



TNC ACCESS FOR ALL PROGRAM

Program Overview &
Requirements for Access Fund
Administrators (AFAs)

**Consumer Protection and
Enforcement Division**

February 2022
V 1.2

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PROGRAM OVERVIEW

Authority and Purpose

The California Public Utilities Commission (CPUC or Commission) created the transportation network company (TNC) Access for All Program to implement Senate Bill (SB) 1376 (Hill: 2018), which directed the Commission to establish a program relating to the accessibility of TNC services for persons with disabilities, including wheelchair users who need a wheelchair-accessible vehicle (WAV).¹

The purpose of the TNC Access for All Program is to incentivize the expansion and availability of on-demand transportation service for people with disabilities statewide. This document is the Access for All Program Overview & Requirements (“Program Requirements”) for Access Fund Administrators (AFAs). Consistent with [D.21-03-005](#), the term AFA is used to generally refer to both the Local Access Fund Administrators (LAFAs) and the Statewide Access Fund Administrator (SAFA) unless noted otherwise. This document specifies the Commission’s procedures for selecting LAFAs; the operational, fiscal, and reporting requirements for entities serving as an AFA; and the requirements for Access Providers chosen to provide on-demand transportation to meet the needs of persons with disabilities.

History and Structure

In early 2019, the Commission opened order instituting rulemaking (OIR) R.19-02-012 to address the issues related to the implementation of SB 1376. The rulemaking is currently divided into four tracks:

- Track 1 ([D.19-06-033](#)) – set the Access Fee amount of \$0.10 to be collected from each completed TNC trip and defined geographic areas as individual counties for the purpose of fee collection and redistribution (58 in total).
- Track 2 ([D.20-03-007](#)) – established the offset and exemption requirements and process; response time standards and other criteria for TNCs; and defined and identified eligible entities to serve as Local Access Fund Administrators (LAFAs).
- Track 3 ([D.21-03-005](#)) – defined “on-demand” as it relates to WAVs; adjusted metrics for TNCs’ offset eligibility; set requirements for Access Providers and local and statewide AFAs; and addressed other accessibility issues.
- Track 4 ([D.21-11-004](#)) – refined requirements for TNCs to be eligible for Offsets and Exemptions; modified eligibility requirements for Access Providers; clarified eligible WAV expenses must exclude WAV fare revenues received by TNCs; identified additional accessibility issues to be addressed in this proceeding; defined “Community WAV demand” for Annual Benchmarks Report; and modified CPED’s reporting schedule. .

¹ California Public Utilities Code [§5440.5 \(a\)\(1\)](#).

The Access for All Program provides two mechanisms to meet the statute’s overall goal of expanding and improving on-demand WAV transportation service in California: one through TNCs’ investments, and the other through local Access Providers. In the first mechanism, TNCs invest Access Fee revenue to expand or improve on-demand WAV service in each county or geographic area. In return, they can file offset requests on a quarterly basis with the Commission. Approval of their request allows the TNCs to keep some of the Access Fee revenue they collect, equal to the amount they invest in WAV service in a particular county in a particular quarter, so long as the WAV service meets performance requirements set by the Commission. This part of the Program is already being implemented via the Commission’s advice letter process.

In the second mechanism, the Commission sets aside the remaining moneys (not claimed by TNCs in the offset process) in a fund called the Access Fund. These funds can then be distributed to local Access Providers through AFAs. Access Providers are identified by AFAs as providers that are able to provide WAV service similar to that of TNCs but require additional financial resources to do so. In Track 2, the Commission concluded that local transportation planning agencies (Metropolitan Planning Organizations; Regional Transportation Planning Agencies; and County Transportation Commissions) are best equipped and positioned to administer the Access Fund at the local level. The Commission recognizes that these transit agencies may choose not to apply or may not qualify to be an AFA, or that selected transit agencies will not cover all geographic areas of the state. Therefore, the Commission set forth a parallel process for Commission staff to solicit and retain an independent entity to act as a Statewide Access Fund Administrator (SAFA), which may be a private or non-profit entity to serve as the AFA in geographic areas where there is no selected AFA. Consequently, the Commission delegated AFAs the role of distributing funds to Access Providers in each county.

[Access Fee and Access Fund](#)

In Track 1 of Decision D.[19-06-033](#), the Commission required TNCs² to collect an “Access Fee” in the amount of \$0.10 for each TNC trip³ and to remit the total fees collected to the Commission on a per geographic area⁴ and quarterly basis beginning the third quarter of 2019.

The fees collected from TNCs are then deposited in the Commission’s TNC Access for All Fund (“Access Fund”) for distribution to Access Providers that establish on-demand transportation programs or partnerships to meet the mobility needs of persons with disabilities, including individuals who need a WAV, in each geographic area. TNCs may “offset” the fees due to the

² “Transportation Network Company” means an organization, including, but not limited to, a corporation, limited liability company, partnership, sole proprietor, or any other entity, operating in California that provides prearranged transportation services for compensation using an online-enabled application or platform to connect passengers with driver using a personal vehicle. See California Public Utilities Code [§5431\(c\)](#).

³ See Commission Decision [D.19-06-033](#).

⁴ Commission Rulemaking R.19-02-012 designated each county in California as a geographic area.

Commission by the amounts they spend quarterly to improve WAV service in each geographic area, so long as they meet certain requirements set by the Commission.⁵

Access Fund Administrators (AFAs)

Consistent with [D.21-03-005](#), the term AFA is used to generally refer to both the Local Access Fund Administrators (LAFA) and the Statewide Access Fund Administrator (SAFA) unless noted otherwise. In Track 2 (Decision D.[20-03-007](#)), the Commission authorized Access Fund Administrators (AFAs),⁶ to develop local WAV programs using Access Fund moneys collected by the Commission. [D.20-03-007](#) also tasked CPUC's Consumer Protection and Enforcement Division (CPED) with developing these Program Requirements for: the selection of LAFAs; AFAs' disbursement of funds; and AFA compliance with data reporting requirements. AFAs are to assist CPED by administering the local WAV program, and by contracting with and obligating available funds to eligible Access Providers. Access Providers⁷ are organizations or entities that directly provide, or contract with a separate organization or entity to provide, on-demand transportation to meet the needs of persons with disabilities,⁸ including individuals who need access to a WAV.

Eligibility to Serve as a LAFA

Decision [D.20-03-007](#) limits the entities that may serve as LAFAs to metropolitan planning organizations (MPOs), regional transportation planning agencies (RTPAs), and county transportation commissions (CTCs). Currently, there are 18 MPOs and 21 RTPAs, covering California's 58 counties, as shown in Table 1 below. Other than AMBAG,⁹ MTC,¹⁰ SACOG,¹¹ and SCAG,¹² the CTCs, RTPAs, and MPOs are all single-county entities. Moreover, except for El Dorado and Placer counties, no county spans more than one MPO or RTPA.¹³ For multi-county MPOs like AMBAG, MTC, SACOG, and SCAG, the individual RTPA or local CTC with jurisdiction over each member county shall be eligible to apply as a LAFA for that geographic area if the MPO declines to apply.

⁵ See Commission Decision [D.20-03-007](#).

⁶ See Commission Decision [D.21-03-005](#).

⁷ See Commission Decision [D.21-11-004](#) Ordering Paragraph 12 for eligibility requirements.

⁸ California Public Utilities Code [§5431.5 \(a\)](#).

⁹ AMBAG (Association of Monterey Bay Area Governments) consists of 3 counties: Monterey, San Benito and Santa Cruz.

¹⁰ MTC (Metropolitan Transportation Commission) consists of 9 counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma.

¹¹ SACOG (Sacramento Area Council of Governments) consists of 6 counties: El Dorado, Placer, Sacramento, Sutter, Yolo and Yuba.

¹² SCAG (Southern California Association of Governments) consists of 6 counties: Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura.

¹³ The only exceptions are El Dorado and Placer Counties. Most of these two areas are under the jurisdiction of the Sacramento Area Council of Governments while small portions are under the Tahoe Metropolitan Planning Organization (TMPO) of Nevada.

Each geographic area may only be served by a single LAFA (geographic areas not served by a LAFA shall be served by the SAFA). In the event overlapping eligible entities apply to become a LAFA for the same area, the MPO will be given preferential consideration, followed by the county-level RTPA or CTC. Furthermore, Access Fees collected in one county must stay in that county. As such, if an MPO representing multiple counties is selected as a LAFA, current program rules require the MPO to ensure county-level expenditures do not exceed county-level fund balances.

Given the discrete number of eligible entities, the entities listed below are considered “conditionally selected” as a LAFA, contingent upon their agreement to accept and fulfill the requirements established by the Commission for LAFAs in a process described in this Program Requirements document.

Table 1: Entities Conditionally Selected as LAFAs

| Entity Name | Entity Type | Geographic Areas Covered |
|----------------------------------------------------------------|-------------|-------------------------------------------------------------------------------------------|
| Association of Monterey Bay Area Governments (AMBAG) | MPO | Monterey, San Benito, Santa Cruz |
| Butte County Association of Governments (BCAG) | MPO, RTPA | Butte |
| Fresno Council of Governments (FresnoCOG) | MPO, RTPA | Fresno |
| Kern Council of Governments (KCOG) | MPO, RTPA | Kern |
| Kings County Association of Governments (KCAG) | MPO, RTPA | Kings |
| Madera County Transportation Commission (Madera CTC) | MPO, RTPA | Madera |
| Merced County Association of Governments (MCAG) | MPO, RTPA | Merced |
| Metropolitan Transportation Commission (MTC) | MPO, RTPA | Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma |
| Sacramento Area Council of Governments (SACOG) | MPO, RTPA | El Dorado, Placer, Sacramento, Sutter, Yolo, Yuba |
| San Diego Association of Governments (SANDAG) | MPO, RTPA | San Diego |
| San Joaquin Council of Governments (SJCOG) | MPO, RTPA | San Joaquin |
| San Luis Obispo Council of Governments (SLOCOG) | MPO, RTPA | San Luis Obispo |
| Santa Barbara County Association of Governments (SBCAG) | MPO, RTPA | Santa Barbara |
| Shasta County Regional Transportation Planning Agency (SCRTPA) | MPO, RTPA | Shasta |
| Southern California Association of Governments (SCAG) | MPO, RTPA | Imperial, Los Angeles, Orange, Riverside, San Bernardino, Ventura |
| Stanislaus Council of Governments (StanCOG) | MPO, RTPA | Stanislaus |
| Tahoe Regional Planning Agency (TRPA) | MPO, RTPA | Parts of El Dorado and Placer |
| Tulare County Association of Governments (TCAG) | MPO, RTPA | Tulare |

| Entity Name | Entity Type | Geographic Areas Covered |
|-------------------------------------------------|-------------|--------------------------|
| Calaveras County COG | RTPA | Calaveras |
| Humboldt County Association of Governments | RTPA | Humboldt |
| Lake County Area Planning Council | RTPA | Lake |
| Mendocino COG | RTPA | Mendocino |
| Tuolumne County Transportation Council | RTPA | Tuolumne |
| Del Norte Local Transportation Commission (LTC) | RTPA | Del Norte |
| Modoc CTC | RTPA | Modoc |
| Siskiyou County LTC | RTPA | Siskiyou |
| Tehama County LTC | RTPA | Tehama |
| Trinity County LTC | RTPA | Trinity |
| Nevada CTC | RTPA | Nevada |
| Inyo County LTC | RTPA | Inyo |
| Mono LTC | RTPA | Mono |
| Alpine LTC | RTPA | Alpine |
| Amador CTC | RTPA | Amador |
| Mariposa LTC | RTPA | Mariposa |
| Sierra LTC | RTPA | Sierra |
| Plumas CTC | RTPA | Plumas |
| Colusa CTC | RTPA | Colusa |
| Lassen CTC | RTPA | Lassen |
| Glenn CTC | RTPA | Glenn |

Summary of Roles and Responsibilities of an AFA

The primary role of an AFA is to administer the Access for All Program in the geographic area(s) within its jurisdiction. Specifically, Decision [D.20-03-007](#) tasks AFAs with developing local WAV programs and contracting with and obligating available funds to eligible Access Providers in accordance with criteria adopted by the Commission and outlined in these Program Requirements. An AFA has the following responsibilities:

1. Submit an application to the Commission certifying that Access Fund moneys will be obligated and liquidated in accordance with the requirements established by the CPUC
2. Submit an Affidavit certifying all is true and correct under penalty of perjury and agreeing to be subject to the CPUC rules and jurisdiction
3. Establish a process for Access Provider solicitation
4. Select Access Providers to receive Access Fund moneys based on criteria adopted by the Commission and outlined in these Program Requirements
5. Obligate available Access Fund moneys to selected Access Providers
6. Submit a Consolidated Quarterly Report to the Commission in a format specified by CPED based on the Quarterly Reports submitted to the AFA by Access Providers

7. Submit annual and other quarterly reports to ensure that progress is made toward the broader goals and objectives of the program and SB 1376 (see *ANNUAL PHASE VI – REPORTING OBLIGATIONS (Recurring and Ongoing)*)

Anticipated Program Funding Schedule

The Access for All funding cycle is divided into six annual phases, which are discussed individually in detail in the following sections.

Phase I – Access Fund Balance Notification anticipated by **January 30 each year**: Commission Staff will provide a Notice of Funding Availability of Access Fund balances by geographic area to all AFAs and posted [here](#) by January 30 each year.

Phase II – LAFA Application Submission due by **May 3, 2021 and April 1 for following years**: Each eligible entity shall review the Program Requirements and certify that it agrees to follow them throughout the duration of its role as a LAFA. This certification process is only required once for each LAFA; each year, new LAFAs must make this certification by May 3, 2021 and April 1 for the following years for new applicants not already established as a LAFA.

Phase III – LAFA Application Review and Award anticipated by **July 1 each year**: Each year, CPUC is required to approve LAFAs by July 1. Only eligible entities that are not already LAFAs are required to submit application materials; currently approved and active LAFAs must only confirm to CPED (email to TNCAccess@cpuc.ca.gov) by April 1 that they intend to continue as a LAFA into the next funding year. Once LAFAs are awarded, each LAFA will be required to sign a Consent Form agreeing to the terms stated in the Commission Resolution. In addition, the LAFA must obtain an approval from its governing board via a resolution authorizing the execution of the certification to serve as the LAFA. The Consent Form must be emailed to CPUC staff within 15 days of Resolution approval. A signed form must be received for CPUC staff to initiate the distribution process of Access Funds to the LAFA. LAFAs' Board Resolution must also be submitted 15 days after Commission Resolution approving the LAFA to avoid any delay in the distribution of funding by September 30. If the Board Resolution is submitted after the 15 days, the LAFA may not receive funding until after September 30. See Appendix C: 2022 Funding Year Calendar for the due date.

Phase IV – Fund Distribution to AFAs anticipated by **September 30 each year**: After the Commission approves the LAFA's application and receives the signed Consent Form and Board Resolution, Staff will distribute the approved funding to each LAFA. The entire process is expected to be complete at the end of September; however, if LAFAs' Board Resolutions are received later than 15 days after Commission approval, funding distribution may not occur by September 30. The SAFA should expect to receive funding by September 30 annually; however, if conditionally approved LAFAs are delayed in submitting their Board Resolution, a portion of the SAFA's funding may be delayed. Funds will continue to be distributed on an annual basis to AFAs until revenues collected through the program sunset date have been distributed.

Phase V – Access Program Development and Implementation: Approved AFAs will be required to establish a process for Access Provider solicitation; select, contract with and obligate available funds to eligible Access Providers by **July 1** as outlined in these Program Requirements; and, begin obligating Access Fund moneys to selected Access Providers by **July 1 (the following year) on an annual basis**. AFAs shall continue to obligate Access Fund moneys to selected Access Providers annually until all Access Funds have been liquidated.

Phase VI – Reporting Requirements:

Quarterly (by February 15, May 15, August 15, and November 15). On a quarterly basis, starting November 15, 2021, AFAs are required to report administrative cost expenditures and a progress report on engagement efforts with disability communities and Access Provider solicitation. Starting November 15, 2022 and on a quarterly basis thereafter, AFAs must also submit Access Provider performance reports, the amounts of funds obligated, and any challenges encountered as well as plans to address those challenges.

Annually (by September 30). In addition to the quarterly reports, AFAs are required to submit annually: a self-assessment describing their program’s progress, including its process to solicit Access Providers and a link to the AFA’s website displaying a list of approved Access Providers and information about the local Program.

Overall Anticipated Process Timeline

A detailed timeline can be found in Appendix B: 2021 Funding Year Calendar and Appendix C: 2022 Funding Year Calendar.¹⁴

Statewide Access Fund Administrator (SAFA)

For geographic areas where no LAFA is selected, Decision [D.20-03-007](#) authorizes Commission Staff to retain an independent entity to act as the Statewide Access Fund Administrator (SAFA), which can be a private or non-profit entity or other state agency. These Program Requirements apply to the SAFA where specifically identified and where the requirements apply to all AFAs.

ANNUAL PHASE I – ACCESS FUND BALANCE NOTIFICATION (anticipated by end of January)

Allocation of Funds

CPUC will allocate Access Fund moneys annually¹⁵ in each geographic area proportional to the percent of the fees originating in that geographic area. This means that the available funds by geographic area will fluctuate by quarter depending on the total amount of Access Fees (\$0.10 per TNC trip) collected from each geographic area and the offset amounts requested by TNCs and approved for that area.

¹⁴ Note that Table 3 outlines the funding source for each Funding Year.

¹⁵ California Public Utilities Code [§5440.5 \(1\)\(F\)](#). Multi-year funding cycle will be considered in a subsequent decision.

Access Fees collected in one county shall remain in that county throughout the Program. For example, if County A’s share of the total Access Fees collected in Q3 2019 is 10%, then County A shall be allocated 10% of the total available Access Fund balance (total Access Fee collected less offsets) in Q3 2019, up to the total Access Fees collected in that county. If County A’s share decreases to 5% in the following quarter, then its share of the available funds for that quarter shall also be 5%. County A’s share of the available funds in each of the four consecutive quarters will then be added up, which will constitute the total annual allocation for County A for the funding year.

If awarded by the Commission, County A shall obligate at least 85% of allocated funds to Access Providers within its jurisdiction in accordance with the rules set by the Commission. Up to 15% of the allocated funding in that quarter may be used by County A to pay for its administrative costs incurred in running the program.

For Counties where the amount of Access Fund moneys available is relatively small, the Commission is considering Multi-County Pooling of Funds in Track 5.¹⁶ In the event the Commission adopts Multi-County Pooling, the Program Overview and Requirements for the AFAs will be updated accordingly.

The available funds for the current funding year will be the total of moneys in the Access Fund from Quarter 3 (July 1 through September 30), Quarter 4 (October 1 through December 31), Quarter 1 (January 1 through March 31), and Quarter 2 (April 1 through June 30) of the years identified below. Table 3 lists each funding year and the corresponding quarters from which the funds will be drawn.

Table 2: Funding Source

| Funding Year¹⁷ | Funding Sources¹⁸ |
|----------------------------------|-------------------------------------|
| 2021 – Awarded | Q3 2019 – Q2 2020 Access Fees |
| 2022 – Current | Q3 2020 – Q2 2021 Access Fees |
| 2023 | Q3 2021 – Q2 2022 Access Fees |
| 2024 | Q3 2022 – Q2 2023 Access Fees |
| 2025 | Q3 2023 – Q2 2024 Access Fees |
| 2026 | Q3 2024 – Q2 2025 Access Fees |
| 2027 | Q3 2025 – Q4 2025 Access Fees |

¹⁶ See Track 5 Scoping Memo: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M441/K160/441160085.PDF>

¹⁷ “Funding Year” is the calendar year in which Access Funds are distributed from CPUC to Local Access Fund Administrators.

¹⁸ “Funding Sources” are the quarters in which Access Fees were collected that fund each Funding Year. Starting with Funding Year 2022, any unused funds from prior years will be carried forward to the next funding cycle.

Available Access Fund Balance Estimates

The Access Fund is funded by a \$0.10 fee collected on each TNC trip that is remitted to the Commission by TNCs each quarter per county. A Notice of Funding Availability (NOFA) is anticipated to be posted on the CPUC website annually [here](#) by January 30.

ANNUAL PHASE II – APPLICATION SUBMISSION (anticipated February through April)

If the MPO/RTPA/CTC is interested in fulfilling the role of LAFA, then it proceeds to Phase II—to acknowledge agreeing to the Program Requirements. Only one submission of the required documents listed below is required for each LAFA for the duration of the program. Currently approved and active LAFAs must only confirm to CPED (email to TNCAccess@cpuc.ca.gov) by April 1 that they intend to continue as LAFA into the next funding year.

Required Documents

Entities interested in the LAFA role must submit the following items to the Commission for review:¹⁹

1. Certification of Program Requirements (Due May 3, 2021 and April 1 the following years)

The authorized agent for the MPO/RTPA/CTC must sign and submit a self-certification that the entity/agency will follow all the rules and meet all the requirements set forth in the Program Requirements for LAFAs. CPUC will provide template Certification language.

2. Notarized Affidavit (Due May 3, 2021 and April 1 the following years)

MPOs/RTPAs/CTCs must submit an affidavit, under penalty of perjury, that to the best of their knowledge all the statements and representations made in the application, including Certification and the Board Resolution, are true and correct. Additionally, MPOs/RTPAs/CTCs must also agree to abide by the Requirements established by the Commission, the Commission's Rules of Practice and Procedure and statutes, to comply with Public Utilities Code Sections [2108](#) and [2111](#), and to submit quarterly and annual reports as outlined in these Program Requirements.

3. Payee Data Record (STD 204 Form) (Due May 3, 2021 and April 1 the following years)

All payees (including non-governmental entities or individuals) are required to complete a Payee Data Record, STD 204 form, to receive payments from the CPUC. It is important the mailing address be the address at which the payee chooses to receive correspondence and payments. If there is a change in the mailing address, another form will need to be submitted.

¹⁹ All the required documents can be downloaded from www.cpuc.ca.gov/tncaccessadmin/

Summary of Required Forms

In summary, MPOs/RTPAs/CTCs interested in becoming a LAFA must submit the following completed documents by May 3, 2021 and April 1 in subsequent years.

1. Certification of Program Requirements
2. Notarized Affidavit
3. Payee Data Record (STD 204 Form)

Submission

MPOs/RTPAs/CTCs interested in becoming a LAFA must submit all signed forms and supporting documents electronically to TNCAccess@cpuc.ca.gov no later than the dates identified above and in Appendix C: 2022 Funding Year Calendar. Any deadline that falls on a weekend will be extended to the following business day. Only one submission and approval is required for the duration of the program. Any documents submitted to the Commission for a grant program funded by consumers are public documents unless designated confidential pursuant to [General Order 66D](#).

ANNUAL PHASE III – REVIEW AND APPROVAL (anticipated May through July)

Upon receiving the required documents listed in Phase II (by May 3 in 2021 and by April 1 in subsequent years), Commission Staff shall start the review process and seek a final approval by the Commission at one of its regular voting meetings (by July 1).

Review

Commission Staff will review the (1) Certification, (2) Notarized Affidavit, and (3) Form STD 204, listed under Phase II. If the required documents are incomplete or information provided needs additional clarification, Staff will work with the MPOs/RTPAs/CTCs to resolve the issues.

Approval

Upon determining that the MPO/RTPA/CTC meets all the conditions, Staff will prepare a Resolution seeking approval from the Commission to confirm the selected LAFA(s) and award the corresponding funding amounts.²⁰ Once the Commission approves the Resolution, Commission staff will notify LAFAs of award by email and will also post an announcement on the Program website, [here](#).

Additional Required Documents

Once the Commission approves the Resolution, LAFAs must submit the following items to the Commission for review 15 days after the Resolution becomes effective in order for Commission Staff to initiate the distribution process of the Access Funds to the LAFAs:²¹

²⁰ For more information on CPUC voting meetings: <https://www.cpuc.ca.gov/General.aspx?id=1128>

²¹ All the required documents can be downloaded from www.cpuc.ca.gov/tncaccessadmin/

1. Consent Form (Due 15 days after Commission Resolution approving the LAFA)
Each approved LAFA will be required to sign a Consent Form (annually, including continuing LAFAs) agreeing to the terms stated in the Resolution authorizing the Access Fund award. The agreement will provide the name of the LAFA, names of officers, and must be signed by the LAFA. The proposed wording of the Consent Form can be downloaded [here](#).
2. Board Resolution²² (Due 15 days after Commission Resolution approving the LAFA)
A Board Resolution or other equivalent action is required to demonstrate the Board's commitment and a public process. CPUC Staff recommends using the language contained in the sample Board Resolution. Only one Board Resolution is required for the duration of the program.

The Board Resolution and the Consent Form shall serve as a basis for CPED staff to disburse Access Funds to the LAFA. The Board Resolution and the Consent Form must be submitted within 15 days of the Commission's approval of its award Resolution ²³ to avoid any delay in the distribution of funding. If submitted after the 15 days, the LAFA may not receive funding until after September 30.

Beginning in 2022, the annual Commission approval process (through Resolution) will consider any new LAFA applicants, re-confirm existing LAFA's (who must subsequently file an updated Consent Form), and identify the appropriate corresponding funding availability for each geographic area.

Summary of Required Forms

In summary, in order for Commission Staff to initiate the distribution process of the Access Funds to LAFAs, each LAFA must submit the following completed documents in Phase III.

1. Consent Form (within 15 days of Commission Award)
2. Board Resolution (within 15 days of Commission Award)

ANNUAL PHASE IV – FUND DISTRIBUTION to AFAs (anticipated August through September)

Once funding has been awarded and the Consent Form and Board Resolution have been received, Commission Staff will initiate the distribution process within CPUC's Fiscal Office.²⁴

²² The Board Resolution component of the application must be submitted 15 days after Commission Resolution approving the LAFA to avoid any delay in the distribution of funding by September 30. If the Board Resolution is submitted after the 15 days, the LAFA may not receive funding until after September 30. See Appendix for the actual due date.

²³ For information on CPUC voting meeting dates: <https://www.cpuc.ca.gov/General.aspx?id=6442466589>

²⁴ The Board Resolution component of the application must be submitted 15 days after Commission Resolution approving the LAFA to avoid any delay in the distribution of funding by September 30. If the Board Resolution is

Note that the State Controller’s Office, not the CPUC, will distribute payment to AFAs in the form of a check. The check will be mailed to the address indicated on the STD 204 Form. Payments will be issued by September 30 of any Funding Year. Funds will be distributed on an annual basis, pending Commission Resolution, to AFAs until the last revenues collected in Q4 2025 have been distributed.

ANNUAL PHASE V – ACCESS PROGRAM DEVELOPMENT and IMPLEMENTATION

Once the AFAs receive Access Funds, the AFAs shall establish a solicitation process for Access Providers, including submission logistics, deadlines, and evaluation. AFAs shall select and contract with Access Providers beginning July 1, 2022, and continuing every subsequent year based on criteria outlined in these Program Requirements. AFAs must obligate Access Fund moneys to selected Access Providers by June 30 on an annual basis, starting in 2022. Once annual funding is awarded by the Commission, AFAs shall obligate Access Fund moneys to selected Access Providers annually until all available funds collected through the program have been liquidated.

Administrative Costs

Per [D.21-03-005](#), up to 15% of the total allocated funds may be used by the corresponding AFA to cover costs of administering the program. [D.21-03-005](#) defines administrative costs as “indirect overhead costs attributable to a project, per generally accepted accounting principles (GAAP), and the direct cost of complying with Commission administrative and regulatory requirements related to the grant itself.”

Each AFA is required to submit a report of administrative expenditures incurred each year (beginning July 1—immediately after the funds are awarded by CPUC—through June 30 the following year) to CPUC Staff. These administrative expenditures may not exceed 15% of the allocated funds. Any amount over 15% of the allocated funds will not be reimbursed by the Commission and cannot be drawn from the funds reserved for disbursement to Access Providers. Funds cannot be applied retroactively for administrative costs incurred prior to being awarded the funds. Unused funds within the 15% allowed for administrative costs can be carried over from one funding year to the next.

Interest Bearing Accounts

The AFA may keep both the administrative funds and program funds in interest bearing accounts and add the interest to the total available for obligation or expenditure so long as 85% of CPUC-awarded funds (pre-interest) are set aside for Access Providers. The additional revenue from the interest can be added to the maximum of the 15% administrative costs allowed of the

submitted after the 15 days, the LAFA may not receive funding until after September 30. See Appendix for the actual due date.

annual award received from CPUC. AFAs must maintain good record keeping and provide, in their quarterly reports, all administrative costs incurred, the amount remaining for each quarter, and funding allocation to Access Providers.

AFA Transparency

Each AFA shall develop and maintain a webpage to include at minimum, but not limited to, the following information:

- Information on SB 1376
- Access Provider Application Process
- Link to CPUC's Access for All Program website (www.cpuc.ca.gov/tncaccess/)
- List of approved Access Providers (updated regularly)

The AFA shall provide the website link and other required reporting to CPED Staff by September 30 (90 days after the AFA's obligation of funds to Access Provider(s)). See Appendix B for a summary of the reporting schedule for 2021 Funding Year and Appendix C for 2022 Funding Year.

Engagement with Disability Communities

AFAs must make a good faith effort to reach out to the local disability community to get their input in the planning process of the AFA's local program. The Commission acknowledges that AFAs know their local market best, including its constituents and the relevant stakeholders, and encourages the AFAs to consult with them to inform the development and implementation of the local Access Fund-funded WAV programs. The list of stakeholder constituencies is listed in the statute.²⁵ AFAs will be required to report in their quarterly report their actions to engage with the disability community 45 days after completion of each quarter (February 15, May 15, August 15, November 15) to the Commission (via tncaccess@cpuc.ca.gov). The first report shall be due November 15, 2021.

Eligibility Requirements for Access Providers

Per Decision [D.21-03-005](#) and [D.21-11-004](#), for the purposes of the Access for All Program, the Commission identifies eligible Access Providers as "transportation carrier[s] that hold a Commission-issued permit prior to applying to be an Access Provider" or "a non-permitted transportation carrier may be eligible to apply as an Access Provider if the carrier provides documentation" that demonstrates the following:

- Background checks: Carriers must perform background checks that meet or exceed what is required of TNCs under the TNC Applications Form.²⁶
- Insurance: Carriers must have levels of insurance equivalent to or higher than to what is required of charter-party carriers under General Order 115.²⁷

²⁵ California Public Utilities Code [§5440.5 \(a\)\(1\)\(A\)](#).

²⁶ [CPUC's Basic Information for Transportation Network Companies and Applicants](#) at 4.

²⁷ General Orders are available at: <https://www.cpuc.ca.gov/proceedings-and-rulemaking/cpuc-general-orders>.

- Controlled substance and alcohol testing: Carriers must be enrolled in a controlled substance and alcohol testing program.
- Secretary of State registration: Carriers must have their articles of incorporation filed with the Secretary of State.
- Motor Carrier Profile with California Highway Patrol (CHP): Carriers must complete the CHP 362 Motor Carrier Profile and obtain a CA Number from the CHP²⁸.

The approved non-permitted carrier shall submit a declaration to its respective AFA affirming compliance with each of the requirements and that each requirement is in effect during the term the carrier operates as an Access Provider.²⁹

Further, Access Providers must meet the following conditions:

- Directly provides, or contracts with a separate organization or entity to provide, on-demand WAV transportation to meet the needs of persons with disabilities.
- “On-demand WAV transportation” means any transportation service that does not follow a fixed route and/or schedule.

TNCs applying as Access Providers must attest to meeting the eligibility requirements to apply as an Access Provider. The attestation must be included with their application. The attestation can be downloaded [here](#) under “Reporting Templates.”

The AFA shall screen applications based on these Program Requirements and prioritize funding to providers that can demonstrate an ability to deliver trips within 24 hours (time between trip request and passenger pick-up time). However, if there are no applicants who can provide such on-demand service, the AFA can accept applications from other providers so long as those providers’ services do not follow a fixed-route or schedule. For AFAs establishing partnership with the Access Providers, CPUC staff may request as part of their review of the program, copies of the contract(s).

TNCs as Access Providers

Decision [D.21-03-005](#) approves TNCs to apply as an Access Provider in a geographic area where it currently offers WAV service if: (a) the TNC qualifies for an exemption in that geographic area and (b) certifies that the TNC’s collected fees during the Exemption Year were exhausted to provide WAV service.³⁰ A TNC may also apply as an Access Provider in a geographic area so long as it has not operated WAV service in that geographic area since July 1, 2019.^{31,32} In the event the AFA receives a TNC’s application, the AFA must consult with CPED Staff to verify whether the TNC has met these eligibility requirements. In addition, the TNC must submit an attestation

²⁸ CHP Motor Carrier Profile, available at:

<https://www.chp.ca.gov/CommercialVehicleSectionSite/Documents/H%20chp362.pdf>.

²⁹ The Safety Declaration can be downloaded [here](#).

³⁰ See Commission [Decision 21-03-005](#) Ordering Paragraph 11.

³¹ See Commission [Decision 21-11-004](#) Ordering Paragraph 14.

³² [Decision 21-11-004](#) Ordering Paragraph 4 deems that a TNC “operates WAV service” in a given geographic area if the TNC completes at least one WAV trip that originates in that geographic area.

with its Access Provider application attesting to compliance with the requirements under penalty of perjury.

Application/Proposal Requirements for Access Providers

At a minimum, Access Providers need to demonstrate in their application/proposal how the proposed program or partnership will improve the following: response times for WAV service compared to the previous year and/or status quo in that county; the presence and availability of WAVs within the geographic area; and, efforts undertaken to publicize and promote available WAV services to disability communities.

Per [D.20-03-007](#), some of the required information below may be inapplicable or unavailable at the time of the application as some of the Access Providers might be offering newer services. The applicant should explain why the information is unavailable or not applicable, but the applicant should not be disqualified for being unable to provide the information. To satisfy the minimum requirements, Access Providers shall provide the following specific information to AFAs (and, if requested, to CPED Staff) as part of their application/proposal for the first year of funding (the template can be downloaded [here](#)):³³

- a. WAV information (optional in the first year)
 - i. Number of WAVs in operation - by quarter and aggregated by hour of the day and day of the week.
 - ii. Number and percentage of WAV trips completed, not accepted, cancelled by passenger, cancelled due to passenger no-show, and cancelled by driver – by quarter and aggregated by hour of the day and day of the week. For WAV trips completed, Access Providers shall have the option to demonstrate an increase in the number of trips completed or an increase in the percent of trips completed.
 - The % of completed WAV trip requests in a geographic area shall be calculated as the total number of completed WAV trips divided by the total number of WAV requests for a given geographic area and quarter as follows:
 - $\% \text{ Completed WAV Trip Requests} = \frac{\text{Total Completed Trips}}{\text{Total Trip Requests}}$
 - The Access Provider shall also report its WAV operating hours with the submission of the % of completed WAV trip requests.
 - iii. Completed WAV trip request response times, as well as Periods A and B, in deciles by quarter³⁴. This also includes a report of the 75th percentile response times, specifically, for that quarter.

³³ Some of these requirements are optional in the first year, such as companies newly operating in that county or for new companies. However, they will be required in the succeeding years.

³⁴ An Access Provider shall submit response time data for the preceding four quarters, if available.

- Period A (time elapsed from when a trip is requested until the trip is accepted) and B (time elapsed from when a trip is accepted until the vehicle arrives).³⁵ Response time is the elapsed time between when a trip is requested and when the passenger is picked-up (Period A plus Period B). For example, the Access Provider shall report that 10 percent of all trip requests originating in a geographic area and quarter were fulfilled in X response time minutes, 20 percent were fulfilled in X response time minutes, etc. In addition, the Access Provider shall report that the Period A time was X minutes for 10 percent of completed trips, that the Period B time was X minutes for 10 percent of completed trips, etc.
- iv. Evidence of outreach efforts to publicize and promote available WAV services to disability communities, which may include a list of partners from disability communities, how the partnership promoted WAV services, and marketing and promotional materials of those activities.

Special Note for First-Year Access Provider Applicants

Note that in the first year of the application process, an Access Provider applicant shall be required to provide a narrative outlining how it will demonstrate improvements in response times and WAV presence and availability, and how it will promote the service. This narrative can be in place of the required data indicated above if such data is not available from past performance. In addition, the Access Providers shall provide estimates for the following metrics that are expected to result from the project they are requesting funding for:

- i. Expected number of WAVs in operation during the first year
- ii. Outline of planned outreach efforts to publicize and promote available WAV services to disability communities, which may include a list of partners from disability communities, how the partnership promoted WAV services, and marketing and promotional materials for those activities

On the next round of applications, the AFAs shall use the reported data under requirement (a) (WAV information) above from the first year as a baseline in evaluating applications in the second year.

- b. Safety, training, and insurance information
 - i. Certification that the Access Provider's WAV drivers have completed WAV driver training within the past three years

³⁵ For a definition of Period A and B, see Commission Decision [D.20-03-007](#) at 20.

- ii. Report of WAV driver training programs used and number of WAV drivers that completed the training in the prior year
 - iii. Certification that all WAVs operating on an Access Provider’s platform have been inspected and approved to conform with the ADA Accessibility Specifications for Transportation Vehicles³⁶ within the past year
 - iv. Number of complaints received related to WAV drivers or WAV services, categorized as follows: securement issue, driving training, vehicle safety and comfort, service animal issue, stranded passenger, and other
 - v. Access Providers must place the International Symbol of Accessibility (ISA)³⁷ on the following locations on a WAV: passenger side door (below door handle) and rear of vehicle (right side above bumper)
 - vi. A signed Safety Protocol Declaration Form³⁸
- c. Financial information
- i. Estimated income (categorized by passenger revenue; other revenue; and total grants, donations, and subsidy from other agency funds)
 - ii. Estimated expenses (categorized by wages, salaries, and benefits; maintenance and repair; fuels; casualty and liability insurance; administrative and general expense; other expenses; contract services)
 - iii. Funding sources: list and explain all sources of operating revenue, including revenue from grants, donations, and local fundraising projects that will be used to fund the Program, for the prior, current, and budget year.

d. Project description

In addition to requirements (a) – (c) above, Access Providers shall submit a narrative project description to inform the AFA’s evaluation.

- i. Detailed description of the proposed project
 - What type of WAV-related expenses are requested and a breakdown of associated costs (please see Appendix A: Eligible WAV Expenses) – for example, a proposed improvement in an existing on-demand WAV service that involves the purchase of new WAVs is an eligible type of project under the “Vehicle Costs” category. For this proposal, the applicant shall describe the type and quantity of WAVs to be purchased.
 - How it will increase WAV availability – provide an estimate of hourly number of available WAVs resulting from the proposed improvement.

³⁶ Title 49 Code of Federal Regulations, Chapter 38, Subpart B available at [Electronic Code of Federal Regulations \(eCFR\)](https://www.e-cfr.gov/).

³⁷ See U.S. Access Board, Guide to the ADA Accessibility Standards, available at: <https://www.access-board.gov/ada/guides/guidance-on-the-isa/>

³⁸ See [Decision 21-11-004](#) OP15. The template can be downloaded [here](#).

- How it will improve response times – provide an estimate of the improvement in response times (in the example above, what is the expected change in response times with the addition of new WAVs?). At a minimum, the estimates should work toward demonstrating improvement from the previous quarter throughout the one-year funding cycle.
 - How the Access Provider will engage the disability communities and market the new service – provide an outreach plan that details how the Access Provider would increase awareness about its on-demand WAV service within its service area.
- ii. Estimated start and completion date of the project (contract termination)

Contracting Access Providers (executed contract anticipated by July 1 annually, starting 2022)

Per Decision [D.20-03-007](#), 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....” To fulfill this requirement, an AFA must establish a competitive application process to select eligible Access Providers within its jurisdiction. An AFA must develop a scoring and evaluation mechanism to be used to select who can receive funding based, at a minimum, on the following criteria:

- a. Prioritize Access Providers that can offer on-demand WAV transportation that can be requested and fulfilled within 24 hours
 - However, if there are no applicants who can provide such on-demand service, the AFA can accept applications from other providers so long as those providers’ services do not follow a fixed-route or schedule. If there are remaining funds after the AFA has approved funding for on-demand providers, then the AFA may distribute those funds to WAV providers that do not meet the on-demand criteria.
- b. Improve response times for WAV service compared to the previous year and/or status quo
 - Response time is defined as the time between when a WAV ride was requested and when the vehicle arrived
- c. Improve presence and availability of WAVs within the geographic area compared to the previous year and/or status quo
 - Presence and availability refer to the number of WAVs in operation by quarter and aggregated by hour of the day and day of the week
- d. Identify efforts undertaken or that will be undertaken to publicize and promote WAV services to disability communities
 - Evidence of outreach efforts may include: a list of partners from disability communities, how the partnership promoted WAV services, and

marketing or promotional materials of those activities (e.g. social media, website, in-person events)

Liquidation of Funds

The AFA shall liquidate moneys (i.e. transfer all applicable funding to the Access Provider) based on generally accepted accounting principles to ensure funds are used in accordance with the conditions and restrictions adopted under the Program. Funds shall be liquidated by June 30 each calendar year—one year from when funds are obligated to the Access Provider—starting 2022. At least eighty-five percent (85%) of the total awarded funds per geographic area must be reserved for Access Providers by the corresponding AFA. In addition, the AFA must ensure that the following are in place before liquidating funds and retained for duration of the program for purpose of program audits:

- Funding agreement or contract with the Access Provider referencing the Program Requirements and specifying the scope of work, schedule, and financial agreement.
- Documented process for verifying Access Provider expenses

The Access for All Program can be implemented by AFAs as either a grant or a reimbursement program as long as obligated funds are liquidated within one year of obligation. The LAFA may also develop multi-year contracts on the condition that: (a) LAFAs are only awarded funding by CPUC on an annual basis and (b) if a multi-year contract is in place, LAFAs must have an annual competitive process allowing new entrants the opportunity to join the program. If a multi-year contract is in place, the LAFAs should be aware that there may be a financial risk of not having Access Funding in the subsequent years; TNCs may be exempt from remitting any Access Funds in that county if the TNC(s) has/have met the exemption standards in that county for four consecutive quarters. The AFA will be responsible for developing a grant or reimbursement program that best suits their business practices and for maintaining auditable record keeping of obligated and liquidated funds. AFAs shall ensure the funding agreement or contract with the Access Provider clearly specifies the terms of the agreement and meets all of the Program Requirements.

See *ANNUAL PHASE VI – REPORTING OBLIGATIONS (Recurring and Ongoing)* for quarterly reporting requirements related to fund obligation and liquidation. Access Providers shall have one year to liquidate the funds from the date the Access Providers enter into a contract with the AFA.

Eligible Expenses

Per [D.21-03-005](#) Ordering Paragraph 9, a qualifying expense for an Access Provider is (1) a reasonable, legitimate cost that improves wheelchair accessible vehicle service, and (2) on the list of eligible WAV expense attached as Appendix A in this Program Overview and Requirement which was adopted in Decision [D.20-03-007](#).

For Access Providers that provide WAV services to a TNC, the Access Provider shall not use Access Fund moneys for trips that are compensated by a TNC. Accordingly, the AFA is permitted

to request additional information from Access Provider applicants as necessary to sufficiently review the application. An Access Provider applicant shall disclose whether it is a current or former service provider for a TNC. The Access Provider applicant must demonstrate to the AFA that any Access Fund monies will not be used for services that are compensated by a TNC.

Return and Report of Unused Funds

The contract between the AFA and Access Provider shall specify that in the event an Access Provider has unused funds at the end of their contract period, the Access Provider shall return all unused funds to the AFA within 30 days of the contract expiration.

All funds returned to the AFA by Access Providers shall become unobligated funds, and must be added to the total funding available for the next funding cycle.

The AFA is required to report all unobligated funds (if any) to CPUC Staff by September 30th on an annual basis (see also *ANNUAL PHASE VI – REPORTING OBLIGATIONS (Recurring and Ongoing)*).

In the event the LAFA is no longer interested in continuing as an Access Fund Administrator, the LAFA shall inform CPUC Staff within 30 business days via email at tncaccess@cpuc.ca.gov, identify the reason(s) for not continuing, and provide a LAFA Board Resolution withdrawing its application. The email will constitute an immediate withdrawal as a LAFA. Any Program funding held by the LAFA shall be returned to the Access Fund, including unobligated funds, administrative funds, and any accrued interest. In the event the LAFA withdraws its application and is interested the following year, the LAFA will be required to apply again by submitting the full Application, including the Certification, Affidavit, Board Resolution, Payee Data Record, and Consent Form following the Commission's award.

Data Reporting and Compliance

Access Providers receiving funding are required to report on a quarterly basis data related to the Program to their respective AFAs. For a list of reporting requirements, see *ANNUAL PHASE VI – REPORTING OBLIGATIONS (Recurring and Ongoing)*. It is the responsibility of the AFAs to compile and submit these data to the Commission on a quarterly basis. The required data reporting and reporting schedule is covered under *ANNUAL PHASE VI – REPORTING OBLIGATIONS (Recurring and Ongoing)*.

The AFA shall develop a process to collect the required data from Access Providers within 30 days after the end of each quarter. The AFA shall consolidate the data into a quarterly report and submit them to the Commission 45 days after the end of each quarter to tncaccess@cpuc.ca.gov.³⁹ Any documents submitted to the Commission for a grant program funded by consumers are public documents unless designated confidential pursuant to [General Order 66D](#).

³⁹ A data reporting template will be available for download from the Access for All Program [website](#) once available.

It is the responsibility of the AFA to review quarterly performance provided by the Access Providers and to determine whether there is a pattern of non-compliance with the standards established by the Commission and misuse of funds as set forth in these Program Rules. In concert with the AFA, CPUC will make the determination whether non-compliant Access Providers shall be suspended or disqualified from receiving future funds.

Execution and Performance

The selected AFA shall start the project within 30 days upon award and complete the project execution (develop, solicit, award, liquidate) within a 24-month timeframe. Should the AFA fail to commence work within 30 days of award, the Commission or Director of CPED, upon five (5) days written notice to the AFA recipient, reserves the right to terminate the award. If the AFA is unable to complete the proposed project within the required 24-month timeframe, it must notify the Commission as soon as it becomes aware of this prospect. The Commission reserves the right to reduce or withhold payment for failure to satisfy this requirement. In the event no eligible Access Provider responds to a solicitation and the AFA is unable to obligate funds by June 30 each year, the AFA will be required to report in their quarterly report (45 days after the end of each quarter) the administrative costs expended, challenges, and any other issues AFAs want to share to keep CPUC apprised of the Access Provider solicitation progress.

The AFA must complete all performance of the project before the termination date in accordance with the terms of approval granted by the Commission. In the event that the AFA fails to complete the project or subsequently perform the responsibilities as an Administrator in accordance with the terms of approval granted by the Commission and compliance with the AFA Program Requirements, the AFA may be required to reimburse some or all of the Access Funds that it has received.

Material changes in the entries in the application, such as discontinuing operation or bankruptcy, change of address, telephone, fax number, or email address must be reported within 10 business days to tncaccess@cpuc.ca.gov.

Financial and Program Audit and Non-Compliance Penalties

Access Funds shall only be used in accordance with the Access for All Program Requirements. AFAs and Access Providers receiving Access Funds must adhere to the Program Requirements established by the CPUC, including the use of standard accounting practices, and agree to Program and financial audits as deemed appropriate by CPUC or other State control agencies. AFAs and Access Providers that are found to be in noncompliance may be subject to, among other things depending on the violation: audit findings, suspension, or permanent disqualification from future participation in the Access for All Program.

Pursuant to Public Utilities Code [314.6 \(a\)](#), the Commission may conduct any necessary audit, quality check verification, or discovery during project implementation and post-project completion. If any portion of the 15% allocated funds to AFAs for use of administrative costs is found to be out of compliance, AFA will be responsible for refunding any disallowed amount

along with appropriate interest rates determined to be in accordance with applicable Commission decisions. For this reason, all documentation pertaining to this program, including contracts with Access Providers, program related records such as files, invoices, and other related documentation shall be retained and made available to CPUC upon request for the duration of the program and for three (3) years from the date of final Access Provider funding liquidation. Audits of Access Providers are not required. However, it is the responsibility of the AFA to determine whether Access Providers are eligible to receive future funding based on their performance.

AFAs and Access Providers who do not comply with program requirements could be at risk of not receiving future Access Funds. The AFA is responsible for the Access Providers meeting the program requirements and goals of the program regardless of whether the Access Providers are partnering with other entities or directly providing the service. In addition, the Commission may impose penalties allowed under Public Utilities Code Sections [2108](#) and [2111](#) for failure to meet the program and project compliance requirements, as determined by the Commission.

LAFAs must agree to the following language in the affidavit as attached in the LAFA [Application](#). SAFAs will undergo a separate agreement process.⁴⁰

If [MPO/RTPA/CTC] violates the terms and conditions TNC Access For All Program Overview & Requirements for Access Fund Administrators, it shall be subject to Public Utilities Code sections 2108 and 2111. The Commission may impose the maximum penalties allowed under Public Utilities Code sections 2108 and 2111 for failure to meet the program and project compliance requirements, as determined by the Commission.

ANNUAL PHASE VI – REPORTING OBLIGATIONS (Recurring and Ongoing)

An AFA must submit reports to CPED quarterly and annually under Decision [D.20-03-007](#).⁴¹ The purpose of these reports is to ensure that progress is made toward the broader goals and objectives of the program and SB 1376. These data will inform the Commission whether changes to the program are necessary. Similarly, the AFAs can use the data to evaluate the performance of their local programs and adjust them accordingly. The following quarterly and annual reports must be submitted via email to tncaccess@cpuc.ca.gov according to the schedule that follows.⁴² To the extent that any information submitted is claimed to be confidential, the AFA must provide a public redacted version, in addition to the confidential version, and comply with the confidentiality requirements in General Order 66-D including providing the requisite confidentiality declaration to CPED at tncaccess@cpuc.ca.gov.

⁴⁰ See DGS State Contracting Manual [here](#).

⁴¹ See Commission Decision [D.20-03-007](#) Ordering Paragraph 31.

⁴² Access Provider reporting templates are available for download at this [website](#).

AFAs' Administrative Costs, updates on Access Provider Solicitation and Engagement with Disability Community (Quarterly)

AFAs are required to track and report administrative expenditures incurred each quarter (beginning July 1 immediately after the Funds are awarded by CPUC, through June 30 the following year). AFAs must track the administrative cost allocation and its administrative expenditures separately from the funding allocation and its expenditures for Access Providers' services. In addition, AFAs shall also report the amount of administrative funds remaining for each quarter.

In addition to reporting Administrative Costs, AFAs are required to provide a brief narrative describing the following: actions to engage with local disability communities and progress toward AFAs solicitation and evaluation of eligible Access Providers.

The reporting of administrative costs and brief narrative description of progress of Access Provider solicitation and engagement with disability communities shall be provided quarterly, 45 days after the completion of each quarter (February 15, May 15, August 15, November 15) to the Commission (via tncaccess@cpuc.ca.gov). The first report shall be due November 15, 2021.

Progress Reports and Amount of Access Funds Used by Access Providers (Quarterly)

A brief narrative description of the progress made by selected Access Providers, including any compliance or other challenges encountered, shall be reported on a quarterly basis. In addition, the amount of Access Funds obligated and used by Access Providers shall be reported on a quarterly basis, which are due 45 days after the end of each quarter (February 15, May 15, August 15, November 15). The first report shall be due November 15, 2022.

AFAs' Consolidated Reports (Quarterly)

CPUC will provide a Quarterly Report template for AFAs. These consolidated reports are due to CPUC 45 days after the end of each quarter (February 15, May 15, August 15, November 15), starting November 15, 2022. The Consolidated Quarterly Reports shall be submitted for each geographic area in which an Access Provider received Access Fund moneys. AFAs shall require an Access Provider to affirm their ability to provide such data on the quarterly reporting schedule (30 days after the end of each quarter, giving AFAs 15 days to consolidate the report to the CPUC). The first reports shall be due to CPUC by November 15, 2022. Reporting templates for Access Providers can be accessed [here](#).

1. **Number of Unique WAVs in Operation (Excel)** – by quarter and aggregated by hour of the day and day of the week. “In operation” is defined when a WAV: (a) is available to receive a trip request in that quarter/hour/day or (b) has accepted a trip request in that quarter/hour/day.
2. **Number and percentage of WAV trips completed, not accepted, cancelled by passenger, cancelled due to passenger no-show, and cancelled by driver (Excel)** – by quarter and aggregated by hour of the day and day of the week.

3. **Completed WAV trip request response times⁴³ (Excel)** - in deciles, as well as broken out by Period A (time elapsed from when a trip is requested until the trip is accepted) and B (time elapsed from when a trip is accepted until the vehicle arrives).⁴⁴ Response time is the elapsed time between when a trip is requested and when the passenger is picked-up (Period A plus Period B). For example, the Access Provider shall report that 10 percent of all trip requests originating in a geographic area and quarter were fulfilled in X response time minutes, 20 percent were fulfilled in X response time minutes, etc. In addition, the Access Provider shall report that the Period A time was X minutes for 10 percent of completed trips, that the Period B time was X minutes for 10 percent of completed trips, etc. Accordingly, to verify the Access Provider's WAV response times, the Access Provider shall provide WAV trip response times in deciles, as well as Periods A and B in deciles, by quarter.
4. **Trip Completion Rate (Excel)** – % completed WAV Trip Requests. Calculated by dividing total trips completed by total requested unique trips, multiplied by 100%.
5. **Evidence of outreach (Excel and PDF)** - to publicize and promote available WAV services to disability communities, how the partnership promoted WAV services, and marketing or promotional materials of those activities.
6. **Certification of Driver Training (PDF)** – Certification that all WAV drivers operating on its platform have completed driver training on transporting peoples with disabilities within the past three years, including sensitivity training, passenger assistance techniques, accessibility equipment use, door-to-door service, and safety procedures.
7. **Report of WAV Driver Training Programs (Excel)** – List of driver training programs completed and number of WAV drivers that completed each training in that quarter.
8. **Certification of Inspection (PDF)** - that all WAVs operating on its platform have been inspected and approved to conform with the ADA Accessibility Guidelines for Transportation Vehicles⁴⁵ within the past year.
9. **Number of complaints (Excel)** - received related to WAV driver or WAV services, categorized as follows: securement issues, driving training, vehicle safety and comfort, Service animal issue, stranded passenger, and others.
10. **Funds Expended (Excel)** – See Appendix A: Eligible WAV Expenses.
11. **Contract Information (Excel)** – Identify the parties to the contract, the duration, the amount spent on the contract, and how the amount was determined.

⁴³ "Completed WAV trip" is defined as a WAV trip request that results in a passenger being dropped-off at the requested location. See Commission Decision [D.20-03-007](#) at 20.

⁴⁴ For a definition of Period A and B, see Commission Decision [D.20-03-007](#) at 20.

⁴⁵ Title 49 Code of Federal Regulations, Chapter 38, Subpart B available at [Electronic Code of Federal Regulations \(eCFR\)](#).

12. Safety Protocol Declaration Form – Certify under penalty of perjury to comply with Safety Protocols.⁴⁶

Selection/Continuation of Access Providers (Annually)

AFAs are required to submit a self-assessment describing their program’s progress, including its process to solicit Access Providers, including the type of Access Providers that apply for funding and the number of applicants who applied and were approved. AFAs’ annual competitive solicitation process must be open and transparent and allow for new entrants each funding year; it does not preclude an entity that previously served as an Access Provider from continuing in the program.

In the report, AFAs shall also include the following:

- A website link (updated regularly) to include at minimum but not limited to the following information:
 - Information on SB 1376
 - Access Provider Application Process
 - Link to CPUC’s Access for All Program website (www.cpuc.ca.gov/tncaccess/)
 - List of approved Access Providers
- An AFA point of contact must be included on the CPUC website

This report is due 90 days after the obligation of funds deadline to the Access Provider (due September 30). The first report shall be due to the Commission September 30, 2022.

⁴⁶ See [Decision 21-11-004](#) Ordering Paragraph 15. The template can be downloaded [here](#).

Appendix A: Eligible WAV Expenses

Table 3: Eligible WAV Expenses

| Eligible WAV Expenses Adopted in D.20-03-007 |
|-----------------------------------------------------------------------|
| Vehicle Costs |
| Lease/Rental/Purchase Costs |
| Rental Subsidies for Driver |
| Inspections |
| Maintenance, Service & Warranty |
| Fuel Cost |
| Cleaning Supplies/Services |
| Other (Describe) |
| |
| Partnership Costs |
| Transportation Service Partner Fees/Incentives and/or Management Fees |
| Vehicle Subsidies |
| Consultants/Legal |
| Other (Describe) |
| |
| Marketplace Costs |
| Recruiting |
| Driver Onboarding |
| Training Costs |
| Driver Incentives |
| Promo Codes for WAV |
| Other (Describe) |
| |
| Operational Costs |
| Marketing Costs |
| Technology Investments/Engineering Costs/Enhancements |
| Community Partnership/Engagement Costs |
| Rental Management |
| Pilot Management |
| Wages, Salaries and Benefits (non-maintenance personnel) |
| Other (Describe) |
| |
| Other (Describe)⁴⁷ |
| |

⁴⁷ For example, ride fare subsidies.

Appendix B: 2021 Funding Year Calendar

| TNC Access For All Program | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Annual Calendar | |
| LAFAs Program Schedule: | Due Date |
| Funding Availability Provided (Range) | January 30, 2021 |
| LAFAs Program Rules/NOFA/Supporting Documents available on Website | March 2021* |
| LAFAs Application (Certification, Affidavit, Payee Data Record) due (initial year) | May 3, 2021* |
| CPUC awards funding to LAFAs | July 1, 2021 |
| LAFAs submits Consent Form and Board Resolution (15 days after approval of Commission Resolution anticipated at the June 24, 2021 CPUC voting meeting) | July 9, 2021 |
| CPUC distributes funding to LAFAs (unless LAFAs's Board Resolution is late) | September 30, 2021 |
| Access Provider Implementation: | |
| Select, contract with and obligate funds to Access Providers | July 1, 2022 |
| Liquidation of 2021 Access Fund moneys to Access Providers | June 30, 2023 |
| Reporting Schedule**: | |
| Report to CPUC administrative costs, progress of engagement with disability communities and Progress of Access Provider Solicitation (45 days end of each quarter) | November 15, 2021 February 15, 2022 May 15, 2022 August 15, 2022 |
| Program progress report and self-assessment (Annually) | |
| Report to CPUC unobligated funds (Annually) | |
| Process and outcome of solicitation of Access Providers and LAFAs information (Annually) | September 30, 2022 |
| Q3 Access Provider Q3 2022 report due to LAFAs (30 days after end of each quarter) | October 30, 2022 |
| Report to CPUC administrative costs, progress of engagement with disability communities, and Access Provider Solicitation (45 days end of each quarter) | |
| Q3 2022 Consolidated report due to CPUC (45 days end of each quarter) | |
| Progress and amount of Access Funds used by APs (Quarterly) | November 15, 2022 |
| Q4 Access Provider Q4 2022 report due to LAFAs (30 days after end of each quarter) | January 30, 2023 |
| Report to CPUC administrative costs, progress of engagement with disability communities, and Access Provider Solicitation (45 days end of each quarter) | |
| Q4 2022 Consolidated report due to CPUC (45 days end of each quarter) | |
| Progress and amount of Access Funds used by APs (Quarterly) | February 15, 2023 |
| Q1 Access Provider Q1 2023 report due to LAFAs (30 days after end of each quarter) | April 30, 2023 |
| Report to CPUC administrative costs, progress of engagement with disability communities and Access Provider Solicitation (45 days end of each quarter) | |
| Q1 2023 Consolidated report due to CPUC (45 days end of each quarter) | |
| Progress and amount of Access Funds used by APs (Quarterly) | May 15, 2023 |
| Q2 Access Provider Q2 2023 report due to LAFAs (30 days after end of each quarter) | July 30, 2023 |
| Report to CPUC administrative costs, progress of engagement with disability communities, and Access Provider Solicitation (45 days end of each quarter) | |
| Q2 2023 Consolidated report due to CPUC (45 days end of each quarter) | |
| Progress and amount of Access Funds used by APs (Quarterly) | August 15, 2023 |

* Note these dates will differ in subsequent years

** Reports must be submitted via email to tncaccess@cpuc.ca.gov

Appendix C: 2022 Funding Year Calendar

| TNC Access For All Program | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Annual Calendar | |
| Lafa Program Schedule: | Due Date |
| Lafa Program Rules/NOFA/Supporting Documents available on Website | January 30, 2022 |
| Lafa Application (Certification, Affidavit, Payee Data Record) due | April 1, 2022 |
| CPUC awards funding to Lafa (anticipated at the June 23, 2022 CPUC voting meeting) | July 1, 2022 |
| Lafa submits Consent Form and Board Resolution (15 days after approval of Commission Resolution) | July 8, 2022 |
| CPUC distributes funding to Lafa | September 30, 2022 |
| Access Provider Implementation: | |
| Select, contract with and obligate funds to Access Providers | July 1, 2023 |
| Liquidation of 2022 Access Fund moneys to Access Providers | June 30, 2024 |
| Reporting Schedule*: | |
| Report to CPUC administrative costs, progress of engagement with disability communities and Progress of Access Provider Solicitation (45 days end of each quarter) | November 15, 2022 February 15, 2023 May 15, 2023 August 15, 2023 |
| Program progress report and self-assessment (Annually) | September 30, 2023 |
| Report to CPUC unobligated funds (Annually) | |
| Process and outcome of solicitation of Access Providers and AFA information (Annually) | |
| Q3 Access Provider Q3 2023 report due to AFA (30 days after end of each quarter) | October 30, 2023 |
| Report to CPUC administrative costs, progress of engagement with disability communities, and Access Provider Solicitation (45 days end of each quarter) | November 15, 2023 |
| Q3 2023 Consolidated report due to CPUC (45 days end of each quarter) | |
| Progress and amount of Access Funds used by APs (Quarterly) | |
| Q4 Access Provider Q4 2023 report due to AFA (30 days after end of each quarter) | January 30, 2024 |
| Report to CPUC administrative costs, progress of engagement with disability communities, and Access Provider Solicitation (45 days end of each quarter) | February 15, 2024 |
| Q4 2023 Consolidated report due to CPUC (45 days end of each quarter) | |
| Progress and amount of Access Funds used by APs (Quarterly) | |
| Q1 Access Provider Q1 2024 report due to AFA (30 days after end of each quarter) | April 30, 2024 |
| Report to CPUC administrative costs, progress of engagement with disability communities and Access Provider Solicitation (45 days end of each quarter) | May 15, 2024 |
| Q1 2024 Consolidated report due to CPUC (45 days end of each quarter) | |
| Progress and amount of Access Funds used by APs (Quarterly) | |
| Q2 Access Provider Q2 2024 report due to AFA (30 days after end of each quarter) | July 30, 2024 |
| Report to CPUC administrative costs, progress of engagement with disability communities, and Access Provider Solicitation (45 days end of each quarter) | August 15, 2024 |
| Q2 2024 Consolidated report due to CPUC (45 days end of each quarter) | |
| Progress and amount of Access Funds used by APs (Quarterly) | |

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