

**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

**REPLY COMMENTS OF THE SAN FRANCISCO INTERNATIONAL AIRPORT, THE SAN  
FRANCISCO MUNICIPAL TRANSPORTATION AGENCY, AND THE SAN FRANCISCO  
CITY ATTORNEY'S OFFICE REGARDING PROPOSED DATA REPORTING  
REQUIREMENTS**

**TRACK 3 – TNC DATA**

DENNIS J. HERRERA  
City Attorney  
JOHN I. KENNEDY  
Deputy City Attorney  
Office of the City Attorney  
San Francisco, CA 94102-4682  
Tel: (415) 554-3978  
Email: john.kennedy@sfcityatty.org

EDWARD D. REISKIN  
Director of Transportation  
San Francisco Municipal Transportation Agency  
One South Van Ness Avenue, 7th Floor  
San Francisco, CA 94103  
Tel: (415) 701-4720

IVAR C. SATERO  
Airport Director  
San Francisco International Airport  
International Terminal, 5th Floor  
P.O. Box 8097  
San Francisco, CA 94128  
Tel: (650) 821-5006

These Reply Comments are submitted jointly by the San Francisco International Airport (“Airport” or “SFO”), the San Francisco Municipal Transportation Agency (“SFMTA”), and the San Francisco City Attorney’s Office (“City Attorney”) (collectively, the “City”).

The City concurs with the comments submitted by five of the other parties, including the San Diego Association of Governments (“SANDAG”), Metropolitan Transportation Commission (“MTC”), San Francisco County Transportation Authority (“SFCTA”), Los Angeles Department of Transportation (“LA DOT”), and San Francisco Taxi Workers Alliance (“Taxi Workers”). Four of these parties are governmental entities and their collective comments demonstrate a compelling need for the Commission to develop sound and effective data reporting requirements given the strong public interest in the disclosure of this information.

**A. Use of Taxpayer Money**

Both SANDAG and MTC ask why millions of dollars of additional taxpayer money should be spent obtaining a fraction of TNC travel data that the TNCs are already required to report to the Commission.<sup>1</sup> The City agrees. In 2016, SANDAG spent more than \$2.2 million to collect data through detailed trip diaries from 6,199 households throughout the San Diego region. In 2019, SANDAG plans to spend more than \$1 million to conduct a survey collecting TNC passenger and driver data for its transportation models. MTC has budgeted more than \$1 million to conduct surveys to collect TNC travel behavior data since the lack of detailed TNC data significantly hinders that agency’s ability to carry out its mission of transportation planning, investing and coordinating. SANDAG could use TNC data already reported to the Commission to develop an informed regional plan, comply with state and federal air quality requirements, and fill gaps in the public transportation system and reduce demand for single occupant vehicle trips. The City’s Opening Comments provide similar justifications.

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<sup>1</sup> Opening Comments of San Diego Association of Government to Order Instituting Rulemaking 12-12-011 (“SANDAG Opening Comments”), at p. 4; Opening Comments of the Metropolitan Transportation Commission (MTC) to the Assigned Commissioner’s Ruling Seeking Comments on Proposed Data Reporting Requirements (“MTC Opening Comments”), at pp. 9-10.

## **B. Need For TNC Data to Comply with State and Federal Policies**

SANDAG, MTC, LA DOT, and the City all require access to TNC data to comply with state and federal policies related to sustainability, air quality, and congestion analysis. For example, SANDAG and MTC need TNC data in order to comply with Senate Bill 375's requirement that metropolitan areas meet targets for reducing vehicular greenhouse gas emissions, and ensure that transportation projects receiving state and federal funding do not adversely affect the region's air quality.<sup>2</sup> SB 1014 requires the Commission to evaluate the impacts TNCs have on congestion and emissions stemming from vehicles driven by TNC drivers. This same information is useful to local and regional transportation planning entities charged with similar obligations for reducing greenhouse gas emissions.<sup>3</sup>

## **C. Need for More Relevant TNC Data**

Five of the parties filing comments all agree that the TNC data reporting requirements listed in Table A are insufficient to meet the data needs of public agencies. The Commission's proposed data reporting requirements are simply too geographically and temporarily aggregated to be of any use by transportation planners. TNC data reported on a more regular interval other than a quarterly basis and at a more granular level such as by zip code, census tract, or at the neighborhood level is needed to provide meaningful insight to public agencies for transportation planning purposes. The City's prior comments have provided a comprehensive articulation of public agencies' interest in TNC data, and the importance of having robust data to inform transportation decisions.<sup>4</sup> Without this data, transportation planners must rely instead on anecdotal information to fill in the gaps.

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<sup>2</sup> SANDAG Opening Comments, at p. 4; MTC Opening Comments, at p. 9.

<sup>3</sup> Opening Comments of the San Francisco International Airport, the San Francisco Municipal Transportation Agency, and the San Francisco City Attorney's Office Regarding Proposed Data Reporting Requirements ("City Opening Comments"), pp. 5-6.

<sup>4</sup> See e.g. SFMTA and SFO Opening Comments to Phase III.B Scoping Memo and Ruling of the Assigned Commissioner: Track 3 – TNC Data, at p. 4; and *generally* SFMTA and SFO Reply Comments to Phase III.B Scoping Memo and Ruling of the Assigned Commissioner: Track 3 – TNC Data.

#### **D. The TNCs Should Be Required to Share Additional Data**

In addition to publicly reported TNC data, the Commission could also require TNCs to share additional data directly with local governmental entities pursuant to Cal. Government Code Section 6254.5(e).<sup>5</sup> Such information should include real time data on the number of drivers, home zip codes for drivers, zip code and GPS location for pick ups and drop offs. The cities of Seattle, New York City, Portland, and Chicago all already receive similar data from the TNCs. And the sky has not fallen. California cities should not be treated any differently. Appropriate protocols and security standards for public agencies that want to receive this data can be implemented to ensure that private or other confidential information is not disclosed in response to public records or other requests by aggregating and anonymizing this information similar to the best practices followed by Portland, New York City, and other cities. As MTC and LA DOT point out, the Clipper car transit-fare payment card, FastTrack program, and Los Angeles' real time data sharing requirement for shared dockless mobility operators are all examples in which sensitive data, including personally identifiable information, is securely collected, stored and processed.<sup>6</sup>

#### **E. Uber and Lyft's Arguments Are Without Merit**

Both Uber and Lyft assert that providing data to the CPUC is "unduly burdensome" and no other regulated transportation provider is required to report similar data, assert that highly sensitive personal ride and other data of TNC passengers and trade secrets could be disclosed, and object to additional data sharing by the Commission with other public entities.<sup>7</sup> All of their arguments are without merit. First, both Uber and Lyft are *already* providing this data *and more* to the cities of Seattle, New York City, Chicago, and Portland. The Commission should not require anything less in California.

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<sup>5</sup> See e.g. San Francisco City Attorney Opening Comments to Phase III.B Scoping Memo and Ruling of the Assigned Commissioner: Track 3 – TNC Data, at p. 3.

<sup>6</sup> MTC Opening Comments, at p. 10; LA DOT Opening Comments, at pp. 4-5.

<sup>7</sup> See eg. Opening Comments of Lyft, Inc. Re: Assigned Commissioner's Ruling Seeking Comments on Proposed Data Reporting Requirements; Opening Comments of Uber Technologies, Inc. on Phase III.B. Scoping Memo and Ruling of Assigned Commissioner Track III (TNC Data).

Despite the unfounded assertions by Lyft, other regulated transportation providers, like taxis and commuter shuttles, provide trip level data to the SFMTA. Further, providers of other modes of transportation, including *Lyft and Uber* in the bikeshare context, report similar data *and more* in San Francisco, including real time data feeds showing specific trip information such as date, time, latitude, and longitude information. The SFMTA has kept this information protected and no highly sensitive trip or personal information, or trade secrets have been disclosed to the public.

Finally, their objection to additional data sharing by the Commission with other public entities is unsubstantiated by fact. Other cities already receive granular, detailed trip data from Uber and Lyft, and have implemented appropriate protocols to ensure that this data is aggregated and anonymized prior to public disclosure. Given the compelling public interest for public agencies to receive this data, similar protocols and security standards for public agencies that want to receive this data can be implemented here. The Commission should order the public disclosure of TNC ride data as set forth in the City's Opening Comments.

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Respectfully submitted,

By: \_\_\_\_\_ /s/  
Ivar C. Satero  
Airport Director  
San Francisco International Airport

By: \_\_\_\_\_ /s/  
Edward D. Reiskin  
Director of Transportation  
San Francisco Municipal Transportation Agency

By: \_\_\_\_\_ /s/  
Dennis J. Herrera  
San Francisco City Attorney