



**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)

**REPLY COMMENTS OF SAN FRANCISCO COUNTY
TRANSPORTATION AUTHORITY TO ASSIGNED COMMISSIONER'S
RULING SEEKING COMMENTS ON PROPOSED DATA REPORTING
REQUIREMENTS OF RULEMAKING 12-12-011**

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1. Introduction

These Reply Comments are submitted by the San Francisco County Transportation Authority (“SFCTA”). The SFCTA concurs with the comments submitted by the four other governmental entity parties, including those jointly submitted by the San Francisco International Airport, the San Francisco Municipal Transportation Agency, and the San Francisco City Attorney’s Office (“SFO / SFMTA / SFCAO”), the San Diego Association of Governments (“SANDAG”), the Metropolitan Transportation Commission (“MTC”), and the Los Angeles Department of Transportation (“LADOT”). All the public entity party comments confirm the inadequacy of the Commission’s proposed revised reporting requirements, and reinforce the need for the Commission to develop data reporting requirements that will provide useful data to public agencies that are required to act in the public’s interest. Specifically:

- The proposed TNC data reporting requirements in Table A fail to meet the CPUC’s stated intentions to address governmental interests in TNC trip data.
- The proposed TNC data reporting requirements in Table A will not allow the Commission to study and implement accessibility options for persons with disabilities as required by Senate Bill 1376.
- The proposed TNC data reporting requirements in Table A will not allow the Commission to calculate the required baseline for emissions of greenhouse gases as required by Senate Bill 1014.

Furthermore, the burden placed on Parties to respond within 2 weeks to the CPUC’s Assigned Commissioner’s Ruling Seeking Comments on Proposed Data Reporting Requirements was inadequate to allow parties to fully address this complex issue. More than a year and a half has passed since the end of the reply to opening comments period on July 31, 2017, during which time we are not aware of any synthesis or report on opening comments to the Parties from the Commission. This process was made more burdensome by the inadequate period of six (6) business days for parties to reply to others’ comments.

Finally, as of March 4, 2019, the deadline for responses to comments on the Assigned Commissioner’s Ruling Seeking Comments on Proposed Data Reporting Requirements, the

CPUC has neither accepted nor rejected the SFCTA's comments, nor indicated any errors in the SFCTA's comments requiring correction. As a result, the SFCTA's comments are neither included in the listerv's circulation of accepted comments, nor are they available through a document search on the CPUC's search form (<http://docs.cpuc.ca.gov/advancedsearchform.aspx>). The CPUC has not responded to repeated requests to ascertain the status of the SFCTA's comments. This, combined with the six-day reply to comment period, inappropriately limits the SFCTA's ability to contribute, and other Parties' ability to respond.

2. Reply Comments to Sufficiency of Proposal to Meet Stated Goals

The proposed TNC data reporting requirements in Table A fail to meet the CPUC's stated intentions to address governmental interests in TNC trip data.

- We agree with the SFO / SFMTA / SFCAO that "The Assigned Commissioner's Ruling states that the purpose of these comments are to '(1) develop a more comprehensive record to address the interest from governmental entities in obtaining and analyzing TNC trip data, and (2) develop initial data for the Commission and for parties to use in implementing the new programs recently established by the Legislature.' Unfortunately, the proposed TNC data reporting requirements fail to accomplish either of these goals."
- We agree with the SFO / SFMTA / SFCAO that "Without access to granular TNC data by zip code, census tract, or at the neighborhood level, SFMTA is constrained in its ability to engage in comprehensive transportation planning as required under the City's Charter."
- We agree with MTC that TNC trip data is required to help agencies meet California's Senate Bill 375's requirements of metropolitan areas to meet targets for reducing greenhouse gas emissions.

The proposed TNC data reporting requirements in Table A will not allow the Commission to study and implement accessibility options for persons with disabilities as required by Senate Bill 1376.

- We agree with SFO / SFMTA / SFCAO's contention that the proposed data:
 - Will not allow the CPUC to study accessibility offered according to geography because no geographic detail is proposed to be reported.
 - Will not allow the CPUC to determine which geographic areas are appropriate for inclusion in the Access Fund program based on determination of demand for WAVs because no geographic detail is proposed to be reported.
 - Will not allow the CPUC to establish benchmarks for TNCs and access providers' response times because no response time information is proposed to be reported.
 - Will not allow the CPUC to know the percentage of trips fulfilled versus trips requested because no information on the total number of trips requested is proposed to be reported.
 - Will not allow the CPUC to understand the number of users requesting rides versus community WAV demand for each geographic area because no information on community WAV demand is proposed to be reported.
 - Will not provide the CPUC information on wait times by geographic area because no information on wait times is proposed to be reported.

The proposed TNC data reporting requirements in Table A will not allow the Commission to calculate the required baseline for emissions of greenhouse gases as required by Senate Bill 1014.

- We agree with the SFO / SFMTA / SFCAO that the proposed data will not allow the CPUC calculate the required baseline for emissions of greenhouse gases for vehicles used on online-enabled applications or platforms by transportation network companies on a per-passenger-mile basis because the information is not segmented by vehicle type and passenger occupancy.

3. Reply Comments to Other Concerns Raised

It is an inefficient use of public resources for public agencies to expend millions of dollars to collect TNC trip data that is already reported to the Commission.

- We agree with SANDAG that “Regular data is needed to accurately forecast TNC travel behavior for transportation planning purposes. Further, collecting data through surveys is costly for public agencies and an inefficient use of public funds when the data could be made available directly by the TNCs or through a third party, like the Commission.”
- We agree with MTC that “Public agencies, in short, are spending public money to collect a small subset of data that CPUC already has collected. Without obtaining TNC data from CPUC, millions in public funds will be needed for collection of TNC data in the next few years.”

The Commission should share the TNC data it already has.

- We agree with LADOT’s encouragement to the Commission to continue collecting detailed trip data from TNCs, and that this data, too, be shared.
- We agree the SFO / SFMTA / SFCAO that the Commission should re-examine the confidentiality requirement stated in a footnote to Decision 13-09-045, by ordering the TNC annual reports to be available to the public, or at least shared with other interested government entities; and require reporting of other data listed in SFO/SFMTA July 2017 opening comments.

TNCs already provide detailed trip data to other governmental entities.

- We confirm the SFO / SFMTA / SFCAO contention that that TNCs provide granular trip data to the cities of Portland, Boston, and New York.
- We echo MTC’s observation that “Other government agencies in the US already require detailed reporting of TNC trips. For example, Seattle requires individual trip flow to be reported at a zip code level for both origins and destinations” from transportation network companies.

Trip data is not a trade secret.

- We agree with SFO / SFMTA / SFCAO's reiteration of the Commission's prior statements that, given Uber's "voluntary preparation and submittal of trip data in Boston, and the submittal of trip data in New York so that its license suspension could be lifted, [it] does not have a reasonable expectation that all trip data would meet the definition of a trade secret."
- We agree with the SFO / SFMTA / SFCAO request that "the Commission should re-examine the confidentiality requirement stated in a footnote to Decision 13-09-045, and order that the annual reports be published by the Consumer Protection and Enforcement Division."

Required data reporting does not present consumer privacy risks, both because the TNC data reported to the Commission does not contain personally identifiable information, and because California public agencies have a well-established history of protecting confidential data.

- We note that under the currently required TNC reporting to the Commission, no personally identifiable information is reported, and thus there is no consumer privacy risk, for either passengers or drivers.
- We agree with SANDAG that "SANDAG has a long history of securely collecting, storing, and processing sensitive data including personally identifiable information (PII), payment information, and travel patterns without data breaches or incidents. SANDAG also maintains extremely sensitive public safety."
- We agree with MTC that "Many transportation agencies that operate in the Bay Area share their data with MTC (e.g. automated vehicle location data collected by transit operators) in order to achieve legally mandated goals and public benefits."
- We note that while Uber states, "Should the data ever be subject to a data breach or loss of control by the Commission, it would result in tremendous negative consequences for all stakeholders", in fact the greatest risk to consumer privacy may

be from TNCs themselves. In November 2017 Bloomberg reported (<https://www.bloomberg.com/news/articles/2017-11-21/uber-concealed-cyberattack-that-exposed-57-million-people-s-data>) that hackers stole from Uber, “the personal data of 57 million customers and drivers from Uber Technologies Inc., a massive breach that the company concealed for more than a year,” including the “names, email addresses and phone numbers of 50 million Uber riders around the world...The personal information of about 7 million drivers was accessed as well, including some 600,000 U.S. driver’s license numbers.” Uber concealed this breach of data and breach of the public’s trust for over a year.

The Commission should expand the data reporting it requires from TNCs by adopting the LADOT’s Mobility Data Specification (MDS) as the standard for TNC data reporting.

- We agree with LADOT that MDS provides a consistent format for sharing meaningful data that allows cities to analyze trends across modes over time.
- We agree that “MDS does not require or expose any personally identifiable information, and can be designed to conform to additional data handling guidelines.”

Data should not be aggregated to the level proposed, but rather to the level required to support the parties’ identified governmental interests, implementation of Senate Bill 1367 and implementation of Senate Bill 1014.

- We agree with LADOT that aggregated data “lacks the specificity required for cities to understand TNC impacts and manage accordingly.”
- We agree with SFO / SFMTA / SFCAO that Table A is “inadequate because of the lack of specificity (i.e. it is aggregated at too high a level to be meaningful to inform local jurisdictions or the general public about local impacts of TNC service and help transportation planners develop informed solutions to traffic and curb management which are data driven)”.
- We agree with SANDAG that “The proposed data is too geographically and temporally aggregated to be used for transportation modeling and analysis that

supports local and regional governments with transportation planning and monitoring.”

- We agree with MTC that “The proposed data reporting requirement is too geographically aggregated. Data presented at statewide level is of limited value for regional planning purposes.”
- We agree with MTC that “the proposed data reporting requirement is too temporally aggregated. Understanding variations by time of day and day of week is crucial for transportation analysis.”
- We note that the SFCTA’s research into the effects of TNCs in San Francisco has revealed that the impacts of TNCs even within a city varies widely, with TNCs causing more than 70% of the increase in congestion in dense urban neighborhoods, while having very little impact in other neighborhoods.

Provision of disaggregate data would address TNC concerns about “duplicative” reporting

- We propose that the provision of disaggregate data would address Uber’s concerns that “all mileage reported should be non-duplicative” because the duplicative records could be identified and accounted for.

Provision of disaggregate data would support enforcement of critical public safety laws such as the Vehicle Code limitations on the number of consecutive and total hours of driving per day.

- In their comments, both Uber and Lyft acknowledge and confirm that drivers drive for multiple platforms simultaneously. Lyft states, “The proposed requirement will capture periods during which a driver is logged onto one TNC app while providing a rider to a passenger using a different TNC app.”
- We propose that the provision of disaggregate data would support enforcement of critical public safety laws such as the Vehicle Code limitations on the number of

consecutive and total hours of driving per day because the duplicative records showing drivers drive for multiple platforms simultaneously could be identified.

Reporting requirements are not burdensome, and in fact require less data reporting that required from other categories of regulated transportation.

- Uber claims that “the reporting requirements have proven to be unduly burdensome on TNCs”, and Lyft asserts that, “The Commission should resist calls to add even further to the increasingly disproportionate data reporting burden placed upon TNCs - a burden imposed on no other category of regulated transportation provided of which Lyft is aware”
- In San Francisco, TNCs are the least regulated category of transportation:
 - Taxis are required to use an API to report all telemetry data, vehicle occupancy, and other data far exceeding CPUC current TNC reporting requirements
 - Stationless bikeshare permittees (Lime, Bird) are required to report all trip data, including origins, destinations, times, routes (telemetry data), payment type and device status
 - Standing electric scooter permittees are required to report all trip data, including origins, destinations, times, routes (telemetry data), payment type and device status
 - Private transit providers are required to provide telemetry data on vehicle location when operating within San Francisco
 - Commuter shuttle providers are required to provide telemetry data on vehicle location when operating within San Francisco
- Lyft states, “A requirement that TNC drivers count passengers is a burden that is not imposed on any other type of transportation provider of which Lyft is aware, including taxis.” In fact, taxis are required to report occupancy data in San Francisco.
- TNCs are required to provide equally detailed, or more detailed information in many other places, including New York City, Seattle, and Portland (OR).

“Streamlining” the reporting requirements will not be beneficial to stakeholders

- The SFCTA, a key stakeholder, has received no benefit from the current reporting requirements, as the Commission has indicated that sharing the data currently reported to the Commission with San Francisco is “not in the public interest.” Thus, “Streamlining” the data reporting requirements will clearly not be beneficial to the SFCTA.
- The SFCTA’s recent data analysis and surveys have revealed that TNCs comprise a significant share of travel in San Francisco, and are the single largest cause of increases in congestion since 2010, exceeding even the congestion impacts of adding 220,000 new residents and workers. This work was only possible through an independent data collection effort which is not readily replicable.
- Expanding the data reporting requirements and sharing these data with public agencies and stakeholders would be beneficial.

TNCs can provide information about vehicle miles traveled (VMT) during passenger service that are served by electric vehicles or other vehicles not using an internal combustion engine.

- Uber states that they do not collect information and would not be able to provide information about “Total quarterly vehicle miles traveled during passenger service that are served by electric vehicles or other vehicles not using an internal combustion engine.”
- The vast majority of TNC trips in California certainly occur in vehicles registered with the State of California. In order to register a vehicle in California, it is necessary to provide the unique “Vehicle Identification Number” (VIN). The VIN provides vehicle information, including year, make, model, engine size, and the country and factory where the car was made.
- Thus, TNCs can easily associate every TNC trip or movement with unique vehicle information, including whether the vehicle is electric

Occupancy information is critical

- Lyft states, “The ACR proposed as Item No. 5 to require TNCs to report ‘Vehicle occupancy (total number of passengers)’. As an initial matter this requirement appears unnecessary, given that the Clean Miles Standard contemplates using an average passenger occupancy figure, presumably in recognition of the challenges in obtaining accurate passenger counts.”
- To state the obvious, it is not possible to calculate an average passenger occupancy figure without actual data on passenger occupancy.
- Given that Lyft has indicated that vehicle occupancy is a Key Performance Indicator (e.g. Peter Day, Policy Manager, Research Analytics at Lyft, recently stated, “Promoting shared rides is at the core of what we do” (<https://medium.com/sharing-the-ride-with-lyft/understanding-lyfts-impact-on-congestion-adc1d13d932e>)), collecting actual occupancy data would help Lyft achieve one of its publicly stated goals.

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Respectfully submitted,

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