

**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 2 ISSUES**

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## INTRODUCTION

In accordance with the Amended Scoping Memo and Ruling issued on August 15, 2019, and the Assigned Commissioner’s Scoping Memo and Ruling issued on May 7, 2019, 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 Track 2 Issues related to the TNC Access for All Act (“Act”). San Francisco appreciates the thoughtful consideration of all parties’ comments during Track 1 and looks forward to continued engagement on a rulemaking that is already making a considerable positive impact on people with disabilities in California.

We are pleased to submit comments on all issues identified in Track 2 at this time. We also request that the California Public Utilities Commission (“Commission” or “CPUC”) open consideration to questions raised in Track 3, Issue 1 (Develop Reporting Requirements), particularly sub-issue b, which states: “Pursuant to Pub. Util. Code § 5440.5(a)(1)(J), what yearly benchmarks should be established for TNCs and access providers to meet to ensure WAV users receive continuously improved, reliable, and available service?”

Initially, we offer the following overarching themes to consider that run throughout San Francisco’s comments, which are critical to ensure that the program achieves demonstrable and tangible results for riders in need of wheelchair accessible vehicles. First, it is essential to establish accurate program benchmarks in each geographic area (county) by which to evaluate offset and exemption requests. Without them, the CPUC risks establishing unnecessarily vague and arbitrary criteria, potentially undermining the intent of the Act to provide “a continuously improved, reliable, and available level of service.”<sup>1</sup> Second, because the Access Fund is a complex funding mechanism in its infancy, it is critical the CPUC pay significant attention to developing appropriate analysis and procedures to properly administer the program. People with disabilities, particularly wheelchair users, have been waiting almost ten years for access to TNC services. We provide our comments with the intent to shape a program that will incentivize Transportation Network Companies to provide equivalent levels of service to people with disabilities in a timely manner.

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<sup>1</sup> California Public Utilities (Pub. Util.) Code § 5440.5(a)(1)(J). All further statutory and section references are to the California Public Utilities Code unless otherwise noted.

## QUESTIONS PRESENTED

### 1. Establish TNC Investment Offsets

- a. **What criteria should be used to evaluate whether a TNC has demonstrated “improved level of service, including reasonable response times due to their investments for WAV service compared to the previous quarter”?**

To establish clear criteria, the CPUC needs to first define what the reasonable response times are in each geographic area. Reasonable means something an average person would expect. Therefore, the first step to defining this metric in each geographic area is to look at existing TNC service. By analyzing the response times for trips provided to the general public in each county, the CPUC can establish clear baseline assessments of current response times.

To aid parties in their discussion of reasonable response times for each geographic area, without sharing trip level data, the CPUC could provide the 80th percentile of response times for TNCs in each county. Percentiles define the maximum value for a percentage of the overall measurements. If the 80th percentile for the TNC response time in San Francisco is ten minutes, this means that 80% of all WAV response times should be less than or equal to ten minutes.

Once the CPUC has established reasonable response times in each geographic area, the CPUC should then establish benchmarks, based on public feedback, so that the CPUC can assess service improvement progress, as well as give TNCs the opportunity to make progress towards receiving an exemption. Once determined, the CPUC should adopt a framework for evaluation and offset requests that reflects these benchmarks. Both San Francisco and Los Angeles County Metropolitan Transportation Authority have proposed appropriate frameworks. First, at the CPUC’s workshop on May 2, 2019, San Francisco provided a proposed framework with Wait Time Benchmarks for San Francisco (see Figure 1). Second, the Los Angeles County Metropolitan Transportation Authority also proposed a framework in their comments on the May 2, 2019 workshop (see Figure 2).<sup>2</sup> To adopt a final framework, the CPUC should seek further input from members of the public with disabilities on reasonable

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<sup>2</sup> See Comments of Los Angeles County Metropolitan Transportation Authority on May 2, 2019 Workshop, p. 4.

benchmarks for response times. Wheelchair users, especially, should feel that the service levels reflected in the framework reflect a consistent and reliable improvement in service.

<b>Figure 1: SFMTA Proposed WAV Wait Time Benchmarks – County of San Francisco</b>		
Evaluation Point	WAV trips serviced in 10 minutes or less <b>(current service level in geographic area)</b>	WAV trips serviced in 20 minutes or less <b>(If current service level is 20 minutes or less then this column should reflect a level of service two times the current service level. If the current service level is over 20 minutes, this column should reflect a level of service 20 minutes above the current service level.)</b>
YEAR ONE July 2019 - June 2020	60%	80%
YEAR TWO July 2020 – June 2021	70%	80%
YEAR THREE July 2021 – June 2022	80%	90%
YEARS FOUR AND BEYOND July 2022 – onward*	90%	--
*Maintain this Level of Service for four (4) consistent quarters in any period to qualify for EXEMPTION		

<b>Figure 2: Los Angeles Proposed Offset and Exemption Framework</b>	
Year One	40% of WAV trips meeting established benchmark
Year Two	50% of WAV trips meeting established benchmark
Year Three	60% of WAV trips meeting established benchmark
Year Four	70% of WAV trips meeting established benchmark
Year Five	80% of WAV trips meeting established benchmark
Year Six and after	90% of WAV trips meeting established benchmark

Finally, generally, to validate that a TNC has met all criteria stated in the Act in order to receive an offset, including improved level of service, TNCs should be responsible for submitting a formal request in a standard format, with accompanying supporting

documentation to be verified by the CPUC and/or an independent entity responsible for administering this aspect of the program. (See Response to 3.a.ii for a proposed structure of administration roles). San Francisco recommends using its Proposed *Application for Offset or Exemption* (“Proposed Application”) attached as Exhibit 1, which incorporates the criteria defined explicitly in Section 5440.5(a)(1)(B)(ii) of the Act, as well as additional criteria which the parties to this proceeding have established, such as safety inspections of vehicles and training of drivers. As is consistent with our comments in Track 1, we request that performance metrics in the report/request should not be compared to the immediately preceding quarter, but to the same quarter in the last fiscal year, to account for seasonal variations.

Thus, at a minimum, the CPUC must verify that an applicant has met the response time benchmark established for the relevant program year and quarter. In our proposed application, applicants are also expected to provide information that further describes the quality and reliability of the service, such as number of requests unfulfilled and hours of service provision. It is important that the CPUC be able to exercise discretion and to reject an offset request that does not demonstrate service is more reliable or providing quality service to people with disabilities, even if it has met the established response time benchmark. For example, when considering presence and availability of WAV service, it is important to account for whether TNCs are providing adequate WAV access during the TNC’s peak service hours. It is possible, for instance, that a TNC could achieve an 80% benchmark by providing only daytime service to WAV riders. This may skew the “success rate” data and not account for those who may primarily need access in the evenings (e.g., working professionals, those who attend events, etc.).

**b. To avoid potential instability in Access Fund funding use and availability, should TNCs be required to state their advance intent to use or request offsets? If so, how far in advance?**

While TNCs need not be required to state their advance intent to request offsets, the CPUC should provide an estimate of funds available for each geographic area at the same time it issues a call(s) for access provider applications on April 1, 2020 so that potential providers are informed about the amount of funding available from the Access Fund. The estimate should

be based on access fees received in each geographic area through Q3 (July 1, 2019-March 31, 2020). As set forth in the Act, the CPUC shall distribute the funds for programs starting October 1, 2020.<sup>3</sup> Access providers who receive funding for October 2020-September 2021 will know in April 2021 approximately how much money is available for the following cycle.

**c. How and when should offset requests be presented to the Commission? How should offset requests be approved?**

Quarterly Access Fund fees are due within fifteen days after quarter end. Offset requests also should be presented to the CPUC within this timeframe. TNCs should submit requests in a standardized format, like San Francisco’s Proposed Application in Exhibit 1, which clearly demonstrates their performance and eligibility for offsets according to the criteria set forth in the Act. All information provided in the offset report/request should be supported by raw data provided by TNCs and verified by CPUC staff, or by an independent entity engaged by the CPUC to assist in the administration of the program. (See Response to 3.a.ii below for a proposed structure of administration roles.)

Initial offset requests (as well as exemption and funding requests) should be presented to the full Commission for review. San Francisco recommends that the Commission utilize the Tier 3 advice letter review process to review all three types of request because doing so provides the appropriate level of review.

According to CPUC General Order 96-B, when a “determination requires more than ministerial action, the disposition of the advice letter on the merits will be by Commission resolution.”<sup>4</sup> Offset requests (as well as exemption requests, and funding requests) require more than ministerial review in order to ensure the fund is being effectively used for its intended purpose. Access providers must demonstrate that they are actively improving WAV service in order to qualify for an offset (an exemption, or for funding). A Tier 3 advice letter allows for the necessary thoroughness of review to ensure that offsets, exemptions, and funding requests are being granted in accordance with the purpose of SB 1376. While it has benefits,

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<sup>3</sup> Pub. Util. Code § 5440.5(a)(1)(I).

<sup>4</sup> GO-96B §7.6.1.

San Francisco does not recommend that the Commission use a full application process, because doing so would slow implementation of the process and consume substantial resources.

**d. Should offsets be capped a certain amount or percentage each quarter?**

While offsets need not be capped per se, it is essential that the Access Fund retain sufficient funds to administer the program.

As noted in the Introduction and in our Response to 3.a.ii below, creating the foundational structure for proper administration of the program is essential to its success. We urge CPUC staff to consider engaging independent, third-party entities to assist in creating this structure, including the thorough review of offset and exemption requests, as well as generally overseeing the programing, managing, and monitoring of disbursements from the Access Fund on a countywide basis. These administration costs should be determined at the outset and subtracted from the fund prior to the determination of allowable offset amounts. If the CPUC determines that additional funds are necessary, it should consider other options, such as identifying funds available through PUCTRA that could cover the cost of administration or, if necessary, raising the Access Fund fee amount.

Therefore, once administration costs are determined and covered, TNC offset requests should be limited to the amount of funds available from fee proceeds collected by their company. All funds remaining after offsets and administrative costs are determined should remain in the Access Fund for further distribution.

**e. What types of investments by TNCs can be counted for purposes of offsetting the amounts due to the Access Fund?**

TNCs should only be able to offset costs in excess of what it costs to provide the same trip in a non-WAV vehicle, less the fare (which should be the same for the customer whether they have a disability or not). Specific types of investments that may apply include:

- Vehicle subsidies both for capital and maintenance per vehicle
- Any amounts paid per trip for wheelchair pick-ups

- Any other amounts spent for direct costs such as training to provide the WAV service or vehicle enhancements based on driver or rider feedback
- If the TNC elects to meet some or all of the WAV service through contract with another access provider the accounting would need to include the amount spent on that contract and how that amount is determined, for instance: cost per revenue hour, revenue mile, and/or amount per trip, including a clear explanation of how those amounts are derived. The account should include the number of revenue hours, miles and trips funded for that period.

**f. What documentation or records, if any, should a TNC be required to provide to the Commission as evidence of “full accounting of funds expended”?**

TNCs should provide invoices with sufficient detailed documentation for the party responsible for evaluating the costs to clearly understand and verify how the Access Funds were expended and the resulting number of WAV trips that were provided during that time period. Based on permitted investments in the question above, for example, if a TNC decides to provide the WAV service through subsidies to drivers to purchase, operate and maintain accessible vehicles, and/or with per trip wheelchair pick up incentives, the report should include:

- Amount spent on vehicle subsidies both for capital and maintenance per vehicle
- Number of vehicles subsidized.
- Any amounts paid per trip for wheelchair pick-ups, and number of trips receiving this payment.
- Any other amounts spent for direct costs such as training to provide the WAV service or vehicle enhancements based on driver or rider feedback.

Alternatively, if the TNC elects to meet some or all of the WAV service through contract with another access provider, the accounting would need to include the amount spent on that contract and how that amount is determined, for instance: cost per revenue hour, revenue mile, and/or amount per trip with, including a clear explanation of how those amounts are derived. The account should include the number of revenue hours, miles and trips funded for that period.



**g. For a TNC that receives an offset, when should reports, as required by § 5440.5(a)(1)(I), be submitted? What additional information, if any, should be included in these reports and should the reports be publicly available?**

According to Section 5440.5(a)(1)(I) of the Act, beginning after July 1, 2020, TNCs receiving offsets must submit reports within 30 days after the end of each quarter. Reports should be publicly available. Per the Act, the report to the CPUC should include at a minimum:

- **The number of WAV rides requested:** TNCs already report this metric to the CPUC. It will need to be reported by geographic area, at a zip code level within each geographic area, and be clearly defined as a WAV ride requested by a wheelchair user.
- **The number of WAV rides fulfilled:** TNCs already report this metric to the CPUC. It will need to be reported by geographic area, at a zip code level within each geographic area, and be clearly defined as a WAV ride provided to a wheelchair user.
- **Data detailing the response time between when a WAV ride was requested and when the vehicle arrived, including cancellations:** To demonstrate response times, TNCs will need to add response times to the trip level data they are already reporting the CPUC by zip code. In the report, TNCs should report WAV response times in each geographic area, aggregated to the zip code level, as well as the average number of vehicles available during weekday and weekend hours. TNCs should also include cancellations made by drivers and by riders to understand the true level of service available.
- **Information regarding educational outreach to disability communities, including, but not limited to, information and promotion of availability of WAVs for wheelchair users:** TNCs should report the efforts they have undertaken to publicize and promote service in each geographic area, such as web or app content, public campaigns, events, and street marketing. Additionally, TNCs should report on the visibility of these efforts to

wheelchair users and quantify the actual reach of each effort to the targeted population, including but not limited to location and priority given to WAV information on a TNC's website or app, number of page views, number of in-person interactions, usage of promotional codes targeted to wheelchair users, etc.

- **A detailed description of expenditures or investments, as applicable:**  
TNCs should provide invoices with sufficient detailed documentation for the party responsible for evaluating the costs to clearly see how the Access Funds were expended and the resulting number of WAV trips that were provided during that time period.

**h. Should offset eligibility be applied retroactively beyond the immediately preceding quarter? If so, how would the retroactive application work?**

In general, no. Exceptions could be made for quarters where there was not yet a process in place, the CPUC did not provide TNCs with a formal process to request any offsets, and TNCs met or exceeded the benchmarks set by the CPUC with input from the disability community.

**i. Should a TNC satisfy requirements with respect to WAV driver training and vehicle accessibility feature safety as a condition to receiving an offset? If so, what driver training and vehicle safety inspection requirements should be established (e.g. inspection and maintenance of lifts, ramps, and securement devices)?**

Yes. Training drivers is crucial to smooth and safe operations. Drivers need to be comfortable with securement systems and tie-downs, how to safely deploy ramps or lifts, and above all, should know that people with disabilities are the experts on their own needs. TNC vehicle inspections currently required by CPUC do not include the inspection of accessibility features, such as lifts, ramps, and securement devices. Maintenance of these features should be added to the Vehicle Inspection forms shared in Exhibit 2.

**2. Establish Exemptions**

**a. What WAV service level requirements should be established?**

The Act requires that TNCs “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 CPUC for that geographic area.”<sup>5</sup> (See also Response to 1.a above for guidance on how the CPUC should establish response times in each geographic area.) We also urge the CPUC to establish a secondary benchmark and requirement for TNCs to have response times for 90% of WAV trips requested via the TNC’s online-enabled application or platform within a secondary time established by the CPUC. For example, 80% of trips fulfilled within 10 minutes or less, and 90% of trips fulfilled within 20 minutes or less.

**b. How and when should exemption requests be presented to the Commission?  
How should exemption requests be approved?**

TNCs should present exemption requests to the CPUC within the same schedule established for offset requests, which is within 30 days of the end of the quarter. They should submit requests in a standardized format that clearly demonstrates their performance and eligibility for offsets. San Francisco recommends using our Proposed Application in Exhibit 1. Similar to offset requests, all information provided in the exemption report/request should be supported by raw data provided by TNCs and verified by CPUC staff or an independent entity engaged by the CPUC to assist in the administration of the program. (See Response to 3.a.i for proposed roles for administration.)

In addition, initial exemption requests (as well as offset and funding requests) should be presented to the full Commission for review. As stated more fully in Response 1.c above with respect to the proposed offset request process, San Francisco recommends that the Commission utilize the Tier 3 advice letter review process to review all three types of requests, including exemption requests, because doing so provides the appropriate level of review.

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<sup>5</sup> Pub. Util. Code § 5440.5(a)(1)(G).

**c. What information should be used to establish the required response time for 80 percent of WAV trips requested?**

To ensure wheelchair users receive service that is equivalent or comparable to other users, it is critical that the CPUC analyze existing response time data for the general public in each geographic area. (See Response to 1.a above for guidance on how the CPUC should establish response times in each geographic area.)

**d. Should TNCs be required to meet all WAV service level requirements for a certain period of time before receiving an exemption? If so, what duration should be used?**

Yes, TNCs should be required to demonstrate their service is stable and sustainable before receiving an exemption. Thus, TNCs should be required to meet the 80% WAV service level requirements established for a minimum of four consistent quarters (12 months) before being considered for an exemption. For example, in an area with a service goal of 80% of response times less than or equal to 10 minutes, this should be the same or better (over 80%) for response times each quarter for one year.

**e. Should the Commission require TNCs to submit reports during the year it was granted an exemption in a geographic area? What information should be included in these reports and should the reports be publicly available?**

Yes, TNCs should continue to submit the same reports (see Exhibit 1) during any year it is granted an exemption. Reports should be made public to ensure accountability to the stakeholders who rely on this service and to the consumers who will pay the fee. This reporting requirement should continue for as long as the fee is collected from the public.

**3. Disburse Access Funds**

**a. Fund Disbursement Process**

**i. Should a minimum or maximum amount of funding be disbursed to an access provider in response to an application?**

While there need not be a fixed maximum or minimum amount of funding to be disbursed to an access provider in response to an application, the amount of funding available should be dependent on the needs of the geographic area and the total amount of funds available in that area. The CPUC could provide general program guidance, with final criteria to

be determined by the entity administering the fund, as long as the decision is consistent with the purpose of the Access Fund, which is to increase wheelchair accessible demand responsive transportation to wheelchair users. As noted in Response to 3.a.ii below, we recommend that the entity administering disbursements should be a local planning agency, or at the very least, an entity with expertise working with the local community on these issues.

**ii. Pursuant to § 5440.5(c), should the Commission retain an independent entity to administer the Access Fund program? What functions of the program should the program administrator fulfill? Should Access Fund moneys be used to fund the program administrator, or another source of funding?**

San Francisco believes that the administration of both the Access Fund program will be highly resource intensive. The CPUC regularly engages third-party entities to assist with program administration, and the drafters of the Act had the foresight to provide staff with the opportunity to engage help from experienced third-parties.<sup>6</sup> We have listed all functions we anticipate are necessary to administer the program. During the next scheduled workshop or working group call, we request that CPUC staff provide insight into their capacity to perform each function. As mentioned in previous comments, we believe there are local planning agencies within each county, which would be appropriate parties to administer certain tasks. In addition, professional consulting companies, who are experts in accessible transportation, could be engaged to support the CPUC in performing other tasks, as detailed below.

**Figure 3: Access Fund Administrative Tasks and Proposed Owners**

<b>Task</b>	<b>Owner</b>
Develop benchmarks and criteria	CPUC and Consultant, informed by public input
Develop offset/exemption request forms and data collection tools (such as APIs or other platforms)	Consultant
Receive and review offset and exemption requests	Consultant with CPUC staff

<sup>6</sup> Pub. Util. Code § 5440.5(c).

Collect data that supports offset and exemption requests	Consultant
Validate data that supports offset/exemption requests	Consultant
Review/approve offset and exemption requests	Consultant with CPUC staff
Verify WAV operators receive training	Consultant with CPUC staff
Receive, investigate and respond to feedback about the program from riders and drivers	CPUC
Collect Access Fee funds from TNCs (not eligible for offset)	CPUC
Develop General Guidance on eligible Access Fund projects/funding/access providers	CPUC
Develop Applications and Criteria for Access Providers	Local planning agency
Review Applications and Select Access Providers	Local planning agency with public input
Approve Access Fund Access Providers	CPUC
Distribute Funds to Access Providers	Local planning agency
Develop criteria for Monitoring Access Provider Performance	Local planning agency
Monitor Access Provider Performance	Local planning agency
Final Report Due to Legislature	Consultant and CPUC staff

Given the critical importance of properly administering the Access Fund program to ensure its success, we urge CPUC staff to carefully analyze the costs of administering the program, including the potential costs of engaging independent, third-party entities to assist in the administration, and engaging local planning agencies, as proposed above.

Once the costs are considered, the CPUC should do one or more of the following, as appropriate: 1) segregate funds for administration from funds available for

disbursement/offset/exemption to ensure they remain available; 2) identify funds available through PUCTRA that could cover the cost of administration; or 3) consider raising the Access Fund fee.

**iii. Should the Commission prescribe what purposes moneys disbursed to access providers can be used for, such as maintenance and fuel costs, vehicle purchase and retrofitting costs, driver training, and time involved in providing wheelchair accessible trips?**

Assuming the CPUC follows San Francisco's recommendation set forth in Response to 3.a.ii above regarding roles for administration of the program, the local planning agency administering the program in each county should develop application and evaluation criteria depending on the gaps and needs in on-demand service for people with disabilities in each area. If the CPUC does not follow our recommendation, at the very least the entity would have expertise and work with the local community in each county to do so.

**iv. Should the Commission directly grant funding to transportation carriers that it does not regulate (e.g. taxicab companies or entities that provide exclusively non-emergency medical transportation)?**

Yes, assuming the CPUC grants the funds. Also, as stated in the preceding response, assuming the CPUC follows San Francisco's recommendation set forth in Response to 3.a.ii above regarding roles for administration of the program, a local planning agency, like a county transportation agency or MPO/RTPA, would do so.

**v. Should access providers that receive Access Fund funding be required to be available for chartering through TNC apps?**

No, but access providers receiving Access Fund funding should not be dissuaded from doing so if that results in more responsive service to the disabled public.

**vi. How should applications from access providers be granted or denied (e.g. via Commission resolution or by staff action)?**

Funding requests from access providers (as well as offset and exemption requests) should be presented to the full Commission for review. As stated more fully in Response 1.c above, with respect to the proposed offset request process, San Francisco recommends that the Commission utilize the Tier 3 advice letter review process to review all three types of requests, including exemption requests, because doing so provides the appropriate level of review.

**b. Funding Eligibility of Access Providers**

**i. What criteria should the Commission adopt to select access providers to receive funding?**

As stated in Response to 3.a.iii above, assuming the CPUC follows San Francisco's recommendation set forth in Response to 3.a.ii above regarding roles for administration of the program, the local planning agency administering the program in each county should develop application and evaluation criteria depending on the gaps and needs in on-demand service for people with disabilities in each area. If the CPUC does not follow our recommendation, at the very least the entity would have expertise and work with the local community in each county to do so.

**ii. What types of on-demand programs or partnerships applications should be considered?**

As stated in Response to 3.a.iii above, assuming the CPUC follows San Francisco's recommendation set forth in Response to 3.a.ii above regarding roles for administration of the program, the local planning agency administering the program in each county should develop application and evaluation criteria depending on the gaps and needs in on-demand service for people with disabilities in each area. If the CPUC does not follow our recommendation, at the very least the entity would have expertise and work with the local community in each county to do so.

**iii. Should governmental entities (e.g. cities, counties, metropolitan planning organizations, regional transportation planning agencies) be considered as access providers?**

Governmental entities could be considered as access providers so long as they apply for funds to operate a transportation program like other applicants. Alternatively, the CPUC may select governmental entities to administer aspects of the Access Fund in each geographic area (e.g. application design, review, selection, monitoring and disbursement of funds) per San Francisco's recommendation in Response to 3.a.ii above. If a governmental entity administers part of the fund, it could not also be able to apply to receive funds as a direct access provider.

**iv. What financial information, if any, should applicants be required to submit regarding their operations? For example, should the access provider submit all streams of revenue, such as any other local,**



**state, or federal funds the provider receives to provide WAV service?**

Applicants should be required to submit financial information relevant to the operations of their proposed program. As an example, San Francisco refers the CPUC to the Caltrans Grant Application for FTA Expanded 5310 Projects (Enhanced Mobility for Seniors and Individuals with Disabilities Program) for suggestions regarding the types of financial information applicants should submit. FTA Expanded 5310 Projects funds are available to public transportation agencies and private nonprofit agencies. The relevant section of the Caltrans 5310 application is attached to San Francisco's Opening Comments as Exhibit 3.

- v. **What considerations should be included in the access provider's application, including but not limited to, vehicle specifications, subsidies for wheelchair pickups, maintenance and fuel costs, designated pickup locations for drivers in locations where door-to-door service is not feasible, standards for trip requests, response times, and rider initiated cancellation, limiting of stranded users, integration of service into city and country transportation plans, availability and effectiveness of existing WAV service, or any necessary training or additional incentives for WAV drivers that result in a measurable impact on service availability, efficiency, and efficacy?**

As stated in Response to 3.a.iii above, assuming the CPUC follows San Francisco's recommendation set forth in Response to 3.a.ii above regarding roles for administration of the program, the local planning agency administering the program in each county should develop application and evaluation criteria depending on the gaps and needs in on-demand service for people with disabilities in each area. If the CPUC does not follow our recommendation, at the very least the entity would have expertise and work with the local community in each county to do so. The information sought, and resulting evaluation criteria, should be geared to award funds to applicants who can provide "*improved, reliable, and available level of service*" for those with disabilities.<sup>7</sup>

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<sup>7</sup> Pub. Util. Code § 5440.5(a)(1)(J) (emph. added).

4. **Facilitate WAV ownership**

- a. **Currently TNCs are not permitted to own vehicles or contract with transportation providers for vehicles used in their operation, as provided in Decision (D.) 13-09-045.2. How should the Commission reconcile the above statute with current regulations?**

The CPUC should allow TNCs to own their own vehicles to provide WAV service if it will result in better WAV service.<sup>8</sup>

- b. **Should a TNC satisfy requirements to directly provide WAV service using vehicles that it owns or by contract with a transportation provider, such as WAV driver training or vehicle accessibility feature safety?**

Yes. Training drivers is crucial to smooth and safe operations. Drivers need to be comfortable with securement systems and tie-downs, how to safely deploy ramps or lifts, and above all, should know that people with disabilities are the experts on their own needs. The CPUC's current requirements for TNC vehicle inspections do not include the inspection of accessibility features, such as lifts, ramps, and securement devices. Maintenance of these features should be added to the Vehicle Inspection forms shared in Exhibit 2.

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<sup>8</sup> See Pub. Util. Code § 5440.5(H)(a TNC may meet the requirements “by directly providing WAV service with vehicles it owns.”)

## CONCLUSION

For the reasons set forth herein, we strongly urge the CPUC to consider San Francisco's and other public entities responses to all issues in Track 2, as well as sub-issue b of Issue 1 in Track 3. It is imperative that the CPUC establish accurate program benchmarks in each geographic area in order for the program to effectively improve TNC WAV service to wheelchair users. Further, close attention should be paid to establishing processes that facilitate transparent and effective oversight of funds being collected from the public in order to provide this access.

Dated: September 27, 2019

Respectfully submitted,

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By: \_\_\_\_\_/s/  
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APPLICATION FOR OFFSET OR EXEMPTION FOR  
WHEELCHAIR ACCESSIBLE VEHICLE (WAV) INVESTMENT<sup>1</sup>

REQUEST FOR:  OFFSET  EXEMPTION

**A. Applicant Information**

1. Applicant's full legal name: \_\_\_\_\_
2. Name under which Applicant does or will do business in California: \_\_\_\_\_
3. Legal name and contact information of Applicant's parent companies, including the ultimate parent:  
Parent's Full Legal Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Applicant's principal place of business: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

**B. Geographic area.<sup>2</sup>**

1. In which county are you applying for an offset or exemption? *Please complete a separate offset application for each geographic area.* San Francisco

**C. Request Period and Fund Collection**

1. Program Year/Quarter (e.g. Year One, Quarter One): \_\_\_\_\_  
Start (e.g. July 1, 2019): \_\_\_\_\_ - End (e.g. September 31, 2019): \_\_\_\_\_
2. Total funds collected in geographic area during this period: \$ \_\_\_\_\_
3. Total offset requested in geographic area during this period: \$ \_\_\_\_\_  
(Refer to Section F for required documentation)

<sup>1</sup> This form is based on a document submitted as Attachment A to Comments of Uber Technologies, Inc. on Proposed Decision on Track 1 Issues.

<sup>2</sup> Decision On Track 1 Issues: Transportation Network Company Trip Fee and Geographic Areas, dated June 27, 2019, established each county in California as a geographic area. For the purposes of demonstration, we are using San Francisco as the geographic area for which this offset request is being submitted.

SAMPLE

**D. Demonstrate Presence and Availability of WAV Service**

1. Complete table.

Time of Day	Current Period		Previous Period	
	WAV Vehicles Available	WAV Vehicles Available	WAV Vehicles Available	WAV Vehicles Available
	Weekday Average	Weekend Average	Weekday Average	Weekend Average
12 am – 1 am				
1 am – 2 am				
2 am – 3 am				
3 am – 4 am				
4 am – 5 am				
5 am – 6am				
6 am – 7 am				
7 am – 8 am				
8 am – 9 am				
9 am – 10 am				
10 am – 11 am				
11 am – 12 pm				
12 pm – 1 pm				
1 pm – 2 pm				
2 pm – 3 pm				
3 pm – 4 pm				
4 pm – 5 pm				
5 pm – 6 pm				
6 pm – 7 pm				
7 pm – 8 pm				
8 pm – 9 pm				
9 pm – 10 pm				
10 pm – 11 pm				
11 pm – 12 am				

2. Attached is Supporting Documentation.                      Yes     No

**Meets Criteria? [to be completed by CPUC]**                      Yes     No

**Rationale:**

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**SAMPLE**

**E. Demonstrate Reasonable Response Times and Trip Fulfillment**

1. Complete table and provide supporting documentation.

Criteria	General Public	General Public	WAV Service	WAV Service	Supporting Documentation (Trip records with all supporting information)	MEETS CRITERIA FOR OFFSET? <sup>3</sup> [to be completed by CPUC]
	Current Quarter	Previous Quarter	Current Quarter	Previous Quarter		
Trips provided in 10 <sup>4</sup> minutes or less	%	%	%	%		<input type="checkbox"/>
Trips provided in 20 <sup>5</sup> minutes or less	%	%	%	%		<input type="checkbox"/>
Trips Requested						<input type="checkbox"/>
Trips Completed						<input type="checkbox"/>
Trips Denied/Cancelled by Driver						<input type="checkbox"/>
Trips Cancelled by Rider						<input type="checkbox"/>
Eligible for Exemption?						<input type="checkbox"/>

**Meets Criteria? [to be completed by CPUC]**      Yes     No

**Rationale:**


<sup>3</sup> Based on benchmark criteria developed and adopted by the CPUC with public input and review/validation of supporting documentation.

<sup>4</sup> Based on benchmark criteria developed and adopted by the CPUC with public input.

<sup>5</sup> Based on benchmark criteria developed and adopted by the CPUC with public input.

**F. Report Number of Complaints Received and Nature of Complaints**

1. List the total number of complaints in this period: \_\_\_\_\_
2. Summarize complaints by category:

Complaint Type	Total Number of Complaints	Number of Complaints Resolved
Securement Issue		
Driver Training (customer service/disability sensitivity)		
Vehicle Safety and Comfort (Issue with ramp, lift, or vehicle configuration)		
Refused Service Animal		
Passenger Stranded		
Other		

3. Provide details on how complaints were investigated and resolved.

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**G. Demonstrate accounting of funds expended**

1. Attached is a detailed statement of account for funds expended on WAV service improvements. This account should include only investments that would be in addition to the costs of providing non-WAV TNC trips and documentation should account for this.

Yes  No

2. Attached is an affidavit from a company representative with personal knowledge of the facts stated in this statement.

Yes  No

**Meets Criteria? [to be completed by CPUC]** Yes  No

H. Describe how investments made in this quarter have improved service in this period over the same period in the previous year

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**Meets Criteria? [to be completed by CPUC]** Yes  No

I. Demonstrate efforts undertaken to publicize and promote available WAV services to disability communities

3. Describe efforts to publicize and promote WAV service to disability communities in this geographic area during the quarter.

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4. Attached is Supporting Documentation. Yes  No

**Meets Criteria? [to be completed by CPUC]** Yes  No

J. Attached is an affidavit from a company representative with personal knowledge of the facts stated in this application.

Yes  No





**LYFT DRIVER INFO** [ALL FIELDS ARE MANDATORY]

LYFT DRIVER NAME

APPLICANT  
 CURRENT LYFT DRIVER

PHONE NUMBER

EMAIL

VEHICLE YEAR

VEHICLE MAKE

VEHICLE MODEL

LICENSE PLATE #

VIN

**VEHICLE INSPECTION** [TO BE COMPLETED BY INSPECTOR]

INSPECTION POINT	PASS	FAIL
1. <b>Foot brakes</b>	<input type="checkbox"/>	<input type="checkbox"/>
2. <b>Emergency brake (parking brake)</b>	<input type="checkbox"/>	<input type="checkbox"/>
3. <b>Steering mechanism</b>	<input type="checkbox"/>	<input type="checkbox"/>
4. <b>Windshield</b>	<input type="checkbox"/>	<input type="checkbox"/>
5. <b>Rear window and other glass</b>	<input type="checkbox"/>	<input type="checkbox"/>
6. <b>Windshield wipers</b>	<input type="checkbox"/>	<input type="checkbox"/>
7. <b>Headlights</b>	<input type="checkbox"/>	<input type="checkbox"/>
8. <b>Tail lights</b>	<input type="checkbox"/>	<input type="checkbox"/>
9. <b>Turn Indicator lights</b>	<input type="checkbox"/>	<input type="checkbox"/>
10. <b>Stop Lights</b>	<input type="checkbox"/>	<input type="checkbox"/>
11. <b>Front seat adjustment</b>	<input type="checkbox"/>	<input type="checkbox"/>
12. <b>Doors (open, close, lock)</b>	<input type="checkbox"/>	<input type="checkbox"/>

INSPECTION POINT	PASS	FAIL
13. <b>Horn</b>	<input type="checkbox"/>	<input type="checkbox"/>
14. <b>Speedometer</b>	<input type="checkbox"/>	<input type="checkbox"/>
15. <b>Bumpers</b>	<input type="checkbox"/>	<input type="checkbox"/>
16. <b>Muffler and exhaust system</b>	<input type="checkbox"/>	<input type="checkbox"/>
17. <b>Tires, incl. tread depth (minimum 2/32")</b>	<input type="checkbox"/>	<input type="checkbox"/>
18. <b>Interior and exterior rear view mirrors</b>	<input type="checkbox"/>	<input type="checkbox"/>
19. <b>Safety belts for driver and passenger(s)</b>	<input type="checkbox"/>	<input type="checkbox"/>

**VEHICLE INSPECTION**  
(Please circle one)      **PASS**      **FAIL**

**TO BE COMPLETED BY INSPECTOR OR LYFT EXPERT**

ID VERIFIED      YES      NO

APPLICANT'S DRIVER'S LICENSE #

**TO BE COMPLETED BY INSPECTOR ONLY** [ALL FIELDS ARE MANDATORY]

INSPECTION DATE  
(document expires one year from this date)      /      /

COMPANY NAME

VEHICLE MILEAGE FROM ODOMETER

COMPANY ADDRESS

INSPECTOR NAME

ARD NUMBER

INSPECTOR SIGNATURE

*Applicants who do not match the photo on their driver's license or do not have the proper documents, cannot complete an inspection. Failing inspections can only be remedied by the same shop on the same day. If an applicant fails the inspection and is unable to fix the issues on the spot, a new appointment must be made, and a new inspection form must be used.*

*This inspection form reflects a 19 point inspection only on the date of the inspection listed above. For purposes of this inspection, the wheels were not removed from the vehicle, and the vehicle was not put on a lift, nor was it checked for emissions.*

# Vehicle Inspection

TO BE COMPLETED BY VEHICLE OPERATOR ↓

FULL NAME \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

## INSPECTION POINTS

- |   |   |   |   |
|---|---|---|---|
| HEADLIGHTS .....                          | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL | REAR WINDOW & OTHER GLASS.....            | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL |
| TAIL LIGHTS.....                          | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL | WINDSHIELD WIPERS.....                    | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL |
| TURN INDICATOR LIGHTS.....                | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL | FRONT SEAT ADJUSTMENT.....                | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL |
| STOP LIGHTS.....                          | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL | DOORS (Open/Close/Lock).....              | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL |
| FOOT BRAKES (Pads/Shoes thickness).....   | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL | HORN.....                                 | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL |
| EMERGENCY/PARKING BRAKE.....              | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL | SPEEDOMETER.....                          | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL |
| STEERING MECHANISM.....                   | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL | BUMPERS.....                              | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL |
| WINDSHIELD.....                           | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL | MUFFLER AND EXHAUST SYSTEM.....           | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL |
| SAFETY BELTS FOR DRIVERS & PASSENGERS.... | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL | TIRES, INCL TREAD DEPTH.....              | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL |
|   |   | INTERIOR & EXTERIOR REAR VIEW MIRRORS.... | <input type="checkbox"/> PASS <input type="checkbox"/> FAIL |

## VEHICLE INSPECTION RESULTS (Inspector to circle)

Any markings on the 'FAIL' side will automatically fail inspection

**PASS**

**FAIL**

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Inspection Date

TO BE COMPLETED BY INSPECTOR ↓

VEHICLE MILEAGE \_\_\_\_\_

LICENSE PLATE STATE \_\_\_\_\_

LICENSE PLATE NUMBER \_\_\_\_\_

VIN \_\_\_\_\_

VEHICLE MAKE \_\_\_\_\_

VEHICLE MODEL \_\_\_\_\_

VEHICLE YEAR \_\_\_\_\_

NUMBER OF DOORS \_\_\_\_\_

HAS REGISTRATION STICKER? (YES/NO) \_\_\_\_\_

REGISTRATION STICKER MONTH/YEAR (MM/YY) \_\_\_\_\_

INSPECTOR COMPANY \_\_\_\_\_

INSPECTOR ADDRESS \_\_\_\_\_

INSPECTOR NAME \_\_\_\_\_

INSPECTOR SIGNATURE \_\_\_\_\_

STATE CERTIFICATION NUMBER \_\_\_\_\_

**APPLICANT'S ANNUAL BUDGET**

**1. Current Annual Budget:**

<b>Estimated Income:</b>		
a. Passenger Revenue		\$
b. Other Revenues		\$
c. Total grants*, donations, and subsidy from other agency funds		\$
<b>TOTAL INCOME</b>		\$ 0
*Not including this grant request.		
<b>Estimated Expenses:</b>		
a. Wages, Salaries and Benefits (non-maintenance personnel)		\$
b. Maintenance & Repair (include maintenance salaries)		\$
c. Fuels		\$
d. Casualty & Liability Insurance		\$
e. Administrative & General Expense		\$
f. Other Expenses (e.g., materials & supplies, taxes)		\$
g. Contract Services (specify)		\$
<b>TOTAL EXPENSES</b>		\$ 0

**2. Fund Source(s):** Include and explain all sources of operating revenue; including revenue from grants, donations, and local fund-raising projects that will be used to fund your transportation program. List the funding sources and amounts for the prior, current and budget year.

INCOME SOURCE(S): i.e. LTF, STA, STP, grants, etc.	AMOUNTS		
	Prior Year	Current Year	Projected Budget Year
a.	\$	\$	\$
b.	\$	\$	\$
c.	\$	\$	\$
d.	\$	\$	\$
<b>TOTAL</b>	\$ 0	\$ 0	\$ 0

Explain sources of operating revenues:

**FUNDING REQUEST**

		<b>TOTAL</b>
<input type="checkbox"/> <b>Operating Assistance</b>  Project Title:	Year 1:  Year 2:	
Total Cost of Project:		\$ 0
<input type="checkbox"/> <b>Mobility Management</b>  Project Title:	Year 1:  Year 2:	
Total Cost of Project:		\$ 0

Requests for operating assistance or mobility management projects may be made for up to two (2) years of funding. Applicants can apply for one or two years of funding. A separate Proposed Project Budget and Budget Worksheet (see Sections IV and V) must be completed for each year of requested funding.

**For Small Urban and Rural agencies only:** The maximum FTA funding request for all projects may not exceed \$400,000 per applicant agency. If you are also requesting funding for Traditional 5310 projects as well, both applications (Traditional and Expanded) shall not exceed \$400,000 in total funding.

**NOTE:** If Applicant will be contracting with a third party to complete the Project, an Independent Cost Estimate (ICE) must be completed for each third-party contract that exceeds the FTA micro-purchase threshold, currently set at \$10,000. Methods allowed for the development of an ICE include: publicly published price lists; recently invoiced price; or outreach or market survey.

The ICE for each third-party contract must be uploaded to this application and form the basis for the project's budget. The project's budget must be summarized in Sections VI and V. If an ICE for third-party contract(s) is not included with this application, the third-party contract is not eligible for reimbursement and is beyond the Project's scope.

If Applicant is proposing to use an existing third-party contract to complete the Project, the contract must have been previously reviewed and approved by Caltrans DRMT Procurement Branch, and the approval letter must be uploaded as an attachment to the application.

If Applicant issued a non-competitive award to third party, a "Non-Competitive Award Request Form" must be completed and uploaded to this application for each non-competitive award made by the Applicant for the competition of the Project.

After grant approval, Subrecipient (Applicant) must perform a comprehensive federally compliant procurement that is coordinated through the Section 5310 Program in conjunction with the DRMT Procurement Branch. Procurement approval must be granted prior to purchase. Upon approval, the Subrecipient may purchase the Project goods and/services, submit a Request for Reimbursement (RFR) to Caltrans for reimbursement of Project cost up to the grant award amount.

An ICE is not required for Projects whose functions are performed "in-house" by Applicant. For additional procurement guidance please refer to the DRMT Procurement webpage at:

<http://www.dot.ca.gov/drmt/fedgpm.html>

**GENERAL QUESTIONS**

1. Is the proposed project a request for a continuation of a 5310 project from a prior award from Caltrans?

No  Yes If Yes, Standard Agreement No.

2. Indicate the type(s) of proposed transportation service for the project. (Check all that apply.)

- New or expansion of paratransit service beyond the minimum requirements of ADA
- New or expansion of hours for paratransit service
- Feeder service for intercity travel for which paratransit service is not available.
- Service enhancement (same day; door-to-door; escort)
- New or expansion Volunteer Driver Program
- Voucher programs

3. In the past 12 months, did your agency receive any other federal operating funds under FAST-ACT? (Check all that apply and provide standard agreement #s and dollar amounts).

- No
- 5310 (Seniors and Individuals with Disabilities Specialized Transit Program) SA# \$
- 5311 (Rural & Small Transit) Grant# or SA# \$
- 5339 (Bus and Bus Facilities) Grant# or SA# \$
- 5307 (Urbanized Area Formula Program) \$
- Other Federal funds. Specify: \$

4. Does your agency intend to use a third-party contractor for the proposed project service?

- Yes If yes, attach a copy of the bid-related documents/vendor selection process.\* (**Attachment H**)
- No Skip down to Question #8.

\*Applicant using a local procurement process (including non-competitive award) to acquire commodities and/or services must comply with federal procurement laws, regulations and requirements including written procurement policy and procedures. Applicant must certify compliance by completing and uploading the **Local Procurement Policy and Procedures Certification (Attachment I)**. *Additional guidance can be found in the EGM (BlackCat) Resource Tab/Global Resources/2019 5310 Application Resources.* **All 3<sup>rd</sup> Party Contracts are subject to Disadvantaged Business Enterprise (DBE) requirements, including DBE contract goals.**

5. If you plan to use an existing third-party service contract, has your contract been approved with Caltrans?\*

- Yes If yes, attach a copy of the approval letter (**Attachment J**)
- No

\*If Applicant is proposing to use an existing third-party contract to complete the Project, the contract must have been previously reviewed and approved by Caltrans DRMT Procurement Branch, and the approval letter must be uploaded as an attachment to the application. Without an approval letter, the application is ineligible.

**GENERAL QUESTIONS CONTINUED**

6. What is the operating period for this project?

January 29, 2021 date. to [Click here to enter a date.](#)

7. Does your agency receive more than \$750,000 in federal funds from **any** federal department or program? (OMB Single Audit Requirement)?

Yes  No

If yes, did your agency complete and submit the single audit report for the last fiscal year to the California State Controller's Office?

Yes  No

**NOTE: All 3<sup>rd</sup> party contracts and/or purchases will be subject to federal Disadvantaged Business Enterprise (DBE) requirements, and may require a DBE contract goal.**