

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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

December 21, 2021

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**COMMENTS OF MARIN TRANSIT ON DISABILITY RIGHTS
EDUCATION AND DEFENSE FUND, DISABILITY RIGHTS
CALIFORNIA, AND THE CENTER FOR ACCESSIBLE TECHNOLOGY’S
APPLICATION FOR REHEARING OF TRACK 4 DECISION**

I. Introduction

In accordance with Rule 16.1(a) of the Commission’s Rules of Practice and Procedure, Marin Transit submits this response to the Disability Advocates’ (Disability Rights Education & Defense Fund, Disability Rights California, and the Center for Accessible Technology) Application for Rehearing of D.21-11-004, the Decision on Track 4 Issues (the Track 4 Decision), issued on November 8, 2021.

As the Disability Advocates note, quoting the California Public Utilities Commission (CPUC) Rules of Practice and Procedure, Rule 16.1(c), “The purpose of an application for rehearing is to alert the Commission to a legal error, so that the Commission may correct it expeditiously.”¹ Marin Transit supports the Disability Advocates’ (DA) Application for Rehearing of the Track 4 Decision. Marin Transit agrees with the DA position that the Track 4 Decision commits legal

¹ CPUC Rules of Practice and Procedure, Rule 16.1(c).

error because it does not comply with the statute language, which 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.”²

II. Comments

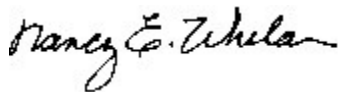
Marin Transit agrees with the Disability Advocates’ conclusion that the Exemption Standard does not meet the explicit statutory requirement that exemptions are only available for a TNC where it meets service response time standards for 80 percent of WAV trips *requested*. Instead, the Track 4 Decision allows a TNC to receive an exemption when it meets service response time standards for a much lower percentage of requested trips. This is because the Track 4 Decision only requires a TNC to meet response time standards for 80 percent of *completed* trips.³ Where a large percentage of requests for service receive no response at all, this violates and undermines the purpose of the statute.

III. Conclusion

Marin Transit supports the Disability Advocates’ request that “the Commission grant rehearing to correct the unlawful and erroneous standard for TNC Exemption Requirements adopted in the Track 4 Decision.”⁴

Dated: December 21, 2021

Respectfully submitted,



Nancy Whelan
General Manager
Marin Transit

² Cal. Pub. Util. Code § 5440.5(a)(1)(G) (emphasis added)

³ CPUC Track 4 Decision, p. 28

⁴ Disability Advocates Application for Rehearing of Track 4 Decision, p. 12

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