




R.19-02-012 “TNC Access for All”



Alameda CTC PAPCO and ParaTAC Meeting

May 20, 2019


TNC Access for All Act Overview


Public Utilities (PU) Code § 5440.

(c) It is the intent of the Legislature that the commission initiate regulation of charter-party carriers... to ensure that transportation network company services do not discriminate against persons with disabilities, including those who use **nonfolding mobility devices**.

(f) There exists a **lack of wheelchair accessible vehicles (WAVs) available via TNC online-enabled applications or platforms** throughout California. In comparison to standard vehicles available via TNC technology applications, WAVs have higher purchase prices, higher operating and maintenance costs, higher fuel costs, and higher liability insurance, and require additional time to serve riders who use nonfolding motorized wheelchairs.


2






Key Provisions of SB 1376


- Imposes per-trip “Access Fund” fee on “TNC trips” that originate in “geographic areas” selected by Commission to facilitate on-demand WAV service beginning July 1, 2019
- Fee moneys can be spent by TNCs directly (via “offsets” or “exemptions”) or distributed by Commission on a competitive basis to “access providers” to provide on-demand WAV service in designated geographic areas
- TNCs and “access providers” must demonstrate presence/availability of WAVs and improved response times as a result of fee money expenditures and report data on trips requested/fulfilled, response times, etc.






Access Fund Fee


- (B) (i) “The commission shall require each TNC by July 1, 2019, 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 transportation network company’s online-enabled application or platform **that originates in one of the geographic areas** selected pursuant to subparagraph (D), except if the TNC meets the requirements of an exemption established by the commission pursuant to subparagraph (G). The commission **may adjust the fee in each geographic area** selected pursuant to subparagraph (D) to different levels **based on the cost of providing adequate WAV service** within the geographic area.”
- (ii) “**Each TNC shall charge its customers** on each TNC trip completed the full amount of the per-trip fee established pursuant to this subparagraph, and remit the total amount of those fees charged to the commission each quarter...”






Geographic Areas

- (D) "The commission shall select geographic areas, which shall be **based on the demand for WAVs** within the area and **selected according to outcomes of workshops** in subparagraph (A), for inclusion in the on-demand transportation programs or partnerships funded pursuant to subparagraph (C). The commission shall **allocate moneys in the Access Fund** for use in each geographic area in a manner that is **proportional to the percent of the Access Fund fees originating in that geographic area.**"




5




Access Fund Offset

- (ii) "...The commission shall **authorize a TNC to offset against the amounts** due pursuant to this subparagraph **for a particular quarter the 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 offset amounts due pursuant to this subparagraph in a geographic area, the commission shall require a TNC, at a minimum, to **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.**"




6




Access Fund Exemption

- (G) The commission shall require each transportation network company to be accessible to persons with disabilities in order to be exempt from paying the charge required pursuant to subparagraph (B). **The commission shall adopt 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 in order for the TNC to be exempt from paying the fee required... for the next year in that geographic area. As part of the designated level of WAV service for each geographic area, the commission shall require a TNC, at a minimum, to have response times for 80 percent of WAV trips requested via the TNC's online-enabled application or platform within a time established by the commission for that geographic area. If a TNC meets the WAV service level requirement established pursuant to this subparagraph in a geographic area selected pursuant to subparagraph (D) for a particular year, the TNC is exempt from paying the fee... for the next year for that geographic area only...**




7




Access Providers

- (C) "The commission shall create the TNC Access for All Fund (Access Fund) and deposit moneys collected pursuant to subparagraph (B) in the Access Fund. The commission shall **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 selected pursuant to subparagraph (D)."
- (a) "Access provider" means an organization or entity that directly provides, or contracts with a separate organization or entity to provide, on-demand transportation to meet the needs of persons with disabilities.




8




Distribution of Funding to Access Providers

- (E) The commission shall **request access providers to submit applications to receive funds... by April 1, 2020**. The commission may accept applications for new on-demand transportation programs or partnerships any time after April 1, 2020. From the applications that are submitted, the commission shall select by July 1, 2020, on-demand transportation programs or partnerships to receive funding based on criteria adopted by the commission in consultation with stakeholders described in subparagraph (A). As part of the criteria, the commission shall require an access provider to demonstrate in its application, at a minimum, how the program or partnership improves response times for WAV service compared to the previous year, the presence and availability of WAVs within the geographic area, and efforts undertaken to publicize and promote available WAV services to disability communities.




9




Data Reporting

- (I) Within 30 days after the end of each quarter **beginning after July 1, 2020**, a **transportation network company that receives an offset** pursuant to clause (ii) of subparagraph (B) or an **access provider that receives funding** pursuant to subparagraph (C) shall submit a report to the commission. The report shall include, but shall not be limited to, all of the following:
 - (i) The number of WAV rides requested.
 - (ii) The number of WAV rides fulfilled.
 - (iii) Data detailing the response time between when a WAV ride was requested and when the vehicle arrived.
 - (iv) Information regarding educational outreach to disability communities, including, but not limited to, information and promotion of availability of WAVs for wheelchair users.
 - (v) A detailed description of expenditures or investments, as applicable.





10



CPUC Implementation Steps

- Track 1: Establishment of “TNC Access for All Fund” and Designation of Geographic Areas for Program Implementation – **by July 1, 2019**
- Track 2: Establishment of Criteria for TNC Offsets/Exemptions and Criteria for Distributing Funding to Access Providers – **by Q1 2020**
- Track 3: Access Fund Expenditure Reporting Requirements – **by TBD 2020**


11





Getting Involved

- Become a “Party” to CPUC Proceeding R.19-02-012 (https://www.cpuc.ca.gov/party_to_a_proceeding/)
- Join the R.19-02-012 “Service List” (https://www.cpuc.ca.gov/Tracking_Issues_of_Interest/)
- Submit “Informal” Comments (https://www.cpuc.ca.gov/written_informal_comments/)
- Visit Our “TNC Access” Website (<https://www.cpuc.ca.gov/tncaccess/>)

12





CPUC Contacts

General Inbox:
transportationprograms@cpuc.ca.gov

Cody Naylor
Supervisor, Transportation Analysis Section
415 703 4372 / cody.naylor@cpuc.ca.gov

13

