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ATTACHMENT A



California Public
Utilities Commission

R.21-11-014: Clean Miles Standard Phase 1 Staff Proposal

CPUC CONSUMER PROTECTION AND
ENFORCEMENT DIVISION

November 17, 2022

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1 Executive Summary

In response to the Scoping Memo and Ruling issued on April 8, 2022, Consumer Protection and Enforcement Division (CPED) Staff submit this Proposal on Phase 1 scoping issues related to the Clean Miles Standard (CMS).

A workshop will be held on December 7, 2022 to discuss the Phase 1 Proposal.

A summary of CPED's recommendations is provided below:

- **CMS Regulated Entities.** Establish the term “CMS Regulated Entity” for Phase 1 to describe a subset of the entities defined in Public Utilities (P.U.) Code Section 5450, transportation network companies and autonomous vehicles used for passenger services, to be subject to the Clean Miles Standard, excluding entities proposed to be exempt by California Air Resources Board (CARB). CPED recommends the remainder of the carriers described in P.U. Code Section 5450 be defined in Phase 2.
- **Implementation of Annual Targets.** Implement CARB's annual greenhouse gas (GHG) and electric vehicle miles traveled (eVMT) targets starting with target year 2023.
 - « Staff request CMS Regulated Entities provide a status update on their progress towards meeting CARB's 2023 annual targets to inform the Commission's understanding.
- **Low- and Moderate-Income Drivers.**
 - « **Low-income driver.** Low-income drivers are those with individual annual incomes at or below 80% of the statewide median income as defined in the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 of the California Health and Safety Code, as described in Section 39713¹ and as modified in AB 1550.² For 2022, the annual low-income limit is \$56,896 for an individual income.³
 - « **Moderate-income driver.** Moderate-income drivers are those with individual annual incomes between 80% and 120% of the statewide median income as defined in the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 of the

¹ California Health and Safety Code Section 39713 defines “low-income households” and “low-income communities”.
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=39713.

² California Air Resources Board's [Identification of Low-Income Communities under AB 1550 Methodology and Documentation for Maps](#).

³ Use the statewide median income and adjust for an individual household and adjust by 80%: <https://www.hcd.ca.gov/grants-and-funding/income-limits/state-and-federal-income-rent-and-loan-value-limits>, <https://www.hcd.ca.gov/docs/grants-and-funding/inc2k22.pdf>.

California Health and Safety Code, as described in Section 39713 and as modified in AB 1550. For 2022, the moderate-income limit is \$85,344 for an individual income.⁴

- « A Drivers Assistance Program managed by a third-party administrator, established through a fee proposed and paid by CMS Regulated Entities, to provide low- and moderate-income drivers with access to financial resources and all drivers with access to education resources.
- « **Negative impacts** of CMS implementation should include any financial impacts on low- and moderate-income drivers that reduce a drivers' net earnings.
- « **Ensuring minimal negative impact** is defined as follows:
 - Low- and moderate-income drivers spend no more than 15% of their annual income on vehicle costs associated with zero-emission vehicles (ZEV) procurement (e.g., rent, lease, or purchase).
 - Low- and moderate-income drivers will receive a 120-day notice from CMS Regulated Entities before they are deactivated or have their rides de-prioritized for not driving a ZEV. The notice will encourage drivers to sign-up for the Drivers Assistance Program, and while participating in the Drivers Assistance Program, the notice period will be paused. CMS Regulated Entities will propose an annual cap on the percentage of low- and moderate-income drivers who can be deactivated or de-prioritized each year.
 - Low- and moderate-income drivers will receive an additional incentive to account for the time and cost of charging required for driving a ZEV through the Drivers Assistance Program, and CMS Regulated Entities will propose actions to support drivers with their charging concerns.
- « Assess progress made towards the goal of ensuring minimal negative impact on low- and moderate-income drivers through data collection and analysis as part of an Annual Low- and Moderate-Income Driver Impact Report.
- « **Low- and Moderate-Income Driver Engagement** to include the following actions to maximize driver engagement and participation in CMS implementation:
 - Create a Staff-led Driver Working Group.
 - Conduct an Annual Driver Survey to better understand driver impacts.
 - Compensate drivers through the Drivers Assistance Program for participating in CMS engagement activities.
- « An **Annual Low- and Moderate-Income Driver Impact Report** (Annual Report) prepared by Staff to assess the efforts made towards ensuring minimal negative impact on low- and moderate-income drivers and to review barriers to transitioning to zero-emission vehicles for low- and moderate-income drivers.

⁴ Use the statewide median income and adjust for an individual household and adjust by 120%: <https://www.hcd.ca.gov/grants-and-funding/income-limits/state-and-federal-income-rent-and-loan-value-limits>, <https://www.hcd.ca.gov/docs/grants-and-funding/inc2k22.pdf>.

- **Regulatory Framework and CMS Timeline.** Adjust the timeline for CMS Program implementation from the P.U. Code Section 5450 requirements based on the timing of the first Commission decision on Phase 1 scoped issues.
 - « CMS Regulated Entities shall file their first proposed GHG Emissions Reduction Plan (GHG Plan) in 2023, within 90 days of the final Phase 1 decision.
 - « Follow a similar structure for submission and review of subsequent GHG Plans. CMS Regulated Entities shall file their GHG Plans as Tier 3 Advice Letters by the start of the new calendar year (January 1, 2026; January 1, 2028; and January 1, 2030).
- **Drivers Assistance Program.** Create a Drivers Assistance Program managed by a third-party Program Administrator to manage and distribute financial incentives to low- and moderate-income drivers making the transition to a ZEV, and to provide educational resources on ZEVs to all drivers.
 - « The Drivers Assistance Program is funded through a fee proposed by the CMS Regulated Entities in their GHG Plans.
 - « The Commission will have oversight of the Program Administrator selection, with a procurement process run by one of the CMS Regulated Entities (the contracting agent), and all Drivers Assistance Program activities.
 - « Program administrative costs should adhere to set budgets for the contracting agent, Program Administrator's fees, Evaluation Contractor, and Financial Auditor and be funded through the Drivers Assistance Program funding.
 - « CMS Regulated Entities should account for starting up the Drivers Assistance Program funding in the early years, 2023 and 2024, ahead of the launch with the aim to collectively contribute at least \$11 million per year.
 - « Establish roles and responsibilities for CPUC, CMS Regulated Entities, contracting agent, and Program Administrator for the Drivers Assistance Program.
 - « The Program Administrator will submit an Implementation Plan and Handbook via a Tier 3 Advice Letter within 90 days of being selected.
 - « The Drivers Assistance Program, Program Administrator, and CMS Regulated Entities will be evaluated by an Evaluation Contractor and CMS Regulated Entities will undergo financial audits.
- **GHG Emissions Reduction Plans.** Require CMS Regulated Entities to submit their proposed GHG Plans for how they will achieve their annual targets and CMS Program goals through a Tier 3 Advice Letter process.
 - « The first GHG Plan will be considered a Partial GHG Plan as Phase 2 scoping issues will not have been decided on before their submission due date. Within 90 days of a Commission decision on Phase 2 issues, CMS Regulated Entities shall submit a Tier 3 Advice Letter with an updated GHG Plan covering Phase 2 issues.

- « GHG Plans consist of a Narrative Plan and Supplemental Calculations to support the CMS Regulated Entities' proposed actions.
- « Develop a scorecard system to review GHG Plans based on the following criteria (1) completeness, (2) feasibility, and (3) accuracy-- with “exemplary”, “sufficient”, and “deficient” as scores.
- « CMS Regulated Entities will submit modified GHG Plans as specified in a resolution via a Tier 1 Advice Letter. Staff will review the Tier 1 Advice Letters to confirm they meet the modifications required in the initial resolution.
- « Allow CMS Regulated Entities who anticipate significant deviations from their approved GHG Plans to file an Advice Letter detailing the changes and justification to their GHG Plans, the tier of the Advice Letter depends on the proposed deviation.
- « Require CMS Regulated Entities to participate in CPUC Staff-hosted workshops to provide an opportunity for Staff and stakeholders to ask questions about the proposed GHG Plans each year a new GHG Plan is submitted.
- **Compliance and Enforcement Approach.** Assert the Commission's ability to conduct compliance and establish an enforcement program to ensure that CMS Regulated Entities are meeting their proposed targets and goals.
 - « Establish compliance approaches for the following types of issues:
 - Failure to meet annual GHG and eVMT CMS targets
 - Not implementing their GHG Plans
 - More than minimal negative impacts on low- and moderate-income drivers
 - Improper use of funds
 - Data reporting violations
 - « Details of the compliance and enforcement program will be determined in a Phase 2 decision.
- **Clean Mobility.**
 - « Define the CMS goals of supporting clean mobility for low- and moderate-income individuals to be 1) providing low- and moderate-income individuals (i.e., drivers) access to ZEVs through ZEV incentive programs, and 2) providing to low- and moderate-income communities access to rides in ZEVs from the CMS Regulated Entities.
 - « Defining low- and moderate-income individuals as low- and moderate-income drivers and defining low- and moderate-income communities using existing definitions for “low-income communities” from the Health and Safety Code Section 39713 and AB 1550 language, which are consistent with existing definitions in the Transportation Electrification Framework and as described in the Commission's Environmental & Social Justice Action Plan.
 - **Low-income communities** are census tracts with median household incomes at or below 80% of the statewide median income as defined by California Department of Housing and

Community Development's State Income Limits adopted pursuant to Section 50093, as described in Health and Safety Code Section 39713 and AB 1550.

- **Moderate-income communities** are census tracts with median household incomes between 80% and 120% of the statewide median income as defined by California Department of Housing and Community Development's State Income Limits adopted pursuant to Section 50093, as described in Health and Safety Code Section 39713 and AB 1550 for low-income but applied to the moderate-income definition.

- « Collect data to support analysis of the CMS Program's progress toward meeting the goals of clean mobility. Staff will assess progress made towards the goals of clean mobility in the biennial Unanticipated Barriers and Progress Report.

- **Outreach and Engagement**

- « Create a Driver Working Group and an Annual Driver Survey administered by CPED Staff to engage directly with drivers and to monitor impacts on them.
- « Program Administrator shall conduct driver-specific marketing, education, and outreach through the Drivers Assistance Program.
- « Create an Implementation Working Group administered by CPED Staff. The Implementation Working Group will meet regularly to discuss issues that broadly impact the industry and members could include representatives from the following organization types: CMS Regulated Entities, drivers, non-governmental organizations/community-based organizations including transportation equity organizations, EV charging companies, vehicle manufacturers, other government entities, and researchers.
- « Staff will incorporate feedback and findings from the Driver Working Group, Annual Driver Survey, and Implementation Working Group into the Annual Low- and Moderate-Income Driver Impact Report and the Unanticipated Barriers and Progress Report, as applicable.
- « Require CMS Regulated Entities and the Program Administrator for the Drivers Assistance Program to provide appropriate interpretation and language translation services in communications with drivers and other engaged stakeholders during the implementation of CMS.

- **Data Reporting**

- « Require CMS Regulated Entities to report data in the categories of Supplemental Calculations, Annual and Quarterly Compliance Data, Drivers Assistance Program, Minimal Negative Impact on Low- and Moderate-Income Drivers, Clean Mobility, Environmental and Social Justice (ESJ), Evaluation and Audit, Exemptions, Sustainable Land-Use, and Unanticipated Barriers. As detailed in [Appendix B – CMS Reporting Data Fields](#).
- « Provide data requirements in a Commission decision.
- « Direct Staff to provide a data dictionary and templates that CMS Regulated Entities will be required to use.

- « Require CMS Regulated Entities to verify the accuracy and completeness of submitted data through an attestation in a manner consistent with existing data collection methods for TNC Annual Reports, WAV Quarterly Reporting, and AV Quarterly Reporting and require CMS Regulated Entities to submit to data audits through the Programmatic Evaluation and Financial Audits.
- « Recommend the Commission affirm the applicability of existing data confidentiality rules, consistent with D.20-03-014 and D.21-05-017, as set forth in General Order 66-D.
- « Consider data submitted to CPUC for the CMS program be public and shareable unless it contains personally identifiable information (PII) like names and addresses. Location data shall be made public according to the current data aggregation practices for TNC Annual Reports.
- « Data may be shared through a public facing data portal similar to the TNC Data Portal.
- **Coordination with Transportation Electrification Efforts**
 - « Conduct public workshops, referred to as Transportation Electrification Workshops, specific to transportation electrification that bring together the public, private, and non-profit sectors to provide feedback on and to inform CMS-related issues, regularly throughout implementation.
 - « Coordinate, consult with, and hold regular meetings to discuss relevant policy and implementation issues with CPUC's Energy Division working on the Transportation Electrification Framework, the California Energy Commission (CEC), and the Interagency Transportation Electrification group.
 - « Staff will incorporate relevant findings or updates from the Transportation Electrification Workshop or from other divisions and agencies into the Annual Low- and Moderate-Income Driver Impact Report and the Unanticipated Barriers and Progress Report, as applicable.
 - « Require the Drivers Assistance Program's Program Administrator to work with other relevant public agencies and organizations and provide education and resource services to drivers regarding the availability of subsidies for electric vehicle charging infrastructure for CMS drivers.
- **Environmental and Social Justice (ESJ).**
 - « Direct the CMS Regulated Entities to include specific actions in their GHG Emissions Reduction Plans that document how they will advance the Commission's ESJ Action Plan goals through their implementation programs and to collect data to track progress towards those goals. Including how they will ensure minimal negative impact on low- and moderate-income drivers per ESJ Action item 3.1.2 and how they may improve access to charging infrastructure in low- and moderate-income communities per ESJ Action Item 2.5.5.
 - « Define CMS relevant ESJ communities as low- and moderate-income drivers (defined in Low- and Moderate-Income Drivers) and low- and moderate-income communities (defined in Clean Mobility).
 - « Adopt recommendations to protect low- and moderate-income drivers that were presented in the Ensuring Minimal Negative Impact section of the Proposal.

- « CMS Regulated Entities should report data that documents the CMS Program's progress towards meeting ESJ Action Items. Staff will assess progress made towards the goals in the biennial Unanticipated Barriers and Progress Report.

- **Exemptions**

- « Adopt the CARB exemption for small CMS Regulated Entities with additions that apply the exemption to CMS Regulated Entities and define the annual miles traveled exemption (5 million miles) to include all periods traveled in passenger services.
- « CMS Regulated Entities who would like to be considered exempt under the Small CMS Regulated Entity Exemption, should file for that status on January 15th of each year, for the previous year, through a Tier 2 Advice Letter.
- « Adopt the wheelchair-accessible vehicle (WAV) trip exemption, which exempts these trips from CMS Regulated Entities' annual GHG emissions calculation. Implementation of CMS should support the growth of wheelchair accessibility among CMS Regulated Entities' transportation services and encourage zero-emission transportation options for passengers reliant on WAVs.
- « Staff will assess the small CMS Regulated Entity and WAV exemption and potential impact on ESJ communities through data collection and assessment in the biennial Unanticipated Barriers and Progress Report.

- **Unanticipated Barriers and Progress Report**

- « CPED recommends Staff prepare a biennial Unanticipated Barriers and Progress Report (Biennial Report) to meet the statutory unanticipated barriers reporting and to assess progress made towards other program goals.

2 Background

The California Clean Miles Standard and Incentive Program (CMS),⁵ Senate Bill (SB) 1014, was enacted in 2018 and requires CARB and CPUC to jointly work to lower GHG emissions in the transportation sector from transportation network companies (TNCs) and other CMS Regulated Entities, as defined in this Proposal. The California Legislature recognizes the severity of air pollution⁶ in the state and CMS is one of a suite of policies to address the increasing share of carbon emissions from the transportation sector.⁷ CMS focuses on reducing the carbon emissions per passenger mile traveled (PMT) and increasing the share of vehicle miles traveled by CMS Regulated Entities' services that are made by zero-emission vehicles. CARB has established a baseline for GHG emissions based on 2018 TNC data. This baseline provides a reference point to establish emission targets and to consider future compliance scenarios. CPUC has been working with CARB on policy and program design for the Clean Miles Standard since 2019.

Transportation accounts for approximately 41% of GHG emissions in California, as modeled from 2018 data by CARB. CARB reported there were 640,000 vehicles on TNCs' platforms, which accounted for 2.5% of the light-duty vehicle population in California in 2018.⁸ For this fleet of vehicles, CARB estimated the fleet emitted 301 grams of carbon dioxide (gCO₂) per passenger mile traveled, 50% larger than the statewide vehicle fleet average, with the statewide light-duty fleet having 7% lower occupancy.⁹ To meet the statute's targets and goals, P.U. Code Section 5450(c) indicates CMS Regulated Entities can reduce their GHG emissions per PMT by increasing the number of ZEVs on their platforms, increasing the portion of miles driven in ZEVs when compared to total miles, decreasing the GHG emissions rates of vehicles, and by increasing the average occupancy per mile driven.¹⁰

CARB adopted two targets for CMS Regulated Entities on May 20, 2021,¹¹ which become incrementally more stringent over time, requiring these entities by 2030 to have 90% of miles traveled in their passenger services to be from electric vehicles (eVMT) and 0 gCO₂/PMT, reduced from 252 gCO₂/PMT in 2023.

⁵ SB 1014: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1014

⁶ Ibid. Section 1 - "The transportation sector accounts for almost 50 percent of the emissions of greenhouse gases in California, with light-duty vehicles making up 70 percent of the sector's emissions. Additionally, approximately 80 percent of the smog that continues to plague our state comes from the tailpipes of cars."

⁷ Ibid. "California continues to have some of the most polluted air in the nation. According to the American Lung Association's 19th Annual Air Quality Report, seven of the 10 most polluted cities in the nation are in California. Air pollution creates health impacts. The American Lung Association estimated that California suffered fifteen billion dollars (\$15,000,000,000) in health costs in 2015 due to air pollution, including increases in respiratory illnesses and premature deaths."

⁸ See CARB's SB 1014 2018 Base-year Emissions Inventory Report: https://ww2.arb.ca.gov/sites/default/files/2019-12/SB%201014%20-%20Base%20year%20Emissions%20Inventory_December_2019.pdf

⁹ Ibid.

¹⁰ P.U. Code Section 5450(c): https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PUC§ionNum=5450.

¹¹ CMS targets were officially adopted on May 20, 2021. <https://ww2.arb.ca.gov/rulemaking/2021/cleanmilesstandard>

CARB's final rulemaking and regulation order was approved by the Office of Administrative Law (OAL) on October 1, 2022.¹²

CPUC's CMS Rulemaking (R.) 21-11-014¹³ opened on November 18, 2021, and a remote pre-hearing conference¹⁴ was held on February 11, 2022. A public virtual workshop for CMS was held on March 8, 2022.¹⁵ Staff held sessions addressing CMS funding and financing, low- and moderate-income drivers and communities, GHG Emissions Reduction Plans, and regulatory frameworks. Parties submitted post-workshop comments on May 23, 2022 and replies to comments on June 13, 2022.

The Phase 1 CMS Scoping Memo and Ruling was filed on April 8, 2022. This Staff Proposal presents CPED's proposals for CMS Phase 1 Scoped Issues, as described below.

¹² See Final Approval / OAL Action here: <https://ww2.arb.ca.gov/rulemaking/2021/cleanmilesstandard>

¹³ CMS Order Instituting Rulemaking: <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M425/K804/425804331.PDF>

¹⁴ See transcript here: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M451/K222/451222123.PDF>

¹⁵ CPUC CMS Workshop Materials: <https://www.cpuc.ca.gov/regulatory-services/licensing/transportation-licensing-and-analysis-branch/clean-miles-standard>

3 Defined Terms

Public Utilities Code Section 5450, which established the Clean Miles Standard and Incentive Program, states the program “...applies to transportation providers regulated by the commission that provide prearranged transportation services for compensation using an online-enabled application or platform to connect passengers, including autonomous vehicles, charter-party carriers, and new modes of ridesharing technology that may arise through innovation and subsequent regulation.” CPED recommends in Phase 1 the Commission use the term “**CMS Regulated Entities**” to describe a subset of the entities defined in P.U. Code Section 5450, transportation network companies and autonomous vehicles used for passenger services, to be subject to the Clean Miles Standard, excluding entities proposed to be exempt by CARB. CPED recommends the remainder of the carriers described in P.U. Code Section 5450 be defined in Phase 2. CPED uses the term CMS Regulated Entities throughout the Proposal.

“**Transportation network companies**” are defined in P.U. Code Section 5431 as “an organization, including, but not limited to, a corporation, limited liability company, partnership, sole proprietor, or any other entity, operating in California that provides prearranged transportation services for compensation using an online-enabled application or platform to connect passengers with drivers using a personal vehicle.” The statute identifies transportation network companies as one of the types of CMS Regulated Entities.

P.U. Code Section 5431(a) defines a “**driver**” as “any person who uses a vehicle in connection with a transportation network company's online-enabled application or platform to connect with passengers.” The Commission should consider the appropriate inclusion of charter-party carriers and new modes of ridesharing technology in a Phase 2 decision, to revisit the driver definition as necessary.

P.U. Code Section 5431(e) references California Health and Safety Code Section 44258 to define a “**zero-emission vehicle**” as “a vehicle that produces no emissions of criteria pollutants, toxic air contaminants, and greenhouse gases when stationary or operating, as determined by the state board.”

4 CMS Annual Targets

Public Utilities Code Section 5450 states “...the board¹⁶ shall adopt, and the commission¹⁷ shall implement, annual targets and goals...” Annual targets are the measure by which the Commission may track progress towards the main goal of CMS to reduce GHG emissions in the transportation sector.

4.1 CARB's Clean Mile Standard Regulation

CARB established the Clean Miles Standard targets, per statute, through an extensive 42-month¹⁸ public rulemaking process that included six public workshops,¹⁹ numerous public written comments,²⁰ and multiple hours of in-person testimony²¹ resulting in adoption by the Board at a public hearing²² and final approval by the OAL. CARB's rulemaking package includes comprehensive explanations of the research, calculations, methods, and potential impacts of the regulation. CARB has built a comprehensive record, including:

- a Staff Report including the Initial Statement of Reasons²³ detailing CARB Staff's analyses of the emissions impacts, environmental justice implications, statewide economic impacts, and regulatory alternatives to the Clean Miles Standard;
- a Base Year Inventory Report²⁴ detailing the data analyzed to reach CMS targets;
- a Standardized Regulatory Impact Analysis (SRIA)²⁵ detailing the benefits, costs, fiscal and macroeconomic impacts;

¹⁶ “The board” refers to CARB.

¹⁷ “The commission” refers to the CPUC.

¹⁸ CARB held its first Public Workshop to Introduce the Development of the Clean Miles Standard February 2019 (<https://content.govdelivery.com/accounts/CARB/bulletins/22b52ae>) and received approval for its Clean Miles Standard Regulation from the Office of Administrative Law in August 2022.

¹⁹ See CARB's Clean Miles Standard Meetings & Workshops: <https://ww2.arb.ca.gov/our-work/programs/clean-miles-standard/clean-miles-standard-meetings-workshops>

²⁰ See comments: <https://ww2.arb.ca.gov/applications/public-comments?p=comm&s=bccommlog&l=cleanmilesstandard>

²¹ See CARB's Notice of Public Hearing to Consider Proposed Clean Miles Standard: <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/cleanmilesstandard/notice.pdf>

²² See Executive Order R-21-011 for the Clean Miles Standard: <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/cleanmilesstandard/execorder.pdf>

²³ See Clean Miles Standard ISOR: <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/cleanmilesstandard/isor.pdf>

²⁴ See ISOR Appendix B - Base Year Inventory Report: <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/cleanmilesstandard/appb.pdf>

²⁵ See ISOR Appendix C-1 SRIA: <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/cleanmilesstandard/appc-1.pdf>

- alternatives to the CMS regulation; and
- a Summary and Response to the Department of Finance comments to CARB’s SRIA²⁶ examining the data and compliance costs for CMS targets in more detail.

CARB submitted a Final Statement of Reasons (FSOR)²⁷ to OAL on March 8, 2022, and the Final Regulation Order (FRO)²⁸ and FSOR addendum²⁹ detailing modifications to the CMS language based on input and comments from participants in its rulemaking in August 2022. CARB’s final rulemaking and regulation order was approved by OAL on October 1, 2022.³⁰ CPED Staff collaborated with CARB throughout their Clean Miles Standard rulemaking process, including collecting and sharing detailed information about the TNC industry, on which the Clean Miles Standard relies, participating in workshops, and reviewing stakeholder comments on proposed rules.

OAL’s approval of CARB’s Final Regulation Order established the two annual targets for CMS that CMS Regulated Entities are required to meet, fulfilling CARB’s statutorily set role to adopt annual targets and goals. CPUC is now statutorily required to implement the annual targets and goals of CMS. As stated in CARB’s FRO, “Nothing in this chapter is a limitation on the power of the California Public Utilities Commission (CPUC) to adopt or enforce additional requirements related to the implementation of this chapter.”³¹

4.2 Implementation of Annual GHG and eVMT Targets

CPED recommends the Commission implement CMS according to CARB’s annual targets as shown in Figure 1 where CARB’s adopted targets set the first year of target compliance as 2023.

However, given the delays to the start of CMS implementation and the program implementation details yet to be decided, CPED requests additional information and feedback from parties.

Using 2021 TNC Annual Report data (covering periods September 1, 2020 to August 31, 2021), CPED found currently non-exempt CMS Regulated Entities to be making progress towards the 2023 GHG and eVMT targets but with significant increases in eVMT and reductions in GHG emissions still needed. The

²⁶ See Clean Miles Standard ISOR App C-2 DOF Comments on SRIA:

<https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/cleanmilesstandard/appc-2.pdf>

²⁷ See Final Statement of Reasons for Rulemaking, Including Summary of Comments and Agency Response:

<https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/cleanmilesstandard/fsor.pdf>

²⁸ See CARB’s Final Regulation Order:

<https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/cleanmilesstandard/fro.pdf>

²⁹ See Addendum to the Final Statement of Reasons:

<https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/cleanmilesstandard/fsoraddendum.pdf>

³⁰ See Final Approval / OAL Action here: <https://ww2.arb.ca.gov/rulemaking/2021/cleanmilesstandard>

³¹ See CARB’s Final Regulation Order:

<https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/cleanmilesstandard/fro.pdf>

estimates conducted by Staff are based on older data, during the early COVID-19 pandemic, and with imperfect information but serve as a starting point for understanding the state of ZEVs on CMS Regulated platforms. CMS Regulated entities have known about the start of CMS per P.U. Code Section 5450 and have been involved in the rulemaking process at CARB and CPUC. Some CMS Regulated Entities, like Lyft³² and Uber,³³ have even announced their own plans to become zero-emission by 2030 ostensibly with the goal to meet CARB 2030 targets. For these reasons, CPED recommends implementing the CARB GHG and eVMT targets starting with year 2023.

Staff request CMS Regulated Entities provide a status update on their progress towards meeting CARB's 2023 annual targets to inform the Commission's understanding.

Figure 1 – CMS Annual Targets established by CARB

Calendar Year	GHG Target (grams CO ₂ /PMT)	Calendar Year	eVMT
2023	252	2023	2%
2024	237	2024	4%
2025	207	2025	13%
2026	161	2026	30%
2027	110	2027	50%
2028	69	2028	65%
2029	30	2029	80%
2030+	0	2030+	90%

³² See Lyft Blog post on transitioning to 100% electric vehicles by 2030. <https://www.lyft.com/blog/posts/leading-the-transition-to-zero-emissions>.

³³ See Uber Sustainability webpage, which says the company is committed to becoming a zero-emission platform in the US by 2030. <https://www.uber.com/us/en/about/sustainability/>.

5 Low- and Moderate-Income Drivers

P.U. Code Section 5450 states the Commission shall “ensure minimal negative impact on low-income and moderate-income drivers.” To implement and measure achievement of this goal, **CPED recommends the Commission define “low-income and moderate-income” and “minimal negative impact.” To support low- and moderate-income drivers and to ensure minimal negative impact, CPED recommends the creation of the Drivers Assistance Program to be managed by a third-party Program Administrator.**

5.1 Low- and Moderate-Income Driver Categorization

For the purposes of the CMS Program, CPED recommends the Commission adopt the following definitions for low- and moderate-income drivers to be updated annually per the California Department of Housing and Community Development’s State Income Limits:

- **Low-income driver.** Low-income drivers are those with individual annual incomes at or below 80% of the statewide median income as defined in the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093 of the California Health and Safety Code, as described in Section 39713³⁴ and as modified in AB 1550.³⁵ For 2022, the annual low-income limit is \$56,896 for an individual income.³⁶
- **Moderate-income driver.** Moderate-income drivers are those with individual annual incomes between 80% and 120% of the statewide median income as defined in the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093 of the California Health and Safety Code, as described in Section 39713 and as modified in AB 1550. For 2022, the moderate-income limit is \$85,344 for an individual income.³⁷

Consistent and comprehensive driver income data, often collected through surveying, is challenging to collect as drivers tend to be difficult to survey based on the nature of their work³⁸ and the high rate of driver

³⁴ California Health and Safety Code Section 39713 defines “low-income households” and “low-income communities”. https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=39713.

³⁵ California Air Resources Board’s [Identification of Low-Income Communities under AB 1550 Methodology and Documentation for Maps](#).

³⁶ Use the statewide median income and adjust for an individual household and adjust by 80%: <https://www.hcd.ca.gov/grants-and-funding/income-limits/state-and-federal-income-rent-and-loan-value-limits>, <https://www.hcd.ca.gov/docs/grants-and-funding/inc2k22.pdf>.

³⁷ Use the statewide median income and adjust for an individual household and adjust by 120%: <https://www.hcd.ca.gov/grants-and-funding/income-limits/state-and-federal-income-rent-and-loan-value-limits>, <https://www.hcd.ca.gov/docs/grants-and-funding/inc2k22.pdf>.

³⁸ University of California, Santa Cruz Institute for Social Transformation. (2020). On-demand and On-the-edge: Ride-hailing and Delivery Workers in San Francisco. <https://transform.ucsc.edu/on-demand-and-on-the-edge/>

turnover.³⁹ A University of California, Los Angeles study noted that previous studies focused on the income TNC drivers earned while driving and not the entirety of their income⁴⁰ and found in their survey of Los Angeles-based drivers that on average 41% (25% standard deviation) of income came from driving with total annual household (not specifically individual income) incomes on average between \$35,000 and \$50,000.⁴¹ The California Legislative Analyst's Office (LAO) noted in a 2020 ballot analysis that TNC drivers "probably make between \$10 and \$16 per hour after accounting for waiting time and driving expenses."⁴² CPED estimates that the range in hourly rate as suggested by LAO translates to annual driving income under \$20,000 for most drivers, based on available TNC data on annual hours driven.

CPED recommends the Commission avoid creating a new definition for low- and moderate-income, and instead rely on existing definitions used by the CPUC and CARB. Creating new definitions or categories for drivers could unintentionally create additional barriers or confusion regarding the CMS Program and available incentives. The two relevant income-based definitions CPED Staff have identified are:

- **California Code, Health and Safety Code (HSC) § 39713⁴³**, used in AB 1550⁴⁴ and for low-income community-based definitions as part of the Energy Division's Transportation Electrification Framework.⁴⁵ "Low-income households' are those with household incomes at or below 80% of the statewide median income or with household incomes at or below the threshold designated as low-income by the Department of Housing and Community Development's (HCD) State Income Limits adopted pursuant to Section 50093." In 2022, the statewide annual median household income was found to be \$101,600 (base), adjusting for a single-person household (70% of base) and applying the low-income percentage (80% of adjusted base) and moderate-income percentage (120% of adjusted

³⁹ See D. Rajagopal and A. Yang. 2020. [Electric vehicles in ridehailing applications: Insights from a Fall 2019 survey of Lyft and Uber drivers in Los Angeles](#) from the UCLA Institute of the Environment & Sustainability.

⁴⁰ Ibid. The UCLA cited studies that noted driver incomes from driving of \$15.58 to \$21.07 per hour, depending on the platform, with data from 2018 studies.

⁴¹ Ibid.

⁴² See Legislative Analyst's Office 2020 ballot analysis: <https://lao.ca.gov/ballot/2020/Prop22-110320.pdf>

⁴³ California Health and Safety Code Section 39713 defines "low-income households" and "low-income communities". https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=39713.

⁴⁴ California Air Resources Board's [Identification of Low-Income Communities under AB 1550 Methodology and Documentation for Maps](#).

⁴⁵ Energy Division TEF Staff Proposal: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M453/K952/453952700.PDF>

base) the limit would be \$56,896 (low-income) and \$85,344 (moderate-income). These values could vary if applied by location and household size.^{46,47}

- **CARB's Clean Vehicle Rebate Program**⁴⁸ provides a higher rebate amount to low- and moderate-income consumers with household incomes less than or equal to 400% of the federal poverty level. In 2022, the federal poverty level for a single-person household is less than \$54,360 and up to \$186,520 for an 8-person household.

For CMS, CPED recommends the Commission use the more generous and California specific definition for low- and moderate-income and follow the HSC 39713/AB1550 low-income definition, and adjustment for moderate-income, based on the annual statewide median household income. This definition is also consistent with the CPUC Environmental and Social Justice Action Plan.⁴⁹ CPED recommends only considering the driver's income (from driving or other sources), assuming a single-person household, regardless of their household size as the CMS Program is focused on driver vehicle transitions, and because this definition stands to allow for more access to clean mobility for all Californians, as called for in SB 1014. Using the current numbers, drivers who qualify under the CARB CVRP definition for low- and moderate-income would also qualify under the HSC 39713/AB1550 definition. Since HCD updates the state median incomes annually, the low- and moderate-income limits should be updated annually by the Program Administrator of the proposed Drivers Assistance Program to reflect the most current numbers see the [Drivers Assistance Program](#) section and through the Annual Low- and Moderate-Income Driver Impact Report see the [Annual Low- and Moderate-Income Driver Impact Report](#) section.

Without comprehensive data on driver income, understanding how many drivers would be captured by this definition of low- and moderate-income is a challenge. However, based on the limited available data on driver income described above, CPED Staff finds the majority would meet the definition of low- and moderate-income. CPED recommends the Commission define low- and moderate-income drivers to prevent the development of a CMS-specific incentive program from becoming a bonus for only higher-income drivers, as other California (e.g., Clean Vehicle Rebate Program) and Federal programs found when they first started.⁵⁰ Defining low- and moderate-income drivers will also enable the Commission to more precisely monitor the statutory mandate of “ensuring minimal negative impact on low-income and moderate-income drivers.”

⁴⁶ California Department of Housing and Community Development state income limits <https://www.hcd.ca.gov/grants-and-funding/income-limits/state-and-federal-income-rent-and-loan-value-limits>, <https://www.hcd.ca.gov/docs/grants-and-funding/inc2k22.pdf>.

⁴⁷ California Department of Housing and Community Development state income limits: <https://www.hcd.ca.gov/docs/grants-and-funding/inc2k22.pdf>.

⁴⁸ Clean Vehicle Rebate Project Eligibility & Requirements: <https://cleanvehiclerebate.org/en/eligibility-guidelines#income-eligibility>

⁴⁹ See CPUC's Environmental and Social Justice Action Plan 2.0: <https://www.cpuc.ca.gov/ESJactionplan/>

⁵⁰ See S. Guo and E Kontou. 2021. Disparities and equity issues in electric vehicles rebate allocation. Energy Policy, 154.

When asked in the Post-Workshop Comments Ruling⁵¹ whether all drivers should be considered low- and moderate-income, parties provided mixed feedback. TNCs were split on the issue but agreed that collecting more data on drivers would improve knowledge of their financial situations. Driver labor groups supported a broader definition to include all drivers within the definition. The idea to categorize all drivers as low- and moderate-income is an option to streamline the process for providing incentives to drivers as part of CMS implementation, but CPED recognizes the need for categorization especially with little information on driver income to start.

5.1.1 Application of Low- and Moderate-Income Driver Definition

CPED recommends the Commission utilize the definition for low- and moderate-income drivers throughout the CMS program implementation as part of the goal of ensuring minimal negative impact, including the following.

- Drivers Assistance Program.** The Drivers Assistance Program, managed by a third-party Program Administrator, will provide resources on transitioning to a ZEV for all drivers. However, through the Drivers Assistance Program, only low- and moderate-income drivers, as defined in this section, will also have access to CMS financial incentives as part of ensuring minimal negative impact. The Program Administrator will provide reporting on low- and moderate-income drivers' participation in the Drivers Assistance Program. See the [Ensuring Minimal Negative Impact](#) and the [Drivers Assistance Program](#) sections of the Proposal for more details.
- Other Proposed Driver Initiatives.** CMS Regulated Entities may propose other partnerships and programs to support drivers' transitions to ZEVs. CMS Regulated Entities must consider and describe in their GHG Plans how they will ensure minimal negative impact to low- and moderate-income drivers.
- Clean Mobility and Environmental and Social Justice.** CPED recommends the low- and moderate-income driver definition also apply to CMS program implementation and assessment of the goals of clean mobility and environmental and social justice, which are describe in those sections of the Proposal: [Clean Mobility](#) and [Environmental and Social Justice](#).
- Compliance Data and Assessment.** With the explicit goal for ensuring minimal negative impact on low- and moderate-income drivers, the definition for these drivers is an essential part of assessing compliance with this goal. CPED recommendations can be found in the [Ensuring Minimal Negative Impact](#), [Annual Low- and Moderate-Income Driver Impact Report](#), [Compliance and Enforcement Approach](#), [Data Reporting](#), and [Unanticipated Barriers and Progress Report](#) sections of the Proposal.

⁵¹ CMS Post-Workshop Ruling: <https://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=469577331>

5.2 Types of Negative Impact and Policies for Minimization

CPED recommends the Commission define its statutory obligation to ensure minimal negative impacts on low-and moderate-income drivers as follows:

- **Negative impacts** of CMS implementation should include any financial impacts on low- and moderate-income drivers that reduce a drivers' net earnings.
- **Ensuring minimal negative impact** is defined in Section 5.3 below with a few applications.
 - « Low- and moderate-income drivers spend no more than 15% of their annual income on vehicle costs associated with ZEV procurement (e.g., rent, lease, or purchase).
 - « Low- and moderate-income drivers will receive a 120-day notice from CMS Regulated Entities before they are deactivated or have their rides de-prioritized for not driving a ZEV. The notice will encourage drivers to sign-up for the Drivers Assistance Program, and, while participating in the Drivers Assistance Program, the notice period will be paused. CMS Regulated Entities will propose an annual cap on the percentage of low- and moderate-income drivers who can be deactivated or de-prioritized each year.
 - « Low- and moderate-income drivers will receive an additional incentive to account for the time and cost of charging required for driving a ZEV through the Drivers Assistance Program, and CMS Regulated Entities will propose actions to support drivers with their charging concerns.

CPED's recommendations are informed by comments received during the CMS Workshop⁵² and other driver engagement.

CPED proposes to categorize negative impacts as follows. Below each category of negative impacts, CPED includes proposed initial strategies for ensuring minimal negative impact. The categories of negative impacts and strategies for ensuring minimal negative impact will be assessed in the [Annual Low- and Moderate-Income Driver Report](#).

- **Direct Expenditures.** Low- and moderate- income drivers should be able to lease, rent, or purchase a ZEV where the costs of the vehicle are affordable, defined as no more than 15% of annual income.
 - « Create the Drivers Assistance Program with financial incentives for low- and moderate- income drivers to support their transitions to ZEVs.
 - Provide financial assistance to low- and moderate-income drivers through an incentive program as part of the Drivers Assistance Program with applications for rental, lease, or purchase of a ZEV.
 - Enable the Drivers Assistance Program incentives to be additive to other incentive programs provided through federal, state, regional, and local agencies to increase the funding available to low- and moderate-income drivers.

⁵² CMS Post-Workshop Ruling: <https://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=469577331>

- Require the incentives to be delivered in a manner that minimizes barriers to access to the incentives for low- and moderate-income drivers, which should be proposed in the Drivers Assistance Program Implementation Plan.
- **Algorithmic De-prioritization or Deactivation.** Drivers who are not driving ZEVs are algorithmically provided fewer ride requests or are being deactivated and could experience a loss in net earnings.
 - « **CMS Regulated Entities will:**
 - **Provide Notice.** Provide a 120-day notice to low- and moderate-income drivers before they are deactivated or de-prioritized for not driving a ZEV. Low- and moderate-income drivers will be encouraged to sign-up for the Drivers Assistance Program and their notice period will pause when they are participating in the Drivers Assistance Program.
 - **Cap Drivers Impacted.** Propose in their GHG Plans an annual cap on the percentage of low- and moderate-income drivers who will be deactivated or have de-prioritized for not transitioning to a ZEV. The deactivation or ride de-prioritization cannot occur before the notice period specified above.
- **Change in Driving Experience.** Drivers express concern over the change driving a ZEV may cause to their normal driving experience that could impact their net earnings. Some of the expressed concern includes turning down ride requests due to lack of charge, requiring more down time for vehicle charging, and a change in the size/form of their vehicle as many ZEVs are smaller than a typical sedan. The cost of charging could also be an issue if low- and moderate-income drivers are dependent on more expensive public charging because they lack access to at home charging.
 - « **Creation of the Drivers Assistance Program with additional charging-related financial incentives and program guiderails to support low- and moderate-income drivers' transition to ZEVs.**
 - Provide financial assistance to low- and moderate-income drivers through an incentive program as part of the Drivers Assistance Program that is sufficient for drivers to access vehicles large enough to provide passenger services.
 - Provide financial assistance to low- and moderate-income drivers through an incentive program as part of the Drivers Assistance Program that supports public charging or the purchase and installation of charging equipment.
 - Enable the Drivers Assistance Program charging-related incentives to be additive to other incentive programs provided through federal, state, regional, and local agencies to increase the funding available to low- and moderate-income drivers.
 - « **CMS Regulated Entities will propose actions in their GHG Plans to address drivers' concerns with access to charging, charging down time, and the cost of charging.** Examples of actions include partnerships with public charging providers with subsidized charging rates, CMS Regulated Entities adding charging locations to their apps, and tracking drivers' charging time and paying them for time spent charging.

Details on the impacts, proposed policy solutions, and methods to assess ensuring minimal negative impact on low- and moderate-income drivers are described in the next section.

5.3 Ensuring Minimal Negative Impact

Ensuring minimal negative impact will require both driver-specific and driver population-level assessment of the negative impacts with “minimal negative impacts” defined specifically for each type of impact. The Program Administrator of the Drivers Assistance Program will primarily administer and track low- and moderate-income driver initiatives, and CPED Staff will monitor both the driver-specific impacts and the driver population-level impacts to ensure they meet the defined limit for minimal.

Each type of negative impact is described in the next sections with CPED’s recommended approach for defining minimal negative impact and for assessing the program’s success in achieving this goal.

CPED recommends CPED Staff conduct an annual review of negative impacts on low- and moderate-income drivers to ensure minimal negative impact has been met. The report, Annual Low- and Moderate-Income Driver Impact Report, should cover the topics in this section of the Proposal and as described in the [Annual Low- and Moderate-Income Driver Impact Report](#) section.

5.3.1 Direct Expenditure

The cost of transitioning to a ZEV could be a significant financial hardship for low- and moderate-income drivers. CPED recommends the creation of the Drivers Assistance Program to support drivers’ transition to ZEVs with financial incentives for low- and moderate-income drivers. Incentives will be additive to other existing or future ZEV incentives provided through federal, state, regional, local, or other sources and should be delivered in a manner that prioritizes minimizing barriers to access for low- and moderate-income drivers.

Setting the appropriate incentive amount to ensure minimal negative impact is not straightforward, and Staff present a few methods for establishing the guidelines to select and assess the incentive amount.

Approach

CPED recommends the Commission utilize CARB’s approach to ZEV affordability for minimizing the financial burden of transitioning to a ZEV. CARB’s Updated Long-Term Plan for Light-Duty Electric Vehicle (EV) Market, Light-Duty Vehicle Purchase Incentives, Clean Mobility Investments, and Outreach⁵³ describes CARB’s approach to assessing the affordability of ZEVs for which CARB assumed “affordability is defined as spending no more than 15 percent of one’s income on all vehicle costs, including loan principal, interest, fuel, insurance, and maintenance.” CARB used its own definition of “affordable” to assess the appropriate incentive amount for their vehicle incentive programs. With assumptions for costs, incentives, household size, and income, CARB analyzes the number of ZEVs that would be considered

⁵³ See CARB’s Updated Long-Term Plan for Light-Duty Electric Vehicle (EV) Market, Light-Duty Vehicle Purchase Incentives, Clean Mobility Investments, and Outreach: https://ww2.arb.ca.gov/sites/default/files/2022-10/fy2022_23_funding_plan_appendix_c.pdf

affordable for different incentives, household sizes, and incomes. CARB finds that at lower incomes, defined as at or below \$54,360 for a single household, until the incentive is \$21,500, there is zero to one affordable ZEV. With the highest incentive analyzed, \$21,500, there were seven ZEVs considered affordable. Accounting for affordability, an increase in the difference in the price of gasoline vehicles and ZEVs, and difficulty for lower-income Californians to access the federal tax incentive, CARB settled on proposing increasing the Clean Vehicle Rebate Program's rebate for low- and moderate-income consumers by \$3,000 to a total of \$6,500 for plug-in hybrid electric vehicles, \$7,500 for battery-electric vehicles, and \$7,500 for fuel cell electric vehicles (an increase of \$500). Since the affordability concept looks at annual costs, it assumes a loan is used to purchase a vehicle and accounts for principal and interest payments over a year. A similar concept could be used for ZEV rental or lease incentives.

CPED recommends the Commission follow CARB's lead and use affordability as a proxy for minimal negative impact for direct expenditures, where accounting for minimal negative impact (affordability) is built into the incentive amount provided through the Drivers Assistance Program. CPED proposes a few different methods for setting the Drivers Assistance Program's incentive amount:

- 1) **Match CVRP.** Set the incentive to be no less than the existing CVRP incentive (proposed to be \$6,500 to \$7,500 for low- and moderate-income qualifying consumers). In this case, the value of the incentive is set to enable ZEV transitions to be affordable by CARB and by proxy CPUC. With additive incentives, here, applicable drivers could have double the incentive values at \$13,000 and \$15,000.
- 2) **Assess Affordability Individually.** Given that affordability is defined by CARB as 15% of income, each driver could have a different value for what is considered affordable. Require the Drivers Assistance Program to assess each driver individually through a similar affordability analysis (with assumptions for the total vehicle costs) and assign the incentive amount that provides the driver with at least two available, affordable ZEV option.
- 3) **Assess Affordability Generally.** Use CARB's affordability approach but apply it to the low- and moderate-income definition for CMS. For low- and moderate-income drivers with annual incomes at the limit of the CMS proposed definition for low- and moderate-income, \$56,896 (low-income) and \$85,344 (moderate-income), 15% of these incomes would be \$8,534 and \$12,802 annually. Require the Drivers Assistance Program to conduct an annual affordability analysis with updated assumptions to develop the incentive amount that provides low- and moderate-income drivers with at least two available, affordable ZEV option.

These approaches should be applied to all the ways that low- and moderate-income drivers could procure a ZEV including rental, lease, and purchases of new or used vehicles. The incentive amounts may vary by procurement type and whether a loan will be used to pay for a ZEV, which should be considered with the chosen method.

Assessment

CPED's recommendation to minimize negative impact on low- and moderate-income drivers when they obtain a ZEV includes a financial incentive managed through the Drivers Assistance Program. This approach follows CARB's lead and uses affordability as a proxy for minimal negative impact for direct expenditures, where accounting for minimal negative impact (affordability) is built into the incentive amount

provided through the Drivers Assistance Program. Additionally, to support low- and moderate-income drivers with receiving the incentive, CPED recommends that the incentive is additive with other available incentives and delivered in a manner that minimizes barriers to access for low- and moderate-income drivers.

To assess if the goal of ensuring minimal negative impact has been met, CPED recommends the following:

- **Incentive Amount Assessment:** Depending on the method selected, the Program Administrator of the Drivers Assistance Program will submit the proposed incentive amount as part of their Implementation Plan. For each driver who uses the Drivers Assistance Program to access the ZEV incentive, the Program Administrator will collect the data from the driver to confirm that they meet the low- and moderate-income definition and do any analysis required. This collected data, including any individual analyses results, will be shared with CPUC during quarterly and annual reporting and used to assess if individual low- and moderate-income drivers were enabled access to affordable ZEVs.
- **Additive Incentive Tracking:** The Program Administrator will also track if low- and moderate-income drivers who receive incentives through the Drivers Assistance Program also access incentives through other available incentive programs. This data will be shared with CPUC during quarterly and annual reporting to show how individual low- and moderate-income drivers are being supported through the additive incentive.
- **Minimize Barriers to Access Incentives:** The Program Administrator for the Drivers Assistance Program will describe in their Implementation Plan how they will minimize barriers for low- and moderate-income drivers to access incentives. The Program Administrator shall provide examples from previous experience to support their proposal. The Program Administrator shall track any observed or reported barriers to accessing incentives and provide that information in quarterly and annual reporting to CPUC.

CPED Staff will review the submitted data to ensure that low- and moderate-income drivers' incentives are meeting the affordability/minimal negative impact requirements as set by Commission decision and/or resolution. This review will be a part of CPED Staff's annual review of negative impacts on low- and moderate-income drivers within the Annual Report, see the [Annual Low- and Moderate-Income Driver Impact Report](#) section of the Proposal.

5.3.2 Algorithmic De-prioritization or Deactivation

CPED recommends the Commission require CMS Regulated Entities give notice to low- and moderate-income drivers before de-prioritizing or deactivating them for not driving a ZEV, and CMS Regulated Entities should propose an annual percentage cap on the number of low- and moderate-income drivers who can be deactivated or deprioritized.

Approach

Minimal negative impact from low- and moderate-income driver deactivation or de-prioritization is achieved if CMS Regulated Entities provide notice and opportunity for ZEV conversions before drivers are deactivated or de-prioritized, if CMS Regulated Entities meet their proposed cap on deactivation or de-prioritization, and if annual data analysis of negative impacts on low- and moderate-income drivers reveals

they have not experienced more than proportionate deactivation or de-prioritization. Details on giving notice and the cap are included below.

- **Provide 120-day Notice.** CMS Regulated Entities will provide a 120-day notice to low- and moderate-income drivers before they are deactivated or de-prioritized for not driving a ZEV. Low- and moderate-income drivers will be encouraged to sign-up for the Drivers Assistance Program and their notice period will pause when they are participating in the Drivers Assistance Program. CMS Regulated Entities will provide in their compliance reporting the status of any driver who received notice and all drivers who were deactivated or deprioritized during the compliance period. The Program Administrator will confirm driver participation in the Drivers Assistance Program.
- **Cap Drivers Impacted.** CMS Regulated Entities will propose in their GHG Plans an annual cap on the percentage of low- and moderate-income drivers who will be deactivated or de-prioritized for not transitioning to a ZEV. The deactivation or de-prioritization cannot occur before the 120-day notice period and an effort made to direct low- and moderate-income drivers to the Drivers Assistance Program resources. CMS Regulated Entities will justify the percentage proposed in their GHG Plans and provide data as part of compliance reporting to confirm meeting their proposed percentages.

Assessment

CPED recommends data reporting from CMS Regulated Entities and reliable feedback from drivers to ensure minimal negative impact from low- and moderate-income driver deactivation and de-prioritization. Review of the data and information will be conducted during the [Annual Low- and Moderate-Income Driver Impact Report](#). CPED recommends the assessment approach described below.

- **Meeting GHG Plan and Data Reporting Requirements.** CPED Staff will have already reviewed the most recently approved CMS Regulated Entities' GHG Plans for inclusion of the low- and moderate-income driver deactivation and ride de-prioritization deterrents and proposals. CPED Staff will review the CMS Regulated Entities' compliance data for reporting on the notices given, drivers deactivated after the notice period, and for tracking de-prioritization along with reports from the Drivers Assistance Program.
 - « **Meeting GHG Plan Proposals.** CMS Regulated Entities will include in their compliance data reporting on the number of notices given, number of drivers participating in the Drivers Assistance Program after given notice, and the number of deactivated or deprioritized drivers after notice was given. CMS Regulated Entities shall report the number of low- and moderate-income drivers given notice, participating in the Drivers Assistance Program after given notice, and then suspended or deactivated through data collection on driver income or home location of drivers (ZIP code, Census Tract, and Census Block Group) to assess if they are from low- and moderate-income communities. CPED will review the data to ensure that it is consistent with the CMS Regulated Entities' proposals in their GHG Plans.
 - « **Update Suspended or Deactivated Driver Compliance Data.** The tracking and reporting of suspended or deactivated drivers is already required in the TNC Annual Reports with examples for suspension reason listed as sexual assault, sexual harassment, and consumed intoxication. CPED

recommends the list of reasons be expanded to account for CMS and include an option for “driver not converted to ZEV.” CMS Regulated Entities shall report the number of low- and moderate-income drivers given notice and then suspended or deactivated through data collection on driver income or home location of drivers (ZIP code, Census Tract, and Census Block Group) to assess if they are from low- and moderate-income communities.

« **Tracking De-prioritization.** CMS Regulated Entities will track and report the de-prioritization of rides for non-ZEV drivers. CMS Regulated Entities shall report the number of low- and moderate-income drivers given notice and then deprioritized through data collection on driver income or home location of drivers (ZIP code, Census Tract, and Census Block Group) to assess if they are from low- and moderate-income communities.

- **Driver Working Group.** CPED recommends collecting additional feedback directly from drivers on the topic of driver deactivation or de-prioritization. CPED Staff will hold a meeting annually with the CMS Driver Working Group to gather feedback, through survey or facilitated questions, to inform the Annual Low- and Moderate-Income Driver Impact Report. See the [Low- and Moderate-Income Driver Engagement](#) section.
- **Annual Driver Survey.** CPED recommends collecting additional feedback from a broader set of drivers on the topic of driver deactivation or de-prioritization as part of the Staff’s Annual Driver Survey. Results of the Annual Driver Survey will inform the Annual Low- and Moderate-Income Driver Impact Report. See the [Low- and Moderate-Income Driver Engagement](#) section.

5.3.3 Change in Driver Experience

CPED recommends the Commission address the potential negative impacts on low- and moderate-income drivers from a change in driver experience by developing incentives and resources through the Drivers Assistance Program and proposed actions from the CMS Regulated Entities. When transitioning to a ZEV, drivers may experience more ride requests denied due to lack of charge, require more down time for vehicle charging, and a change in the size/form of their vehicle as many ZEVs are smaller than a typical sedan. CPED recommends the following approaches to ensuring minimal negative impact on low- and moderate-income drivers from these changes in driver experience.

Approach

Minimal negative impact from the change in the driver experience is achieved by providing incentives to low- and moderate-income drivers for charging-related costs through the Drivers Assistance Program and through the CMS Regulated Entities’ proposed actions to support charging concerns. The implementation of these solutions is described below.

- **Drivers Assistance Program Incentives for Affordable Access.** Upfront ZEV costs are discussed in the [Direct Expenditure](#) section and include a provision to ensure that ZEVs will be affordable for low- and moderate-income drivers and that they will have options for vehicle choice. Ensuring that low- and moderate-income drivers have vehicle choice will increase the chance that there will be an affordable ZEVs that suits their needs.

- **Expand Drivers Assistance Program Incentives to Charging.** CARB is proposing a \$2,000 pre-paid charging card incentive paired with their light-duty ZEV incentives for low- and moderate-income drivers. The amount was estimated to account for the cost of one year’s worth of public charging. CPED Staff recommend the Commission consider a charging incentive like CARB’s for low- and moderate-income drivers to be paired with any other ZEV incentives. The value of the incentive should account for the concerns of drivers, accounting for an increase in rides not accepted, time to charge, and the cost of more expensive public charging. The incentive amount, like described in the [Direct Expenditure](#) section, could be calculated in a few ways for CMS, and should be distributed through the Drivers Assistance Program through a proposed mechanism that minimizes the barriers to low- and moderate-income drivers accessing and using the incentive.
 - 1) **Match CVRP.** The incentive amount could be set at \$2,000 to match the CVRP program given the rigor of CARB’s calculations, but the CARB estimate might underestimate the amount of charging required for typical CMS Regulated Entity driver.
 - 2) **New Estimate, Similar to CARB Approach.** Require the Drivers Assistance Program to set the incentive amount based on the estimated charging needs of a driver on CMS Regulated Entities’ platforms to cover at least a year’s worth of public charging.⁵⁴ The analysis would most likely result in a higher incentive amount than the CARB estimate.
 - 3) **Flexible Charging Incentive.** Allow low- and moderate-income drivers to choose if they would like the charging incentive to go towards public charging or to put the equivalent value towards the purchase and installation of at-home charging equipment. The Drivers Assistance Program should support low- and moderate-income drivers in choosing the option best suited for them and should help them to access other charging infrastructure incentives like those proposed under the Transportation Electrification Framework for multi-unit dwellings.⁵⁵
- **CMS Regulated Entities GHG Plan Proposals.** CMS Regulated Entities will propose actions in their GHG Plans to address drivers concerns with access to charging, charging down time, and the cost of charging. Examples of actions include partnerships with public charging providers with subsidized charging rates, CMS Regulated Entities adding charging locations to their apps, and tracking drivers’ charging time and paying them for time spent charging.

Assessment

CPED recommends minimizing negative impact on low- and moderate-income drivers from a change in the driving experience with incentives managed and provided through the Drivers Assistance Program and additional proposed actions from the CMS Regulated Entities. The incentive approach follows CARB’s lead,

⁵⁴ See A. Jenn. 2019. Emissions Benefits of Electric Vehicles in Uber and Lyft Services. National Center for Sustainable Transportation. Which finds, “Although TNC EVs comprise a relatively small fraction of the overall EV fleet in California, they account for a disproportionately high share of public charging demand. The higher travel intensity of TNC EVs necessitates more frequent charging and/or more energy demanded per charging event. This means that TNCs need to rely more heavily on public charging stations.” <https://ncst.ucdavis.edu/research-product/emissions-benefits-electric-vehicles-uber-and-lyft-services>

⁵⁵ See Transportation Electrification Proceeding, R.18-12-006 Proposed Decision from October 12, 2022.

to enable an affordable transition to a ZEV for low- and moderate-income drivers. Additionally, to support low- and moderate-income drivers with receiving the incentive, CPED recommends that the incentive is additive with other available incentives and delivered in a manner that minimizes barriers to access.

To assess if the goal of ensuring minimal negative impact has been met, CPED recommends the following:

- **Incentive Amount Assessment:** Depending on the method selected for setting the charging incentive amount, the Program Administrator of the Drivers Assistance Program will submit the proposed incentive amount as part of their Implementation Plan. For each low- and moderate-income driver who uses the Drivers Assistance Program to access the charging incentive, the Program Administrator will collect the data from the driver to confirm that they meet the low- and moderate-income definition and to do any analysis required. This collected data, including any individual analyses results, will be shared with CPUC during quarterly and annual reporting and used to assess if individual low- and moderate-income drivers were enabled access to affordable ZEVs.
- **Additive Incentive Tracking:** The Program Administrator will also track if low- and moderate-income drivers who receive incentives through the Drivers Assistance Program also access incentives through other available incentive programs, like through the electric investor-owned utilities. This data will be shared with CPUC during quarterly and annual reporting to show how individual low- and moderate-income drivers are being supported through the additive incentive.
- **Minimize Barriers to Access Incentive:** The Program Administrator for the Drivers Assistance Program will describe in their Implementation Plan how they will minimize barriers for low- and moderate-income drivers to access incentives. The Program Administrator shall provide examples from previous experience to support their proposal. The Program Administrator shall track any observed or reported barriers to accessing incentives and provide that information in quarterly and annual reporting to CPUC.
- **Meeting GHG Plan Proposals.** CMS Regulated Entities will submit in their compliance reporting any progress made towards their proposed charging related actions to support low- and moderate-income drivers including an estimate for the impact of the program – how many low- and moderate-income drivers were received support from the programs.

CPED Staff will review the submitted data to ensure that low- and moderate-income drivers' incentives are meeting the requirements as set by Commission decision and/or resolution. This review will be a part of CPED Staff's annual review of negative impacts on low- and moderate-income drivers as part of the Annual Report, see the [Annual Low- and Moderate-Income Driver Impact Report](#) section of the Proposal.

5.4 Low- and Moderate-Income Driver Engagement

CPED recommends the Commission continue formal and informal driver engagement strategies throughout CMS Program implementation, with specific efforts made to ensure low- and moderate-income drivers can participate through a Driver Working Group and Annual Driver Survey.

Formal engagement opportunities within R.21-11-014 include commenting and replying in the proceeding, participating in workshops, and providing well-reasoned and supported documentation when commenting.

Staff also recommends the following actions to maximize driver engagement and participation in CMS:

- CPED Staff will form a **Driver Working Group** to convene regularly throughout the CMS Program. The Driver Working Group should include low- and moderate-income drivers.
 - « The Driver Working Group should be formed within 6 months of the final decision approving the formation of the Driver Working Group.
 - « The Driver Working Group should convene no less than every 6 months.
 - « CPED Staff should broadly recruit drivers to participate in the Driver Working Group with the help of CMS Regulated Entities.
 - « The Driver Working Group should consist of 8-12 members with representation from ZEV drivers, low- and moderate-income drivers, and drivers' representatives. This number should enable diverse participation but should be small enough that each member has an opportunity to share their thoughts during convening.
 - « Drivers should commit to participating for at least one year but not more than 3 years and can leave should they no longer actively drive on a CMS Regulated Entities' platform or any other reason. CPED Staff should replace drivers as needed.
 - « Drivers who participate in the group should be compensated for their time spent in meetings, workshops, or reviewing material outside of meetings. The funding should come through the Drivers Assistance Program from the Program Administrator as part of the proposed CMS Regulated Entities' fee. CPED Staff estimates compensation for the Driver Working Group will be around \$5,000 per year⁵⁶ and could be delivered in the form of cash or gift cards.
 - « The Program Administrator and CARB staff should be invited to sit in on Driver Working Group meetings.
 - « The Driver Working Group will serve a few functions:
 - Provide direct feedback to CPED staff on how CMS implementation is going based on their experience and what they are hearing from drivers. Including providing information for the [Annual Low- and Moderate-Income Driver Impact Report](#).
 - Provide feedback on driver outreach and education material prepared by CPED Staff or the Drivers Assistance Program including but not exclusively, survey questions, marketing material, and webpages. Driver feedback should focus on ensuring material is clear and relevant to drivers.

⁵⁶ This estimate assumes 12 drivers participating in 30 hours of Driver Working Group related activities, likely an overestimation of the hours required, and being compensated at a rate of \$14 per hour, California's minimum wage in 2022.

- Participate in CMS-related workshops like those on GHG Plans or Transportation Electrification.
- Provide direct feedback on GHG Plans, compliance data, Annual Report and any other CMS Regulated Entity or Drivers Assistance Program submissions to the Commission. This will be per CPED Staff discretion and facilitated during Driver Working Group meetings unless ad hoc meetings are required.
- Feedback from the Driver Working Group will be incorporated into the Annual Low- and Moderate-Income Driver Impact Report as applicable.
- Conduct an **Annual Driver Survey** to better understand driver impacts. The Driver Survey may be conducted by CPED Staff, with the aid of the Driver Working Group and CMS Regulated Entities to disseminate. This effort should supplement, not replace, any other ongoing studies on drivers like CARB’s funded driver study underway with the University of California, Davis.
 - « The Annual Driver Survey should focus on driver impacts described in the [Ensuring Minimal Negative Impact](#) section and barriers to adoption of ZEVs by low- and moderate-income drivers to inform the [Annual Low- and Moderate-Income Driver Impact Report](#).
 - « The Annual Driver Survey should be deployed broadly through every available driver resource.
 - « The Annual Driver Survey should be deployed in the first quarter of the year so that the analysis of the responses corresponds with the start of the Annual Low- and Moderate-Income Driver Impact Report assessment.
 - « The Annual Driver Survey questions should be informed by the Driver Working Group.
 - « Feedback from the Annual Driver Survey will be incorporated into the Annual Low- and Moderate-Income Driver Impact Report.

CPED recommends allocation of funds from the Drivers Assistance Program to provide compensation opportunities for drivers’ participation in engagement activities to encourage more participation.

5.5 Annual Low- and Moderate-Income Driver Impact Report

CPED recommends the Commission direct Staff to prepare an Annual Low- and Moderate-Income Driver Impact Report (Annual Report). The Annual Low- and Moderate-Income Driver Report will assess the efforts towards ensuring minimal negative impact on low- and moderate-income drivers as described in the [Ensuring Minimal Negative Impact](#) section of the Proposal and will also review barriers to transitioning to zero-emission vehicles for low- and moderate-income drivers.

CPED recommends the Annual Low- and Moderate-Income Driver Report consist of the following schedule and elements:

- The Annual Report process will commence when CMS Regulated Entities submit their annual compliance reports on March 1st. The first report should be due after the first full calendar year of program implementation.

- The Annual Report analysis and review should be replicable from year-to-year. Staff will determine the format in the first year.
- The Annual Report should be made public before the end of the calendar year when it is started.
- The Program Administrator of the Drivers Assistance Program and CMS Regulated Entities should support CPED Staff by providing the data and information to support the creation of the Annual Report.
- The Annual Report will inform the biennial unanticipated barriers review and the [Unanticipated Barriers and Progress Report](#).
- The **Annual Report** should include:
 - « **Low- and Moderate-Income Driver Definition.** Each year CPED should update the definition for low- and moderate-income driver based on the California Department of Housing and Community Development's State Income Limits.
 - « **Negative Impact Assessment.** Assessments of each type of negative impact and if minimal negative impact was achieved for low- and moderate-income drivers. The description of the assessment for each type of negative impact is included in the [Ensuring Minimal Negative Impact](#) section of the proposal. The assessment will include both driver specific (from the Drivers Assistance Program) and driver population level reviews, depending on the type of impact and should include any impacts related to vehicle charging.
 - « **Annual Driver Survey.** Results of the CPED Staff led Annual Driver Survey which should include questions on perceived negative impacts and barriers to ZEV transition including related to charging. The results of the Annual Driver Survey included in the Annual Report should focus on low- and moderate-driver impacts and barriers to ZEV adoption from a driver population level.
 - « **New Research Study Results.** Results of any outside research studies related to ZEV adoption by CMS Regulated Entities' drivers. Examples of the type of relevant study includes a CMS study on drivers' barriers to ZEV adoption funded by CARB and being conducted at University of California, Davis.
 - « **Barriers Assessment.** Assessment and analysis from the other sections of the report related to barriers to ZEV transition that drivers are facing, in particular low- and moderate- income drivers, should be included in its own section. The report should consider whether the proposed methods for minimizing barriers to accessing incentives were successful. The barriers assessment should be based on driver-specific and driver population-level data.
 - « **Recommendations.** Include any policy recommendations for how CMS implementation could be improved to better achieve the goal of ensuring minimal negative impact on low- and moderate-income drivers. Recommendations should be specific to CMS Regulated Entities' GHG Plans, Program Administrator's Implementation Plan or Handbook, or Commission specific actions.

6 Regulatory Framework and Timeline

For the purposes of this Proposal, the regulatory framework describes Staff's recommendations for the initial implementation of some Phase 1 scoping issues, including timeline and procedural requirements. This section focuses on the GHG Emissions Reduction Plans and the proposed third-party Program Administrator. Additional proposals and details for [GHG Emissions Reduction Plans](#) and [Drivers Assistance Program](#) are included in separate sections for these Phase 1 scoping issues.

Public Utilities Code 5450(c) states that "by January 1, 2022, and every two years thereafter, each transportation network company shall develop a greenhouse gas emissions reduction plan." **Given that the first GHG Plan due date has already passed, CPED recommends the Commission establish a revised timeline for the first GHG Plan submission that follows a Commission decision setting the required GHG Plan details and designate the first Phase 1 GHG Plan as a "Partial GHG Plan" for just the Phase 1 issues.** The timeline is also provided in graphic form in [Appendix A – CMS Timeline](#).

6.1 GHG Emissions Reduction Plans: Initial Submission and Review

CPED recommends the Commission utilize a Tier 3 Advice Letter process, as set forth by the Commission's General Order (GO) 96-B, for the GHG Plans. The Tier 3 Advice Letter process is appropriate for the GHG Plans as it provides for public comment and Commission consideration through a Resolution but does not require a proceeding remain open throughout the CMS Program life, which could extend through 2030 or beyond.

Following the Advice Letter process proposal, CPED recommends CMS Regulated Entities file a proposed Partial GHG Plan as a Tier 3 Advice Letter within 90 days of the Phase 1 decision, which will specify requirements for the Partial GHG Plans for the Phase 1 scoped issues. In this Proposal, "Partial GHG Plan" is used when referring to the first GHG Plan covering just Phase 1 issues, and "GHG Plan" is used when referring to the recommendations common to the Partial GHG Plan and the subsequent full GHG Plans. To align the statute's original schedule for GHG Plans to be filed every two years on the even year, and to prevent the scenario of GHG Plans being submitted within months of each other, the initial GHG Plan should cover the time period from the submission of the initial Tier 3 Advice Letter through the end of 2025. For example, if the initial GHG Plan is filed in 2023, it would cover the remainder of the calendar year 2023 through the end of 2025 with a new GHG Plan to be filed by January 1, 2026, covering the years 2026 and 2027.

As is typical for a Tier 3 Advice Letter process, Staff will review the GHG Plans against the requirements set by the Commission via a decision in the CMS proceeding and draft a resolution for Commission consideration. The proposed rubric for review is discussed in the [GHG Emissions Reduction Plan](#) section of the Proposal. Parties will have an opportunity to protest or comment on the Tier 3 Advice Letter. Additionally, CPED Staff will organize a workshop with the CMS Regulated Entities to answer questions about the proposed GHG Plans each time they are filed.

CPED recommends the Commission endeavor to dispose of the Tier 3 Advice Letter within 90 days of the protests' due date and reserve the ability to modify the timeline based on the scale of modifications required.

Per GO 96-B, should Staff require additional information or clarification during the review of the Tier 3 Advice Letters, CMS Regulated Entities shall submit the required information through a supplemental letter. Should the Commission disposition of the Tier 3 Advice Letters via resolution require the CMS Regulated Entities to modify their GHG Plans, the new GHG Plans should be submitted via Tier 1 Advice Letter. Staff will review the Tier 1 Advice Letters to confirm they meet the modifications required in the initial resolution.

6.2 GHG Emissions Reduction Plans: Subsequent Years Submission and Review

In the years after the initial Phase 1 Partial GHG Plan submission, CPED recommends the Commission follow a similar structure for submission and review. As Phase 2 issues are scoped and decided, the Partial GHG Plan will become the full GHG Plan.

CPED recommends CMS Regulated Entities shall file their GHG Plans as Tier 3 Advice Letters by the start of the new calendar year (January 1, 2026; January 1, 2028; and January 1, 2030). For each submission, per GO 96-B rules, parties will have an opportunity to protest or comment on the Advice Letters.

CPED Staff recognize that over time, CMS Regulated Entities may need to deviate from or adjust details of their GHG Plans. Details on GHG Plan deviations are included in the [Deviations from GHG Emissions Reduction Plans](#) section of the Proposal.

6.3 Drivers Assistance Program and Third-Party Program Administrator

To support drivers, as discussed in the [Low- and Moderate-Income Drivers](#) section of the Proposal, **CPED recommends the CMS Regulated Entities establish a Drivers Assistance Program administered by a third-party Program Administrator with CPED Staff and Commission oversight.**

This section of the Proposal will focus on the timeline for the development of the Drivers Assistance Program and the selection of the third-party Program Administrator. The details of the Drivers Assistance Program and justification for this proposed implementation are included in the [Drivers Assistance Program](#) and [Low- and Moderate-Income Drivers](#) section of the Proposal.

CPED recommends the Commission order one of the CMS Regulated Entities to act as the “contracting agent” and conduct a Request for Proposals (RFP) process for a third-party Program Administrator. The Program Administrator should have the experience needed to run the Drivers Assistance Program based on direction from the Commission. The third-party Program Administrator should be selected and under contract within six months of the submission of the Partial GHG Plans. Details on the process are included in the [Drivers Assistance Program](#) section of the Proposal.

CPED recommends the third-party Program Administrator be selected in accordance with selection criteria described in the [Drivers Assistance Program](#) section. CPED will review and approve key deliverables while

the contracting agent remains the contract manager for invoicing and payment purposes; as such, the contracting agent must consult CPED Staff to ensure deliverables associated with each invoice have been approved prior to issuing payment. The cost of hiring a Program Administrator will be covered by a portion of Drivers Assistance Program funding (see the [Drivers Assistance Program](#) recommendations in the section of this Proposal).

CPED recommends that within 90 days of selection, the Drivers Assistance Program Administrator file a Tier 3 Advice Letter to propose the Drivers Assistance Program Implementation Plan and provide a Handbook based on guidance established in the first Phase 1 decision and discussed in more detail in later sections of this Proposal.

6.4 Unanticipated Barriers Review Timing

CPED recommends the Commission, with CARB, conduct an unanticipated barriers review for expanding usage of ZEVs in CMS Regulated Entities' services no less than every two years as required in P.U. Code Section 5450. The timing for the review should commence once the Partial GHG Plans are approved by the Commission and should aim to support providing input to future GHG Plans. CPED recommends the unanticipated barriers review be combined with a CMS progress report, the Unanticipated Barriers and Progress Report, that provides an assessment of progress made towards other CMS implementation goals.

The Unanticipated Barriers and Progress Report is discussed in the [Unanticipated Barriers and Progress Report](#) section of the Proposal, but the details on the process and content of the unanticipated barriers review will be covered in Phase 2 of the CMS proceeding.

6.5 Advice Letter Process

CPED recommends using an advice letter process for CMS program implementation. The Commission's advice letter rules are set by General Order (GO) 96-B, and, because the Commission has not to date created Transportation industry-specific advice letter rules, the advice letter submission process for CMS should be modeled on the General Rules of GO 96-B.

Under Rule 7.6.1, Industry Division (here, CPED) "disposition is appropriate where statutes or Commission orders have required the action proposed in the advice letter, or have authorized the action with sufficient specificity, that the Industry Division need only determine as a technical matter whether the proposed action is within the scope of what has already been authorized by statutes or Commission orders." As such, CPED disposition of advice letters is appropriate for Tier 1 and Tier 2 submissions. Tier 3 designated advice letters, in this Proposal, will follow the process described in Rule 7.6.2 for disposition by resolution.

7 Drivers Assistance Program

As described in this section, CPED recommends the Commission establish a Drivers Assistance Program funded by the CMS Regulated Entities and managed by a third-party Program Administrator.

The Drivers Assistance Program will support all drivers with resources, but with financial incentives provided only to low- and moderate-income drivers, to transition to ZEVs, by levying a per-trip or per-mile regulatory fee, as proposed by each CMS Regulated Entity in their GHG Plan.

7.1 Drivers Assistance Program Establishment

CPED recommends that the Drivers Assistance Program be managed by a third-party Program Administrator, similar to the CPUC's Solar on Multifamily Affordable Housing (SOMAH) program,⁵⁷ to establish a consistent, single source for Drivers Assistance Program information for drivers across the CMS Regulated Entities. The Program Administrator would be solicited through a competitive Request for Proposal (RFP) process administered by a CMS Regulated Entity, the contracting agent, and selected in coordination with CPED Staff. CPED Staff would review the RFP prior to issuance to verify it includes the appropriate Drivers Assistance Program elements and requirements, review and score RFP responses, and approve the final selection of the Program Administrator.

7.1.1 Program Administrator Requirements

When selecting the Program Administrator, CPED Staff and CMS Regulated Entities shall consider the following factors. Potential third-party Program Administrators should be able to provide the Drivers Assistance Program components identified.

- **Experience with service delivery in a similar program(s)** – directly or through partners or subcontractors, in transportation electrification, transportation equity, and clean mobility. Experience working with drivers of CMS Regulated Entities is preferred.
- **Incentive program development and tracking** – Experience with designing and implementing incentive programs, managing the disbursement of funds, and tracking information for incentive recipients.
- **Databases and IT** – Demonstrated successful management of federal, state, and/or local funds; with the ability to track and comply with specific programmatic and audit requirements from multiple funding sources. Maintain a system of internal accounting and administrative control; demonstrate a history of fiscal stability and responsibility.
- **Marketing, education, and outreach** – Experience with providing marketing, education, and outreach support for similar incentive programs, creating web-based information and tools to support education

⁵⁷ Solar on Multifamily Affordable Housing (SOMAH): <https://www.cpuc.ca.gov/somah/>

and outreach, working with low- and moderate-income individuals and communities, and working with people who speak languages other than English.

- **Application/incentive review and eligibility verification.** Experience with eligibility verification, in particular income-based verification, and managing inbound inquiries from the public.
- **Data collection and reporting.** Demonstrated success with program data collection, data reporting, and having a secure system for protecting confidential data or data that could be considered personally identifiable information (PII). Demonstrated experience with creating, administering, and analyzing surveys.

7.1.2 Contracting Agent and Contract Details

To ensure timely implementation, a signed contract between the contracting agent and the selected Program Administrator should be executed within six months of submission of the first GHG Plans. To ensure broad distribution and more potential candidates, CPED Staff will assist in widely distributing the notice of the release of the RFP and the winning bidder. The contracting agent shall file a Tier 2 advice letter with the Commission requesting formal approval of the contract. Upon CPED's approval, the contract shall be considered ratified.

CPED recommends a three-year Program Administrator contract term with the option for two additional three-year periods. As described in the Programmatic Evaluation of the Drivers Assistance Program section, CPED recommends the Drivers Assistance Program and Program Administrator will be subject to regular programmatic and financial evaluations.

As part of the contract process, the CMS Regulated Entities should enter into appropriate non-disclosure agreements with the chosen Program Administrator to facilitate the sharing of data and potentially personally identifiable information needed for the implementation and administration of the Drivers Assistance Program. Non-disclosure and data agreements can often take time to complete and hold up the start of a program, therefore data sharing agreement terms should be included within the context of the initial contract.

The contracting agent will hold the contract with the Program Administrator and will manage the invoicing and payment of the Program Administrator. The contracting agent shall file a Tier 1 advice letter with CPED within 15 days of the adoption of a Commission decision that establishes the Drivers Assistance Program and Program Administrator approach to open a balancing account to track costs associated with performing the functions required of the contracting agent and to hold the Drivers Assistance Program funds. The contracting agent will track costs associated with performing the work of the contracting agent, to be paid by through the Drivers Assistance Program funding and estimated explicitly in the fee proposed by every CMS Regulated Entity, limited to \$100,000 per year, which is adjusted from the CPUC Building Decarbonization Programs to account for the required level of effort. The contracting agent shall be entitled to no more than \$100,000 of the Drivers Assistance Program funding per year with cost recovery subject to a true-up based on actual costs accrued and to a final verification by CPED to be assessed no more than quarterly.

7.2 Drivers Assistance Program Funding

CPED recommends the Drivers Assistance Program be funded by levying a per-trip or per-mile regulatory fee, the amount of which would be proposed by each CMS Regulated Entity in each GHG Plan to be collected upon Commission approval of the first GHG Plans. A CMS Regulated Entity funded fee was initially proposed by the Union of Concerned Scientists and supported by driver labor groups.⁵⁸ The fee and total funding amount should be proposed by the CMS Regulated Entities and reflect the amount of money they estimate is needed to conduct the activities proposed in their GHG Plans that will enable them to meet their annual targets and CMS Program goals as part of the Drivers Assistance Program. Details on the submission requirements for the GHG Plans are included in the [GHG Emissions Reduction Plans](#) section of this Proposal.

Although the Program Administrator will take time to initiate administration, including the six-month selection process, CPED recommends the fee to fund the Drivers Assistance Program be collected by the CMS Regulated Entities as soon as their GHG Plans are submitted and approved by the Commission. Based on the timeline (see [Appendix A – CMS Timeline](#)), CPED suggests the GHG Plan approval could occur before the Program Administrator’s contract is completed, but the contracting agent shall be in place and have already established the accounts for collecting the Drivers Assistance Program funding.

Given the novelty of CMS implementation, CPED recommends CMS Regulated Entities report quarterly on the amount collected through this fee. To provide flexibility, a CMS Regulated Entity may raise its fee revenue should the entity find the fee is not sufficient to meet its target annual funding amount. Requirements to change a proposed fee are described in the [Deviations from GHG Emissions Reduction Plans](#) section of the Proposal.

7.2.1 Attribution and Allocation

CMS Regulated Entities will contribute their Drivers Assistance Program fees to the contracting agent’s account at least monthly upon commencement of fee collection. The contracting agent will track each CMS Regulated Entities’ contribution to the account separately, which will be reported to the Commission quarterly.

When the Program Administrator submits invoices to the contracting agent, the Program Administrator shall specify the amount to be paid by each CMS Regulated Entity from the collected funds. The Program Administrator can split administrative costs among the CMS Regulated Entities, but CMS incentives should be attributed to the CMS Regulated Entity as accurately as possible.

7.2.2 Program Administrative Costs

When considering the appropriate portion of funding that should be allocated for program administration, CPED reviewed other CPUC programs’ allocations and the activities that could fall under program

⁵⁸ As noted in the Workshop Summary Report: Clean Miles Standard, Union of Concerned Scientists estimated that a \$0.43/trip or \$0.04/mile fee would be sufficient to cover the cost of transition.
<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M469/K615/469615220.PDF>

administration to ensure that funding is allocated to these activities from the start. CPED recommends program administration elements include:

- Contracting agent's costs are not to exceed \$100,000 per year. No other CMS Regulated Entities' costs will be covered by the Drivers Assistance Program funding. CMS Regulated Entities that propose additional program actions outside of the Drivers Assistance Program shall fund those programs themselves.
- Program Administrator's administrative activities including developing the Implementation Plan and Handbook, administering the incentive program (not the incentives themselves), data collection, surveying, data reporting, participating in program working groups and workshops, and reviewing CMS Regulated Entities deliverables. This does not include marketing, education, and outreach efforts as part of the Drivers Assistance Program. The Program Administrator's fees are not to exceed \$8 million per year. The annual budget is consistent with other programs at the CPUC including Transportation Electrification, SOMAH, Building Decarbonization, the Self-Generation Incentive Program, and the Clean Vehicle Rebate Program (at CARB) but adjusted based on Staff understanding of the complexity of the program implementation.
- Programmatic Evaluation Contractor costs are not to exceed \$500,000 per evaluation, or \$1 million for two evaluations. The budget is set based on consideration from other programs at the CPUC including SOMAH and Building Decarbonization programs but adjusted based on Staff understanding of the complexity of the program implementation. See the [Programmatic Evaluation](#) section.
- Financial Auditor costs are not to exceed \$500,000 per audit, or \$1 million for two audits. The budget is set based on consideration from other programs at the CPUC including SOMAH and Building Decarbonization programs but adjusted based on Staff understanding of the complexity of the program implementation. See the [Financial Audit of CMS Regulated Entities](#) section.
- CPED recommends the CMS Regulated Entities should account for starting up the Drivers Assistance Program funding in the early years, 2023 and 2024, ahead of the launch with the aim to collectively contribute at least \$11 million per year to cover Program Administrator costs (\$8 million per year), contracting agent costs (\$100,000 per year), Evaluation Contractor and Financial Auditor (\$1 million per year), and early incentives (\$1.9 million per year). Later year fee proposals should account for the program administrative costs and funding for the Drivers Assistance Program but may not include the Evaluation Contractor and Financial Auditor costs if they are already fully funded.
- The program administrative costs should be shared among the CMS Regulated Entities.

7.2.3 Collection and Distribution of Funds

CPED recommends that CMS Regulated Entities submit their collected fees to the contracting agent's Drivers Assistance Program account at least once per month.

The contracting agent will manage invoicing and payment of the Program Administrator with oversight from CPED Staff and according to the contract terms between the contracting agent and the Program Administrator. Left over program administrative funds from one year cannot be rolled over into the next

year and used for program administrative tasks, unless approved by CPUC Staff via Tier 2 Advice Letter. Exception shall be given to the funds for the Evaluation Contractor and Financial Auditor, for which funds should build over time and then be spent when work is completed. Leftover funds after completion of all Evaluation Contractor and Financial Auditor work, can be proposed to be used for other Drivers Assistance Program needs to be submitted by the Program Administrator via a Tier 2 Advice Letter.

7.3 Drivers Assistance Program Roles and Responsibilities

Although the Drivers Assistance Program will be managed by the Program Administrator, CPED Staff, the Commission, the contracting agent, and the CMS Regulated Entities will have a role in its implementation. Learning from other programs with third-party administrators, like SOMAH and CARB's Clean Vehicle Rebate Program, CPED recommends the roles and responsibilities be specifically outlined for each entity to support budgeting activities and to make clearer who is involved in the different program aspects. CPED Staff's proposal for the roles and responsibilities should match the skillset and strengths of each entity, as described in Table 1 below.

Table 1 - Drivers Assistance Program Proposed Roles and Responsibilities

	Drivers Assistance Program: Roles and Responsibilities
CPUC	<p>Commission through actions in CMS proceeding</p> <ul style="list-style-type: none"> -Describe the roles and responsibilities of the Program Administrator and CMS Regulated Entities in a decision -Set Program Administrator Selection Criteria in a decision -Commission resolution on Implementation Plan and Handbook after Tier 3 Advice Letter submittal <p>Staff</p> <ul style="list-style-type: none"> - In coordination with CMS Regulated Entities, select Program Administrator through CMS Regulated Entity RFP process. -Review contracting agent Advice Letters. -Review Program Administrator's Implementation Plan and Handbook and advise on resolution on Implementation Plan and Handbook -Organize and maintain a Driver Working Group with participant compensation -Review all Drivers Assistance Program related plans, data reports, invoices, and any other materials that require Staff oversight

	<ul style="list-style-type: none"> -Prepare the Annual Low- and Moderate-Income Driver Impact Report informed in part by the Drivers Assistance Program.
CMS Regulated Entities	<ul style="list-style-type: none"> -Prepare and submit annual GHG Plan that establishes and collects per trip/mile regulatory fee to fund the Program Administrator and Driver Assistance Program -Provide data as required by the Commission and Program Administrator -Help to disseminate Drivers Assistance Program information to drivers, including but not limited to surveys and benefits coming from the Drivers Assistance Program -Support Drivers Assistance Program eligibility verification -Support programmatic evaluation and auditing efforts -Create partnerships with public and other private entities to support programs -Advise the Program Administrator and CPUC Staff on the Drivers Assistance Program Implementation Plan and Handbook -Attend regular monthly or quarterly coordination meetings with other CMS Regulated Entities and Program Administrator -Attend and present GHG Plans at CPED-organized Workshops -Support preparation of the Annual Low- and Moderate-Income Driver Impact Report informed in part by the Drivers Assistance Program
Contracting Agent (also a CMS Regulated Entity)	<ul style="list-style-type: none"> -Conduct RFP for Program Administrator based on Program Administrator requirements set by Commission -File a Tier 1 Advice Letter with CPED upon establishing a balancing account to track costs with performing the functions required of the contracting agent. -File Tier 2 Advice Letter requesting formal approval of the Program Administrator contract. -Manage Program Administrator invoicing and payment -Report quarterly to the CPUC on the balance of the Drivers Assistance Program funds account tracked by CMS Regulated Entity and overall -Support preparation of the Annual Low- and Moderate-Income Driver Impact Report informed in part by the Drivers Assistance Program -Conduct RFP for Evaluation Contractor and Financial Auditor based on requirements set by Commission.

Program Administrator	<ul style="list-style-type: none"> -Prepare Tier 3 Advice Letter on proposed Drivers Assistance Program Implementation Plan and Handbook -Update Implementation Plan and Handbook to be responsive to the Annual Low- and Moderate-Income Driver Impact Report. -Hold one or more workshops with interested stakeholders to receive input on the Implementation Plan and Handbook -Design and implement the incentive program component of the Drivers Assistance Program -Develop and implement strategies to protect against free ridership -Develop and implement a program component to compensate drivers for providing guidance and feedback on CMS implementation including as part of the Driver Working Group -Handle inbound inquiries from drivers -Disburse funds as appropriate and track amounts for each CMS Regulated Entity -Establish and implement an objective dispute resolution process if eligibility determinations are disputed -Conduct driver marketing, education, and outreach (website and other services) including working with community-based organizations or other entities who work closely with drivers -Help drivers assess the financial benefits and risks of purchasing/leasing and operating a ZEV -Protect drivers by providing feedback to the Commission on CMS Regulated Entities' Partnerships or other programs funded through the fund (such as a vehicle leasing program or charging company partnership to provide access for drivers) to ensure that programs are reasonable and ensure minimal negative impact to low- and moderate-income drivers. -Collect data and report on funding dissemination, drivers, and education and outreach -Conduct regular monthly or quarterly coordination meetings with CMS Regulated Entities -Support programmatic evaluation and auditing efforts -Support preparation of the Annual Low- and Moderate-Income Driver Impact Report informed in part by the Drivers Assistance Program
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7.4 Drivers Assistance Program Implementation Plan and Handbook

To enable oversight and support of the Drivers Assistance Program, CPED recommends the Program Administrator file a proposed Implementation Plan and Handbook within 90 days of being selected via a Tier 3 Advice Letter for Commission consideration, subject to approval in a formal resolution. The Implementation Plan and Handbook will follow guidance established in the first Phase 1 decision, for which CPED makes recommendations below.

CPED recommends the Program Administrator hold one or more workshops with interested stakeholders to receive input on appropriate methods for implementing the Drivers Assistance Program and to inform the Implementation Plan and Handbook pursuant to the policy guidance provided here.

The Implementation Plan shall cover the Drivers Assistance Program implementation details such as proposed program activities, timeline, budget, and reporting. The Handbook should cover the ongoing rules for operating the Drivers Assistance Program that can be used as a reference for drivers or other stakeholders. The Implementation Plan and Handbook shall be filed within 90 days of the Program Administrator selection via a Tier 3 Advice Letter. The Program Administrator should be able to leverage its RFP response to inform the Implementation Plan and Handbook.

7.4.1 Implementation Plan

CPED recommends the Commission require that the Implementation Plan be updated as the required Implementation Plan elements are adjusted, and the Program Administrator shall file the proposed changes through a Tier 2 Advice Letter. Proposed changes or updates shall occur at least annually and shall be responsive to approved GHG Plans and the Annual Report described in the [Annual Low- and Moderate-Income Driver Impact Report](#) section.

CPED recommends the Implementation Plan include:

- **Incentive Program Design and Timeline.**
 - « Incentives to support all types of vehicle programs (e.g., ZEV purchase, lease, or rental) following the requirements and guidelines in the [Ensuring Minimal Negative Impact](#) section. Will provide an update on the low- and moderate-income limits annually and propose incentive amounts through a Tier 2 advice letter at least annually.
 - « Incentives to support all changes to the driver experience associated with ZEV charging (e.g., declining trips, maintenance, charging costs, and charging time) following the requirements and guidelines in the [Ensuring Minimal Negative Impact](#) section.
 - « Compensation amount and delivery method for drivers for participating in focus/working groups, survey participation, and workshops.
 - « Proposed method for delivering incentives to drivers by most effectively minimizing barriers to accessing the incentives for low- and moderate-income drivers.

« Proposed timeline for initiating the incentive program.

- **Incentive Application Process.**

« Describe proposed requirements for incentive eligibility and the process for reviewing eligibility (while ensuring unnecessary barriers are not created). Specifically consider the following items:

- Financial support should be reserved for low- and moderate-income drivers.
- Challenges identified by drivers in accessing incentives due to overly restrictive requirements.⁵⁹ CPED recommends considering Rideshare Drivers United’s proposal for the following non-income related qualifications for potentially receiving funding for a ZEV transition (modified to be more generic): 1) Prioritize drivers who spend the most time driving for the platform; and 2) Set a minimum threshold amount of time that a driver must have driven for the platform in order for the driver to be eligible to receive a subsidy.
- Describe the documents required to prove eligibility and the process through which eligibility is confirmed. Include a description of the full process with estimated time for approval.
- Propose additional methods for proving eligibility through participation in other similar income-based programs (e.g., CalFresh and the Clean Vehicle Rebate Program).⁶⁰

- **Staff Training.** A staff training program for implementation (e.g., eligibility review, handling inquiries from the public, handling sensitive or personally identifiable information).
- **Supportive Services and Resources for Drivers.** A description of the services to support access to the Drivers Assistance Program and other program incentives available to all drivers. Services shall include support personnel and online (and physical) resources to provide information and assistance for accessing the Drivers Assistance Program incentives and other relevant incentive programs.
- **Drivers Assistance Program Website.** A plan to create a Drivers Assistance Program website, including maintenance timeline and cost estimates.
- **Minimal Negative Impact.** Specific methods for ensuring minimal negative impact to low- and moderate-income drivers, such as prioritization of access to the Drivers Assistance Program, incentive program design, and providing resources and support in multiple languages. Following the guidelines provided in the [Ensuring Minimal Negative Impact](#) section.
- **Stakeholder Engagement.** Description of how Program Administrator will actively engage with stakeholders (drivers in particular) and community-based organizations whether through regular workshops or an ongoing working group to inform their Implementation Plan and Handbook. Include

⁵⁹ See CMS Workshop Material for the workshop held on March 8, 2022: <https://www.cpuc.ca.gov/regulatory-services/licensing/transportation-licensing-and-analysis-branch/clean-miles-standard>. See also the Workshop Summary Report: Clean Miles Standard: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M469/K615/469615220.PDF>.

⁶⁰ See example of Peninsula Clean Energy’s Used Vehicle Rebate Program income qualification method. <https://www.peninsulacleanenergy.com/used-ev-rebate-income-qualified-residents/>

marketing, education, and outreach plans. Consideration shall be given for compensating drivers for their participation in engagement activities.

- **Coordination with CMS Regulated Entities.** Details on Program Administrator coordination with CMS Regulated Entities on the Drivers Assistance Program implementation (monthly or quarterly meetings) and with invoicing and payment with the contracting agent.
- **Budget.** A Drivers Assistance Program budget that includes line items for incentives, administrative activities, and marketing, education, and outreach. Program Administrator will track the contributions and spending for each CMS Regulated Entity. Following the guidelines in the [Drivers Assistance Program Funding](#) section.
- **Timeline.** A timeline for the implementation of the proposed Drivers Assistance Program incentives, services, workshops, coordination calls, marketing, education, and outreach.
- **Data Collection and Reporting.** A description of the data collection and reporting requirements to be submitted to CPED, including a description of the Program Administrator's data security and privacy policies.

7.4.2 Handbook

CPED recommends the Commission consider requiring at the minimum the following Handbook elements that cover the ongoing rules for operating the Drivers Assistance Program that can be used as a reference for drivers or other stakeholders. The Program Administrator shall update the Handbook as the elements change and shall be filed through a Tier 2 Advice Letter. Handbook changes or updates shall occur at least annually to reflect proposed changes that are responsive to the approved GHG Plans and the Annual Report described in the [Annual Low- and Moderate-Income Driver Impact Report](#) section.

- Incentive guidelines
- Additional Drivers Assistance Program supportive services and resources (e.g., website, other non-CMS incentive support, etc.)
- Reporting requirements and formats for the Program Administrator
- Guidelines for coordination with CMS Regulated Entities and Staff
- Current thresholds for meeting the low- and moderate-income driver income-eligibility requirements for CMS incentives

7.5 Programmatic Evaluation

CPED recommends procuring an Evaluation Contractor through the contracting agent to assess the performance of the Program Administrator, Drivers Assistance Program, and the CMS Regulated Entities' activities outside of the Drivers Assistance Program in meeting the CMS Program goals. CPED recommends costs for the Evaluation Contractor are not to exceed \$500,000

per evaluation, or \$1 million for two evaluations with funding to be collected in the first two years of the fee collection for the Drivers Assistance Program. The budget is set based on consideration from other programs at the CPUC including SOMAH and Building Decarbonization programs but adjusted based on Staff understanding of the complexity of the program implementation. Based on reviews of other programs with program administrators, the Drivers Assistance Program, Program Administrator, and CMS Regulated Entities shall be reviewed by an Evaluation Contractor at least twice through the life of the Drivers Assistance Program with the first evaluation within the first 24 months of the creation of Drivers Assistance Program and then once more no later than three years after the first evaluation. This timing is consistent with similar programs and accounts for the resource intensity of programmatic reviews.

To ensure the Drivers Assistance Program is underway before the first evaluation, the Evaluation Contractor selection process should begin at least one year after the launch of the Drivers Assistance Program, or by the end of December 2025, which may be measured from the time the Program Administrator's Implementation Plan and Handbook are disposed of by Commission resolution. Like the process for contracting for program administration, CPED recommends the contracting agent conduct an RFP process and select an Evaluation Contractor under contract within six months of starting the RFP process. The Evaluation Contractor shall have experience evaluating assistance programs based on direction from the Commission. CPED Staff will select the Evaluation Contractor in accordance with evaluation criteria set by the Commission in a decision and will approve key deliverables including the scope of work, the evaluation plan, the reporting metrics, and the evaluation report.

The cost of hiring an evaluation contractor will be covered by the CMS Regulated Entities, and the cost of the Evaluation Contractor's work will fall under program administration funded through the CMS Regulated Entities' contribution to the Drivers Assistance Program.

The guidelines and metrics for the evaluation should be addressed in Phase 2 of the CMS proceeding, as the details are not critical to the initial implementation of the Drivers Assistance Program. As a start, CPED recommends the following questions as part of the evaluation review.

- How much did program administration cost as a percentage of the overall Drivers Assistance Program funding and how did this compare to the proposed fee and fund provided in the CMS Regulate Entities' GHG Plans? How did this compare to the allowable administrative expenses?
- How many low-to-moderate income drivers received financial support? How many of those drivers drove, on average, at least 40 hours per week? How does this compare to the CMS Regulated Entities' proposals?
- What was the total amount of financial support? What was the average per driver financial support amount for low- and moderate-income drivers?
- How many drivers utilized non-CMS incentive programs, such as CARB's CVRP program, electric utilities' home charging infrastructure incentives, Drivers Assistance Program services, and education and outreach materials or events?
- How long did drivers have to wait between applying for and receiving financial support?

- What outreach was conducted? In what languages and through what channels? How many drivers were contacted?
- How many drivers began the process to apply for incentive funds but, for whatever reason, did not complete the application? What are the reasons for drivers not completing the application?
- Of the non-Drivers Assistance Program proposed programs, which did the CMS Regulated Entities stand-up, and did they meet the goals proposed in their GHG Plans?
- Are the Drivers Assistance Program funds being spent as proposed in the Program Administrators Implementation Plan?
- How many low- and moderate-income drivers received notice of deactivation or de-prioritization for not driving a ZEV? Did the CMS Regulated Entities follow the guidelines for giving notice? How many low- and moderate-income drivers were deactivated or de-prioritized for not driving a ZEV? How does that number compare to the limit proposed by CMS Regulated Entities?
- Can the data provided by the Program Administrator and CMS Regulated Entities be validated for consistency and accuracy?

CPED recommends that the guidelines for the Evaluation Contractor include an evaluation scoring rubric (or other methods for systematically evaluating) so that CPED can make an informed decision on the Program Administrator's performance. The rubric shall include outcomes that could result in the recommendation from Staff that the Program Administrator's contract is not renewed. Should the Drivers Assistance Program require a new Program Administrator, the same competitive process shall be undertaken.

7.6 Financial Audit of CMS Regulated Entities

CPED recommends independent financial audits of the CMS Regulated Entities throughout CMS implementation to ensure the protection of drivers' pay and proper use of funds collected through the CMS regulatory fee. CPED recommends costs for the Financial Auditor are not to exceed \$500,000 per audit, or \$1 million for two audits with funding to be collected in the first two years of the fee collection for the Drivers Assistance Program. Although the CMS Regulated Entities will report their fee contributions towards the Drivers Assistance Program every quarter, the CMS Regulated Entities shall undergo an independent financial audit to review and verify the Drivers Assistance Program funding sources and spending are as proposed in GHG Plans and are not negatively impacting drivers, in particular low- and moderate-income drivers.

The Financial Auditor selection process should begin at least one year after the launch of the Drivers Assistance Program, or by the end of December 2025, which may be measured from the time the Program Administrator's Implementation Plan and Handbook are disposed of by Commission resolution. Like the Program Administration, CPED recommends CMS Regulated Entities conduct an RFP process and select a Financial Auditor under contract within six months of starting the RFP process. The timing for the audits shall match the Evaluation Contractor's timing for review and include at least one audit within the first 24

months of the creation of the Drivers Assistance Program and then once more no later than three years after the first audit. CPED recommends the Commission leave open the possibility of additional or more frequent audits should the initial audits find issues that might require more frequent verification.

The guidelines and metrics for the audits should be addressed in Phase 2 of the CMS proceeding, as the details are not critical to the initial implementation of the Drivers Assistance Program. As a start, CPED recommends the auditor assess at least the following:

- Whether the approved CMS regulatory fee has been collected in accordance with the resolution of the applicable advice letter.
- Whether all funds levied through the CMS regulatory fee are applied as directed by the Commission decision.
- Whether driver pay was reduced to fund the CMS Program implementation.
- Whether the contracting agent has been properly allocating funds and providing payment to the Program Administrator according to established requirements.
- Whether Drivers Assistance Program funds are being inappropriately spent on non-CMS purposes, such as CMS Regulated Entities' lobbying or advocacy efforts.

7.7 Other Driver Resources

CPED recognizes that although the Drivers Assistance Program will be a primary source of funding to support the driver transition to ZEVs, there may be other programs drivers could be eligible for. As such, CPED recommends that the Drivers Assistance Program and Program Administrator also serve as a resource for drivers by providing information about financial options, and how to access other available incentives. As noted by panelists during the CMS Workshop, there are existing vehicle procurement incentives and charging infrastructure incentives that drivers could be eligible for in addition to the Drivers Assistance Program.

The Program Administrator should incorporate other relevant incentive opportunities into the Drivers Assistance Program services and coordinate with existing incentive programs, or any future incentive programs, available to drivers and others who could support their transition (e.g., apartment building managers) from other sources – CARB, CEC, or other entity. This effort should be developed to take advantage of existing resources and to ease access to information on these programs.

8 GHG Emissions Reduction Plans

8.1 GHG Emission Reduction Plan Framework

CPED refers to the [Regulatory Framework and Timeline](#) section of the Proposal for the GHG Plan framework and timing.

The Drivers Assistance Program is just one piece of the CMS Program implementation. CPED recommends the GHG Plans include the Drivers Assistance Program as a component of the CMS Regulated Entities' strategy for meeting CMS targets.

8.2 GHG Emissions Reduction Plan Elements

GHG Plans are specified as part of CMS per P.U. Code Section 5450. As written in statute, the GHG Plans are the mechanism through which CMS Regulated Entities propose "...how to meet the targets and goals for reducing emissions of greenhouse gases that would be established pursuant to the bill."⁶¹

CPED recommends the Commission specify the required elements of the GHG Plans, with a template to be provided by CPED Staff. GHG Plans should include the details for how CMS Regulated Entities will meet the annual targets and goals of CMS. The two targets established through CARB's Final Regulation Order are annual targets set from 2023 to 2030 for GHG reduction (in grams CO₂/passenger mile traveled) and eVMT (in percentage). CPED recommends the goals addressed in the GHG Plans include how the CMS Regulated Entities will (from P.U. Code Section 5450):

- “(1) Ensure minimal negative impact on low-income and moderate-income drivers.^[62]
- (2) Ensure that the program complements and supports the sustainable land-use objectives contained in Section 65080 of the Government Code.^[63]
- (3) Support the goals of clean mobility for low- and moderate-income individuals.^[64]
- (4) Advance the goals of the California Clean Miles Standard and Incentive Program in reviewing utility transportation electrification applications filed pursuant to subdivision (b) of Section 740.12 and encourage collaboration between electric vehicle charging companies, investor-owned utilities, fleet owners that provide vehicles by contract to participating drivers for use on transportation network company platforms, entities contracting with participating drivers to provide zero-emission vehicles for use on transportation network company platforms, and transportation network companies on

⁶¹ P.U. Code 5450: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PUC§ionNum=5450.

⁶² See [Types of Negative Impact and Policies for Minimization](#) and [Ensuring Minimal Negative Impact](#) sections of the proposal.

⁶³ To be covered in Phase 2 of CMS scoping issues.

⁶⁴ See [Clean Mobility](#) section of the proposal.

investments that would support the California Clean Miles Standard and Incentive Program, consistent with subdivision (b) of Section 740.12 and Executive Order B-48-18.”^{65]}

Given the requirement for GHG Plans to cover quantitative targets and qualitative goals, CPED recommends the Commission structure the GHG Plan into qualitative and quantitative elements similar to the Integrated Resource Planning (IRP) program.⁶⁶ CPED Staff will provide templates for the qualitative and quantitative elements.

GHG Plans should describe the CMS Regulated Entities’ GHG Plans to meet the annual targets for each target year remaining. For example, if the initial GHG Plan is submitted in 2023, then the GHG Plan should include the required qualitative and quantitative elements for each year from 2023 through 2030. The GHG Plan would be updated approximately every two years thereafter, refining the GHG Plan in future years. CMS Regulated Entities will be held accountable to the proposals in their most recently approved GHG Plan.

CPED recommends the first GHG Plan be considered a Partial GHG Plan as it will only cover Phase 1 issues. Within 90 days of a Commission decision on Phase 2 issues, CMS Regulated Entities shall submit a Tier 3 Advice Letter with an updated GHG Plan covering Phase 2 issues. To avoid duplicative submissions and review, should the decision on Phase 2 issues be filed between the beginning of April and end of December before a new GHG Plan is due, the CMS Regulated Entities may wait to submit a full GHG Plan as part of the regular submission cycle.

8.2.1 Qualitative Elements – Narrative Plan

CPED recommends the qualitative elements be referred to as the “Narrative Plan” portion of the GHG Plan. During the CMS Workshop breakout groups, attendees suggested GHG Plans should be flexible and not too prescriptive, especially in the early years. CPED agrees that CMS Regulated Entities should have the ability to propose different strategies, and the Commission should not specify each action they must propose, with the exception of the required creation of the Drivers Assistance Program. Rather, the GHG Plans are where the CMS Regulated Entities can propose the solutions they think will work best and provide justification for their proposal. Therefore, CPED recommends the following template for the Narrative Plan. Note the issues that will be covered in Phase 2 and therefore are not required as part of the Partial GHG Plan for Phase 1 issues.

- **Executive Summary.** Provide an overview of the GHG Plan.
- **Study/Plan Design for Achieving Targets.** Describe how the GHG Plan was developed and establish the GHG emissions and eVMT targets to be met for each target year.

⁶⁵ See [Coordination with Transportation Electrification Efforts](#) section of the proposal.

⁶⁶ See CMS Workshop Material for the workshop held on March 8, 2022: <https://www.cpuc.ca.gov/regulatory-services/licensing/transportation-licensing-and-analysis-branch/clean-miles-standard>, <https://www.cpuc.ca.gov/irp/>. IRP submission requirements include a Narrative Template (qualitative), Resource Data Template (quantitative), and Clean System Power Calculator (quantitative).

- **Analysis Results.** Describe the results of any analysis conducted to inform the GHG Plan, particularly related to how the CMS Regulated Entities' planned actions will result in meeting the CARB targets. This section connects to the Supplemental Calculations and should cover each target year separately from the plan submission year through 2030.
- **Action Plan.** Describe the actions being proposed to meet the targets while ensuring minimal negative impact on low- and moderate-income drivers. CMS Regulated Entities must address their GHG Plans to meet the targets and the goals of CMS. The Action Plan should cover each target year separately from the GHG Plan submission year through 2030.

« Drivers Assistance Program

- CMS Regulated Entities should propose (i) a target annual funding amount for all the Drivers Assistance Fund activities in its GHG Plan for the time period covered by the GHG Plan, and (ii) a mechanism to collect that funding (e.g., a per-trip, per-mile, or other regulatory fees, the funding source of which is in no way borne by drivers). See the [Drivers Assistance Program Funding](#) section.
 - Include an estimate to cover the contracting agents costs for acting in this role
 - Justify the amount of funding proposed
 - Describe how the CMS Regulated Entity recommends the money should be spent by the Drivers Assistance Program, including an estimate or indication of how much each action contributes to the targets. This is a recommendation using the CMS Regulated Entities' expertise, but the Drivers Assistance Program will ultimately be carried out by the Program Administrator with direction from the Commission.
- « Description of CMS Regulated Entity actions that will enable them to meet the targets, including an estimate or indication of how much each action contributes to the targets. These are actions that complement and support the Drivers Assistance Program but will be carried out by the CMS Regulated Entities directly. CPED recommends that CMS Regulated Entities should include details on how the Driver Assistance Program funds can be used in the details of the Drivers Assistance Program in their GHG Plans.
- Examples: Education & outreach, changes to algorithms, partnerships not otherwise run by the Drivers Assistance Program, etc.
- « Describe how the CMS Regulated Entity will minimize the negative impact on drivers for each type of negative impact (see [Low- and Moderate-Income Drivers](#) and [Ensuring Minimal Negative Impact](#)), including their proposed cap for the percentage of low- and moderate-income drivers who are deactivated or de-prioritized.
- « Describe how the CMS Regulated Entity will advance the goals of clean mobility (see [Clean Mobility](#).)
- « Describe how the CMS Regulated Entity's GHG Plan aligns with CPUC Environmental and Social Justice goals (see [Environmental and Social Justice](#).) CMS Regulated Entities should describe how their proposed GHG Plan will impact the ESJ communities - i.e., low- and moderate-income drivers

and low- and moderate-income communities - and their contribution to improving access to charging infrastructure.

- « Describe how the CMS Regulated Entity’s GHG Plans complement and supports sustainable land-use objectives contained in Section 65080 of the Government Code (to be addressed in Phase 2 of the CMS proceeding – not required for Partial GHG Plan submission).
- « Describe any proposed actions that might generate optional credits and if they propose to use them to meet the targets (to be addressed in Phase 2 of the CMS proceeding – not required for Partial GHG Plan submission).
- **Anticipated Barriers and Minimization Proposals.** Describe any anticipated barriers to transitioning drivers to ZEVs and the ways in which they will be minimized in the proposed actions.
- **Data.** See quantitative elements below. Include description of submitted data.
- **Lessons Learned.** Document any suggested changes to the process for consideration by the Commission. Explain how the change would facilitate the ability of the Commission and companies to achieve state policy goals. Provide assessments on the effectiveness of previous GHG Plan actions.

8.2.2 Quantitative Elements – Supplemental Calculations

CPED recommends the quantitative elements be referred to as the “Supplemental Calculations” portion of the GHG Plan. CPED recommends the Supplemental Calculations support the CMS Regulated Entities’ proposed actions in their Narrative Plans and provide enough data for Staff to verify the calculations. Because CPED recommends keeping some flexibility in the CMS Regulated Entities’ Narrative Plan proposals, the Supplemental Calculations may also require some flexibility to allow CMS Regulated Entities to sufficiently justify their proposals. CPED recommends Staff provide data templates to keep a consistent approach to data submission and review and recognize the need for an iterative process to develop the templates to start. The Supplemental Calculations should cover each target year separately from the GHG Plan submission year through 2030.

The following sections described CPED’s recommended Supplemental Calculations data submission.

8.2.2.1 ANNUAL TARGETS COMPLIANCE DATA FIELDS

To maintain consistent data collection, CPED recommends utilizing some of the Annual Compliance Report data fields, in CARB’s Final Regulation Order,⁶⁷ as part of the Supplemental Calculations as described in Table 2 and the [Data Reporting](#) section of the Proposal. CPED expects these fields are part of the main assumptions that CMS Regulated Entities will make to justify how their proposed actions will lead to their meeting the CMS annual targets and goals.

Given that all GHG Plans will cover the full CMS Program, but targets are assessed annually, CPED recommends all data fields be separated into single year calculations. For the GHG Plan, Table 2 outlines

⁶⁷ CARB’s Final Regulation Order: <https://ww2.arb.ca.gov/rulemaking/2021/cleanmilesstandard>

the required Supplemental Calculations, which are described as “estimates.” For the same fields, for quarterly/annual compliance data reporting, the data should be based on real activities, not estimates.

Table 2 - Proposed Data Fields for Supplemental Calculations

Data Field	Description
Total fleetwide vehicle population	The fleet includes any vehicle that provides a trip as part of the CMS Regulated Entities’ services in a given calendar year. Provide an estimate of the total number of vehicles.
Total fleetwide GHG (grams CO₂)	Based on the fleet vehicle population, provide an estimate of the fleetwide GHG using Table 2 and Table 3 in CARB’s Final Regulation Order.
Total fleetwide vehicle miles travelled (VMT)	Provide VMT estimate separated into Period 1, Period 2, and Period 3 miles. ⁶⁸
Average compliance occupancy	Provide an estimate/assumption of occupancy used in calculations to assess meeting the GHG targets.
Total compliance of GHG target (grams of CO₂/PMT)	Provide the calculation for the compliance target using the estimates and assumptions for vehicle type, miles, and occupancy. In grams of CO ₂ per passenger mile traveled.
Number of battery electric vehicles (BEVs) and fuel cell electric vehicles (FCEVs) in fleet population	The fleet shall include any vehicle that provides a trip as part of the CMS Regulated Entities’ services in a given calendar year. Provide an estimate of the total number of BEVs and FCEVs assumed.
Number of Plug-in Hybrid Electric (PHEVs) in fleet population	The fleet shall include any vehicle that provides a trip as part of the CMS Regulated Entities’ services in a given calendar year. Provide an estimate of the total number of PHEVs assumed.
Number of Hybrid Electric Vehicles (HEVs) in fleet population	The fleet shall include any vehicle that provides a trip as part of the CMS Regulated Entities’ services in a given calendar year. Provide an estimate of the total number of HEVs assumed.
Total compliance % eVMT	Provide the calculation for the compliance target using the estimates and assumptions for vehicle type and miles.

⁶⁸ From [D.14-11-043](#), “TNC services are defined with three periods. Period 1 is: App open – waiting for a match. Period 2 is: Match accepted – but passenger not yet picked up (i.e., driver is on his/her way to pick up the passenger). Period 3 is: Passenger in the vehicle and until the passenger safely exits vehicle.”

Total trips in Wheelchair Accessible Vehicles (WAVs)	Provide number of estimated trips given in WAVs, as defined in Section 5431.5 (b) of the P.U. Code, to support WAV exemption and ESJ assessment.
Total trips	Provide number of estimated trips given in total to support WAV exemption and ESJ assessment.
Total VMT in WAVs (Period 1, Period 2, and Period 3)	Provide estimated VMT for trips given in WAVs to support WAV exemption and ESJ assessment.
CO₂ optional credits	If using optional credits, provide estimates for the type of credit and how it will be applied. Details to be addressed in Phase 2.

8.2.2.2 ADDITIONAL CALCULATIONS

Since CMS Regulated Entities will propose their own solutions for meeting the annual targets and goals, CPED recommends the data and analysis submitted should be flexible enough to accommodate different proposals. CPED recommends the Commission require CMS Regulated Entities to submit all additional calculations and analyses used to create and support their proposals so that Staff can re-create and verify the methodologies.

CPED also recommends the following addition to the Annual Compliance data fields:

- **Driver Impact.** Provide an estimate for the number of drivers who would transition to ZEVs per year given the proposed actions presented in the Narrative Plan. The estimate shall include the details and assumptions used for the driver transition estimate. If drivers are assumed to access an incentive through the Drivers Assistance Program, the details of the assumed incentive value must also be included with analysis of impact on low- and moderate-income drivers.

8.3 GHG Emissions Reduction Plan Workshops

CPED recommends that the Commission require CMS Regulated Entities to participate in CPUC Staff-hosted workshops to provide an opportunity for Staff and stakeholders to ask questions about the proposed GHG Plans each year a new GHG Plan is submitted. CPED recommends the workshop be scheduled shortly after the Tier 3 Advice Letter submittal of the GHG Plans to inform Staff's understanding and provide parties additional opportunity to comment.

8.4 GHG Emissions Reduction Plan Review

CPED recommends GHG Plans be filed via Tier 3 Advice Letters, which require disposition through a Commission Resolution. To support the Resolution, CPED recommends the Commission establish the procedure and requirements for GHG Plan review through a decision. CPED proposes the following approaches for the review.

8.4.1 Qualitative Elements/Narrative Plan Review

To review the Narrative Plan, CPED recommends the Commission and Staff develop an approach similar to the IRP program's scorecard system by establishing a template based on the two main questions below. The Commission should describe the review scorecard system in a decision, and Staff should develop and provide a template of the review scorecard system.

- **Completeness.** Is the Narrative Plan complete – is it responsive to all statutory and Commission requirements?
- **Feasibility.** Does the Narrative Plan provide feasible strategies for the purposes of meeting the targets and requirements of CMS? Each section of the Narrative Plan can be scored by whether it is “exemplary”, “sufficient”, or “deficient”.

8.4.2 Quantitative Elements/Supplemental Calculations Review

CPED recommends the Commission develop a similar approach for the quantitative elements using the two questions below. The Commission should describe the review scorecard system in a decision, and Staff should develop and provide a template of the review scorecard system.

- **Completeness.** Are the Supplemental Calculations complete – is it responsive to all statutory and Commission requirements?
- **Accuracy.** Do the estimates make mathematical sense? Are the estimates based on accurate assumptions that reflect the ZEV market and CMS Regulated Entities' business models? Do the estimates indicate that the GHG Plan will meet the targets and requirements of CMS? Each section of the Supplemental Calculations can be scored by whether it is “exemplary”, “sufficient”, or “deficient”.

8.4.3 Sufficiency Review

As typical for a Tier 3 Advice Letter process, Staff will review the GHG Plans against the requirements set by the Commission via a decision in the CMS proceeding and draft a resolution for Commission consideration. The proposed rubric for review is discussed above. Parties will have an opportunity to protest or comment on the Tier 3 Advice Letter. Additionally, CPED Staff will organize a workshop with the CMS Regulated Entities to answer questions about the proposed GHG Plans each time they are filed.

CPED recommends the Commission endeavor to dispose of the Tier 3 Advice Letter within 90 days of the protests' due date and reserve the ability to modify the timeline based on the scale of modifications required. Per GO-96 B, should Staff require additional information or clarification during the review of the Tier 3 Advice Letters, CMS Regulated Entities shall submit the required information through a supplemental letter. Should the Commission disposition of the Tier 3 Advice Letters via resolution require the CMS Regulated Entities to modify their GHG Plans, the new GHG Plans should be submitted via Tier 1 Advice Letter. Staff will review the Tier 1 Advice Letters to confirm they meet the modifications required in the initial resolution.

8.5 Deviations from GHG Emissions Reduction Plans

CPED recommends that the Commission allow CMS Regulated Entities who anticipate significant deviations from their approved GHG Plans within the GHG Plan period to file Advice Letters detailing the changes and justification to their GHG Plans. The tier of Advice Letter depends on the proposed deviation as described below. The justification shall include updated Supplemental Calculations. CPED recommends the Commission consider significant deviations to include but are not limited to the following list.

- **Tier 1 Advice Letter GHG Plan Deviations**
 - « Change to the total funding for the Drivers Assistance Program that would **increase** the proposed fee amount.
- **Tier 2 Advice Letter GHG Plan Deviations**
 - « Change to the total funding for the Drivers Assistance Program that would **decrease** the proposed fee amount.
- **Tier 3 Advice Letter GHG Plan Deviations**
 - « Changes to the Drivers Assistance Program that could negatively impact low- and moderate-income drivers.
 - « Shifts in planned investment between action items that materially affect their scale, scope, or effectiveness.
 - « Any other deviations not specified to qualify under a Tier 1 or Tier 2 Advice Letter.

8.6 GHG Emissions Reduction Plans Roles and Responsibilities

Although the GHG Plans will be prepared by the CMS Regulated Entities, CPED Staff, the Commission, and the Program Administrator will have a role in its guidelines, review, and/or implementation. To provide clarity, CPED recommends the Commission define roles and responsibilities as follows in Table 3 below.

Table 3 - GHG Emissions Reduction Plans Proposed Roles and Responsibilities

	GHG Emissions Reduction Plans: Roles and Responsibilities
CPUC	Commission through actions in CMS proceeding <ul style="list-style-type: none">-Provide requirements on the GHG Plan contents-Provide direction to Staff on the GHG Plan review process-Provide details on the GHG Plan schedule

	<p>-Commission resolution on GHG Plans after Tier 3 Advice Letter submittal or other submissions requiring Tier 3 Advice Letters (GHG Plan deviations)</p> <p>Staff</p> <p>-Review GHG Plans and GHG Plan proposed deviations and advise on resolution on GHG Plans</p> <p>-Provide Narrative Plan template</p> <p>-Provide Supplemental Calculations templates</p> <p>-Provide final review of resubmitted GHG Plans through Tier 1 Advice Letters</p> <p>-Organize joint workshop of all CMS Regulated Entities on submitted GHG Plans</p>
CMS Regulated Entities	<p>-Create GHG Plans according to Commission direction, approx. every two years</p> <p>-Includes Drivers Assistance Program Funding level and appropriate fee estimate</p> <p>-Resubmit modified plans when directed by Commission</p> <p>-Submit Advice Letters for proposed GHG Plan deviations</p> <p>-Distinguish between driver-focused initiatives funded through the Drivers Assistance Program and those managed by CMS Regulated Entities</p> <p>-Participate in and answer Staff and stakeholder questions at workshops on GHG Plans after submission</p>
Program Administrator	<p>-Consult with CPED Staff on GHG Plans as needed</p> <p>-Implement Drivers Assistance Program according to funding levels expected from the CMS Regulated Entity</p> <p>-Propose Drivers Assistance Program details based on other CMS Regulated Entity planned efforts – Program Administrator will have a set role and may oversee work conducted by the CMS Regulated Entities</p> <p>-Support CMS Regulated Entities with program information that may inform future GHG Plan development</p>

9 Compliance and Enforcement Approach

CPED recommends the Commission adopt the following compliance and enforcement approach to holding CMS Regulated Entities⁶⁹ accountable for achieving CARB targets while also upholding important and parallel goals of CMS, including ensuring minimal negative impact on drivers. This follows CPUC’s statutory direction to implement the targets adopted by CARB as described in the [CMS Annual Targets](#) section of this Proposal.

As described previously, the CMS statute in P.U. Code Section 5450 requires CPUC to “implement, annual targets and goals, beginning in 2023, for the reduction ... of emissions of greenhouse gases per passenger-mile driven...” Further, CARB’s CMS regulation does not specify enforcement actions and defers to the Commission authority, stating in the Final Regulation Order, “Nothing in this chapter is a limitation on the power of the California Public Utilities Commission . . . to adopt or enforce additional requirements related to the implementation of this chapter.” The Commission’s requirement to implement the CMS Program necessitates the ability to enforce the targets and goals. Without compliance and enforcement, the Commission risks developing a CMS Program with ineffective measures to ensure the requirements of the statute and the targets adopted by CARB and approved by OAL are met. While this Proposal does not present a specific enforcement program recommendation, it rests on the premise that one should be developed in Phase 2 of this proceeding.

Compliance. CPED Staff will verify that CMS Regulated Entities have met all requirements, including those in statute, Commission decisions, and relevant P.U. Codes. CPED Staff will communicate non-compliance directly to CMS Regulated Entities and will seek to resolve issues through these communications. However, Staff may at any time refer alleged violations to CPUC’s enforcement team for appropriate action. Examples of CPED Staff-led compliance activities include GHG Plan review against Commission established requirements to assist in preparing a resolution to dispose of CMS Regulated Entities’ Tier 3 Advice Letters, and quarterly and annual data reporting submission and review.

Enforcement. CPED recommends the Commission establish an enforcement program to ensure the successful implementation of the Clean Miles Standard, including specific thresholds and penalties. The Commission has broad regulatory authority, as set forth in Article XII of the California Constitution and P.U. Code Section 701 which authorizes the Commission to “supervise and regulate every public utility in the State . . . and do all things, whether specifically designated in [the Public Utilities Act] or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction.”⁷⁰ The enforcement program shall identify tools and methods for enforcing CMS requirements. Enforcement

⁶⁹ See [Defined Terms](#) in the proposal

⁷⁰ This authority has been directly extended to the TNC industry, which is a type of Charter-Party Carrier of Passengers, through P.U. Code section 5381.

actions may include anything contained in the Commission’s adopted Enforcement Policy, Resolution M-4846⁷¹ and will be determined through a Commission decision in Phase 2.

CPED recommends the Commission establish compliance approaches for the following types of issues.

- **Failure to meet annual GHG and eVMT CMS targets.** CMS Regulated Entities that surpass the initial allowable compliance threshold, with communication of non-compliance provided directly to CMS Regulated Entities, and an established enforcement threshold for CMS targets.
- **Not implementing their GHG Plan.** CMS Regulated Entities who have not adequately funded the Drivers Assistance Program or have failed to implement their proposed GHG Plans and have not communicated deviations from the GHG Plans with the Commission or have not adequately responded to Staff requests during compliance reviews may be subject to enforcement actions.
- **More than minimal negative impacts on low- and moderate-income drivers.** CMS Regulated Entities whose actions result in more than minimal negative impact on low- and moderate-income drivers as described in the [Ensuring Minimal Negative Impact](#) section of this Proposal. For example, but not limited to, not providing sufficient notice and opportunity to participate in the Drivers Assistance Program to low- and moderate-income drivers before deactivating or de-prioritizing them for not driving a ZEV, or funding the Drivers Assistance Program through reduced driver pay.
- **Improper use of funds.** CMS Regulated Entities or Program Administrators spending money from the Drivers Assistance Program on ineligible or unapproved activities.
- **Data reporting violations.** CMS Regulated Entities demonstrating data reporting non-compliance, particularly trends of non-compliance, which may include such things as failure to file data, failure to file data on time, filing inaccurate data, and failure to file according to other requirements set by the Commission (such as data definitions).

⁷¹ See Resolution M-4846: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/safety-and-enforcement-division/documents/m-4846.pdf>

10 Clean Mobility

10.1 Clean Mobility for Low- and Moderate-Income Individuals and Communities

Vehicle electrification is one of many solutions to reducing GHG emissions. Beyond CMS, meeting the “goals of clean mobility”^{72,73,74} is the responsibility of many stakeholders across multiple sectors. CPED’s recommendations for CMS are intended to build on and contribute to other efforts across the State to achieve the goal of clean mobility for all Californians.

Per P.U. Code Section 5450, the Commission must implement CMS in a way that “supports the goals of clean mobility for low- and moderate-income individuals.”⁷⁵ CPED recommends the following actions:

- **Defining the CMS goals** of supporting clean mobility for low- and moderate-income individuals to be 1) providing low- and moderate-income individuals (i.e., drivers) access to ZEVs through ZEV incentive programs, and 2) providing to low- and moderate-income communities access to rides in ZEVs from the CMS Regulated Entities.
- **Defining low- and moderate-income individuals** as low- and moderate-income drivers (see [Low- and Moderate-Income Drivers](#)) and **defining low- and moderate-income communities** using existing definitions for “low-income communities” from the Health and Safety Code Section 39713⁷⁶ and AB

⁷² See P.U. Code Sec. 5450(d)(3): The commission shall... Support the goals of clean mobility for low- and moderate-income individuals” https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PUC§ionNum=5450.

⁷³ SB 1014 Section 1(m): “help meet goals to increase access to clean mobility options for low- and moderate-income individuals, by increasing use of ride-hailing services that utilize zero-emission vehicles, promoting and encouraging shared rides, and helping to reduce congestion.” https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1014

⁷⁴ Ibid. SB 1014 Section 1(p): “In furtherance of state, regional, and local goals to align pollution and greenhouse gas emissions reduction from light-duty vehicles with sustainable land-use planning and to promote access to clean mobility for all, including low- and moderate-income individuals, the Legislature intends to support transportation decarbonization and the widespread deployment of zero-emission vehicles throughout the state, and particularly by transportation network companies, in a manner that promotes accessible, good quality jobs, sustainable land use, reduced congestion, and increased mobility for all Californians.”

⁷⁵ See P.U. Code Section 5450(d)(3): https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PUC§ionNum=5450.

⁷⁶ California Health and Safety Code Section 39713 defines “low-income households” and “low-income communities”. https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=39713.

1550 language,⁷⁷ which are consistent with existing definitions in the Transportation Electrification Framework⁷⁸ and as described in the Commission’s Environmental & Social Justice Action Plan.⁷⁹

- « **Low-income communities** are census tracts with median household incomes at or below 80% of the statewide median income as defined by California Department of Housing and Community Development’s State Income Limits adopted pursuant to Section 50093, as described in Health and Safety Code Section 39713 and AB 1550.
- « **Moderate-income communities** are census tracts with median household incomes between 80% and 120% of the statewide median income as defined by California Department of Housing and Community Development’s State Income Limits adopted pursuant to Section 50093, as described in Health and Safety Code Section 39713 and AB 1550 for low-income but applied to the moderate-income definition.
- **Tracking CMS Regulated Entities’ drivers’ transitions to ZEVs** supported through the Drivers Assistance Program as part of fulfilling the goals of clean mobility from a broader population perspective (i.e., there will be more ZEVs on the road overall.)
- **Continue to consider relevant transportation electrification efforts** undertaken by other agencies in the assessment of the clean mobility goals to contextualize the progress made toward clean mobility goals within California’s overall progress on ZEV transition.

CPED recommends the Commission collect data, through the compliance data reporting, to support analysis of the CMS Program’s progress toward meeting the goals of clean mobility. Data requirements are detailed in [Data Reporting](#). Staff will assess progress made towards the goals of clean mobility in a biennial [Unanticipated Barriers and Progress Report](#).

⁷⁷ [AB 1550](#): (1) “Low-income households” are those with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low-income by the Department of Housing and Community Development’s (HCD) State Income Limits adopted pursuant to Section 50093. (2) “Low-income communities” are census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low income by HCD’s State Income Limits adopted pursuant to Section 50093.

⁷⁸ In December 2018, CPUC launched an Order Instituting Rulemaking (OIR) to Continue the Development of Rates and Infrastructure for Vehicle Electrification (DRIVE). This OIR ([R.18-12-006](#)) refocused strategic planning related to transportation electrification. Energy Division staff issued a draft Transportation Electrification Framework (TEF) staff proposal in February 2020 that proposed a long-term strategic approach to transportation electrification utility planning and infrastructure to support our ambitious State targets.

⁷⁹ The CPUC ESJ Action Plan establishes a series of goals related to health and safety, consumer protection, program benefits, and enforcement in all the sectors the CPUC regulates. These goals include making sure members of ESJ communities participate in CPUC proceedings and decision-making and that investments in clean energy resources, transportation, and communication services benefit all communities. <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/news-office/key-issues/esj/esj-action-plan-v2jw.pdf>

10.2 Clean Mobility and Environmental and Social Justice

The Commission is committed to the principles and actions of the Environmental and Social Justice⁸⁰ Action Plan.⁸¹ For the purposes of CMS, CPED recommends the Commission consider impacts to TNC drivers from ESJ communities, using the recommended definition for low- and moderate-income drivers and communities in the Proposal. The Commission will continue to seek feedback from drivers in ESJ communities to assess CMS impacts on these communities as data become available throughout the life of the CMS Program through the Driver Working Group, Annual Driver Survey, Annual Report, Implementation Working Group, and other stakeholder engagement.

CPED recommends the Commission monitor progress on the goals of clean mobility as a way of also supporting CPUC Environmental and Social Justice Action Plan items # 2.5.5 (Improving Access to EV Charging for ESJ Communities) and # 3.1.2 (Implementation of Clean Miles Standard and Impact on Drivers from ESJ Communities). Data requirements to track progress on both issues can be combined to simplify the required data submission (see the [Data Reporting](#) section of the Proposal).

⁸⁰ “Environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. Because CPUC regulates utility services beyond those tied to the environment, the term “environmental and social justice” or “ESJ” has been adopted to capture a broader effort and potential population.

⁸¹ See Environmental and Social Justice Action Plan: <https://www.cpuc.ca.gov/ESJactionplan/>

11 Outreach and Engagement

11.1 Driver Engagement

Drivers are a key part of ensuring the CMS Regulated Entities successfully meet the CMS annual targets and goals. While drivers are a newer stakeholder group to the Commission, and can be more challenging to reach, their perspectives are critical to CMS Program implementation. It is the shared responsibility of the CMS Regulated Entities and the Program Administrator for the Drivers Assistance Program to implement effective driver outreach and engagement. CPED Staff will remain engaged with drivers as part of CMS and other implementations, like the proposed [Driver Working Group](#).

CPED recommends the following driver engagement as described in other sections of the Proposal, as noted:

- **Drivers Assistance Program.** The Program Administrator of the Drivers Assistance Program will interact directly with drivers to provide resources and incentives. The Program Administrator will also propose driver marketing, education, and outreach efforts in their Implementation Plan. See the [Drivers Assistance Program Roles and Responsibilities](#) and the [Drivers Assistance Program Implementation Plan and Handbook](#) section of the Proposal.
- **Driver Working Group & Annual Survey.** CPED Staff will create and manage a Driver Working Group and prepare an Annual Driver Survey as described in the [Low- and Moderate-Income Driver Engagement](#) section of the Proposal.
- **Annual Low- and Moderate-Income Driver Impact Report.** CPED Staff will prepare an Annual Report on low- and moderate-income driver impacts to be informed by the driver engagement activities, data reporting, and other resources as described in the [Annual Low- and Moderate-Income Driver Impact Report](#) section of the Proposal.
- **CMS Regulated Entities' Role.** CMS Regulated Entities have an active role in driver engagement by complying with Commission-set outreach and engagement requirements and in disseminating CMS Program information to drivers, including but not limited to surveys and opportunities coming from the Drivers Assistance Program. See the [Drivers Assistance Program Roles and Responsibilities](#) and the [GHG Emissions Reduction Plans](#) section of the Proposal.

11.2 Implementation Working Group

CPED recommends the Commission create an Implementation Working Group administered by CPED Staff. The Implementation Working Group would meet regularly to discuss issues that broadly impact the industry – both CMS Regulated Entities and Transportation Electrification. The Implementation Working Group members could include representatives from the following organization types: CMS Regulated Entities, drivers, non-governmental organizations/community-based organizations including transportation equity organizations, EV charging companies, vehicle manufacturers, other

government entities, and researchers. This approach was supported by TNCs and other parties who commented on the Post-Workshop Ruling.

Staff recommends the following:

- This Implementation Working Group would be a stand-alone group, different than the Driver Working Group proposed in the [Low- and Moderate-Income Driver Engagement](#) section of the Proposal.
- The Implementation Working Group should be established within six months of the first decision on Phase I issues.
- The Implementation Working Group should meet no less than every six months, plus ad hoc meetings to provide specific feedback on CMS Program implementation issues.
- Implementation Working Group discussion and action topics could include barriers to vehicle adoption, goals of clean mobility, ZEV infrastructure issues, and ESJ issues.
- The Implementation Working Group should include ESJ community-based organizations to support ESJ Action Item 5.3.2.
- The Implementation Working Group may include CPUC Energy Division Transportation Electrification Framework staff and a liaison from the third-party Program Administrator to observe the Implementation Working Group.
- Staff will incorporate feedback and findings from the Implementation Working Group into the [Annual Low- and Moderate-Income Driver Impact Report](#) and the [Unanticipated Barriers and Progress Report](#), as applicable.

11.3 Interpretation and Translation Services

Over the course of the Clean Miles Standard proceeding, CPED Staff have received requests for Spanish interpretation services from a driver labor group. Other feedback during the CMS Workshop indicated that there might be other prevalent languages spoken by drivers for which we should consider interpretation services. CPED agrees. CPED Staff will ensure interpretation and translation services are provided, as appropriate. In addition, CPED recommends the Commission require CMS Regulated Entities and the Program Administrator for the Drivers Assistance Program to ensure that appropriate interpretation and translation services are provided in communications with drivers and other engaged stakeholders during the implementation of CMS.

12 Data Reporting

12.1 Required Data

CPED recommends the Commission require CMS Regulated Entities to report data as described in Table 4 below, including specific data fields provided in [Appendix B – CMS Reporting Data Fields](#). Data reporting is essential to the Commission’s oversight, enforcement, and assessment role in the implementation of the CMS Program.

CPED recommends the Commission establish data reporting requirements for CMS Regulated Entities through its decisions that ensure clear data definitions and enable consistency across data reporters and time. CPED further recommends that Staff provide a data dictionary and templates ahead of Commission-established data submission deadlines.

Table 4 - Required Data Descriptions

Data	Responsible Entity/Description	Timing
Supplemental Calculations	<p>-CMS Regulated Entities will submit Quantitative Data Elements in their GHG Plans to demonstrate the validity of CMS Regulated Entities’ estimates for meeting the annual targets and goals as described in the GHG Emissions Reduction Plans section of the Proposal.</p> <p>-Program Administrator of the Drivers Assistance Program will submit data from previous year as described in the Low- and Moderate-Income Drivers section of the Proposal.</p>	<p>-Phase 1 decision</p> <p>-Submitted with the GHG Emissions Reduction Plans</p>

Data	Responsible Entity/Description	Timing
Annual & Quarterly Compliance Data	<p>-CPED recommends Compliance Data match the TNC Annual Reports “Requests Accepted”, “Requests Accepted Periods”, “Rides Requested and Not Accepted”, and “Suspended Drivers” data fields.⁸² CARB’s Final Regulation Order Attachment 1 required a portion of this data for the compliance reporting, but Staff suggests the full list of data fields should be required to provide details needed to ensure accurate accounting and to support data sharing and data analysis across multiple goals, including for ESJ, Clean Mobility, and exemption goals and evaluation.</p> <p>- CMS Regulated Entities will report the required compliance data annually for the previous year as established by CARB in the Final Regulation Order and as listed in Attachments 1 (plus all other data fields from “Requests Accepted”, “Requests Accepted Periods”, “Rides Requested and Not Accepted”, and “Suspended Drivers”, and Attachment 2 (Annually, March 1 starting 2024 per CARB regulation). During the first two years of the CMS Program, CMS Regulated Entities must submit quarterly, before the end of the following quarter, data sharing to ensure the data collected is adequate and to assess the CMS Regulated Entities’ progress toward meeting targets and goals by implementing their approved GHG Plans.</p>	<p>-Phase 1 decision</p> <p>-Submitted quarterly for the first two years only to ensure the data collected is adequate and to assess the CMS Regulated Entities’ early progress</p> <p>-Submitted annually throughout the whole CMS Program (including during the first two years)</p>

⁸² See CPUC Required Reports for Transportation Network Companies links to Data Dictionary Reference and Requests Accepted Template: <https://www.cpuc.ca.gov/regulatory-services/licensing/transportation-licensing-and-analysis-branch/transportation-network-companies/required-reports-for-transportation-network-companies>

Data	Responsible Entity/Description	Timing
Drivers Assistance Program	<p>-CPED recommends CMS Regulated Entities and Program Administrator provide data quarterly and annually to the Commission on the Drivers Assistance Program to demonstrate: 1) how the money in the fund is being collected and spent; 2) who is accessing the Drivers Assistance Program resources (education and outreach and funding).</p> <p>-The Commission will provide guidance on what should be included in the Drivers Assistance Program data reporting, with initial data recommendations provided in Appendix B – CMS Reporting Data Fields under Drivers Assistance Program and Funding, Driver Information, and Charging Data (if possible). The data reporting shall also include information to support the programmatic evaluation and be responsive to questions in the Programmatic Evaluation section of the Proposal.</p> <p>-Each CMS Regulated Entity will also report quarterly on the amount collected through the Drivers Assistance Program fee.</p>	<p>-Phase 1 decision</p> <p>-Submitted quarterly and annually</p>
Minimal Negative Impact on Low- and Moderate-Income Drivers	<p>-CMS Regulated Entities & the Program Administrator of the Drivers Assistance Program will submit data required to track negative impact on low- and moderate-income drivers as described in the Ensuring Minimal Negative Impact section and as outlined in the required data described in Appendix B – CMS Reporting Data Fields.</p> <p>-Each CMS Regulated Entity will also report quarterly on notices of deactivation or de-prioritization given and followed through on as described in the Ensuring Minimal Negative Impact section.</p>	-Phase 1 decision
Clean Mobility	<p>-CMS Regulated Entities & the Program Administrator of the Drivers Assistance Program will submit data required to track meeting the goals of clean mobility as described in the Clean Mobility section and as outlined in the required data described in Appendix B – CMS Reporting Data Fields.</p>	-Phase 1 decision

Data	Responsible Entity/Description	Timing
ESJ	<p>-CMS Regulated Entities & the Program Administrator of the Drivers Assistance Program will submit data required to track meeting ESJ goals as described in the Environmental and Social Justice section and as outlined in the required data described in Appendix B – CMS Reporting Data Fields.</p> <p>-CPED recommends annual reporting on the location of charging infrastructure installed and charging events (reported through partnership program or charging card incentive) provided through the Drivers Assistance Program funding, if applicable.</p>	-Phase 1 decision
Exemptions	-CMS Regulated Entities will submit data required to track exemptions as described in the Clean Mobility section and as outlined in the required data described in Appendix B – CMS Reporting Data Fields .	-Phase 1 decision
Evaluation and Audit	To be considered in a Phase 2 decision. Some data fields in the described in Appendix B – CMS Reporting Data Fields are marked as related to program evaluation and financial audit.	-TBD in Phase 2
Sustainable Land-Use	Per Scoping Memo, to be considered in a Phase 2 decision.	-TBD in Phase 2
Unanticipated Barriers	Per Scoping Memo, to be considered in a Phase 2 decision.	-TBD in Phase 2

12.2 Data Collection

CPED Staff intends to collect data using methods similar to the TNC and AV-related programs overseen by the Commission. Where specified, data requirements will be detailed in Commission decisions, while the data dictionaries and templates will be provided by Commission Staff. CMS Regulated Entities would submit data using Excel templates that resemble the format used for TNC Annual Data Reports.

In the future, CPED Staff intends to shift to an automated data submission and data verification process.

12.3 Data Verification

CPED recommends the Commission require CMS Regulated Entities to verify the accuracy and completeness of submitted data through an attestation in a manner consistent with existing data

collection methods for TNC Annual Reports, WAV Quarterly Reporting, and AV Quarterly Reporting and require CMS Regulated Entities to submit to data audits through the Programmatic Evaluation and Financial Audits.⁸³ This is similar to CARB’s Final Regulation Order which stated that any report submitted to CPUC or CARB should include the following attestation, “I certify under penalty of perjury under the laws of the State of California that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. I certify under penalty of perjury of the laws of the State of California that the statement of information submitted is true, accurate, and complete.”

CPED further recommends the Commission require CMS Regulated Entities to submit to data audits to confirm the validity of the submitted data that is distinct from the Programmatic Evaluation and Financial Audit of the CMS Regulated Entities described in other sections of this Proposal. CPED Staff recommends that the Commission develop guidance and metrics for this data audit in a later phase of the CMS proceeding.

12.4 Data Confidentiality

CPED recommends the Commission affirm the applicability of existing data confidentiality rules, consistent with D.20-03-014 and D.21-05-017, as set forth in General Order 66-D: all data submitted to the Commission not otherwise covered by existing privacy law is considered public by default; companies seeking confidential treatment of all, or part of its submittal must make a legal claim to its confidentiality.

12.5 External Data Sharing

External and public data sharing has come up in every proceeding related to CMS Regulated Entities, and based on our experience, CPED recommends the Commission consider data reported for CMS be considered public and shareable while employing an overarching data sharing principle of transparency while protecting potentially personally identifiable information. CPED recommends the Commission maintain confidentiality provisions and data sharing procedures with other government agencies and members of the public consistent with the TNC Annual Reports.

CPED recommends the Commission consider data submitted to CPUC for the CMS program be public and shareable unless it contains PII like names and addresses. Location data shall be made public according to the current data aggregation practices for TNC Annual Reports. Data may be shared through a public facing data portal similar to the TNC Data Portal.⁸⁴

⁸³ From [D.13-09-045](#), “Verification consists of provision of a signature of a corporate officer of the TNC verifying under penalty of perjury under the laws of the State of California that the report is accurate and contains no material omissions.”

⁸⁴ See the TNC Data Portal: <https://www.cpuc.ca.gov/regulatory-services/licensing/transportation-licensing-and-analysis-branch/transportation-network-companies/tnc-data-portal>

For CARB, given the interagency nature of CMS and CARB’s Final Regulation Order’s requirement for data sharing upon request,⁸⁵ CPUC Staff will coordinate ongoing data sharing through an established data sharing agreement to support CMS and CARB’s GHG emissions accounting.

⁸⁵ Section 2490.3(1) of CARB’s Final Regulation Order states, “Upon request, a TNC shall provide to CARB any information submitted to CPUC under this Clean Miles Standard Regulation.”

<https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/cleanmilesstandard/fro.pdf>

13 Coordination with Transportation Electrification Efforts

13.1 Coordination with Transportation Electrification

The Clean Miles Standard requires that CMS Regulated Entities reduce greenhouse gas emissions and increase the percentage of miles traveled on the platforms performed by ZEVs. The electrification aspects of this change go beyond the vehicle itself and will require drivers to have access to and understand the most economically and time efficient solutions for powering/charging their ZEVs. This clear connection to charging and other infrastructure will require ongoing coordination with other public and private entities and funding sources that specialize in infrastructure particularly for the driver population.

To ensure transparency and clear communication, CPED intends to implement the following:

- **Transportation Electrification Workshops.** Conduct public workshops, referred to as Transportation Electrification Workshops, specific to transportation electrification that brings together the public, private, and non-profit sectors to provide feedback on and to inform CMS-related issues, regularly throughout implementation.
 - « The Transportation Electrification Workshops should seek to investigate issues related to ZEV charging identified through the Driver Working Group, Implementation Working Group, other engagement, by Staff, or in the Annual Report (see [Annual Low- and Moderate-Income Driver Impact Report](#)).
 - « The Transportation Electrification Workshops' goals should be to discuss issues with ZEV charging identified through the CMS program implementation, and to gather information to inform recommended solutions whether through CMS or other transportation electrification supportive programs. Results of the Transportation Electrification Workshop findings shall be incorporated into the [Annual Low- and Moderate-Income Driver Impact Report](#) and the [Unanticipated Barriers and Progress Report](#), as applicable.
- **Staff Coordination Activities.** Coordinate, consult with, and hold regular meetings to discuss relevant policy and implementation issues, as appropriate, with CPUC's Energy Division working on the Transportation Electrification Framework, the CEC, and the Interagency Transportation Electrification group.
 - « Work with Energy Division and CEC staff to assess progress toward the achievement of shared clean mobility goals and to identify and discuss programs that support drivers, such as the CEC's Charging Access for Reliable On-Demand Transportation Services (CARTS).⁸⁶

⁸⁶ See CEC Program, GFO-21-601 Charging Access for Reliable On-Demand Transportation Services (CARTS): <https://www.energy.ca.gov/solicitations/2021-08/gfo-21-601-charging-access-reliable-demand-transportation-services-carts>

- « Invite Energy Division Transportation Electrification Section staff to participate in the CMS Implementation Working Group as an observer.
- « Staff will incorporate relevant findings or updates from other divisions and agencies into the [Annual Low- and Moderate-Income Driver Impact Report](#) and the [Unanticipated Barriers and Progress Report](#), as applicable.

13.2 Other Incentive Programs

CPED recommends the Commission require the Drivers Assistance Program’s Program Administrator to work with other relevant public agencies and organizations and provide education and resource services to drivers regarding the availability of subsidies for charging infrastructure for CMS drivers (in addition to its resources related to ZEV procurement). This may include targeted support for charging infrastructures, such as assistance with home charging rebates, including multi-unit dwelling charging rebates,⁸⁷ and public charging subsidies. Specifically, CPED recommends the Commission require the following actions from the Program Administrator with respect to incentive programs:

- The Program Administrator shall work directly with staff or administrators who support infrastructure programs from the investor-owned public utilities, CEC grants, or other organizations to build out the resources for the services of the Drivers Assistance Program.
- The Program Administrator shall coordinate with the Implementation Working Group, the Driver Working Group, and the Transportation Electrification Workshops, to determine if they can provide information or assistance in accomplishing this task.

⁸⁷ See Proposed Decision on Transportation Electrification Policy and Investment: <https://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=497622010>

14 Environmental and Social Justice

14.1 ESJ Incorporation into GHG Emissions Reduction Plans

CPED recommends the Commission direct the CMS Regulated Entities to include specific actions in their GHG Emissions Reduction Plans that document how they will advance the Commission’s ESJ Plan Action Items through their implementation of CMS.

Environmental and Social Justice is the “fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies,” and considering, “...a broader effort and potential population.”⁸⁸ The ESJ Action Plan is intended to further the ESJ principles within CPUC and to create a framework for integrating ESJ action into CPUC’s work. CPUC’s 2022 Environmental and Social Justice Action Plan⁸⁹ directly references the implementation of the Clean Miles Standard and includes actions CMS Regulated Entities can take to support the ESJ Plan’s advancement.

The CMS Regulated Entities shall consider CPUC’s ESJ Action Plan definition for ESJ Communities,⁹⁰ which notes that the “use of the term ‘environmental and social justice’ is not intended to create a new class of customers. Individual CPUC programs may focus on environmental and social justice communities in different ways.” For CMS, CPED recommends using the low- and moderate-income definitions for drivers, individuals, and communities established in this Proposal as the CMS Program’s ESJ communities of focus.

CPED Staff recommends the following:

- CMS Regulated Entities should describe in their GHG Plans how their proposals will ensure minimal negative impact on low- and moderate-income drivers per ESJ Action item 3.1.2 and how they may improve access to charging infrastructure in low- and moderate-income communities per ESJ Action Item 2.5.5.
 - « Utilize the definitions for low- and moderate-income driver in the [Low- and Moderate-Income Driver Categorization](#) section.
 - « Utilize the definition for low- and moderate-income community in the [Clean Mobility for Low- and Moderate-Income Individuals and Communities](#) section.

⁸⁸ See CPUC’s Environmental and Social Justice Action Plan 2.0: <https://webproda.cpuc.ca.gov/news-and-updates/newsroom/environmental-and-social-justice-action-plan>

⁸⁹ Ibid.

⁹⁰ ESJ Action Plan defines ESJ Communities as, “as low-income or communities of color that have been underrepresented in the policy setting or decision-making process, are subject to a disproportionate impact from one or more environmental hazards, and likely to experience disparate implementation of environmental regulations and socio-economic investments in their communities. In addition, ESJ communities include: Disadvantaged Communities, defined as census tracts that score in the top 25% of CalEnviroScreen 3.0, along with those that score within the highest 5% of CalEnviroScreen 3.0’s Pollution Burden but do not receive an overall CalEnviroScreen score; all Tribal lands; low-income households; and low-income census tracts.”

- Adopting recommendations to protect low- and moderate-income drivers that were presented in the [Ensuring Minimal Negative Impact](#) section of the Proposal.
- CMS Regulated Entities should report data that documents the CMS Program’s progress towards meeting ESJ Action Items. Data requirements are detailed in the [Data Reporting](#) section. Staff will also seek feedback on progress towards these goals through the Driver Working Group, Implementation Working Group, and other stakeholder engagement. Staff will assess progress made towards the goals in the biennial [Unanticipated Barriers and Progress Report](#).
- CMS Regulated Entities should also pay special attention to ESJ items 2.5.5 and 3.1.2 (listed below in Table 5) when drafting their GHG Emissions Plans.

Table 5 – CMS-Related ESJ Action Plan Commitments

ESJ Item Number	ESJ Item Description	ESJ Item Action
2.5.5	Improving Access to EV Charging for ESJ Communities	CMS Regulated Entities should describe how their proposals in their GHG Plans may contribute to improving access to charging infrastructure for ESJ communities.
3.1.2	Implementation of Clean Miles Standard and Impact on Drivers from ESJ Communities	CMS Regulated Entities should describe how their proposals in their GHG Plans will impact drivers from ESJ communities. They should make connections to their GHG Plans for financial support, education, outreach, and the performance measures and data they will collect and report to CPED to track progress.

15 Exemptions

15.1 Small CMS Regulated Entity Exemption

CPED recommends the Commission adopt the small CMS Regulated Entity exemption in CARB's Final Regulation Order, with additions.

- Building on Section 2490.(a): “A [CMS Regulated Entity] with annual VMT less than or equal to 5 million in a given calendar year is exempt from the requirements in Sections 2490.1, 2490.2, 2490.3(b) and 2490.3(c) for that year.” We recommend that the Commission define this to mean five million vehicle miles traveled in passenger service (i.e., not AV testing, mapping, goods delivery, or other types of operations), which would include Periods 1, 2, and 3 miles. This interpretation is consistent with the definition of CMS Regulated Entities to be applicable to passenger carrier services⁹¹ and CARB’s definition for annual VMT, which assumes all period miles during those services.⁹²
- Building on Section 2490.3(b)(2): “A [CMS Regulated Entity] that does not exceed 5 million VMT in a single reporting year of operation is not required to submit an Annual Compliance Report for that calendar year. Upon request, an exempt [CMS Regulated Entity] shall provide CARB with any data that would otherwise be required to be submitted under this chapter in order for CARB [and CPUC] to verify the applicability of this exemption for the [CMS Regulated Entity].”
- Staff will monitor the CMS Regulated Entities’ data, including TNC Annual Reports and autonomous vehicle passenger services quarterly data reporting, to identify companies that approach the 5 million annual VMT mark.

15.1.1 Review of Small CMS Regulated Entities' Data

CPED Staff reviewed historical data from TNC and autonomous vehicle services to determine which companies would qualify for the proposed small CMS Regulated Entities exemption.

⁹¹ From the Defined Terms in this Proposal, Public Utilities Code Section 5450, which established the Clean Miles Standard and Incentive Program, states the program “...applies to transportation providers regulated by the commission that provide prearranged transportation services for compensation using an online-enabled application or platform to connect passengers, including autonomous vehicles, charter-party carriers, and new modes of ridesharing technology that may arise through innovation and subsequent regulation.” CPED recommends in Phase 1 the Commission use the term “CMS Regulated Entities” to describe a subset of the entities defined in P.U. Code Section 5450, transportation network companies and autonomous vehicles used for passenger services, to be subject to the Clean Miles Standard, excluding entities proposed to be exempt by CARB. CPED recommends the remainder of the carriers described in P.U. Code Section 5450 be defined in Phase 2. CPED uses the term CMS Regulated Entities throughout the Proposal.

⁹² See page A-2 of CARB’s Final Regulation Order:

<https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/cleanmilesstandard/fro.pdf>

Based on TNC Annual Data from 2018 to 2020, Uber and Lyft surpass the 5 million VMT threshold and would not qualify for the exemption. Other TNCs would likely qualify for the exemption, having estimated current annual VMT well under the 5 million mile threshold.

There are no autonomous vehicle passenger services that would currently surpass the annual 5 million passenger service VMT threshold. Across the autonomous vehicle companies authorized for passenger service by CPUC, and who provide data to CPUC quarterly, all are estimated to have the potential for annual VMT under 2 million miles per year (including all periods), using available 2022 data. These services are new, and it is not known yet how quickly they will ramp up.

Any CMS Entity that surpasses five million VMT in any calendar year between 2023 and 2030 is subject to the Clean Miles Standard and must comply by submitting a GHG Plan due at the start of the next calendar year.

15.1.2 Small CMS Regulated Entity Exemption Filing

CPED recommends CMS Regulated Entities who would like to be considered exempt under the Small CMS Regulated Entity Exemption, file for that status on January 15th of each year, for the previous year, through a Tier 2 Advice Letter. Timing the submission with the GHG Plans, but annually instead of bi-annually, will help to ensure all non-exempt CMS Regulated Entities are submitting GHG Plans when required.

15.1.3 Assessing the ESJ Impact of the Small CMS Regulated Entity Exemption

CPED recommends the Commission require exempt CMS Regulated Entities to continue to report data through the TNC Annual Reports and autonomous vehicle quarterly data reporting to enable tracking of their exemption or for other programmatic purposes.

CPED recommends the Commission require small CMS Regulated Entities to report trips by location as part of the CMS annual compliance reporting (see [Data Reporting](#)) so that Staff may use the data to assess if trips are disproportionately or not serving low- and moderate-income communities. This is consistent with CPUC Environmental and Social Justice Action Plan items 3.1.2, Implementation of Clean Miles Standard and Impact on Drivers from ESJ communities, and 6.2.4 Analysis of Potential Redlining in ESJ Communities by Transportation Network Companies (TNCs).

Staff will assess the small CMS Regulated Entity exemption and potential impact on ESJ communities in the biennial [Unanticipated Barriers and Progress Report](#).

15.2 Wheelchair Accessible Vehicle (WAV) Trip Exemption

CPED recommends the Commission adopt the WAV trip exemption as specified in CARB's Final Regulation Order, with additions. Implementation of CMS should not impede the availability of on-demand wheelchair accessible trips. This exemption supports WAV service by removing the potential that CMS implementation would unintentionally reduce the supply or availability of WAVs as ZEV WAVs are less available on the vehicle market than other ZEVs. CPED recommends adding to the exemption consistent with prior proposed additions to the five million VMT exemption.

- CARB’s Final Regulation Order, Section 2490.1(c)(7): “Trips on [CMS Regulated Entities] apps that are requested and fulfilled as wheelchair-accessible vehicle trips shall not be included in the calculation of Equation 1.”

15.2.1 Tracking WAV trips for ESJ purposes

CPED recommends that Commission require CMS Regulated Entities to report trips taken through WAV services in their CMS Compliance Data reporting as described in [Data Reporting](#) and [Appendix B – CMS Reporting Data Fields](#). The submitted data will be used to assess a potential unintended impact of the exemption by analyzing whether WAV trips are (or are not) disproportionately serving low- and moderate-income communities/individuals. This is consistent with CPUC Environmental and Social Justice Action Plan items 3.1.2, Implementation of Clean Miles Standard and Impact on Drivers from ESJ communities, and 6.2.4 Analysis of Potential Redlining in ESJ Communities by Transportation Network Companies (TNCs).

Staff will assess the WAV trip exemption and potential impact on ESJ communities in the biennial [Unanticipated Barriers and Progress Report](#).

16 Unanticipated Barriers and Progress Report

CPED recommends Staff prepare a biennial Unanticipated Barriers and Progress Report (Biennial Report) to meet the statutory unanticipated barriers report and to assess progress made towards other program goals.

The Biennial Report shall cover the following topics for the time period between Biennial Reports (or for the years prior to the first Biennial Report), with some covered in detail in this Phase 1 Proposal and others anticipated in Phase 2. The Biennial Report shall be conducted on the even year, due by the end of the calendar year.

- **Review of Annual GHG reduction and eVMT Targets.** Review of CMS Regulated Entities' compliance with annual GHG reduction and eVMT Targets. Shall include an assessment of the compliance and enforcement activities, which will be considered in a Phase 2 decision.
- **Low- and Moderate-Income Driver Impact.** Low- and moderate-income drive impact assessments can be pulled from previous or current Annual Low- and Moderate-Income Driver Impact Reports. See the [Annual Low- and Moderate-Income Driver Impact Report](#) section for more information on the Annual Report.
- **Unanticipated Barriers Review.** Per statute, the Biennial Report will review unanticipated barriers, which are to be considered in a Phase 2 decision.
- **Outreach and Engagement.** Incorporate feedback on CMS implementation gathered through outreach and engagement efforts including from the Driver Working Group, Implementation Working Group, and the Transportation Electrification Workshops. The Biennial Report shall include records of outreach and engagement at a minimum and specific feedback can be incorporated into the other sections of the Biennial Report, as appropriate.
- **Advancement of Clean Mobility.** Assess progress made towards the goals of Clean Mobility using the data provided by the CMS Regulated Entities and Program Administrator. Assessment should include seeking feedback from the low- and moderate-income individuals and communities cited in the Proposal through the Driver Working Group and Implementation Working Group. See the [Clean Mobility](#) section of the Proposal.
- **Advancement of Environmental and Social Justice Goals.** Assess progress made towards the Environmental and Social Justice goals using the data provided by the CMS Regulated Entities and Program Administrator. Assessment should include seeking feedback from the ESJ communities cited in the Proposal through the Driver Working Group and Implementation Working Group. See the [Environmental and Social Justice](#) section of the Proposal.
- **Sustainable Land Use.** To be considered in a Phase 2 decision.
- **Assessment of Optional Credits.** To be considered in a Phase 2 decision.

- **Exemptions.** Assess the potential impacts to ESJ communities from the small CMS Regulated Entity and WAV trip exemptions using the data provided by the CMS Regulated Entities and Program Administrator. See the [Exemptions](#) section of the Proposal.

17 Conclusion

CPED looks forward to furthering discussion on the issues raised with Phase 1 Scoping issues. CPED proposes to hold a workshop to present this Staff Proposal, answer stakeholder questions, and foster dialog among the interested public.

Appendix A – CMS Timeline

See next page.

Appendix A - CMS Timeline

Action	Description	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
Final Decision on GHG Emissions Reduction Plans & Program Administrator	Timeline kick-off. Activities measured with this as day 1. Qualitative and quantitative GHG Plan templates assumed to be available.																																	
CMS Regulated Entities submit first GHG Emissions Reduction Plans	Due within 90 days of Final Decision on GHG plans via Tier 3 Advice Letter.																																	
CPED Staff hold workshop with CMS Regulated Entities on GHG Emissions Reduction Plans	Workshop to be held in the time between plan submission and the Proposed Decision.																																	
Commission Resolution on GHG Emissions Reduction Plans	Commission Resolution filed within 90 days of the due date for protests of the advice letters.																																	
Contracting Agent RFP for Program Administrator	Contracting Agent has 6 months to contract with a Program Administrator through RFP starting when they first submit their Plans.																																	
Program Administrator Workshop to inform Implementation Plan & Handbook	Program Administrator shall hold one or more workshops to inform their Implementation Plan and Handbook.																																	
Program Administrator submits Implementation Plan & Handbook	Program Administrator shall submit a Tier 3 Advice Letter with a Implementation Plan and Handbook within 90 days of being selected																																	
Commission Resolution on Implementation Plan and Handbook Resolution	Commission Resolution filed within 90 days of the due date for protests of the advice letters.																																	
Compliance Data template issued by CPED staff	Compliance data template to be issued 90 days before the first compliance report.																																	
First Compliance Report Due from CMS Regulated Entities	First compliance report due within 6 months of the Resolution on GHG Emissions Reduction Plans. Shall include the first 3 months of data																																	
Evaluation Contractor RFP	Contracting Agent will procure an Evaluation Contractor and the first evaluation will be conducted within the first 24 months of the program.																																	
Financial Auditor RFP	Contracting Agent will procure a Financial Auditor and the first evaluation will be conducted within the first 24 months of the program.																																	

Appendix B – CMS Reporting Data Fields

See next pages.

Data Field	Description
	Submission Timing
	Compliance
	Supp. Calcs
	LMI Drivers
	ESJ
	Clean Mobility
	Exemptions
	Eval/Audit
	Source

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Annual Compliance Report

Total fleetwide vehicle population	The fleet includes any vehicle that provides a trip as part of the CMS Regulated Entities' services in a given calendar year. Provide an estimate of the total number of vehicles.	Quarterly/ Annual	x	x		x	x	x		CARB FRO: Annual Compliance Reporting
Total fleetwide GHG (grams CO2)	Based on the fleetwide vehicle population, provide an estimate of the fleet GHG using Table 2 and Table 3 in CARB's Final Regulation Order.	Quarterly/ Annual	x	x		x	x	x		CARB FRO: Annual Compliance Reporting
Total fleetwide VMT (Period 1, Period 2, and Period 3)	Provide VMT estimate separated into Period 1, Period 2, and Period 3 miles.	Quarterly/ Annual	x	x		x	x	x		CARB FRO: Annual Compliance Reporting
Average compliance occupancy	Provide an estimate/assumption of occupancy used in calculations to assess meeting the GHG targets.	Quarterly/ Annual	x	x		x	x	x		CARB FRO: Annual Compliance Reporting
Average actual vehicle occupancy (based on real	Provide average actual vehicle occupancy when available.	Quarterly/ Annual	x			x	x	x		CARB FRO: Annual Compliance Reporting
Total compliance of GHG target (grams of CO2/PMT)	Provide the calculation for the compliance target using the estimates and assumptions for vehicle type, miles, and occupancy.	Quarterly/ Annual	x	x		x	x	x		CARB FRO: Annual Compliance Reporting

Data Field	Description	Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source
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Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Annual Compliance Report (cont'd)

Number of BEVs and FCEVs in fleet population	The fleet shall include any vehicle that provides a trip as part of the CMS Regulated Entities' services in a given calendar year. Provide an estimate of the total number of BEVs and FCEVs assumed.	Quarterly/ Annual	x	x		x	x	x		CARB FRO: Annual Compliance Reporting
Number of PHEVs in fleet population	The fleet shall include any vehicle that provides a trip as part of the CMS Regulated Entities' services in a given calendar year. Provide an estimate of the total number of PHEVs assumed.	Quarterly/ Annual	x	x		x	x	x		CARB FRO: Annual Compliance Reporting
Number of HEVs in fleet population	The fleet shall include any vehicle that provides a trip as part of the CMS Regulated Entities' services in a given calendar year. Provide an estimate of the total number of HEVs assumed.	Quarterly/ Annual	x	x		x	x	x		CARB FRO: Annual Compliance Reporting
Total compliance % eVMT	Provide the calculation for the compliance target using the estimates and assumptions for vehicle type and miles.	Quarterly/ Annual	x	x		x	x	x		CARB FRO: Annual Compliance Reporting

Data Field	Description	Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source
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Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Annual Compliance Report (cont'd)

Total trips in WAVs	Provide number of estimated trips given in Wheelchair Accessible Vehicles (WAVs), as defined in Section 5431.5 (b) of the P.U. Code, to support WAV exemption and ESJ evaluation.	Quarterly/ Annual	x	x				x		CPED CMS Staff Proposal
Total trips	Provide number of estimated trips given in total to support WAV exemption and ESJ evaluation.	Quarterly/ Annual	x	x				x		CPED CMS Staff Proposal
Total VMT in WAVs (Period 1, Period 2, Period 3)	Provide estimated VMT for trips given in Wheelchair Accessible Vehicles (WAVs) to support WAV exemption and ESJ evaluation.	Quarterly/ Annual	x	x				x		CPED CMS Staff Proposal
CO2 credits being requested and from which option	If using optional credits, provide estimates for the type of credit and how it will be applied.	Quarterly/ Annual	x	x			x	x		CARB FRO: Annual Compliance Reporting

Data Field	Description	Data Fields							
		Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted

Carrier ID	Carrier ID number	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
Submission Date	File submission date	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
Ride ID	Ride ID of Trip	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Waybill1	Waybill Number of Trip	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Waybill2	Second Waybill Number If Shared Ride	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Waybill3	Third Waybill Number If Shared Ride	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Waybill4	Fourth Waybill Number If Shared Ride	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Waybill5	Fifth Waybill Number If Shared Ride	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Waybill6	Sixth Waybill Number If Shared Ride	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Waybill7	Seventh Waybill Number If Shared Ride	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Driver ID	Driver identification	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
VIN	Vehicle identification number	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields

Vehicle Make	Vehicle make	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
Vehicle Model	Vehicle model	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
Vehicle Year	Vehicle year	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
Vehicle Engine Type	Vehicle engine type: diesel, gasoline, hybrid-electric (HEV), plug-in hybrid electric (PHEV), battery electric (BEV), compressed natural gas (CNG)	Quarterly/ Annual	x			x	x			CPED CMS Staff Proposal
Vehicle Category	Vehicle category: Passenger Car or Light Truck per CARB Final Regulation Order definition for light truck	Quarterly/ Annual	x			x	x			CPED CMS Staff Proposal
App On Or Passenger Dropped Off Lat	Latitude of driver when driver app is turned on or last passenger is dropped off	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
App On Or Passenger Dropped Off Long	Longitude of driver when driver app is turned on or last passenger is dropped off	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
App On Or Passenger Dropped Off Zip	Zip Code of Driver When Driver App is Turned on or Last Passenger is Dropped off or other events that constitute the start of Period 1	Quarterly/ Annual	x			x	x			TNC Annual Reporting

Data Field	Description									Source
		Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

App On Or Passenger Dropped Off Tract	Census Tract Code of Driver When Driver App is Turned on or Last Passenger is Dropped off or other events that constitute the start of Period 1. Input as an 11-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x			x	x			TNC Annual Reporting
App On Or Passenger Dropped Off CB	Census Block Code of Driver When Driver App is Turned on or Last Passenger is Dropped off or other events that constitute the start of Period 1. Input as an 15-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x			x	x			TNC Annual Reporting
App On Date	Date and time when driver app is turned on or last passenger dropped off	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
Trip Req Requester Lat	Latitude of Requester (at time of trip request)	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Trip Req Requester Long	Longitude of Requester (at time of trip request)	Quarterly/ Annual	x			x	x			TNC Annual Reporting

Data Field	Description	Submission Timing			

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

TNC Data Management System - Attachment 2 - Required Trip Data Fields - Requests Accepted (Q1-19)										
Trip Req Requester Zip	Zip Code of Requester (at time of trip request)	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Trip Req Requester Tract	Census Tract Code of Requester (at time of trip request). Input as an 11-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Trip Req Requester CB	Census Block Code of Requester (at time of trip request). Input as an 15-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Trip Req Driver Lat	Latitude of Driver (at time of trip request)	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Trip Req Driver Long	Longitude of Driver (at time of trip request)	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Trip Req Driver Zip	Zip Code of Driver (at time of trip request)	Quarterly/ Annual	x			x	x			TNC Annual Reporting

Data Field	Description										
			Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

Trip Req Driver Tract	Census Tract Code of Driver (at time of trip request). Input as an 11-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x			x	x				TNC Annual Reporting
Trip Req Driver CB	Census Block Code of Driver (at time of trip request). Input as an 15-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x			x	x				TNC Annual Reporting
Trip Req Date	Datetime of Trip Request	Quarterly/ Annual	x			x	x				TNC Annual Reporting
Period One Miles Traveled	Distance of Period 1 vehicle miles traveled (app open to when match is accepted)	Quarterly/ Annual	x			x	x				CARB FRO: Attachment 1 Required Trip Data Fields
Req Accepted Date	Date and time the request was accepted	Quarterly/ Annual	x			x	x				CARB FRO: Attachment 1 Required Trip Data Fields
Req Accepted Lat	Latitude of driver at time trip request was accepted	Quarterly/ Annual	x			x	x				CARB FRO: Attachment 1 Required Trip Data Fields
Req Accepted Long	Longitude of driver at time trip request was accepted	Quarterly/ Annual	x			x	x				CARB FRO: Attachment 1 Required Trip Data Fields
Req Accepted Zip Code	Zip Code of Driver (at time trip request was accepted)	Quarterly/ Annual	x			x	x				TNC Annual Reporting

Data Field	Description									
		Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

Req Accepted Tract	Census Tract Code of Driver (at time trip request was accepted). Input as an 11-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Req Accepted CB	Census Block Code of Driver (at time trip request was accepted). Input as an 15-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Passenger Pickup Date Presched	Datetime of driver arrival at prescheduled ride request pickup location, if applicable	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Passenger Pickup Date	Date and time of passenger pick-up. All times should be provided in local time.	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
Period Two Miles Traveled	Period 2 vehicle miles traveled (match accepted to when passenger in vehicle)	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
Passenger Pickup Lat	Latitude of passenger pick-up	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
Passenger Pickup Long	Longitude of passenger pick-up	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields

Data Field	Description	Data Fields							
		Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

Passenger Pickup Zip Code	Zip Code of Passenger Pick-up	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Passenger Pickup Tract	Census Tract Code of Passenger Pick-up. Input as an 11-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Passenger Pickup CB	Census Block Code of Passenger Pick-up. Input as an 15-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Passenger Dropoff Date	Date and time of passenger drop-off. All times should be provided in local time.	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
Passenger Dropoff Lat	Latitude of passenger drop-off	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
Passenger Dropoff Long	Longitude of passenger drop-off	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields
Passenger Dropoff Zip Code	Zip Code of Passenger Drop-off	Quarterly/ Annual	x			x	x			TNC Annual Reporting

Data Field	Description								
		Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit
									Source

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

Passenger Dropoff Tract	Census Tract Code of Passenger Drop-off. Input as an 11-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x			x	x		TNC Annual Reporting
Passenger Dropoff CB	Census Block Code of Passenger Drop-off. Input as an 15-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x			x	x		TNC Annual Reporting
Period Three Miles Traveled	Period 3 vehicle miles traveled from time passenger gets into vehicle to time passenger exits the vehicle.	Quarterly/ Annual	x			x	x		CARB FRO: Attachment 1 Required Trip Data Fields
Non Pooled	Whether Passenger Requested not to Fare-Split ("Shared/Pooled") Trip (Y/N)	Quarterly/ Annual	x			x	x		TNC Annual Reporting
Pool Request Unmatch	Whether Passenger Requested to Fare-Split ("Shared/Pooled") Trip but was Unmatched (Y/N)	Quarterly/ Annual	x			x	x		TNC Annual Reporting
Pool Request Match	Whether Passenger Matched to Fare-Split ("Shared/Pooled") Trip (Y/N)	Quarterly/ Annual	x			x	x		CARB FRO: Attachment 1 Required Trip Data Fields
Total Amount Paid	Total amount paid for Trip	Quarterly/ Annual	x		x	x			CARB FRO: Attachment 1 Required Trip Data Fields
Tip	Tip amount of total amount paid	Quarterly/ Annual	x		x	x			CARB FRO: Attachment 1 Required Trip Data Fields

Data Field	Description	Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source
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Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

FareFactor1	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting
FareFactor2	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting

Data Field	Description	Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source
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Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

FareFactor3	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting
FareFactor4	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting

Data Field	Description	Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source
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Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

FareFactor5	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting
FareFactor6	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting

Data Field	Description									Source
		Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

FareFactor7	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting
FareFactor8	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting

Data Field	Description									Source
		Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

FareFactor9	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting
FareFactor10	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting

Data Field	Description	Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source
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Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

FareFactor11	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting
FareFactor12	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting

Data Field	Description	Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source
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Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

FareFactor13	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting
FareFactor14	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting

Data Field	Description									Source
		Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

FareFactor15	Factors that go into the final fare including, but not exclusive to, base fare, cost per mile, cost per minute, maximum fare, minimum fare, cancel penalty, scheduled ride cancel penalty, schedule ride minimum fare, service fee, local fee, airport fee, surge pricing fee, prime time fee, applicable tolls, booking fee, cancellation fee, etc.)	Quarterly/ Annual	x		x	x				TNC Annual Reporting
SurgePricing	Surge Pricing in Effect? (Y/N)	Quarterly/ Annual	x		x	x				TNC Annual Reporting
VehicleOccupancyP1	Vehicle Occupancy for Period 1	Quarterly/ Annual	x			x	x			TNC Annual Reporting
VehicleOccupancyP2	Vehicle Occupancy for Period 2	Quarterly/ Annual	x			x	x			TNC Annual Reporting
VehicleOccupancyP3	Vehicle Occupancy for Period 3	Quarterly/ Annual	x			x	x			TNC Annual Reporting
Service Type	Type of service (e.g., Uber Black, UberX, UberPool, Lyft Lux, Lyft Line, WAV, etc.)	Quarterly/ Annual	x			x	x			CARB FRO: Attachment 1 Required Trip Data Fields

Data Field	Description	Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source
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CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

RideIDMilesTraveledP23	Shared Miles Traveled aggregated by RideID that begins when the first passenger for the shared ride has a request accepted (i.e. start of Period 2) and ends when the last passenger for the shared ride is dropped off (i.e. end of Period 3). For example, in a shared ride with Passenger 1 and Passenger 2 with RideID 1, enter the miles traveled from the start of Period 2 for Passenger 1 to the end of Period 3 for Passenger 2.	Quarterly/ Annual	x			x	x			TNC Annual Reporting
RideIDMilesTraveledP3	Shared Miles Traveled aggregated by RideID that begins when the first passenger for the shared ride has a request accepted (i.e. start of Period 2) and ends when the last passenger for the shared ride is dropped off (i.e. end of Period 3). For example, in a shared ride with Passenger 1 and Passenger 2 with RideID 1, enter the miles traveled from the start of Period 2 for Passenger 1 to the end of Period 3 for Passenger 2.	Quarterly/ Annual	x			x	x			TNC Annual Reporting

Data Field	Description	Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source

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CARB's Final Regulation Order - Attachment 1 - Required Trip Data Fields + Requests Accepted (cont'd)

WAVReq	Did person requesting ride request a Wheelchair Accessible Vehicle (WAV)? (Y/N)	Quarterly/ Annual	x					x		TNC Annual Reporting
AccessibleVehReq	Did person requesting ride request an Accessible Vehicle? (Y/N)	Quarterly/ Annual	x							TNC Annual Reporting
PreschedReq	Did person request a prescheduled ride? (Y/N)	Quarterly/ Annual	x							TNC Annual Reporting

Requests Accepted Periods

Carrier ID	Carrier ID number	Quarterly/ Annual	x					x		TNC Annual Reporting
SubmissionDate	File submission date	Quarterly/ Annual	x					x		TNC Annual Reporting
Waybill	Waybill Number of Trip.	Quarterly/ Annual	x					x		TNC Annual Reporting
DriverID	Driver identification ID	Quarterly/ Annual	x					x		TNC Annual Reporting
VIN	VIN	Quarterly/ Annual	x					x		TNC Annual Reporting
VehicleMake	Vehicle Make	Quarterly/ Annual	x					x		TNC Annual Reporting
VehicleModel	Vehicle Model	Quarterly/ Annual	x					x		TNC Annual Reporting
VehicleYear	Vehicle Year	Quarterly/ Annual	x					x		TNC Annual Reporting

Data Field	Description	Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source
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Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Requests Accepted Periods (cont'd)

Vehicle Engine Type	Vehicle engine type: diesel, gasoline, hybrid-electric (HEV), plug-in hybrid electric (PHEV), battery electric (BEV), compressed natural gas (CNG)	Quarterly/ Annual	x					x		CPED CMS Staff Proposal
Vehicle Category	Vehicle category: Passenger Car or Light Truck per CARB Final Regulation Order definition for light truck	Quarterly/ Annual	x					x		CPED CMS Staff Proposal
Period	Period for which the route segment occurred	Quarterly/ Annual	x					x		TNC Annual Reporting
PeriodStartDate	Datetime Period begins.	Quarterly/ Annual	x					x		TNC Annual Reporting
PeriodStartLat	Latitude of Driver at Period Start	Quarterly/ Annual	x					x		TNC Annual Reporting
PeriodStartLong	Longitude of Driver at Period Start	Quarterly/ Annual	x					x		TNC Annual Reporting
PeriodStartZip	Zip Code of Driver at Period Start	Quarterly/ Annual	x					x		TNC Annual Reporting
PeriodStartTract	Census Tract Code of Driver at Period Start. Input as an 11-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x					x		TNC Annual Reporting

Data Field	Description									Source
		Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Requests Accepted Periods (cont'd)

PeriodStartCB	Census Block Code of Driver at Period Start. Input as an 15-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x					x		TNC Annual Reporting
PeriodEndDate	Datetime Period ends.	Quarterly/ Annual	x					x		TNC Annual Reporting
PeriodEndLat	Latitude of Driver at Period End	Quarterly/ Annual	x					x		TNC Annual Reporting
PeriodEndLong	Longitude of Driver at Period End	Quarterly/ Annual	x					x		TNC Annual Reporting
PeriodEndZip	Zip Code of Driver at Period End	Quarterly/ Annual	x					x		TNC Annual Reporting
PeriodEndTract	Census Tract Code of Driver at Period End. Input as an 11-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x					x		TNC Annual Reporting
PeriodEndCB	Census Block Code of Driver at Period End. Input as an 15-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x					x		TNC Annual Reporting
PeriodMilesTraveled	Period Miles Traveled	Quarterly/ Annual	x					x		TNC Annual Reporting

Data Field	Description
	Submission Timing
	Compliance
	Supp. Calcs
	LMI Drivers
	ESJ
	Clean Mobility
	Exemptions
	Eval/Audit
	Source

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Requests Accepted Periods (cont'd)

NonPooled	Whether Passenger Requested not to Fare-Split ("Shared/Pooled") Trip (Y/N)	Quarterly/ Annual	x					x		TNC Annual Reporting
PoolRequestUnmatch	Whether Passenger Requested to Fare-Split ("Shared/Pooled") Trip but was Unmatched (Y/N)	Quarterly/ Annual	x					x		TNC Annual Reporting
PoolRequestMatch	Whether Passenger Matched to Fare-Split ("Shared/Pooled") Trip (Y/N)	Quarterly/ Annual	x					x		TNC Annual Reporting
SurgePricing	Surge Pricing in Effect? (Y/N)	Quarterly/ Annual	x					x		TNC Annual Reporting
ServiceType	Type of Service (e.g. Uber Black, Uber X, Lyft Lux, etc.)	Quarterly/ Annual	x					x		TNC Annual Reporting

Rides Requested and Not Accepted

Carrier ID	Carrier ID number	Quarterly/ Annual	x		x					TNC Annual Reporting
SubmissionDate	File submission date	Quarterly/ Annual	x		x					TNC Annual Reporting
DriverID	Driver identification ID	Quarterly/ Annual	x		x					TNC Annual Reporting
VIN	VIN	Quarterly/ Annual	x		x					TNC Annual Reporting
VehicleMake	Vehicle Make	Quarterly/ Annual	x		x					TNC Annual Reporting

Data Field	Description	Data Fields							
		Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Rides Requested and Not Accepted (cont'd)

VehicleModel	Vehicle Model	Quarterly/ Annual	x		x					TNC Annual Reporting
VehicleYear	Vehicle Year	Quarterly/ Annual	x		x					TNC Annual Reporting
Vehicle Engine Type	Vehicle engine type: diesel, gasoline, hybrid-electric (HEV), plug-in hybrid electric (PHEV), battery electric (BEV), compressed natural gas (CNG)	Quarterly/ Annual	x		x					CPED CMS Staff Proposal
Vehicle Category	Vehicle category: Passenger Car or Light Truck per CARB Final Regulation Order definition for light truck	Quarterly/ Annual	x		x					CPED CMS Staff Proposal
TripReqDate	Datetime of Trip Request	Quarterly/ Annual	x		x					TNC Annual Reporting
TripReqRequesterLat	Latitude of Requester (at the time of trip request)	Quarterly/ Annual	x		x					TNC Annual Reporting
TripReqRequesterLong	Longitude of Requester (at the time of trip request)	Quarterly/ Annual	x		x					TNC Annual Reporting
TripReqRequesterZip	Zip Code of Requester (at the time of trip request)	Quarterly/ Annual	x		x					TNC Annual Reporting
TripReqRequesterTract	Census Tract Code of Requester (at the time of trip request). Input as an 11-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x		x					TNC Annual Reporting

Data Field	Description	Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source
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Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Rides Requested and Not Accepted (cont'd)

TripReqRequesterCB	Census Block Code of Requester (at the time of trip request). Input as an 15-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x		x					TNC Annual Reporting
TripRequesterDestination Lat	Latitude of Requester's Destination Request (at the time of trip request)	Quarterly/ Annual	x		x					TNC Annual Reporting
TripRequesterDestination Long	Longitude of Requester's Destination Request (at the time of trip request)	Quarterly/ Annual	x		x					TNC Annual Reporting
TripRequesterDestination Zip	Zip Code of Requester's Destination Request (at the time of trip request)	Quarterly/ Annual	x		x					TNC Annual Reporting
TripRequesterDestination Tract	Census Tract Code of Requester's Destination Request (at the time of trip request). Input as an 11-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x		x					TNC Annual Reporting

Data Field	Description									
		Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Rides Requested and Not Accepted (cont'd)

TripRequesterDestination CB	Census Block Code of Requester's Destination Request (at the time of trip request). Input as an 15-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x		x					TNC Annual Reporting
NotAcceptedDate	Datetime that trip request was not accepted	Quarterly/ Annual	x		x					TNC Annual Reporting
NotAcceptedDriverLat	Latitude of Driver (at the time trip request was not accepted)	Quarterly/ Annual	x		x					TNC Annual Reporting
NotAcceptedDriverLong	Longitude of Driver (at the time trip request was not accepted)	Quarterly/ Annual	x		x					TNC Annual Reporting
NotAcceptedDriverZip	Zip Code of Driver (at the time trip request was not accepted)	Quarterly/ Annual	x		x					TNC Annual Reporting
NotAcceptedDriverTract	Census Tract Code of Driver (at the time trip request was not accepted). Input as an 11-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x		x					TNC Annual Reporting

Data Field	Description											
			Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source	

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Rides Requested and Not Accepted (cont'd)

NotAcceptedDriverCB	Census Block Code of Driver (at the time trip request was not accepted). Input as an 15-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x		x						TNC Annual Reporting
NotAcceptedDriverReason	Reason trip was not accepted (e.g. driver cancelled, passenger cancelled, no show, vehicle charge too low, etc.)	Quarterly/ Annual	x		x						TNC Annual Reporting
PoolRequest	Whether Passenger Requested to Fare-Split ("Shared/Pooled") Trip (Y/N)	Quarterly/ Annual	x		x						TNC Annual Reporting
WAVReq	Did person requesting ride request a Wheelchair Accessible Vehicle (WAV)? (Y/N)	Quarterly/ Annual	x		x						TNC Annual Reporting
AccessibleVehReq	Did person requesting ride request an Accessible Vehicle? (Y/N)	Quarterly/ Annual	x		x						TNC Annual Reporting
PreschedReq	Did person request a prescheduled ride? (Y/N)	Quarterly/ Annual	x		x						TNC Annual Reporting

Suspended Drivers - Drivers suspended or deactivated

Carrier ID	Carrier ID number	Quarterly/ Annual	x		x	x				x	TNC Annual Reporting
SubmissionDate	File submission date	Quarterly/ Annual	x		x	x				x	TNC Annual Reporting

Data Field	Description
	Submission Timing
	Compliance
	Supp. Calcs
	LMI Drivers
	ESJ
	Clean Mobility
	Exemptions
	Eval/Audit
	Source

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Suspended Drivers - Drivers suspended or deactivated (cont'd)

DriverID	Driver identification ID	Quarterly/ Annual	x		x	x			x	TNC Annual Reporting
ComplaintID	Complaint Identification Number	Quarterly/ Annual	x		x	x			x	TNC Annual Reporting
SuspensionDate	Datetime of suspension	Quarterly/ Annual	x		x	x			x	TNC Annual Reporting
ReactivationDate	Datetime of reactivation (if applicable)	Quarterly/ Annual	x		x	x			x	TNC Annual Reporting
SuspensionReason	Examples include: Driver not converted to ZEV, sexual assault, sexual harassment, consumed intoxicating substance	Quarterly/ Annual	x		x	x			x	TNC Annual Reporting
DriverPermDeactivated	Driver Permanently Deactivated? (Y/N)	Quarterly/ Annual	x		x	x			x	TNC Annual Reporting
Low- and Moderate-Income Driver	Driver low- and moderate-income per current definition? (Y/N)	Quarterly/ Annual	x		x	x			x	CPED CMS Staff Proposal

CARB's Final Regulation Order - Attachment 2 - Required Driver Data

Carrier ID	Carrier ID number	Quarterly/ Annual	x		x	x	x			CARB FRO: Attachment 2 Required Trip Data Fields
Submission Date	File submission date	Quarterly/ Annual	x		x	x	x			CARB FRO: Attachment 2 Required Trip Data Fields
Driver ID	Driver identification	Quarterly/ Annual	x		x	x	x			CARB FRO: Attachment 2 Required Trip Data Fields

Data Field	Description
	Submission Timing
	Compliance
	Supp. Calcs
	LMI Drivers
	ESJ
	Clean Mobility
	Exemptions
	Eval/Audit
	Source

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

CARB's Final Regulation Order - Attachment 2 - Required Driver Data (cont'd)

VINs	All vehicle identification numbers associated with driver.	Quarterly/ Annual	x		x	x	x			CARB FRO: Attachment 2 Required Trip Data Fields
Trip Revenue by Driver	Amount earned by the driver in the calendar year, equivalent to the sum of trip fares and tips, minus fees and commission taken by the CMS Regulated Entity.	Quarterly/ Annual	x		x	x	x			CARB FRO: Attachment 2 Required Trip Data Fields
Total Revenue by Driver	The total revenue earned by the driver including bonuses and subsidies.	Quarterly/ Annual	x		x	x	x			CARB FRO: Attachment 2 Required Trip Data Fields
ZEV Subsidies	Subsidies given by the CMS Regulated Entity to driver for ZEV purchase, lease, rental or charging	Quarterly/ Annual	x		x	x	x			CARB FRO: Attachment 2 Required Trip Data Fields
Total Time in Period 2	Total time the driver spent in Period 2 in the calendar year	Quarterly/ Annual	x		x	x	x			CARB FRO: Attachment 2 Required Trip Data Fields
Total Time in Period 3	Total time the driver spent in Period 3 in the calendar year	Quarterly/ Annual	x		x	x	x			CARB FRO: Attachment 2 Required Trip Data Fields
Total Annual Miles by Driver	Total miles accrued in the calendar year	Quarterly/ Annual	x		x	x	x			CARB FRO: Attachment 2 Required Trip Data Fields

Drivers Assistance Program and Funding

Total Fee Collected	Total fee collected for the reporting period by each CMS Regulated Entity	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Total Count of Fee Basis	Total count of trips or miles or other measure used for fee	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal

Data Field	Description										
			Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Drivers Assistance Program and Funding (cont'd)

Program Administrative Invoice To-date	Total Program Administrative costs invoiced to-date	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Program Administrative Admin invoice To-date	Total Program Administrative costs associated with administrative activities invoiced to-date	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Total Fee Collected for Evaluation Contractor	To-Date tracking of the account to be allocated for Programmatic Evaluation Contractor	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Total Amount Invoiced by Evaluation Contractor to-date	Total Evaluation Contractor costs invoiced to-date	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Total Fee Collected for Financial Auditor	To-Date tracking of the account to be allocated for Financial Auditor	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Total Amount Invoiced by Financial Auditor to-date	Total Financial Auditor costs invoiced to-date	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Total Costs Spent by Contracting Agent To-Date	To-Date tracking of costs for the contracting agent	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Number of Drivers Given Notice	Number of drivers who were given 120-day notice of deactivation or de-prioritization	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal

Data Field	Description	Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source
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Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Drivers Assistance Program and Funding (cont'd)

Number of LMI Drivers Given Notice	Number of low- and moderate- income drivers who were given 120-day notice of deactivation or de-prioritization	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Number of Drivers Active in Drivers Assistance Program after Notice	Number of drivers who are active in the Drivers Assistance Program after receiving notice	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Number of LMI Drivers Active in Drivers Assistance Program after Notice	Number of low- and moderate-income drivers who are active in the Drivers Assistance Program after receiving notice	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Number of Drivers past Notice Period	Number of drivers who have passed 120-day notice period with no action taken by driver	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Number of LMI Drivers past Notice Period	Number of low- and moderate-income drivers who have passed 120-day notice period with no action taken by driver		x		x	x	x		x	CPED CMS Staff Proposal
Number of Applications for Incentives	Number of applications by incentive type	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Number of Incentives Provided	Number of incentives provided by incentive type and by CMS Regulated Entity	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal

Data Field	Description										
			Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Drivers Assistance Program and Funding (cont'd)

Number of Incentives Denied	Number of incentive applications that were denied	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Reasons for Incentive Denied	Reasons for denying incentive applications	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Number of Incentive Applications not completed	Number of applications requested but not completed	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Average wait time	Average wait time for low- and moderate-income drivers to receive incentives	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Total Amount Spent on Incentives	Total dollar amount spent by incentive type and by CMS Regulated Entity	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Average LMI driver Incentive Amount Received	The average amount of incentive received by low- and moderate-income drivers	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Number of Drivers Qualifying as LMI	Number of drivers who are accessing services and qualify as low- and moderate-income (LMI)	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Number of Drivers accessing services	Number of drivers accessing Drivers Assistance services, not just low- and moderate-income	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal
Number of Drivers accessing other incentive programs	Number of drivers accessing other non-CMS incentive programs, list number by program type (CARB, Clean Cars 4 All, electric utility incentives, etc.)	Quarterly/ Annual	x		x	x	x		x	CPED CMS Staff Proposal

Data Field	Description	Data Fields							
		Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit

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Driver Information

Incentive Type	Type of Incentive received	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Incentive Amount	Value of the incentive received	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Primary CMS Regulated Entity	Identify which CMS Regulated Entity the driver primarily drives with	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
ZEV Make	ZEV Make procured with the incentive	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
ZEV Model	ZEV Model procured with the incentive	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
ZEV Year	ZEV Year procured with the incentive	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Driver Home Address	Driver's home address (if ok PII)	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Driver Home Zip Code	Driver's home Zip Code	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Driver Home Tract	Driver's Home Census Tract. Input as an 11-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Driver Home CB	Driver's Home Census Block	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal

Data Field	Description	Data Fields							
		Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit

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Driver Information (cont'd)

Typical Driving Location	Location where driver typically works (City ok). Input as an 15-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Typical Commute Distance	Average distance traveled for driver to get to working location in miles	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Typical Commute Time	Average travel time for driver to get to working location in miles	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Does driver have access to home charging?	Does driver have access to home charging (Y/N)	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Driver housing type	Driver housing type (Single family home, Apartment, Condo, Single Room, Other)	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Driver charging plans	How does the driver intend to "repower" the ZEV? (Public fast charging, home, etc.)	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Annual income from driving	Typical annual income from driving	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Annual household income total	Typical household income overall (including driving)	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Household size	Number of people in household	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal

Data Field	Description
	Submission Timing
	Compliance
	Supp. Calcs
	LMI Drivers
	ESJ
	Clean Mobility
	Exemptions
	Eval/Audit
	Source

Supp: Supplemental, LMI: Low- and Moderate-Income, ESJ: Environmental and Social Justice, Eval: Evaluation

Driver Information (cont'd)

Typical number of hours driven per week	Typical weekly hours spent driving	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Driving experience	How long have they been driving in months/years	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Vehicle replacement Make	Vehicle replaced by ZEV Make	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Vehicle replacement Model	Vehicle replaced by ZEV Model	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Vehicle replacement Year	Vehicle replaced by ZEV Year	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Charging Infrastructure Location Address	Location of funded charging infrastructure address (if ok PII)	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Charging Infrastructure Location Zip Code	Location of funded charging infrastructure Zip Code	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Charging Infrastructure Location Tract	Location of funded charging infrastructure Census Tract. Input as an 11-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal

Data Field	Description	Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source

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Driver Information (cont'd)

Charging Infrastructure Location CB	Location of funded charging infrastructure Census Block. Input as an 15-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal
Other demographics?	TBD	Quarterly/ Annual	x	x	x	x	x			CPED CMS Staff Proposal

Charging Data (in the event that this can be collected through the Drivers Assistance Program)

Date and time of charging event	Date and start time of charging event	Quarterly/ Annual			x	x	x			CPED CMS Staff Proposal
Location of charging event: Address	Address of charging event location if public charging.	Quarterly/ Annual			x	x	x			CPED CMS Staff Proposal
Location of charging event: Zip Code	Zip Code of charging event location	Quarterly/ Annual			x	x	x			CPED CMS Staff Proposal
Location of charging event: Latitude	Latitude of charging event location	Quarterly/ Annual			x	x	x			CPED CMS Staff Proposal
Location of charging event: Longitude	Longitude of charging event location	Quarterly/ Annual			x	x	x			CPED CMS Staff Proposal

Data Field	Description	Submission Timing	Compliance	Supp. Calcs	LMI Drivers	ESJ	Clean Mobility	Exemptions	Eval/Audit	Source

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Charging Data (cont'd)

Location of charging event: Tract	Census Tract of charging event location. Input as an 11-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual			x	x	x			CPED CMS Staff Proposal
Location of charging event: CB	Census Block of charging event location. Input as an 15-digit GEOID, see https://www.census.gov/programs-surveys/geography/guidance/geo-identifiers.html	Quarterly/ Annual			x	x	x			CPED CMS Staff Proposal
Name of charging provider	Name of charging provider, if available	Quarterly/ Annual			x	x	x			CPED CMS Staff Proposal
Type of charging	Level 2, DCFC	Quarterly/ Annual			x	x	x			CPED CMS Staff Proposal
Cost of charging event	Cost of charging event in dollars	Quarterly/ Annual			x	x	x			CPED CMS Staff Proposal
Length of charging event	Length of charging event in minutes	Quarterly/ Annual			x	x	x			CPED CMS Staff Proposal

ATTACHMENT B

Clean Miles Standard (CMS) Phase 1

Staff Proposal Summary

CPUC Consumer Protection and Enforcement Division (CPED)

November 17, 2022

This summary document is provided to support stakeholder review of the CMS Staff Proposal. Should you identify any unintended inconsistencies between the full Staff Proposal and these summary points, the full Staff Proposal supersedes.

1. Definition of CMS Regulated Entities.

- CPED proposes to define “CMS Regulated Entities” as transportation network companies and companies providing passenger service with autonomous vehicles subject to the Clean Miles Standard.
- CPED proposes to consider whether other carrier types should be included in the definition of CMS Regulated Entities in a future decision in Phase 2 of this proceeding.

2. CARB Annual Targets, Regulatory Framework, and Timeline

- CARB established greenhouse gas (GHG) and electric vehicle miles traveled (eVMT) targets for CMS compliance beginning in 2023.
- CPED proposes holding CMS Regulated Entities accountable to annual GHG and eVMT targets established by CARB starting in 2023.
 - Staff request CMS Regulated Entities provide a status update on their progress towards meeting CARB’s 2023 annual targets to inform the Commission’s understanding.
- CPED recommends that CMS Regulated Entities file their first proposed GHG Emissions Reduction Plan (GHG Plan) in 2023, within 90 days of the final Phase 1 decision.
 - The first GHG Plan should be considered a Partial GHG Plan covering only Phase 1 scoping issues.
 - Within 90 days of a Commission decision on Phase 2 issues, CMS Regulated Entities shall submit a Tier 3 Advice Letter with an updated GHG Plan covering Phase 2 issues. To avoid duplicative submissions and review, should the decision on Phase 2 issues be filed between the beginning of April and end of December before a new GHG Plan is due, the CMS Regulated Entities may wait to submit a full GHG Plan as part of the regular submission cycle.
- CPED proposes a Drivers Assistance Program with a third-party Program Administrator and anticipates disposition of advice letters for the associated Implementation Plan and program Handbook in Quarter 4 of 2024.

- CPED recommends the Commission follow a similar structure for submission and review of GHG Plans beyond the first Partial GHG Plan. CMS Regulated Entities shall file their GHG Plans as Tier 3 Advice Letters by the start of the new calendar year (January 1, 2026; January 1, 2028; and January 1, 2030).
- The scoping memo for this proceeding anticipated that a final decision on Phase 2 issues would be issued during Quarter 1 of 2024. Staff anticipates that Phase 2 will take additional time in 2024.

3. Low- and Moderate-Income Drivers

- CPED proposes the following definitions for low- and moderate-income drivers for 2022. CPED recommends updating these income limits annually per California Department of Housing and Community Development's State Income Limits.
 - Low-income drivers are those with individual annual incomes at or below 80% of the statewide median income as defined in the Department of Housing and Community Development's list of state income limits. For 2022, the annual low-income limit is \$56,896 for an individual income.
 - Moderate-income drivers are those with individual annual incomes between 80% and 120% of the statewide median income as defined in the Department of Housing and Community Development's list of state income limits. For 2022, the moderate-income limit is \$85,344 for an individual income.
- CPED recommends the Commission utilize the low- and moderate-income driver definition throughout CMS implementation to ensuring minimal negative impact, including for: Drivers Assistance Program, Other Proposed Driver Initiatives, Clean Mobility and Environmental and Social Justice, and Compliance Data and Assessment.
- CPED proposes a Drivers Assistance Program managed by a third-party administrator, established through a fee proposed and paid by CMS Regulated Entities, to provide low- and moderate-income drivers with access to financial resources and all drivers with access to education resources. The Program Administrator of the Drivers Assistance Program will identify low- and moderate-income drivers per the proposed definition.
- CPED proposes negative impacts of CMS implementation should include any financial impacts on low- and moderate-income drivers that reduce a drivers' net earnings.
- CPED proposes to ensure minimal negative impact by implementing the following:
 - Low- and moderate-income drivers spend no more than 15% of their annual income on vehicle costs associated with zero-emission vehicles (ZEV) procurement (e.g., rent, lease, or purchase).
 - Low- and moderate-income drivers will receive a 120-day notice from CMS Regulated Entities before they are deactivated or have their rides de-prioritized for not driving a ZEV. The notice will encourage drivers to sign-up for the Drivers Assistance Program, and while participating in the Drivers Assistance Program, the notice period will be paused. CMS Regulated Entities will propose an annual cap on the percentage of low- and moderate-income drivers who can be deactivated or de-prioritized each year.

- Low- and moderate-income drivers will receive an additional incentive to account for the time and cost of charging required for driving a ZEV through the Drivers Assistance Program, and CMS Regulated Entities will propose actions to support drivers with their charging concerns.
- CPED proposes three methods for satisfying the ZEV affordability requirement for a ZEV incentive: Match Clean Vehicle Rebate Program (CVRP), Assess affordability individually, or Assess affordability generally (see Section 5.3.1 of the Proposal). To be applied for ZEV lease, rental, or purchase. The incentive implementation will be managed, tracked, and reported by the Program Administrator.
- CPED proposes data reporting to support the tracking and assessment of low- and moderate-income driver deactivation and de-prioritization. CMS Regulated Entities shall report the number of low- and moderate-income drivers given notice and then suspended, deactivated, or de-prioritized through data collection on driver income or home location of drivers (ZIP code, Census Tract, and Census Block Group) to assess if they are from low- and moderate-income communities (see Section 5.3.2 of the Proposal).
- CPED proposes to provide low- and moderate-income drivers with vehicle charging related incentives: Match CVRP, new estimate, flexible incentive (see Section 5.3.3 of the Proposal). The incentive implementation will be managed, tracked, and reported by the Program Administrator.
- CMS incentives should be additive to other incentive programs provided through federal, state, regional, and local agencies, and should be delivered in a manner that minimizes barriers to access for low- and moderate-income drivers.
- CPED proposes establishing a Staff-led Driver Working Group that would provide a space for direct driver feedback on CMS driver related issues.
 - The Driver Working Group should be formed within 6 months of the final decision approving the formation of the working group.
 - The Driver Working Group should convene no less than every 6 months.
 - The Drivers Working Group should consist of 8-12 members with representation from ZEV drivers, low- and moderate-income drivers, and drivers' representatives.
 - Drivers should commit to participating for at least one year but not more than 3 years and can leave should they no longer actively drive on a CMS Regulated Entities' platform or any other reason. Staff should replace drivers as needed.
 - The Program Administrator and CARB staff should be invited to sit in on Driver Working Group meetings.
 - The Driver Working Group shall provide direct feedback to CPED Staff on CMS Implementation including on driver outreach and education material, survey questions, marketing material, webpages. The Driver Working Group may also provide direct feedback on program deliverables such as GHG Plans, compliance data, Annual Report to be at the direction and facilitation of CPED Staff during Driver Working Group meetings.
 - Driver Working Group may participate in CMS-related workshops like those on GHG Plans or Transportation Electrification.

- Feedback from drivers will be incorporated into the Annual Low- and Moderate-Income Driver Impact Report.
- CPED proposes Staff conduct an annual driver survey to better understand impacts of CMS on drivers.
 - Annual Driver Survey should focus on driver impacts described in the Ensuring Minimal Negative Impact section and barriers to adoption of ZEVs by low- and moderate-income drivers to inform the Annual Low- and Moderate-Income Driver Impact Report.
 - Annual Driver Survey should be deployed through available driver resources.
 - Annual Driver Survey should be deployed in the first quarter of the year so that the analysis of the responses corresponds with the start of the Annual Low- and Moderate-Income Driver Impact Report assessment.
 - Annual Driver Survey questions should be informed by the Driver Working Group.
 - Feedback from drivers will be incorporated into the Annual Low- and Moderate-Income Driver Impact Report.
- CPED proposes compensating drivers through the Drivers Assistance Program for participating in CMS engagement activities.
- CPED proposes preparing an Annual Low- and Moderate-Income Driver Impact Report to assess the impact of CMS implementation on low- and moderate-income drivers and barriers to transitioning to zero-emission vehicles for low- and moderate-income drivers.
 - The report analysis will also take into account compliance and reporting data submitted by the CMS Regulated Entities and Program Administrator using the proposed assessment methods.
 - The Annual Report process will commence when CMS Regulated Entities submit their annual compliance reports on March 1st. With the first report due after the first full calendar year of program implementation.
 - The Annual Report should be made public before the end of the calendar year.
 - The Program Administrator of the Drivers Assistance Program and CMS Regulated Entities should support CPED Staff by providing the data and information to support the creation of the Annual Report.
 - The Annual Report will inform the biennial unanticipated barriers review and the Unanticipated Barriers and Progress Report.
 - The Annual Report should include the following sections: Low- and Moderate-Income Driver Definition, Negative Impact Assessment, Annual Driver Survey, New Research Study Results, Barriers Assessment, and Recommendations.

4. Drivers Assistance Program

- CPED proposes the creation of a Drivers Assistance Program funded by the CMS Regulated Entities and implemented by a third-party administrator to support drivers' transition to ZEVs both financially and through education and outreach (a resource for drivers).
- CPED recommends CMS Regulated Entities propose a regulatory fee to fund the Drivers Assistance Program in their GHG Plan advice letters, to be approved by the Commission.

- The fee will be collected as soon as the first GHG Plan is reviewed and approved.
- CPED proposes the Commission have oversight over the Program Administrator and Drivers Assistance Program.
- CPED proposes the Program Administrator will be selected through a Request for Proposal (RFP) process conducted by one of the CMS Regulated Entities (the contracting agent) assigned by the Commission.
 - CPED Staff would review the RFP prior to issuance to verify it includes the appropriate Drivers Assistance Program elements and requirements, review and score RFP responses, and approve the final selection of the Program Administrator.
- CPED proposes the Program Administrator should be able to provide the following program components (see more details in Section 7.1.1 of the Proposal).
 - Experience with service delivery in similar program(s)
 - Incentive program development and tracking
 - Databases and IT
 - Marketing, education, and outreach
 - Application/incentive review and eligibility verification
 - Data collection and reporting
- CPED proposes the contracting agent will have the following responsibilities:
 - The contracting agent shall file a Tier 2 advice letter with the Commission requesting formal approval of the contract.
 - The contracting agent shall file a Tier 1 advice letter with CPED within 15 days of the adoption of a Commission decision that establishes the Drivers Assistance Program and Program Administrator approach to open a balancing account.
 - The contracting agent will track costs associated with performing the work with cost recovery subject to a true-up based on actual costs accrued and to a final verification by CPED to be assessed no more than quarterly
- CPED proposes that a signed contract between the contracting agent and the selected Program Administrator should be executed within six months of submission of the first GHG Plans with a three-year contract term and option for two more three-year periods.
- CPED proposes program administrative costs should have the following budgets:
 - Contracting agent's costs are not to exceed \$100,000 per year.
 - Program Administrator's fees are not to exceed \$8 million per year.
 - Programmatic Evaluation Contractor costs are not to exceed \$500,000 per evaluation (\$1 million for two).
 - Financial Auditor costs are not to exceed \$500,000 per audit (\$1 million for two).
 - Program administrative costs should be shared among the CMS Regulated Entities.
- CPED recommends the CMS Regulated Entities should account for starting up the Drivers Assistance Program funding in the early years, 2023 and 2024, ahead of the launch with the aim to collectively contribute at least \$11 million per year to cover Program Administrator costs (\$8 million/year), contracting agent costs (\$100,000/year), Evaluation Contractor and Financial Auditor (\$1 million/year), and early incentives (\$1.9 million/year).

- Later year fee proposals should account for the Program Administrative costs and funding for the Drivers Assistance Program but may not include the Evaluation Contractor and Financial Auditor costs if they are already fully funded.
 - CMS Regulated Entities will contribute their Drivers Assistance Program fees to the contracting agent's account at least monthly upon commencement of fee collection.
- CPED proposes specific roles and responsibilities for CPUC, CMS Regulated Entities, contracting agent, and Program Administrator for the Drivers Assistance Program detailed in Section 7.3 of the Staff Proposal.
 - CPUC role: Establish roles and responsibilities and selection criteria in a decision for the CMS Regulated Entities, Program Administrator, Evaluation Contractor, and Financial Auditor. Oversee the RFP processes, Drivers Assistance Program, and Program Administrator, and review deliverables.
 - CMS Regulated Entities role: Propose Drivers Assistance Program funding amount and collect the fee, provide data, help to disseminate information, support the Drivers Assistance Program efforts.
 - Contracting Agent role: Conduct the RFP for the Program Administrator, Evaluation Contractor, and Financial Auditor. Establish an account for the fees collected from CMS Regulated Entities. Manage Program Administrator invoicing and payment. Provide reporting on the Drivers Assistance funding.
 - Program Administrator role: Manage and implement the Drivers Assistance Program and submit required deliverables.
- CPED proposes the Commission require the Drivers Assistance Program's Program Administrator to file a Tier 3 advice letter to propose an Implementation Plan and Handbook within 90 days of the Phase 1 decision and do regular data reporting.
- CPED recommends the Commission require that the Implementation Plan and Handbook be updated as the required Implementation Plan and Handbook elements are adjusted, and the Program Administrator shall file the proposed changes through a Tier 2 Advice Letter. Proposed changes or updates shall occur at least annually and shall be responsive to approved GHG Plans and the Annual Low- and Moderate-Income Driver Impact Report.
- CPED proposes the Implementation Plan cover the Drivers Assistance Program implementation details such as proposed program activities, timeline, budget, and reporting and include the following (see more details in Section 7.4.1 of the Proposal):
 - Incentive program and design; Incentive application process; Staff training; Supportive services and resources for drivers; Drivers Assistance Program website; Minimal negative impact integration; Stakeholder engagement; Coordination with CMS Regulated Entities; Budget; Timeline; and Data collection and reporting.
 - CPED proposes to enable drivers to verify their income through participation in other income-based programs (e.g., CalFresh, Clean Vehicle Assistance Program) for the purposes of the Driver Assistance Program low- and moderate-income based incentives.
- CPED proposes the Handbook cover the ongoing rules for operating the Drivers Assistance Program that can be used as a reference for drivers or other stakeholders and include the following (see more details in Section 7.4.2 of the Proposal):

- Incentive guidelines; Additional Drivers Assistance Program supportive services and resources; Reporting requirements and formats; Guidelines for coordination with CMS Regulated Entities and Staff; and Current thresholds for meeting the low- and moderate-income driver income-eligibility requirements for CMS incentives.

5. Programmatic Evaluation and Financial Audit

- CPED proposes a programmatic evaluation to assess the performance of the Program Administrator, Drivers Assistance Program, and the CMS Regulated Entities' activities outside of the Drivers Assistance Program in meeting the CMS Program goals to be completed by an Evaluation Contractor.
 - Evaluation Contractor shall be selected through an RFP conducted by the contracting agent to start at least one year after the launch of the Drivers Assistance Program, or by the end of December 2025.
 - CPED recommends the contracting agent conduct an RFP process and select an Evaluation Contractor under contract within six months of starting the process.
 - The cost of hiring an evaluation contractor will be covered by the CMS Regulated Entities with a budget of \$500,000 per evaluation, or \$1 million for two evaluations.
 - The Evaluation Contractor shall have experience evaluating assistance programs based on direction from the Commission. Staff will select the Evaluation Contractor in accordance with the Commission decision and will approve key deliverables.
 - Evaluation shall occur at least twice through the life of the Drivers Assistance Program with the first evaluation within the first 24 months of the creation of Drivers Assistance Program and then once more no more than three years later.
 - The guidelines and metrics for the evaluation should be addressed in Phase 2 of the CMS proceeding. Recommendations for the evaluation questions are included in Section 7.5 of the Proposal.
 - CPED recommends that the guidelines for the Evaluation Contractor include an evaluation scoring rubric so that CPED can make an informed decision on the Program Administrator's performance. The rubric shall include outcomes that could result in the recommendation from Staff that the Program Administrator's contract is not renewed. Should the Drivers Assistance Program require a new Program Administrator, the same competitive process shall be undertaken.
- CPED recommends independent financial audits of the CMS Regulated Entities throughout CMS implementation to ensure the protection of drivers' pay and proper use of funds collected through the CMS regulatory fee.
 - The Financial Auditor shall be selected through an RFP conducted by the contracting agent to start at least one year after the launch of the Drivers Assistance Program, or by the end of December 2025.
 - CPED recommends the contracting agent conduct an RFP process and select a Financial Auditor under contract within six months of starting the RFP process.
 - The cost of hiring a Financial Auditor will be covered by the CMS Regulated Entities with a budget of 500,000 per audit, or \$1 million for two audits.

- Financial audit shall occur at least twice through the life of the Drivers Assistance Program with the first audit within the first 24 months of the creation of Drivers Assistance Program and then once more no more than three years later.
- CPED recommends the Commission leave open the possibility of additional or more frequent audits should the initial audits find issues that might require it.
- The guidelines and metrics for the audits should be addressed in Phase 2 of the CMS proceeding. Recommendations for the financial audit assessment are included in Section 7.6 of the Proposal.

6. GHG Emissions Reduction Plans

- CPED proposes a Tier 3 Advice Letter process for submitting GHG Emissions Reduction Plans which provides for public comment and Commission consideration via resolution.
 - Should the Commission require the CMS Regulated Entities to modify their GHG Plans in a resolution, the new GHG Plans should be submitted via Tier 1 Advice Letter. Staff will confirm the Tier 1 Advice Letters meet the modifications required.
- CPED proposes the first GHG Plan will be considered a Partial GHG Plan as Phase 2 scoping issues will not have been decided on before their submission due date. Within 90 days of a Commission decision on Phase 2 issues, CMS Regulated Entities shall submit a Tier 3 Advice Letter with an updated GHG Plan covering Phase 2 issues.
 - To avoid duplicative submissions and review, should the decision on Phase 2 issues be filed between the beginning of April and end of December before a new GHG Plan is due, the CMS Regulated Entities may wait to submit a full GHG Plan as part of the regular submission cycle.
- CPED recommends GHG Plans describe the CMS Regulated Entities' GHG Plans to meet the annual targets for each target year remaining. For example, if the initial GHG Plan is submitted in 2023, then the GHG Plan should include the required qualitative and quantitative elements for each year from 2023 through 2030. CMS Regulated Entities will be held accountable to the proposals in their most recently approved GHG Plan.
- CPED proposes to describe the GHG Plans as having two main requirements and be provided in a template – a Narrative Plan and Supplemental Calculations - as a means of distinguishing the requirements and to aid in the review of the plans.
 - The Narrative Plan shall include (see Section 8.2.1 of the Proposal): Executive Summary; Study/Plan Design for Achieving Targets; Analysis Results; Action Plan; Anticipated Barriers and Minimization Proposals; Data; and Lessons Learned.
 - The Action Plan shall include proposal for: Drivers Assistance Program elements including the proposed fee; Additional actions to meet targets and goals; Minimizing negative impact on low- and moderate-income drivers; Advancing the goals of clean mobility; Environmental and Social Justice; Sustainable land-use (issue to be covered in Phase 2); and Optional credits (issue to be covered in Phase 2).
- CPED proposes the Supplemental Calculations will include required quantitative elements describing how CMS Regulated Entities will meet the CMS annual targets and goals, but

CMS Regulated Entities may propose actions that are not captured within the base calculation data fields and estimations (e.g., like partnerships with a charging companies).

- CPED proposes to use a scorecard system to review GHG Plans based on the following criteria (1) completeness, (2) feasibility, and (3) and accuracy (using “exemplary”, “sufficient”, or “deficient” as scores).
- CPED proposes CMS Regulated Entities submit an Advice Letter when they are planning to significantly deviate from their approved GHG Plans. CPED lists suggestions for what constitutes a significant deviation (e.g., changes to the Drivers Assistance Program funding amount or fee, etc.) and considerations for Tier 1 or Tier 2 level deviations as described in Section 8.5 of the Proposal. Submissions shall include updated Supplemental Calculations.
- CPED proposes to host a Staff-led workshop for CMS Regulated Entities to present their GHG Plans after submission for every year a GHG Plan is submitted.

7. Compliance and Enforcement Approach

- CPED proposes for compliance, CPED Staff will verify that CMS Regulated Entities have met all requirements, including those in statute, Commission decisions, and relevant P.U. Codes. CPED Staff will communicate non-compliance directly to CMS Regulated Entities and will seek to resolve issues through these communications.
- CPED recommends the Commission establish an enforcement program to ensure the successful implementation of the Clean Miles Standard, including specific thresholds and penalties. The enforcement program shall identify tools and methods for enforcing CMS requirements. Enforcement actions may include anything contained in the Commission’s adopted Enforcement Policy, Resolution M-4846 and will be determined through a Commission decision in Phase 2.
- CPED proposes to the Commission establish compliance approaches for the following types of issues (see details in Section 9 of the Proposal):
 - Failure to meet annual GHG and eVMT CMS targets
 - Not implementing their GHG Plans
 - More than minimal negative impacts on low- and moderate-income drivers
 - Improper use of funds
 - Data reporting violations

8. Clean Mobility

- CPED proposes to advance the CMS goals of supporting clean mobility for low- and moderate-income individuals by 1) providing low- and moderate-income individuals (i.e., drivers) access to ZEVs through ZEV incentive programs, and 2) providing to low- and moderate-income communities access to rides in ZEVs from the CMS Regulated Entities.
- CPED proposes to define low- and moderate-income individuals the same as low- and moderate-income drivers.
- CPED proposes to define low- and moderate-income communities as follows:

- **Low-income communities** are census tracts with median household incomes at or below 80% of the statewide median income as defined by California Department of Housing and Community Development's State Income Limits adopted pursuant to Section 50093, as described in Health and Safety Code Section 39713 and AB 1550.
- **Moderate-income communities** are census tracts with median household incomes between 80% and 120% as defined by California Department of Housing and Community Development's State Income Limits adopted pursuant to Section 50093, as described in Health and Safety Code Section 39713 and AB 1550 for low-income but applied to the moderate-income definition.
- CPED proposes to identify low- and moderate-income individuals and communities by collecting income data on low- and moderate-income drivers who access the Drivers Assistance Program incentives and collecting census tract location data to support community identification through the CMS compliance data reporting.
- Staff will monitor and assess progress made towards the goals of clean mobility in the biennial Unanticipated Barriers and Progress Report.

9. Outreach and Engagement

- CPED proposes the following driver outreach and engagement:
 - Creation of a Driver Working Group administered by CPED Staff and as described in the Low- and Moderate-Income Drivers bullets above.
 - An Annual Driver Survey.
 - Program Administrator managed driver-specific marketing, education, and outreach through the Drivers Assistance Program.
 - CMS Regulated Entities will help to disseminate Drivers Assistance Program information and other driver engagement opportunities in addition to implementing their own programs.
- CPED proposes establishing a Staff-led Implementation Working Group that would provide a forum for coordination on issues such as barriers to vehicle adoption, goals of clean mobility, ZEV infrastructure issues, and Environmental and Social Justice (ESJ) issues.
 - Members could include representatives from the following organization types: CMS Regulated Entities, drivers, non-governmental organizations/community-based organizations including transportation equity organizations, EV charging companies, vehicle manufacturers, other government entities, and researchers.
- CPED proposes Staff will incorporate feedback and findings from the Driver Working Group, Annual Driver Survey, and Implementation Working Group into the Annual Low- and Moderate-Income Driver Impact Report and the Unanticipated Barriers and Progress Report, as applicable.
- CPED proposes CMS Regulated Entities and the Drivers Assistance Program should provide interpretation and translation services for any driver related engagement.

10. Data Issues

- CPED proposes the following data requirements:
 - Staff to provide a data dictionary and templates that CMS Regulated Entities will be required to use.
 - Data should be used to hold CMS Regulated Entities accountable for meeting annual targets and goals and to track progress towards program goals.
- CPED proposes CMS Regulated Entities and the Program Administrator submit the data described in the Data Reporting section of the Proposal and listed in Appendix B of the Proposal that covers the following topics: Supplemental Calculations, Annual and Quarterly Compliance Data, Drivers Assistance Program, Minimal Negative Impact on Low- and Moderate-Income Drivers, Clean Mobility, ESJ, Exemptions, and Evaluation and Audits. Sustainable Land-Use and Unanticipated Barriers are to be considered in a Phase 2 decision.
- CPED proposes to verify the accuracy and completeness of submitted data through:
 - CMS Regulated Entities' attestation in a manner consistent with existing data collection methods for TNC Annual Reports, WAV Quarterly Reporting, and AV Quarterly Reporting.
 - CMS Regulated Entities' submittal to data audits through the Programmatic Evaluation and Financial Audits.
- CPED recommends the Commission affirm the applicability of existing data confidentiality rules, consistent with D.20-03-014 and D.21-05-017, as set forth in General Order 66-D: all data submitted to the Commission not otherwise covered by existing privacy law is considered public by default; companies seeking confidential treatment of all, or part of its submittal must make a legal claim to its confidentiality
- CPED proposes data submitted to CPUC for the CMS program be public and shareable unless it contains personally identifiable information (PII) like names and addresses. Location data shall be made public according to the current data aggregation practices for TNC Annual Reports. Data may be shared through a public facing data portal similar to the TNC Data Portal.

11. Coordination with Transportation Electrification Efforts

- CPED proposes to conduct Transportation Electrification Workshops on specific transportation related topics that bring together the public, private, and non-profit sectors, regularly throughout implementation. The topics will be identified through the Driver Working Group, Implementation Working Group, other engagement, by Staff, or in the Annual Report.
- CPED proposes regular coordination on transportation electrification topics with CPUC's Energy Division working on the Transportation Electrification Framework, California Energy Commission (CEC), and the Interagency Transportation Electrification group.
- CPED proposes that relevant findings or updates from Transportation Electrification Workshops and staff coordination activities will be incorporated into the Annual Report and the Unanticipated Barriers and Progress Report.

- CPED proposes to require the Program Administrator of the Drivers Assistance Program to work with other relevant public or private organizations on charging infrastructure opportunities for drivers.

12. Environmental and Social Justice

- CPED proposes the Commission define CMS relevant ESJ communities as low- and moderate-income drivers (defined in Low- and Moderate-Income Drivers) and low- and moderate-income communities (defined in Clean Mobility).
- CPED proposes CMS Regulated Entities describe in their GHG Plans how their proposals will ensure minimal negative impact on low- and moderate-income drivers per ESJ Action item 3.1.2 and how they may improve access to charging infrastructure in low- and moderate-income communities per ESJ Action Item 2.5.5.
 - ESJ Action Item 3.1.2 is Implementation of Clean Miles Standard and Impact on Drivers from ESJ Communities.
 - ESJ Action Item 2.2.5 is Improving Access to EV Charging for ESJ Communities.
- CPED proposes adopting recommendations to protect low- and moderate-income drivers that were presented in the Ensuring Minimal Negative Impact section of the Proposal.
- CPED proposes CMS Regulated Entities should report data that documents the CMS Program's progress towards meeting ESJ Action Items, as described in Data Reporting.
- CPED proposes Staff will assess progress made towards the goals in the biennial Unanticipated Barriers and Progress Report.

13. Exemptions

- CPED proposes the Commission adopt the CARB exemption for small CMS Regulated Entities with additions that apply the exemption to CMS Regulated Entities and define the annual miles traveled exemption (5 million miles) to include all periods traveled in passenger services.
- CPED proposes any CMS Entity that surpasses five million VMT in any calendar year between 2023 and 2030 is subject to the Clean Miles Standard and must comply by submitting a GHG Plan due at the start of the next calendar year.
- CPED proposes small CMS Regulated Entities do the following:
 - File for exemption status on January 15th of each year, for the previous year, through a Tier 2 Advice Letter.
 - Report trips by location as part of the CMS annual compliance reporting (see Data Reporting Section of the Proposal)
- CPED proposes the Commission adopt the CARB exemption for Wheelchair Accessible Vehicle (WAV) trips with additions to the exemption application to include CMS Regulated Entities and CPUC verification.
- CPED proposes data reporting to enable CPED Staff to track and assess any potential unintended impact of the exemptions by assessing whether small CMS Regulated Entities or

WAV trips are (or are not) disproportionately serving low- and moderate-income communities/individuals (ESJ communities).

- CPED proposes to include the assessment of the small CMS Regulated Entity and WAV exemptions and potential impact to ESJ communities in the biennial Unanticipated Barriers and Progress Report.

14. Unanticipated Barriers and Progress Report

- CPED proposes Staff prepare a biennial Unanticipated Barriers and Progress Report (Biennial Report) to meet the statutory unanticipated barriers reporting and to assess progress made towards other program goals.
 - The Biennial Report shall cover the following topics for the time period between Biennial Reports (or for the years prior to the first Biennial Report), with some covered in detail in this Phase 1 Proposal and others anticipated in Phase 2.
 - The Biennial Report shall be conducted on the even year, due by the end of the calendar year.
- CPED proposes the items to be considered as part of the “Progress” part of the report include, in addition to the Unanticipated Barriers Review:
 - Review of Annual GHG reduction and eVMT targets
 - Low- and Moderate-Income Driver Impact
 - Outreach and Engagement
 - Advancement of Clean Mobility
 - Advancement of Environmental and Social Justice
 - Sustainable Land Use
 - Assessment of Optional Credits
 - Exemptions