



# CALIFORNIA PUBLIC UTILITIES COMMISSION

Consumer Protection and Enforcement Division (CPED)

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R.19-02-012 “TNC Access for All” (Track 3)  
Public Workshop

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July 24, 2020



# Housekeeping

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- Phone lines will be opened for comments/questions during Q&A and “Open Discussion” portions of agenda and will be on mute during presentations.
- Staff will Monitor the Chat box. Please let us know if you cannot hear us or see the slides any time during the presentation.
- WebEx is being recorded. All Presentations along with the recording will be posted on the CPUC website after the workshop: <https://www.cpuc.ca.gov/tncaccess/>
- If you have any additional questions after the workshop, please contact [TNCAccess@cpuc.ca.gov](mailto:TNCAccess@cpuc.ca.gov).



# Agenda

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- A. Introductions/Open Remarks**
- B. Presentation of CPED Proposal**
- C. Presentations from Parties**
- D. Presentation Q&A**
- E. Lunch Break (30 minutes)**
- F. Discussion on Transportation Network Company Offset Requirements**
- G. Discussion on Access Fund Disbursements**
- H. Discussion on Reporting Requirements, Advice Letter, Intervenor Compensation**
- I. Discussion on Additional TNC Accessibility Issues**
- J. Public Comment**



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# Introductions/Opening Remarks



# Staff Proposals

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- **Incremental Costs**
- **Demonstrate Improved Level of WAV Service**
- **On Demand Transportation**
- **TNCs as Access Providers**
- **Access Fund Administrator**
- **Statewide Access Fund Administrator**
- **WAV Inspection and Driver Training**



# Staff Proposal (Cont.)

## Incremental Costs

***For TNCs demonstrating a full account of funds expended, pursuant to PU Code § 5440.5(a)(1)(B)(II), should qualifying expenses be limited to the “incremental costs” of providing wheelchair accessible vehicle (WAV) service? What method should the Commission use to calculate “incremental costs”?***

- “The portion of costs directly attributable to providing WAV service” to the qualifying expenses listed in Appendix A of D.20-03-007
  - Vehicle Costs
  - Partnership Costs
  - Marketing Costs
  - Operational Costs



# Staff Proposal (Cont.)

## Demonstrating Improved Level of WAV Service

***In addition to the requirements adopted in D.20-03-007, what other measures, if any, should be considered for purposes of demonstrating “improved level of service,” under PU Code § 5440.5(a)(1)(B)(II)? For example, should an increase in the number of WAV trips offered or an expansion of the “zone of service” be considered?***

- Show “improved level of service” by increasing the total number or percentage of WAV trips accepted and completed compared to the previous quarter
- Show “improved level of service” by increasing the total number or percentage of WAV trips accepted and completed within the response time benchmarks compared to the previous quarter
- Establish a “WAV Request Acceptance” standard that requires TNCs to accept and fulfill at least 50% of all WAV trip requests in a geographic area in order to be granted an offset
- Assign equal weight and value to satisfaction of the current “WAV Response Time” standard and proposed “WAV Request Acceptance” standard and correspondingly authorize CPED to disallow half of the total requested offset amount for a TNC’s failure to achieve one of the standards.



# Staff Proposal (Cont.)

## On Demand Transportation

***How should “on-demand transportation” be defined for purposes of selecting on-demand transportation programs or partnerships? What other limitations, if any, should the Commission impose on what entity qualifies as an “access provider”?***

- Pub. Util. Code § 5431.5(a) defines “access provider” as *“an organization or entity that directly provides, or contracts with a separate organization to provide, on-demand transportation to meet the needs of persons with disabilities.”*
- “On-demand transportation” should be defined as WAV transportation that can be requested and fulfilled within 24 hours.





# Staff Proposal (Cont.)

## TNCs as Access Providers

***In light of TNC's allowance to reduce their own remittances to the Access Fund, should TNCs also be allowed to apply as "access providers" to request additional moneys? Under what circumstances should TNCs be allowed to do so? What condition should they have to satisfy?***

- TNCs should be allowed to apply as access providers in geographic areas where they have satisfied criteria for Exemption.
- Commission should evaluate TNC's applications as an alternative to transferring the money instead to the AFAs for disbursement to access providers.



# Staff Proposal (Cont.)

## Local Access Fund Administrator

***Should the Commission prescribe what purposes moneys disbursed to access providers can be used for, such as maintenance and fuel costs, vehicle purchase and retrofitting costs, driver training, and time involved in providing wheelchair accessible trips?***

- Does not propose further prescribing what purpose moneys disbursed by AFAs to access providers can be used for.

***What additional application requirements should the Commission adopt for access providers, if any? Note that any proposed access provider selection criteria may also be considered as additional criteria for TNC Offset Requests and Exemption Requests.***

- Does not recommend any additional application requirements at this time.

***Should access providers that receive Access Fund funding be required to be available for chartering through TNC apps?***

- Does not recommend requiring access providers to be available for chartering through TNC apps.



# Staff Proposal (Cont.)

## Local Access Fund Administrator (Cont.)

***Should a minimum or maximum amount of funding be disbursed to an access provider in response to an application?***

- Require that at least \$100,000 in combined total from all geographic areas within its jurisdiction, be available in the Access Fund prior to being transferred.

***What is an appropriate method or formula for compensating Access Fund Administrators (AFAs)?***

- Limit administrative costs to 15% of the total amount awarded each year similar to other Commission funding programs including the California Advanced Service Fund (CASF).



# Staff Proposal (Cont.)

## Statewide Fund Administrator

***For administration of the Access Fund by the statewide AFA, what qualifying expenses should be established for access providers, if any, that are not otherwise served by a local AFA? How should differences in geographic areas be considered and incorporated into the statewide program available in the absence of a local AFA?***

- Premature for the Commission to establish any qualifying expenses for access providers that are not otherwise served by a local AFA before it is determined if the state may need to perform the AFA role.
- To expand the responsibilities assigned to the AFA, the Commission to adopt a public coordination process

### Public Coordination Process

- Consult on following issues: needs for service to persons with disabilities in the geographic areas, community WAV supply and demand, concerns of the service, and the characteristics of the WAV program that the SAFA should develop
- Coordinating and soliciting comments with MPO and RTPA on the proposed program
- Providing a means for continuing public participation in program development and operation
- Ensuring its WAV program(s) address at a minimum, number of WAVs in operation, outreach, vehicle safety and WAV driver training, passenger eligibility, response times, fares, service area, hours and days of service, and complaints.



# Staff Proposal (Cont.)

## Statewide Fund Administrator (Cont.)

***Should the Commission directly grant funding to transportation carriers that it does not regulate (e.g., taxicab companies or entities that exclusively provide non-emergency medical transportation)?***

- Commission should limit funding similarly to entities it regulates.
- Give CPED the authority to grant or deny applications from access providers be granted or denied by staff action.



# Staff Proposal (Cont.)

## WAV Inspection and Driver Training

***Should the Commission add WAV inspection and driving training requirements to the requirements to obtain a TNC permit? What inspection and training requirements should the Commission adopt?***

- To require TNCs to certify that wheelchair accessible vehicle (WAV) drivers operating on their online-enabled application or platform have completed WAV driver training within the past three years, which should include: sensitivity training, passenger assistance techniques, accessibility equipment use, door-to-door service, and safety procedures;
- To require TNCs to require WAV drivers operating on a TNC's application or platform to receive training on transporting people with disabilities at least every three years
- To require TNCs to certify that all WAVs operating on their platforms have been inspected and approved to conform with the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles within the past year
- To require the existing annual "19-point" vehicle safety inspection for a WAV operating on a TNC's platform to include a WAV's adaptive equipment
- To require TNCs to retain and be able to produce evidence of WAV driver training and vehicle safety inspections to support their certifications for any WAV drivers or WAV operating on their platform



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# Presentations from Parties



# Questions / Comments on Proposals

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- **Staff will use the “raise hand” feature to field questions and comments.**
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# Lunch Break



# Open Comment

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# Open Discussion

## TNCs Offset Requirements

- *Should qualifying expenses be limited to the “incremental costs” of providing wheelchair accessible vehicle (WAV) service? What method should the Commission use to calculate “incremental costs”?*
- *What other measures, if any, should be considered for purposes of demonstrating “improved level of service,” under Pub. Util. Code § 5440.5(a)(1)(B)(II)? For example, should an increase in the number of WAV trips offered or an expansion of the “zone of service” be considered?*



# Open Discussion

## Access Fund Disbursements

- ***Should a minimum or maximum amount of funding be disbursed to an access provider in response to an application?***
- ***Should the Commission prescribe what purposes moneys disbursed to access providers can be used for, such as maintenance and fuel costs, vehicle purchase and retrofitting costs, driver training, and time involved in providing wheelchair accessible trips?***
- ***Should the Commission directly grant funding to transportation carriers that it does not regulate (e.g., taxicab companies or entities that exclusively provide non-emergency medical transportation)?***
- ***Should access providers that receive Access Fund funding be required to be available for chartering through TNC apps?***
- ***How should applications from access providers be granted or denied (e.g., via Commission resolution or by staff action)?***
- ***How should “on demand transportation” be defined for purposes of selecting on-demand transportation programs or partnerships? What other limitations, if any, should the Commission impose on what entity qualifies as an “access provider”?***



# Open Discussion

## Access Fund Disbursements (Cont.)

- *In light of TNCs' allowance to reduce their own remittances to the Access Fund, should TNCs also be allowed to apply as "access providers" to request additional moneys? Under what circumstances should TNCs be allowed to do so? What conditions should they have to satisfy?*
- *Should the Commission establish separate qualifying standards for TNCs according to distinguishing criteria such as the number of trips provided in geographic area (e.g., a million or more rides per quarter) or other criteria?*
- *What additional application requirements should the Commission adopt for access providers, if any? Note that any proposed access provider selection criteria may also be considered as additional criteria for TNC Offset Requests and Exemption Requests.*
- *What is an appropriate method or formula for compensating Access Fund Administrators (AFAs)?*
- *For administration of the Access Fund by the statewide AFA, what qualifying expenses should be established for access providers, if any, that are not otherwise served by a local AFA? How should differences in geographic areas be considered and incorporated into the statewide program available in the absence of a local AFA?*



# Open Discussion

## Reporting Requirements

- *How should yearly benchmarks be established for TNCs and access providers to meet to ensure WAV users receive continuously improved, reliable, and available service? How should the benchmarks be used? In what form should TNCs and access providers submit such reports to the Commission, and should the reports be publicly available?*
- *What information should be included in the report to the Legislature on compliance with the program and the effectiveness of on-demand transportation programs and partnerships funded by the program?*
- *What additional reporting requirements, if any, should the Commission adopt for access providers and TNCs?*



# Open Discussion

## Advice Letter

- ***General Order 96-B, Rule 7.5.2 provides a 120-day suspension period of an Advice Letter if the Industry Division does not reach a disposition during the initial 30-day review period. For purposes of TNC Offset and Exemption Requests, should the Commission modify this rule and if so, how?***



# Open Discussion

## Intervenor Compensation

- ***Does the phrase “existing funds collected from TNCs pursuant to [Pub. Util. Code] Section 421” require clarification?***
- ***Is Commission action needed on the meaning of “advocates for accessible transportation” or “representatives of a group whose membership uses accessible transportation” for the purpose of distributing intervenor compensation?***





# Open Discussion

## Additional TNC Accessibility Issues

- ***What additional issues, if any, should be addressed related to the accessibility needs of persons with disabilities who do not require WAVs, including but not limited to, the needs of persons with hearing and vision impairments, persons who require the assistance of service animals, and/or ambulatory persons with disabilities?***
- ***Should changes to TNCs' online-enabled applications or platforms be required to improve services for persons with disabilities?***
- ***Should TNCs be required to accept transportation subsidies in the form of substitutes for legal tender (i.e., voucher or scrip), issued by governmental entities for WAV trips and other trips requested by persons with disabilities?***
- ***Should a "Symbol of Access" be used by TNCs or access providers?***
- ***Should the Commission add WAV inspection and driving training requirements to the requirements to obtain a TNC permit? What inspection and training requirements should the Commission adopt?***



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# Public Comments



# Public Comment

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**Thank you!**  
**For Additional Information:**

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