BEFORE THE PUBLIC UTILITIES COMMISSION OF THE

STATE OF CALIFORNIA

Order Instituting Rulemaking on Regulations Relating to Passenger Carriers, Ridesharing, And New On-Line-Enabled Transportation Services	R.12-12-011 (Filed December 20, 2012)

JOINT OPENING COMMENTS OF THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY AND THE SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY ON THE ASSIGNED COMMISSIONER'S RULING REOPENING THE RECORD FOR FURTHER COMMENTS REGARDING THE DISCLOSURE OF TNC ANNUAL REPORTS FROM 2014-2019 ON WHETHER THE TIMESTAMP DATA FOR EACH TNC TRIP SHOULD BE AGGREGATED

TILLY CHANG
Executive Director
San Francisco County Transportation Authority
1455 Market Street, 22nd Floor
San Francisco, CA 94103
(415) 522-4832
tilly.chang@sfcta.org

JEFFREY P. TUMLIN
Director of Transportation
San Francisco Municipal Transportation Agency
One South Van Ness Avenue, 7th Floor
San Francisco, CA 94103
(415) 646-2522
jeffrey.tumlin@sfmta.com

Dated: June 15, 2023

Pursuant to the Assigned Commissioner's May 9, 2023 Ruling Reopening the Record for Further Comments Regarding the Disclosure of TNC Annual Reports from 2014-2019 on Whether the Timestamp Data for Each TNC Trip Should be Aggregated (the "Ruling"), the San Francisco Municipal Transportation Agency and the San Francisco County Transportation Authority ("SFCTA") (collectively, "San Francisco") submit these joint comments.

I. INTRODUCTION

The Third Amended Phase III. C. Scoping Memo and Ruling of Assigned Commissioner filed on December 9, 2021 introduced questions regarding the disclosure of Transportation Network Company ("TNC") Annual Reports for reporting years 2014 to 2019. Following comments and reply comments submitted by the parties in February 2022, the Assigned Commissioner released the Proposed Decision Requiring TNCs to Submit their Annual Reports for the Years 2014-2019 to the Commission with Limited Redactions (the "Proposed Decision") on September 30, 2022. The Proposed Decision was revised with changes to its rationale but not the substance of its conclusions or its orders on March 14, 2023. The Ruling reopens the narrow issue of whether timestamp data in the Public TNC Annual Reports for years 2014-2019 should be produced with low precision, citing "further nuance with respect to timestamp data,"[1] but without elaborating on what new concerns have been raised or why those concerns warrant reopening the record. The California Public Utilities Commission (the "Commission" or "CPUC") has conducted years of rulemaking and already determined, in the case of TNC Annual Reports from 2020 onward, that precise timestamp data is public because it does not compromise personal information or trade secrets. It is unclear why this conclusion would differ for data from earlier years. San Francisco does not believe the record needs to be reopened to reconsider the Proposed Decision, even within the narrowly identified scope, and that doing so invites further delay and confusion.

San Francisco does not understand the basis on which the record is being reopened to consider whether timestamp data from TNC Annual Reports for reporting years 2014 to 2019 should be

[1] Ruling, at p. 1.

produced with low precision, and opposes doing so. San Francisco further requests clarification whether this issue pertains solely to the *public* TNC Annual Reports or also to the confidential versions accessible only by the Commission. The following section provides direct responses to the questions posed in the Ruling.

II. FEEDBACK

1. What are the benefits and/or drawbacks of aggregating timestamp data for each TNC trip in blocks of 15-minute, 30-minute, or 1-hour intervals?

Data for all years should be provided at a precision of at least 1-minute and preferably 1-second. This data supports the Commission's own analytical needs. The TNC Access for All program, which collects fees on all TNC trips in California to fund on-demand wheelchair accessible vehicle ("WAV") service, identifies response times (the time between when a trip is requested and the vehicle arrives to pick up the passenger) as a key performance metric and requires TNC WAV service to meet response time standards in order to qualify for reimbursement of the cost of providing WAV service. Those standards are benchmarked against response times for non-WAV service.[2] If timestamp data is produced with low precision, then response times cannot be accurately calculated. This limits the ability of the Commission to validate TNCs' self-reported response times, which are the basis for administering reimbursements from the multimillion-dollar TNC Access for All program funds. It also limits the ability of the Commission and the public to gain insight into trends in this key metric over time, between companies, and between WAV and non-WAV service.

Additionally, transportation planners use time data at varying levels of precision for many applications, including:

- Travel demand modeling simulates trips with departure times at 1-minute precision. This is supported by data sources like travel surveys and stop level transit ridership data, each

[2] *Decision on Track 4 Issues* (2021). CPUC Rulemaking 19-02-012, Decision (D.) 21-11-004. <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M421/K765/421765844.PDF > [as of November 8, 2021].

collected with timestamps precise to a second, or a fraction of a second, and rounded to 1-minute in application.

- San Francisco curb passenger loading capacity planning uses peak 1-minute demand within a 15-minute period to identify needs.[3]
- Traffic assignment models may simulate trips in 30-minute, 1-hour, or multi-hour periods.
- Active curb management, like dynamic pricing, requires precise data. SF Park adjusted meter rates based on data with 1-second precision.[4]

Precise data may be used in lower precision applications, but low-precision data cannot be used effectively in high-precision applications. Producing data at lower precision will prevent some of the uses identified above, for no clear and compelling reason.

Furthermore, lowering the precision of data makes underlying data errors hard to detect. Precise timestamp data can reveal inconsistencies in the data that may not be apparent in more aggregated form. The SFCTA's recent report TNCs 2020: A Profile of Ride-Hailing in California[5] provides examples of granular data used in this way.

a. Is there an optimal level of aggregation of the timestamp data for each TNC trip that would strike the appropriate balance between providing public access to the timestamp data while safeguarding against potential privacy risks?

The Commission has previously rejected arguments that timestamp data create a potential privacy risk.[6,7] It is not clear on what basis such a risk is now being asserted. San Francisco proposes

[3] *Traffic Impact Analysis Guidelines* (2019). San Francisco Planning, at p. F-11. <https://default.sfplanning.org/publications_reports/TIA_Guidelines.pdf> [as of Feb. 2019].

[4] *Parking Sensor Data Guide* (2013). SF Park. <https://www.sfmta.com/sites/default/files/reports-and-documents/2018/08/sfpark_dataguide_parkingsensordata.pdf> [as of September 4, 2013].

[5] *TNCs 2020: TNCs 2020: A Profile of Ride-Hailing in California* (2023). San Francisco County Transportation Authority. <https://www.sfcta.org/projects/tncs-2020-profile-ride-hailing-california> [as of April 2023].

[6] *Assigned Administrative Law Judge's Ruling on Uber Technologies, Inc.'s and Lyft's Motion for Confidential Treatment of Certain Information in Their 2020 Annual Reports* (December 21, 2020). CPUC Rulemaking 12-12-011. <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M355/K738/355738454.pdf> [as of Dec. 21, 2020].

[7] *Assigned Administrative Law Judge's Ruling Granting, in Part, the Motions of Uber Technologies, Inc., Lyft, Inc., HopSkipDrive, Inc., and Nomad Transit, LLC for Confidential Treatment of Portions of Their*

that the appropriate balance is to follow the standard already settled by the Commission for TNC Annual Reports for 2020 and 2021, and require precise timestamp data for the reasons cited in section 1 above.

2. Would aggregating timestamp data for each TNC trip hinder the ability of the public to use the data to address safety and environmental concerns, manage curb space, and/or administer transportation planning policies?

Yes. As described in response to question 1, the lack of precise timestamp data makes it impossible to calculate accurate response times, a key metric in the TNC Access for All Program. Also, as described in response to question 1, precise timestamp data has transportation planning and transportation management uses, including those that benefit ride-hail services (like increased passenger loading curb space) and the motoring public (like increased parking availability through variable pricing of curb space). Imprecise timestamp data will hinder those applications. For example, calculating the duration of passenger loading and unloading events are necessary to understand demands at the curb and the lack of precise timestamps makes this impossible.

a. Would aggregating timestamp data for each TNC trip create any other hinderances to data utility?

Reducing the precision of timestamp data will hinder quality control and quality assurance. Data whose precision has been artificially lowered may obscure errors in the underlying data and may make them impossible to detect. Precise timestamp data can reveal inconsistencies in the data that may not be apparent in less precise form. The SFCTA's TNCs 2020 study provides an example: an examination of Uber Technologies Inc.'s ("Uber") trips aggregated to the day reveals that Uber's *Requests Accepted* report submitted as part of its 2020 TNC Annual Reports is missing 2 weeks of data.[8] If only monthly precision was reported, it would not be possible to identify this issue. This same principle applies at higher levels of precision.

2021 Annual Transportation Network Company Reports (November 24, 2021). CPUC Rulemaking 12-12-11. <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M425/K517/425517150.pdf> [as of Nov. 24, 2021].

[8] *TNCs 2020: A Profile of Ride-Hailing in California* (2023). SFCTA, at Chapter 2. <https://tncs2020.sfcta.org/ch2_compliance/> [as of April 2023].

3. **Are there any published academic or governmental studies regarding the benefits, or lack thereof, of aggregating timestamp data for TNC trips? If so, please provide a link to each academic and governmental study or attach a hard copy of each academic and governmental study to your comment.**

The studies TNCs Today[9], TNCs & Congestion[10], and TNCs 2020 each made use of data with timestamps precise to fractions of a second. We are not aware of studies designed to evaluate whether there is a tradeoff to decreasing precision of timestamp data.

4. **Have any TNCs provided aggregated timestamp data for each TNC trip to another regulatory entity? If so, identify the regulatory entity and the number of years in which the TNC has provided the timestamp data for each TNC trip aggregated by time.**

New York City's Taxi and Limousine Commission, which regulates Uber and Lyft, Inc. ("Lyft") as "High Volume For-Hire Vehicles," has collected and published TNC trip records dating back to February 2019, which include precise timestamps to the second.[11] These are reported monthly and available on a 3-month lag. Neither Uber nor Lyft have ever cited any issues arising from the New York City requirement in this rulemaking, despite collectively reporting 780 million trips there.

5. **What was the publicly stated rationale of the TNC and/or regulatory entity in providing and/or requesting aggregated timestamp data for each TNC trip in this format?**

TNCs claims for confidentiality and for limiting data precision have been discussed in this rulemaking over the course of many years, and have been settled. It is not clear on what basis the topic has been reopened and San Francisco feels it should not be re-opened.

[9] *TNCs Today* (2017). SFCTA. <https://www.sfcta.org/projects/tncs-today> [as of 2017].

[10] *TNCs & Congestion* (2018). SFCTA. <https://www.sfcta.org/projects/tncs-and-congestion> [as of 2018].

[11] *TLC Trip Record Data*. New York City Taxi & Limousine Commission. <https://www.nyc.gov/site/tlc/about/tlc-trip-record-data.page> [as of June 15, 2023].

III. CONCLUSION

The Commission has repeatedly found that timestamp data does not constitute a risk to personal privacy and has ruled that it should be made public. There is demonstrable public interest in precise timestamp information, as demonstrated in the responses above. Such timestamp information is routinely published in New York City, another major TNC market, and yet Uber and Lyft have never cited any issues arising from this data in their New York City filings. It is not clear on what basis the record has been reopened to seek additional comments on the precision of timestamp data reporting, and San Francisco proposes the Commission re-confirm its prior findings.

Dated: June 15, 2023

Respectfully submitted,

DAVID CHIU
City Attorney
LILLIAN A. LEVY
Deputy City Attorney
(415) 554-3876
Lillian.Levy@sfcityatty.org

By: /s/*Lillian A. Levy*
LILLIAN A. LEVY

On behalf of: THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AUTHORITYAND SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY