

**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.

FILED  
PUBLIC UTILITIES COMMISSION  
FEBRUARY 21, 2019  
SAN FRANCISCO, CALIFORNIA  
RULEMAKING 19-02-012

**ORDER INSTITUTING RULEMAKING RELATED TO TRANSPORTATION NETWORK COMPANIES AND ACCESSIBILITY FOR PERSONS WITH DISABILITIES**

**Summary**

The Commission opens this Order Instituting Rulemaking (OIR) to implement Senate Bill (SB) 1376 (Hill, 2018),<sup>1</sup> the “TNC Access for All Act.” SB 1376 requires transportation network companies (TNCs) such as Uber and Lyft to provide through their online-enabled applications or platforms service accessible to persons with disabilities, with a primary focus on wheelchair users who need a wheelchair accessible vehicle (WAV).<sup>2</sup> WAVs do not simply accommodate fold-up wheelchairs that fit in the trunk or back seat of a vehicle, but must have ramps, lifts and adequate space to accommodate users who cannot leave their wheelchairs during a trip.

---

<sup>1</sup> Chapter 701, Statutes of 2018.

<sup>2</sup> Public Utilities (Pub. Util.) Code Section 5431(b) defines “wheelchair accessible vehicle” or “WAV” to mean a vehicle equipped with a ramp or lift capable of transporting nonfolding motorized wheelchairs, mobility scooters, or other mobility devices.

The Commission is committed to ensuring that the services offered by TNCs are accessible to, and do not discriminate against, persons with disabilities including those who use non-folding motorized wheelchairs. The result of this rulemaking should be to make TNCs provide accessible service to wheelchair users in a manner consistent with SB 1376: “[i]t is the intent of the Legislature that California be a national leader in the deployment and adoption of on-demand transportation options for persons with disabilities.”<sup>3</sup>

This rulemaking will implement, by July 1, 2019, the Legislature’s funding mechanism for such access, which places a minimum 5 cent surcharge on each TNC trip that originates in one of the geographic areas the Commission selects. The Commission will implement other requirements of the legislation on separate timelines, such as (a) creating a process for access providers to apply, by April 1, 2020, for funding from the SB 1376 “Access Fund” to provide WAV service, and (b) implementing intervenor compensation for advocates who substantially contribute to the Commission’s decision(s) in this proceeding. Parties – and especially those new to Commission proceedings – should be aware that while this decision provides a process for them to file notices of intent to seek intervenor compensation, there is no guarantee of compensation. Eligibility will turn on the Commission’s interpretation of SB 1376’s intervenor compensation provisions.

## **1. Background**

The Commission regulates passenger carriers pursuant to Article XII of the California Constitution and the Passenger Charter-party Carriers’ Act.<sup>4</sup> In 2012,

---

<sup>3</sup> Pub. Util. Code § 5440(g).

<sup>4</sup> Pub. Util. Code § 5351 *et seq.*

the Commission initiated Rulemaking (R.) 12-12-011 to protect public safety, encourage innovators to use technology to improve the lives of Californians, and respond to the emergence of new transportation businesses using online-enabled applications (apps) to arrange passenger transportation for compensation. In 2013, the Commission adopted Decision (D.) 13-09-045, subsequently modified by D.14-11-043, establishing safety regulations for TNCs.<sup>5</sup>

Throughout the pendency of R.12-12-011, which is ongoing, the Commission has acknowledged the need to address issues related to accessibility of TNCs to persons with disabilities. In D.13-09-045, the Commission required TNCs to allow passengers to indicate whether they require a wheelchair accessible vehicle or a vehicle otherwise accessible to individuals with disabilities.<sup>6</sup> The Commission also required TNCs to file accessibility plans with a timeline for (a) modifying their apps so passengers could signal their need for a wheelchair accessible vehicle or other disabled access, (b) making such vehicles available through driver incentives, (c) accommodating service animals, and (d) ensuring nondiscrimination. In addition to their accessibility plans, the Commission required TNCs to file plans<sup>7</sup> describing how to ensure there was not a service divide between the non-disabled and disabled communities.<sup>8</sup>

---

<sup>5</sup> Decision 13-09-045 defines transportation network company as “an organization whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled application (app) or platform to connect passengers with drivers using their personal vehicles.” This definition was added to statute in 2015 through enactment of Assembly Bill (AB) 2293.

<sup>6</sup> D.13-09-045 at 30.

<sup>7</sup> Accessibility plans filed by TNCs are available at <http://www.cpuc.ca.gov/General.aspx?id=3046>.

<sup>8</sup> D.13-09-045 at 56.

The Commission also required TNCs to submit an annual report<sup>9</sup> to the Consumer Protection and Enforcement Division (CPED)<sup>10</sup> detailing the number and percentage of TNC customers who requested accessible vehicles and how often the TNC was able to comply with that request.<sup>11</sup> The Commission required the reports to address (a) compliance with the Commission's disabled access rules, (b) planned improvements to ensure no divide between service provided to the able and disabled communities, and (c) how the TNCs addressed persons with disabilities' complaints of unfair treatment or discrimination.<sup>12</sup>

In September 2018, the Governor signed SB 1376 (Hill), the TNC Access for All Act. The legislation requires new action to ensure accessibility for persons with disabilities, including wheelchair users who need a WAV, on TNC online-enabled applications or platforms. The Legislature's stated intent is to ensure that TNCs do not discriminate against persons with disabilities.

The Commission held an initial workshop at its offices in San Francisco on December 5, 2018, in compliance with SB 1376.<sup>13</sup> Comments from stakeholders at that workshop inform the preliminary scoping memo presented here.

## **2. Preliminary Scoping Memo**

This rulemaking will be conducted in accordance with Article 6 of the Commission's Rules of Practice and Procedure, "Rulemaking."<sup>14</sup> As required by

---

<sup>9</sup> Annual Accessibility Reports filed by TNCs are available at <http://www.cpuc.ca.gov/General.aspx?id=3046>.

<sup>10</sup> The Commission moved the regulatory and safety oversight of transportation programs from the Safety and Enforcement Division to CPED.

<sup>11</sup> D.13-09-045 at 30-31.

<sup>12</sup> *Id.* at 54.

<sup>13</sup> Pub. Util. Code § 5440.5(a)(1)(A).

Rule 7.1(d), this Order Instituting Rulemaking (OIR) includes a preliminary scoping memo as set forth below and preliminarily determines the category of this proceeding and the need for hearing.

The purpose of this proceeding is to establish a program to improve on-demand transportation service via TNC online-enabled applications or platforms for persons with disabilities, including wheelchair users who need a WAV, and to ensure that TNCs do not discriminate against persons with disabilities, including those who use nonfolding mobility devices. SB 1376 defines a WAV as “a vehicle equipped with a ramp or lift capable of transporting nonfolding motorized wheelchairs, mobility scooters, or other mobility devices.”<sup>15</sup> The issues preliminarily determined to be within the scope of the proceeding and the actions the Commission plans are as follows:

- 1) Require all TNCs to pay on a quarterly basis to the Commission an amount equivalent to, at minimum, 0.05 dollars (\$0.05) for each TNC trip completed using the TNC’s online-enabled application or platform that originates in a geographic area designated by the Commission, and determine if the minimum \$0.05 fee needs to be adjusted in a geographic area to a different level based on the cost of providing adequate WAV service;
- 2) Establish the “TNC Access for All Fund” (Access Fund), into which will be deposited moneys remitted to the Commission for each TNC trip that originates in a geographic area designated by the Commission, for distribution on a competitive basis to access providers<sup>16</sup> that

---

<sup>14</sup> All references to “Rules” are to the Commission’s Rules of Practice and Procedure unless otherwise indicated.

<sup>15</sup> Pub. Util. Code § 5431.5(b).

<sup>16</sup> Pub. Util. Code § 5431.5 defines access provider as “an organization or entity that directly provides, or contracts with a separate entity to provide, on-demand transportation to meet the needs of persons with disabilities.”

- establish on-demand transportation programs or partnerships, to meet the needs of persons with disabilities, including wheelchair users who need a WAV;<sup>17</sup>
- 3) Designate geographic areas, based on demand for WAVs and the outcomes of workshops with stakeholders including California cities and counties, disability rights organizations, persons with disabilities, transportation and transit agencies, social service transportation providers, paratransit coordinating councils, and transportation network companies, for inclusion in the on-demand transportation programs or partnerships funded by the Access Fund;<sup>18</sup>
  - 4) Authorize TNCs to offset against the amounts due to the Access Fund for a particular quarter by the amounts spent by the TNC during that quarter to improve WAV service on its online-enabled application or platform for each geographic area;<sup>19</sup>
  - 5) Establish criteria for expenditures from the Access Fund that must include, at a minimum, demonstration by access providers in their applications of how they will improve response times for WAV service compared to the previous year, the presence and availability of WAVs within the geographic area they would serve, and efforts undertaken to publicize and promote available WAV services to disability communities;<sup>20</sup>
  - 6) Adopt a designated level of WAV service required to be met in each geographic area via a TNC's online-enabled application or platform for the TNC to be exempt from paying the fee required;<sup>21</sup>

---

<sup>17</sup> Pub. Util. Code § 5440.5(a)(1)(C).

<sup>18</sup> Pub. Util. Code § 5440.5(a)(1)(D).

<sup>19</sup> Pub. Util. Code § 5440.5(a)(1)(B)(ii).

<sup>20</sup> Pub. Util. Code § 5440.5(a)(1)(E).

<sup>21</sup> Pub. Util. Code § 5440.5(a)(1)(G).

- 7) Accept applications from access providers for new on-demand transportation programs or partnerships by April 1, 2020 and select successful applicants for program participation by July 1, 2020;<sup>22</sup>
- 8) Adopt quarterly reporting requirements and begin receiving the reports by July 1, 2020;<sup>23</sup>
- 9) Establish yearly benchmarks for TNCs and access providers to meet to ensure WAV users have continuously improved, reliable, and available service. These benchmarks shall include, but are not limited to, response times, percentage of trips fulfilled versus trips requested, and number of users requesting rides compared to WAV demand for each geographic area;<sup>24</sup>
- 10) Conduct a minimum of five (5) workshops<sup>25</sup> throughout the State to enable stakeholders<sup>26</sup> to provide input on implementation of SB 1376, including determining community WAV demand and supply, developing and providing recommendations regarding the establishment of geographic areas, creating criteria for Access Fund expenditures, and establishing educational outreach objectives for programs for on-demand transportation services and partnerships;<sup>27</sup>
- 11) Authorize no more than two percent (2%) of existing funds collected from TNCs pursuant to Pub. Util. Code § 421 and

---

<sup>22</sup> Pub. Util. Code § 5440.5(a)(1)(E).

<sup>23</sup> Pub. Util. Code § 5440.5(a)(1)(I).

<sup>24</sup> Pub. Util. Code § 5440.5(a)(1)(J).

<sup>25</sup> On December 5, 2018, CPUC held a workshop to discuss the implementation of SB 1376. The agenda, presentations by various organizations, and the WebEx session recording are available on the CPUC webpage at <http://www.cpuc.ca.gov/tncaccess/>.

<sup>26</sup> Stakeholders include, but are not limited to, California cities and counties, disability rights organizations, persons with disabilities, transportation and transit agencies, social service transportation providers, paratransit coordinating councils, and transportation network companies.

<sup>27</sup> Pub. Util. Code § 5440.5(a)(1)(A).

deposited into the Public Utilities Commission Transportation Reimbursement Account to be distributed to accessibility advocates who provide a substantial contribution to the proceeding;<sup>28</sup>

- 12) Prepare and submit a report to the Legislature by January 1, 2024, on compliance and the effectiveness of the on-demand transportation programs or partnerships funded by the TNC Access Fund;<sup>29</sup> and
- 13) Establish a working group with stakeholders to provide assistance in the implementation of the TNC accessibility program.<sup>30</sup>

### **2.1. Issues for Comment**

The entities named as respondents shall, and all other parties may, file and serve comments on the following questions according to the schedule set forth in the “Schedule” section of this OIR. Respondents shall answer all questions in detail. Respondents and other parties may also address other matters within the scope of the proceeding.

- 1) Establishment of Access Fund. Pub. Util. Code § 5440.5(a)(1)(C) requires the Commission to create the Access Fund and deposit moneys collected in accordance with § 5440.5(a)(1)(B) in the Access Fund. The Commission is required to distribute funds in the Access Fund on a competitive basis to access providers that establish on-demand transportation programs or partnerships to meet the needs of persons with disabilities, including wheelchair users who need a WAV, in the geographic areas the Commission selects pursuant to § 5440.5(a)(1)(D).

---

<sup>28</sup> Pub. Util. Code § 5440.5(a)(1)(K).

<sup>29</sup> Pub. Util. Code § 5440.5(a)(2)(A).

<sup>30</sup> Pub. Util. Code § 5440.5(a)(3).



a. Amount

- i. What are the appropriate per-trip fee amount(s) to be collected from each TNC for trips completed using the TNC's online-enabled application or platform?
- ii. Should the Commission initially authorize the minimum 0.05 dollars (\$0.05) fee?
- iii. Should the fee be collected for all types of passenger charter-party carrier service trips, including trips provided by transportation charter-party (TCP) carriers (e.g. UberBLACK), available on TNC apps?
- iv. How should the fee be presented to customers?
- v. Should the Commission consider different program requirements (or different fee levels) for TNCs according to the number of trips they provide?
- vi. On what dates should the quarterly fees collected from TNCs and deposited into the Access Fund be due to the Commission?
- vii. What are the steps required to implement the fee no later than July 1, 2019, as required by Pub. Util. Code § 5440(a)(1)(B)(i)?

b. Geographic Area. Pub. Util. Code § 5440.5(a)(1)(D) requires the Commission to select geographic areas based on the demand for WAVs within the area (as developed during required workshops) to be funded by the Access Fund and allocate money from the Access Fund to each area.

- i. Within what geographic area(s) where TNC trips originate should per-trip fees be charged to customers? For example, should the geographic area be set at the level of each county where a TNC offers service, or another area? Should all areas of the State be included in the geographic area?
- ii. What geographic area(s) should be included in the on-demand transportation programs or partnerships to be funded by the Access Fund? For example, should the moneys in the Access Fund be available to programs or

partnerships in all areas of the state, or should the moneys be available only in targeted areas?

- iii. What publicly available quantitative information can be used to determine WAV supply and demand in specific geographic areas? What additional data needs exist to determine WAV supply and demand? Should programs or partnerships be required to submit and/or track data regarding supply and demand as part of their funding applications to the Access Fund?

2) Offsets or Exemptions from Remittances to Access Fund

- a. TNC Investment Offsets. Pub. Util. Code § 5440.5(a)(1)(B)(ii) allows for offsets against quarterly Access Fund payments for “amounts spent by the TNC during that quarter to improve WAV service on its online-enabled application or platform for each geographic area and thereby reduce the amount required to be remitted to the commission.” In order to obtain an offset, a TNC, at a minimum, shall “demonstrate, in the geographic area, the presence and availability of drivers with WAVs on its online-enabled application or platform, improved level of service, including reasonable response times, due to those investments for WAV service compared to the previous quarter, efforts undertaken to publicize and promote available WAV services to disability communities, and a full accounting of funds expended.”
  - i. What should be the process and schedule for developing rules regarding offsets, consistent with the statute’s requirement that the TNC demonstrate that the above conditions are present?
  - ii. What types of investments by TNCs can be counted for purposes of offsetting the amounts due to the Access Fund?
  - iii. Should offsets be allowed effective July 1, 2019, or should offsets be deferred until program implementation? If the former, discuss how it is possible for TNCs to make the required showing in time for such action.

- iv. How should offset requests be presented to the Commission and parties? For example, should each TNC requesting an offset be required to submit a letter to Commission staff, or other method?
- b. Exemptions. Pub. Util. Code § 5440.5(a)(1)(G) allows a TNC to be exempt from paying the fee in a geographic area if, after the commission adopts “a designated level of WAV service that is required to be met in each geographic area via a TNC’s online-enabled application or platform” the TNC meets standards set by the Commission. The statute “requires a TNC, at a minimum, to have response times for 80 percent of WAV trips requested via the TNC’s online-enabled application or platform within a time established by the commission for that geographic area.” If a TNC meets the WAV service level requirement established pursuant to this subparagraph in a geographic area the TNC is exempt from paying the fee for the next year for that geographic area.
  - i. What WAV service level requirements should be established?
    - 1. What quantitative and publicly available source(s) of data should the Commission use to set a standard for WAV service levels? Can the available sources be used to set a standard even if they are not specific to a geographic area in California?
  - ii. What is the response time for 80 percent of WAV trips requested via the TNC’s online-enabled application or platform that the Commission should establish?
  - iii. Should a uniform response time be applied statewide, or should appropriate response times differ by geographic location?
  - iv. Should TNCs be required to meet all the WAV service level requirements for a specific amount of time to receive exemption from payment of fees?
  - v. Should TNCs be required to meet the WAV service level requirement for a certain period of time before receiving any exemption?

- vi. In what form should TNCs submit their reports about performance compared to the service level standard over a certain period of time? Should the reports be public?
- 3) Disbursement of Access Fund. Pub. Util. Code § 5440.5(a)(1)(E) provides a process for access providers to submit applications to receive moneys from the Access Fund any time after April 1, 2020. From the applications that are submitted, by July 1, 2020 the Commission is required to select on-demand transportation programs or partnerships to receive funding based on criteria adopted by the commission in consultation with stakeholders. Such applicants must demonstrate, at a minimum, how their programs or partnerships improve WAV response times for WAV service compared to the previous year. Applicants must also demonstrate the presence and availability of WAVs within the geographic area, and efforts undertaken to publicize and promote available WAV services to disability communities.
- a. Funding Eligibility for Access Providers.
    - i. What types of on-demand program or partnership applications should be considered?
    - ii. What type of services should be funded/subsidized?
    - iii. How should the Commission disburse the funds: based on a per-trip incentive or in some other manner?
    - iv. Should the Commission require access providers that receive Access Fund moneys to be available for chartering through TNC apps?
    - v. Should the Commission require that access providers who receive funding from the Access Fund be transportation carriers regulated by the Commission (e.g., possess a transportation charter-party carrier (TCP) permit)?
    - vi. Should the Commission prioritize applications focused on WAV needs and address other accessibility needs at a later time?

- vii. Are there additional requirements needed for access providers that operate WAVs such as insurance coverage and training?
- viii. What financial detail should applicants be required to submit regarding their operations? For example, should an access provider submit all streams of revenue, such as any other local, state, or federal funds the provider receives to provide WAV service?
- ix. How should the applications be submitted?

b. Criteria for Selection

- i. What criteria should the Commission adopt to select access providers to receive funding from the Access Fund?
- ii. Is there a minimum or maximum threshold amount for funding a particular on-demand transportation program or partnership?
- iii. What considerations should be included and factored in the access provider application, including but not limited to, vehicle specifications, subsidies for wheelchair pickups, maintenance and fuel costs, designated pickup locations for drivers in locations where door-to-door service is not feasible, standards for trip requests, response times, and rider initiated cancellation, limiting of stranded users, integration of service into city and county transportation plans, availability and effectiveness of existing WAV service, or any necessary training or additional incentives for WAV drivers that result in a measurable impact on service availability, efficiency, and efficacy?

4) Intervenor Compensation. Pub. Util. Code § 5440.5(a)(1)(K) allows for intervenor compensation to parties that successfully advocate in proceeding(s) to implement SB 1376, subject to the requirements of the existing intervenor compensation statute, Pub. Util. Code §§ 1803 to 1808. The intervenor compensation fund is set at no more than 2% of Pub. Util. Code § 421 fees,

which the Commission collects from common carriers as a condition of service.

- a. The 2% intervenor compensation fund is based on amounts remitted by carriers, including TNCs, to the Public Utilities Commission Transportation Reimbursement Account (PUCTRA). The Commission currently affords those remittance amounts confidential treatment. How can the Commission transparently calculate the amount of funds available for intervenor compensation while continuing to protect legitimately confidential financial information of TNCs?
  - b. Does the phrase “existing funds collected from TNCs pursuant to [Pub. Util. Code] Section 421”<sup>31</sup> require clarification?
  - c. Is Commission action needed on the meaning of “advocates for accessible transportation” or “representatives of a group whose membership uses accessible transportation” for the purpose of distributing intervenor compensation?
  - d. Should the start date of collections for the 2% intervenor compensation fund be July 1, 2019, or another date?
- 5) Reporting Requirements. SB 1376’s reporting requirements commence after July 1, 2020. However, the Commission may require reporting or data prior to that time in order to implement the statute.
- a. Should the Commission require all TNCs to provide reports when they begin collecting and remitting the Access Fund fees (*i.e.*, prior to program implementation) to obtain additional information in support of fee adjustment or identification of needs by geographic area? If so, what information (e.g. locational data about requests for accessible vehicles and response times of fulfilled requests) should be collected and what purpose would it serve? Should the information be made publicly available on the Commission’s website?

---

<sup>31</sup> See Pub. Util. Code § 5440.5(a)(1)(K).

- b. Pursuant to Pub. Util. Code § 5440.5(a)(1)(I), for TNCs that receive an offset and access providers that receive funding, what information should be reported to the Commission in quarterly reports?
  - c. Pursuant to Pub. Util. Code § 5440.5(a)(1)(J), what yearly benchmarks should the Commission establish for TNCs and access providers to meet to ensure WAV users receive continuously improved, reliable, and available service? In what form should TNCs and access providers submit such reports to the Commission, and should the reports be public?
  - d. Pursuant to Section Pub. Util. Code § 5440.5(a)(2)(A), what information should be included in the report to the Legislature on compliance with the program and the effectiveness of the on-demand transportation programs and partnerships funded by the program?
- 6) Additional TNC Accessibility Issues
- a. What additional issues, if any, should the Commission address in this proceeding related to the accessibility needs of persons with disabilities who do not require WAVs, including but not limited to, the needs of persons with hearing and vision impairments, persons who require the assistance of service animals, and/or other ambulatory persons with disabilities?
  - b. Should the Commission require changes to TNC apps to improve service for persons with disabilities?
  - c. Should the Commission adopt rules requiring TNCs to accept transportation subsidies in the form of substitutes for legal tender (*i.e.*, “vouchers” or “scrip”), issued by governmental entities, for WAV trips and other trips requested by persons with disabilities?

### **3. Categorization; *Ex Parte* Communications; Need for Hearing**

The Commission’s Rules of Practice and Procedure require that an order instituting rulemaking preliminarily determine the category of the proceeding and the need for hearing. As a preliminary matter, we determine that this

proceeding is quasi-legislative, because our consideration and approval of this matter would establish policy or rules affecting a class of regulated utilities. Accordingly, *ex parte* communications are permitted without restriction or reporting requirement pursuant to Article 8 of the Rules.

We are also required to preliminarily determine if hearings are necessary. We preliminarily determine that hearings are not necessary.

**4. Preliminary Schedule**

The schedule is:

**SCHEDULE**

EVENT	DATE
Opening comments on OIR questions filed and served	30 days from OIR’s issuance
Reply comments on OIR filed and served	15 days after date of opening comments on OIR
Prehearing conference	To be scheduled by Ruling
Workshops	Friday, February 15, 2019 9 AM to 12 Noon Sacramento County Supervisors Chambers 700 H Street, Sacramento 95814 Listen-in Conference Bridge will be available during this workshop  Other workshops to be scheduled by Ruling
Proposed Decision on matters subject to July 1, 2019 deadline	No later than May 24, 2019
Commission Decision on July 1, 2019 matters	June 27, 2019 Commission meeting

The prehearing conference (PHC) will be held for the purposes of (1) taking appearances, (2) discussing schedule and process, and (3) informing the scoping memo. The PHC will occur on a date to be determined, in the Commission Courtroom, 505 Van Ness Avenue, San Francisco, California.



The assigned Commissioner or the assigned Administrative Law Judge (ALJ) may change the schedule to promote efficient and fair administration of this proceeding.

Due to the complexity and number of issues in this proceeding, it is the Commission's intent to complete this proceeding within 24 months of the date this decision is adopted. (Public Utilities Code § 1701.5(b).)]

If there are any workshops in this proceeding, notice of such workshops will be posted on the Commission's Daily Calendar to inform the public that a decision-maker or an advisor may be present at those meetings or workshops. Parties shall check the Daily Calendar regularly for such notices.

## **5. Respondents**

TNCs with active permits from the Commission - Lyft Inc., Uber Technologies Inc., Wingz Inc., Executive Ride LLC dba "Opoli," Hopskipdrive Inc., Zum Services Inc., Dolightful Inc. dba "Kango," Ride Plus LLC dba "Provado Mobile Health," Altruistic Inc dba "Bounce," MVN 2 LLC, Active Scaler Inc., dba "Tagsi," and Nomad Transit LLC dba "Via," and SilverRide LLC - are named as respondents to this proceeding.

## **6. Service of OIR**

This OIR shall be served on all respondents.

In addition, in the interest of broad notice, this OIR will be served on:

- The official service list for R.12-12-011
- List of December 5, 2018 SB 1376 Workshop participants
- List of February 15, 2019 Workshop participants
- Individuals who requested via email to [TransportationPrograms@cpuc.ca.gov](mailto:TransportationPrograms@cpuc.ca.gov) to be kept informed about SB 1376.

In addition, the Commission will serve the OIR on the following state and local agencies:

- California Association for Coordinated Transportation
- California Association of Councils of Government
- California Department of Motor Vehicles
- California Department of Transportation
- California League of Cities
- California Transit Association
- Rural County Representatives of California

Service of the OIR does not confer party status or place any person who has received such service on the Official Service List for this proceeding, other than respondents. Instructions for obtaining party status or being placed on the official service list are given below.

## **7. Filing and Service of Comments and Other Documents**

Filing and service of comments and other documents in the proceeding are governed by the Commission's Rules of Practice and Procedure.

## **8. Addition to Official Service List**

Addition to the official service list is governed by Rule 1.9(f) of the Commission's Rules of Practice and Procedure.

Respondents are parties to the proceeding (see Rule 1.4(d)) and will be immediately placed on the official service list.

Any person will be added to the "Information Only" category of the official service list upon request, for electronic service of all documents in the proceeding, and should do so promptly in order to ensure timely service of comments and other documents and correspondence in the proceeding.

(See Rule 1.9(f).) The request must be sent to the Process Office by e-mail

([process\\_office@cpuc.ca.gov](mailto:process_office@cpuc.ca.gov)) or letter (Process Office, California Public Utilities

Commission, 505 Van Ness Avenue, San Francisco, California 94102). Please include the Docket Number of this rulemaking in the request.

Persons who file responsive comments thereby become parties to the proceeding (see Rule 1.4(a)(2)) and will be added to the “Parties” category of the official service list upon such filing. *In order to assure service of comments and other documents and correspondence in advance of obtaining party status, persons should promptly request addition to the “Information Only” category as described above; they will be removed from that category upon obtaining party status.*

### **9. Subscription Service**

Persons may monitor the proceeding by subscribing to receive electronic copies of documents in this proceeding that are published on the Commission’s website. There is no need to be on the official service list in order to use the subscription service. Instructions for enrolling in the subscription service are available on the Commission’s website at <http://subscribecpuc.cpuc.ca.gov/>.

### **10. Intervenor Compensation**

Intervenor Compensation for participation will be available for parties that meet the requirements of SB 1376. However, the Commission has not yet implemented the SB 1376-specific aspects of the program, including who qualifies for compensation. Nonetheless, any party that believes it meets the definition in SB 1376 of a party eligible for compensation shall, within 30 days of the first prehearing conference in this proceeding, file a Notice of Intent to Seek Intervenor Compensation that complies with the Commission’s existing intervenor compensation rules. Those rules appear in the Commission’s Rules of Practice and Procedure, Rules 17.1-17.4 and Pub. Util. Code §§ 1801 et seq. Such filing does not guarantee compensation, because the Commission has not yet implemented the SB 1376’s provisions.

## 11. Public Advisor

Any person or entity interested in participating in this rulemaking who is unfamiliar with the Commission's procedures should contact the Commission's Public Advisor in San Francisco at (415) 703-2074 or (866) 849-8390 or e-mail [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov). The TTY number is (866) 836-7825.

## O R D E R

### IT IS ORDERED that:

1. This Order Instituting Rulemaking is adopted pursuant to Senate Bill 1376 (Hill), Stats. 2018, Ch. 701 and Rule 6.1 of the Commission's Rules of Practice and Procedure.
2. The preliminary categorization is quasi-legislative.
3. The preliminary determination is that a hearing is not needed.
4. The preliminary scope of issues is as stated above in Section 2.
5. Lyft Inc., Uber Technologies Inc., Wingz Inc., Executive Ride LLC dba "Opoli," Hopskipdrive Inc., Zum Services Inc., Dolightful Inc. dba "Kango," Ride Plus LLC dba "Provado Mobile Health," Altruistic Inc dba "Bounce," MVN 2 LLC, Active Scaler Inc., dba "Tagsi," and Nomad Transit LLC dba "Via," and SilverRide LLC are respondents to this OIR.
6. Respondents shall, and any other person may, file opening comments responding to this Order Instituting Rulemaking in accordance with the schedule set forth in Section 4.
7. The Executive Director will cause this Order Instituting Rulemaking to be served on all respondents and on the service list for Rulemaking 12-12-011.

8. In addition, the Executive Director will cause this Order Instituting Rulemaking to be served on the agencies and entities listed in Appendix A.

9. Any party that expects to claim intervenor compensation for its participation in this Rulemaking must file its notice of intent to claim intervenor compensation within 30 days of the first prehearing conference held in this proceeding (*see* Rule 17.1(a)(2).)

This order is effective today.

Dated February 21, 2019, at San Francisco, California.

MICHAEL PICKER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners

# **Appendix A**

## **Agencies and Entities to be Served**

**TNC CARRIERS**

<b>TNC CARRIER/ PERMIT #</b>	<b>ADDRESS</b>	<b>CONTACT INFORMATION</b>
LYFT INC. TCP 32513	2300 HARRISON ST SAN FRANCISCO CA 94110	BRETT COLLINS ( <a href="mailto:BCOLLINS@LYFT.COM">BCOLLINS@LYFT.COM</a> ) ELIZABETH GALLAGHER ( <a href="mailto:EGALLAGHER@LYFT.COM">EGALLAGHER@LYFT.COM</a> ) TRACI LEE ( <a href="mailto:TRACILEE@LYFT.COM">TRACILEE@LYFT.COM</a> ) ANNETTE TRAN ( <a href="mailto:ANNETTETRAN@LYFT.COM">ANNETTETRAN@LYFT.COM</a> )
RASIER-CA, LLC DBA UBER TCP 32512	1455 MARKET STREET, 4TH FLR SAN FRANCISCO, CA 94103	ANNA UHLS ( <a href="mailto:ANNA.UHLS@UBER.COM">ANNA.UHLS@UBER.COM</a> ) LISA TSE ( <a href="mailto:LTSE@UBER.COM">LTSE@UBER.COM</a> )
WINGZ INC. TCP 32514	795 FOLSOM ST SAN FRANCISCO CA 94107	MEGAN COLEMAN ( <a href="mailto:MCOLEMAN@WINGZ.COM">MCOLEMAN@WINGZ.COM</a> ) (800) 587-1612
EXECUTIVE RIDE LLC DBA "OPOLI" TCP 34171	4532 W IMPERIAL HWY HAWTHORNE CA 90304	PARMINDER JOEA ( <a href="mailto:SUPPORT@OPOLI.COM">SUPPORT@OPOLI.COM</a> ) LAYLA SOTO ( <a href="mailto:LAYLAS@OPOLI.COM">LAYLAS@OPOLI.COM</a> ) (844) 466-7654
HOPSKIPDRIVE INC., TCP 34668	1933 S. BROADWAY #1144 LOS ANGELES CA 90007	KIRILL BABIKOV ( <a href="mailto:KIRILL@HOPSKIPDRIVE.COM">KIRILL@HOPSKIPDRIVE.COM</a> ) (844) 467-7547
ZUM SERVICES INC., TCP 35590	555 TWIN DOLPHINE DR STE 350 REDWOOD CITY CA 94065	RITU NARAYAN ( <a href="mailto:RITU@LIFTEE.COM">RITU@LIFTEE.COM</a> ) (650) 954-6275 VIVEK GARAG ( <a href="mailto:VIVEK@RIDEZUM.COM">VIVEK@RIDEZUM.COM</a> ) (650) 799-7675
DOLIGHTFUL INC. DBA "KANGO" TCP 35591	31 WINFIELD ST SAN FRANCISCO CA 94110	SARA SCHAEER ( <a href="mailto:SARA@KANGOAPP.CO">SARA@KANGOAPP.CO</a> ), (415) 609-4901
RIDE PLUS LLC DBA "PROVADO MOBILE HEALTH" TCP 36311	1275 PEACHTREE ST NE 6TH FLR ATLANTA GA 30309	EDWARD HOFFMAN ( <a href="mailto:EDWARD.HOFFMAN@PROVADOHEALTH.COM">EDWARD.HOFFMAN@PROVADOHEALTH.COM</a> ) (800) 486-7647
ALTRUISTIC INC DBA "BOUNCE" TCP 36965	9845 ERMA ROAD STE 300 SAN DIEGO CA 92131	MARK POTTER ( <a href="mailto:MARKP@JOINBOUNCE.COM">MARKP@JOINBOUNCE.COM</a> ) MICHAEL HANDY ( <a href="mailto:MICHAELH@JOINBOUNCE.COM">MICHAELH@JOINBOUNCE.COM</a> ) (858) 329-0132

MVN 2 LLC TCP 37589	1048 MARINE AVE APT 10 GARDENA CA 90247	WHITNEY LEWIS ( <a href="mailto:WITLEW@GMAIL.COM">WITLEW@GMAIL.COM</a> ) (510) 283-1329
ACTIVE SCALER INC., DBA "TAGSI" TCP 37936	1551 MCCARTHY BLVD STE 10 MILIPITAS CA 95035	ABHAY JAIN ( <a href="mailto:AJAIN@ACTIVESCALER.COM">AJAIN@ACTIVESCALER.COM</a> ) SHOBA VISWANATH ( <a href="mailto:SVISNAWANATH@ACTIVESCALER.COM">SVISNAWANATH@ACTIVESCALER.COM</a> ) (833) 822-8483
NOMAD TRANSIT LLC DBA "VIA" TCP 37983	10 CROSBY STREET 2ND FLR NEW YORK NY 10013	ALEX LAVOI ( <a href="mailto:LEGAL@RIDEWITHVIA.COM">LEGAL@RIDEWITHVIA.COM</a> ) ( <a href="mailto:SUPPORT@RIDEWITHVIA.COM">SUPPORT@RIDEWITHVIA.COM</a> ) (916) 581-1759 ERIN ABRAMS ( <a href="mailto:ERIN@RIDEWITHVIA.COM">ERIN@RIDEWITHVIA.COM</a> ) (847) 219-8987
SILVERRIDE LLC TCP 21471	425 DIVISADERO ST STE 201 SAN FRANCISCO CA 94117	JEFF MALTZ ( <a href="mailto:JEFF@SILVERRIDE.COM">JEFF@SILVERRIDE.COM</a> ) LIZ LEGG ( <a href="mailto:LIZ@SILVERRIDE.COM">LIZ@SILVERRIDE.COM</a> ) (415) 861-7433



**STATE AGENCIES**

<b>State Agency</b>	<b>Address</b>
CALIFORNIA ASSOCIATION FOR COORDINATED TRANSPORTATION	4632 DUCKHORN DRIVE SACRAMENTO, CA 95834
CALIFORNIA ASSOCIATION OF COUNCILS OF GOVERNMENT	1107 9TH STREET, STE. 810 SACRAMENTO, CA 95814
CALIFORNIA DEPARTMENT OF MOTOR VEHICLES	2415 1ST AVE., MAIL STATION F101 SACRAMENTO, CA 95818-2606
CALIFORNIA DEPARTMENT OF TRANSPORTATION	1120 N STREET MS 49 SACRAMENTO, CA 95814
CALIFORNIA LEAGUE OF CITIES	1400 K STREET, SUITE 400 SACRAMENTO, CA 95814
CALIFORNIA TRANSIT ASSOCIATION	1415 L STREET, SUITE 1000 SACRAMENTO, CA 95814
RURAL COUNTY REPRESENTATIVES OF CALIFORNIA	1215 K STREET, SUITE 1650 SACRAMENTO, CA 95814

**Email Service List**

(Workshop Participants and Individuals Requested Information About SB1376)

## TNC Access Service List as of January 29, 2019

<b>Name</b>	<b>Email</b>
Matthew Avancena	<a href="mailto:avancena@accessla.org">avancena@accessla.org</a>
Estee Sepulveda	<a href="mailto:esepulveda@actransit.org">esepulveda@actransit.org</a>
Tess Lengyel	<a href="mailto:tlengyel@alamedactc.org">tlengyel@alamedactc.org</a>
Kate Lefkowitz	<a href="mailto:klefkowitz@alamedactc.org">klefkowitz@alamedactc.org</a>
Beverly Greene	<a href="mailto:bgreene@actransit.org">bgreene@actransit.org</a>
Claudia Burgos	<a href="mailto:cburgos@actransit.org">cburgos@actransit.org</a>
Drennen Shelton	<a href="mailto:DShelton@bayareametro.gov">DShelton@bayareametro.gov</a>
Jumana Nabti	<a href="mailto:JNabti@bart.gov">JNabti@bart.gov</a>
Izzy Aala	<a href="mailto:izzy@cabconnect.com">izzy@cabconnect.com</a>
Jacklyn Montgomery	<a href="mailto:jacklyn@calact.org">jacklyn@calact.org</a>
Anne Warren	<a href="mailto:eannewarren.4csl@gmail.com">eannewarren.4csl@gmail.com</a>
Adrian Slivski	<a href="mailto:aslivski@cfoat.org">aslivski@cfoat.org</a>
Melissa Kasnitz	<a href="mailto:Mkasnitz@cforat.org">Mkasnitz@cforat.org</a>
Rick Ramacier	<a href="mailto:ramacier@cccta.org">ramacier@cccta.org</a>
Thyme Curtis	<a href="mailto:TCurtis@sandiego.gov">TCurtis@sandiego.gov</a>
Justina Victoriano	<a href="mailto:justina.victoriano@crilhayward.org">justina.victoriano@crilhayward.org</a>
John Cunningham	<a href="mailto:john.cunningham@dcd.cccounty.us">john.cunningham@dcd.cccounty.us</a>
Brian Kahrs	<a href="mailto:bk1@cpuc.ca.gov">bk1@cpuc.ca.gov</a>
Jeff Kasmar	<a href="mailto:jk2@cpuc.ca.gov">jk2@cpuc.ca.gov</a>
John Reynolds	<a href="mailto:JR5@cpuc.ca.gov">JR5@cpuc.ca.gov</a>
Maryam Ebke	<a href="mailto:maryam.ebke@cpuc.ca.gov">maryam.ebke@cpuc.ca.gov</a>
Nick Zanjani	<a href="mailto:nick.zanjani@cpuc.ca.gov">nick.zanjani@cpuc.ca.gov</a>
Christopher Chow	<a href="mailto:crs@cpuc.ca.gov">crs@cpuc.ca.gov</a>
Shirley Lei	<a href="mailto:shirley.lei@cpuc.ca.gov">shirley.lei@cpuc.ca.gov</a>
Laura Gray	<a href="mailto:Laura.gray@getcruise.com">Laura.gray@getcruise.com</a>
Melissa Reiss	<a href="mailto:mreiss@dralegal.org">mreiss@dralegal.org</a>
Curtis child	<a href="mailto:curtis.child@disabilityrightsca.org">curtis.child@disabilityrightsca.org</a>
Susan Henderson	<a href="mailto:shenderson@dredf.org">shenderson@dredf.org</a>
Marilyn Golden	<a href="mailto:mgolden@dredf.org">mgolden@dredf.org</a>
Jon Gaffney	<a href="mailto:JGaffney@goldengate.org">JGaffney@goldengate.org</a>

Kurt Baldwin	<a href="mailto:Kbaldwin@ilcsc.org">Kbaldwin@ilcsc.org</a>
Fiona Hinze	<a href="mailto:fiona@ilrcsf.org">fiona@ilrcsf.org</a>
Michael Tree	<a href="mailto:mtree@lavta.org">mtree@lavta.org</a>
Jennifer Cohen	<a href="mailto:jennifer.cohen@lacity.org">jennifer.cohen@lacity.org</a>
Miles Mitchell	<a href="mailto:miles.mitchell@lacity.org">miles.mitchell@lacity.org</a>
Annette Tran	<a href="mailto:atran@lyft.com">atran@lyft.com</a>
Rachelle Chong	<a href="mailto:rachellechong@gmail.com">rachellechong@gmail.com</a>
Traci Lee	<a href="mailto:tlee@lyft.com">tlee@lyft.com</a>
Aida Banihashemi	<a href="mailto:abanihashemi@marintransit.org">abanihashemi@marintransit.org</a>
Amy Van Doren	<a href="mailto:avandoren@marintransit.org">avandoren@marintransit.org</a>
Cody Lowe	<a href="mailto:clowe@marintransit.org">clowe@marintransit.org</a>
Robert Betts	<a href="mailto:rbetts@marintransit.org">rbetts@marintransit.org</a>
Joanna Huitt	<a href="mailto:jhuitt@marintransit.org">jhuitt@marintransit.org</a>
Jay Carson	<a href="mailto:jcarson@nmgovlaw.com">jcarson@nmgovlaw.com</a>
Chris Clemons	<a href="mailto:Chris.Clemons@asm.ca.gov">Chris.Clemons@asm.ca.gov</a>
Jaymal Patel	<a href="mailto:jpatel@octa.net">jpatel@octa.net</a>
Steve Wallauch	<a href="mailto:stw@platinumadvisors.com">stw@platinumadvisors.com</a>
Jane Lee	<a href="mailto:jylee@uber.com">jylee@uber.com</a>
Christy Wegener	<a href="mailto:wegener@samtrans.com">wegener@samtrans.com</a>
David Scarbor	<a href="mailto:scarbord@samtrans.com">scarbord@samtrans.com</a>
Christy Wegener	<a href="mailto:WegenerC@samtrans.com">WegenerC@samtrans.com</a>
Laura Timothy	<a href="mailto:ltimoth@bart.gov">ltimoth@bart.gov</a>
Georgina Arias	<a href="mailto:georgina.arias@sfdph.org">georgina.arias@sfdph.org</a>
Megan Wier	<a href="mailto:megan.wier@sfdph.org">megan.wier@sfdph.org</a>
Joanna Fraguli	<a href="mailto:Joanna.Fraguli@sfgov.org">Joanna.Fraguli@sfgov.org</a>
Annette Williams	<a href="mailto:annette.williams@sfmta.com">annette.williams@sfmta.com</a>
Erin McAuliff	<a href="mailto:erin.mcauliff@sfmta.com">erin.mcauliff@sfmta.com</a>
Kate Toran	<a href="mailto:kate.toran@sfmta.com">kate.toran@sfmta.com</a>
Casey Fromson	<a href="mailto:fromsonc@samtrans.com">fromsonc@samtrans.com</a>
Jack Christensen	<a href="mailto:Jack.Christensen@sandag.org">Jack.Christensen@sandag.org</a>
Laura McWilliams	<a href="mailto:laura.mcwilliams@sen.ca.gov">laura.mcwilliams@sen.ca.gov</a>
Valerie Coleman	<a href="mailto:valerie.j.coleman@sfgov.org">valerie.j.coleman@sfgov.org</a>
Hillary Brown	<a href="mailto:hillary.shehova@gmail.com">hillary.shehova@gmail.com</a>
Jadie Wasilco	<a href="mailto:jadie.wasilco@sfmta.com">jadie.wasilco@sfmta.com</a>
Cheryl Kasai	<a href="mailto:Cheryl Kasai &lt;cheryl@calsilc.ca.gov&gt;">Cheryl Kasai &lt;cheryl@calsilc.ca.gov&gt;</a>

Jessica Felix	<a href="mailto:jessifelix@gmail.com">jessifelix@gmail.com</a>
Thomas Gregory	<a href="mailto:tgregory@thecil.org">tgregory@thecil.org</a>
Austin Heyworth	<a href="mailto:heyworth@uber.com">heyworth@uber.com</a>
Kimberly Harvish	<a href="mailto:Kharvish@uber.com">Kharvish@uber.com</a>
Sam Waters	<a href="mailto:sam.waters@uber.com">sam.waters@uber.com</a>
Shivani Sidhar	<a href="mailto:ssidhar@uber.com">ssidhar@uber.com</a>
Abigail Cochran	<a href="mailto:acochran@berkeley.edu">acochran@berkeley.edu</a>
Martin Wachs	<a href="mailto:mwachs@ucla.edu">mwachs@ucla.edu</a>
Alex Ghenis	<a href="mailto:alex@wid.org">alex@wid.org</a>
Anh Nguyen	<a href="mailto:ANguyen2@oaklandca.gov">ANguyen2@oaklandca.gov</a>
Dominika Bednarska	<a href="mailto:dominikaberkeley@gmail.com">dominikaberkeley@gmail.com</a>
Patricia Piras	<a href="mailto:patpiras@sonic.net">patpiras@sonic.net</a>
Henry Claypool	<a href="mailto:hdc1819@gmail.com">hdc1819@gmail.com</a>
Jeff Maltz	<a href="mailto:jeff@silverride.com">jeff@silverride.com</a>
Amy Stice	<a href="mailto:Amy@SilverRide.com">Amy@SilverRide.com</a>
Eric Lipp	<a href="mailto:ericlipp@opendoorsnfp.org">ericlipp@opendoorsnfp.org</a>
Andy Stice	<a href="mailto:astice@flywheel.com">astice@flywheel.com</a>
Randy Johnson	<a href="mailto:RJohnson@accessla.org">RJohnson@accessla.org</a>
Jason Carmody	<a href="mailto:jasonc@joinbounce.com">jasonc@joinbounce.com</a>
Jen Gress	<a href="mailto:jgress@cityofsacramento.org">jgress@cityofsacramento.org</a>
Sam Waters	<a href="mailto:sam.waters@uber.com">sam.waters@uber.com</a>
Izzy Aala	<a href="mailto:izzy@cabconnect.com">izzy@cabconnect.com</a>
Meagan Schmidt	<a href="mailto:mschmidt@factsd.org">mschmidt@factsd.org</a>
Daveed Mandell	<a href="mailto:daveedmandell@gmail.com">daveedmandell@gmail.com</a>
Tenley Borchman	<a href="mailto:tenley@calact.org">tenley@calact.org</a>
Chirag Rabari	<a href="mailto:RabariC@metro.net">RabariC@metro.net</a>
Ebinna Omenike	<a href="mailto:obinna@ridewithvia.com">obinna@ridewithvia.com</a>
Devara Berger	<a href="mailto:dev1950@att.net">dev1950@att.net</a>
Sarah Strand	<a href="mailto:sarahs@cityofwestsacramento.org">sarahs@cityofwestsacramento.org</a>
Obinna Emenike	<a href="mailto:obinna@ridewithvia.com">obinna@ridewithvia.com</a>
Ashad Hamideh	<a href="mailto:HamidehA@metro.net">HamidehA@metro.net</a>
Jarvis Murray	<a href="mailto:jarvis.murray@lacity.org">jarvis.murray@lacity.org</a>
Makenzi Rasey	<a href="mailto:makenzi.rasey@lacity.org">makenzi.rasey@lacity.org</a>

(End of Appendix A)