
**SENATE COMMITTEE ON ENERGY, UTILITIES AND
COMMUNICATIONS**

**Senator Steven Bradford, Chair
2023 - 2024 Regular**

Bill No:	AB 2780	Hearing Date:	6/18/2024
Author:	McKinnor		
Version:	4/17/2024 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Sarah Smith		

SUBJECT: Carrier of Passengers Act of 2024

DIGEST: This bill requires certain transportation providers to provide local governments with a written notice containing specified information about passengers' potential needs for supportive services upon arrival. This bill also authorizes those local governments to designate a specific location for passengers to disembark within the local government's jurisdiction. This bill applies only to certain licensed transportation providers that know, or should reasonably know, that at least 10 passengers aboard the vehicle are likely to seek emergency shelter or other immediate services upon arrival.

ANALYSIS:

Existing law:

- 1) Defines a "motor vehicle" as a vehicle that is self-propelled. Existing law defines a "bus" as vehicle designed to carry more than 10 persons, including the driver, for compensation. (Public Utilities Code §5359)
- 2) Defines a charter-party carrier of passengers as every person engaged in the transportation of persons by motor vehicle for compensation over any public highway in this state. A charter-party carrier of passengers includes any person, corporation, or other entity engaged in the provision of a hired driver service when a rented motor vehicle is being operated by a hired driver. (Public Utilities Code §5360)
- 3) Authorizes the California Public Utilities Commission (CPUC) to supervise and regulate every charter-party carrier of passengers. (Public Utilities Code §5381)
- 4) Requires the CPUC to ensure that every charter-party carrier of passengers operates on a pre-arranged basis and direct every charter-party carrier of passengers to provide specified information on a waybill or trip report. Existing law requires charter-party carriers of passengers to maintain these waybills and

trip reports and provide copies of these documents when requested by the CPUC. For those airport enforcement officers or local government authorities authorized to inspect waybills and trip reports, charter-party carriers may provide access to these records in electronic or hardcopy format.

- 5) Requires the CPUC to create the following permit categories for charter-party carriers:
 - a) “A” Certificate: from any point or points within the state to other points in or out of this state, including, but not limited to, the conduction of round-trip sightseeing tour service.
 - b) “B” Certificate: from any point within the territory of origin specified in the certificate to any points in the state, or territory of origin.
 - c) “C” Certificate: services provided incidental to commercial balloon operations, commercial river rafting, or skiing where no additional compensation is provided for the transportation.
 - d) “P” Permit: Carriers using only vehicles under 15-passenger seating capacity.
 - e) “S” Permit: Carriers conducting round-trip sightseeing tour service.
 - f) “Z” Permit: Specialized carriers, who do not hold themselves out to serve the general public, but only provide service under contract with industrial and business firms, governmental agencies, and private schools or who only transport agricultural workers to and from farms for compensation or who only conduct transportation services, which are incidental to another business. (Public Utilities Code §5383-5384)

This bill:

- 1) Defines a “carrier of passengers” as a motor carrier, passenger carrier, or charter-party carrier of passengers that operates a motor vehicle on a hired basis and engages in the embarkation and disembarkation of passengers.
- 2) Defines “embarkation” as the physical start of transportation service and defines “disembarkation” as the physical discharge of passengers from transportation services at a geographic location in California.
- 3) Specifies that this bill applies only to carriers of passengers that reasonably know or should know that their vehicles will be transporting at least 10 passengers who are likely to seek emergency shelter and other immediate services upon arrival.

- 4) Requires a carrier of passengers to provide a written notice at least 24 hours before boarding to a designated point of contact at the governing body of a city or county with jurisdiction over the geographic area in which the bus is disembarking. This bill specifies that this notice must contain all the following information:
 - a) The anticipated date and time of arrival of passengers.
 - b) The waybill or trip report.
 - c) The number of passengers on the motor vehicle who arrived in the United States within 30 days of embarkation, and, if the carrier of passengers has relevant information, the number of these passengers that are likely to seek emergency shelter and other immediate services upon disembarkation.
 - d) A description of the motor vehicle, including the color, the license plate number, and any logo or other information printed on the exterior of the motor vehicle.
- 5) Authorizes the governing body of a city or county to adopt a resolution designating a specific location for disembarkation. This bill specifies that local governments must provide transportation providers with a written notice about the designated disembarkation location before the transportation provider boards passengers. This bill also specifies that upon receiving this notice, transportation providers may only disembark passengers at the location specified in the notice.
- 6) Requires the transportation service provider to notify passengers about the location of disembarkation and obtain their agreement to disembark at that location.
- 7) Establishes civil penalties for violations of the bill, including a penalty of up to \$10,000 for each act of transporting a person that resulted in violations of the bill. This bill specifies that the following entities may bring an action against a violating transportation provider:
 - a) The Attorney General, a district attorney, or a city attorney.
 - b) A passenger who was transported in violation of this chapter.
 - c) A homeless service provider or shelter, a health care service provider, or a nonprofit social service provider that suffered a direct violation of this chapter.

- 8) Prohibits the CPUC from applying its existing fine and penalty authority to enforce this bill's provisions.
- 9) Specifies that this bill does not limit any local ordinance, code or regulation, as specified. This bill also includes a severability clause and specifies that may only be implemented to the extent that it is consistent with federal law.

Background

Bill may address need for coordination of local services for unhoused people and recent migrants. This bill establishes a framework by which a bus operator must provide local governments with a specified advance notice if a bus is carrying at least 10 passengers who are expected to need immediate services and emergency housing upon arrival. This bill also provides local governments with greater authority to specify drop-off zones for these passengers, which can enable the local government to better coordinate services upon arrival. This bill may apply broadly to any bus operator that provides services transporting individuals that need emergency housing, including unhoused individuals. However, this bill establishes a specific presumption that passengers who have arrived within the United States within 30 days of boarding the bus meet this bill's definition of an individual needing emergency shelter or immediate services.

In the Spring of 2022, the Biden Administration sought to lift Title 42, a Trump Administration order that allowed Border Control officers block migrants' entry into the United States during the Covid-19 pandemic. While Title 42 remained effective for another year, several states responded to potential expiration of Title 42 by seeking to bus migrants to other states and to specific cities. In April 2022, Texas Governor Greg Abbott issued an order directing the Texas Division of Emergency Management to start transporting migrants to other states and to specific cities. While the number of migrants bused from border entries to other states and cities may be a fraction of the total flow of immigration, the sudden, uncoordinated influx of a large number of individuals needing supportive services has posed unique challenges to local and state governments that do not have existing programs aimed at addressing the unique needs of those who have recently entered the United States, including translation services, the provision of food and sanitary supplies, and access to organizations that can provide longer-term immigration support. The lack of coordination has also limited the resources that migrants can access upon arrival in certain cities, increasing the likelihood that migrants will face more challenges obtaining housing, health care, legal services, and other necessary resources. This lack of coordination can delay or limit recently-arrived migrants' ability to successfully integrate into communities.

What is the CPUC's role in this bill? Under existing law, buses are considered a class of charter party carriers of passengers, and the CPUC establishes licensure requirements for certain transportation service providers that use buses. This bill creates new definition for transportation services using buses, which does not conform to the CPUC's licensure authority. Additionally, this bill expressly prohibits the CPUC from applying its fine and penalty authority over any service that violates this bill and instead establishes an enforcement mechanism for this bill through civil litigation. As a result, the role of the CPUC in this bill is unclear.

Potential conflicts with federal law. This bill's definition of a "carrier of passengers" includes services that are not currently regulated by the CPUC and may include some services that are primarily under the jurisdiction of the federal government. For example, federal law (Title 49 United States Code §13501) provides the United States Secretary of Transportation with general jurisdiction over motor carriers that transport passengers between states and between the United States and foreign countries.

Need for Amendments. As currently written, this bill expands public utilities code to establish the bill's provisions; however, the bill does not assign any duties to the CPUC and expressly prohibits the CPUC from using existing authority to enforce its provisions. *Since this bill appears to establish an enforcement mechanism that relies solely on civil litigation, the author and committee may wish to amend this bill to move it from the public utilities code to the civil code.*

Dual Referral. Should this bill be approved by this committee, it will be re-referred to the Senate Committee on Judiciary.

Prior/Related Legislation

SB 757 (Archuleta, Chapter 411, Statutes of 2023) clarified licensing requirements for rail crew transportation providers, prohibited certain subcontracting for these services, and increased minimum insurance requirements for rail crew transportation operators.

AB 25 (Nazarian, Chapter 310, Statutes of 2017) allowed local authorities to adopt rules restricting the routes of tour buses if the local authority determines that it is unsafe to operate tour buses on those streets.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT:

Commissioner Ricardo Lara, California Department of Insurance, Co-sponsor
Coalition for Humane Immigrant Rights, Co-sponsor

OPPOSITION:

None received

ARGUMENTS IN SUPPORT: According to the author:

Since April 2022, different states have contracted transportation companies to transport tens of thousands of vulnerable persons, mostly migrants from communities of color, to destinations outside of their state borders. Over three dozen busloads of asylum seekers and other recent immigrants have been dumped in Los Angeles alone. Busloads of vulnerable persons have also been dumped in San Diego, San Jose and Sacramento. Sometimes prior notices to local authorities or nonprofit groups before discharging vulnerable passengers are not provided and other times these notices are inconsistent, thereby endangering the passengers and overwhelming local supportive services.

AB 2780 would require carriers of passengers, prior to transporting 10 or more vulnerable passengers, to make the presumption that the people being transported have arrived to the United States in the previous 30 days, that they are likely to seek shelter and services and that they are aware and agree about the location of disembarkation. The bill would also require carriers of passengers to notify local authorities about the drop-off at a designated location for them to be authorized, and to provide information about the vehicle.

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