

**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)

**COMMENTS OF THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY,
SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY, AND SAN FRANCISCO
MAYOR'S OFFICE ON DISABILITY ON TRACK 4 PROPOSALS**

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Dated: June 10, 2021

I. INTRODUCTION

In accordance with the Scoping Memo and Ruling issued on March 19, 2021 (“Track 4 Scoping Memo”) and ruling modifying the Track 4 schedule issued on May 6, 2021, the San Francisco Municipal Transportation Agency, San Francisco County Transportation Authority, and San Francisco Mayor’s Office on Disability (collectively “San Francisco”) submit comments on parties’ Track 4 Proposals and Revised Proposals related to the TNC Access for All Act (“Act”). San Francisco thanks the Commission for the careful and thoughtful implementation of this important law. As R.19-02-012 currently has a statutory deadline of February 21, 2022, Track 4 is a final and crucial chance for the Commission to adopt a program framework that will effectively and adequately broaden access to on-demand transportation for wheelchair users by the time the Act sunsets. Therefore, it is San Francisco’s priority to support program requirements that provide both wheelchair users and on-demand service providers with a clear roadmap, without leaving any open questions or major concerns from parties. Further, it is clear from the dialogue of this rulemaking that the interim framework adopted in Tracks 2 and 3 is not sustainable for riders, TNCs, or the general public, nor does it meet the intention and language of the Act.

Our comments on Track 4 Proposals are offered with the serious urging that the Commission adopt a set of TNC Offset and Exemption Requirements for the remainder of the program to truly meet the Act’s intent – incentivize investments and also ensure TNCs provide service in a manner that does not discriminate against people with disabilities. It is also important that the Commission adopt requirements with broader consensus, as it is clear current requirements do not enjoy support from any parties. While we appreciate the Commission’s previous rulings are a good faith effort to conciliate many expert viewpoints, it is a red flag that not a single party finds the current framework workable. A framework without support from any party will very likely not make any meaningful changes the Act intended to achieve. In this spirit, San Francisco offers a proposed framework, which builds on Uber’s revised proposal. The adoption of these requirements, along with other proposals we support, such as allowing non-CPUC regulated entities to serve as access providers: 1) are reasonable and achievable, 2) provide TNCs with adequate incentive to continue broadening access to on-demand transportation,

and 3) will provide more certainty to riders and Access Fund program administrators. It is imperative that the CPUC not delay any further and establish a complete set of forward-looking program requirements to effectively improve TNC WAV service to wheelchair users before the close of this rulemaking.

II. DISCUSSION

1. Transportation Network Company (TNC) Offset Requirements.

In San Francisco's Revised Proposal on Track 4 Issues, we outlined five key principles that would satisfy San Francisco's main interests and concerns and indicated that we looked forward to commenting on how parties' proposals meet these principles.¹ In this section, we clarify areas of consensus and disagreement, and provide recommendations to further refine the Commission's approach to establishing a final framework.

a. San Francisco Supports Uber's Revised Proposal With Modifications to the Proposed Completion Standards, Exemption Requirements, and Data Reporting Requirements.

In its Revised Proposal on Track 4 Issues, Uber presented a new framework for demonstrating improved levels of service.² The proposal meets many of San Francisco's stated principles. We appreciate the progress the new framework makes in addressing concerns of both the TNCs and other parties to the rulemaking and believe that the Commission should adopt this framework if it includes the following important modifications and clarifications to the proposed minimum completion rates, exemption requirements, and data reporting. With these modifications to Uber's proposal, San Francisco believes the Commission could adopt a realistic and effective framework that enjoys broad consensus.

Minimum Completion Rate As San Francisco has maintained, and as is required by the Act, it is essential that offset requirements consider the total number and percentage of trip requests that are completed.³ While San Francisco appreciates that Uber's new framework includes a minimum completion rate that improves over time and advances towards a completion rate that is roughly

¹ San Francisco Revised Proposal on Track 4 Issues, p. 10.

² Uber Revised Proposal on Track 4 Issues, pp. 4-7 and Exhibit A.

³ Pub. Util Code § 5440.5(a)(1)(G) and Pub. Util Code § 5440.5(a)(1)(J).

equivalent to what is expected to the general public, there is insufficient evidence in the record to support minimum completion rates that vary by geographic area. Minimum completion rates should start with a floor no lower than 50%, should be the same regardless of county “tier,” and should advance toward completing 80% of all trip requests as designated by the Act. If additional data were entered into the record that illustrate comparable completion rates for non-WAV trips in the same area, San Francisco would consider supporting completion rates that vary by geographic area. However, until such data is provided, San Francisco maintains its position, and proposes specific changes to the minimum completion rate and Uber’s overall framework in Exhibit A.

Exemption Requirements Uber’s revised proposal would allow a TNC to qualify for an exemption “after four straight quarters of qualifying for offsets under this new framework” and supports this by stating that “[b]ecause the required Level 2 response time benchmark schedules begin at 80%, the legislative mandate of SB 1376 will be met.”⁴ However, as the Act states, in order to be exempt from paying the Access Fee, **“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.”**⁵

The Commission has always expected a higher standard to be achieved in order for a TNC to receive an exemption, noting “an exemption qualification should have a sufficiently high standard since a qualifying TNC can retain its Access Fund fees for the next full year.”⁶ In the Track 2 Decision, the Commission set the following Offset Time Standard⁷ and Exemption Time Standard⁸:

Track 2 Decision - Offset Time Standard		
Geographic Area/County	Level 1 - WAV Response	Level 2 - WAV Response
	Time (mins) 50%	Time (mins) 75%
San Francisco	15	30

⁴ Uber Revised Track 4 Proposal, p. 5.

⁵ Pub. Util Code § 5440.5(a)(1)(G) (Emph. added).

⁶ Track 2 Decision, p. 45.

⁷ *Id.*, pp. 18-19.

⁸ *Id.*, pp. 45-46.

San Diego, Santa Clara, Alameda, Sacramento, Contra Costa, Ventura, San Joaquin, Stanislaus, Santa Barbara, Solano, San Luis Obispo, Santa Cruz, Shasta, Imperial, Madera, Los Angeles, Orange, San Mateo	25	50
Riverside, San Bernardino, Fresno, Kern, Sonoma, Tulare, Monterey, Placer, Merced, Marin, Butte, Yolo, El Dorado, Napa, Humboldt, Kings, Nevada, Sutter, Mendocino, Yuba, Lake, Tehama, San Benito, Tuolumne, Calaveras, Siskiyou, Amador, Glenn, Del Norte, Lassen, Colusa, Plumas, Inyo, Mariposa, Mono, Trinity, Modoc, Sierra, Alpine	30	60

Track 2 Decision - Exemption Time Standard		
Geographic Area/County	Level 1 - WAV Response Time (mins)	Level 2 - WAV Response Time (mins)
San Francisco	8	16
Alameda, Los Angeles, San Diego, San Mateo, Santa Clara	10	20
Napa, Orange, Sacramento, San Luis Obispo, Santa Barbara, Yolo	12	24
Butte, Fresno, Kern, Monterey, San Bernardino, Santa Cruz, Solano	15	30
Contra Costa, El Dorado, Marin, Placer, Riverside, San Joaquin, Shasta, Sonoma, Stanislaus, Ventura	20	40
Del Norte, Humboldt, Imperial, Inyo, Kings, Lassen, Mendocino, Madera, Merced, Mono, Nevada, Plumas, Sutter, Trinity, Tulare, Yuba	25	50
Alpine, Amador, Calaveras, Colusa, Glenn, Lake, Mariposa, Modoc, San Benito, Sierra, Siskiyou, Tehama, Tuolumne	30	60

Uber’s proposed exemption requirements directly contradict the language of the Act and, in “Tier 1 Counties”, would allow a TNC to receive an exemption after a year of service where a TNC only completes a minimum of 50%, 54%, 57%, and 61% of trip requests in each of the year’s respective quarters. But, an exemption should only be granted when a TNC has demonstrated that it is consistently providing a high level of service by fulfilling at minimum 80% of trip requests within reasonable response times. Therefore, to receive an exemption, 80% of trip **requests** (not 80% of

completed requests) should be fulfilled within a County's Level 1 Response Time and sustained over four consecutive quarters. While Level 1 Response Times for all trip requests are not currently reported by TNCs, they can be approximated by multiplying the percent of trips completed by the percent of trips meeting the Level 1 Response Time. If this product exceeds 80%, then the exemption requirement would be met. This standard, which is comparable to the current Exemption Time Standard adopted in Track 2, is reflected in San Francisco's Exhibit A.

Data Reporting In Uber's revised proposal, the new framework in its Exhibit A begins once a TNC has applied for its first offset in a given county. The schedule then advances every subsequent quarter, whether a TNC applies for an offset in a given quarter or not.⁹ While the underlying types of data needed to evaluate TNC performance in Uber's framework are similar to the types of data currently reported for each county (i.e. percent of trips that meet the Level 1 and Level 2 Offset Time Standards and the percentage of requested trips completed), the response time and completion rate benchmarks that are used to evaluate offset and exemption requests would change by TNC, county and quarter, depending on when the first offset request in a given county is made by a TNC.

Since Uber's proposed schedule for offset eligibility is uneven and inconsistent depending on the timeline chosen by the TNC, it would require additional staff attention to ensure that the evaluation of offset and exemption requests made by a given TNC in a given county and quarter are being evaluated relative to the correct benchmarks. It will also require revisions to the reporting template to make it possible for parties and the public to review Advice Letter data. Review of offset requests is already onerous and burdensome as the current reporting template lacks summary information and requires significant scrutiny. San Francisco supports Uber's proposed schedule for when the requirements will apply, but urges CPED to work collaboratively with parties to ensure that the Advice Letter data reporting template is adequate for capturing all required information correctly and provides sufficient transparency for public review of offset and exemption requests.¹⁰

⁹ Uber Revised Track 4 Proposal, p. 5.

¹⁰ In this process, the CPED staff should consider what additional information should be collected on a quarterly basis to best inform the program. For example, there is an identified need for more information on non-WAV trips quarter to quarter, particularly for completion rates, that would provide insight into whether requirements should be adjusted moving forward.

b. The Commission Should Reject Lyft’s Proposal.

Lyft’s Revised Proposal on Track 4 Issues introduces an “Enhanced Continuous Improvement Standard.” In this revised framework, Lyft claims that in “developing baseline starting values and endpoint targets, Lyft has again taken into account current levels of performance to the extent data is available for WAV and non-WAV service, with the goal of ensuring consistent improvement and realistically achievable targets.”¹¹ However, Lyft fails to provide citations to or the actual data so that the parties can understand and assess the adequacy of this standard. With no data, it is unclear to San Francisco how the proposed targets reasonably meet San Francisco’s principles for establishing completion rates and response times that are roughly equivalent to what is expected by the general public for non-WAV service. Further, Lyft lists milestones for both completion rates and acceptance rates, but strongly urges the Commission to utilize acceptance rate, rather than completion rate percentiles. However, acceptance rates do not reflect actual improvements in service, as demonstrated by the high numbers of accepted trips that are cancelled by potential passengers and by drivers. It is likely that a significant number of cancellations by potential passengers are due to excessively long wait times, and use of an acceptance rate metric would obscure failures to improve the actual service experienced by potential passengers. Further, it does not take into consideration that drivers may cancel trips after accepting them resulting in a denial of service to customer and no record of that trip request not being fulfilled. The Commission should reject Lyft’s proposal.

c. CPED’s Proposal To Delay Establishing Response Time Benchmarks and Offset Time Standards Is Not Supported.

CPED’s Track 4 Proposal recommends not modifying the WAV Response Time Benchmarks or Offset Time Standard until more data is obtained.¹² However, there is consensus among parties that the current requirements are inherently and significantly flawed. Lyft’s Revised Track 4 Proposal cites “serious and widely acknowledged flaws in the current improved level of service framework which create an ultimately self-defeating standard and penalize rapid improvement in Wheelchair Accessible Vehicle (“WAV”) service.”¹³ Uber states that “[t]he Track 3 Decision subverts that legislative intent

¹¹ Lyft Revised Proposal, pp. 1-2.

¹² CPED Track 4 Proposal, p. 4.

¹³ Lyft Revised Track 4 Proposal, p.1.

by establishing unworkable requirements for improving levels of service.” And implores the Commission “in Track 4 to correct the course of this rulemaking by considering a more effective way of assessing improved level of service.”¹⁴ The Disability Advocates believe, and San Francisco and SFTWA agree, that the Commission should modify the interim offset time standards for WAV rides to reflect benchmarks that require incremental improvement toward meeting comparability with the response times for non-WAV rides.¹⁵ Interim standards are not appropriate at this late stage of the rulemaking and there is no evidence in the record to support continued collection of data before establishing a framework for the remainder of the program. For these reasons, San Francisco urges the Commission to adopt the requirements presented in Exhibit A attached to these comments, which establish a consistent and reasonable framework for the remainder of the program.

d. San Francisco Supports CPED’s Proposal To Require Additional Quarterly Reporting From All TNCs, Regardless Of Whether a Company Requests an Offset Request.

While San Francisco does not agree with CPED that more data must be collected from TNCs before program requirements for the remainder of the program are adopted, we do agree that TNCs should be required to submit quarterly reporting every quarter and in every county, regardless of whether a company requests an offset request.¹⁶ San Francisco does not believe the Commission should wait for these data to inform offset and exemption standards, which should be established now, but they are vital to understanding the effectiveness of the program overall and for informing the required 2024 Legislative Report.

In addition, CPED proposes that “[b]eyond the data already outlined in the existing Offset Request template, TNCs should provide information in future Advice Letters on where within each county (by zip codes) WAV service was available in that quarter, whether or not an offset was requested for that County” and that “TNCs should provide the 75th percentile WAV response time (in minutes) in their Quarterly Offset Requests filing.”¹⁷ San Francisco supports these proposals but again urges CPED to work collaboratively with parties to ensure that the revised Advice Letter data

¹⁴ Uber Revised Track 4 Proposal, p. 14.

¹⁵ Disability Advocates Track 4 Proposal, p. 4.

¹⁶ CPED Track 4 Proposal, p. 4.

¹⁷ *Ibid.*

reporting template is adequate for capturing all required information correctly and provides sufficient transparency for public review of offset and exemption requests, particularly if the reporting will include a considerably higher volume of data.

2. Access Fund Disbursements

a. San Francisco Supports CPED’s Proposed Requirements for Access Providers Not Regulated By The CPUC.

As stated in our revised proposal, San Francisco appreciates CPED’s initial analysis of its TNC standards and requirements and supports that the Commission adopt the list of requirements provided by CPED in order for access providers to demonstrate comparable safety protocols to the Commission-issued permitting requirements.¹⁸ We believe this approach is straightforward and enjoys support from SFTWA, the Disability Advocates, and Riverside County Transportation Commission.¹⁹ Uber’s concerns that the Commission may not be able to provide meaningful oversight of non-regulated entities, including skepticism that Local Access Fund Administrators would be able to perform this function, is completely unfounded and unsupported.²⁰ Equally irrelevant and confusing are Uber’s concerns that it would be inequitable to distribute funding to access providers not regulated by the CPUC because they can also receive funding from other sources.²¹ The Commission should dismiss these unfounded concerns and adopt CPED’s proposal with the following measures proposed by SFTWA²²:

- Charge the Access Fund Administrator with determining compliance with the standards established by the Commission during review of the funding application.
- Require Access Providers to adhere to Commission standards through contracts with AFAs.
- Authorize AFAs to conduct audits if necessary to verify compliance.

¹⁸ San Francisco Revised Track 4 Proposal, pp. 11-13.

¹⁹ SFTWA Revised Track 4 Proposals, pp. 3-4; Disability Advocates Track 4 Proposals, pp. 8-9; Riverside County Transportation Commission Track 4 Proposals, pp. 2-3.

²⁰ Uber Revised Track 4 Proposal, p. 12.

²¹ *Ibid.*

²² SFTWA Revised Track 4 Proposal, p. 4.

b. TNC Eligibility As An Access Provider In Counties It Does Not Provide WAV Service Should Not Be Permitted and Is Not Supported By Non-TNC Parties.

San Francisco supports SFTWA and maintains that TNCs should not be eligible to apply as access providers for the reasons discussed in its Revised Proposal. Lyft and Uber’s arguments to the contrary are unfounded and should be dismissed.

First, Lyft claims that TNCs should be able to apply as access providers if they are unable to meet the “increasingly onerous” standards for reimbursement.²³ Given that Lyft has applied for and been granted millions in offset funds already in the past year, this argument is hard to fathom. This is especially true given San Francisco’s continued objections regarding the weakness of such standards. Moreover, the Act plainly provided, and the Commission has implemented, requirements for TNCs to recoup Access Funds for increased cost to provide service through the offset and exemption rules. Providing TNCs another avenue to use these critical resources would likely further undermine the program’s progress towards equal access to TNC rides among WAV users.

Second, Uber argues only allowing a TNC to apply for access funds if they have already received an exemption in the same geographic area “would improperly penalize a TNC that had previously invested in expanding its service to a geographic area” and that it would be unfair if “a TNC that exited a geographic area could never qualify as an Access Provider, and would not have access to capital that it may need to re-enter a market.”²⁴ Both of these arguments completely ignore the entire program and set of incentives for TNCs that already exist through the offset and exemption requirements to provide access to capital. As SFTWA states in its initial Proposal on Track 4 Issues, “[i]t is illogical to allow ‘a TNC to apply as an Access Provider in a geographic area where it does not provide WAV service.’ To be an Access Provider is to provide WAV service. If the service provider is a TNC, it should have to meet the standards applicable to TNCs, and not different standards applicable to non-TNC Access Providers.”²⁵ San Francisco maintains, in agreement with the SFTWA, the only sensible modification is to rescind the current authorization.

²³ Lyft Revised Track 4 Proposal, p. 14.

²⁴ Uber Revised Proposal on Track 4 Issues, p. 12.

²⁵ SFTWA Proposal on Track 4 Issues, p. 7.

3. Additional Accessibility Issues

a. The Commission Should Not Open A New Proceeding To Address Accessibility.

As stated in San Francisco’s Revised Proposal, the CPUC should not open a new rulemaking track, especially without intervenor compensation in the general TNC rulemaking (which includes important topics that impact the Access for All rulemaking, such as data reporting).²⁶ Disability Advocates have stated that they are unable to participate in the general TNC rulemaking due to the lack of compensation. We disagree with Lyft, Uber, and CPED comments suggesting that the Commission limit its focus to WAV-related issues in this proceeding.²⁷ San Francisco supports the call from the Disability Advocates and SFTWA to consider other disability issues in this proceeding.²⁸ These issues include complaints involving service animals, app accessibility, and training drivers to assist passengers with disabilities who may not need a WAV. San Francisco strongly echoes the Disability Advocates statement that “[f]or other access needs as well as for WAV service, the Commission must not set a lesser compliance standard that would fail to provide service that is comparable to that available to people without disabilities.”²⁹

4. More Detailed Reporting Is Needed on WAV Issues.

San Francisco agrees with the Disability Advocates and SFTWA that more detailed reporting is needed on WAV availability, trip requests and completions.³⁰

III. CONCLUSION

For the reasons set forth herein, we strongly urge the Commission to adopt San Francisco’s revised framework presented in Exhibit A, which modifies Uber’s framework from its revised proposal to ensure it is consistent with both the language and intent of the Act. This proposed framework and San Francisco’s other proposals, such as allowing non-CPUC regulated entities to serve as access providers, are reasonable, provide TNCs with adequate incentive to continue

²⁶ San Francisco Revised Track 4 Proposal, p. 17.

²⁷ Lyft Track 4 Proposal, pp. 15; Uber Revised Track 4 Proposal, pp. 13; CPED Track 4 Proposal, pp. 14.

²⁸ Disability Advocates Track 4 Proposal, pp. 9-14; SFTWA Revised Track 4 Proposal, pp. 4-5.

²⁹ Disability Advocates Track 4 Proposal, p. 14.

³⁰ Disability Advocates Track 4 Proposal, pp. 19-22; SFTWA Revised Track 4 Proposal, pp. 5.

broadening access to on-demand transportation, and will provide more certainty to riders. It is imperative that the CPUC not delay any further and establish a complete set of forward-looking program requirements in order for the program to effectively improve TNC WAV service to wheelchair users before the close of this rulemaking.

Further, close attention should be paid to additional accessibility issues in this current rulemaking and should not be pushed to a separate rulemaking. The Commission has a responsibility to address these concerns promptly and with the full participation of disability advocates.

Dated: June 10, 2021

Respectfully submitted,

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EXHIBIT A

Exhibit A

Response Time Standards

OFFSET AND EXEMPTION RESPONSE TIME STANDARDS	Level 1 (minutes)	Level 2 (minutes)
San Francisco	15	30
San Diego, Santa Clara, Alameda, Sacramento, Contra Costa, Ventura, San Joaquin, Stanislaus, Santa Barbara, Solano, San Luis Obispo, Santa Cruz, Shasta, Imperial, Madera, Los Angeles, Orange, San Mateo	25	50
Riverside, San Bernardino, Fresno, Kern, Sonoma, Tulare, Monterey, Placer, Merced, Marin, Butte, Yolo, El Dorado, Napa, Humboldt, Kings, Nevada, Sutter, Mendocino, Yuba, Lake, Tehama, San Benito, Tuolumne, Calaveras, Siskiyou, Amador, Glenn, Del Norte, Lassen, Colusa, Plumas, Inyo, Mariposa, Mono, Trinity, Modoc, Sierra, Alpine	30	60

Note: San Francisco’s proposed Offset and Exemption Response Time Standards are based on the Offset Time Standards established in the Commission’s Track 2 Decision. The Track 2 Decision also established separate Exemption Time Standards with lower response times (e.g. Level 1 – 8 minutes and Level 2- 16 minutes in San Francisco), split among seven groupings of counties rather than three. San Francisco is proposing that the Commission simplify requirements and utilize one set of standards for both offsets and exemptions - **if and only** if our proposed exemption level requirement (Complete 80% of trip requests within the established Level 1 Response Time for four consecutive quarters) is adopted as it is more directly comparable to and would not weaken the current Level 2 Exemption Time Standard.

Offset Requirements

1. Complete a minimum percentage of trip requests for the quarter

TRIP COMPLETION REQUIREMENT BY QUARTER	All Counties
Minimum Completion Rate %	
1 ST Quarter Submission	50%
2 nd Quarter	54%
3 rd Quarter	57%
4 th Quarter	61%
5 th Quarter	64%
6 th Quarter	68%
7 th Quarter	71%
8 th (and subsequent) Quarters	75%

Note: Per our comments, San Francisco revised and simplified Uber’s Revised Proposal framework to ensure minimum completion standards are the same for every geographic area. San Francisco understands the definition of a trip request to be any time a customer requests a WAV

pickup on a TNC’s app and that **all** requests should be reported to the Commission regardless of ultimate outcome (canceled, completed, declined, etc.) or a TNC’s self-constrained service area or service hours. **We believe this definition is supported by the Commission's** previous statements in its "Instructions for Filing Advice Letters including Protests, Responses or Replies," dated 10.9.20, which states: "Provide the number and percentage of unique WAV trip requests by quarter and aggregated by hour of the day and day of the week. Count as a 'unique WAV trip' each request with the following outcomes...'trip requests completed, not accepted, cancelled by passenger, cancelled no-show, and cancelled by driver.' "

2. Meet Minimum Percentage of Completed Trips Under Level 1 Response Time

LEVEL 1 RESPONSE TIME REQUIREMENT BY QUARTER	All Counties
Minimum % Completed Trips Under Level 1 Response Time	
1 ST Quarter Submission	50%
2 nd Quarter	54%
3 rd Quarter	57%
4 th Quarter	61%
5 th Quarter	64%
6 th Quarter	68%
7 th Quarter	71%
8 th (and subsequent) Quarters	75%

Note: Uber’s Revised Proposal framework included columns for each county grouping. Since the requirements were the same each quarter for each county, we have condensed their proposal to one column for all counties. We have not proposed any substantive changes to the proposed requirements in this section.

3. Meet Minimum Percentage of Completed Trips Under Level 2 Response Time

LEVEL 2 RESPONSE TIME REQUIREMENT BY QUARTER	All Counties
Minimum % Completed Trips Under Level 2 Response Time	
1 ST Quarter Submission	80%
2 nd Quarter	81%
3 rd Quarter	83%
4 th Quarter	84%
5 th Quarter	86%
6 th Quarter	87%
7 th Quarter	89%
8 th (and subsequent) Quarters	90%

Note: Uber's Revised Proposal framework included columns for each county grouping. Since the requirements were the same each quarter for each county, we have condensed their proposal to one column for all counties. We have not proposed any substantive changes to the proposed requirements in this section.

4. **Demonstrate Improvement Quarter Over Quarter:** A greater number of completed trips than in the immediately prior quarter, or, if there is sufficient data, a greater number of completed trips than in the immediately prior year's same quarter (e.g., Q1 2022 vs. Q1 2021), to account for seasonal fluctuations. A TNC can choose to be compared to the prior quarter or to the prior year's same quarter (if applicable). If a TNC elects to be compared to the prior year's same quarter, it will be required to show improvement in this same manner on a go-forward basis.
5. **Satisfy All Other Reporting Requirements (outreach, complaints, training, etc.)**

Exemption Requirements

1. Complete 80% of unique WAV trip requests within the established Level 1 Response Time for four consecutive quarters for a given county. While Level 1 Response Times for all trip requests are not currently reported by TNCs, they can be approximated by multiplying the percent of trips completed by the percent of trips meeting the Level 1 Response Time. If this product exceeds 80%, then the exemption requirement would be met.
2. Satisfy all other reporting requirements (outreach, complaints, training, etc.)
3. Sustain exemption level requirements for four consecutive quarters to be eligible for continued exemption.