



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



October 10, 2019

San Diego Association of Governments (SANDAG)

401 B Street, Suite 700

San Diego, CA 92101





Agenda

- Welcoming Remarks from SANDAG
- Overview of SB 1376 / “TNC Access for All” Act
- Presentation of CPED Staff Proposals
- Presentations from Parties
- Lunch Break (Noon – 1 PM)
- Discussion on TNC Offsets & Exemptions
- Discussion on Access Fund & Access Providers
- Discussion on Vehicle Safety & Driver Training
- Open Discussion





Housekeeping

- Email questions/comments to transportationprograms@cpuc.ca.gov
- CPUC staff will read aloud emailed comments/questions.
- Please do not use WebEx chat for your questions/comments.
- Phone line will be opened for comments/questions during Q&A and “Open Discussion” portions of agenda – on mute during presentations.
- Please do not put us on hold.
- WebEx is being recorded – will post on CPUC website (www.cpuc.ca.gov/tncaccess) after workshop.





Welcoming Remarks





SB 1376 (Hill, 2018) Overview

(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.**" [Pub. Util. Code § 5440]

(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." [Pub. Util. Code § 5440]





Statutory Framework

- 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 **[D.19-06-033 / “Track 1”]**
 - \$0.10 per TNC trip
 - Each county is a distinct “geographic area”
- 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 **[“Track 2”]**
- TNCs and “access providers” must demonstrate the presence and availability of WAVs and improved response times as a result of fee money expenditures and report data on trips requested/fulfilled, response times, etc. **[“Track 2”]**





Staff Proposals

- TNC Offset Request Process
- TNC Offset Request Contents
- TNC Exemption Requirements
- Access Providers
- Access Fund Disbursements





TNC Access Fund Offset

- "...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.**" [Pub. Util. Code § 5440.5(a)(1)(B)(ii)]





Staff Proposal: TNC Offset Request Process

- Submit an “advice letter” as governed by General Order 96-B to request an offset.
 - Transparent process
 - Allows for comment/protest
 - Staff can grant or reject request
 - Staff disposition can be reviewed
- Due within 15 days of the end of each quarter – on same schedule as Access Fund remittances.





Staff Proposal: TNC Offset Request Process (Cont.)

- Cap quarterly offsets at 90% of total fee amount collected within any geographic area
- Authorize TNCs to request retroactive offsets for investments in WAV service since July 1, 2019
- Require a TCP permit to provide WAV service directly or by contract with another transportation provider that also possesses a TCP permit





Staff Proposal: Contents of TNC Offset Requests

- A. Demonstrate “presence” and “availability” of WAV service
- Report for each geographic area:
 - Number of WAVs in operation each month by hour of the day (e.g. 00:00 to 00:59, 01:00 to 01:59)
 - Number and percentage of WAV trips completed; not accepted; canceled by passenger; canceled due to “passenger no-show,” and canceled by driver – each month, by hour of the day, and by zip code of trip request





Staff Proposal:

Contents of TNC Offset Requests (Cont.)

B. Demonstrate “improved level of service,” including “reasonable response times...”

- Establish WAV trip response time standards for use in determining TNC offset requests:
 - CPED analyzed trip data from TNCs in their Annual Reports covering September 1, 2017 through August 31, 2018 to calculate the 50th (median) and 80th percentile response times in each geographic area/county.
 - CPED recommends that TNC trip response times for the general public be used as the basis for establishing “reasonable response times” for WAV trips in each geographic area/county.





Staff Proposal: Contents of TNC Offset Requests (Cont.)

Table 1. Proposed WAV Trip Response Time Criteria for TNC Offsets		
Geographic Area/County	WAV Response Time Standard	2x WAV Response Time Standard
San Francisco	8 minutes	16 minutes
Alameda, Los Angeles, San Diego, San Mateo, Santa Clara	10 minutes	20 minutes
Napa, Orange, Sacramento, San Luis Obispo, Santa Barbara, Yolo	12 minutes	24 minutes
Butte, Fresno, Kern, Monterey, San Bernardino, Santa Cruz, Solano	15 minutes	30 minutes
Contra Costa, El Dorado, Marin, Placer, Riverside, San Joaquin, Shasta, Sonoma, Stanislaus, Ventura	20 minutes	40 minutes
Del Norte, Humboldt, Imperial, Inyo, Kings, Lassen, Mendocino, Madera, Merced, Mono, Nevada, Plumas, Sutter, Trinity, Tulare, Yuba	25 minutes	50 minutes
Alpine, Amador, Calaveras, Colusa, Glenn, Lake, Mariposa, Modoc, San Benito, Sierra, Siskiyou, Tehama, Tuolumne	30 minutes	60 minutes
Implementation Period	Offset Service Level	Offset Service Level
July 2019 – June 2020	50%	75%
July 2020 – June 2021	60%	80%
July 2021 – June 2022	70%	85%
July 2022 – June 2023	80%*	90%
July 2023 – Onward	90%*	--

*Qualifies for exemption





Staff Proposal:

Contents of TNC Offset Requests (Cont.)

C. Present WAV trip response time data

- Report, for each geographic area, the completed WAV trip request response times in deciles each month for each zip code.
 - e.g. 10% of all WAV trips that originated in zip code “00000” in September 2019 were fulfilled in 5.25 minutes, 20% fulfilled in 6 minutes, 30% fulfilled in 7.5 minutes, etc.





Staff Proposal:

Contents of TNC Offset Requests (Cont.)

D. Demonstrate “a full accounting of funds expended”

- Present categorized expenditures made within the quarter and explain how those investments were used to improve WAV service
 - Suggested categories include marketing and outreach; maintenance and equipment; discounts to passengers; driver incentives; training; etc.
- Maintain documentation (i.e. receipts and invoices) for duration of program and make available to CPUC upon request





Staff Proposal:

Contents of TNC Offset Requests (Cont.)

E. Present evidence of WAV driver training

- Certify all drivers operating WAVs on their platforms are required to receive WAV driver training within the past three years
 - Training includes sensitivity training; passenger assistance techniques; accessibility equipment use; door-to-door service; and safety procedures
- Identify WAV driver training programs used in geographic area
- Report number of drivers operating in geographic area that completed WAV driver training
- Maintain WAV driver training records for duration of program and make available to CPUC upon request





Staff Proposal:

Contents of TNC Offset Requests (Cont.)

F. Present evidence of WAV safety inspections

- Certify that all WAVs must be inspected for safety and compliance with ADA within the past year to operate on TNC platform
 - Expand annual “19-point” vehicle safety inspection to include all adaptive equipment on WAVs (e.g. ramps, lifts, securement systems)
- Maintain records of completed annual WAV safety inspections for duration of program and make available to CPUC upon request





Staff Proposal:

Contents of TNC Offset Requests (Cont.)

G. Demonstrate “efforts undertaken to publicize and promote available WAV services to disability communities”

- Provide list of entities partnered with from disability communities
 - Demonstrate with documentation how those partnerships were used to publicize and promote available WAV services
- Require supporting documentation of marketing and promotional efforts (e.g. copies of advertisements, informational materials, screenshots from websites, etc.)





TNC Fee Remittance 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...**" [Pub. Util. Code § 5440.5 (a)(1)(G)]





Staff Proposal: TNC Exemptions

- Use WAV Response Time Standards, proposed for evaluation of offsets, in adopting “designated level of WAV service” for each geographic area
 - A TNC must fulfill at least 80% of WAV trips within the geographic area’s WAV Response Time Standard to qualify for an exemption.
- Submit exemption requests annually as an “advice letter” within 15 days after end of State fiscal year (i.e. July 15)
- Continue quarterly reporting during exemption period
 - Submit quarterly “information only” advice letters containing same information included in offset requests
 - Report number of completed trips that originated in the geographic area where an exemption has been granted on quarterly “Access Fund Fee Statement”
 - Require quarterly fee remittance again for following year if TNC fails to sustain designated level of WAV service during year-long exemption period





Staff Proposal: TNC Exemptions (Cont.)

- In a geographic area where an exemption has been granted, a TNC is still required to collect the per-trip “Access for All” fee but not to remit it to CPUC each quarter.
 - (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...
 - (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)...
- Where an exemption has been granted, if a TNC collects more moneys in “Access for All” fees than it has invested in WAV service, the remaining fee moneys may still only be used for their intended purpose of providing on-demand transportation services for persons with disabilities.





Access Providers

- (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. [Pub. Util. Code § 5431.5]

“Independent Entity”

- (c) “The commission may hire an independent entity **to administer the program** established pursuant to subdivision (a) and **to complete the report** required pursuant to paragraph (2) of subdivision (a).” [Pub Util. Code § 5440.5(c)]





Access Fund Disbursements

- (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.**" [Pub. Util. Code § 5440.5(a)(1)(E)]





Staff Proposal: Access Fund

- A. Authorize transit planning agencies to receive and disburse Access Fund moneys to provide on-demand WAV transportation to persons with disabilities
- Allow programmatic administration of Access Fund to be delegated to county transportation commissions (CTCs), metropolitan planning organizations (MPOs) or regional transportation planning agencies (RTPAs) for geographic areas under their jurisdiction
 - Unlike other jurisdictions (Chicago, New York City, Portland, Seattle) with fees to support on-demand WAV transportation, local entities in California are generally preempted from imposing own fees on TNC operations.
 - However, transportation planning and funding agencies are more experienced with accessible transportation funding (e.g. federal Section 5310 “Enhanced Mobility for Seniors and Individuals with Disabilities Program”) and are better positioned than Commission to recognize and meet transportation needs of persons with disabilities





Staff Proposal: Access Fund (Cont.)

B. CPED to develop process for transit planning agencies to apply to be “Access Fund Administrators”

- Require “Access Fund Administrators” to:
 - Report, for each geographic under their jurisdiction, the same information on a quarterly basis about access providers that receive Access Fund moneys as TNCs that seek offsets would report
 - Certify they will only spend and disburse Access Fund moneys in accordance with the conditions and criteria establish by the Commission
- Approve “Access Fund Administrators” and annual disbursements to them via Commission Resolution
- Require a balance of least \$100,000, in total from all geographic areas within the Access Fund Administrator’s jurisdiction, to be available in the Access Fund prior to transfer of moneys





Staff Proposal: Access Fund (Cont.)

C. Adopt similar requirements for Access Providers as for TNCs

- Report quarterly for each geographic area:
 - Number of WAVs in operation each month by hour of the day
 - Number and percentage of WAV trips completed; not accepted; canceled by passenger; canceled due to “passenger no-show;” and canceled by driver – each month, by hour of the day, and by zip code of trip request
 - Completed WAV trip request response times in deciles each month for each zip code
- WAV driver training and vehicle safety inspections
 - Certify that they require all WAVs operated by access providers to be inspected annually and approved for conformance with ADA “Accessibility Specifications for Transportation Vehicles”
 - Certify that all WAV drivers are required to receive WAV driver training at least every three years
 - Maintain records and provide them to Commission upon request





Staff Proposal: Access Fund (Cont.)

D. Allow TNCs to apply as “Access Providers” in geographic areas where they have satisfied criteria for exemption

- Use same “WAV Response Time Standards” for each geographic area to measure and directly compare the WAV service provided by both access providers and TNCs

E. Hire “independent entities” to assist in administration and audit of Access Fund

- Retain entity with expertise in accessible transportation to support completion of mandated Report to the Legislature and work directly with persons with disabilities and related entities to ensure program continuously meets their needs
- Retain entity to monitor and audit collection and expenditures of funds to verify compliance with Commission requirements
- Authorize using moneys from Access Fund to hire independent entities





Presentations from Parties





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 and do not put us on hold.





Discussion of TNC Offsets & Exemptions

A. Request & Review Process

- How and when should offset requests be presented to the Commission? How should offset requests be approved?
- Should offsets be capped a certain amount or percentage each quarter?
- Should offset eligibility be applied retroactively beyond the immediately preceding quarter? If so, how would the retroactive application work?
- To avoid potential instability in Access Fund funding use and availability, should TNCs be required to state their advance intent to use or request offsets? If so, how far in advance?
- For a TNC that receives an offset, when should reports, as required by § 5440.5(a)(1)(I), be submitted? What additional information, if any, should be included in these reports and should the reports be publicly available?
- Currently TNCs are not permitted to own vehicles or contract with transportation providers for vehicles used in their operation, as provided in Decision (D.) 13-09-045. How should the Commission reconcile the above statute with current regulations?





Discussion of TNC Offsets & Exemptions (Cont.)

B. Offset Criteria

- What criteria should be used to evaluate whether a TNC has demonstrated “improved level of service, including, reasonable response times due to their investments for WAV service compared to the previous quarter”?
- What documentation or records, if any, should a TNC be required to provide to the Commission as evidence of “full accounting of funds expended”?
- What types of investments by TNCs can be counted for purposes of offsetting the amounts due to the Access Fund?





Discussion of TNC Offsets & Exemptions (Cont.)

C. Exemption Criteria

- What WAV service level requirements should be established?
- How and when should exemption requests be presented to the Commission? How should exemption requests be approved?
- What information should be used to establish the required response time for 80 percent of WAV trips requested?
- Should TNCs be required to meet all WAV service level requirements for a certain period of time before receiving an exemption? If so, what duration should be used?
- Should the Commission require TNCs to submit reports during the year it was granted an exemption in a geographic area? What information should be included in these reports and should the reports be publicly available?
- Currently TNCs are not permitted to own vehicles or contract with transportation providers for vehicles used in their operation, as provided in Decision (D.) 13-09-045. How should the Commission reconcile the above statute with current regulations?
- Should a TNC satisfy requirements to directly provide WAV service using vehicles that it owns or by contract with a transportation provider, such as WAV driver training or vehicle accessibility feature safety?





Discussion on Access Fund & Access Providers

A. Access Fund Disbursement Process

- 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 provide exclusively 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)?





Discussion on Access Fund & Access Providers (cont.)

B. Access Providers

- What criteria should the Commission adopt to select access providers to receive funding?
- What types of on-demand programs or partnerships applications should be considered?
- Should governmental entities (e.g. cities, counties, metropolitan planning organizations, regional transportation planning agencies) be considered as access providers?
- What financial information, if any, should applicants be required to submit regarding their operations? For example, should the access provider submit all streams of revenue, such as any other local, state, or federal funds the provider receives to provide WAV service?
- What considerations should be included in the access provider's application, including but not limited to, vehicle specifications, subsidies for wheelchair pickups, maintenance and fuel costs, designated pickup locations for drivers in locations where door-to-door service is not feasible, standards for trip requests, response times, and rider initiated cancellation, limiting of stranded users, integration of service into city and county transportation plans, availability and effectiveness of existing WAV service, or any necessary training or additional incentives for WAV drivers that result in a measurable impact on service availability, efficiency, and efficacy?





Discussion on Access Fund & Access Providers (cont.)

C. “Independent Entity”

- Pursuant to Pub. Util. Code § 5440.5(c), should the Commission retain an independent entity to administer the Access Fund program?
- What functions of the program should the program administrator fulfill?
- Should Access Fund moneys be used to fund the program administrator, or another source of funding?





Discussion on Vehicle Safety & Driver Training

- Should a TNC satisfy requirements with respect to WAV driver training and vehicle accessibility feature safety as a condition to receiving an offset? If so, what driver training and vehicle safety inspection requirements should be established (e.g. inspection and maintenance of lifts, ramps, and securement devices)?
- Should a TNC satisfy requirements to directly provide WAV service using vehicles that it owns or by contract with a transportation provider, such as WAV driver training or vehicle accessibility feature safety?





Open Comment

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Thank you!

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