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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on Regulations Relating to Passenger Carriers, Ridesharing, and New Online-Enabled Transportation Services.

Rulemaking 12-12-011

ADMINISTRATIVE LAW JUDGE'S RULING ORDERING UBER TECHNOLOGIES, INC. TO FILE AND SERVE ITS US SAFETY REPORT FOR 2017-2018 AND TO ANSWER QUESTIONS REGARDING ALLEGED SEXUAL ASSAULT AND SEXUAL MISCONDUCT INCIDENTS

Uber Technologies, Inc. (Uber) is ordered to file in the docket of this proceeding a copy of its *US Safety Report* (Safety Report) for 2017-2018 and to serve a copy or provide an electronic link to the parties on the service list in this proceeding by January 30, 2020.

Uber is also ordered to file and serve answers to the questions set forth in this Ruling by January 30, 2020.

Parties may file and serve their responses to Uber's answers by February 20, 2020.

1. Questions Regarding the Drafting of Uber's Safety Report

- 1.1. Identify (*i.e.*, provide the persons full name, job title, contact information, and job responsibilities) all persons employed by Uber who drafted any part of the Safety Report.
- 1.2. If more than one person wrote the Safety Report, identify which portions of the Safety Report each person drafted.
- 1.3. Identify all consultants, independent contractors, and/or third parties who drafted any part of the Safety Report.
- 1.4. Identify all persons who approved the final version of the Safety Report for public dissemination.

2. Questions Regarding Data and Complaint Verification in the Safety Report

- 2.1. The Disclaimer to the Safety Report asserts that the data in the Safety Report "consists of reported incidents that allegedly occurred in connection with[]an Uber-facilitated trip" but that the Safety Report "does not assess or take any position on whether any of the reported incidents actually occurred, in whole or in part."
 - 2.1.1. Is it Uber's position that it is under no obligation to determine if any of the reported incidents occurred? If so, state all facts, law, witnesses, and documents that support Uber's position.
 - 2.1.2. Should Uber be under an obligation to determine if any of the reported incidents occurred? If so, state all facts, law, witnesses, and documents that support your answer.
- 2.2. For the sexual assault data for the five categories of sexual assault (non-consensual kissing of a non-sexual body part; attempted non-consensual sexual penetration; instance of non-consensual kissing of a sexual body part; non-consensual kissing of a sexual body part; and non-consensual sexual penetration) summarized in the Executive Summary (Safety Report at 18), how many incidents occurred in California in 2017, 2018, and 2019?
- 2.3. How many reports did Uber receive of sexual misconduct that occurred in California in 2017, 2018, and 2019?
- 2.4. For each incident of sexual assault and sexual misconduct that occurred in California in 2017, 2018, and 2019:
 - 2.4.1. State the date, time, and place of each incident.

- 2.4.2. Give a detailed description of the circumstances of each incident.
- 2.4.3. Identify (*i.e.*, provide the person's full name and contact information) each witness to each incident.
- 2.4.4. Identify (*i.e.*, provide the person's full name, job title, contact information, and job responsibilities) each person to whom each incident was reported.

3. Questions Regarding Investigation of Sexual Assault and Sexual Misconduct Complaints

- 3.1. Does Uber currently have in place standards and strategies to measure, respond to, and prevent sexual assaults¹ and sexual misconduct?² If so, explain the protocol that a TNC passenger can utilize to report a claimed incident of sexual assault or sexual misconduct.
 - 3.1.1. How does Uber receive and track a report of a claimed incident or sexual assault or sexual misconduct?
 - 3.1.2. What steps does Uber undertake to investigate a report of a claimed incident of sexual assault or sexual misconduct?
 - 3.1.3. Once the investigation is complete, how does Uber resolve a claimed incident of sexual assault or sexual misconduct?
- 3.2. The Safety Report states that "Uber has put in place stronger safety policies and training for support staff, implemented a new classification system for the most serious safety incidents, and launched more safety features than ever before to help protect both drivers and riders." (Safety Report at 71.) With respect to sexual assault and sexual misconduct:
 - 3.2.1. What stronger safety policies and training for support staff have been put place?

¹ The term sexual assault is taken from the Terms used in the Safety Report to mean "any physical or attempted physical contact that it reported to be sexual in nature and without the consent of the user." (Safety Report at 4.)

² The term sexual misconduct is taken from the Terms used in the Safety Report to mean "any non-physical conduct (verbal or staring) of a sexual nature that happens without consent or has the effect of threatening or intimidating a use against whom such conduct is directed." (Safety Report at 4.)

- 3.2.2. What is the new classification system for the most serious safety incidents?
- 3.2.3. What additional safety features have been launched to protect both drivers and riders?

4. Questions Regarding Uber's Safety Team

- 4.1. The Safety Report states that Uber has "tripled the size of our safety team since 2017, with more than 300 professionals now dedicated to safety for our core rides business." (Safety Report at 9.)
 - 4.1.1. Identify all persons in charge of the safety team who work on sexual assault and sexual misconduct complaints.
 - 4.1.2. Is the safety team organized by departments or divisions as they relate to complaints of sexual assault and sexual misconduct? If so, identify each department or division of Uber's safety team, the person or persons in charge of each department or division, and work responsibilities of each department or division.

5. Questions Regarding Instructions to Participating Drivers

- 5.1. Does Uber provide its participating drivers³ with any instructions regarding sexual assault and sexual misconduct? If so, describe how the instructions regarding sexual assault and sexual misconduct are given.
- 5.2. When are the instructions given regarding sexual assault and sexual misconduct?
- 5.3. How often are the instructions given regarding sexual assault and sexual misconduct?

IT IS RULED that:

1. Uber Technologies, Inc. (Uber) is ordered to file in the docket of this proceeding a copy of its *US Safety Report* and to serve a copy or provide an electronic link to the parties on the service list in this proceeding by January 30, 2020.

³ Participating drivers is defined by Public Utilities Code Section 5431(a) to mean "any person who uses a vehicle in connection with a transportation network company's online-enabled application or platform to connect with passengers."

2. Uber is also ordered to file and serve answers to the questions set forth in this Ruling by January 30, 2020.

3. Parties to this proceeding shall have until February 20, 2020, to file and serve their responses to Uber's answers.

Dated December 19, 2019, at San Francisco, California.

/s/ ROBERT M. MASON III

Robert M. Mason III
Administrative Law Judge