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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 June 13, 2019)

COMMENTS OF THE DISABILITY RIGHTS EDUCATION & DEFENSE FUND, DISABILITY RIGHTS CALIFORNIA, AND THE CENTER FOR ACCESSIBLE TECHNOLOGY ON PROPOSED DECISION ON TRACK 3 ISSUES

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I. INTRODUCTION

In accordance with Rule 14.3 of the Commission's Rules of Practice and Procedure, the Disability Rights Education & Defense Fund, Disability Rights California, and the Center for Accessible Technology (collectively the Disability Advocates) submit these comments on the Proposed Decision on Track 3 Issues (the Track 3 PD), mailed on January 29, 2021. The Disability Advocates believe that the PD contains substantial errors of law and fact, and we respectfully provide recommendations to resolve such errors to best serve the needs of people with disabilities and the objectives of Track 3 of this proceeding.

II. DISCUSSION

A. TNC Offset Requirements

1. Improved Level of Service Requirements

The Proposed Decision's determinations regarding improved level of service requirements are unmoored from the question of how a TNC's wheelchair-accessible vehicle (WAV) service compares to their non-WAV service and therefore represent legal error. Comparability of service is a legal requirement. As the Ninth Circuit has explained in discussing what constitutes discrimination against people with disabilities, "Public accommodations must start by considering how their facilities are used by non-disabled guests and then take reasonable steps to provide disabled guests with a like experience."[1] This is grounded in the requirements of the Americans with Disabilities Act and related anti-discrimination laws. Regulations implementing those laws make clear that service providers may *not* provide unequal service to people with disabilities. For example, federal regulations prohibit limiting people with disabilities to "the opportunity to participate in or benefit from a good, service, facility, privilege,

[1] *Baughman v. Walt Disney World Co.*, 685 F.3d 1131, 1135 (9th Cir. 2012).

advantage, or accommodation *that is not equal* to that afforded to other individuals."[2] Federal regulations also prohibit provision of a service to people with disabilities "that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity *that is as effective* as that provided to others."[3] California's non-discrimination law, the Unruh Civil Rights Act, incorporates violations of federal law and also separately prohibits discrimination on the basis of disability.[4]

With regard to the provision of wheelchair accessible vehicles (WAV service) for TNCs, the California Legislature has spoken clearly to the Commission via the TNC Access for All Act, requiring the Commission to "initiate regulation of charter-party carriers . . . to ensure that transportation network company services *do not discriminate* against persons with disabilities, including those who use nonfolding mobility devices."[5] The Legislature directed the Commission to "establish a program relating to accessibility for persons with disabilities, including wheelchair users who need a wheelchair-accessible vehicle (WAV)"[6] and made clear that the goal is "to provide services to disabled persons in a nonduplicative, *nondiscriminatory*, and more efficient manner."[7] The Commission's regulation of TNCs must therefore be grounded in the legal understanding that an accessible, nondiscriminatory service is one that is comparable to the service offered to people without disabilities. Anything that is not so grounded, and simply measures the effectiveness of service to people with disabilities against *past* service to that community, is legal error.

[2] 28 C.F.R. § 36.202(b) (emphasis added).
[3] 28 C.F.R. § 36.202(c) (emphasis added).
[4] Cal. Civil Code §51(c) and § 51(f).
[5] Cal. Pub. Util. Code § 5440(c) (emphasis added).
[6] Cal. Pub. Util. Code § 5440(a)(1).
[7] Cal. Pub. Util. Code § 5440(a)(3) (emphasis added).

The Track 3 Proposed Decision fails to adopt either minimum benchmarks or increasing benchmarks with reference to the availability of WAV service as compared to non-WAV service. The TNC Access for All Act acknowledges the utter "lack of wheelchair accessible vehicles (WAVs) available via TNC online-enabled applications or platforms throughout California" that preceded enactment of the statute, and therefore allows TNCs "to offset against the amounts due pursuant to this subparagraph for a particular quarter the amounts spent by the TNC during that quarter to improve WAV service."[8] But in implementing this aspect of the program, the Commission is not free under the law to simply disregard the issue of comparability to non-WAV service and measure availability of WAV service solely against past availability of WAV service. In order to achieve the comparability that the law requires, the Commission must establish benchmarks with reference to non-WAV service. Those benchmarks may initially be set at less than full comparability in acknowledgement of the sheer lack of WAV service provided prior to the TNC Access for All Act. But they do need to be set, and they do need to increase towards providing an equitable level of service over time.

The Commission likewise errs when it says the record is insufficient "to determine the appropriate minimum percentage or appropriate increasing benchmarks."[9] The Commission has no less information regarding availability of service at this point in time than it did regarding response times nearly a year ago when it set benchmarks for that aspect of WAV service.[10] There is no question as to the availability of non-WAV rides provided by TNCs such as Uber and Lyft. As a general matter, these TNCs are able to fulfil the rides requested by people who do not need WAV vehicles. Reliability is at the core of their business model: no one would take an Uber or a

[8] Section 5440(a)(1)(B)(ii).
[9] Track 3 PD at p. 11-12.
[10] D.20-03-007 (the Track 2 Decision) at pp. 84-85.

Lyft ride to their destination if they could not be confident of getting a return ride home. And neither Uber nor Lyft has disputed the Disability Advocates' repeated claim that, if either TNC fulfilled standard rides at the rate that they fulfill WAV rides, they would be out of business.[11] The Commission also has data regarding availability of WAV rides as a result of the Quarterly Reports and numerous Advice Letters submitted by TNCs. The Commission therefore has all the data it needs to establish an increasing set of benchmarks regarding availability as measured by trip completion rates. As discussed further below, to the extent the Commission instead is looking to build the record further in order to support adoption of more effective standards in Track 4, the reporting requirements under consideration now, as well as the set of issues now being identified for further activity in that Track, must focus on establishing sufficient information and a robust record that is fully developed and available to all stakeholders, and with a plan to use the information developed through such reports and record to set effective benchmarks.

The Proposed Decision's determination that a simple increase in the number of completed WAV trips may suffice to establish availability of WAV service,[12] without more, also represents legal error. As a legal matter, accessibility of WAV services must be measured against the level of service provided to people without disabilities. A simple increase in the number of WAV trips completed (as compared only to the number of WAV trips completed in the past) does not necessarily mean that a TNC has brought its WAV service to a level that is more comparable to non-WAV service. A TNC that increases the number of WAV trips completed due to seasonal fluctuations or easing of pandemic restrictions, for instance, has not achieved

[11] The Disability Advocates have repeatedly stated this in their protests to Uber and Lyft's Advice Letters. *See., e.g.,* December 10, 2020 Protest and Confidentiality Objections regarding Uber's Advice Letter 7 at p. 2 and August 4, 2020 Protest and Confidentiality Objections regarding Lyft's Advice Letter 004 at p. 2.
[12] Track 3 PD at p. 48.

greater comparability if the percentage of completed WAV trips relative to non-WAV trips has fallen. A TNC would need to demonstrate in any given quarter why a sheer increase in the number of completed WAV trips would be a more accurate measure of comparability of service than the percentage of completed trips.

The Proposed Decision also commits legal error in its narrow focus on quarter-over-quarter improvements.[13] Because the TNC Access for All Act makes clear that it requires *nondiscriminatory* service, the Commission errs legally if it creates a program that incentivizes TNCs to hold back improvements to WAV service. By requiring quarter-over-quarter improvements rather than an increasing set of benchmarks, the Proposed Decision incentivizes TNCs to do whatever possible to ensure that they can continuously report increasing numbers, even if that means holding back initially so they have room to improve later. A set of increasing benchmarks, by contrast, does not penalize a TNC for hitting a benchmark early, so long as they are able to stay above the minimum each quarter.

A further error comes from the Proposed Decision's acceptance of limited service for WAVs. The Proposed Decision accurately finds it "reasonable for a transportation carrier to submit its WAV operating hours for a specific geographic area."[14] But the use to which the Proposed Decision puts that information is contrary to law. The Proposed Decision appears to suggest that availability of WAV rides should only be evaluated within the window that WAV rides are offered, no matter how narrow that window may be. But that flies in the face of the requirement that WAV service must be comparable to non-WAV service. The fact that a TNC offers WAV service during a more limited range of hours than it offers non-WAV service must count against a TNC seeking an offset – not help the TNC raise its reported trip completion

[13] Track 3 PD at p. 12.
[14] Track 3 PD at p. 46.

percentages. Providing services that are comparable to those provided to people without disabilities – as the law requires –means that the hours during which WAV service is available cannot be significantly fewer than the hours during which standard service is available.

Finally, the Track 3 Proposed Decision fails to address significant issues raised by the Disability Advocates, including the issue of whether TNCs are introducing barriers to accessibility[15] such as requiring people who use wheelchairs to go into the "Settings" of the app in order to even view available WAV rides, as Lyft does[16]—even after the New York City Taxi and Limousine Commission informed Lyft in 2019 that "the decision to design the app this way creates a barrier to knowing that a WAV option exists and could have the effect of suppressing trip demand."[17] It is legal error for the Commission to set up a program that awards offset funds or exemptions to TNCs that affirmatively create barriers to access. The obstacles to access that a TNC may set up – like the level of outreach that it engages in – have a direct effect on the trip completion rate, because failure in either area can artificially suppress demand for WAV service. Additionally, failure to inform the community about the availability of the service also may suppress demand. A measure of the sufficiency of a TNC's outreach, with benchmarks set if necessary, must be part of the Commission's review of offset requests.[18] The Commission acts in conflict with the law if it leaves either factor out of its evaluation of the accessibility of WAV service.

2. Incremental Costs

The Track 3 PD correctly states that a "TNC bears the burden to demonstrate that it meets

[15] Disability Advocates' Comments on Track 3 Staff Proposals and Workshop at p. 6.
[16] Disability Advocates' Reply Comments on Track 3 at p. 7.
[17] NYC Taxi and Limousine Commission, "FHV Compliance with Wheelchair Accessibility Requirements" (September 2019) at p. 12, available at https://www1.nyc.gov/assets/tlc/downloads/pdf/fhv_wheelchair_accessibility_report_2019.pdf .
[18] This is discussed in more detail below.

the requirements of an Offset Request."[19] However, there is factual error in the conclusion that "the Commission cannot clearly define an incremental cost or identify an incremental cost calculation."[20] The record clearly identifies valid ways to determine what the increment between the cost of providing non-WAV rides and WAV rides.[21] It is unclear what more the Commission could be seeking in this regard.

The Proposed Decision also appears to misunderstand the proposal from parties regarding deduction of fares from cost offsets. The Disability Advocates stated, for instance, that "[t]o the extent that a TNC is permitted to offset the entire cost of WAV service, and not just the incremental cost, such as where a TNC seeks to offset the cost of contracting out for WAV rides, then the TNC should be required to deduct any income received by the TNC for those rides before seeking an offset for those costs."[22] The statement in the Proposed Decision that "[i]n response to some parties' proposals, we clarify that fares paid by passengers are not included on the list of eligible offset expenses" therefore misses the point. The Disability Advocates and others are not concerned that TNCs will seek to offset eligible expenses themselves. The point instead is that, if a TNC is able to recoup the entire cost of providing WAV service, then they must first deduct any fares received for that service. For example, if it costs a TNC $10 to provide a WAV ride, and the fare received for the ride is $8, the TNC must only be permitted to seek an offset of $2, not the full $10. Otherwise the TNC is being paid twice – once by the fare, and a second time by the offset funds.

[19] Track 3 PD at p. 16.
[20] *Id.*
[21] Detailed suggestions may be found in the record, including in Disability Advocates' Track 3 Proposals at pp. 8-10.
[22] Disability Advocates' Comments on Track 3 Staff Proposals and Workshop at p. 2.

B. Access Fund Disbursements

The Proposed Decision provides that, at least until a future decision establishes a different standard, "an Access Provider shall be limited to either: (1) transportation carriers that are regulated by the Commission, or (2) transportation carriers that currently hold a Commission-issued permit or obtain a Commission-issued permit prior to applying to become an Access Provider." This is legal error. There is no basis in the TNC Access for All Act for this limitation, and it would thwart the purpose of the Access for All Act. Most providers in the best position to provide WAV access are unlikely to be entities regulated by the Commission. The vast majority of the types of entities that would be expected to apply to be Access Providers—such as local taxi providers, paratransit providers, and non-emergency medical transportation (NEMT) providers—will thus be prohibited from serving as Access Providers, whereas TNCs will be allowed to apply for all the funds intended for other Access Providers in counties where the same TNCs are not providing accessible service.

In California, TCP permits are permits for charter providers; that is, "Charter-Party Carriers (TCPs) charter their vehicles for the exclusive use of an individual or group. Examples are a group charter of a bus to go to a sporting event or charter of a limousine for a wedding."[23] This is a very narrow range of providers and not the type generally anticipated to serve the Access Provider role. Entities that have received a permit from a local government (such as taxis) have no reason to pursue a TCP permit, so this requirement sets up a barrier, or at least a a strong disincentive, to them serving as Access Providers. It is unlikely that Access Providers, if thus limited, will be able to function in the manner intended by the Legislature.

The Track 3 PD suggests that there are differences in the Commission's own regulatory

[23] *See* https://www.cpuc.ca.gov/tcpinfo/

reach versus other programs, but fails to distinguish those programs in any meaningful way.[24] As SFTWA has noted, for instance, regulation of taxicabs is more stringent than of TNCs.[25]

The TNC Access for All Act provides that the program it requires the Commission to create should provide funding to Access Providers, not Access Providers, *but only if* they can obtain TCP permits. The Commission may only import such a requirement if there is substantial reason to do so consistent with the statute. Instead, the Track 3 PD does not substantiate the requirement, which works at cross-purposes with the statute's goal of providing equal access for people with disabilities. The Proposed Decision's approach to "access providers" is unworkable because the local providers in the best position to provide access will not be eligible to be funded by the Access Fund program.

The Disability Advocates recognize that in Track 4 the Commission will consider altering this situation. But by then, the momentum of this problem will already be a set precedent. The Track 3 Decision should reverse the presumption and *allow* entities not regulated by the Commission to become Access Providers unless the record in Track 4 demonstrates that it is unsafe or otherwise inappropriate to do so.

The Track 3 PD fails to do this, and, by contrast, allows TNCs to become Access Providers even if they do not otherwise offer WAV service in an area.[26] This is likewise in contravention of the purposes of the TNC Access for All Act. It is not appropriate for TNCs to fail to meet the full standards of providing WAV access in an area, and then provide lesser service in the same area as an "Access Provider."

[24] Track 3 PD at p. 24.
[25] SFWTA Comments at p. 5.
[26] Track 3 PD at p. 29

C. Reporting Requirements

The Proposed Decision commits legal error when it states that "[t]he Commission views the yearly benchmarks as a means to monitor and evaluate the progress of the WAV program and an individual carrier's performance, and not to penalize any individual carrier for failing to meet the yearly benchmarks."[27] This is in direct contravention of the language of the TNC Access for All Act, which states that "[t]he commission shall establish yearly benchmarks for TNCs and access providers to meet *to ensure WAV users receive continuously improved, reliable, and available service*. These benchmarks shall include, but are not limited to, response times, percentage of trips fulfilled versus trips requested, and number of users requesting rides versus community WAV demand for each geographic area."[28] How can the Commission "ensure" that WAV service is reliable and available if there is no penalty to TNCs for providing inequitable service?

Contrary to the determination in the Track 3 PD, "the information provided in Offset Requests, Exemption Requests, and Quarterly Reports" *cannot* "form the baseline for the yearly benchmarks."[29] To do so would be an utter abdication of the Legislature's directive to the Commission to establish benchmarks to "ensure" that people with disabilities have access to reliable, available WAV service. TNCs' own level of service for people with disabilities – however inequitable it may be – cannot define what the Commission requires of them. The Commission cannot adopt this legal error in its Final Decision on Track 3. In order to fulfil its legal mandate under the TNC Access for All Act, the Commission must collect the data it needs to evaluate whether WAV service is actually reliable, available, and continuously improving in

[27] Track 3 PD at p. 35.
[28] Pub. Util. Code § 5440.5(a)(1)(J) (emphasis added).
[29] Track 3 PD at p. 35.

relation to non-WAV service. And, following the directive of the statute, it must use that data to *ensure* that those standards are met.

To the extent that the Commission has found itself incapable of setting benchmarks that will ensure that people with disabilities have access to reliable, available TNC service based on the record established at this time,[30] the Commission must ensure that the ongoing work in this docket will effectively collect the data it needs to set those benchmarks. To do so, it is imperative that the Commission establish adequate reporting requirements so that there is a record in Track 4 that is sufficient, in the Commission's view, to establish benchmarks. Additionally, among other authorized actions, the Commission may hire an outside consultant to provide guidance on how to more effectively collect and evaluate data from the TNCs.[31]

Because of the crucial importance of ongoing record development, the Proposed Decision errs in finding both that the data reporting proposed by San Francisco[32] is unnecessary and also that the Commission currently lacks the record it needs to fulfill its statutory to set benchmarks that ensure that people with disabilities have access to reliable, available WAV service. It is incumbent on the Commission – either through the data gathered for the December 2021 Report required in the Track 3 PD, or through some other means – to collect the data it needs and ensure that the data is publicly understandable and available so that it is part of the record. The Commission cannot allow the same situation to repeat itself in Track 4, where the Commission determines that it still lacks the record to set those legally mandated benchmarks. If the Commission believes that it needs more data, it must act now to ensure that the record will be sufficient in the Commission's view in Track 4.

[30] As noted throughout these Comments, the Disability Advocates believe the current record is sufficient to support the establishment of appropriate benchmarks.
[31] The Disability Advocates suggested this course in their Track 3 Proposal at pp. 10, 14.
[32] San Francisco Proposal at pp. 10-13.

The Proposed Decision does correctly determine "that the yearly benchmarks should evaluate WAV response times against non-WAV response times to assess whether WAV users receive continuously improved, reliable, and available service."[33] As described above, the TNC Access for All Act, like the ADA and other nondiscrimination laws, requires comparability between what is offered to people with and without disabilities. But the Proposed Decision errs by limiting the comparative data to response times. All factors, including percentages of completed trips, should be reported with respect to how service for people with disabilities compares to the level of service offered to the general public.

With respect to the 2024 Legislative Report required in the TNC Access for All Act, accuracy requires that the report include a discussion of suppressed demand, due to the historical lack of services for people with disabilities, the obstacles created by the TNCs themselves, and the historical lack of access to the rest of society. Any accurate measurement of disability demand must consider whether accurate information is getting out, and also that disability demand grows over time, as people with disabilities are integrated into all aspects of society when other key parts of life that have remained inaccessible become more accessible. And many things may mask disability demand, such as the pandemic conditions of the last year. It is all too easy to underestimate disability demand, which feeds into a cycle of presuming there is little demand, and then, providing substandard services, which reinforces reduced demand and perpetuates second-class conditions for people with disabilities.

D. Additional Accessibility Issues

The Disability Advocates appreciate the recognition in the Proposed Decision that accessibility goes beyond WAV service,[34] and look forward to addressing these matters in

[33] *Id.* at p. 36.
[34] Track 3 PD at p. 45.

greater detail in Track 4. The Disability Advocates hope that the Commission will also address additional matters that the Disability Advocates have raised in their submissions, such as making the data collected by the Commission more comprehensible and available to the public[35] and monitoring of TNCs' actual performance on the ground, in Track 4.

III. CONCLUSION

While the Disability Advocates appreciate some of the findings of the Track 3 PD, it errs in its fundamental consideration of how to meaningfully implement the TNC Access for All Act. The PD should be substantially modified to correct these errors in accordance with the recommendations set out in these comments.

Respectfully submitted,
February 18, 2021

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[35] Disability Advocates Track 3 Proposals at pp. 13-14, Reply Comments at p. 8, and Track 3 Workshop Comments at p. 8.

Appendix

Findings of Fact

1. There is not a consensus among parties that to demonstrate "improved level of service," a TNC should increase the number or percentage of completed WAV trips each quarter.

2. To demonstrate "improved level of service" for an Offset Request or Exemption Request, it is not reasonable to require a TNC to show either: (a) an increase in the total number of completed WAV trips compared to the previous quarter, or (b) an increase in the percentage of completed WAV trips compared to the previous quarter. Instead, it is reasonable to set benchmarks that increase each year, with no penalty to a TNC for reaching a benchmark early. It is reasonable to set the benchmarks at 70% for July 2020-June 2021; 80% for July 2021-June 2022; and 90% for July 2022-June 2023.

3. To calculate the percentage of completed WAV trip requests in a geographic area, it is not appropriate to limit the total number of WAV requests to those requests made during a carrier's WAV operating hours.

4. It is reasonable for a transportation carrier to submit its WAV operating hours for a specific geographic area.

5. Because the requirements for a Quarterly Report and Access Provider application mirror the requirements of an Offset Request, it is consistent and appropriate to add the Trip Completion Standard to the Quarterly Report and Access Provider application.

6. To encourage development of WAV services statewide, it is prudent and appropriate to adopt a broad, flexible definition of "on-demand transportation."

7. It is consistent with D.20-03-007 that the definition of a qualifying expense for an Access Provider be the same definition as adopted for TNCs for offset reimbursements.

8. It is consistent with D.20-03-007 and appropriate for the AFA to review and approve the Access Provider applications in its respective geographic area.

9. It is reasonable that a TNC may apply as an Access Provider in a geographic area if the TNC qualifies for an exemption in that geographic area and certifies that the TNC's collected fees during the Exemption Year were exhausted to provide WAV services. It is not reasonable that a TNC may apply as an Access Provider in a geographic area where it does not offer any WAV services.

10. To sufficiently review and approve Access Provider applications, it is reasonable for an AFA to request additional information from Access Provider applicants as necessary.

11. It is reasonable for an Access Provider applicant that provides services to a TNC to disclose the existence of this agreement. It is also reasonable that Access Fund moneys granted to the Access Provider should not be used for services that are compensated by a TNC.

12. CPED's proposed compensation structure for AFAs is appropriate and consistent with the compensation structure of other Commission programs.
13. It is not appropriate that the information submitted in the Quarterly Reports, Offset Requests and Exemption Requests serve as the baseline for the program's yearly benchmarks. It is reasonable for the Commission to hire an outside consultant to provide guidance on how to more effectively collect and analyze information and present that information to the public.

14. It is reasonable that the 2024 Legislative Report include an analysis of the collected metrics from the Quarterly Reports, Offset Requests, and Exemption Requests, in addition to the reporting requirements in § 5440.5(a)(2)(A).

15. The use of the ISA on WAVs provided by TNCs and Access Providers will serve as an important visual identifier for WAV passengers.
16. There is a consensus among parties in support of CPED's broader proposal for WAV driver training and inspection requirements be added to the TNC permit requirements, with modifications.

Conclusions of Law

1. To demonstrate "improved level of service" for an Offset Request or Exemption Request, a TNC should meet the following benchmarks: 70% for July 2020-June 2021; 80% for July 2021-June 2022; and 90% for July 2022-June 2023. This requirement should be in addition to the Offset Time Standard requirement, a requirement that TNCs demonstrate sufficient outreach, and that they have not created or allowed obstacles to access to persist.

Deleted: demonstrate either: (a) an increase in the¶ total number of completed WAV trips compared to the previous quarter, or¶ (b) an increase in the percentage of completed WAV trips compared to the¶ previous quarter

2. To calculate the percentage of completed WAV trip requests in a geographic area, the total number of WAV requests should not be limited to those made during a transportation carrier's WAV operating hours.

3. Data required for the Trip Completion Standard should be added to the information required for the Access Provider application and Quarterly Report.
4. "On-demand transportation" should be defined as any transportation service that does not follow a fixed route and/or schedule.

5. To encourage development of WAV services with faster response times, an AFA should prioritize the selection of Access Provider applicants that offer services that can be requested and fulfilled within 24 hours.

6. The definition of a qualifying expense adopted for TNCs in D.20-03-007 should apply to Access Providers using Access Fund moneys.

7. The AFA should review and approve the Access Provider applications in its respective geographic area and submit the approved list to CPED.

8. A TNC should be permitted to apply as an Access Provider in a geographic area if the TNC qualifies for an exemption in that geographic area and certifies that the TNC's collected fees during the Exemption Year were exhausted to provide WAV services. A TNC should not be permitted to apply as an Access Provider in a geographic area in which it does not offer any WAV services.

9. An Access Provider applicant should disclose to the AFA if it is a current or former service provider to a TNC. The applicant should demonstrate to the AFA that any disbursed funds will not be used for services that are compensated by a TNC.

10. An AFA should be compensated for administrative costs up to 15 percent of the total amount awarded in a geographic area by the Commission in each funding cycle.

11. Information submitted in the Quarterly Reports, Offset Requests and Exemption Requests cannot serve as the baseline for the program's yearly benchmarks.

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12. The 2024 Legislative Report should include an analysis of the collected metrics from the Quarterly Reports, Offset Requests, and Exemption Requests, in addition to the reporting requirements in § 5440.5(a)(2)(A).

13. A TNC or Access Provider offering WAV services should place the International Symbol of Accessibility on the passenger side door handle and above the right-side rear bumper.

14. CPED's proposal to add WAV driver training and inspection requirements to the TNC permit requirements should be adopted, with modifications.