

Metropolitan Transportation Commission
Policy Advisory Council Equity & Access Subcommittee

June 12, 2019

Agenda Item 5

Transportation Network Company (TNC) Access for All Act (Hill, 2018) Implementation

Subject: Background and information on the implementation of the TNC Access for all Act (Hill, 2018).

Background: In September 2018, the Governor signed into state law Senate Bill (SB) 1376: TNC Access for All Act (Hill, 2018). Under this Act, the California Public Utilities Commission (CPUC) is responsible for establishing a program focused on TNC ride accessibility for persons with disabilities, including wheelchair users who need a wheelchair accessible vehicle (WAV). The program will be funded through the establishment of the TNC Access for All Fund wherein, beginning July 1, 2019, all TNCs shall be required to pay into, on a quarterly basis equivalent to and at a minimum, \$0.05 for each TNC trip completed using the TNC's online-enabled application or platform that originates in one of the geographic areas selected by the CPUC for inclusion in the program. The CPUC has the authority to adjust the fee in each geographic area to different levels based on the cost of providing adequate WAV service within the geographic area. TNCs may be exempted from the payment of the fee in a geographic area if the TNC meets the level of WAV service designated by the CPUC for that geographic area, as specified, and would require the CPUC to reduce the amount of money a TNC is required to pay if it meets certain requirements.

Update on Implementation

Between December 2018 and May 2019, the CPUC conducted several public workshops to discuss the topics related to the successful implementation of the TNC Access for All Act. These topics have been divided into three separate tracks and timelines. Please see the table below for information on track issues and timelines.

A number of Bay Area transit agencies (County Connection, Marin Transit, SMFTA, and SamTrans) have been actively participating in this process and have submitted comments to the CPUC. Please see the attached materials from the latest CPUC workshop to see a summary of the issues and CPUC staff recommendations. The CPUC filed a Proposed Decision on May 24, 2019 (see attached excerpt), which is anticipated for CPUC Commission action at the end of June 2019. A working group meeting is scheduled for June 12. MTC, as a member of the working group, will participate in the meeting and is interested in hearing feedback from you prior to the meeting.

Track Issues and Timelines

Track 1 Issues: <ul style="list-style-type: none">▪ Access Fund fee Amount▪ TNC remittance▪ Geographic Areas	Recommendations: Filed May 24, 2019 Final Policies: Late June 2019
Track 2 Issues: <ul style="list-style-type: none">▪ Establish TNC offsets and exemptions▪ Evaluating TNC WAV service▪ Disbursement of Access Funds▪ Eligibility of Access Providers	Parties submit proposals to CPUC: August 30, 2019 Recommendations: Late 2019 Final Policies: Early 2020
Track 3 Issues: <ul style="list-style-type: none">▪ Reporting requirements▪ Establish Intervenor compensation▪ Additional TNC accessibility issues	Schedule is TBD; anticipated to be finalized in second quarter of 2020

MTC is considering submitting comments this month on the Track 1 proposal, and is interested in any feedback. Additional information on this can be found on the CPUC website: <https://www.cpuc.ca.gov/tncaccess/>.

Issues: None

Recommendation: None

Attachments: Attachment A: CPUC Workshop Agenda and Presentation, May 2, 2019
Attachment B: SFMTA CPUC Workshop Presentation, May 2, 2019
Attachment C: Excerpt of CPUC Proposed Decision Filing, May 24, 2019



R.19-02-012 “TNC Access for All” Workshop



May 2, 2019

Los Angeles, CA





Agenda

- Summary of SB 1376 & CPED Staff Proposal
- Lunch Break (Noon – 1 PM)
- Presentations from Parties
- Establishment of Geographic Areas
- Access Fund Fee
- TNC Remittance Offsets
- Open Discussion





Housekeeping

- Email Questions/Comments to transportationprograms@cpuc.ca.gov
- CPUC staff will read aloud emailed comments/questions.
- Phone line will be opened for comments/questions during discussion on each topic – on mute during presentations.
- WebEx is being recorded – will post on CPUC website (www.cpuc.ca.gov/tncaccess) after workshop.





TNC Access for All Act Overview

Public Utilities (PU) Code § 5440.

(c) It is the intent of the Legislature that the commission initiate regulation of charter-party carriers... to ensure that transportation network company services do not discriminate against persons with disabilities, including those who use **nonfolding mobility devices**.

(f) There exists a **lack of wheelchair accessible vehicles (WAVs) available via TNC online-enabled applications or platforms** throughout California. In comparison to standard vehicles available via TNC technology applications, WAVs have higher purchase prices, higher operating and maintenance costs, higher fuel costs, and higher liability insurance, and require additional time to serve riders who use nonfolding motorized wheelchairs.





Key Provisions of SB 1376

- Imposes per-trip “Access Fund” fee on “TNC trips” that originate in “geographic areas” selected by Commission to facilitate on-demand WAV service beginning July 1, 2019
- Fee moneys can be spent by TNCs directly (via “offsets” or “exemptions”) or distributed by Commission on a competitive basis to “access providers” to provide on-demand WAV service in designated geographic areas
- TNCs and “access providers” must demonstrate presence/availability of WAVs and improved response times as a result of fee money expenditures and report data on trips requested/fulfilled, response times, etc.





Access Fund Fee

- (B) (i) "The commission shall require each TNC by July 1, 2019, to pay on a quarterly basis to the commission an amount equivalent to, **at minimum, 0.05 dollars (\$0.05) for each TNC trip** completed using the transportation network company's online-enabled application or platform **that originates in one of the geographic areas** selected pursuant to subparagraph (D), except if the TNC meets the requirements of an exemption established by the commission pursuant to subparagraph (G). The commission **may adjust the fee in each geographic area** selected pursuant to subparagraph (D) to different levels **based on the cost of providing adequate WAV service** within the geographic area."
- (ii) "**Each TNC shall charge its customers** on each TNC trip completed the full amount of the per-trip fee established pursuant to this subparagraph, and remit the total amount of those fees charged to the commission each quarter..."





Geographic Areas

- (D) "The commission shall select geographic areas, which shall be **based on the demand for WAVs** within the area and **selected according to outcomes of workshops** in subparagraph (A), for inclusion in the on-demand transportation programs or partnerships funded pursuant to subparagraph (C). The commission shall **allocate moneys in the Access Fund** for use in each geographic area in a manner that is **proportional to the percent of the Access Fund fees originating in that geographic area.**"





Access Fund Offset

- (ii) "...The commission shall **authorize a TNC to offset against the amounts due pursuant to this subparagraph for a particular quarter the amounts spent by the TNC during that quarter to improve WAV service on its online-enabled application or platform for each geographic area and thereby reduce the amount required to be remitted to the commission.** In order to offset amounts due pursuant to this subparagraph in a geographic area, the commission shall require a TNC, at a minimum, to **demonstrate, in the geographic area, the presence and availability of drivers with WAVs on its online-enabled application or platform, improved level of service, including reasonable response times, due to those investments for WAV service compared to the previous quarter, efforts undertaken to publicize and promote available WAV services to disability communities, and a full accounting of funds expended.**"





Access Fund Exemption

- (G) The commission shall require each transportation network company to be accessible to persons with disabilities in order to be exempt from paying the charge required pursuant to subparagraph (B). **The commission shall adopt a designated level of WAV service that is required to be met in each geographic area via a TNC's online-enabled application or platform in order for the TNC to be exempt from paying the fee required... for the next year in that geographic area. As part of the designated level of WAV service for each geographic area, the commission shall require a TNC, at a minimum, to have response times for 80 percent of WAV trips requested via the TNC's online-enabled application or platform within a time established by the commission for that geographic area.** If a TNC meets the WAV service level requirement established pursuant to this subparagraph in a geographic area selected pursuant to subparagraph (D) for a particular year, the TNC is exempt from paying the fee... for the next year for that geographic area only...





Access Providers

- (C) "The commission shall create the TNC Access for All Fund (Access Fund) and deposit moneys collected pursuant to subparagraph (B) in the Access Fund. The commission shall **distribute funds in the Access Fund on a competitive basis to access providers that establish on-demand transportation programs or partnerships to meet the needs of persons with disabilities**, including wheelchair users who need a WAV, in the geographic areas selected pursuant to subparagraph (D)."
- (a) "Access provider" means an organization or entity that directly provides, or contracts with a separate organization or entity to provide, on-demand transportation to meet the needs of persons with disabilities.





Distribution of Funding to Access Providers

- (E) The commission shall request access providers to submit applications to receive funds... by April 1, 2020. The commission may accept applications for new on-demand transportation programs or partnerships any time after April 1, 2020. From the applications that are submitted, the commission shall select by July 1, 2020, on-demand transportation programs or partnerships to receive funding based on criteria adopted by the commission in consultation with stakeholders described in subparagraph (A). As part of the criteria, the commission shall require an access provider to demonstrate in its application, at a minimum, how the program or partnership improves response times for WAV service compared to the previous year, the presence and availability of WAVs within the geographic area, and efforts undertaken to publicize and promote available WAV services to disability communities.





Data Reporting

- (I) Within 30 days after the end of each quarter **beginning after July 1, 2020**, a **transportation network company that receives an offset** pursuant to clause (ii) of subparagraph (B) or an **access provider that receives funding** pursuant to subparagraph (C) shall submit a report to the commission. The report shall include, but shall not be limited to, all of the following:
 - (i) The number of WAV rides requested.
 - (ii) The number of WAV rides fulfilled.
 - (iii) Data detailing the response time between when a WAV ride was requested and when the vehicle arrived.
 - (iv) Information regarding educational outreach to disability communities, including, but not limited to, information and promotion of availability of WAVs for wheelchair users.
 - (v) A detailed description of expenditures or investments, as applicable.

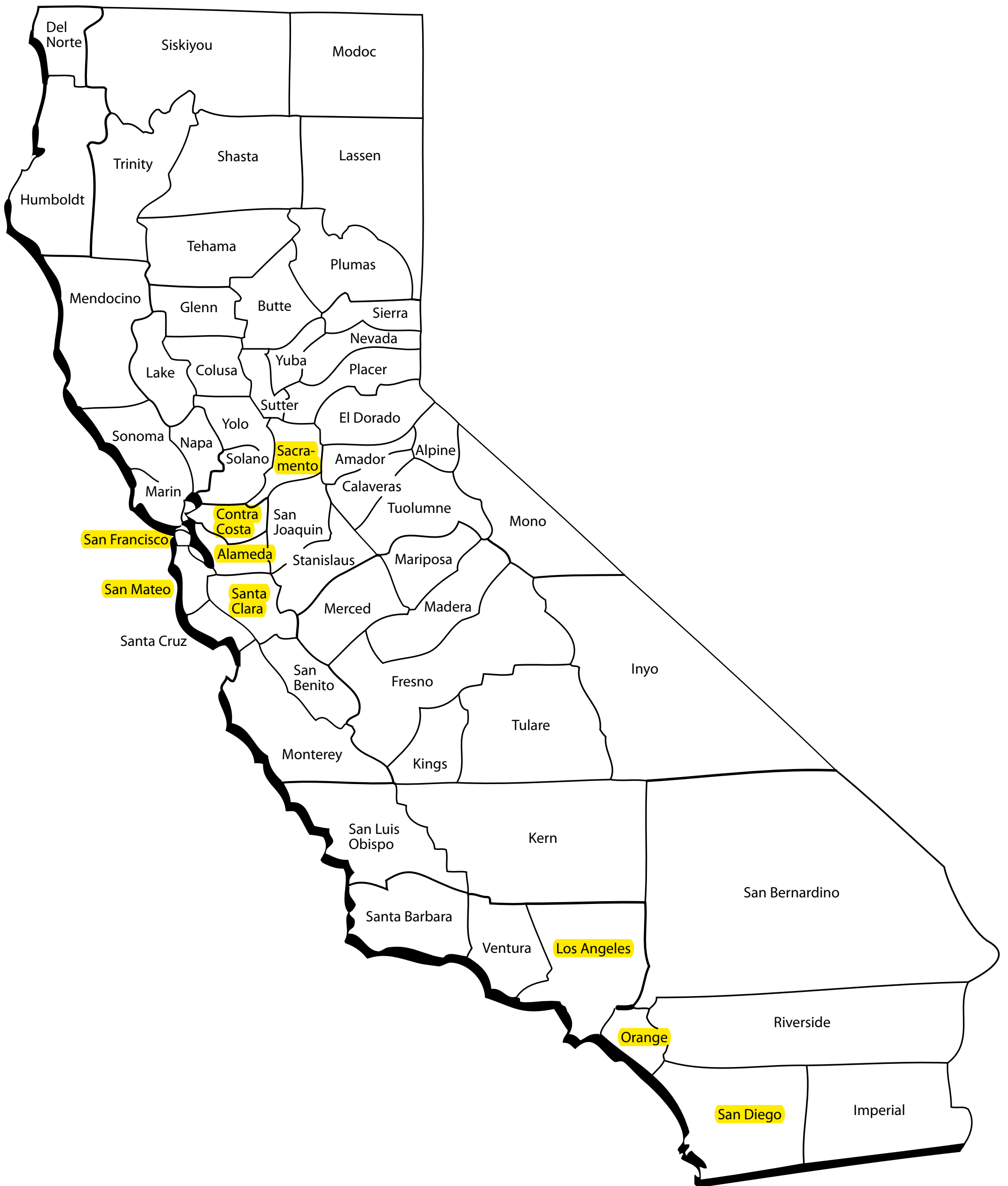




Staff Proposal: Geographic Area

- “Based on demand for WAVs”
- Option 1: Counties of Alameda, Contra Costa, Los Angeles, Orange, Sacramento, San Diego, San Francisco, San Mateo, and Santa Clara.
 - Based on analysis of non-WAV TNC trip demand
- Option 2: Each County in California
 - Based on probable “latent” demand for on-demand WAV service
- County = Geographic Area, not “Regions,” due to reliance on response times





Del Norte

Siskiyou

Modoc

Trinity

Shasta

Lassen

Humboldt

Tehama

Plumas

Mendocino

Glenn

Butte

Sierra

Lake

Colusa

Yuba

Nevada

Placer

Sutter

El Dorado

Sonoma

Napa

Solano

Sacramento

Amador

Alpine

Marin

Contra Costa

San Joaquin

Calaveras

Tuolumne

Mono

San Francisco

Alameda

Stanislaus

Mariposa

San Mateo

Santa Clara

Merced

Madera

Santa Cruz

San Benito

Fresno

Inyo

Tulare

Monterey

Kings

San Luis Obispo

Kern

San Bernardino

Santa Barbara

Ventura

Los Angeles

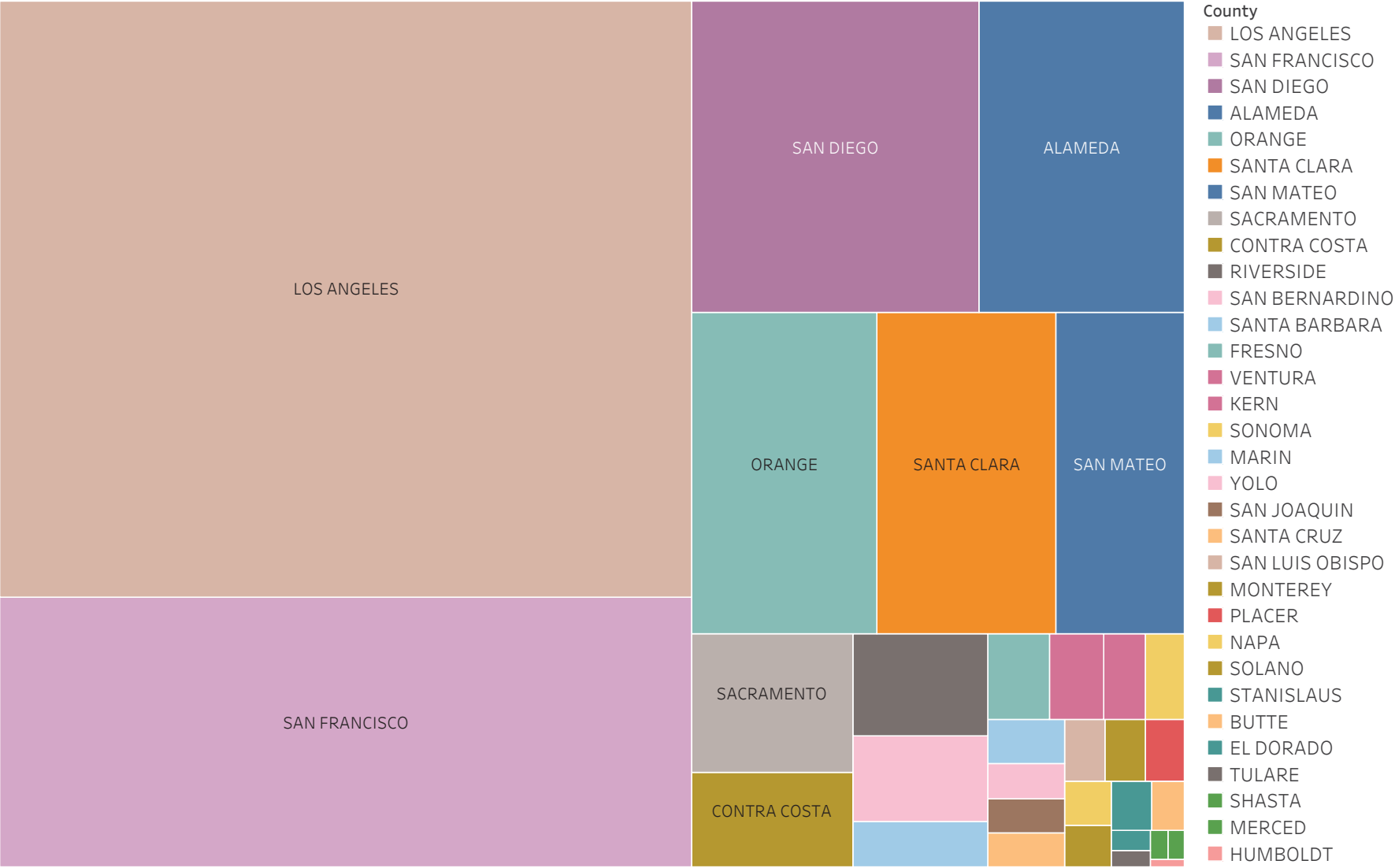
Riverside

Orange

San Diego

Imperial

California TNC Trips By County





Staff Proposal: Access Fund Fee

- \$0.10 per trip
- Same amount in each geographic area
- Applied only on trips provided under TNC permit authority
- Will result in collection of tens of millions of dollars annually
- Implementation issues related to failure to collect or remit fees and overpayments should be addressed





Staff Proposal: TNC Offsets

- Not required to authorize offsets at same time as establishing geographic areas and fee
- Statute does not require data reporting by a TNC that receives an offset until after July 1, 2020
- Numerous issues still need to be addressed including:
 - How does the Commission grant/deny offset?
 - At what point during a quarter is an offset request received?
 - What types of investments can be counted?
 - What criteria should be used to evaluate “improved level of service?”
 - Can spending 99% (but not 100%) of moneys collected each quarter still be considered an offset? Should offsets be capped?
 - Does instability in Access Fund balance due to TNC offsets need to be addressed?





Lunch Break





Questions/Comments from Remote Participants

- Email:
transportationprograms@cpuc.ca.gov
- Please do not use WebEx chat for your questions/comments.
- Press *6 on your phone to unmute/re-mute your individual line.
- Please mute your line when you are not speaking.





Discussion of Establishment of Geographic Areas

- How should WAV demand be evaluated?
- Should geographic areas be designated at the municipal level (e.g. city/county), regionally, or at another level?

Remote Participants

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- Please mute your line when you are not speaking.





Discussion on Access Fund Fee

- What is the appropriate per-trip fee amount?
- How should the fee be presented to consumers?

Remote Participants

- Email: transportationprograms@cpuc.ca.gov
- Press *6 on your phone to unmute/re-mute your individual line.
- Please mute your line when you are not speaking.





Discussion on TNC Offsets

- What should be considered as an “improved level of service?”
- How should “reasonable response times” be calculated?
- What other criteria for an offset should be satisfied by TNCs?
- What data should TNCs report in connection with being granted an “offset,” and should that data be made publicly available?

Remote Participants

- Email: transportationprograms@cpuc.ca.gov
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Open Comment

- Email:
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SFMTA

Implementing SB 1376

TNCs: Access for Persons with Disabilities

Erin McAuliff

Senior Planner, Accessible Services

San Francisco Municipal Transportation Agency

Establishment of Geographic Areas

The fee should be collected on every TNC trip in California.

County level is appropriate for collecting and disbursing funds.

CPUC should leverage expertise of MPOs and RTPAs to administer program and evaluate applications from access provider. These entities already administer county-specific transportation programs and cover the entire State.

Access Fund Fee

- A minimum fee of \$0.15 is appropriate
 - Accounts for urban, suburban, and rural settings while establishing a baseline
- The fee should be presented using non-stigmatizing language
 - “Access for All fee”

Criteria for TNC Remittance Offsets

To be able to measure TNC eligibility for offsets in each county, CPUC will need to:

- Require TNCs to report response times for all trips.
- Establish benchmarks for reasonable response times in each County.

Criteria for TNC Remittance Offsets

SFMTA Proposed WAV Response Time Benchmarks Example: San Francisco

Evaluation Point	WAV trips serviced in 10 minutes or less	WAV trips serviced in 20 minutes or less
July 2019 – June 2020	60%	80%
July 2020 – June 2021	70%	80%
July 2021 – June 2022	80%	90%
July 2022 – June 2023	90%	--

Criteria for TNC Remittance Offsets

Public reports for TNCs to receive remittance offsets in each County should demonstrate:

- Number of WAVs available in revenue service every hour
- WAV rides requested and number of WAV rides fulfilled and unfulfilled *for wheelchair users*
- Response times for every WAV trip
- Full accounting of investments to improve WAV service, tied to measurable outcomes
- Description of outreach, with reporting on quantitative impact on wheelchair users
- Training of WAV drivers

Contact Information

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Attachment C

Senate Bill 1376: TNC Access for All –

Summary of Proposed Decision on Track 1 Issues Filed on May 24, 2019 by California Public Utilities Commission (CPUC)

The CPUC has drafted a Proposed Decision based on feedback received. The Proposed Decision will be heard, at the earliest, at the CPUC June 27, 2019 Business Meeting, where CPUC Commissioners could vote to approve it. The June 27th agenda will be posed 10 days before the meeting. Parties of the record may file comments on the proposed decision.

Track 1: Transportation Network Companies (TNC) Trip Fee and Geographic Areas

Below is a summary of the Track 1 Proposed Decision Order items that will be considered by the CPUC in June 2019:

1. Each TNC shall charge customers the per-trip fee for TNC trips that originate in a designated geographic area.
2. Each TNC shall be required, beginning July 1, 2019, to pay on a quarterly basis to the Commission (CPUC) an amount equivalent to \$0.10 for each TNC trip completed using the TNC's online-enabled application or platform.
3. Each TNC shall present the per-trip fee to its customers in the same manner in which it currently presents similar surcharges. For a TNC that presents similar surcharges as line item fees to its customers, the per-trip fee shall be identified as the "Access for All Fee."
4. TNC shall submit its quarterly TNC Access for All Act Fund remittance to the Commission (CPUC) on the same schedule as the requirements for the Public Utilities Commission Transportation Reimbursement Account, as provided in Public Utilities Code Sections 423(b) and 405 (two months after the end of the quarter).
5. The designated geographic areas shall be each county in California. Each TNC shall submit its quarterly remittance with an accompanying Fee Statement.