

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

Order Instituting Rulemaking to Implement
Senate Bill 1376 Requiring Transportation
Network Companies to Provide Access for
Persons with Disabilities, Including
Wheelchair Users who need a Wheelchair
Accessible Vehicle.

R.19-02-012
(Filed February 21, 2019)

**OPENING COMMENTS OF THE SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY, SAN FRANCISCO COUNTY TRANSPORTATION
AUTHORITY, AND SAN FRANCISCO MAYOR'S OFFICE ON DISABILITY ON
PROPOSED DECISION ON TRACK 1 ISSUES**

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INTRODUCTION

In accordance with Rule 14.3 of the Commission's Rules of Practice and Procedure, the San Francisco Municipal Transportation Agency, San Francisco County Transportation Authority, and San Francisco Mayor's Office on Disability (collectively "San Francisco") submit these comments on the Proposed Decision on Track 1 Issues: Transportation Network Company Trip Fee and Geographic Areas (the "Proposed Decision"). San Francisco strongly supports adoption of the Proposed Decision, while emphasizing some areas we believe deserve attention to best serve the objectives of Track 1.

DISCUSSION

A. Establishment of the TNC Access for All Fund

1. San Francisco supports the preliminary adoption of a \$0.10 per-trip fee and the opportunity to re-evaluate the fee amount going forward.

The Proposed Decision would adopt a \$0.10 per-trip fee for each TNC trip completed using the TNC's online-enabled application or platform that originates in a designated geographic area beginning July 1, 2019.¹ In determining this fee, the Commission emphasizes the need to strike a balance between an appropriate fee for consumers to pay and an impactful fund to encourage WAV investment.² San Francisco understands this reasoning and supports an amount of \$0.10 as a starting point. Significantly, the Proposed Decision states that "the Commission will monitor the initial collection of funds and the extent of utilization by access providers and TNCs, and may modify the per-trip fee in the future as needed."³ San Francisco strongly supports the opportunity provided by the Proposed Decision, as well as the TNC Access for All Act, to re-evaluate the fee amount in the future, and believes that re-evaluation after

¹ See Proposed Decision, page 10.

² Id. at page 10.

³ Id. at page 10.

implementation will be necessary.

It is likely that data will support a higher per-trip fee, as reflected by San Francisco proposing an initially higher initial fee of \$0.15, which we believe is necessary to ensure that the fund can provide meaningful access to people with disabilities. As San Francisco noted previously, TNC trip volumes are not publicly reported.⁴ San Francisco remains hopeful that the data required to determine an appropriate fee, including TNC trip volumes, offset requests, and the amount of fees collected, will be reported to the public and made available as this rulemaking proceeding continues, and we would appreciate the opportunity to revisit the appropriate fee amount at such time that this information is made available.⁵

2. San Francisco supports a requirement that TNCs present the Access Fund fee to customers in a similar manner as other surcharges are presented.

San Francisco appreciates the Commission's recognition in its Proposed Decision of our proposal that TNCs present the fee to customers in a similar manner as how other surcharges are presented to customers.⁶ At present, this would allow TNCs to present the fee in a way that is transparent to customers and is non-stigmatizing. San Francisco therefore supports the Proposed Decision's proposed requirements for fee presentation. However, should TNCs change the way all surcharges and fees are presented to consumers, resulting in something that is stigmatizing to people with disabilities, San Francisco requests that the Commission provide further guidance to TNCs on presentation of their fees.

3. San Francisco supports a payment schedule that follows PUCTRA requirements.

The Proposed Decision proposes a requirement that Access Fund fees be submitted

⁴ See San Francisco Reply Comments, pages 1-2.

⁵ See San Francisco Comments on May 2, 2019 Workshop, page 2.

⁶ See Proposed Decision, page 12.

according to a schedule that mirrors the Public Utilities Commission Transportation Reimbursement Act (“PUCTRA”) requirements in which fees are due fifteen days after a quarter ends.⁷ San Francisco supports this proposal as a means of making compliance reasonable and administratively efficient.⁸

B. San Francisco supports the designation each county in the State as a geographic area for purposes of the Access for All Fund.

San Francisco appreciates recognition of the need to include the entire state of California when implementing the TNC Access Fund fee. The Proposed Decision would designate each county in California as a geographic area for collection of fees and distribution of funds.⁹ As the Access for All Fund, by its name, is meant to benefit all Californians, San Francisco supports this “reasonable, non-discriminatory approach”¹⁰ which allows funds to be available in every county in California where TNCs provide service. San Francisco agrees that county lines generally reflect boundaries and response times that are intuitive to customers,¹¹ and thus supports the Proposed Decision.

San Francisco also appreciates that the Proposed Decision addresses the important concerns regarding the administrative challenges of distributing the Access for All Fund. Specifically, the Proposed Decision recognizes the need for a discussion about assigning a third-party administrator, such as a Metropolitan Planning Organization (MPO) or Regional Transportation Planning Agency, that has expertise in the administration of a fund like the Access for All Fund .¹² Because it may prove difficult for the Commission to oversee the

⁷ See Proposed Decision, page 13.

⁸ See San Francisco Reply Comments, page 4.

⁹ See Proposed Decision, page 17.

¹⁰ See Proposed Decision, page 17.

¹¹ See Proposed Decision, page 17.

¹² See Proposed Decision, pages 17-18.

administration of the fund, it is likely more practical and efficient to engage a third-party administrator. We look forward to further discussion of this issue in Track 2 of this proceeding.

CONCLUSION

San Francisco supports the proposals set out in the Commission's Track 1 Proposed Decision, and believes that the Proposed Decision creates a good starting point for implementation of the Access for All Fund. We appreciate the opportunity to provide opening comments on the Proposed Decision, and we look forward to further discussion with the other parties.

Respectfully submitted,

June 13, 2019

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