

**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 RE RULING ON TRACK 5A ISSUES AND DATA
SUBMISSION FOR PRE-SCHEDULED TRIPS**

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Dated: April 22, 2022

INTRODUCTION

In accordance with the Scoping Memo and Ruling issued on January 14, 2022 (“Track 5 Scoping Memo”), 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 the TNC Access For All Ruling on Track 5a Issues and Data Submission for Pre-Scheduled Trips (the “Ruling”). San Francisco appreciates and supports the California Public Utilities Commission’s (the “Commission’s”) proposed ruling on a number of issues, including the definition of “pre-scheduled” trip and the definition of “response time.” To address errors in the Ruling, San Francisco recommends the Commission modify the reporting period of pre-scheduled non-wheelchair-accessible vehicle (“WAV”) trips through the First Quarter of 2022 and require Lyft to file a supplemental Advice Letter for all Advice Letters that included pre-scheduled WAV trip data – not just Advice Letters that received protests.

DISCUSSION

- 1. While San Francisco appreciates the Consumer Protection Enforcement Division’s (“CPED’s”) data reporting requirements for pre-scheduled non-WAV trips, the reporting period should be extended through the First Quarter of 2022.**

San Francisco strongly supports the Commission’s requirement to submit data for pre-scheduled non-WAV and WAV trips (if applicable), encompassing the following:

- a. Response times for completed trips in deciles by geographic area and quarter; and
- b. Total pre-scheduled trips (a) requested, (b) completed, (c) not accepted, (d) cancelled as no-show, (e) cancelled by passenger, and (f) cancelled by driver, by geographic area and quarter.”¹

However, given that more recent data will provide a more accurate understanding of the level of service which non-WAV users receive when requesting pre-scheduled rides, it would be a technical error for data reporting to end with the Fourth Quarter of 2021. Instead, this reporting requirement should align with the most recent Advice Letter submission, which covers the First Quarter of 2022.

¹ See Track 5A Ruling, at 19.

2. Transportation Network Companies (“TNCs”) should be required to submit supplemental Advice Letters for *all* Advice Letters containing pre-scheduled trips.

While San Francisco appreciates the Commission’s requirement that Lyft must file a supplemental Advice Letter for pending or appealed Advice Letters that include pre-scheduled WAV trip data, this requirement should be extended to all Advice Letters containing pre-scheduled trips. San Francisco only appealed Advice Letters with negative aggregated response time values. Upon further investigation, CPED found that Lyft reported its data in such a way that negative values may have been included in the calculations of response times for other Advice Letter submissions as well. As the Commission notes, “Lyft likely lowered its total aggregate response time amounts for all WAV trips in a given quarter and geographic area.”² San Francisco would have appealed these Advice Letters had Lyft been transparent with their response time calculation practices, and therefore requiring Lyft to only resubmit appealed or pending Advice Letters is an error.

Furthermore, San Francisco notes that the CPED recently released their TNC Access For All Annual Benchmark Report 2022 with data from Advice Letters containing pre-scheduled trips. “Table 4: Quarterly Level 1 Response Times by TNC and County” highlights response time data from Lyft and the following paragraph notes that “[t]he response times in all counties under Lyft... are now faster.”³ The response time information and subsequent statement are made without note of Lyft’s inclusion of pre-scheduled trips and negative response times. Without requiring supplemental filing of all Advice Letters to separate pre-scheduled trips from on-demand trips, this erroneous information will remain in the record. While San Francisco appreciates the Commission’s desire to reduce the administrative burden on staff, Lyft must be required to file supplemental Advice Letters for *all* Advice Letters containing pre-scheduled trips, or else these data, essential for benchmarking program progress, will remain inaccurate.

² See Track 5A Ruling, at. 17.

³ See CPED’s 2022 Annual Benchmark Report, at. 14.

CONCLUSION

San Francisco appreciates the opportunity to provide comments on the Track 5A Ruling and encourages the Commission to adopt San Francisco's recommended changes to the non-WAV pre-scheduled reporting period and supplemental Advice Letter filings required to address Lyft's inaccuracies.

Dated: April 22, 2022

Respectfully submitted,

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