



STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

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July 22, 2025

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Quasi-Legislative

TO PARTIES OF RECORD IN RULEMAKING 19-02-012:

This is the proposed decision of Commissioner Baker. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's August 28, 2025, Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

/s/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC: cg7

Attachment

Decision **PROPOSED DECISION OF COMMISSIONER BAKER MAILED**

(Mailed 07/22/2025)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to
Implement Senate Bill 1376 Requiring
Transportation Network Companies
to Provide Access for Persons with
Disabilities, Including Wheelchair
Users who need a Wheelchair
Accessible Vehicle.

Rulemaking 19-02-012

**DECISION GRANTING PETITION FOR MODIFICATION
OF DECISION 20-03-007 BY UBER TECHNOLOGIES, INC.****Summary**

This decision grants the Petition for Modification of Decision 20-03-007 filed by Uber Technologies, Inc., with an additional qualification.

This proceeding remains open.

1. Background

On March 19, 2020, the Commission issued Decision (D.) 20-03-007. That decision addressed implementation details for Senate Bill 1376, the “[Transportation Network Company (TNC)] Access for All Act,” including establishing requirements for offset eligibility, exemption eligibility, and the distribution of funds for the TNC Access for All Fund. In particular, that decision determined the requirements for a TNC to provide wheelchair

accessible vehicle (WAV) service by providing its own vehicles or by contracting with a third-party transportation provider to provide WAV services.

On April 8, 2025, Uber Technologies, Inc. (Uber) filed a petition for modification of D.20-03-007 (Petition). Responses to the Petition were filed on May 8, 2025 by the San Francisco Municipal Transportation Agency, San Francisco Office of Disability and Accessibility, and San Francisco County Transportation Authority (jointly, San Francisco) and the San Francisco Taxi Workers Alliance (SFTWA).

2. Summary of Petition

In its Petition, Uber states that WAV supply currently does not meet all rider demand on Uber's platform and that many taxicab companies have available resources to meet demand through wheelchair ramp taxis.¹ Uber proposes to partner with ramp taxi providers to potentially allow Uber to serve more disabled persons in areas where Uber does not currently have WAV supply. To do so, however, WAV rides referred through the Uber App and fulfilled by ramp taxis must qualify for inclusion in the Access for All (AFA) Program and Uber's offset requests under the AFA Program.

Uber seeks modification of Ordering Paragraph (OP) 28 of D.20-03-007 to allow third-party transportation providers that are taxicab companies (in addition to Charter-party Carriers (TCP)) to provide WAV service as part of the AFA Program. Uber states that this modification would remove barriers for TNC-taxi partnerships to expand WAV options for customers. Uber states that the modification would continue to meet the established AFA Program standards. Uber further states that a modification to OP 28 aligns with the

¹ Uber Petition for Modification of D.20-03-007 (Petition) at 3.

Commission's commitment to enhance WAV access and to remove barriers to participation in the AFA program to expand WAV options.

3. Summary of Party Responses

San Francisco supports the Petition.² San Francisco states that in San Francisco, there is a Taxi Upfront Fare Pilot Program that allows third-party providers to send trip requests to taxi "E-Hail" applications, which are then serviced by taxi drivers. San Francisco states that currently WAV trips are not serviced through the Taxi Upfront Fare Pilot but if D.20-03-007 was modified, ramp taxi WAV service could be incorporated into the pilot or other programs. San Francisco states that TNCs that choose to partner with taxi providers will pay for the costs of these trips, including incentives or bonuses, just as it pays for sub-contractors providing on-demand WAV trips under the AFA Program. San Francisco states that in San Francisco, SFMTA would collaborate with stakeholders to ensure similar incentives are available to ramp taxis providing WAV trips in partnership with a TNC. San Francisco affirms that taxis in San Francisco must adhere to rigorous safety standards, including criminal background checks, liability insurance, and drug and alcohol testing. San Francisco states that it would closely monitor the program to ensure it does not negatively affect ramp taxi service.

SFTWA does not oppose the Petition but expresses some concern about the arrangement.³ SFTWA states that allowing TNCs to use taxis to fulfill obligations under the AFA Program may be a "mixed blessing." While it would provide more work for taxi drivers, there is the potential to siphon customers

² San Francisco Response to Petition at 1.

³ SFTWA Amended Response to Petition at 2.

away from taxis, particularly ramp taxis. SFTWA is concerned that Uber could lure customers away from taxi dispatch by offering free or very low-cost WAV transportation.

4. Standard of Review

Public Utilities (Pub. Util.) Code Section 1708 gives the Commission authority to “rescind, alter, or amend any order or decision made by it.” Modifying an existing decision, however, is an extraordinary remedy that must be carefully applied to keep with the principles of res judicata since “Section 1708 represents a departure from the standard that settled expectations should be allowed to stand undisturbed.”⁴

The Commission has consistently held that a petition for modification is not a substitute for legal issues that may be raised in an Application for Rehearing.⁵ However, as permitted under Rule 16.4 of the Commission’s Rules of Practice and Procedure (Rules), allegations of new or changed facts may be raised in a petition for modification if properly supported by the appropriate declaration or affidavit.

5. Discussion

Pursuant to Rule 16.4(b), allegations of new or changed facts must be supported by an appropriate declaration or affidavit. Uber declares that since the issuance of D.20-03-007, there are changed circumstances that warrant modification. Uber asserts that since D.20-03-007, the WAV supply does not meet all rider demand on Uber’s platform, that many taxicab companies have available resources to meet demand, and that the existing partnerships between

⁴ 1980 Cal. PUC LEXIS 785, 24; *see also* 2015 Cal. PUC LEXIS 278, 7.

⁵ *See* 2011 Cal. PUC LEXIS 483, 4.

Uber and the taxi industry have been successful. The Commission finds that the Petition complies with Rule 16.4.

Uber seeks modification of OP 28 of D.20-03-007 to allow third-party transportation providers that are taxicab companies, in addition to TCPs, to provide WAV service as part of the AFA Program. OP 28 of D.20-03-007 currently provides as follows:

28. A Transportation Network Company (TNC) that chooses to own vehicles to provide wheelchair accessible vehicle (WAV) service, or to contract with a third-party transportation provider to provide WAV service, shall obtain a Charter-party Carrier (TCP) permit. A transportation provider that chooses to use a TNC to provide WAV services shall also possess a TCP permit.

Uber states that allowing taxicab companies that do not carry a TCP permit to provide WAV service would meet the established AFA Program's safety standards because the standards for non-permitted transportation carriers eligible for Access Providers in the AFA Program are "effectively the same standards established for taxicab companies."⁶

The Commission previously established safety standards that non-permitted transportation carriers must comply with to be eligible for participation in the AFA Program. In D.20-03-007, the Commission provided that "an access provider's application shall include the following information," including:

1. Certification that the access provider's WAV drivers have completed WAV driver training within the past three years; and
2. Certification that all WAVs operating on an access provider's platform have been inspected and approved to

⁶ Uber Petition at 6.

conform with the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles within the past year.⁷

In D.21-11-014, the Commission determined that “[a] non-permitted transportation carrier is eligible to apply as an Access Provider if the carrier provides documentation that demonstrates the following:

1. Background checks: Carriers must perform background checks that meet or exceed what is required of Transportation Network Companies (TNCs) under the TNC Application Form.
2. Insurance: Carriers must have levels of insurance equivalent to or higher than what is required of charter-party carriers under General Order 115.
3. Controlled substance and alcohol testing: Carriers must be enrolled in a controlled substance and alcohol testing program.
4. Secretary of State registration: Carriers must have their articles of incorporation filed with the Secretary of State.
5. Motor Carrier Profile with California Highway Patrol (CHP): Carriers must complete the CHP 362 Motor Carrier Profile and obtain a CA Number from the CHP.”⁸

In its Petition, Uber contends that taxicab companies adhere to strict safety standards. Uber states that taxicab companies require background checks and that for example, San Francisco requires taxi drivers to “undergo fingerprinting and background checks that involve accessing California Department of Justice databases.”⁹ Uber asserts that that taxicab companies “must maintain similar insurance for paratransit rides,” citing to San Francisco’s proposal in Track 4 of

⁷ D.20-03-007 at Ordering Paragraph (OP) 33.

⁸ D.21-11-014 at OP 12.

⁹ Uber Petition at 4.

this proceeding in which San Francisco asserted that “accessible paratransit trips in the largest markets in California, San Francisco and Los Angeles, require at least \$1 million coverage.”¹⁰ Uber asserts that taxicab companies require drug and alcohol testing of drivers and that taxicab companies are “typically required to conduct pre-employment, post-accident, reasonable suspicion, follow-up and return-to-duty drug and alcohol testing on their drivers.”¹¹ Lastly, Uber asserts that taxicab companies are “typically required to provide online and in-person instruction for all drivers, as well as in-person training for WAV drivers on safety, securements, and sensitivity.”¹²

In support of the Petition, San Francisco affirms that taxis in San Francisco adhere to rigorous safety standards and that it would closely monitor the AFA Program to ensure the expanded modification does not negatively affect ramp taxi service.

The Commission is persuaded that a modification to OP 28 would expand the number of WAV options for customers and enhance the AFA Program’s ability to ensure the widest access to WAV services. Uber’s Petition, however, focuses primarily on the safety standards for San Francisco taxicabs. If adopted, the modification to OP 28 would apply to non-permitted transportation providers throughout California. As discussed above, OP 12 of D.21-11-004 provides that a non-permitted transportation carrier is eligible to apply as an Access Provider if the carrier provides documentation that it has satisfied multiple safety standards.

¹⁰ *Id.* at 5.

¹¹ *Id.*

¹² *Id.*

For this reason, if a TNC contracts with a WAV transportation provider that does not hold a TCP permit, the Commission finds it reasonable to require the non-permitted transportation provider demonstrate that it has met requirements (1)-(3) of OP 12 of D.21-11-004. This qualification will help ensure that a non-permitted WAV transportation carrier that contracts with a TNC is complying with the AFA Program's safety standards.

With this qualification, the Commission finds Uber's petition to modify D.20-03-007 to be reasonable. Accordingly, OP 28 is modified as follows (with the modification in underline):

28. A Transportation Network Company (TNC) that chooses to own vehicles to provide wheelchair accessible vehicle (WAV) service, or to contract with a third-party transportation provider to provide WAV service, shall obtain a Charter-party Carrier (TCP) permit. A transportation provider that chooses to use a TNC to provide WAV services shall also either possess a TCP permit or otherwise be licensed by a California state or local municipal entity. If a transportation provider does not possess a TCP permit, the TNC shall submit documentation that demonstrates the transportation provider has complied with requirements (1)-(3) of Ordering Paragraph 12 of Decision 21-11-004. The TNC shall submit this documentation along with its Offset Request submission.

6. Comments on Proposed Decision

The proposed decision of ALJ Debbie Chiv in this matter was mailed to the parties in accordance with Section 311 of the Pub. Util. Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____ by _____.

7. Assignment of Proceeding

Matthew Baker is the assigned Commissioner and Debbie Chiv is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Rule 16.4(b) requires that any allegations of new or changed facts must be supported by an appropriate declaration or affidavit.

2. A modification to OP 28 would expand the number of WAV options for customers and enhance the AFA Program's ability to ensure the widest access to WAV services, while ensuring that a non-permitted WAV transportation carrier that contracts with a TNC complies with the AFA Program's safety standards.

Conclusions of Law

1. Petition satisfies the requirements of Rule 16.4.
2. Petition provides good cause to modify OP 28 of D.20-03-007.
3. Petition should be granted, with an additional qualification.

O R D E R

IT IS ORDERED that:

1. Uber Technologies, Inc.'s petition for modification of Decision 20-03-007, with a qualification, is granted.

2. Ordering Paragraph 28 of Decision 20-03-007 is modified as follows:

A Transportation Network Company (TNC) that chooses to own vehicles to provide wheelchair accessible vehicle (WAV) service, or to contract with a third-party transportation provider to provide WAV service, shall obtain a Charter-party Carrier (TCP) permit. A transportation provider that chooses to use a TNC to provide WAV services shall also either possess a TCP permit or otherwise be licensed by a California state or local municipal entity. If a transportation provider does not possess a TCP permit, the TNC shall submit documentation that demonstrates the transportation provider has complied with requirements (1)-(3) of Ordering Paragraph

12 of Decision 21-11-004. The TNC shall submit this documentation along with its Offset Request submission.

3. Rulemaking 19-02-012 remains open.

This order is effective today.

Dated August ___, 2025, at San Francisco, California.