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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.*

Rulemaking 19-02-012
(Filed February 21, 2019)

**RESPONSE TO DISABILITY RIGHTS EDUCATION AND DEFENSE
FUND, DISABILITY RIGHTS CALIFORNIA, AND THE CENTER FOR
ACCESSIBLE TECHNOLOGY'S APPLICATION FOR REHEARING OF
TRACK 4 DECISION**

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December 23, 2021
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OF THE STATE OF CALIFORNIA**

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I. Introduction

In accordance with Rule 16.1 of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure (“Rules”), the Los Angeles County Metropolitan Transportation Authority (Metro) submits a response to the application for rehearing of the Track 4 Decision on Rulemaking 19-02-012 (“Rulemaking”) by Disability Rights Education and Defense Fund, Disability Rights California, and the Center for Accessible Technology (“Requesting Parties”).

II. Response

Metro is the state-chartered County Transportation Commission and public transportation agency for Los Angeles County. It serves as the transportation planner, coordinator, designer, builder and operator for the nation's most populous county. Metro’s fixed route services are wheelchair-accessible and include both heavy and light rail, Bus Rapid Transit, high-intensity motorbus on shared busways, Metro Rapid Bus, and local, limited, express, shuttle, and circulator buses as well as a new microtransit service. Metro is also the primary funding source for Access Services, the federally-required ADA paratransit service provider for Los Angeles

County. This service is offered to individuals whose disabilities prevent them from independently using regular bus or rail service. It is comparable to fixed-route service and offers curb-to curb Wheelchair Accessible Vehicle (WAV) service during hours when local bus service is provided. Metro is also the Local Access Fund Administrator for Los Angeles County.

The Requesting Parties make a compelling case as to how the Commission committed legal error in its Track 4 Decision by establishing Exemption Time Standard for 80% of wheelchair accessible vehicle (WAV) trips *completed* rather than WAV trips *requested*. We reiterate the case we made in our comments on Track 4 that the Act includes the word *requested*, not *completed*, so the Commission must consider all requested trips and not just completed trips when calculating whether a TNC has met the requirement. The law states that the Commission “shall require a TNC, at a minimum, to 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 commission for that geographic area” in order to be eligible for an exemption.¹ The Commission did not follow this direction in the statute when it set the TNC Exemption Time Standard in its Track 4 Decision and thus did not comply with the statutory requirements of the TNC Access for All Act. Under this decision, TNCs may be exempt from the law by completing a far lower percentage of requested WAV trips within the time standard established by the Commission than what is required by law. The correct course of action in the face of this error is to revisit this standard, as well as any previous decision in Track 2 that erroneously substituted *completed* for *requested* in establishing the time standard.

III. Conclusion

Metro respectfully requests that the Commission grant rehearing to correct these errors.

Dated: December 23, 2021

Respectfully submitted,

/s/ Wil Ridder

Wil Ridder

Executive Officer, Countywide Planning & Development

¹ California Public Utilities Code 5440.5(a)(1)(G).

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