

**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)

**REPLY COMMENTS OF THE SAN FRANCISCO MUNICIPAL TRANSPORTATION
AGENCY, SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY, AND SAN
FRANCISCO MAYOR'S OFFICE ON DISABILITY ON RULING ON TRACK 5A ISSUES
AND DATA SUBMISSION FOR PRE-SCHEDULED TRIPS**

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Dated: May 4, 2022

INTRODUCTION

In accordance with Rule 14.3 of the California Public Utilities Commission’s (“Commission” or “CPUC”) 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” or “SF”) submit Reply Comments on parties’ Comments on the Ruling on Track 5A Issues and Data Submission for Pre-Scheduled Trips issued on April 11, 2022 (the “Ruling”) related to the TNC Access for All Act (“Act”).

DISCUSSION

1. Uber’s objection to the Ruling’s mandate that Transportation Network Companies (“TNCs”) report non-wheelchair accessible vehicle (“WAV”) trip data for pre-scheduled trips is not supported.

The Ruling finds that “performance metrics for pre-scheduled WAV trips should be based on an evaluation of existing pre-scheduled WAV and non-WAV trip data” and therefore requires TNCs to submit data on pre-scheduled WAV and non-WAV services.¹ Uber objects to submitting data on non-WAV services but their argument that “non-WAV data is not the right reference to use to establish WAV performance benchmarks”² is based on a policy argument the Commission has declined to accept.³ Since Uber has not identified an error of law or fact the Commission’s mandate should stand.

¹ Ruling, at 12-13.

² Comments of Uber Technologies, Inc. on Assigned Commissioner’s Ruling on Track 5A Issues and Data Submission for Pre-Scheduled Trips, at 1.

³ Ruling, at 12.

2. San Francisco supports the Disability Rights Education & Defense Fund, Disability Rights California, and the Center for Accessible Technology’s (“Disability Advocates”) recommendation that the Commission issue an Order to Show Cause against Lyft to consider penalties based on its violation of Rule 1.1 of the Commission’s Rules of Practice and Procedure.

As the Disability Advocates explain, the Ruling identifies a series of misleading statements and actions taken by Lyft with regard to its pre-scheduled trip data.⁴ The Disability Advocates note that, “[b]ased on the information provided in the ACR on Track5A Issues, and subject to modification based on further investigation, there is a reasonable basis for the Commission to determine that Lyft misled the Commission or its staff by an artifice or false statement and that it failed to maintain the respect due to the Commission and Its ALJs in this proceeding,” in violation of Rule 1.1.⁵ San Francisco agrees with this statement and concurs with the Disability Advocates’ concluding request that, “[g]iven the information already identified in the ACR, and due to the importance of the issues impacted by Lyft’s actions, namely the availability of timely and reliable service for customers who require wheelchair accessible vehicles and the distribution of funds intended to support such service...the Commission move to initiate an Order to Show Cause against Lyft.”⁶

3. Lyft’s request to amend the Ruling’s discussion of their pre-scheduled trips reporting is not supported.

Lyft requested major modifications to the Ruling that would strike discussion of their inaccurate and misleading treatment of pre-scheduled trips in their Advice Letters.⁷ Lyft offers a variety of explanations and justifications, but the Commission has already demonstrated that their

⁴ Comments of the Disability Advocates on Assigned Commissioner’s Ruling on Track 5A Issues, at 1-5.

⁵ *Ibid.*, at 3.

⁶ *Ibid.*, at 5.

⁷ Lyft, Inc.’s Comments on Assigned Commissioner’s Ruling on Track 5A Issues and Data Submission for Pre-Scheduled Trips, at 5.

statements regarding Lyft's actions in reporting pre-scheduled trips are accurate and fair.⁸ Lyft is attempting to re-write history and their proposed edits are not supported.

4. San Francisco agrees with SFTWA's comment that Lyft must be required to re-submit all Advice Letters, not only those that were appealed or are pending.

As the San Francisco Taxi Workers Alliance ("SFTWA") succinctly states, "Lyft should gain no advantage from its deceit in submitting these Letters."⁹ San Francisco maintains that the desire to reduce administrative burden on staff, while understandable, is not a rational basis for only requiring that some of Lyft's inaccurate data be corrected.¹⁰ Lyft must be required to file supplemental Advice Letters in all instances where the original Advice Letter contained pre-scheduled trips.

Dated: May 4, 2022

Respectfully submitted,

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⁸ Ruling, at 9-12, 15-17.

⁹ Comments of the SFTWA on Assigned Commissioner's Ruling on Track 5A Issues and Data Submission for Pre-Scheduled Trips, at 3.

¹⁰ Comments of San Francisco on Assigned Commissioner's Ruling on Track 5A Issues and Data Submission for Pre-Scheduled Trips, at 2.