
23 *to read:*

24 28841. The duties and responsibilities of the BART Inspector  
25 General shall include, but are not limited to, all of the following:

26 (a) To examine the operating practices of the district to identify  
27 fraud, waste, *or abuse*, and opportunities for efficiencies in the  
28 administration of programs and operations.

29 (b) To ensure the BART administration, the board of directors,  
30 and the public are fully informed of ~~his or her~~ *the Inspector*  
31 *General's* findings and recommendations.

32 (c) To identify opportunities to improve the data used to  
33 determine project resource allocations.

34 (d) To conduct, supervise, and coordinate audits and  
35 investigations relating to the district's programs and operations,  
36 including, but not limited to, toll-funded ~~programs.~~ *programs, in*  
37 *compliance with the government auditing standards and principles*  
38 *and standards for offices of inspector general described in Section*  
39 *28840, as applicable.*

(e) To identify best practices in the delivery of capital ~~projects~~ *projects, programs, and operations*, and recommend policies to enable the district to adopt these practices when practicable.

(f) To recommend policies promoting efficiency in the administration of programs and operations.

(g) To review and recommend best practices that the district should follow to maintain positive and productive relations with its employees and the collective bargaining units representing those employees.

(h) *To engage in fraud prevention activities, including reviewing policies, procedures, and transactions to identify internal control weaknesses that can lead to fraud.*

(i) *To provide recommendations to strengthen internal controls that will prevent or detect fraud, waste, or abuse.*

(j) *To provide training to district employees about what fraud is and how to prevent and report it.*

SEC. 3. Section 28841.2 is added to the Public Utilities Code, to read:

28841.2. (a) *The BART Inspector General shall have access and authority to examine all records, files, documents, accounts, reports, correspondence, or other property of the district and external entities that perform work for the district. The Inspector General may enter any district office or facility and access, examine, and reproduce during regular business hours all records, files, documents, accounts, reports, vouchers, correspondence files, and all other records for any audit or investigation. Any officer or employee of the district or entity having these records or property in their possession, under their control, or otherwise having access to them, shall permit access to, and examination and reproduction of, the records or property upon the request of the Inspector General or the Inspector General's authorized representative.*

(b) *The BART Inspector General may gain access to confidential records or property that are obtained in connection with any audit, investigation, or review conducted pursuant to subdivision (a) unless a law specifically refers to and precludes the Inspector General from accessing, examining, and reproducing any record or property pursuant to subdivision (a). Information or documents obtained in connection with any audit, evaluation, investigation, or review conducted by the Inspector General are subject to any*



1 *limitations on release of the information or documents as may*  
2 *apply to an employee or officer of the district or external entity*  
3 *subject to this article that provided the information or documents.*  
4 *Providing confidential information pursuant to this section,*  
5 *including, but not limited to, confidential information that is subject*  
6 *to a privilege, shall not constitute a waiver of that privilege.*

7 *(c) (1) The BART Inspector General shall have access to and*  
8 *authority to meet with any employee or officer of the district or a*  
9 *contractor of the district as necessary to complete an audit,*  
10 *investigation, or review.*

11 *(2) An employee or officer of the district or a contractor of the*  
12 *district shall not interfere with, act with intent to deceive or*  
13 *defraud, or obstruct the Inspector General in the performance of*  
14 *an audit, investigation, or review conducted pursuant to this article.*

15 *(3) An employee or officer of the district or a contractor of the*  
16 *district shall not manipulate, correct, alter, or change records,*  
17 *documents, accounts, reports, or correspondence before or during*  
18 *any audit, investigation, or review conducted pursuant to this*  
19 *article.*

20 *(4) An employee or officer of the district or a contractor of the*  
21 *district shall not distribute, reproduce, release, or fail to safeguard*  
22 *confidential draft documents exchanged between the Inspector*  
23 *General and the entity subject to the audit, investigation, or review*  
24 *conducted pursuant to this article without the Inspector General's*  
25 *express permission.*

26 *(d) The BART Inspector General, or their designee, may issue*  
27 *subpoenas for the attendance of witnesses and the production of*  
28 *records, files, documents, accounts, reports, correspondence, or*  
29 *other property, or for the making of oral or written sworn*  
30 *statements, in any interview conducted as part of an audit,*  
31 *investigation, or review. Any subpoena issued under this article*  
32 *may be served by any person authorized to serve process of any*  
33 *court of record or by any person designated for that purpose by*  
34 *the Inspector General or their designee.*

35 *SEC. 4. Section 28841.4 is added to the Public Utilities Code,*  
36 *to read:*

37 *28841.4. (a) The general manager shall respond to all findings*  
38 *and recommendations made by the office within 10 business days*  
39 *of receiving a request to respond from the BART Inspector General.*

1     ***(b) The general manager shall include all of the following in a***  
2     ***response to a request to respond to the BART Inspector General's***  
3     ***findings and recommendations:***

4     ***(1) Factual documentation to support any disagreement with***  
5     ***any findings.***

6     ***(2) A corrective action plan for each recommendation, including***  
7     ***a timeline for when the recommendation will be implemented.***

8     ***(3) If the general manager disagrees with a recommendation,***  
9     ***a reason for the disagreement and a proposal of an alternate means***  
10    ***of correcting the underlying deficiency.***

11    ***(c) The general manager shall provide quarterly updates to the***  
12    ***office regarding the status of implementing each outstanding***  
13    ***recommendation. The status shall explain the work that has been***  
14    ***done to implement the recommendation, and if not yet completed,***  
15    ***the reason and the expected date for completion.***

16    ***(d) The office shall have sole authority to do both of the***  
17    ***following:***

18    ***(1) Determine if the general manager's proposed and***  
19    ***implemented corrective actions satisfy the underlying issues***  
20    ***identified in the BART Inspector General's recommendations.***

21    ***(2) Determine the accuracy of reports to be published by the***  
22    ***office.***

23    ***SEC. 5. Section 28841.6 is added to the Public Utilities Code,***  
24    ***to read:***

25    ***28841.6. (a) The BART Inspector General may appoint,***  
26    ***employ, evaluate, and remove assistants, employees, and personnel***  
27    ***as deemed necessary for the efficient and effective administration***  
28    ***of the affairs of the office and may prescribe their duties, scope of***  
29    ***authority, and qualifications. An employee of the office shall be***  
30    ***excluded from the definition of an employee for purposes of***  
31    ***representation by an employee organization as defined in Section***  
32    ***28848.***

33    ***(b) The office may obtain the services of qualified consultants,***  
34    ***investigators, or other professional experts necessary to perform***  
35    ***its work, including obtaining independent counsel if the BART***  
36    ***Inspector General identifies a conflict of interest or threat to the***  
37    ***office's independence.***

38    ***SEC. 6. Section 28844 of the Public Utilities Code, as amended***  
39    ***by Section 404 of Chapter 615 of the Statutes of 2021, is amended***  
40    ***to read:***

1 28844. (a) Any investigatory file compiled by the BART  
2 Inspector General is an investigatory file compiled by a local law  
3 enforcement agency subject to disclosure pursuant to Article 1  
4 (commencing with Section 7923.600) of Chapter 1 of Part 5 of  
5 Division 10 of Title 1 of the Government Code.

6 (b) *To ensure the confidentiality of its work from the other parts*  
7 *of the district, including emails, the office may establish a system*  
8 *for maintaining records that is outside of the district's computer*  
9 *network and not accessible by the other parts of the district.*

10 SEC. 7. *Section 28845 of the Public Utilities Code is repealed.*

11 ~~28845. This article shall become operative upon an affirmative~~  
12 ~~vote of the residents of the City and County of San Francisco and~~  
13 ~~the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo,~~  
14 ~~Santa Clara, Solano, and Sonoma to increase tolls pursuant to~~  
15 ~~Section 30923 of the Streets and Highways Code on the bridges~~  
16 ~~described in Section 30910 of the Streets and Highways Code.~~

17 SEC. 8. *If the Commission on State Mandates determines that*  
18 *this act contains costs mandated by the state, reimbursement to*  
19 *local agencies and school districts for those costs shall be made*  
20 *pursuant to Part 7 (commencing with Section 17500) of Division*  
21 *4 of Title 2 of the Government Code.*

22 SECTION 1. ~~Section 1650 of the Vehicle Code is amended to~~  
23 ~~read:~~

24 ~~1650. The director shall administer and enforce the provisions~~  
25 ~~of this code that relate to the department.~~

## AB 1621 (Gipson) Analysis and Recommendation

**TITLE:** Firearms: Unserialized Firearms

**AUTHORS:** Gipson (D-Carson), Muratsuchi (D-Torrance), Ting (D-San Francisco)

**SPONSORS:** N/A

**RECOMMENDATION:** Support

**BACKGROUND:** Law enforcement officials across the state have reported increases in the number of unserialized self-assembled firearms (ghost guns). San Francisco has reported a 38% increase in ghost guns recovered in homicide cases from 2019 to 2020. In Los Angeles, law enforcement officials reported the number of ghost guns seized increased by 400% from 2017 and had double from 2020 to 2021 alone. The proliferation of firearms built from precursor parts in a growing public safety concern and has hampered law enforcement in investigating firearm crimes.

**PURPOSE:** AB 1621 amends a Penal Code definition of “firearm” to include a firearm precursor part and amends the definition of “firearm precursor part” to mean any forging, casting, extrusion, machined body, or other similar article which can be readily converted to be used as the frame or receiver of a firearm or that is marketed as such. Most criminal and regulatory provisions related to the possession, sale, and transfer of a firearm would apply to a firearm precursor part. The bill also prohibits a person from possessing or manufacturing a firearm precursor part without authorization and prohibits any person or entity from manufacturing, assembling, or knowingly facilitating the manufacture or assembly of an unserialized or unmarked firearm.

**DISTRICT IMPACT:** Ghost guns are a growing public safety concern in California and across the country. Ghost guns have been used in a wide variety of crimes in California including homicides, robberies, school shootings, mass shootings, violence against law enforcement officers, and domestic violence. Police in San Francisco, Oakland and other large cities have recorded a spike in ghost gun seizures over the past few years. BART has also seen an increase in the number of ghost guns confiscated by District police officers. In 2021, 18% of firearms seized by BART Police were ghost guns compared to 16% in 2020. For the current year, ghost guns have accounted for 21% of all firearms confiscated to date. Several cities in the Bay Area including San Francisco, San Jose, and Berkeley have also taken steps to pass legislation banning the sale of ghost guns and the parts or kits used to assemble them.

The Board has previously supported ghost gun legislation, including AB 1057 (Chapter 682, Statutes of 2021), which defined a firearm, for the purposes of specified gun violence and domestic violence restraining orders, to include a frame or receiver of the weapon or a firearm precursor part.

**KNOWN SUPPORT/OPPOSITION:** Support includes the Brady Campaign, Everytown for Gun Safety Action Fund, Friends Committee on Legislation of California, March for Our Lives Action Funds, Moms Demand Action for Gun Sense in America, and Students Demand Action for Gun Sense in America.

Opposition includes the California Rifle and Pistol Association and Gun Owners of California.

**STATUS:** Passed the Assembly Floor (63-0) on May 25. In the Senate, referred to the Committee on Public Safety.

AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1621**

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**Introduced by Assembly Member ~~Gipson~~ Members *Gipson, Muratsuchi, and Ting*  
(Coauthor: Assembly Member *Santiago*)**

January 10, 2022

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*An act to amend Sections 16520, 16531, 18010, 23910, 23920, 23925, 27530, 29180, 29182, and 30420 of, to add Sections 16515, 16517, 17305, and 29185 to, to repeal Sections 16532, 29181, 30405, 30406, 30412, and 30414 of, to repeal Articles 2 (commencing with Section 30442), 3 (commencing with Section 30470), and 4 (commencing with Section 30485) of Chapter 1.5 of Division 10 of Title 4 of Part 6 of, and to repeal and add Section 30400 of, the Penal Code, relating to firearms.*

LEGISLATIVE COUNSEL’S DIGEST

AB 1621, as amended, Gipson. Firearms: unserialized firearms.

*(1) Existing law defines a firearm precursor part as a component of a firearm that is necessary to build or assemble a firearm and is either an unfinished handgun frame or a specified unfinished receiver, receiver tube, or receiver flat. Under existing law, commencing July 1, 2022, a firearm precursor part is required to be sold through a licensed firearm precursor part vendor, as specified.*

*This bill would redefine a firearm precursor part as any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once*

*completed, assembled or converted. This bill would extend the definition of a firearm to include a firearm precursor part for the purposes of most criminal and regulatory provisions related to the possession, sale, and transfer of a firearm, including provisions which do not apply to a frame or receiver under existing law. The bill would repeal provisions relating to the sale of firearm precursor parts through a licensed precursor part vendor, and would prohibit the sale, transfer, or possession of an unserialized firearm precursor part, except as specified.*

*(2) Existing law requires a person that is manufacturing a firearm or assembling a firearm from unserialized components, to apply to the Department of Justice for a unique mark of identification and to affix that mark to the firearm, as specified.*

*This bill would repeal those provisions and instead prohibit a person from manufacturing or assembling an unserialized firearm. The bill would require any person in possession of an unserialized firearm to apply to the department for a unique mark of identification and to affix that mark to the firearm before July 1, 2023. The bill would explicitly prohibit the possession or transfer of a firearm without a serial number or mark of identification. The bill would authorize a new resident of the state to, within 60 days after arrival in the state, request a unique mark or identification for any unserialized firearm that is otherwise valid to possess in the state. The bill would also prohibit the possession, sale, or transfer of specified firearms manufacturing equipment, with exceptions for specified entities, including the Armed Forces of the United States, the National Guard, and law enforcement, as specified. The bill would declare its provisions to be severable.*

*(3) This bill would authorize the Department of Justice to adopt emergency regulations to carry out its provisions. The bill would make other conforming, technical, and nonsubstantive changes. By creating new crimes expanding the application of numerous crimes, this bill would impose a state-mandated local program.*

~~Existing~~

*(4) Existing law prohibits possession of a firearm without a serial number. Existing law prohibits possession of a firearm that has had the serial number altered, removed, or obliterated. Existing law defines a firearm to include the frame or receiver.*

*Existing law requires any person in the business of manufacturing firearms, as specified, to be licensed. Existing law requires a person, other than a manufacturer, who assembles a firearm to apply to the*

Department of Justice for a serial number and to affix that number to the firearm, as specified.

This bill would make certain findings and declarations ~~and would express the intent of the Legislature to enact legislation~~ relating to unserialized firearms.

*(5) 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: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

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

1     SECTION 1. *The Legislature finds and declares the following:*

2     (a) *The proliferation of unserialized ghost guns built from*  
3 *firearm precursor parts has caused enormous harm and suffering,*  
4 *hampered the ability of law enforcement to trace crime guns and*  
5 *investigate firearm trafficking and other crimes, and dangerously*  
6 *undermined the effectiveness of laws and protections critical to*  
7 *the health, safety, and well-being of Californians.*

8     (1) *Like completed frames and receivers, the sole function of*  
9 *firearm precursor parts is to be used to assemble a weapon*  
10 *designed and capable of ending human life. Sellers and*  
11 *manufacturers of firearm precursor parts frequently market these*  
12 *products by emphasizing the fact that they are sold without*  
13 *traceable serial numbers and are otherwise significantly less*  
14 *regulated than firearms or completed frames or receivers.*

15    (2) *Law enforcement officials from cities across California have*  
16 *reported massive increases in the number of unserialized*  
17 *self-assembled ghost guns recovered from homicide cases and*  
18 *other crimes in recent years.*

19    (3) *For instance, law enforcement officials in San Francisco*  
20 *reported that 44 percent of guns recovered in San Francisco*  
21 *homicide cases in 2020 were unserialized ghost guns, compared*  
22 *with 6 percent in 2019. Law enforcement officials in San Diego*  
23 *reported recovering 360 ghost guns in just the first nine months*  
24 *of 2021, more than four times as many as the department recovered*

1 in all of 2019. According to an October 2021 report by the Los  
2 Angeles Police Department, the number of ghost guns seized by  
3 the department increased 400 percent since 2017 and more than  
4 doubled from 2020 to 2021 alone; the report concluded that “the  
5 current trend shows these figures will continue to grow  
6 exponentially” and that “ghost guns are an epidemic not only in  
7 Los Angeles, but nationwide.” In August 2021, the Los Angeles  
8 Police Department reported that ghost guns accounted for 33  
9 percent of all guns recovered by the department in its investigations  
10 of suspected criminal activity.

11 (4) Community violence intervention professionals have also  
12 warned that the proliferation of ghost guns in vulnerable  
13 communities has intensified in recent years and contributed to a  
14 surge in gun deaths disproportionately impacting young people.

15 (5) Whatever legitimate interest and enjoyment unlicensed  
16 firearm manufacturers have in assembling firearms from firearm  
17 precursor parts, as opposed to completed frames or receivers, has  
18 been substantially outweighed by the devastating violent harms  
19 Californians have suffered as a result of the alarming proliferation  
20 of unserialized ghost guns across the state. These unfinished, less  
21 regulated products built from firearm precursor parts have become  
22 a leading source of crime guns, including firearms built by people  
23 such as minors who cannot legally possess or acquire firearms in  
24 our state, as well as individuals seeking to conceal their  
25 involvement in firearm trafficking and other crimes.

26 (6) The Legislature enacted AB 879 in 2019 to address this  
27 growing threat and bring needed accountability, transparency,  
28 and regulation to the sale and transfer of firearm precursor parts.  
29 Some key provisions of that legislation will become effective on  
30 July 1, 2022, including provisions ensuring that firearm precursor  
31 parts are sold in person through licensed sellers, pursuant to  
32 California background check and sale record requirements.

33 (7) Tragic events have continued to make clear that a more  
34 comprehensive response is needed now to protect public health  
35 and safety by ensuring that firearm precursor parts are regulated  
36 to the same extent as completed frames or receivers.

37 (8) Further reform is necessary, for instance, to halt the sale of  
38 unserialized firearm precursor parts in California, and to ensure  
39 that individuals purchasing firearm precursor parts undergo a  
40 full background check of all relevant records available to the



1 *Department of Justice when conducting background checks related*  
2 *to the purchase of a firearm or completed frame or receiver,*  
3 *including records available through the National Instant Criminal*  
4 *Background Check System. Further reform is also necessary to*  
5 *ensure that firearm precursor parts are sold in accordance with*  
6 *other gun safety laws applicable to the sale, manufacture, or*  
7 *possession of completed frames and receivers, such as the waiting*  
8 *period requirement, and to expressly prohibit the sale or transfer*  
9 *of ownership of firearms assembled or manufactured by people*  
10 *and entities that do not have a license to manufacture firearms.*

11 *(9) The Legislature seeks to protect public health and safety by*  
12 *halting the sale of firearm precursor parts in California until and*  
13 *unless such unfinished parts are regulated as firearms or frames*  
14 *under federal law and required, accordingly, to be serialized by*  
15 *federally licensed firearm manufacturers, importers, or other*  
16 *authorized federal firearms licensees.*

17 *(10) This act will authorize unlicensed individuals to continue*  
18 *to assemble or manufacture firearms for personal use from*  
19 *completed frames and receivers, which are subject to critical*  
20 *California and federal gun safety laws. This act will also authorize*  
21 *unlicensed individuals to assemble or manufacture firearms from*  
22 *firearm precursor parts if and when such parts are treated as*  
23 *firearms or frames under federal law, and required to be serialized*  
24 *accordingly.*

25 *SEC. 2. Section 16515 is added to the Penal Code, to read:*

26 *16515. "Federal licensee authorized to serialize firearms"*  
27 *means a person, firm, corporation, or other entity that holds any*  
28 *valid federal firearms license that authorizes the person, firm,*  
29 *corporation, or other entity to imprint serial numbers onto firearms*  
30 *pursuant to Chapter 44 (commencing with Section 921) of Title*  
31 *18 of the United States Code and regulations issued pursuant*  
32 *thereto.*

33 *SEC. 3. Section 16517 is added to the Penal Code, to read:*

34 *16517. "Federally licensed manufacturer or importer" means*  
35 *a person, firm, corporation, or other entity that holds a valid*  
36 *license to manufacture or import firearms issued pursuant to*  
37 *Chapter 44 (commencing with Section 921) of Title 18 of the United*  
38 *States Code and regulations issued pursuant thereto.*

39 *SEC. 4. Section 16520 of the Penal Code, as added by Section*  
40 *3 of Chapter 682 of the Statutes of 2021, is amended to read:*

**AB 1621**

— 6 —

1 16520. (a) As used in this part, “firearm” means a device,  
 2 designed to be used as a weapon, from which is expelled through  
 3 a barrel, a projectile by the force of an explosion or other form of  
 4 combustion.

5 (b) As used in the following provisions, “firearm” includes the  
 6 frame or receiver of the ~~weapon~~; *weapon, and includes a firearm*  
 7 *precursor part:*

8 (1) *Section 136.1.*

9 (2) *Section 646.91.*

10 (3) *Sections 16515 and 16517.*

11 ~~(1)~~

12 (4) *Section 16550.*

13 ~~(2)~~

14 (5) *Section 16730.*

15 ~~(3)~~

16 (6) *Section 16960.*

17 ~~(4)~~

18 (7) *Section 16990.*

19 ~~(5)~~

20 (8) *Section 17070.*

21 ~~(6)~~

22 (9) *Section 17310.*

23 ~~(7)~~

24 (10) *Sections 18100 to 18205, 18500, inclusive.*

25 (11) *Section 23900 to 23925, inclusive.*

26 ~~(8)~~

27 (12) *Sections 26500 to 26588, 26590, inclusive.*

28 ~~(9)~~

29 (13) *Sections 26600 to 27140, inclusive.*

30 ~~(10)~~

31 (14) *Sections 27400 to 28000, 27200 to 28490, inclusive.*

32 ~~(11) Section 28100.~~

33 ~~(12) Sections 28400 to 28415, inclusive.~~

34 ~~(13)~~

35 (15) *Sections 29010 to 29150, inclusive.*

36 ~~(14) Section 29180.~~

37 (16) *Section 29185.*

38 ~~(15)~~

39 (17) *Sections 29610 to 29750, inclusive.*

40 ~~(16)~~

- 1 (18) Sections 29800 to 29905, inclusive.
- 2 ~~(17)~~
- 3 (19) Sections 30150 to 30165, inclusive.
- 4 ~~(18)~~
- 5 (20) Section 31615.
- 6 ~~(19)~~
- 7 (21) Sections ~~31705~~ 31700 to 31830, inclusive.
- 8 ~~(20)~~
- 9 (22) Sections 34355 to 34370, inclusive.
- 10 (23) *Sections 527.6 to 527.9, inclusive, of the Code of Civil*
- 11 *Procedure.*
- 12 ~~(21)~~
- 13 (24) Sections ~~8100, 8101, and 8103~~ 8100 to 8108, inclusive, of
- 14 the Welfare and Institutions Code.
- 15 (25) *Section 15657.03 of the Welfare and Institutions Code.*
- 16 (c) As used in the following provisions, “firearm” also includes
- 17 a rocket, rocket propelled projectile launcher, or similar device
- 18 containing an explosive or incendiary material, whether or not the
- 19 device is designed for emergency or distress signaling purposes:
- 20 (1) Section 16750.
- 21 (2) Subdivision (b) of Section 16840.
- 22 (3) Section 25400.
- 23 (4) Sections 25850 to 26025, inclusive.
- 24 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 25 (6) Sections 26035 to 26055, inclusive.
- 26 (d) As used in the following provisions, “firearm” does not
- 27 include an unloaded antique firearm:
- 28 (1) Section 16730.
- 29 (2) Section 16550.
- 30 (3) Section 16960.
- 31 (4) Section 17310.
- 32 (5) Chapter 6 (commencing with Section 26350) of Division 5
- 33 of Title 4.
- 34 (6) Chapter 7 (commencing with Section 26400) of Division 5
- 35 of Title 4.
- 36 (7) Sections 26500 to 26588, inclusive.
- 37 (8) Sections 26700 to 26915, inclusive.
- 38 (9) Section 27510.
- 39 (10) Section 27530.
- 40 (11) Section 27540.

1 (12) Section 27545.

2 (13) Sections 27555 to 27585, inclusive.

3 (14) Sections 29010 to 29150, inclusive.

4 (15) Section 25135.

5 (16) Section 29180.

6 (e) As used in Sections 34005 and 34010, “firearm” does not  
7 include a destructive device.

8 (f) As used in Sections 17280 and 24680, “firearm” has the  
9 same meaning as in Section 922 of Title 18 of the United States  
10 Code.

11 (g) As used in Sections ~~29010 to 29150~~, *29180 to 29184*,  
12 inclusive, “firearm” includes the ~~unfinished~~ frame or receiver of  
13 a ~~weapon that can be readily converted to the functional condition~~  
14 ~~of a finished frame or receiver.~~ *weapon.*

15 (h) ~~As used in Sections 18100 to 18205, inclusive, “firearm”~~  
16 ~~includes a firearm precursor part. “Firearm precursor part” has the~~  
17 ~~same meaning as in subdivision (a) of Section 16531.~~

18 (i) ~~This section shall become operative on July 1, 2022.~~

19 *SEC. 5. Section 16531 of the Penal Code is amended to read:*

20 16531. (a) As used in this part, “firearm precursor part” means  
21 ~~a component of a firearm that is necessary to build or assemble a~~  
22 ~~firearm and is described in either of the following categories: any~~  
23 ~~forging, casting, printing, extrusion, machined body or similar~~  
24 ~~article that has reached a stage in manufacture where it may~~  
25 ~~readily be completed, assembled or converted to be used as the~~  
26 ~~frame or receiver of a functional firearm, or that is marketed or~~  
27 ~~sold to the public to become or be used as the frame or receiver~~  
28 ~~of a functional firearm once completed, assembled or converted.~~

29 (1) ~~An unfinished receiver, including both a single part receiver~~  
30 ~~and a multiple part receiver, such as a receiver in an AR-10 or~~  
31 ~~AR-15-style firearm. An unfinished receiver includes a receiver~~  
32 ~~tube, a molded or shaped polymer frame or receiver, a metallic~~  
33 ~~casting, a metallic forging, and a receiver flat, such as a~~  
34 ~~Kalashnikov-style weapons system, Kalashnikov-style receiver~~  
35 ~~channel, or a Browning-style receiver side plate.~~

36 (2) ~~An unfinished handgun frame.~~

37 (b) The Department of Justice, consistent with this section, shall  
38 provide written guidance and pictorial diagrams demonstrating  
39 ~~each category~~ *examples* of firearm precursor ~~part~~ *specified in*  
40 ~~subdivision (a).~~ *parts.*

1 (c) Firearm parts that can only be used on antique firearms, as  
2 defined in subdivision (c) of Section 16170, are not firearm  
3 precursor parts.

4 (d) ~~A firearm precursor part is not a firearm or the frame or~~  
5 ~~receiver thereof.~~ A firearm precursor part that is attached or affixed  
6 to a firearm is not subject to the requirements of Chapter 1.5  
7 (commencing with Section 30400) of Division 10 of Title 4 of Part  
8 6 or Section 18010.

9 *SEC. 6. Section 16532 of the Penal Code is repealed.*

10 ~~16532. (a) As used in this part, “firearm precursor part vendor”~~  
11 ~~means a person, firm, corporation, or other business enterprise that~~  
12 ~~holds a valid firearm precursor part vendor license issued pursuant~~  
13 ~~to Section 30485.~~

14 ~~(b) Commencing April 1, 2022, a firearms dealer licensed~~  
15 ~~pursuant to Sections 26700 to 26915, inclusive, and a licensed~~  
16 ~~ammunition vendor shall automatically be deemed a licensed~~  
17 ~~firearm precursor part vendor, if the dealer and licensed~~  
18 ~~ammunition vendor comply with the requirements of Article 2~~  
19 ~~(commencing with Section 30300) and Article 3 (commencing~~  
20 ~~with Section 30342) of Chapter 1 of Division 10 of Title 4.~~

21 *SEC. 7. Section 17305 is added to the Penal Code, to read:*

22 *17305. “Unserialized firearm precursor part” means a firearm*  
23 *precursor part that is not required by federal law to be imprinted*  
24 *with a serial number and is not imprinted with such a serial*  
25 *number.*

26 *SEC. 8. Section 18010 of the Penal Code is amended to read:*

27 *18010. (a) The Attorney General, a district attorney, or a city*  
28 *attorney may bring an action to enjoin the manufacture of,*  
29 *importation of, keeping for sale of, offering or exposing for sale,*  
30 *giving, lending, or possession of, any item that constitutes a*  
31 *nuisance under any of the following provisions:*

- 32 (1) *Section 19290, relating to metal handgrenades.*
- 33 (2) *Section 20390, relating to an air gauge knife.*
- 34 (3) *Section 20490, relating to a belt buckle knife.*
- 35 (4) *Section 20590, relating to a cane sword.*
- 36 (5) *Section 20690, relating to a lipstick case knife.*
- 37 (6) *Section 20790, relating to a shobi-zue.*
- 38 (7) *Section 20990, relating to a writing pen knife.*
- 39 (8) *Section 21190, relating to a ballistic knife.*
- 40 (9) *Section 21890, relating to metal knuckles.*

(10) Section 22290, relating to a leaded cane or an instrument or weapon of the kind commonly known as a billy, blackjack, sandbag, sandclub, sap, or slungshot.

(11) Section 22490, relating to a shuriken.

(12) Section 24390, relating to a camouflaging firearm container.

(13) Section 24490, relating to a cane gun.

(14) Section 24590, relating to a firearm not immediately recognizable as a firearm.

(15) Section 24690, relating to an undetectable firearm.

(16) Section 24790, relating to a wallet gun.

(17) Section 30290, relating to flechette dart ammunition and to a bullet with an explosive agent.

(18) Section 31590, relating to an unconventional pistol.

(19) Section 32390, relating to a large-capacity magazine.

(20) Section 32990, relating to a multiburst trigger activator.

(21) Section 33290, relating to a short-barreled rifle or a short-barreled shotgun.

(22) Section 33690, relating to a zip gun.

(b) The weapons described in subdivision (a) shall be subject to confiscation and summary destruction whenever found within the state.

(c) The weapons described in subdivision (a) shall be destroyed in the same manner described in Section 18005, except that upon the certification of a judge or of the district attorney that the ends of justice will be served thereby, the weapon shall be preserved until the necessity for its use ceases.

(d) (1) ~~Commencing July 1, 2022, the~~ The Attorney General, a district attorney, or a city attorney may bring an action to enjoin the importation into the state or sale of any firearm precursor part that is *unlawfully* imported into this state or sold within this state ~~in violation of Article 1 (commencing with Section 30400), Article 2 (commencing with Section 30442), Article 3 (commencing with Section 30470), and Article 4 (commencing with Section 30485) of Chapter 1.5 of Division 10 of Title 4.~~ *state.*

(2) ~~Commencing July 1, 2022, Any~~ Any firearm precursor parts that are *unlawfully* imported in this state or sold within this state ~~in violation of Article 1 (commencing with Section 30400), Article 2 (commencing with Section 30442), Article 3 (commencing with Section 30470), and Article 4 (commencing with Section 30485)~~

1 of Chapter 1.5 of Division 10 of Title 4 are a nuisance and are  
2 subject to confiscation and destruction pursuant to Section 18005.

3 *SEC. 9. Section 23910 of the Penal Code is amended to read:*

4 23910. The Department of Justice, upon request, may assign  
5 a distinguishing number or mark of identification to any firearm  
6 whenever the firearm lacks a manufacturer's number or other mark  
7 of identification. Whenever the manufacturer's number or other  
8 mark of identification or a distinguishing number or mark assigned  
9 by the department has been destroyed or obliterated, the  
10 Department of Justice, upon request, ~~shall~~ *may* assign a  
11 distinguishing number or mark of identification to any firearm in  
12 accordance with Section 29182.

13 *SEC. 10. Section 23920 of the Penal Code is amended to read:*

14 23920. (a) Except as provided in Section 23925, any person  
15 who, with knowledge of any change, alteration, removal, or  
16 obliteration described in this section, buys, receives, disposes of,  
17 sells, offers for sale, or has in possession any pistol, revolver, or  
18 other firearm that has had the name of the maker or model, or the  
19 manufacturer's number or other mark of identification, including  
20 any distinguishing number or mark assigned by the Department  
21 of Justice, changed, altered, removed, or obliterated, is guilty of  
22 a misdemeanor.

23 (b) *Except as provided in Section 23925, any person who*  
24 *knowingly possesses or imports into the state any firearm that does*  
25 *not have a valid serial number or mark of identification is guilty*  
26 *of a misdemeanor.*

27 (c) *As used in this section, "valid serial number or mark of*  
28 *identification" means any of the following:*

29 (1) *A serial number imprinted by a federal licensee authorized*  
30 *to serialize firearms.*

31 (2) *A serial number or mark of identification issued by the*  
32 *California Department of Justice pursuant to Section 23910 or*  
33 *29180.*

34 (3) *A serial number or other mark of identification that was*  
35 *issued pursuant to the laws of another state to a resident of that*  
36 *state, if the Department of Justice determines, in any manner and*  
37 *at the department's discretion, that the laws and processes for*  
38 *issuing firearm serial numbers in that state include adequate*  
39 *provisions for public safety. The department shall provide*

1 *information listing any those states on the internet website for the*  
2 *Bureau of Firearms.*

3 *SEC. 11. Section 23925 of the Penal Code is amended to read:*  
4 23925. (a) Section 23920 does not apply to any of the  
5 following:

6 ~~(a)~~

7 (1) The acquisition or possession of a firearm described in  
8 Section 23920 by any member of the military forces of this state  
9 or of the United States, while on duty and acting within the scope  
10 and course of employment.

11 ~~(b)~~

12 (2) The acquisition or possession of a firearm described in  
13 Section 23920 by any peace officer described in Chapter 4.5  
14 (commencing with Section 830) of Title 3 of Part 2, while on duty  
15 and acting within the scope and course of employment.

16 ~~(c)~~

17 (3) The acquisition or possession of a firearm described in  
18 Section 23920 by any employee of a forensic laboratory, while on  
19 duty and acting within the scope and course of employment.

20 ~~(d)~~

21 (4) The possession and disposition of a firearm described in  
22 Section 23920 by a person who meets all of the following:

23 ~~(1)~~

24 (A) The person is not prohibited by state or federal law from  
25 possessing, receiving, owning, or purchasing a firearm.

26 ~~(2)~~

27 (B) The person possessed the firearm no longer than was  
28 necessary to deliver it to a law enforcement agency for that  
29 agency's disposition according to law.

30 ~~(3)~~

31 (C) If the person is transporting the firearm, the person is  
32 transporting it to a law enforcement agency in order to deliver it  
33 to the agency for the agency's disposition according to law.

34 ~~(4)~~

35 (D) If the person is transporting the firearm to a law enforcement  
36 agency, the person has given prior notice to the agency that the  
37 person is transporting the firearm to that agency for the agency's  
38 disposition according to law.

39 ~~(5)~~



1 (E) The firearm is transported in a locked container as defined  
2 in Section 16850.

3 (b) Subdivision (b) of Section 23920 does not apply to any of  
4 the following:

5 (1) The possession of a firearm that was made or assembled  
6 prior to December 16, 1968 and is not a handgun.

7 (2) The possession of a firearm that has been entered, before  
8 July 1, 2018, into the centralized registry set forth in Section 11106,  
9 as being owned by a specific individual or entity, if that firearm  
10 has assigned to it a distinguishing number or mark of identification  
11 because the department accepted entry of that firearm into the  
12 centralized registry.

13 (3) The possession of a firearm that is a curio or relic, or an  
14 antique firearm, as those terms are defined in Section 479.11 of  
15 Title 27 of the Code of Federal Regulations.

16 (4) The possession of a firearm by a federally licensed firearms  
17 manufacturer or importer, or any other federal licensee authorized  
18 to serialize firearms.

19 (5) The possession of a firearm by a person who, before July 1,  
20 2023, has applied in good faith to the Department of Justice for  
21 a unique serial number or mark of identification, pursuant to  
22 Section 29180, and fully complies with the provisions of that  
23 section, including imprinting the serial number or mark of  
24 identification onto the firearm within 10 days after receiving the  
25 serial number or mark of identification from the department.

26 (6) (A) The possession of a firearm by a new resident who  
27 applies for a unique serial number or other mark of identification  
28 from the Department of Justice within 60 days after arrival in the  
29 state, for any firearm the resident wishes to legally possess in the  
30 state that does not have a valid serial number or mark of  
31 identification.

32 (B) The good faith effort by a new resident to apply for a unique  
33 serial number or other mark of identification after the expiration  
34 of the 60-day period specified in this paragraph, or any other  
35 person's good faith effort to apply for a unique serial number or  
36 mark of identification for a firearm that does not have a valid  
37 serial number or other mark of identification, shall not constitute  
38 probable cause for a violation of Section 23920.

39 (C) It is the intent of the Legislature to ensure that firearms  
40 possessed in the state have a valid serial number or mark of

1 *identification and to authorize penalties for violating that*  
2 *requirement, while encouraging instead of deterring people who*  
3 *are in possession of unserialized firearms to make good faith efforts*  
4 *to bring those firearms into compliance with the law.*

5 *SEC. 12. Section 27530 of the Penal Code is amended to read:*

6 27530. (a) No person shall sell or otherwise transfer ownership  
7 ~~in a handgun unless the firearm bears either:~~ *of a firearm that is*  
8 *not imprinted with a valid serial number or mark of identification*  
9 *as defined in Section 23920.*

10 ~~(a) The name of the manufacturer, the manufacturer's make or~~  
11 ~~model, and a manufacturer's serial number assigned to that firearm.~~

12 ~~(b) The identification number or mark assigned to the firearm~~  
13 ~~by the Department of Justice pursuant to Section 23910.~~

14 *(b) This section does not apply to either of the following:*

15 *(1) A firearm made or assembled prior to December 16, 1968,*  
16 *that is not a handgun.*

17 *(2) A firearm that is a curio or relic, or an antique firearm, as*  
18 *those terms are defined in Section 479.11 of Title 27 of the Code*  
19 *of Federal Regulations.*

20 *SEC. 13. Section 29180 of the Penal Code is amended to read:*

21 29180. (a) For purposes of this chapter, "manufacturing" or  
22 "assembling" a firearm means to fabricate or construct a firearm,  
23 or to fit together the component parts of a firearm to construct a  
24 firearm.

25 ~~(b) Commencing July 1, 2018, prior to manufacturing or~~  
26 ~~assembling a firearm, a person manufacturing or assembling the~~  
27 ~~firearm shall do all of the following:~~

28 ~~(1) Apply to the Department of Justice for a unique serial~~  
29 ~~number or other mark of identification pursuant to Section 29182.~~

30 ~~(2) (A) Within 10 days of manufacturing or assembling a~~  
31 ~~firearm in accordance with paragraph (1), the unique serial number~~  
32 ~~or other mark of identification provided by the department shall~~  
33 ~~be engraved or permanently affixed to the firearm in a manner that~~  
34 ~~meets or exceeds the requirements imposed on licensed importers~~  
35 ~~and licensed manufacturers of firearms pursuant to subsection (i)~~  
36 ~~of Section 923 of Title 18 of the United States Code and regulations~~  
37 ~~issued pursuant thereto.~~

38 ~~(B) If the firearm is manufactured or assembled from polymer~~  
39 ~~plastic, 3.7 ounces of material type 17-4 PH stainless steel shall~~  
40 ~~be embedded within the plastic upon fabrication or construction~~

1 with the unique serial number engraved or otherwise permanently  
2 affixed in a manner that meets or exceeds the requirements imposed  
3 on licensed importers and licensed manufacturers of firearms  
4 pursuant to subsection (i) of Section 923 of Title 18 of the United  
5 States Code and regulations issued pursuant thereto.

6 (3)

7 (b) After the serial number provided by the department is  
8 engraved or otherwise permanently affixed to the firearm, the  
9 assembling a firearm, a person shall notify the department of that  
10 fact in a manner and within a time period specified by the  
11 department, and with sufficient information to identify the owner  
12 of the firearm, the unique serial number or mark of identification  
13 provided by the department, serial number of the frame or receiver,  
14 and a description of the firearm in a manner prescribed by the  
15 department.

16 (e) By January 1, 2019, any person who, as of July 1, 2018,  
17 owns a firearm that does not bear a serial number assigned to it  
18 pursuant to either Section 23910 or Chapter 44 (commencing with  
19 Section 921) of Part 1 of Title 18 of the United States Code and  
20 the regulations issued pursuant thereto, shall do all of the following:

21 (c) Any person who owns a firearm or firearm precursor part  
22 that does not bear a valid serial number or mark of identification,  
23 as defined in Section 23920, shall be deemed to be in compliance  
24 with subdivision (b) of Section 23920 if they, by no later than July  
25 1, 2023, do all of the following:

26 (1) Apply to the Department of Justice for a unique serial  
27 number or other mark of identification pursuant to Section 29182.

28 (2) Within 10 days of receiving a unique serial number or other  
29 mark of identification from the department, the unique serial  
30 number or other mark of identification provided by the department  
31 shall be engraved *engrave* or permanently affixed *affix that serial*  
32 *number or mark of identification* to the firearm in accordance with  
33 regulations prescribed by the department pursuant to Section 29182  
34 and in a manner that meets or exceeds the requirements imposed  
35 on licensed importers and licensed manufacturers of firearms  
36 pursuant to subsection (i) of Section 923 of Title 18 of the United  
37 States Code and regulations issued pursuant thereto. *If the firearm*  
38 *is manufactured or assembled from polymer plastic, 3.7 ounces*  
39 *of material type 17-4 PH stainless steel shall be embedded within*  
40 *the plastic upon fabrication or construction.*

(3) After the serial number provided by the department is engraved or otherwise permanently affixed to the firearm, ~~the person shall~~ notify the department of that fact in a manner and within a time period specified by the department and with sufficient information to identify the owner of the firearm, the unique serial number or mark of identification provided by the department, and the firearm in a manner prescribed by the department.

~~(d) (1) The sale or transfer of ownership of a firearm manufactured or assembled pursuant to this section is prohibited. No person, other than a federally licensed manufacturer or importer, shall sell or transfer ownership of a firearm in this state that is manufactured or assembled by that person, except by operation of law.~~

(2) Paragraph (1) does not apply to the transfer, surrender, or sale of a firearm to a law enforcement agency.

(3) Any firearms confiscated by law enforcement that do not bear an engraved serial number or other mark of identification pursuant to subdivision (b) or (c), or a firearm surrendered, transferred, or sold to a law enforcement agency pursuant to paragraph (2) shall be destroyed as provided in Section 18005.

(4) Sections 26500 and 27545, and subdivision (a) of Section 31615, do not apply to the transfer, sale, or surrender of firearms to a law enforcement agency pursuant to paragraph (2).

~~(e) A new resident to the state shall apply for a unique serial number or other mark of identification pursuant to Section 29182 within 60 days of arrival for any firearm the resident wishes to possess in the state that the resident previously manufactured or assembled or a firearm the resident owns, that does not have a unique serial number or other mark of identification.~~

~~(f)~~

(e) A person, corporation, or firm shall not knowingly allow, facilitate, aid, or abet the manufacture or assembling of a firearm pursuant to this section by a person who is within any of the classes identified by Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this code, or Section 8100 or 8103 of the Welfare and Institutions Code.

(f) A person, corporation, or firm shall not knowingly manufacture or assemble, or knowingly cause, allow, facilitate, aid, or abet the manufacture or assembling of a firearm that is not

1 *imprinted with a valid serial number or mark of identification as*  
2 *defined in Section 23920.*

3 (g) If the firearm is a handgun, a violation of this section is  
4 punishable by imprisonment in a county jail not to exceed one  
5 year, or by a fine not to exceed one thousand dollars (\$1,000), or  
6 by both that fine and imprisonment. For all other firearms, a  
7 violation of this section is punishable by imprisonment in a county  
8 jail not to exceed six months, or by a fine not to exceed one  
9 thousand dollars (\$1,000), or by both that fine and imprisonment.  
10 Each firearm found to be in violation of this section constitutes a  
11 distinct and separate offense. This section does not preclude  
12 prosecution under any other law providing for a greater penalty.

13 *SEC. 14. Section 29181 of the Penal Code is repealed.*

14 ~~29181. Section 29180 does not apply to or affect any of the~~  
15 ~~following:~~

16 ~~(a) A firearm that has a serial number assigned to it pursuant to~~  
17 ~~either Section 23910 or Chapter 44 (commencing with Section~~  
18 ~~921) of Part 1 of Title 18 of the United States Code and the~~  
19 ~~regulations issued pursuant thereto.~~

20 ~~(b) A firearm made or assembled prior to December 16, 1968,~~  
21 ~~that is not a handgun.~~

22 ~~(c) A firearm which was entered into the centralized registry~~  
23 ~~set forth in Section 11106 prior to July 1, 2018, as being owned~~  
24 ~~by a specific individual or entity if that firearm has assigned to it~~  
25 ~~a distinguishing number or mark of identification because the~~  
26 ~~department accepted entry of that firearm into the centralized~~  
27 ~~registry.~~

28 ~~(d) A firearm that has a serial number assigned to it pursuant~~  
29 ~~to Chapter 53 of Title 26 of the United States Code and the~~  
30 ~~regulations issued pursuant thereto.~~

31 ~~(e) A firearm that is a curio or relic, or an antique firearm, as~~  
32 ~~those terms are defined in Section 479.11 of Title 27 of the Code~~  
33 ~~of Federal Regulations.~~

34 *SEC. 15. Section 29182 of the Penal Code is amended to read:*

35 ~~29182. (a) (1) The Department of Justice shall accept~~  
36 ~~applications from, and shall grant applications in the form of serial~~  
37 ~~numbers pursuant to Section 23910 to, persons who wish to~~  
38 ~~manufacture or assemble firearms pursuant to subdivision (b) of~~  
39 ~~Section 29180.~~

40 (2)

1 29182. (a) The Department of Justice ~~shall~~ *may* accept  
2 applications from, and ~~shall~~ *may* grant applications in the form of  
3 serial numbers pursuant to Section 23910 to, persons who wish to  
4 own a firearm ~~described in subdivision (c) of or firearm precursor~~  
5 *part that does not have a valid serial number or mark of*  
6 *identification as defined in Section 29180.* 23920.

7 (b) An application made pursuant to subdivision (a) shall only  
8 be granted by the department if the applicant does all of the  
9 following:

10 (1) For each transaction, completes a firearms eligibility check  
11 pursuant to Section 28220 demonstrating that the applicant is not  
12 prohibited by state or federal law from possessing, receiving,  
13 owning, or purchasing a firearm.

14 (2) ~~(A) Presents proof of age and identity as specified in Section~~  
15 ~~16400. Except as provided in subparagraph (B), the applicant shall~~  
16 ~~be 16400 demonstrating that person is 21 years of age or older to~~  
17 ~~obtain a unique serial number or mark of identification for a~~  
18 ~~firearm. older.~~

19 ~~(B) The department shall grant an application to an applicant~~  
20 ~~who is at least 18 years of age, but less than 21 years of age, for a~~  
21 ~~serial number for a firearm that is not a handgun, if that application~~  
22 ~~is made before February 1, 2019.~~

23 (3) Provides a description of the firearm that ~~he or she~~ *the*  
24 *applicant* owns or intends to manufacture or assemble, in a manner  
25 prescribed by the department.

26 (4) Has a valid firearm safety ~~certificate or handgun safety~~  
27 ~~certificate.~~

28 (c) The department shall inform applicants who are denied an  
29 application of the reasons for the denial in writing.

30 (d) All applications shall be granted or denied within 15 calendar  
31 days of the receipt of the application by the department.

32 (e) (1) This chapter does not authorize a person to manufacture,  
33 assemble, or possess a weapon prohibited under Section 16590,  
34 an assault weapon as defined in Section 30510 or 30515, a  
35 machinegun as defined in Section 16880, a .50 BMG rifle as  
36 defined in Section 30530, or a destructive device as defined in  
37 Section 16460.

38 (2) This chapter does not authorize a person, on or after July 1,  
39 2018, to manufacture or assemble an unsafe handgun, as defined  
40 in Section 31910.

1 (f) A new resident to the state shall be deemed to be in  
2 compliance with subdivision (b) of Section 23920 if, within 60  
3 days after arriving in the state, they apply for a unique serial  
4 number or other mark of identification pursuant this section for  
5 any firearm that they wish to legally possess in the state and that  
6 does not have a unique serial number or other mark of  
7 identification.

8 (f)

9 (g) The department shall adopt regulations to administer this  
10 chapter.

11 SEC. 16. Section 29185 is added to the Penal Code, to read:

12 29185. (a) It is unlawful to sell, offer to sell, or transfer a  
13 computer numerical control (CNC) milling machine in this state  
14 that has the sole or primary function of manufacturing firearms  
15 to any person other than a federally licensed firearms manufacturer  
16 or importer.

17 (b) It is unlawful for any person in this state other than a  
18 federally licensed firearms manufacturer or importer to possess,  
19 purchase, or receive a CNC milling machine that has the sole or  
20 primary function of manufacturing firearms.

21 (c) This section does not apply to:

22 (1) A person who is engaged in the business of selling  
23 manufacturing equipment to a federally licensed firearms  
24 manufacturer or importer who possesses a CNC milling machine  
25 with the intent to sell or transfer the CNC milling machine to a  
26 federally licensed firearms manufacturer or importer.

27 (2) A common carrier licensed under state law, or a motor  
28 carrier, air carrier or carrier affiliated with an air carrier through  
29 common controlling interest that is subject to Title 49 of the United  
30 States Code, or an authorized agent of any such carrier, when  
31 acting in the course and scope of duties incident to the receipt,  
32 processing, transportation, or delivery of property.

33 (3) Any member of the Armed Forces of the United States or  
34 the National Guard, while on duty and acting within the scope and  
35 course of employment, or any law enforcement agency or forensic  
36 laboratory.

37 SEC. 17. Section 30400 of the Penal Code is repealed.

38 30400. (a) Commencing July 1, 2022, a person, corporation,  
39 or dealer who does either of the following shall be punished by  
40 imprisonment in a county jail for a term not to exceed six months,

1 or by a fine not to exceed one thousand dollars (\$1,000), or by  
2 both the imprisonment and fine.

3 (1) ~~Sells a firearm precursor part to a person under 21 years of~~  
4 ~~age.~~

5 (2) ~~Supplies, delivers, or gives possession of a firearm precursor~~  
6 ~~part to a minor who the person, corporation, or dealer knows, or~~  
7 ~~using reasonable care should have known, is prohibited from~~  
8 ~~possessing a firearm or ammunition at that time pursuant to Chapter~~  
9 ~~1 (commencing with Section 29610) of Division 9.~~

10 (b) ~~Proof that a person, corporation, or dealer, or their agent or~~  
11 ~~employee, demanded, was shown, and acted in reasonable reliance~~  
12 ~~upon, bona fide evidence of the age of majority and identity shall~~  
13 ~~be a defense to any criminal prosecution under this section.~~

14 (c) ~~The provisions of this section are cumulative and do not~~  
15 ~~restrict the application of any other law. However, an act or~~  
16 ~~omission punishable in different ways by this section and another~~  
17 ~~provision of law shall not be punished under more than one~~  
18 ~~provision.~~

19 *SEC. 18. Section 30400 is added to the Penal Code, to read:*

20 *30400. Except as provided in Section 30420, it shall be*  
21 *unlawful for a person to do either of the following:*

22 (a) *Sell, offer to sell, or transfer ownership of an unserialized*  
23 *firearm precursor part in this state to a person that is not either*  
24 *of the following:*

25 (1) *A federally licensed firearms manufacturer or importer.*

26 (2) *A federal licensee authorized to serialize firearms.*

27 (b) *Purchase or receive an unserialized firearm precursor part*  
28 *in this state unless the person is either of the following:*

29 (1) *A federally licensed firearms manufacturer or importer.*

30 (2) *A federal licensee authorized to serialize firearms.*

31 *SEC. 19. Section 30405 of the Penal Code is repealed.*

32 *30405. (a) (1) Commencing July 1, 2022, a person prohibited*  
33 *from owning or possessing a firearm under Chapter 2 (commencing*  
34 *with Section 29800) or Chapter 3 (commencing with Section*  
35 *29900) of Division 9 of this title, or Section 8100 or 8103 of the*  
36 *Welfare and Institutions Code, shall not own, possess, or have*  
37 *under custody or control a firearm precursor part.*

38 (2) ~~A violation of this subdivision is punishable by imprisonment~~  
39 ~~in a county jail not to exceed one year, by a fine not to exceed one~~  
40 ~~thousand dollars (\$1,000), or by both that fine and imprisonment.~~



1 ~~(b) A violation of subdivision (a) does not occur if all of the~~  
2 ~~following conditions are met:~~

3 ~~(1) The person found a firearm precursor part or took the firearm~~  
4 ~~precursor part from a person who was committing a crime against~~  
5 ~~the person who found or took the firearm precursor part.~~

6 ~~(2) The person possessed the firearm precursor part no longer~~  
7 ~~than was necessary to deliver or transport the firearm precursor~~  
8 ~~part to a law enforcement agency for that agency's disposition~~  
9 ~~according to law.~~

10 ~~(3) The person is prohibited from possessing any firearm~~  
11 ~~precursor part solely because that person is prohibited from owning~~  
12 ~~or possessing a firearm by virtue of Chapter 2 (commencing with~~  
13 ~~Section 29800) of Division 9.~~

14 ~~(c) Upon the trial for violating subdivision (a), the trier of fact~~  
15 ~~shall determine whether the defendant is eligible for the exemption~~  
16 ~~created by subdivision (b). The defendant has the burden of proving~~  
17 ~~by a preponderance of the evidence that the defendant is within~~  
18 ~~the scope of the exemption provided by subdivision (b).~~

19 ~~(d) The provisions of this section are cumulative and do not~~  
20 ~~restrict the application of any other law. However, an act or~~  
21 ~~omission punishable in different ways by this section and another~~  
22 ~~provision of law shall not be punished under more than one~~  
23 ~~provision.~~

24 *SEC. 20. Section 30406 of the Penal Code is repealed.*

25 ~~30406. (a) Commencing July 1, 2022, a person, corporation,~~  
26 ~~firm, or other business enterprise who supplies, delivers, sells, or~~  
27 ~~gives possession or control of a firearm precursor part to anybody~~  
28 ~~who that person knows or using reasonable care should know is~~  
29 ~~prohibited from owning, possessing, or having under custody or~~  
30 ~~control a firearm precursor part is guilty of a misdemeanor,~~  
31 ~~punishable by imprisonment in a county jail not exceeding one~~  
32 ~~year, or a fine not exceeding one thousand dollars (\$1,000), or by~~  
33 ~~both that fine and imprisonment.~~

34 ~~(b) Commencing July 1, 2022, a person, corporation, firm, or~~  
35 ~~other business enterprise that supplies, delivers, sells, or gives~~  
36 ~~possession or control of a firearm precursor part to a person whom~~  
37 ~~the person, corporation, firm, or other business enterprise knows~~  
38 ~~or has cause to believe is not the actual purchaser or transferee of~~  
39 ~~the firearm precursor part, with knowledge or cause to believe that~~  
40 ~~the firearm precursor part is to be subsequently sold or transferred~~

1 to a person who is prohibited from owning, possessing, or having  
2 under custody or control a firearm precursor part is guilty of a  
3 misdemeanor, punishable by imprisonment in a county jail not  
4 exceeding one year, or a fine not exceeding one thousand dollars  
5 (\$1,000), or by both that fine and imprisonment.

6 (e) ~~The provisions of this section are cumulative and do not~~  
7 ~~restrict the application of any other law. However, an act or~~  
8 ~~omission punishable in different ways by this section and another~~  
9 ~~provision of law shall not be punished under more than one~~  
10 ~~provision.~~

11 *SEC. 21. Section 30412 of the Penal Code is repealed.*

12 30412. (a) (1) ~~Commencing July 1, 2022, the sale of a firearm~~  
13 ~~precursor part by any party shall be conducted by or processed~~  
14 ~~through a licensed firearm precursor part vendor.~~

15 (2) ~~When neither party to a firearm precursor part sale is a~~  
16 ~~licensed firearm precursor part vendor, the seller shall deliver the~~  
17 ~~firearm precursor part to a vendor to process the transaction. The~~  
18 ~~firearm precursor part vendor shall promptly and properly deliver~~  
19 ~~the firearm precursor part to the purchaser, if the sale is not~~  
20 ~~prohibited, as if the firearm precursor part were the vendor's own~~  
21 ~~merchandise. If the firearm precursor part vendor cannot deliver~~  
22 ~~the firearm precursor part to the purchaser, the vendor shall~~  
23 ~~forthwith return the firearm precursor part to the seller after the~~  
24 ~~seller has their background checked by the department. The firearm~~  
25 ~~precursor part vendor may charge the purchaser an administrative~~  
26 ~~fee to process the transaction, in an amount to be set by the~~  
27 ~~Department of Justice, in addition to any applicable fees that may~~  
28 ~~be charged pursuant to the provisions of this title.~~

29 (b) ~~Commencing July 1, 2022, the sale, delivery, or transfer of~~  
30 ~~ownership of a firearm precursor part by any party may only occur~~  
31 ~~in a face-to-face transaction with the seller, deliverer, or transferor.~~  
32 ~~A firearm precursor part may be purchased or acquired over the~~  
33 ~~internet or through other means of remote ordering if a licensed~~  
34 ~~firearm precursor part vendor initially receives the firearm~~  
35 ~~precursor part and processes the transaction in compliance with~~  
36 ~~this section and Article 2 (commencing with Section 30442).~~

37 (c) ~~Subdivisions (a) and (b) shall not apply to the sale, delivery,~~  
38 ~~or transfer of a firearm precursor part to any of the following:~~

39 (1) ~~An authorized law enforcement representative of a city,~~  
40 ~~county, city and county, or state or federal government, if the sale,~~

1 delivery, or transfer is for exclusive use by that governmental  
2 agency and, prior to the sale, delivery, or transfer of the firearm  
3 precursor part, written authorization from the head of the agency  
4 employing the purchaser or transferee is obtained, identifying the  
5 employee as an individual authorized to conduct the transaction,  
6 and authorizing the transaction for the exclusive use of the agency  
7 employing the individual.

8 (2) A sworn peace officer, as defined in Chapter 4.5  
9 (commencing with Section 830) of Title 3 of Part 2, or sworn  
10 federal law enforcement officer, who is authorized to carry a  
11 firearm in the course and scope of the officer's duties.

12 (3) An importer or manufacturer of ammunition or firearms  
13 who is licensed to engage in business pursuant to Chapter 44  
14 (commencing with Section 921) of Title 18 of the United States  
15 Code and the regulations issued pursuant thereto.

16 (4) A person who is on the centralized list of exempted federal  
17 firearms licensees maintained by the Department of Justice  
18 pursuant to Article 6 (commencing with Section 28450) of Chapter  
19 6 of Division 6.

20 (5) A person whose licensed premises are outside this state and  
21 who is licensed as a dealer or collector of firearms pursuant to  
22 Chapter 44 (commencing with Section 921) of Title 18 of the  
23 United States Code and the regulations issued pursuant thereto.

24 (6) A person who is licensed as a collector of firearms pursuant  
25 to Chapter 44 (commencing with Section 921) of Title 18 of the  
26 United States Code and the regulations issued pursuant thereto,  
27 whose licensed premises are within this state, and who has a current  
28 certificate of eligibility issued by the Department of Justice  
29 pursuant to Section 26710.

30 (7) A firearm precursor part vendor.

31 (8) An authorized representative of a city, county, city and  
32 county, or state or federal government, if the firearm precursor  
33 part is obtained as part of an authorized, voluntary program in  
34 which the governmental entity is buying or receiving firearm  
35 precursor parts from private individuals.

36 (d) Any firearm precursor part acquired pursuant to paragraph  
37 (8) of subdivision (c) shall be disposed of pursuant to the applicable  
38 provisions of Sections 18000, 18005, and 34000.

39 (e) A violation of this section is a misdemeanor.

1     ~~(f) The provisions of this section are cumulative and do not~~  
2     ~~restrict the application of any other law. However, an act or~~  
3     ~~omission punishable in different ways by this section and another~~  
4     ~~provision of law shall not be punished under more than one~~  
5     ~~provision.~~

6     ~~SEC. 22. Section 30414 of the Penal Code is repealed.~~

7     ~~30414. (a) Commencing July 1, 2022, a resident of this state~~  
8     ~~shall not bring or transport into this state a firearm precursor part~~  
9     ~~that they purchased or otherwise obtained from outside of this state~~  
10    ~~unless they first had that firearm precursor part delivered to a~~  
11    ~~licensed firearm precursor part vendor for delivery to that resident~~  
12    ~~pursuant to the procedures set forth in Section 30412.~~

13    ~~(b) Subdivision (a) does not apply to any of the following:~~

14    ~~(1) A firearm precursor part vendor.~~

15    ~~(2) A sworn peace officer, as defined in Chapter 4.5~~  
16    ~~(commencing with Section 830) of Title 3 of Part 2, or sworn~~  
17    ~~federal law enforcement officer who is authorized to carry a firearm~~  
18    ~~in the course and scope of the officer's duties.~~

19    ~~(3) An importer or manufacturer of ammunition or firearms~~  
20    ~~who is licensed to engage in business pursuant to Chapter 44~~  
21    ~~(commencing with Section 921) of Title 18 of the United States~~  
22    ~~Code and the regulations issued pursuant thereto.~~

23    ~~(4) A person who is on the centralized list of exempted federal~~  
24    ~~firearms licensees maintained by the Department of Justice~~  
25    ~~pursuant to Article 6 (commencing with Section 28450) of Chapter~~  
26    ~~6 of Division 6.~~

27    ~~(5) A person who is licensed as a collector of firearms pursuant~~  
28    ~~to Chapter 44 (commencing with Section 921) of Title 18 of the~~  
29    ~~United States Code and the regulations issued pursuant thereto,~~  
30    ~~whose licensed premises are within this state, and who has a current~~  
31    ~~certificate of eligibility issued by the Department of Justice~~  
32    ~~pursuant to Section 26710.~~

33    ~~(6) A licensed common carrier or an authorized agent or~~  
34    ~~employee of a licensed common carrier, when acting in the course~~  
35    ~~and scope of duties incident to the delivery of or receipt of that~~  
36    ~~firearm in accordance with federal law.~~

37    ~~(c) A violation of this section is a misdemeanor.~~

38    ~~(d) The provisions of this section are cumulative and do not~~  
39    ~~restrict the application of any other law. However, an act or~~  
40    ~~omission punishable in different ways by this section and another~~

1 ~~provision of law shall not be punished under more than one~~  
2 ~~provision.~~

3 *SEC. 23. Section 30420 of the Penal Code is amended to read:*

4 30420. This article does not apply to ~~or affect the sale to,~~  
5 ~~purchase by, possession of, or use of a firearm precursor part by~~  
6 ~~any any of the following persons:~~

7 (a) ~~A member of the United States Armed Forces, Armed Forces~~  
8 ~~of the United States or the National Guard, while on duty and~~  
9 ~~acting within the scope and course of employment, or any police~~  
10 ~~law enforcement agency or forensic laboratory or any person who~~  
11 ~~is the holder of a valid permit issued pursuant to Article 3~~  
12 ~~(commencing with Section 18900) of Chapter 1 of Division 5 of~~  
13 ~~Title 2: laboratory.~~

14 (b) ~~A common carrier licensed under state law, or a motor~~  
15 ~~carrier, air carrier or carrier affiliated with an air carrier through~~  
16 ~~common controlling interest that is subject to Title 49 of the United~~  
17 ~~States Code, or an authorized agent of any such carrier, when~~  
18 ~~acting in the course and scope of duties incident to the receipt,~~  
19 ~~processing, transportation, or delivery of property.~~

20 (c) ~~An authorized representative of a city, county, city and~~  
21 ~~county, or state or federal government that receives an unserialized~~  
22 ~~firearm precursor part as part of an authorized, voluntary program~~  
23 ~~in which the governmental entity is buying or receiving firearms~~  
24 ~~or firearm precursor parts from private individuals.~~

25 *SEC. 24. Article 2 (commencing with Section 30442) of Chapter*  
26 *1.5 of Division 10 of Title 4 of Part 6 of the Penal Code is repealed.*

27 *SEC. 25. Article 3 (commencing with Section 30470) of Chapter*  
28 *1.5 of Division 10 of Title 4 of Part 6 of the Penal Code is repealed.*

29 *SEC. 26. Article 4 (commencing with Section 30485) of Chapter*  
30 *1.5 of Division 10 of Title 4 of Part 6 of the Penal Code is repealed.*

31 *SEC. 27. The Department of Justice is authorized to adopt*  
32 *emergency regulations to implement this Act.*

33 *SEC. 28. The provisions of this act are severable. If any*  
34 *provision of this act or its application is held invalid, that invalidity*  
35 *shall not affect other provisions or applications that can be given*  
36 *effect without the invalid provision or application.*

37 *SEC. 29. No reimbursement is required by this act pursuant*  
38 *to Section 6 of Article XIII B of the California Constitution because*  
39 *the only costs that may be incurred by a local agency or school*  
40 *district will be incurred because this act creates a new crime or*

1 *infraction, eliminates a crime or infraction, or changes the penalty*  
2 *for a crime or infraction, within the meaning of Section 17556 of*  
3 *the Government Code, or changes the definition of a crime within*  
4 *the meaning of Section 6 of Article XIII B of the California*  
5 *Constitution.*

6 SECTION 1. ~~The Legislature finds and declares the following:~~

7 ~~(a) With rising homicides, the President of the United States~~  
8 ~~has urged Congress to take action to end the gun violence epidemic.~~

9 ~~(b) During the pandemic, cities across the country have~~  
10 ~~experienced record-setting homicide numbers.~~

11 ~~(c) The City of Los Angeles recorded over 352 homicides in~~  
12 ~~2021, and Chicago, Illinois, recorded over 756, with increases of~~  
13 ~~12 percent and 4 percent over the prior year, respectively. In~~  
14 ~~Houston, Texas, homicides increased 18 percent from 2020.~~

15 ~~(d) The nation's capital recorded over 200 homicides in 2021,~~  
16 ~~the highest number since 2004. Officers there have taken more~~  
17 ~~than 2,000 guns off the street and, as the city works to curb gun~~  
18 ~~violence, there is growing concern over ghost guns, which are sold~~  
19 ~~as parts and then assembled by the customer.~~

20 ~~(e) A commercially manufactured firearm is made by a licensed~~  
21 ~~company and then sold by a licensed firearms dealer. All~~  
22 ~~commercially manufactured firearms sold in the United States are~~  
23 ~~required to have a serial numbers etched or engraved on the frame~~  
24 ~~or receiver.~~

25 ~~(f) Conversely, a ghost gun is manufactured from components~~  
26 ~~that can be assembled at the home of the purchaser. There is~~  
27 ~~generally no requirement to pass a background check to obtain the~~  
28 ~~components of a ghost gun. These parts are sold online as kits that~~  
29 ~~include an "80 percent receiver," meaning that the frame or receiver~~  
30 ~~is 80-percent complete, and the buyers must complete the final 20~~  
31 ~~percent themselves.~~

32 ~~(g) A key selling point for many buyers is that a ghost gun does~~  
33 ~~not have a serial number, that law enforcement agencies can use~~  
34 ~~to trace the gun from the manufacturer to the dealer and then to~~  
35 ~~any subsequent purchaser. Under current rules, the Bureau of~~  
36 ~~Alcohol, Tobacco, Firearms and Explosives does not treat these~~  
37 ~~unfinished receivers as traditional firearms.~~

38 ~~(h) States including California, Connecticut, Delaware, Hawaii,~~  
39 ~~Nevada, New Jersey, New York, Rhode Island, Virginia, and~~  
40 ~~Washington, and the District of Columbia, have enacted laws to~~

1 ~~at least partially address the problem of unserialized firearms, but~~  
2 ~~many states have left them completely unregulated.~~

3 ~~SEC. 2. It is the intent of the Legislature to enact legislation~~  
4 ~~to further prohibit unserialized firearms in the state.~~

5

6

7 **REVISIONS:**

8 **Heading—Line 3.**

9

O

## AB 2011 (Wicks) Analysis and Recommendation

**TITLE:** Affordable Housing and High Road Jobs Act of 2022

**AUTHORS:** Wicks (D-Oakland), Bloom (D-Santa Monica), Grayson (D-Concord), Quirk-Silva (D-Fullerton), Villapudua (D-Stockton)

**SPONSORS:** California Conference of Carpenters, California Housing Consortium

**RECOMMENDATION:** Support

**BACKGROUND:** California is in the midst of a housing crisis. According to the author and bill sponsors, only 24% of households can afford to purchase a median priced single-family home – 50% less than the national average and 33% less than at the start of the pandemic. A major cause of the housing crisis is the mismatch between the need for housing and the available supply. The Statewide Housing Plan adopted by the California Department of Housing and Community Development (HCD) earlier this year, determined that, to address this mismatch, over the next eight years, California needs to produce approximately 2.5 million units of housing, of which one million would need to be affordable for lower income households. This represents more than double the number of units planned for, much less built, over the last eight years and would require production of over 300,000 units a year. AB 2011 is intended to build upon recent efforts by the state to facilitate the construction of more affordable housing.

**PURPOSE:** AB 2011 establishes the Affordable Housing and High Road Jobs Act of 2022 (the Act), to create a ministerial, streamlined “by right” approval process for 100% affordable housing in commercial zones, defined as areas zoned for office, retail or parking. The “by right” process would also apply to mixed-income housing (where at least 15% of units are affordable for lower income households) along commercial corridors, defined as a road that is not a freeway with a right-of-way between 70 and 150 feet wide. These commercial corridors are typically the location of strip retail centers and parking lots.

The ministerial, streamlined process would not apply to areas under specific plans adopted before January 1, 2024, with a notice of determination issued before January 1, 2022. Developments must also meet various standards relating to location, objective design standards, and affordability. Any development proponent of a project approved under these provisions must agree to pay construction workers at least the prevailing wage rate for the type of work and geographic area. For projects of 50 or more units, health benefits are required to be provided for workers, and all contractors must either participate in a state-approved apprenticeship program or request the dispatch of apprentices from a program.

**DISTRICT IMPACT:** AB 2011 would require housing to be “by right” if it conforms to the specified provisions regarding zoning, use, affordability, location, design and labor standards. In being “by right,” projects would not be subject to a local government's discretionary approval process and would be exempt from the California Environmental Quality Act (CEQA). Local governments would be able to apply objective standards and design review processes as long as they do not conflict with the provisions in the bill and do not preclude the development of housing.

While initial staff analysis has determined the bill may not directly impact transit-oriented development projects on BART property, it could spur new development on currently underutilized land and along existing thoroughfares. For example, the bill includes certain density standards for projects built under its “by right” provisions. One of these standards is that a project built within one-half mile of a major transit stop in a metropolitan area have a density of at least 80 units per acre. The bill also seeks to prioritize infill development, which would reduce commutes, increase transit use, and encourage non-vehicular modes of transportation.



**SUPPORT/OPPOSITION:** Support includes: various Carpenters union locals, other non-carpenter building trades union locals, AARP, Abundant Housing LA Affirmed Housing, All Home, Bay Area Council, Burbank Housing Development Corporation, California Apartment Association, California Association of Local Housing Finance Agencies, California Coalition for Rural Housing, California Community Builders, California Housing Partnership, California YIMBY, City of San Mateo, CivicWell Council of Infill Builders, Destination: Home, East Bay Asian Local Development Corporation, Fieldstead and Company, Generation Housing, Greenbelt Alliance, Housing Action Coalition, Housing California, Making Housing and Community Happen, Mercy Housing California, MidPen Housing Corporation, Non Profit Housing Association of Northern California, Northern California Carpenters Regional Council, Richmond Community Foundation, San Diego Housing Federation, San Francisco Bay Area Planning and Urban Research Association, San Francisco Housing Development Corporation, Satellite Affordable Housing Associates, Silicon Valley Community Foundation, Southern California Association of Nonprofit Housing, SV@Home Action Fund, The Kennedy Commission, The Pacific Companies, The Two Hundred, United Lutheran Church of Oakland, United Ways of California, USA Properties, Fund Ventura County Clergy and Laity United for Economic Justice

Opposition: State Building & Construction Trades Council; Cities of Laguna Beach, Mission Viejo and Rancho Santa Margarita, California State Association of Electrical Workers, California State Pipe Trades Council, Western States Council Sheet Metal, Air, Rail and Transportation

**STATUS:** Passed the Assembly Floor (48-11) on May 23; In the Senate, referred to the Committees on Housing, Governance and Finance, and Environmental Quality.

AMENDED IN ASSEMBLY MAY 11, 2022

AMENDED IN ASSEMBLY APRIL 18, 2022

AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

## ASSEMBLY BILL

**No. 2011**

**Introduced by Assembly Members Wicks, Bloom, Grayson,  
Quirk-Silva, and Villapudua**

(Principal coauthor: Senator Wiener)

**(Coauthors: Assembly Members Berman, Mike Fong, Reyes, and  
~~Robert Rivas~~ *Robert Rivas, and Blanca Rubio*)**

February 14, 2022

An act to add Chapter 4.1 (commencing with Section 65912.100) to Division 1 of Title 7 of the Government Code, relating to housing.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2011, as amended, Wicks. Affordable Housing and High Road Jobs Act of 2022.

The Planning and Zoning Law authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies specified objective planning standards.

This bill would make certain housing developments that meet specified affordability and site criteria and objective development standards a use by right within a zone where office, retail, or parking are a principally permitted use, and would subject these development projects to one of 2 streamlined, ministerial review processes. The bill would require a development proponent for a housing development

**AB 2011**

— 2 —

project approved pursuant to the streamlined, ministerial review process to require, in contracts with construction contractors, that certain wage and labor standards will be met, including that all construction workers shall be paid at least the general prevailing rate of wages, as specified. The bill would require a development proponent to certify to the local government that those standards will be met in project construction. By expanding the crime of perjury, the bill would impose a state-mandated local program. ~~The~~

*This* bill would require the Labor Commissioner to enforce the obligation to pay prevailing wages. The bill would require a development proponent for a development of 50 or more housing units to require construction contractors to participate in an apprenticeship program or request dispatch of apprentices from a state-approved apprenticeship program, and to make specified health care expenditures for construction craft employees. The bill would require the development proponent to certify compliance with those requirements to the local government and to report monthly to the local government that they are in compliance with those requirements. The bill would subject the development proponent and the construction contractors and subcontractors to specified civil penalties for failing to comply with those requirements, and would require the penalty funds to be deposited in the State Public Works Enforcement Fund. The bill would prohibit a local government from imposing any requirement, including increased fees, on the basis that the project is eligible to receive ministerial or streamlined approval. Because the bill would impose new duties on local governments, the bill would impose a state-mandated local program.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

The approval process established by this bill would be ministerial in nature, thereby exempting the approval of development projects subject to that approval process from CEQA.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. Chapter 4.1 (commencing with Section  
2 65912.100) is added to Division 1 of Title 7 of the Government  
3 Code, to read:

4

5 CHAPTER 4.1. AFFORDABLE HOUSING AND HIGH ROAD JOBS  
6 ACT OF 2022  
7

8

9 Article 1. General Provisions

10 65912.100. This chapter shall be known and cited as the  
11 Affordable Housing and High Road Jobs Act of 2022.

12 65912.101. For purposes of this chapter, the following terms  
13 have the following meanings:

14 (a) "Commercial corridor" means a highway, as defined in  
15 Section 360 of the Vehicle Code, that is not a freeway, as defined  
16 in Section 332 of the Vehicle Code, and that has a right-of-way,  
17 as defined in Section 525 of the Vehicle Code, of at least 70 and  
18 not greater than 150 feet.

19 (b) "Development proponent" means a developer who submits  
20 a housing development project application to a local government  
21 under the streamlined, ministerial review process pursuant to this  
22 chapter.

(c) “Health care expenditures” include contributions under Sections 501(c) or (d) or 401(a) of the Internal Revenue Code and payments toward “medical care” as defined under Section 213(d)(1) of the Internal Revenue Code.

(d) “Industrial use” means utilities, manufacturing, transportation storage and maintenance facilities, and warehousing uses. “Industrial use” does not include power substations or utility conveyances such as power lines, broadband wires, and pipes.

(e) “Local government” means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

(f) “Major transit stop” has the same meaning as defined in subdivision (b) of Section 21155 of the Public Resources Code.

(g) “Side street” means a highway, as defined in Section 360 of the Vehicle Code, that is not a freeway, as defined in Section 332 of the Vehicle Code, and that has a right-of-way, as defined in Section 525 of the Vehicle Code, of at least 25 and fewer than 70 feet.

(h) “Single-family property” means a property with a single residential dwelling unit. For purposes of this chapter, a residential dwelling unit does not include accessory dwelling units, as defined in Section 65852.2, or junior accessory dwelling units, as defined in Section 65852.22.

(i) “*Specific plan*” means a plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3.

(j)

(j) “Urban uses” means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

65912.102. The department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this chapter. Any guidelines or terms adopted pursuant to this section are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

65912.103. *For purposes of establishing the total number of units in a development under this chapter, a development project includes both of the following:*

(a) *All projects developed on a site, regardless of when those developments occur.*

*(b) All projects developed on sites adjacent to a site developed pursuant to this chapter if, after January 1, 2022, the adjacent site had been subdivided from the site developed pursuant to this chapter.*

## Article 2. Affordable Housing Developments in Commercial Zones

65912.110. Notwithstanding any inconsistent provision of a local government's general plan, specific plan, zoning ordinance, or regulation, a housing development shall be a use by right within a zone where office, retail, or parking are a principally permitted use and shall be subject to streamlined, ministerial review pursuant to Section 65912.114 if the proposed housing development satisfies all of the requirements in Sections 65912.111, 65912.112, and 65912.113.

65912.111. A development project shall not be subject to the streamlined, ministerial review process provided by Section 65912.114 unless the development is proposed to be located on a site that satisfies all of the following criteria:

(a) It is a legal parcel or parcels that meet either of the following:

(1) It is within a city where the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) It is in an unincorporated area, and the legal parcel or parcels are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(b) At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For purposes of this subdivision, parcels that are only separated by a street or highway shall be considered to be adjoined.

(c) It is not adjacent to any site where more than ~~two-thirds~~ *one-third* of the square footage on the site is dedicated to industrial use.

(d) It satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(e) It is not an existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil

Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

*(f) For a site within a specific plan area, the site satisfies both of the following conditions:*

*(1) The specific plan applicable to the site was adopted on or before January 1, 2024, and a notice of preparation was issued before January 1, 2022, pursuant to the requirements of Sections 21080.4 and 21092 of the Public Resources Code.*

*(2) The specific plan applicable to the site allows residential use on the site.*

65912.112. A development project shall not be subject to the streamlined, ministerial review process provided by Section 65912.114 unless the development proposal meets all of the following affordability criteria:

(a) One hundred percent of the units within the development project, excluding managers' units, shall be dedicated to lower income households, as defined in Section 50079.5 of the Health and Safety Code, at an affordable cost, as defined by Section 50052.5, or an affordable rent set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee.

(b) The units shall be subject to a recorded deed restriction for a period of 55 years for rental units and 45 years for owner-occupied units.

65912.113. A development project shall not be subject to the streamlined, ministerial review process provided by Section 65912.114 unless the development proposal meets all of the following objective development standards:

(a) The development shall be a multifamily housing project and at least 67 percent of the square footage of the new construction associated with the project shall be designated for residential use.

(b) The residential density for the development will meet or exceed the applicable density deemed appropriate to accommodate housing for lower income households in that jurisdiction as specified in paragraph (3) of subdivision (c) of Section 65583.2.

1 (c) The development will meet the following objective zoning  
2 standards, objective subdivision standards, and objective design  
3 review standards:

4 (1) The applicable standards shall be those for the zone that  
5 allows residential use at a greater density between the following:

6 (A) The existing zoning designation for the parcel.

7 (B) The closest parcel that allows residential use at a density  
8 that meets the requirements of subdivision (b).

9 (2) The applicable standards shall be those in effect at the time  
10 that the development is submitted to the local government pursuant  
11 to this article.

12 (3) The applicable standards shall not preclude any additional  
13 density or any other concessions, incentives, or waivers of  
14 development standards granted pursuant to the Density Bonus Law  
15 in Section 65915.

16 (d) For purposes of this section, “objective zoning standards,”  
17 “objective subdivision standards,” and “objective design review  
18 standards” mean standards that involve no personal or subjective  
19 judgment by a public official and are uniformly verifiable by  
20 reference to an external and uniform benchmark or criterion  
21 available and knowable by both the development applicant or  
22 proponent and the public official before submittal. These standards  
23 may be embodied in alternative objective land use specifications  
24 adopted by a city or county, and may include, but are not limited  
25 to, housing overlay zones, specific plans, inclusionary zoning  
26 ordinances, and density bonus ordinances, subject to the following:

27 (1) A development shall be deemed consistent with the objective  
28 zoning standards related to housing density, as applicable, if the  
29 density proposed is compliant with the maximum density allowed  
30 within that land use designation, notwithstanding any specified  
31 maximum unit allocation that may result in fewer units of housing  
32 being permitted.

33 (2) In the event that objective zoning, general plan, subdivision,  
34 or design review standards are mutually inconsistent, a  
35 development shall be deemed consistent with the objective zoning  
36 and subdivision standards pursuant to this section if the  
37 development is consistent with the standards set forth in the general  
38 plan.

39 65912.114. (a) If the local government determines that the  
40 proposed development is in conflict with any of the objective



1 planning standards specified in this article, it shall provide the  
2 development proponent written documentation of which standard  
3 or standards the development conflicts with, and an explanation  
4 for the reason or reasons the development conflicts with that  
5 standard or standards, within the following timeframes:

6 (1) Within 60 days of submittal of the development proposal to  
7 the local government if the development contains 150 or fewer  
8 housing units.

9 (2) Within 90 days of submittal of the development proposal to  
10 the local government if the development contains more than 150  
11 housing units.

12 (b) If the local government fails to provide the required  
13 documentation pursuant to subdivision (a), the development shall  
14 be deemed to satisfy the required objective planning standards.

15 (c) For purposes of this section, a development is consistent  
16 with the objective planning standards if there is substantial  
17 evidence that would allow a reasonable person to conclude that  
18 the development is consistent with the objective planning standards.

19 (d) The determination of whether a proposed project submitted  
20 pursuant to this section is or is not in conflict with the objective  
21 planning standards is not a “project” as defined in Section 21065  
22 of the Public Resources Code.

23 (e) Design review of the development may be conducted by the  
24 local government’s planning commission or any equivalent board  
25 or commission responsible for review and approval of development  
26 projects, or the city council or board of supervisors, as appropriate.  
27 That design review shall be objective and be strictly focused on  
28 assessing compliance with criteria required for streamlined,  
29 ministerial review of projects, as well as any reasonable objective  
30 design standards published and adopted by ordinance or resolution  
31 by a local jurisdiction before submittal of the development to the  
32 local government, and shall be broadly applicable to developments  
33 within the jurisdiction. That design review shall be completed as  
34 follows and shall not in any way inhibit, chill, or preclude the  
35 ministerial approval provided by this section or its effect, as  
36 applicable:

37 (1) Within 90 days of submittal of the development proposal to  
38 the local government pursuant to this section if the development  
39 contains 150 or fewer housing units.

1 (2) Within 180 days of submittal of the development proposal  
2 to the local government pursuant to this section if the development  
3 contains more than 150 housing units.

4 (f) The local government shall ensure that the project satisfies  
5 the requirements specified in subdivision (d) of Section 66300,  
6 regardless of whether the development is within or not within an  
7 affected city or within or not within an affected county.

8 (g) If the development is consistent with all objective  
9 subdivision standards in the local subdivision ordinance, an  
10 application for a subdivision pursuant to the Subdivision Map Act  
11 (Division 2 (commencing with Section 66410)) shall be exempt  
12 from the requirements of the California Environmental Quality  
13 Act (Division 13 (commencing with Section 21000) of the Public  
14 Resources Code).

15 (h) A local government's approval of a development pursuant  
16 to this section shall, notwithstanding any other law, be subject to  
17 the expiration timeframes specified in subdivision (f) of Section  
18 65913.4.

19 (i) Any proposed modifications to a development project  
20 approved pursuant to this section shall be undertaken pursuant to  
21 subdivision (g) of Section 65913.4.

22 (j) A local government shall not adopt or impose any  
23 requirement, including, but not limited to, increased fees or  
24 inclusionary housing requirements, that applies to a project solely  
25 or partially on the basis that the project is eligible to receive  
26 streamlined, ministerial review pursuant to this section.

27 (k) A local government shall issue a subsequent permit required  
28 for a development approved under this section pursuant to  
29 paragraph (2) of subdivision (h) of Section 65913.4.

30 (l) A public improvement that is necessary to implement a  
31 development that is approved pursuant to this section shall be  
32 undertaken pursuant to paragraph (3) of subdivision (h) of Section  
33 65913.4.

34  
35 Article 3. Mixed-Income Housing Developments Along  
36 Commercial Corridors  
37

38 65912.120. Notwithstanding any inconsistent provision of a  
39 local government's general plan, specific plan, zoning ordinance,  
40 or regulation, a housing development shall be a use by right within

1 a zone where office, retail, or parking are a principally permitted  
2 use and shall be subject to streamlined, ministerial review pursuant  
3 to Section 65912.124 if the proposed housing development satisfies  
4 all of the requirements in Sections 65912.121, 65912.122, and  
5 65912.123.

6 65912.121. A development project shall not be subject to the  
7 streamlined, ministerial review process provided by Section  
8 65912.124 unless the development project is on a site that satisfies  
9 all of the following criteria:

10 (a) It is located on a legal parcel or parcels that meet either of  
11 the following:

12 (1) It is within a city where the city boundaries include some  
13 portion of either an urbanized area or urban cluster, as designated  
14 by the United States Census Bureau.

15 (2) It is in an unincorporated area, and the legal parcel or parcels  
16 are wholly within the boundaries of an urbanized area or urban  
17 cluster, as designated by the United States Census Bureau.

18 (b) The project site abuts a commercial corridor.

19 (c) The project site has a frontage along the commercial corridor  
20 of a minimum of 50 feet.

21 (d) The site is not greater than 20 acres.

22 (e) At least 75 percent of the perimeter of the site adjoins parcels  
23 that are developed with urban uses. For purposes of this  
24 subdivision, parcels that are only separated by a street or highway  
25 shall be considered to be adjoined.

26 (f) It is not adjacent to any site where more than ~~two-thirds~~  
27 *one-third* of the square footage on the site is dedicated to industrial  
28 use.

29 (g) The parcel satisfies the requirements specified in  
30 subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision  
31 (a) of Section 65913.4.

32 (h) The development is not located on a site where any of the  
33 following apply:

34 (1) The development would require the demolition of the  
35 following types of housing:

36 (A) Housing that is subject to a recorded covenant, ordinance,  
37 or law that restricts rents to levels affordable to persons and  
38 families of moderate, low, or very low income.

39 (B) Housing that is subject to any form of rent or price control  
40 through a public entity's valid exercise of its police power.

1 (C) Housing that has been occupied by tenants within the past  
2 10 years, excluding any manager's units.

3 (2) The site was previously used for housing that was occupied  
4 by tenants, excluding any manager's units, that was demolished  
5 within 10 years before the development proponent submits an  
6 application under this article.

7 (3) The development would require the demolition of a historic  
8 structure that was placed on a national, state, or local historic  
9 register.

10 (4) The property contains housing units that are occupied by  
11 tenants, and units at the property are, or were, subsequently offered  
12 for sale to the general public by the subdivider or subsequent owner  
13 of the property.

14 (i) The development shall not be upon an existing parcel of land  
15 or site that is governed under the Mobilehome Residency Law  
16 (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2  
17 of Division 2 of the Civil Code), the Recreational Vehicle Park  
18 Occupancy Law (Chapter 2.6 (commencing with Section 799.20)  
19 of Title 2 of Part 2 of Division 2 of the Civil Code), the  
20 Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)  
21 of Division 13 of the Health and Safety Code), or the Special  
22 Occupancy Parks Act (Part 2.3 (commencing with Section 18860)  
23 of Division 13 of the Health and Safety Code).

24 (j) *For a site within a specific plan area, the site satisfies both*  
25 *of the following conditions:*

26 (1) *The specific plan applicable to the site was adopted on or*  
27 *before January 1, 2024, and a notice of preparation was issued*  
28 *before January 1, 2022, pursuant to the requirements of Sections*  
29 *21080.4 and 21092 of the Public Resources Code.*

30 (2) *The specific plan applicable to the site allows residential*  
31 *use on the site.*

32 65912.122. A development project shall not be subject to the  
33 streamlined, ministerial review process provided by Section  
34 65912.124 unless the development project meets all of the  
35 following affordability criteria:

36 (a) A rental housing development shall have a recorded deed  
37 restriction that ensures, at a minimum, that for a period of 55 years,  
38 15 percent of the units shall be set at an affordable rent, as defined  
39 in Section 50053 of the Health and Safety Code, to lower income

1 households, as defined in Section 50079.5 of the Health and Safety  
2 Code.

3 (b) An owner-occupied housing development shall have a  
4 recorded deed restriction that ensures, at a minimum, either of the  
5 following affordability criteria for a period of 45 years:

6 (1) Thirty percent of the units must be offered at an affordable  
7 housing cost, as defined in Section 50052.5 of the Health and  
8 Safety Code, to moderate-income households, as defined in Section  
9 50093 of the Health and Safety Code.

10 (2) Fifteen percent of the units must be offered at an affordable  
11 housing cost, as defined in Section 50052.5 of the Health and  
12 Safety Code, to lower income households, as defined in Section  
13 50079.5 of the Health and Safety Code.

14 (c) If the amount of affordable housing required by a local  
15 inclusionary housing ordinance exceeds that of this section, then  
16 the project shall abide by the local inclusionary housing ordinance.

17 65912.123. A development project shall not be subject to the  
18 streamlined, ministerial review process provided by Section  
19 65912.124 unless the development project meets all of the  
20 following objective development standards:

21 (a) The development shall be a multifamily housing project and  
22 at least 67 percent of the square footage of the new construction  
23 associated with the project is designated for residential use.

24 (b) The residential density for the development shall be  
25 determined as follows:

26 (1) In a metropolitan jurisdiction, as determined pursuant to  
27 subdivisions (d) and (e) of Section 65853.2, the residential density  
28 for the development shall meet or exceed the greater of the  
29 following:

30 (A) The residential density allowed on the parcel by the local  
31 government.

32 (B) *For sites of less than one acre in size, 30 units per acre.*

33 ~~(B)~~

34 (C) *For sites of one acre in size or greater located on a*  
35 *commercial corridor of less than 100 feet in width, 40 units per*  
36 *acre.*

37 ~~(C)~~

38 (D) *For sites of one acre in size or greater located on a*  
39 *commercial corridor of 100 feet in width or greater, 60 units per*  
40 *acre.*

- 1     ~~(D)~~  
2     (E) Notwithstanding subparagraph ~~(B) or (C)~~, (C) or (D), for  
3 sites within one-half mile of a major transit stop, 80 units per acre.  
4     (2) In a jurisdiction that is not a metropolitan jurisdiction, as  
5 determined pursuant to subdivisions (d) and (e) of Section 65853.2,  
6 the residential density for the development shall meet or exceed  
7 the greater of the following:  
8     (A) The residential density allowed on the parcel by the local  
9 government.  
10    (B) *For sites of less than one acre in size, 20 units per acre.*  
11    ~~(B)~~  
12    (C) *For sites of one acre in size or greater located on a*  
13 *commercial corridor of less than 100 feet in width, 30 units per*  
14 *acre.*  
15    ~~(C)~~  
16    (D) *For sites of one acre in size or greater located on a*  
17 *commercial corridor of 100 feet in width or greater, 50 units per*  
18 *acre.*  
19    ~~(D)~~  
20    (E) Notwithstanding paragraphs ~~(2) and (3)~~, subparagraph (C)  
21 *or (D)*, for sites within one-half mile of a major transit stop, 70  
22 units per acre.  
23    (c) The height limit applicable to the housing development shall  
24 be the greater of the following:  
25     (1) The height allowed on the parcel by the local government.  
26     (2) For sites on a commercial corridor of less than 100 feet in  
27 width, 35 feet.  
28     (3) For sites on a commercial corridor of ~~44~~ 100 feet in width  
29 or greater, 45 feet.  
30     (4) Notwithstanding paragraphs (2) and (3), for sites within  
31 one-half mile of a major transit stop, 65 feet.  
32    (d) The property meets the following setback standards:  
33     (1) For the portion of the property that fronts a commercial  
34 corridor, the following shall occur:  
35       (A) No setbacks shall be required.  
36       (B) All parking must be set back at least 25 feet.  
37       (C) On the ground floor, the development must abut within 10  
38 feet of the property line for at least 80 percent of the frontage.

(2) For the portion of the property that fronts a side street, the development must abut within 10 feet of the property line for at least 60 percent of the frontage.

(3) When the property line of a development site abuts a single-family property, the following shall occur:

(A) The ground floor of the development project shall be set back at 10 feet from the single-family property. The amount required to be set back may be decreased by the local government.

(B) Starting with the third floor of the property, each subsequent floor of the development project shall be stepped back from the single-family property in an amount equal to five feet multiplied by the floor number. For purposes of this paragraph, the ground floor counts as the first floor. The amount required to be stepped back may be decreased by the local government.

(4) When the property line of a development site abuts a property that is not a single-family property, starting with the third floor of the property, each subsequent floor of the development project shall be stepped back from the other property in an amount equal to five feet multiplied by the floor number. For purposes of this paragraph, the ground floor counts as the first floor. The amount required to be stepped back may be decreased by the local government.

(e) No parking shall be required, except that this article shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential or nonresidential development to provide bicycle parking, electric vehicle supply equipment installed parking spaces, or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this article did not apply.

(f) Other objective zoning standards, objective subdivision standards, and objective design review standards as follows:

(1) The applicable standards shall be those for the closest zone in the city, county, or city and county that allows residential use at the residential density determined pursuant to subdivision (b). If no zone exists that allows the residential density determined pursuant to subdivision (b), the applicable standards shall be those for the zone that allows the greatest density within the city, county, or city and county.

1 (2) The applicable standards shall be those in effect at the time  
2 that the development is submitted to the local government pursuant  
3 to this article.

4 (3) The applicable standards shall not preclude any additional  
5 density requirements or any other concessions, incentives, or  
6 waivers of development standards granted pursuant to the Density  
7 Bonus Law in Section 65915.

8 (4) For purposes of this section, “objective zoning standards,”  
9 “objective subdivision standards,” and “objective design review  
10 standards” mean standards that involve no personal or subjective  
11 judgment by a public official and are uniformly verifiable by  
12 reference to an external and uniform benchmark or criterion  
13 available and knowable by both the development applicant or  
14 proponent and the public official before submittal. These standards  
15 may be embodied in alternative objective land use specifications  
16 adopted by a city or county, and may include, but are not limited  
17 to, housing overlay zones, specific plans, inclusionary zoning  
18 ordinances, and density bonus ordinances. In the event that  
19 objective zoning, general plan, subdivision, or design review  
20 standards are mutually inconsistent, a development shall be deemed  
21 consistent with the objective zoning and subdivision standards  
22 pursuant to this subdivision if the development is consistent with  
23 the standards set forth in the general plan.

24 65912.124. (a) If the local government determines that the  
25 proposed housing development is in conflict with any of the  
26 objective planning standards specified in this article, it shall provide  
27 the development proponent written documentation of which  
28 standard or standards the development conflicts with, and an  
29 explanation for the reason or reasons the development conflicts  
30 with that standard or standards, within the following timeframes:

31 (1) Within 60 days of submittal of the development proposal to  
32 the local government if the development contains 150 or fewer  
33 housing units.

34 (2) Within 90 days of submittal of the development proposal to  
35 the local government if the development contains more than 150  
36 housing units.

37 (b) If the local government fails to provide the required  
38 documentation pursuant to subdivision (a), the development shall  
39 be deemed to satisfy the required objective planning standards.



(c) For purposes of this section, a development is consistent with the objective planning standards if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

(d) The determination of whether a proposed project submitted pursuant to this section is or is not in conflict with the objective planning standards is not a “project” as defined in Section 21065 of the Public Resources Code.

(e) Design review of the development may be conducted by the local government’s planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review shall be objective and be strictly focused on assessing compliance with criteria required for streamlined, ministerial review of projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submittal of the development to the local government, and shall be broadly applicable to developments within the jurisdiction. That design review shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(1) Within 90 days of submittal of the development proposal to the local government pursuant to this section if the development contains 150 or fewer housing units.

(2) Within 180 days of submittal of the development proposal to the local government pursuant to this section if the development contains more than 150 housing units.

(f) The local government shall ensure that the project satisfies the requirements specified in subdivision (d) of Section 66300, regardless of whether the development is within or not within an affected city or within or not within an affected county.

(g) If the development is consistent with all objective subdivision standards in the local subdivision ordinance, an application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

1 (h) A local government's approval of a development pursuant  
2 to this section shall, notwithstanding any other law, be subject to  
3 the expiration timeframes specified in subdivision (f) of Section  
4 65913.4.

5 (i) Any proposed modifications to a development project  
6 approved pursuant to this section shall be undertaken pursuant to  
7 subdivision (g) of Section 65913.4.

8 (j) A local government shall not adopt or impose any  
9 requirement, including, but not limited to, increased fees or  
10 inclusionary housing requirements, that applies to a project solely  
11 or partially on the basis that the project is eligible to receive  
12 streamlined, ministerial review pursuant to this section.

13 (k) A local government shall issue a subsequent permit required  
14 for a development approved under this section pursuant to  
15 paragraph (2) of subdivision (h) of Section 65913.4.

16 (l) A public improvement that is necessary to implement a  
17 development that is approved pursuant to this section shall be  
18 undertaken pursuant to paragraph (3) of subdivision (h) of Section  
19 65913.4.

#### 20 21 Article 4. Labor Standards

22  
23 65912.130. ~~(a) A proponent of a~~ A development project  
24 approved by a local government pursuant to Article 2 (commencing  
25 with Section 65912.110) or Article 3 (commencing with Section  
26 65912.120) shall ~~require~~ *meet all of the following labor standards:*

27 *(a) The development proponent shall require* in contracts with  
28 construction contractors, and shall certify to the local government,  
29 that the standards specified in this section will be met in project  
30 construction.

31 (b) A development that is not in its entirety a public work for  
32 purposes of Chapter 1 (commencing with Section 1720) of Part 7  
33 of Division 2 of the Labor Code and approved by a local  
34 government pursuant to Article 2 (commencing with Section  
35 65912.110) or Article 3 (commencing with Section 65912.120)  
36 shall be subject to all of the following:

37 (1) All construction workers employed in the execution of the  
38 development shall be paid at least the general prevailing rate of  
39 per diem wages for the type of work and geographic area, as  
40 determined by the Director of Industrial Relations pursuant to

1 Sections 1773 and 1773.9 of the Labor Code, except that  
2 apprentices registered in programs approved by the Chief of the  
3 Division of Apprenticeship Standards may be paid at least the  
4 applicable apprentice prevailing rate.

5 (2) The development proponent shall ensure that the prevailing  
6 wage requirement is included in all contracts for the performance  
7 of the work for those portions of the development that are not a  
8 public work.

9 (3) All contractors and subcontractors for those portions of the  
10 development that are not a public work shall comply with both of  
11 the following:

12 (A) Pay to all construction workers employed in the execution  
13 of the work at least the general prevailing rate of per diem wages,  
14 except that apprentices registered in programs approved by the  
15 Chief of the Division of Apprenticeship Standards may be paid at  
16 least the applicable apprentice prevailing rate.

17 (B) Maintain and verify payroll records pursuant to Section  
18 1776 of the Labor Code and make those records available for  
19 inspection and copying as provided in that section. This  
20 subparagraph does not apply if all contractors and subcontractors  
21 performing work on the development are subject to a project labor  
22 agreement that requires the payment of prevailing wages to all  
23 construction workers employed in the execution of the development  
24 and provides for enforcement of that obligation through an  
25 arbitration procedure. For purposes of this subparagraph, “project  
26 labor agreement” has the same meaning as set forth in paragraph  
27 (1) of subdivision (b) of Section 2500 of the Public Contract Code.

28 (c) (1) The obligation of the contractors and subcontractors to  
29 pay prevailing wages pursuant to this section may be enforced by  
30 ~~the~~ any of the following:

31 (A) The Labor Commissioner through the issuance of a civil  
32 wage and penalty assessment pursuant to Section 1741 of the Labor  
33 Code, which may be reviewed pursuant to Section 1742 of the  
34 Labor Code, within 18 months after the completion of the  
35 development.

36 (B) An underpaid worker through an administrative complaint  
37 or civil action.

38 (C) A joint labor-management committee through a civil action  
39 under Section 1771.2 of the Labor Code.

1 (2) If a civil wage and penalty assessment is issued pursuant to  
2 this section, the contractor, subcontractor, and surety on a bond or  
3 bonds issued to secure the payment of wages covered by the  
4 assessment shall be liable for liquidated damages pursuant to  
5 Section 1742.1 of the Labor Code.

6 (3) This subdivision does not apply if all contractors and  
7 subcontractors performing work on the development are subject  
8 to a project labor agreement that requires the payment of prevailing  
9 wages to all construction workers employed in the execution of  
10 the development and provides for enforcement of that obligation  
11 through an arbitration procedure. For purposes of this subdivision,  
12 “project labor agreement” has the same meaning as set forth in  
13 paragraph (1) of subdivision (b) of Section 2500 of the Public  
14 Contract Code.

15 (d) Notwithstanding subdivision (c) of Section 1773.1 of the  
16 Labor Code, the requirement that employer payments not reduce  
17 the obligation to pay the hourly straight time or overtime wages  
18 found to be prevailing does not apply to those portions of  
19 development that are not a public work if otherwise provided in a  
20 bona fide collective bargaining agreement covering the worker.

21 (e) The requirement of this section to pay at least the general  
22 prevailing rate of per diem wages does not preclude use of an  
23 alternative workweek schedule adopted pursuant to Section 511  
24 or 514 of the Labor Code.

25 65912.131. ~~(a) For~~ *In addition to the requirements of Section*  
26 *65912.130*, a development of 50 or more housing units approved  
27 by a local government pursuant to Article 2 (commencing with  
28 Section 65912.110) or Article 3 (commencing with Section  
29 ~~65912.120~~), the development proponent ~~65912.120~~) shall require  
30 *meet all of the following labor standards:*

31 *(a) The development proponent shall require* in contracts with  
32 construction contractors and shall certify to the local government  
33 that each contractor of any tier who will employ construction craft  
34 employees or will let subcontracts for at least 1,000 hours shall  
35 satisfy the requirements in subdivisions (b) and (c). A construction  
36 contractor is deemed in compliance with subdivisions (b) and (c)  
37 if it is signatory to a valid collective bargaining agreement that  
38 requires utilization of registered apprentices and expenditures on  
39 health care for employees and dependents.

(b) A contractor with construction craft employees shall either participate in an apprenticeship program approved by the State of California Division of Apprenticeship Standards pursuant to Section 3075 of the Labor Code, or request the dispatch of apprentices from a state-approved apprenticeship program under the terms and conditions set forth in Section 1777.5 of the Labor Code. A contractor without construction craft employees shall show a contractual obligation that its subcontractors comply with this subdivision.

(c) Each contractor with construction craft employees shall make health care expenditures for each employee in an amount per hour worked on the development equivalent to at least the hourly pro rata cost of a Covered California Platinum level plan for two ~~40-year-old~~ *40-year-old* adults and two dependents 0 to 14 years of age for the Covered California rating area in which the development is located. A contractor without construction craft employees shall show a contractual obligation that its subcontractors comply with this subdivision. Qualifying expenditures shall be credited toward compliance with prevailing wage payment requirements set forth in Section 65912.102.

(d) (1) The development proponent shall provide to the local government, on a monthly basis while its construction contracts on the development are being performed, a report demonstrating compliance with subdivisions (b) and (c). The reports shall be considered public records under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall be open to public inspection.

(2) A development proponent that fails to provide the monthly report shall be subject to a civil penalty for each month for which the report has not been provided, in the amount of 10 percent of the dollar value of construction work performed by that contractor on the development in the month in question, up to a maximum of ten thousand dollars (\$10,000). Any contractor or subcontractor that fails to comply with subdivision (b) or (c) shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of subdivision (b) or (c).

(3) Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the procedures for issuance of civil wage and penalty assessments specified in Section 1741 of the Labor Code, and may be reviewed pursuant

1 to Section 1742 of the Labor Code. Penalties shall be deposited in  
2 the State Public Works Enforcement Fund established pursuant to  
3 Section 1771.3 of the Labor Code.

4 (e) Each construction contractor shall maintain and verify payroll  
5 records pursuant to Section 1776 of the Labor Code. Each  
6 construction contractor shall submit payroll records directly to the  
7 Labor Commissioner at least monthly in a format prescribed by  
8 the Labor Commissioner in accordance with subparagraph (A) of  
9 paragraph (3) of subdivision (a) of Section 1771.4 of the Labor  
10 Code. The records shall include a statement of fringe benefits.  
11 Upon request by a joint labor-management cooperation committee  
12 established pursuant to the Federal Labor Management Cooperation  
13 Act of 1978 (29 U.S.C. Sec. 175a), the records shall be provided  
14 pursuant to subdivision (e) of Section 1776 of the Labor Code.

15 (f) All construction contractors shall report any change in  
16 apprenticeship program participation or health care expenditures  
17 to the local government within 10 business days, and shall reflect  
18 those changes on the monthly report. The reports shall be  
19 considered public records pursuant to the California Public Records  
20 Act (Division 10 (commencing with Section 7920.000) of Title 1)  
21 and shall be open to public inspection.

22 (g) A joint labor-management cooperation committee established  
23 pursuant to the Federal Labor Management Cooperation Act of  
24 1978 (29 U.S.C. Sec. 175a) shall have standing to sue a  
25 construction contractor for failure to make health care expenditures  
26 pursuant to subdivision (c) in accordance with Section 218.7 or  
27 218.8 of the Labor Code.

#### 28 29 Article 5. Severability 30

31 65912.140. The provisions of this chapter are severable. If any  
32 portion, section, subdivision, paragraph, clause, sentence, phrase,  
33 word, or application of this chapter is for any reason held to be  
34 invalid by a decision of any court of competent jurisdiction, that  
35 decision shall not affect the validity of the remaining portions of  
36 this chapter. The people of the State of California hereby declare  
37 that they would have adopted this chapter and each and every  
38 portion, section, subdivision, paragraph, clause, sentence, phrase,  
39 word, and application not declared invalid or unconstitutional  
40 without regard to whether any other portion of this chapter or

1 application thereof would be subsequently declared invalid. In  
 2 particular, the provisions of Section 65912.130 and the provisions  
 3 of Section 65912.131 are distinct and severable from one another,  
 4 and the provisions of subdivision (c) of Section 65912.131  
 5 concerning health care expenditure are distinct and severable from  
 6 the remaining provisions of Article 4 (commencing with Section  
 7 65912.131). If Section 65912.130 is held invalid, the requirements  
 8 of Section 65912.131 shall stand alone and vice versa. If any  
 9 portion of Section 65912.131 is held invalid, the remaining  
 10 provisions of this article shall continue in effect with the exception  
 11 of subdivision (g) of Section 65912.131. *this chapter. However,*  
 12 *Article 4 (commencing with Section 65912.130) is a material and*  
 13 *integral part of this chapter and is not severable. If any provision*  
 14 *of Article 4 (commencing with Section 65912.130) or its*  
 15 *application, exclusive of those included in subdivision (c) of Section*  
 16 *65912.131, is held invalid, this entire chapter shall be null and*  
 17 *void.*

18 SEC. 2. No reimbursement is required by this act pursuant to  
 19 Section 6 of Article XIII B of the California Constitution for certain  
 20 costs that may be incurred by a local agency or school district  
 21 because, in that regard, this act creates a new crime or infraction,  
 22 eliminates a crime or infraction, or changes the penalty for a crime  
 23 or infraction, within the meaning of Section 17556 of the  
 24 Government Code, or changes the definition of a crime within the  
 25 meaning of Section 6 of Article XIII B of the California  
 26 Constitution.

27 However, if the Commission on State Mandates determines that  
 28 this act contains other costs mandated by the state, reimbursement  
 29 to local agencies and school districts for those costs shall be made  
 30 pursuant to Part 7 (commencing with Section 17500) of Division  
 31 4 of Title 2 of the Government Code.

## SB 1161 (Min) Analysis and Recommendation

**TITLE:** Transit Operators: Street Harrassment Plans

**AUTHOR:** Senator Min (D-Irvine)

**SPONSORS:** Stop AAPI Hate, Los Angeles County Metropolitan Transportation Authority

**RECOMMENDATION:** Support

**BACKGROUND:** The Unruh Civil Rights Act requires public agencies, including transit districts, to provide persons full and equal accommodations, advantages, facilities, privileges, or services regardless of sex, race, color, religion, disability, medical condition, sexual orientation, citizenship, etc. Despite this legal protection, women and other vulnerable communities are often unable to access public transit safely due to street harassment, which can include unwanted sexual and racialized comments and slurs, whistling, leering, and other intimidating actions. SB 1161 seeks to ensure all public transit riders travel safely and free from street harassment.

**PURPOSE:** SB 1161 would require California's ten largest transit operators, identified as those with the highest unlinked passenger trips in 2019, to collect survey data by June 30, 2024, for the purpose of developing a plan to reduce street harassment experienced by its riders.

By June 30, 2023, the University of California Institute of Transportation Studies shall develop and make available to operators a draft survey in order to standardize the data collected. The survey shall include questions asking for demographic information and information regarding a rider's experience with safety while waiting at public transit stops and riding public transit. A transit operator may, but is not required to, use the survey and may ask additional questions if so desired.

By June 30, 2025, transit operators would be required to develop and begin implementing a plan to reduce the street harassment experienced by its riders, based on the data collected through the survey. The plan, may include system safety audits; increasing the presence of non-law enforcement transit staff; improving physical infrastructure of vehicles, stations and stops; improving the frequency and reliability of service; training transit staff on how the law and agency policies may require them to report and respond to incidents of street harassment; and conducting educational campaigns regarding street harassment. In addition, operators shall develop the plan in consultation with riders at heightened risk of experiencing street harassment which may include women, non-English speaking, and LGBTQ+ riders.

By January 1, 2027, the California State Transportation Agency (CalSTA) shall produce and submit a report to the Legislature and Governor summarizing the survey data, the plans developed by transit operators, and the actions taken by operators to reduce street harassment.

If an agency has collected survey data within five years prior to the mandated completion date, they are deemed to have met the survey requirements. Additionally, a transit agency may meet the bill's requirements if it has taken action on a plan to reduce street harassment on or after January 1, 2018.

**DISTRICT IMPACT:** Preliminary analysis by the California Transit Association (CTA), identifies the ten transit operators subject to the bill as being the Los Angeles Metropolitan Transportation Authority (LA Metro), San Francisco Municipal Transportation Agency, BART, San Diego Metropolitan Transit System, AC Transit, Orange County Transportation Authority, Long Beach Transit, Santa Clara Valley Transportation Authority, Sacramento Regional Transit, and the Los Angeles Department of Transportation.

According to the bill sponsors, the legislation is modeled on work that BART and LA Metro have undertaken to address gender-based violence and sexual harassment. At BART, this includes the launch of the Not One



More Girl Campaign in April 2021 to engage local girls and gender expansive youth about their experiences on BART and develop cultural strategies to prevent, interrupt, and address gender-based harassment and violence on transit. With ongoing work for the Not One More Girl Campaign and initiatives led by BART's Progressive Policing and Community Engagement Bureau, staff believe that BART is already fulfilling requirements within the bill to reduce street harassment on our system.

To meet the bill's survey requirements, BART would likely need to adjust questions on current passenger surveys. The cost for changing survey infrastructure is estimated to be in the low five figures. The bill's sponsors are advocating for a one-time state budget request that would provide funding to assist impacted agencies in implementing the bill's requirements. At this time, conversations are still ongoing with Senate Budget & Fiscal Review Committee staff regarding a budget appropriation.

CTA has also been leading conversations between operators, the author's office, and advocates on amendments. A round of amendments published on April 6 incorporated feedback from operators and alleviated most agency concerns around implementation of a plan, namely by extending deadlines. CTA is currently working with the author, advocates, and operators on additional amendments to further ease implementation by enabling more flexibility as to the specific content of the questions that agencies would be required to include in their surveys.

**KNOWN SUPPORT/OPPOSITION:** Support includes: Stop AAPI Hate Coalition (co-sponsor), Los Angeles County Metropolitan Transportation Authority (co-sponsor), AAPI Equity Alliance, ACLU California Action, African Advocacy Network, Alliance for Girls, API Forward Movement, Asian American Pacific Islander Coalition of the North Bay, Asian Americans in Action, Asian Pacific American Dispute Resolution Center, Asian Pacific American Women Lawyers Alliance, Asian Pacific Community Fund, AYPAL: Building API Community Power, California Chamber of Commerce, California Commission on Asian and Pacific Islander American Affairs, California Healthy Nail Salon Collaborative, Cambodia Town INC., Center for Asian Americans in Action, Center for Asian Americans United for Self Empowerment, Chinese Culture Center of San Francisco, Chinese for Affirmative Action, Chinese Progressive Association, City of La Mesa, Community Legal Services in East Palo Alto, Consumers for Auto Reliability & Safety, Contigo Communications, Council on American-Islamic Relations, California, Empowering Pacific Islander Communities, Equal Justice Society, Food Empowerment Project, Heart of Los Angeles, Hmong Innovating Politics, Inland Empire Immigrant Youth Collective, Japantown Task Force, Korean American Center, Korean American Coalition - Los Angeles, Korean Community Center of the East Bay, LA Raza Community Resource Center, Macla/Movimiento De Arte Y Cultura Latino Americana, Mayor of Los Angeles, Eric Garcetti, National Pacific Islander Education Network, North East Medical Services, OCA - Sacramento Chapter, Pacific Asian Counseling Services, People Organizing to Demand Environmental & Economic Rights, San Francisco Transit Riders, Self-Help for the Elderly, Silicon Valley Asian Pacific American Democratic Club, Soma Pilipinas, South Asian Network, Southeast Asian Development Center, Thai Community Development Center, Tranzito, UC San Diego Triton Lobby Corps, Wu Yee Children's Services, Youth Against Hate

Opposition: None on file.

**STATUS:** Passed the Senate Floor (39-0) on May 22. In the Assembly, pending referral to committee.

AMENDED IN SENATE MAY 2, 2022

AMENDED IN SENATE APRIL 6, 2022

AMENDED IN SENATE MARCH 17, 2022

**SENATE BILL**

**No. 1161**

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**Introduced by Senator Min**  
**(Coauthor: Senator Rubio)**  
(Coauthor: Assembly Member Santiago)

February 17, 2022

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An act to add Section 99177 to the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1161, as amended, Min. Transit operators: street harassment plans.

Existing law creates various transit districts throughout the state, with specified powers and duties relative to providing public transit service. Existing law provides various provisions applicable to all public transit and transit districts.

This bill would require the University of California Institute of Transportation Studies to, on or before June 30, 2023, develop and make available to transit operators, as defined, a survey for the purpose of promoting consistency in the collection of specified survey data. The bill would require transit operators to, on or before June 30, 2025, develop and implement a plan to reduce the street harassment experienced by its riders, as specified, and to consider the safety concerns and needs of riders impacted by street harassment when planning, designing, and operating their systems. The bill would require transit operators to, on or before June 30, 2024, collect survey data for

the purpose of informing the plan. The bill would require the plan to be developed in consultation with certain riders, and would require those transit operators to conduct outreach in multiple languages in order to reach ~~limited-English-proficient~~ *limited-English-proficient* persons impacted by street harassment, as specified. The bill would authorize these plans to include changes to policies, design, operations, or other aspects of transit systems, as specified. The bill would require the Transportation Agency to, on or before January 1, 2027, produce and submit a report containing certain information related to the implementation of these provisions to the Legislature and the Governor. To the extent the bill imposes additional duties on a local agency, the bill would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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) Public transportation ensures that each person may enjoy
- 4 the freedom of movement. Providing a safe journey for women
- 5 and other vulnerable communities will increase ridership
- 6 throughout the public transit system.
- 7 (b) The State of California would benefit from an expanded
- 8 concept of ridership safety. Transit operators must go beyond their
- 9 traditional definition that refers exclusively to physical
- 10 infrastructure and prevention of bodily injury to riders, cyclists,
- 11 and pedestrians. An expanded understanding of safety is necessary.
- 12 Safety is not merely the freedom from harm but also the freedom
- 13 to move by fully accessing public transit without street harassment.
- 14 (c) Street harassment on public transit diminishes ridership
- 15 growth, undermines riders' safety, hurts all riders, and can reinforce

1 social inequality and economic hardship throughout a rider's  
2 lifetime.

3 (d) Women and girls, particularly those of color and those in  
4 the LGBTQ+ communities, are often the targets of street  
5 harassment on public transit. Such harassment includes unwanted  
6 sexual and racialized comments and slurs, whistling, leering, and  
7 other intimidating actions. According to a 2019 statewide study  
8 by the University of California, San Diego Center on Gender  
9 Equity and Health, 77 percent of women experience sexual  
10 harassment in a public space, including 29 percent on mass transit.  
11 Furthermore, women who identify as lesbian or bisexual are more  
12 likely to report experiencing sexual harassment than straight  
13 women.

14 (e) A 2019 bay area study by Alliance for Girls found that girls,  
15 including transgender girls, cisgender girls, and nonconforming  
16 youth, in the Cities of San Francisco, San Jose, and Oakland  
17 expressed feeling unsafe on public transportation due to the daily  
18 harassment they experience on buses and trains on their way to  
19 and from school.

20 (f) According to a 2019 report by Los Angeles Metro Rail, safety  
21 is the primary barrier to riding transit for women. Fear of  
22 harassment leads to behavioral adjustments and precautions by  
23 women riders, including leaving a bus or train mid-trip to avoid  
24 harassment, avoiding travel in the evening, avoiding certain settings  
25 such as crowded buses, and not walking alone.

26 (g) Low-income women face even greater barriers to movement,  
27 including safety concerns, poor walking environments, lower  
28 access to driver's licenses, and transit inefficiencies such as long  
29 travel times and infrequent service. Unlike more affluent women,  
30 low-income women have fewer private transportation options.

31 (h) Women of color on public transit experience even more  
32 threats to their safety. According to the Los Angeles Department  
33 of Transportation, women of color report feeling more unsafe on  
34 public transportation than women who identify as white.

35 (i) Data collected by the Stop AAPI Hate coalition finds that  
36 nearly 40 percent of the nationwide acts of hate against Asian  
37 Americans and Pacific Islanders happen in California, and hate  
38 incidents involving women make up nearly two-thirds of all reports  
39 in the state. Most of these hate incidents involve verbal harassment  
40 and occur in public spaces, including public transit.

(j) Despite more violations to their safety on public transit, women of color are also more dependent on public transit. According to the Center for American Progress, women of color experience a persistent gender wage gap in conjunction with racial bias in the workplace, which leaves them perpetually underpaid. Without the economic means for private transportation options, women of color are more likely to be dependent on public transportation.

(k) Riders significantly underreport instances of street harassment. Research published by the University of California, Los Angeles Lewis Center for Regional Policy Studies finds that only 10 percent of people who experienced or observed sexual harassment on transit reported the incident. Research collected by the Mineta Transportation Institute at San Jose State University finds that street harassment is underreported globally as women are often embarrassed and reluctant to report when public culture puts the blame on the victims of harassment.

(l) The Legislature affirms that protecting transit riders' safety, providing transit journeys free from street harassment, and ensuring equal access to transportation are public policy priorities.

(m) Public transit operators can increase ridership on their systems by ensuring all riders travel safely and free from street harassment. When riders feel safe waiting at transit stops and riding transit, they will increasingly use public transit. In turn, the growing ridership enables the public transit system to thrive.

SEC. 2. Section 99177 is added to the Public Utilities Code, immediately following Section 99176, to read:

99177. (a) For the purpose of this section, the following definitions apply:

(1) "Institute" means the University of California Institute of Transportation Studies.

(2) "Street harassment" means words, gestures, or actions directed at a specific person in a public place, without the consent of that person, because of a characteristic listed or defined in Section 11135 of the Government Code, that the person experiences as intimidating, alarming, terrorizing, or threatening to their safety. For the purposes of this section, street harassment because of age shall include any chronological age.

(3) "Survey data" means information regarding public transit riders and their experiences using public transit, including, but not

1 limited to, demographic information about riders and information  
2 about their experiences with safety, including, but not limited to,  
3 street harassment.

4 (4) “Transit operator” means the 10 transit operators, as defined  
5 in Section 99210, with the most unlinked passenger trips in 2019  
6 in the state, according to the National Transit Database.

7 (b) (1) On or before June 30, 2023, the institute shall develop  
8 and make available to transit operators a survey for the purpose  
9 of promoting consistency in the collection of survey data pursuant  
10 to subdivision (c).

11 (2) The survey shall include questions asking for the following  
12 information:

13 (A) Demographic information regarding riders, including their  
14 race, ethnicity, religion, age, disability, income, primary language,  
15 sex, gender, gender identity, gender expression, and sexual  
16 orientation.

17 (B) Information regarding a rider’s experiences with safety  
18 while waiting at public transit stops and riding public transit,  
19 including:

20 (i) Whether a rider experiences street harassment.

21 (ii) The frequency with which a rider experiences street  
22 harassment.

23 (iii) The type of street harassment experienced by a rider.

24 (iv) The actual or perceived characteristics that serve as the  
25 basis for street harassment experienced by a rider.

26 (v) Where and when a rider experiences street harassment,  
27 including on what mode of transit.

28 (vi) Whether a rider experiencing street harassment is alone or  
29 accompanied by others.

30 (vii) Whether a rider experiencing street harassment reports the  
31 incident, and, if so, to whom and the response received.

32 (viii) The impact of street harassment on a rider, including  
33 whether and how they change their use of transit.

34 (ix) A rider’s perceptions of safety while using transit.

35 (3) In developing the survey, the institute shall consider existing  
36 efforts by a transit operator to collect survey data and how a transit  
37 operator may use or update available survey data instead of  
38 collecting new survey data.

39 (c) On or before June 30, 2024, a transit operator shall collect  
40 survey data for the purpose of informing the plan required by

subdivision (d) to reduce the street harassment experienced by its riders. The transit operator shall also conduct focus groups with subpopulations of riders who are underrepresented in surveys and impacted by street harassment. The transit operator shall collect, at a minimum, the information described in paragraph (2) of subdivision (b), provided that any such information collected in the five years before the effective date of this section shall be deemed to have been collected pursuant to this subdivision. The transit operator may, but is not required to, use the survey developed and made available by the institute, and may ask additional questions beyond the questions included in the survey.

(d) (1) On or before June 30, 2025, a transit operator shall do both of the following:

(A) Develop and begin implementing a plan to reduce the street harassment experienced by its riders. The plan shall be based on, and informed by, the survey data collected pursuant to subdivision (c). The plan shall be developed in consultation with riders, as set forth in subdivision (e), and relevant local governments or private enterprises with ownership and jurisdiction over portions of the transit system, such as bus shelters.

(B) Consider the safety concerns and needs of riders impacted by street harassment when planning, designing, and operating its system.

(2) The plan may, but need not, include changes to policies, design, operations, or other aspects of transit systems under the jurisdiction of the transit operator or relevant local government or private entity, such as all of the following:

(A) Performing safety audits of transit systems or parts thereof that consider the experiences of riders by gender.

(B) Developing a rubric, questionnaire, or other tool to analyze and understand the impacts of prospective changes to transit system policies, design, or operations on riders by gender or other characteristics such as socioeconomic status.

(C) Increasing the presence of transit staff who are not transit police or other law enforcement.

(D) Improving the physical infrastructure of transit vehicles, stations, and stops to increase the safety and perception of safety for riders.

(E) Improving the frequency, timing, and reliability of service.

1 (F) Training transit staff about when and how the law or transit  
2 policies require them to respond to and report incidents of street  
3 harassment.

4 (G) Conducting educational and awareness raising campaigns  
5 regarding street harassment.

6 (3) A transit operator may meet the requirements of this  
7 subdivision if it has taken action on or after January 1, 2018, that  
8 otherwise meets the requirements of this subdivision.

9 (e) A transit operator shall develop and implement the plan  
10 required pursuant to subdivision (d) in consultation with riders.  
11 These riders shall include subpopulations of riders at increased or  
12 disproportionate risk of experiencing street harassment, which  
13 may include, but not be limited to, women riders, ~~non-English~~  
14 ~~speaking non-English-speaking~~ riders, and LGBTQ+ riders. In  
15 consulting with riders, a transit operator shall conduct outreach in  
16 multiple languages to reach ~~limited-English-proficient~~  
17 *limited-English-proficient* riders impacted by street harassment.  
18 The languages may be determined by survey data or by the top  
19 non-English languages used by ~~limited-English-proficient~~  
20 *limited-English-proficient* persons in the community served by the  
21 transit operator according to the most recent American Community  
22 Survey by the United States Census Bureau.

23 (f) (1) On or before January 1, 2027, the Transportation Agency  
24 shall produce and submit a report to the Legislature and the  
25 Governor that shall include, but is not limited to, all of the  
26 following information regarding a transit operator:

27 (A) A summary of the survey data collected by a transit operator  
28 pursuant to subdivision (c).

29 (B) A description of the plan developed by a transit operator  
30 pursuant to subdivision (d) and any actions taken to implement  
31 the plan, including the transit operator's efforts to engage riders  
32 pursuant to subdivision (e).

33 (C) An evaluation of actions taken by a transit operator to reduce  
34 the street harassment experienced by its riders, including, but not  
35 limited to, both of the following:

36 (i) The effectiveness of the plan in reducing the street harassment  
37 experienced by riders, improving the safety of public transit, and  
38 increasing ridership on public transit.

39 (ii) Any additional unmet needs faced by the transit operator in  
40 reducing street harassment on its system.



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(2) (A) The requirement for submitting a report imposed under paragraph (1) is inoperative on January 1, 2031, pursuant to Section 10231.5 of the Government Code.

(B) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(g) A transit operator shall provide the information described in paragraph (1) of subdivision (f) to the Transportation Agency.

(h) Nothing in this section shall be construed to create new or additional liability for a transit operator for failing to respond to an incident of street harassment.

(i) Nothing in this section shall be construed to require a transit operator to develop or implement the plan where the transit operator does not already have jurisdiction to develop or implement the plan.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.