BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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Order Instituting Rulemaking on Regulations Relating to Passenger Carriers, Ridesharing, and New Online-Enabled Transportation Services	Rulemaking 12-12-011 (Filed December 20, 2012)

OPENING COMMENTS OF THE LOS ANGELES DEPARTMENT OF TRANSPORTATION TO ORDER INSTITUTING RULEMAKING 12-12-011

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I. INTRODUCTION

In accordance with Rule 6.2 of the California Public Utilities Commission ("Commission") Rules of Practice and Procedure ("Rules"), the Los Angeles Department of Transportation submits comments to the Order Instituting Rulemaking 12-12-011 ("Rulemaking").

II. COMMENTS

The following comments address questions 1-7 as set forth in Track 3 of the Commissioner's Amended Phase III. B. Scoping Memo and Ruling.

1. There is considerable public and research value in creating a publicly accessible means to host data about transportation for hire.

a. Data is needed to understand the public impacts of Transportation Network Companies (TNCs), and to ensure they are not undermining existing policy goals.

The Los Angeles Department of Transportation (LADOT) encourages the Commission to make aggregated, anonymized, transportation for hire data publicly accessible in an effort to ascertain whether Transportation Network Companies (TNCs) are operating in support of, and not undermining policy goals at both the city and state level, and that they are contributing to ongoing efforts to increase public safety and wellbeing. Cities cannot manage what they cannot measure. Without TNC trip data LADOT is unable to make data driven decisions to reach the City of Los Angeles' goals pertaining to safety, equity, accessibility, and sustainability, and is unable to discern whether these services are abiding by local laws, or create an adequate framework for future TNC companies looking to enter the market.

Individual cities in California lack permitting authority over TNC providers, and must rely on the CPUC to obtain data in order to determine simple factors including how many TNC vehicles are currently operating on city streets, when and where they are operating, and how they are affecting congestion, among other factors.

Preliminary research indicates that TNCs may be incongruent to public goals. Bruce Schaller's recently published report *"The Growth of App-Based Ride Services and Traffic, Travel and the Future of New York City"* found that TNCs increased miles driven by 7% from 2013 to 2016, adding 600 million miles to New York City streets in 2016 alone. It further assessed growth in TNC rides to have expanded beyond mode shift from taxi to TNC rides, suggesting that many new customers are shifting from walking, biking, and using public transportation.[1] Another recent study from the San Francisco County Transportation Authority in partnership with Northeastern University found that on an average weekday, 570,000 miles are driven over 170,000 TNC trips, with up to 6,500 vehicles operating during peak hours[2]. Earlier this year, the San Francisco Chronicle reported that approximately 10% of all TNC drivers in the Bay Area are in fact registered in cities outside the area, driving significant distances to fulfill shifts in San Francisco where high trip numbers and bonus structures allow them to make more money than in their hometowns.[3] This implies not only an increase in the number of vehicles operating on San Francisco streets and creating additional congestion, it also carries significant

[1] Schaller, Bruce "Unsustainable? The Growth of App-Based Ride Services and Traffic, Travel, and the Future of New York City, February 27, 2017

[2] San Francisco County Transportation Authority, "TNCs Today, a Profile of San Francisco Transportation Network Company Activity", June, 2017

[3] Said, Carolyn, "Long-distance Uber, Lyft Drivers' crazy commutes, marathon days, big paychecks", San Francisco chronicle, February 18, 2017

implications for Vehicle Miles Traveled (VMT) and greenhouse gas (GHG) emissions resulting from these long distance commutes.

These findings raise significant concern. If similar mode shifts, and increases to both VMT and GHG emissions are occurring in Los Angeles, LADOT would like to know and be able to plan accordingly. If this is not the impact TNCs are having in Los Angeles, LADOT needs data to support that claim.

Despite these potentially negative environmental and congestion impacts, TNCs have argued that through increased convenience and reduced costs their traditional services reduce car ownership. They further assert that their pooled services are increasing vehicle occupancy, thereby reducing overall VMT. These are goals that LADOT shares, and outcomes they would be happy to acknowledge with the support of TNC trip data, but to date no data to substantiate this claim has been provided.

Understanding when and where TNCs operate is fundamental to understanding their equity and accessibility implications. Accessibility, related both to ADA compliance as well as socioeconomic and geographic equity implications, was highlighted as a concern by the CPUC in both Phase I and Phase II of this proceeding. This continues to be an unresolved issue without verifiable data. LADOT mandates accessibility standards for all other aspects of its transportation system, including bus, rail, and taxi. Why TNCs should be exempt from providing data on these requirements remains unclear. If TNCs are meeting these requirements, data is required to support that claim.

Additionally, the impact of TNC's convenience and affordability on transit usage is of ongoing concern. The relationship between TNCs and transit has implications on ridership that raise serious economic concerns as well. This relationship has the potential to bolster cities'

ability to invest in and meet their overall mobility goals, but it also has the potential to seriously undermine it. While existing data agreements support research into these impacts, to date no data backed results have been published, leaving cities with little more than anecdotal evidence as to how TNCs have changed mobility for low income and disabled communities. If TNC companies truly wish to support public transportation systems and environmental policy goals, and if they are confident that their services are complementing transit, increasing vehicle occupancy rates, and providing mobility for all, they should be eager to share this data.

The safety of drivers and necessity for background checks was covered extensively in Track 1 of this phase, and LADOT will not add to that conversation here. However, questions regarding other safety concerns remain. It is unknown whether aspects of the TNC model are creating unsafe practices. For example, untrained drivers are distracted as they rely on devices to navigate streets as they drive, and frequent stopping without designated space creates unsafe conditions for pedestrians and cyclists. As cities work to create dedicated curb space for pick up and drop off zones, data is essential in understanding the highest trafficked locations and in allowing for adaptation both in form and regulation in an effort to enable the safe transfer of passengers. Furthermore, notoriously long shifts may be causing fatigue and drowsiness behind the wheel. Drowsy drivers are involved in one-fifth of U.S. fatal accidents, crash risks increase along with the amount of missed sleep, and people who get only four to five hours of sleep a night have the same crash risk as those who drive drunk[4]. These are just a few elements of the TNC service that may be reducing the safety of streets not only in Los Angeles, but across California, and concerns that warrant data driven responses.

[4] AAA Foundation for Traffic Safety, Acute Sleep Deprivation and Risk of Motor Vehicle Crash Involvement, December, 2016

The City of Los Angeles has ambitious policy goals pertaining to the safety, equity, and environmental sustainability of its transportation system. For example, Los Angeles has been very active in implementing policies related to Vision Zero, a goal to end all traffic fatalities by 2025. As LADOT works to make the city safer and more accessible for bicyclists and pedestrians, there are many opportunities to use data to create infrastructure improvements. Some key questions include:

- How many TNCs operate in Los Angeles?
- Is TNC activity concentrated in certain districts?
- How many miles are traveled with a passenger, versus miles driven without a passenger occupant?
- What are the effects on safety?
- How many accidents were there involving TNCs, as well as how many involved pedestrians or bicyclists?
- Is there a high volume of usage near transit stops necessitating TNC waiting zones to provide first and last mile trips?

Given Los Angeles' commitment to transportation as an equitable resource for low income individuals as well as for persons with disabilities, other data questions that could help the city improve, design, and plan transportation for all include:

- Are TNCs being used by low income households?
- Do TNCs serve persons with disabilities?
- Do TNCs provide wheelchair accessible service and how many requests are made for this service?
- Does TNC driver income reflect minimum wage standards as imposed by the City of Los Angeles?

These are all issues that can be addressed through proper usage of data, which TNCs currently have but are unwilling to share.

b. TNC data has the potential to transform transportation systems.

Beyond the ongoing concerns surrounding the public interest stands the fact the TNCs possess trip data that has the potential to enhance city planning. By working with cities, technology companies have the power to transform how we view and analyze transportation. This could be mutually advantageous in building an integrated transportation system that adequately serves all residents and improves mobility. By providing data publicly, in aggregated and anonymized forms, private sector industries may stand to benefit as well.

c. Current data sharing structures are insufficient.

What purpose can the Commission's data collection serve if the information is not provided to agencies in an effort to better inform cities throughout the state? What good does the existing data sharing agreement do if it is so heavily protected that those who require it to make data driven transportation planning decisions are not granted access? The CPUC does not directly engage in transportation planning and must share this data with those who do. While the rise of technology enabled transportation services has the potential to support and enhance existing policy goals, it has also left cities grappling with how to catch up and manage these developments. TNCs are growing and changing faster than any one state agency can respond to, and data should be shared directly with entities responsible for managing city streets and transportation systems.

It is unreasonable to expect the CPUC to provide the required staff capacity, resources, and expertise to analyze TNC data to effectively address the specific concerns and nuanced travel characteristics in San Francisco, Los Angeles, and each and every other city in California. The need for cities to access this information directly is underscored by recent subpoenas and

public records requests issued in San Francisco. Seeking access to this data is not in an effort to undermine these new and innovative services, but rather to enhance their integration into existing systems. Acquiring data via litigation, subpoenas, and records requests is an inefficient and unsustainable method for accomplishing that goal. Turning over data to cities not only allows those cities to manage their own transportation systems effectively, it is a more efficient allocation of resources. With better data Los Angeles, as well as other cities, will be in a position to become more responsive to the transportation needs of its citizens.

2. **LADOT has no opinion on the effectiveness of third-party hosted websites that provide data about Commission programs.**

LADOT has not relied on the California Open Data Portal and therefore is unable to opine on the effectiveness of third party websites that provide data related to Commission programs.

3. **Concerns surrounding customer privacy and market sensitivity are unwarranted, and outweighed by benefits to the public.**

Data sharing agreements can be made to protect customer privacy, and the need for data to make effective planning decisions in the public interest supersedes industry concerns over market sensitivity.

Transportation agencies, including LADOT, provide considerable data to private industries, such as Google, Waze, etc., to create new resources and increase efficiency across transportation systems without sacrificing consumer privacy rights. Furthermore, the taxi industry provides data without negative impact to their business model, and LADOT takes the position that TNCs and taxi providers should be regulated with consistent equality.

While it is understandable that TNC's may have concerns related to market sensitivity, LADOT maintains that the safety, equity, accessibility, and environmental impacts of these services are of greater public importance. Please refer to LADOT's responses to question 1 for details on the need for TNC data at the city level. LADOT is not seeking personal user data, and assert that it is entirely feasible to share necessary data without sacrificing customer privacy rights.

In Portland, Oregon, TNC trip data including time, location, number of trips, and accident occurrences is reported directly to the City on a monthly basis. This arrangement is supported by a Nondisclosure Agreement (NDA) that protects customer privacy and market sensitive data. The city of Chicago also receives monthly trip data directly through secure servers. In addition to time and location, this data includes costs of each trip as well as vehicle and driver information. Collision reports are provided separately on an annual basis. The New York City Taxi and Limousine Commission has been collecting pickup trip data since 2015, and now requires additional drop off information. With this data, these cities are able to track industry growth, manage traffic, understand the level of service and reach of these services, and better ensure driver safety. To date, these arrangements have resulted in neither market failure for TNCs nor privacy invasion for drivers or passengers. LADOT encourages the Commission to track progress with these existing data agreements in to assess best practices.

4. **Existing data sharing arrangements can provide best practices for design specifications.**

LADOT encourages the Commission to track progress with existing data agreements in Boston, Chicago, New York City, and Portland to assess best practices, as these cities are most

instructive on ways to manage TNC data. Our primary interest is that in whatever form the data is disseminated, it should accessible by public entities in real time.

5. **The Commission should share TNC trip data with interested California governmental entities.**

LADOT encourages the Commission to provide publicly accessible data; providing this data directly to California governmental agencies would be a step in the right direction for transportation equity, safety and sustainability. Furthermore, the data will assist cities in planning its transportation futures. Please refer to LADOT's responses to question 1 for details on the need for TNC data at the city level.

6. **The Commission should further consider statewide policy goals in determining if TNC trips data is shared with California governmental agencies.**

In addition to managing city transportation systems, TNC trip data is needed to achieve statewide transportation goals. The City of Los Angeles' goals pertaining to active transportation, VMT and GHG reductions, and reductions in traffic fatalities are all mirrored in statewide legislation. The statewide bicycle and pedestrian plan, *Toward an Active California,* aims to double walking trips and triple cycling trips by 2020. *The Governor's Climate Change Pillars* sets GHG targets at 40% below 1990 levels by 2030, with a 50% reduction in vehicle petroleum use. The *California Strategic Highway Safety Plan* goal toward zero deaths aims for 3% reductions in traffic fatalities annually. These ambitious goals cannot be met without successful city policy implementation, which requires measuring impacts and trends in TNC development, and LADOT refers to its response to question 1 to reiterate the importance data

driven planning. The commission should consider the relationship between city and state policy goals in determining their ruling on TNC trip data.

7. **Existing data sharing arrangements can provide best practices for protecting customer privacy.**

The Commission should look to existing data sharing agreements to determine best practices in protecting customer privacy. LADOT refers to its response to question number 3 for information regarding existing data sharing agreements in Chicago, New York City, and Portland, Oregon. Such data in some of these cities has been anonymized and aggregated for use, and LADOT agrees with this method, particularly considering that a passenger's personal information is generally not needed for planning purposes. The LADOT is ready to work with the CPUC and TNCs to help develop the right protocols and standards for the collection and use of this data, including what data can be shared with an agreement and therefore include more detail, and what data should not be shared without special consideration of the circumstances.

III. CONCLUSION

Data is at the core of driving effective decision-making. Without access to data, cities are left little more than anecdotal stories and the word of TNC companies that these new technology enabled services are helping, and not hurting cities. By analyzing trip data, LADOT seeks not to prohibit TNCs from operating within Los Angeles, but rather it seeks to fully understand their impact, and better integrate these services into the existing transportation system in a way that adequately serves all residents, regardless of location, gender, race, or physical ability without

negatively affecting congestion or the environment. To reach that goal, we advocate for publicly available, aggregated, and anonymized TNC trip data.

In previous comments related to data sharing, Raiser, LLC and Lyft advised against the expansion of reporting requirements "absent a clear connection between new requirements and enhanced public safety". LADOT maintains that they cannot manage, ensure, or enhance public safety in Los Angeles without data driven planning, and that appropriate regulatory measures are not possible without accurate and detailed information.

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Respectfully submitted,

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