

Date of Hearing: April 25, 2023

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Jesse Gabriel, Chair

AB 364 (Bryan) – As Amended April 11, 2023

Proposed Consent

SUBJECT: Street furniture data: statewide integrated data platform

SYNOPSIS

This bill provides a policy response to the dangers that extreme heat poses to public transit riders and pedestrians. It would require Caltrans to update guidelines for public transit data sharing to include information about street furniture, such as bus shelters and benches. It would further require that this data be aggregated and shared on a platform for public and private use. This platform would allow this data to be used by public transit agencies, in conjunction with ridership data, to place future street furniture installations, and by private companies to make trip planning applications more usable for transit riders.

The measure has been referred to this Committee because it contemplates extensive data sharing among public and private entities. Recent amendments meaningfully increase the bill's protections for data privacy in three ways. First, the bill now distinguishes quite specifically between uses of the terms "street furniture data" and "data" more generally. Second, the bill now makes clear that any use of the term "data" excludes "personal information," as that term is defined under the California Consumer Privacy Act. This amendment is meant to ensure that information about an individual, or that could be linked to an individual, such as their home address or geolocation, is not shared on the platform. Third, the bill would require Caltrans, in developing the guidelines, to require that street furniture data not include personal information.

This bill is sponsored by Move LA and supported by eleven other nonprofits organizations and coalitions, including AARP California and Coalition for Clean Air. It has no opposition on file.

This bill was previously heard by the Assembly Transportation Committee, where it passed on a 15-0 vote.

SUMMARY: Requires the California Department of Transportation (Caltrans) to develop guidelines establishing a standard format for data regarding street furniture, such as bus shelters and benches. Directs Caltrans to create a platform for sharing this data among private and public entities in order to make it easier for transit riders to access street furniture, including via trip planning software applications. Specifically, **this bill:**

- 1) Defines "street furniture" to mean objects and pieces of equipment installed along a street or road to provide amenities for pedestrians, including, but not limited to, bus shelters, trash receptacles, benches, and public toilets.
- 2) Defines "local agency" to mean a transportation commission or agency; a city transportation agency, including a charter city transportation agency; a county transportation agency; or a county.

- 3) Requires Caltrans to develop guidelines for data sharing, documentation, public access, quality control, and promotion of open-source and accessible platforms and decision support tools related to street furniture data.
- 4) Specifies that the guidelines must require that street furniture data not include “personal information,” as that term is defined under the California Consumer Privacy Act.
- 5) Requires Caltrans to develop and submit a report to the Legislature by January 1, 2025, and every three years thereafter, describing the guidelines.
- 6) Requires Caltrans to develop the report and guidelines in collaboration with the California Transportation Commission, state-created transportation entities, local agencies, metropolitan planning organizations, the Office of Planning and Research, and the California Department of Public Health.
- 7) Further requires Caltrans to designate an entity with expertise and experience in equity to advise on the development of the guidelines and the report, through a public process, in order to ensure that the initial and subsequent guidelines address accessibility, equity, and sustainability goals that are aligned with those of Caltrans.
- 8) Requires Caltrans, in consultation with the Office of Planning and Research, to use the California Minimum General Transit Feed Specification (GTFS) Guidelines to integrate statewide and publicly accessible street furniture data on a statewide integrated data platform on the following schedule:
 - a) By January 1, 2025, publicize the guidelines in order to integrate street furniture data into the GTFS system to allow trip planner applications to use this data, and thereby allow transit customers to plan trips based on the data.
 - b) By January 1, 2025, publish a strategic plan for data management to guide implementation by trip planner applications.
 - c) By September 1, 2025, make available existing street furniture data held by state agencies on the platform.
 - d) On a quarterly basis thereafter, add to the platform any street furniture data that becomes available after September 1, 2025.
- 9) Requires the platform to, at minimum, do the following:
 - a) Integrate existing data from multiple autonomous databases managed by metropolitan planning organizations, state-created transportation agencies, municipal bus operators, counties, cities, and academic entities, using consistent, standardized, and accessible formats.
 - b) Integrate the following datasets, as available:
 - i) Any street furniture data available to Caltrans or provided to trip planning services, private mapping services, or companies with public contracts to install and maintain street furniture.

- ii) Data on accessibility of street furniture that complies with the requirements of the federal Americans with Disabilities Act.
 - iii) Data on ridership, where available.
 - iv) Data on shade and tree cover, where available.
- 10) Clarifies that a state agency may disseminate, manage, or publish street furniture data separately from the platform.
- 11) Clarifies that the term “data,” as used in 8) – 10), does not include “personal information,” as that term is defined under the California Consumer Privacy Act.
- 12) Makes uncodified findings and declarations in support of the foregoing.

EXISTING LAW:

- 1) Establishes Caltrans within the Transportation Agency. (Gov. Code § 14001.)
- 2) Declares that Caltrans’s powers and duties include, but are not limited to, developing, in cooperation with local and regional transportation entities, the full potential of all resources and opportunities that are now, and may become, available to the state and to regional and local agencies for meeting California’s transportation needs. (Gov. Code § 14030.)
- 3) Provides, pursuant to the California Constitution, that all people have inalienable rights, including the right to pursue and obtain privacy. (Cal. Const., art. I, § 1.)
- 4) Establishes the California Consumer Privacy Act (CCPA). (Civ. Code §§ 1798.100-1798.199.100.)
- 5) Defines “personal information” under the CCPA as information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. Personal information includes such information as:
 - a) Name, alias, postal address, unique personal identifier, online identifier, IP address, email address, account name, social security number, driver’s license number, passport number, or other identifier.
 - b) Commercial information, including records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.
 - c) Biometric information.
 - d) Internet activity information, including browsing history and search history.
 - e) Geolocation data.
 - f) Professional or employment-related information. (Civ. Code § 1798.140(v).)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS:

1) **Need for this bill.** Recent extreme heat events in California have killed thousands of people, and caused serious heat-related illness in many thousands more. According to the *Los Angeles Times*:

Between 2010 and 2019, the hottest decade on record, California’s official data from death certificates attributed 599 deaths to heat exposure. But a Times analysis found that the true toll is probably six times higher. An examination of mortality data from this period shows that thousands more people died on extremely hot days than would have been typical during milder weather. All told, the analysis estimates that extreme heat caused about 3,900 deaths.

[...] Like other effects of climate change, [extreme heat’s] harms fall most heavily on the poor, the infirm, the very young and the elderly. State data also show that Black Californians are more likely than those of any other race to die from heat, and people over the age of 65 are especially at risk. (Phillips, et al., *Extreme heat is one of the deadliest consequences of climate change*, Los Angeles Times (Oct. 7, 2021), available at <https://www.latimes.com/projects/california-extreme-heat-deaths-show-climate-change-risks/>.)

This bill provides a policy response to the dangers that extreme heat poses to public transit riders and pedestrians. It requires that Caltrans update guidelines for public transit data sharing to include information about street furniture, such as bus shelters and benches. It would further require that this data be aggregated and shared on a platform for public and private use. This platform would allow this data to be used, e.g., by public transit agencies, in conjunction with ridership data, to place future street furniture installations, and by private companies to make more-usable trip planning applications.

Ensuring this data is publicly available and easier to access is particularly important given that public transit riders disproportionately, and increasingly, belong to populations, as noted above, most vulnerable to extreme heat events. (See, e.g., Bay Area Rapid Transit, *BART overall rider satisfaction up 16 percentage points in latest survey* (Jan 28, 2021), available at <https://www.bart.gov/news/articles/2021/news20210128> [finding that the demographics of riders significantly shifted during the pandemic to include more riders with household incomes below \$50,000 and without vehicles].)

However, it is also important that individuals’ personal information remain protected in the course of the data sharing that this bill contemplates—the topic of this analysis.

2) **Author’s statement.** According to the author:

California’s 2021 heat wave broke records across the state, with some places like Coachella Valley reaching a scorching 123 degrees. Shade structures can lower the temperature of surfaces beneath them by 25-40 degrees, but a recent UCLA study revealed that in Los Angeles alone, only 26% of bus stops have shade structures. When surveyed, 72% of participants indicated shade structures as the greatest need for improvement at bus stops.

As our state gets hotter, our transit riders are increasingly vulnerable to the impacts of climate change, and ignoring their health and safety becomes an issue of climate injustice. Most riders are low-income and households making less than \$50,000 a year are four times more likely to rely on transit than higher income households. The state does not track or make available to the public which bus stops provide shade structures among other street furniture, hamstringing our ability to protect vulnerable riders with safety investments.

This bill would require reporting of street furniture at bus stops to Caltrans and for Caltrans and the Interagency Transportation Equity Advisory Committee to review this data and publicize guidelines for data sharing, public access, quality control, and promotion of open-source and accessible platforms and decision support tools related to street furniture upon that review. This data will be made available to the General Transit Feed Specification so that it may be disseminated among trip planning apps.

3) **Background re: terminology.** In order to understand how this bill would make data about street furniture more easily available to the public, it is first necessary to understand two terms: “General Transit Feed Specification” (GTFS) and “California Minimum GTFS Guidelines.”

GTFS is a globally-recognized data specification “that allows public transit agencies to publish their transit data in a format that can be consumed by a wide variety of software applications. Today, the GTFS data format is used by thousands of public transport providers.” (General Transit Feed Specification, *GTFS: Making Public Transit Data Universally Accessible*, available at <https://gtfs.org/>.) GTFS emerged in 2006 through a collaboration between TriMet, the public transit agency responsible for bus, light rail, and commuter rail service in Portland, Oregon, and Google. Google Maps was the first widely-used application to utilize GTFS to allow users to easily integrate public transit into their trip planning, by providing information, e.g., about pick-up and drop-off locations, and timetables. “GTFS data is now being used by a variety of third-party software applications for many different purposes, including trip planning, timetable creation, mobile data, data visualization, accessibility, analysis tools for planning, and real-time information systems.” (General Transit Feed Specification, *Background*, available at <https://gtfs.org/background/>.)

The California Minimum GTFS Guidelines were first developed by the California Integrated Travel Project (Cal-ITP) in 2020. Version 2.0, the current version, was finalized on August 31, 2021 and is available at https://dot.ca.gov/cal-itp/california-minimum-general-transit-feed-specification-gtfs-guidelines-v2_0. The California Minimum GTFS Guidelines were developed “to ensure that data for transit providers in California meets the needs of travelers, as well as those who plan, manage, and operate the transportation network, including fare payment and other services contracted by providers. The California Minimum GTFS Guidelines provide a consistent minimum expectation to ensure that the transit network is understandable and accessible for people with all levels of ability.” (*Ibid.*) Critically, “All transit providers and GTFS-producing vendors within the State of California are expected to work toward meeting the Guidelines in full.” (*Ibid.*)

The Assembly Transportation Committee’s analysis of this bill explains that “there currently is not a national standard related to data collection of trash cans, toilets, tree shade, or bus shelters[.]” *i.e.*, of street furniture data.

4) **What this bill would do.** At its core, the bill would require Caltrans to do the following, in collaboration with other state and local governmental entities:

1. Develop guidelines for data sharing, documentation, public access, quality control, and promotion of software platforms and tools that include street furniture data. Fulfilling this requirement would presumably require integrating street furniture data into the California Minimum GTFS Guidelines, although the bill does not mandate this outcome. The guidelines would be made public by January 1, 2025, with the aim of integrating them into GTFS.
2. Create a platform that utilizes the guidelines and integrates street furniture data from state and local governments' datasets, data on ridership, and data on shade and tree cover. Data from the platform would then be available for use by trip planning software applications (and thereby allow transit customers to plan trips based, in part, on street furniture data).

5) **What data privacy protections does this bill incorporate?** Amendments to this bill developed with input from Committee staff, and taken on April 6, 2023, significantly increase the bill's data privacy protections. These amendments are of three kinds, described below.

As initially introduced, the bill's use of the terms "data" and "street furniture data" was arguably inconsistent with its purposes. This inconsistency would have arguably led to the bill being excessively broad in scope. For example, one provision initially read: "By September 1, 2025, the department shall make available existing data held by state agencies on the platform." Taken literally, this provision would have meant that **all** existing data, on any topic, held by state agencies would have to be made available on the platform. In response, bill amendments added the phrase "street furniture" to several uses of the term "data" in the bill. The bill text should now clearly distinguish when the term "data" refers to street furniture data, and when it refers to other categories of data, such as "data on ridership" and "data on shade and tree cover."

The second April 6 amendment specified that the term "data," as used in the bill, does not include "personal information," as defined under the California Consumer Privacy Act (CCPA). Personal information means information that could be used to identify, or to link data from other sources to specific individuals or households. The purpose of this bill is to encourage data sharing between public and private entities in order to facilitate integration of street furniture data into trip planning applications. However, these agencies and entities have access to tremendous amounts of data about individuals, potentially including their street addresses, the forms of payment they use, their geolocation, and any disabilities that might affect their use of public transit. This amendment is meant to ensure that such personal information is never shared on the platform.

To further this end, the third amendment requires Caltrans to ensure, when developing the guidelines, to define street furniture data so as not to include CCPA personal information. Both the coordination between public and private entities and the accompanying software development required to implement the platform will be based on the guidelines. It is hoped that setting forth this requirement in the guidelines themselves increases the chances that implementation does not inadvertently cause personal information to be shared on the platform.

With these amendments, it appears that this bill strikes an appropriate balance between two vital goals: making street furniture data more widely available and easily accessible to transit riders, and protecting their individual privacy.

6) **Related legislation.** AB 1975 (Nazarian, 2022) would have required cities and counties to report to the Legislature the number of bus shelters within the city or county. That bill was held in the Assembly Appropriations Committee.

ARGUMENTS IN SUPPORT: The bill's supporters explain some of the bill's benefits:

Street furniture is a public asset—similar to libraries and parks—used by seniors as a rest stop, bus riders to protect themselves from the elements while waiting for the bus, and families seeking a cool spot during heat waves. Just like transit routes, this data should be easily accessible to the public via mapping programs and apps. [...] Lack of shade is an issue of equity and climate justice in disadvantaged communities. Communities of color and low-income riders are disproportionately exposed to rain, sun, and excessive heat caused by rising temperatures. These conditions are exacerbated by the heat-island effect of pavement and borne out by the scarcity of shade in cities and counties throughout California. [...] For low-income workers, seniors, and people with disabilities who rely on bus transit as their primary mode of transportation, not having shade is potentially fatal. Shade structures can lower the temperature of surfaces by 25 to 40 degrees Fahrenheit.

REGISTERED SUPPORT / OPPOSITION:

Support

Move LA (sponsor)
40 Acre Conservation League
AARP
Aging and Disability Transportation Network
Climate Resolve
ClimatePlan
Coalition for Clean Air
Natural Resources Defense Council
Pacoima Beautiful
Policylink
Streets for All
Transform
Youth Vs. Apocalypse

Opposition

None on file

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