

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



FILED

06/17/22

04:59 PM

R1212011

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

R.12-12-011
(Filed December 20, 2012)

**REPLY COMMENTS OF UBER TECHNOLOGIES, INC.
ON PROPOSED DECISION ADOPTING UNIFORM TAXONOMIES FOR SEXUAL
ASSAULTS AND SEXUAL HARASSMENTS THAT TRANSPORTATION NETWORK
COMPANIES MUST USE FOR THEIR ANNUAL REPORTS, AS WELL AS ADOPTING
TRAINING, INVESTIGATING, AND REPORTING PROTOCOLS**

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June 17, 2022

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I. INTRODUCTION

Pursuant to Rule 14.3 of the Commission’s Rules of Practice and Procedure, Uber Technologies, Inc. (“Uber”) respectfully submits the following reply comments on the Proposed Decision on Adopting Uniform Taxonomies for Sexual Assaults and Sexual Harassments that Transportation Network Companies Must Use for Their Annual Report, as well as Adopting Training, Investigating, and Reporting Protocols (“Proposed Decision” or “PD”).

II. UBER CONCURS WITH THE VICTIM ADVOCATE GROUPS: THE COMMISSION MUST ADOPT THE RALIANCE TAXONOMY

Transportation Network Companies (“TNCs”) and victim advocacy organizations alike have expressed serious reservations about the Proposed Decision. Uber strongly agrees with the comments submitted by the survivor advocate groups RALIANCE, VALOR, and

RAINN—particularly their position that the Proposed Decision *must* be modified to adopt the expert-backed taxonomy developed by RALIANCE and utilized by both Uber and Lyft.¹

Critically, as the victim advocates’ comments explain, the RALIANCE taxonomy will yield the most accurate reporting. The RALIANCE taxonomy is specifically designed to “allow[] investigative staff who are not criminal law experts to accurately identify behaviors which constitute sexual assault.”² RALIANCE points out that the Proposed Decision’s broad definition of harassment “is an invitation to individual bias when investigators must classify actual behaviors.”³ Uber agrees. The Proposed Decision’s definitions—in particular the definition for “sexual harassment” and the example of “turning general conversations into conversations regarding sex”⁴—create broad, overlapping categories, which are prone to mischaracterization and widely varied application among, and even within, TNCs. In other words, this approach is contrary to the very purpose of industry-wide reporting.

In contrast, the RALIANCE taxonomy uses behaviorally-specific definitions ordered by severity, which are mutually exclusive and collectively exhaustive, ensuring that category classifications do not overlap and that all possible scenarios are included. This ensures that incidents are classified consistently to a high degree of accuracy across TNCs’ agents and across time. RALIANCE (formerly the NSVRC) explains this in greater detail in its white paper:

If categories overlap and are not mutually exclusive, then observers will classify incidents in an unstructured way, and some may classify an interaction in one way while others classify the same incident in a different way. The different decisions that observers

¹ RALIANCE Comments at 1-2; VALOR Comments at 1-2; RAINN Comments at 4; Lyft Comments at 10-11.

² RALIANCE Comments at 2; *see also* RAINN Comments at 3.

³ RALIANCE Comments at 7-8.

⁴ Proposed Decision at 30-31.

make about overlapping categories will be based on their individual biases, instead of being grounded in the data. In the end, the count of the number of incidents in any particular category will be inaccurate. Likewise, if categories are not collectively exhaustive, then some relevant interactions may not be counted at all, or be misclassified just because there is no logical category in which to put them in.⁵

Given that the Proposed Decision is aimed at achieving consistency across TNC reports and obtaining an “accurate accounting of [the] number of sexual assault claims made,”⁶ the advocates’ comments highlight why adopting the RALIANCE taxonomy would best serve the goals of the Proposed Decision.

III. CONCLUSION

Uber is aligned with the recommendations of RALIANCE, VALOR, and RAINN as to how to best define and classify incidents of sexual assault and misconduct in a trauma-informed way. Uber urges the Commission to heed the concerns of these industry experts and amend the Proposed Decision to adopt the RALIANCE taxonomy.

Respectfully submitted on this 17th day of June, 2022 in San Francisco, California.

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⁵ Sniffen, C., Durnan, J., & Zweig, J., *Helping industries to classify reports of sexual harassment, sexual misconduct, and sexual assault*, Harrisburg, PA: National Sexual Violence Resource Center (2018), at 20, https://www.nsvrc.org/sites/default/files/publications/2018-11/NSVRC_HelpingIndustries.pdf.

⁶ Proposed Decision at 4-5, 11.