

File No. 160759

Committee Item No. _____

Board Item No. 59

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: August 2, 2016

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

(Click the text below for a direct link to the document)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Prepared by: John Carroll

Date: July 29, 2016

Prepared by: _____

Date: _____

1 [Urging the California Public Utilities Commission to Adopt Conviction History Regulations In
2 Furtherance of a Level Regulatory Playing Field And In Compliance With San Francisco's
3 2014 Fair Chance Ordinance]

4 **Resolution urging the California Public Utilities Commission to adopt regulations of**
5 **Transportation Network Companies that comply with San Francisco's 2014 Fair Chance**
6 **Ordinance, recognizing the importance of a level regulatory playing field between**
7 **Transportation Network Companies and traditional taxi cab companies, and supporting**
8 **the California Public Utilities Commission's solicitation for comment regarding the**
9 **current method of criminal background checks for Transportation Network Companies.**

10
11 WHEREAS, On June 22, 2016, the California Public Utilities Commission (CPUC)
12 opened solicitation for comments regarding whether the current method of conducting criminal
13 background checks for Transportation Network Company (TNC) drivers is as effective as
14 fingerprint-based criminal background checks; and

15 WHEREAS, The CPUC's current inquiry is in furtherance of an its Order Instituting
16 Rulemaking on Regulations Relating to Passenger Carriers, Ridesharing, and New Online-
17 Enabled Transportation Services, which was issued in December 2012; and

18 WHEREAS, The CPUC has stated that among its goals is "to assess public safety
19 risks, and to ensure that the safety of the public is not compromised" in the operation of so-
20 called "Transportation Network Companies," which include for-hire service providers Uber,
21 Lyft, and other such companies, and to ensure that the services of a regulated utility are
22 provided in a safe manner; and

23 WHEREAS, The CPUC does not have jurisdiction over and cannot regulate traditional
24 taxi cab companies, but has nevertheless asserted jurisdiction over the regulation of TNCs,

1 thereby preempting and preventing the City and County of San Francisco from regulating
2 those TNCs; and

3 WHEREAS, By preempting the City and County of San Francisco from regulating
4 TNCs, the CPUC has facilitated the development of a two-tiered and anti-competitive playing
5 field for traditional taxi cab services and TNCs, respectively; and

6 WHEREAS, The City and County of San Francisco recognizes that traditional taxi
7 companies are subject to stricter regulation than TNCs – including limits on the number of
8 taxis on the road, regulation of the prices that taxis can charge passengers, requirements that
9 taxi cab drivers complete a certified driver training course to operate vehicles that have
10 commercial license plates and 24/7 commercial insurance, mandatory participation in the
11 SFMTA's Paratransit Program, and for the provision of basic benefits like workers'
12 compensation for all employee taxi drivers on the road – which regulations do not apply to
13 TNCs; and

14 WHEREAS, The City and County of San Francisco further recognizes the merit in the
15 aforementioned regulations and other non-mentioned regulations of traditional taxi cab service
16 providers, and also recognizes the importance of creating a level regulatory playing field for
17 traditional taxi cab companies and TNCs that incorporates existing responsible regulations of
18 the traditional taxi cab industry; and

19 WHEREAS, Taxi regulators in the most populous parts of California, including San
20 Francisco, currently require drivers to undergo fingerprint-based criminal background checks
21 processed by the California Department of Justice (CALDOJ), utilizing fingerprint images to
22 automatically search government criminal record databases maintained by the CALDOJ and
23 the FBI; and

24 WHEREAS, Unlike the regulations governing taxi cabs, there is no current requirement
25 for prospective TNC drivers to undergo fingerprint-based criminal background checks; and

1 WHEREAS, Irrespective of the relative accuracy of various criminal background check
2 procedures, the City and County of San Francisco in 2014 recognized that individuals in San
3 Francisco and across the country are often unnecessarily plagued by old or minor arrest or
4 conviction records that discourage them from applying for jobs that would automatically
5 exclude them from consideration upon disclosure of their criminal history; and

6 WHEREAS, In recognition of the health and safety benefits to increasing access to
7 employment for people with arrest or conviction records, in order for them to reintegrate into
8 their communities, in 2014 the City and County of San Francisco adopted the "Fair Chance
9 Ordinance," which limits an employer's use of any criminal history information in the hiring
10 process and specifically prohibits any consideration of arrests not leading to conviction,
11 participation in diversion or deferral of judgment programs, expunged convictions, juvenile
12 convictions, convictions more than 7 years old, and criminal offenses other than felonies or
13 misdemeanors; and

14 WHEREAS, The 2014 Fair Chance Ordinance also restricts consideration of prior
15 conviction histories to those convictions that directly relate to the job in question and which
16 have a specific negative bearing on the person's ability to perform the duties of the job in
17 question; and

18 WHEREAS, Recognizing that fingerprint-based background checks, without sufficient
19 and enforceable controls on the use of information, and without reliable means of ensuring
20 that information contained in law enforcement databases is complete and accurate, can have
21 a discriminatory impact on communities of color; and

22 WHEREAS, The City and County of San Francisco nevertheless recognizes that the
23 disparity between background checks for traditional taxi cab drivers and TNC drivers
24 contributes to a grossly unequal regulatory framework; and
25

1 WHEREAS, The CPUC's current solicitation for comment presents an opportunity for
2 advancing a criminal background check process that advances the safety of TNC passengers
3 as well as the public health and safety of prospective drivers, including those with unrelated
4 prior conviction histories seeking to reintegrate into society while eliminating the two-tiered
5 regulatory system for traditional taxi cab services and TNCs; now, therefore, be it

6 RESOLVED, That the City and County of San Francisco appreciates and hereby
7 responds to the California Public Utilities Commission's solicitation for comment regarding
8 whether the current method of conducting criminal background checks for TNC drivers is as
9 effective as fingerprint-based criminal background checks; and, be it

10 FURTHER RESOLVED, Irrespective of the relative accuracy of various means of
11 conducting criminal background checks, that the City and County of San Francisco urges the
12 California Public Utilities Commission to adopt regulations that would require TNC drivers to
13 submit to the same criminal background checks that are required of traditional taxi cab drivers
14 and to seek other means of creating a level regulatory playing field between traditional taxi
15 cab companies and TNCs; and, be it

16 FURTHER RESOLVED, That the use of any information obtained through a criminal
17 background check, regardless of form, should be restricted in accordance with the 2014 Fair
18 Chance Ordinance, which, among other restrictions, prohibits consideration of arrests not
19 leading to a conviction, participation in or completion of diversion or deferral of judgment
20 programs, expunged or inoperative convictions, juvenile convictions, convictions over 7 years
21 old, criminal offenses other than felonies or misdemeanors, and convictions not directly-
22 related to the employment in question.

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Tuesday, July 19, 2016 8:29 PM
To: BOS Legislation, (BOS)
Subject: File 160759 FW: TNC driver fingerprinting and general safety rules

Categories: 160759

From: David Kiely [mailto:david@roadshowservices.com]
Sent: Tuesday, July 19, 2016 7:14 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>
Subject: TNC driver fingerprinting and general safety rules

Dear Supervisors,

As a parent who uses Uber and Lyft as well as Flywheel for taxis, I think that all public transport companies and dispatch services should all be on the same platform for safety and security. I believe that all drivers who serve the citizens of San Francisco, whether taxi, TNC or Limo should be fingerprinted and drug tested. I also strongly feel that all TNC's should have a city issued sticker on their car, similar to a neighborhood parking pass, that has an easily identifiable unit number which is proof that they have filed a business tax certificate with the city and have the proper insurance from their carrier. The exposure is sometimes scary.

If they are going to come to San Francisco to earn a living then the city should earn revenue for use of the city infrastructure. It is also my understanding that taxi drivers must take some type of training class for the rules regarding driving in the city and with so many TNC's in the city right now that just stop where they want, make U turns, illegal left turns, etc. I think that a class explain the laws and rules of the city would be beneficial to all of the general public. The city mandated training for all taxi drivers that are essentially doing the same job, picking up and dropping off people, so the training and rules should be the same as well. Thank you very much,

Regards,
David Kiely

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Tuesday, July 19, 2016 11:39 AM
To: BOS-Supervisors; BOS Legislation, (BOS)
Subject: File 160759 FW: Live Scan /Background Checks
Attachments: Dorsey Nunn Letter.docx; 2016.07.15 Letter from ACLU Opposing Resolution 160759.pdf; CPUC Letter (July 18 2016) (1).pdf; Fingerprint objection Letter.pdf; IA SF Fingerprint Resolution Oppose Ltr (1).pdf; SFAACC Opposition to Fingerprint Resolution.pdf; SPUR ltr to BoS re 160759 7.7.16 (1).pdf

Categories: 160759

From: Dorsey Nunn [mailto:dorsey@prisonerswithchildren.org]
Sent: Tuesday, July 19, 2016 11:17 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Live Scan /Background Checks

Dear Clerk,

Could you please provide this information to Board of Supervisor Members? I know that they will be considering this as an agenda item. I wanted them to know that it is more than just one organization that have feelings about background checks and Live Scans.

Dorsey Nunn, Executive Director
Legal Services for Prisoners with Children
1540 Market Street, #490
San Francisco, CA 94102
415-255-7036 x312 / fax 415-552-3150
Dorsey@prisonerswithchildren.org
www.prisonerswithchildren.org

From: Dorsey Nunn <dorsey@prisonerswithchildren.org>

Date: Fri, Jul 1, 2016 at 6:35 PM

Subject: Live-Scans

To: eric.mar@sfgov.org, mark.farrell@sfgov.org, aaron.peskin@sfgov.org, katy.tang@sfgov.org, london.breed@sfgov.org, jane.kim@sfgov.org, norman.yee@sfgov.org, scott.wiener@sfgov.org, david.campos@sfgov.org, malia.cohen@sfgov.org, john.avalos@sfgov.org

Dear Supervisors,

I am writing regarding the proposed requirement that Transportation Network Companies (TNC) such as Uber and Lyft complete live-scan background checks on all their current and future drivers. As the Executive Director of Legal Services for Prisoners with Children and a proud and founding member of All of Us or None. All of Us or None is a grassroots civil and human rights organization comprised of and fighting for the rights of formerly- and currently- incarcerated people and our families. I am writing to express my opposition to this proposed requirement that TNC's expand their use of conviction background checks via the use of livescan. This is a step backwards for San Francisco.

San Francisco Should Continue to Fight Discrimination.

This city led the nation in implementing Ban the Box, which gives people with convictions a fair shot at getting jobs. San Francisco passed Ban the Box because the city understands that the criminal justice system disproportionately arrests, tries, and convicts people of color. We then face all the collateral consequences of having a conviction such as being denied jobs solely because of conviction histories. Expanding conviction background checks for drivers will not improve public safety because denying fathers, mothers, and other members of our community jobs has never been shown to do so; in fact, lack of good paying jobs decreases public safety. Rather, increasing training, accountability, and supervision of current taxi and TNC drivers will promote public safety and economic stability for all communities within our city.

Currently, TNC can use private companies to perform conviction histories on applicant drivers. Taxis must use the California Live Scan process to request a full R.A.P. sheet. R.A.P. is an acronym for Record of Arrest and Prosecution. These records will, by definition, include more than convictions; they are records of *arrest* and prosecution. By using Live Scan services instead of private companies, arrest records which did not lead to a conviction may be available to these companies. This would lead to less privacy for driver applicants added to the stigma of being arrested, this could lead to a chilling effect on applications. This stigma attaches even when that arrest was unjustified and did not lead to a conviction. Likely, you are aware that the nation has a problem of disproportionately arresting people of color; San Francisco has the same problem, as explained in [this SF Chronical Article](#). Black people in our progressive city are 7.1 times more likely to be arrested than white people. This means that Black people have those arrests on their R.A.P. sheets and are therefore disproportionately likely to be barred from even the possibility of driving for with these companies or accessing other jobs that utilize the Live Scan.

The Current Law Can Be Improved to Increase Access to Jobs for People with Conviction Histories.

The state already requires TNCs to perform background checks on driver applicants. As seen on the [San Francisco Budget and Legislative Analyst's memo to Supervisor Mar dated June 9, 2014 on the topic](#), TNC's are required to perform DMV and conviction histories for the previous seven years. The city regulates the taxi industry and has a different standard that taxi drivers must meet. Taxi companies are required to review the entire length of a conviction history for a person, and look back ten years on their driving record.

This is a ridiculous standard for taxi companies. This means that for a person who is 52 (like supervisor Avalos) or 45 (like supervisor Campos) who applies to drive for a taxi company, the background check will go back at least 34 years and 27 years, respectively, to their 18th birthdays. This creates a system where a person can never move past a conviction; even if that incident was more than two decades ago.

San Francisco can partially level the playing field between taxi companies and TNC's by modifying the look-back period for taxi driver applicants to seven years. This will increase economic opportunities for people who were previously barred from driving taxis due to old, old convictions or arrests.

Find Solutions that Fit the Problems; Don't Let Fear Misguide Policies

The city should focus on solutions that are tailored to the real problems it seeks to address instead of creating and blaming a boogie-man figure. Looking at what a person was convicted of years ago does not predict future behavior. Instead, the city/county should focus on regulating all the companies to improve driver safety training and develop ways to monitor individual rides so both the rider and the driver are secure. Knowing that one is being monitored and can be later quickly and easily identified changes a person's behavior and decreases the risks of that person committing a crime. This is the case generally and also with TNC's that monitor the location of their drivers, who they pick-up, the route they choose to take. This available information protects drivers and riders because both know that they can identify the other, or be identified by the other, if something happens. Monitoring rides deters crime and violence without discriminating against individuals with prior convictions.

For the above reasons, I ask you to not further discriminate against people with criminal convictions, and instead focus your policy efforts that address the real and underlying concerns you have.



July 15, 2016

Via Email

Members of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Dear Members of the Board of Supervisors:

The ACLU of Northern California respectfully urges you not to approve or adopt proposed amended Resolution 160759, which would require transportation network companies (TNC) to submit prospective drivers to inaccurate and invasive fingerprint-based criminal background checks.

Fingerprint-based background checks rely on state and federal criminal record databases, which can be inaccurate and incomplete. The FBI database in particular does not contain disposition information for a significant percentage of arrests and felony charges, which means in many cases, the database does not show whether an arrest never led to a prosecution or whether a person was tried, but acquitted, of a felony charge. Mandating that employers use these background checks increases the risk that a job applicant will be unfairly disqualified based on this inaccurate information. Even if the employer does not purport to use this information in making hiring decisions, subjecting applicants to this invasion of privacy further stigmatizes persons with criminal records and may discourage people from applying for jobs.

The proposed resolution also runs counter to San Francisco's commitment to address the detrimental impact criminal records can have on employment prospects, particularly for communities of color. Specifying that employers would have to comply with the Fair Chance Ordinance would not change the fact that through this resolution, the Board would be putting its stamp of approval on fingerprint-based background checks as a fair and accurate tool.

Rather than engaging in a race to the bottom in the name of uniform regulation, we urge the Board to address any problems with the current regulatory framework governing TNCs and taxis in a way that expands, rather than limits, employment opportunities for people with criminal records.

Sincerely,

Micaela Davis
Staff Attorney

COVINGTON

BEIJING BRUSSELS LONDON LOS ANGELES
NEW YORK SAN FRANCISCO SEOUL
SHANGHAI SILICON VALLEY WASHINGTON

Eric H. Holder, Jr.

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 6000

By Email

July 18, 2016

Mr. Michael Picker, President
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Dear President Michael Picker:

I write regarding the California Public Utilities Commission (CPUC) recent invitation for public comment on background checks for prospective Transportation Network Company drivers.

When I served as U.S. Attorney General, I asked every state Attorney General and all my fellow Cabinet secretaries to consider how they could eliminate policies and regulations that impose unnecessary burdens on people with criminal records who have fulfilled their debts to society.

For many non-law enforcement purposes, fingerprint-based background checks are just such a practice. The FBI's Criminal Justice Information System (CJIS), as the FBI has acknowledged, is incomplete and lacks information about the final outcomes of a significant percentage of cases. That means that its records may not indicate whether a person who was arrested was even charged or ultimately convicted of any offense. Because of these issues with law enforcement databases, a fingerprint-based check can prevent people from getting a job even if they were never found guilty of a crime.

Moreover, fingerprint-based background checks for non-law enforcement purposes can have a discriminatory impact on communities of color. Nearly 50 percent of African-American men and 44 percent of Latino men across the U.S. have been arrested by age 23; therefore, the practice of denying work based on law enforcement records with incomplete and inaccurate information disproportionately disadvantages people who have been arrested. The impact becomes even more acute when looking at communities such as Chicago, where 80 percent of working age African-American men have arrest records and nearly half of young black men are unemployed.

COVINGTON

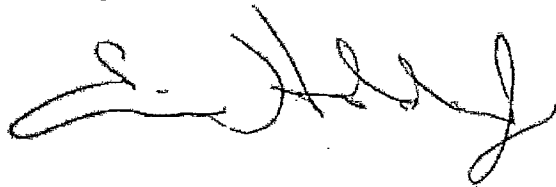
July 18, 2016

Page 2

The FBI and other law enforcement databases have a clearly-defined purpose: to aid law enforcement during investigations. These checks enable investigators, who are then expected to follow up on information found in the database, to determine whether the information included is complete or not. These databases were not designed to be used to determine whether or not someone is eligible for a work opportunity. Relying on it for that purpose is both unwise and unfair.

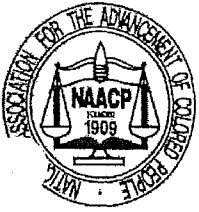
The better course of action would be to enact practices that can ensure safety without limiting economic opportunities for those Californians who need them most.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Holder, Jr.", written in a cursive style.

Eric H. Holder, Jr.

CC: Commissioner Mike Florio
Commissioner Carla J. Peterman
Commissioner Liane M. Randolph
Commissioner Catherine JK Sandoval



SAN FRANCISCO BRANCH

NAACP

July 15, 2016

Supervisor John Avalos
President of the Board of Supervisors London Breed
Supervisor David Campos
Supervisor Malia Cohen
Supervisor Mark Farrell
Supervisor Jane Kim
Supervisor Eric Mar
Supervisor Aaron Peskin
Supervisor Katy Tang
Supervisor Scott Wiener
Supervisor Norman Yee

San Francisco Board of Supervisors
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102

Re: Opposition to Resolution 160759

Dear President Breed and Supervisors:

As a leader for our community at Third Baptist Church and Executive Director of the San Francisco chapter of the NAACP, I respectfully ask for your opposition to Resolution 160759, which calls upon the City & County of San Francisco to file comments with the California Public Utilities Commission (CPUC) regarding ridesharing Transportation Network Companies (TNC), like Lyft and Uber.

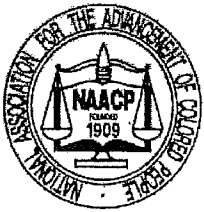
We feel that fingerprint-based background checks impose undue burdens on under-represented groups, including individuals reentering society, and that requiring fingerprint-based background checks for non-law enforcement purposes such as employment can have a disproportionate and discriminatory impact on communities of color – a precedent that we do not want set in San Francisco.

Even with recent amendments having been offered to Resolution 160759, we still implore you to vote in opposition. These amendments to the ordinance are simply window-dressing and do not change the substance of this resolution which still calls for discriminatory fingerprint-based background checks for TNCs.

Community Benefits

Since ridesharing became a phenomenon in San Francisco, mobility has been transformed for our community members. Not only are there new economic earning opportunities as ridesharing drivers, but there are also more reliable transportation options connecting our neighborhoods. In the past, our community has had to struggle with limited and inconvenient transportation options. Fortunately, ridesharing services have changed that status quo and now provides our communities a reliable, safe and convenient way of getting around.

Just as importantly, ridesharing has also provided members of our communities with greater economic mobility—turning vehicles that can be a financial burden into an economic asset to be used to earn extra income. With ridesharing, people who



want to work and who have a reliable car and good driving record can build a better life. TNCs are opening new doors of opportunity for our community with access to supplemental income.

CPUC's Current Statewide Regulations

This is why we are very concerned about the misinformed push for fingerprint-based background checks of ridesharing drivers. The CPUC has worked to ensure that these services are already regulated in a safe and sustainable way for the entire State of California. The CPUC has struck a careful balance in ensuring that ridesharing is available as a transportation option and an economic opportunity for as many Californians as possible. Adding additional and unnecessary hurdles for individuals to become rideshare drivers is a wrong-headed approach and makes it harder for members of our community to access supplemental income.

Deterrent and Detrimental Impact of Fingerprinting

To be clear, fingerprint-based background checks threaten these economic opportunities afforded by ridesharing because they rely on state and federal database records that are incomplete and inaccurate. These inaccuracies result in ineligibility for many people who should qualify to provide ride-sharing services. The National Employment Law Project reported in 2013 that 600,000 workers a year are affected by errors and omissions in fingerprint-based background checks. In California, just 57% of arrests have recorded dispositions. According to the U.S. Justice Department, roughly half of the records in the FBI's database are inaccurate or incomplete.

The criminal justice system's racial biases often means our communities are subject to higher arrest rates than other groups, even where the actual commission of crimes is no higher. Fingerprint-based background checks therefore, disproportionately affect our communities and deprive hard-working people of the right to earn an income. Even worse, correcting inaccuracies in a record can be a long and expensive process and delay or deny otherwise qualified drivers of income opportunities. Why would we add these increased burdens when there is no demonstrated trend showing that there should be a change to the existing CPUC criminal background check requirements?

San Francisco's Values

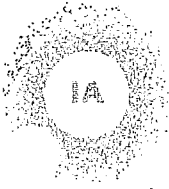
San Francisco is a leader in efforts like the Fair Chance Ordinance, which demonstrates our community's shared commitment to allowing individuals to redeem themselves and build better lives. We are concerned that reliance on fingerprint-based background checks would undermine our City's progress and individuals' attempts to return to society's good graces.

With this ridesharing model, an individual with a safe vehicle, a clean record and a will to work can quickly take control of their lives and reach for goals that might otherwise be beyond their means. Requiring background checks for drivers makes sense, and the current requirements are fair and accurate. Adding an additional fingerprint-based background checks is no guarantee of safety but is guaranteed to discourage broad participation in this new economic opportunity.

We ask that you remain focused on making these new resources an option for as many people as possible and reject efforts to undermine the industry. Please decline to support Resolution 160759.

Sincerely,

Pastor, Dr. Amos C. Brown, President of the San Francisco NAACP,
on behalf of the Executive Team at Third Baptist Church:
Preston Turner, Deacon Al Campbell (Chairman Deacon's Ministry), and Deacon Anthony
Wagner (Chairman Third Baptist Gardens Inc.)



Internet Association

July 7, 2016

The Honorable Aaron Peskin
San Francisco Board of Supervisors
1 Dr Carlton B Goodlett Pl #244
San Francisco, CA 94102

RE: Internet Association Opposition to Mandated TNC Fingerprint Background Checks

Dear Supervisor Peskin,

On behalf of the Internet Association, I respectfully submit this letter to express our opposition to your proposed resolution urging the California Public Utilities Commission to adopt mandated fingerprint background checks for transportation network company drivers. The Internet Association is concerned about the adverse impacts such a mandate would have on the ability for low/moderate income individuals and/or minorities to access and benefit from ridesharing.

The Internet Association represents nearly 40 of the world's leading internet companies, and advances public policy solutions that foster innovation, promote economic growth, and empower people through the free and open internet.

We are concerned that forcing ridesharing companies to utilize a system with demonstrated biases and discriminatory applications would unfairly and unevenly result in the denial of a significant number of minorities and/or low-moderate income individuals looking to supplement their income through ridesharing. According to reports,¹ the suggested fingerprint background system has proven consistent in providing inaccurate information – with an overwhelming percentage of minorities and low-income individuals regularly negatively impacted by such falsities. For example, a study conducted by the National Employment Law Center found that erroneous fingerprint background check results “seriously prejudice” the employment opportunities for an estimated 600,000 people a year.

The Internet Association and our member companies are committed to providing safe, affordable and reliable services, regardless if it's sharing a ride, your home or selling goods online. Internet-enabled innovation increases quality and choice, while decreasing costs, and must be allowed to compete and grow in an open market. This value proposition, along with the seamless connection of supply and demand, is unique to the internet and is reflective of all our member companies.

One of the primary reasons consumers have flocked to ridesharing services is the internet-enabled innovation that has set a new standard for rider and driver safety. With TNC technology, every ride is a real-time safety checkpoint. For example:

- Removing anonymity by giving riders their driver's name, photo, and vehicle information in advance
- Tracking all trips using GPS and letting riders share their route live on a map with loved ones
- Promoting accountability through a two-way feedback system for every ride, which protects both drivers and riders

1 Orson Aguilar, "Fingerprinting Lyft drivers hurts disadvantaged communities," *San Jose Mercury News*, July 16, 2015, <http://bayareane.ws/29klbx7>



Internet Association

On top of these innovations, TNCs perform robust national criminal background checks on their drivers. In California, the CPUC currently mandates and regulates the list of disqualifying offenses. Any person who has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage and/or theft, acts of violence, or acts of terror are not permitted to drive for TNCs. Drivers with convictions for reckless driving, driving under the influence, hit and run, or driving with a suspended or revoked license are also not permitted to be a TNC driver.

For the reasons stated above and more, the Internet Association must respectfully OPPOSE the proposed resolution and urges its rejection. The Internet Association stands ready and willing to work with you and your colleagues to find an effective solution that addresses community needs and allows this growing industry to continue flourishing.

Should you have any questions regarding our position, please feel free to contact me at (916) 498-3316 or callahan@internetassociation.org. Thank you.

Sincerely,

Robert Callahan
Director, State Government Affairs, Western Region

CC: San Francisco Board of Supervisors



July 15, 2016

President of the Board of Supervisors London Breed
Supervisor Malia Cohen
Supervisor Eric Mar
Supervisor Aaron Peskin
Supervisor Katy Tang
Supervisor Scott Wiener
Supervisor Norman Yee
Supervisor John Avalos
Supervisor David Campos
Supervisor Mark Farrell
Supervisor Jane Kim

To the San Francisco Board of Supervisors
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102

RE: Oppose Resolution 160759

Dear Board President Breed, Members of the San Francisco Board of Supervisors:

The San Francisco African American Chamber of Commerce respectfully request that you oppose Resolution 160759, which unduly urges the City & County of San Francisco to file comments with the California Public Utilities Commission (CPUC) regarding ridesharing Transportation Network Companies or TNCs.

It is the understanding of our local business community and the few African American entrepreneurs remaining in San Francisco, that finger print-based background checks impose an undue burden on under-represented groups, including individuals reentering society, and that requiring fingerprint-based background checks for non-law enforcement purposes can have a disproportionate and discriminatory impact on communities of color.

Though recent amendments offered on this resolution may recognize the Fair Chance Ordinance in SF, which prohibits consideration of arrests and convictions more than 7 years old, they still subject TNCs to the same fingerprint-based background checks with lifetime look-backs. Several members of the SFAACC are employed by TNC's, and many consider this to be their business. We implore you to not set unnecessary barriers that jeopardize our members the opportunity of doing business in San Francisco.

With ridesharing having taken off in San Francisco, greater access to both mobility and economic opportunity has been a real boon for our community. Not only have we seen new earning power energizing our entrepreneurs as a result of ridesharing, but with more safe, affordable and reliable transportation options our neighborhoods are becoming even more connected too.

When talking about economic opportunity, ridesharing has provided people a platform to transform their vehicles into assets that create supplemental income in an economic environment that has

provided few options for people of color. Individuals who want to work, who have a reliable car and a good driving record can build a better life – the last thing they need is another hurdle to jump over.

We believe this current push around fingerprint-based background checks for ridesharing drivers to be misguided in nature given that the CPUC has already been working to ensure that these services are well regulated in a safe and sustainable way throughout all of California. The CPUC has struck a careful balance in ensuring that ridesharing is available as a transportation option and an economic opportunity for as many Californians as possible.

Fingerprint-based background checks are based on state and federal database records that are incomplete and inaccurate. These inaccuracies results have had a detrimental impact on community. The National Employment Law Project reported in 2013 that 600,000 workers a year are affected by errors and omissions in fingerprint-based background checks. In California, just 57% of arrests have recorded dispositions. According to the U.S. Justice Department, roughly half of the records in the FBI's database are inaccurate or incomplete.

You're well aware that the criminal justice system's racial biases continues to have an extremely negative impact on my community. Implementing fingerprint-based background checks will only continue to deprive hard-working people of the right to earn an income. Attempting to correct inaccuracies in a record can be a long and expensive process and delay or deny otherwise qualified drivers of income opportunities.

With the TNC ridesharing model, an individual with a safe vehicle, a clean record and a will to work can quickly take control of their lives and achieve goals that might otherwise be beyond their means. The current requirements of background checks are fair and equitable. Adding an additional fingerprint-based background check will simply discourage broad participation in this new economic opportunity, and drive more of our members out of San Francisco.

We ask for your support in helping to stop the out migration of African Americans from San Francisco and reject this misinformed approach and decline any support for Resolution 160759.

Sincerely,

(signed Matt Thomas)

Matthew Thomas
Vice President & Chair, Banking Committee
San Francisco African American Chamber of Commerce
1006 Webster Street
San Francisco, CA 94115



SPUR

San Francisco | San Jose | Oakland

July 7, 2016

Supervisor John Avalos
President of the Board of Supervisors London Breed
Supervisor David Campos
Supervisor Malia Cohen
Supervisor Mark Farrell
Supervisor Jane Kim
Supervisor Eric Mar
Supervisor Aaron Peskin
Supervisor Katy Tang
Supervisor Scott Wiener
Supervisor Norman Yee

San Francisco Board of Supervisors
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102

Re: Opposition to Resolution 160759

Dear President Breed and Supervisors:

I'm writing to express our concerns about the proposed resolution about fingerprinting and background checks for TNC drivers.

We are living through a time of extraordinary change in our transportation system, perhaps more dramatic than anything we have seen since mass adoption of the automobile a century ago. The new technologies and the cultural changes that go along with them will require us to develop the right rules and regulations. So it is entirely appropriate for elected officials to be thinking about what we need as a regulatory framework for new mobility services.

Unfortunately, the proposal to add fingerprinting and background checks would be a step in the wrong direction. Ridesharing companies already require drivers to undergo background checks, in-person screenings and vehicle inspections, all of which are requirements enforced by the CPUC. The CPUC already subjects ride-sharing companies to continuing review, requiring these companies to report annual on accidents, service levels and other criteria.

The main effect of the proposed resolution is not going to be to increase the safety of passengers, but rather to reduce the ability of people to go to work as a TNC driver. By introducing the duplicative and intrusive process, we expect part time drivers, in particular to be deterred from joining the driving platforms. (The average TNC driver drives around 15 hours per month.)

These regulations would bring into the world of TNCs some of the problematic regulations of the taxi industry. It should be abundantly clear by now that one of the reasons that so many residents of San Francisco have chosen to use Uber and Lyft is because the old system for regulating taxis did not work. By all means, there should be a "level playing field." But our goal should be to reform the regulations on the taxi industry to make taxis more useful to the public, not to hamstring a part of our transportation mix that is actually working well for many people.

The new transportation services are still evolving quickly. We are especially interested in the growing adoption of shared rides, and the potential to use these services as a substitute for the private automobile and a first/last mile connection to fixed line transit. We believe the City of San Francisco should be working in a constructive way to expand the use of these services in ways that are good for the city.

Thank you for considering our views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Metcalf', with a stylized, cursive flourish at the end.

Gabriel Metcalf
President & CEO, SPUR

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Monday, July 18, 2016 11:47 AM
To: BOS-Supervisors; BOS Legislation, (BOS)
Subject: File 160759 FW: Fingerprint ID TNC drivers. 7/19 BOS meeting

Categories: 160759

-----Original Message-----

From: Ron [mailto:ronwolter@earthlink.net]
Sent: Monday, July 18, 2016 10:52 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Fingerprint ID TNC drivers. 7/19 BOS meeting

To Board of Supervisors:

Please support Supervisor Peskin's resolution for fingerprint ID of TNC drivers. Fingerprint ID is standard for most passenger transportation jobs. SFMTA requires fingerprint ID of taxi drivers to ensure correct identification of the person. Without this, it is easy to use someone else's identity.

Austin has required fingerprint ID of TNC drivers. I recently had a passenger from Austin who had voted to require this. He was involved in education and explained how fingerprint ID had discovered serious problems with potential hires. He was proud to have voted to require this for Uber and Lyft. -- "What are they trying to hide?!" was his comment.

Thank you,
Ron Wolter
Driver, SF Green Cab

Carroll, John (BOS)

From: Calvillo, Angela (BOS)
Sent: Friday, July 15, 2016 4:04 PM
To: Gosiengfiao, Rachel (BOS); BOS Legislation, (BOS)
Subject: FW: Letter from ACLU Opposing Resolution 160759
Attachments: 2016.07.15 Letter from ACLU Opposing Resolution 160759.pdf

Categories: 160759

From: Veronica Ramirez [mailto:vramirez@aclunc.org]

Sent: Friday, July 15, 2016 1:44 PM

To: Mar, Eric (BOS) <eric.mar@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>

Cc: Micaela Davis <mdavis@aclunc.org>

Subject: Letter from ACLU Opposing Resolution 160759

Dear Members of the Board of Supervisors,

Attached please find a letter from staff attorney Micaela Davis regarding amended Resolution 160759.

Regards,

Veronica Ramirez

Litigation Assistant

American Civil Liberties Union of Northern California

39 Drumm Street | San Francisco | CA | 94111

|phone| 415.621.2493 ext. 465 |email| vramirez@aclunc.org

www.aclunc.org

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>



July 15, 2016

Via Email

Members of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Dear Members of the Board of Supervisors:

The ACLU of Northern California respectfully urges you not to approve or adopt proposed amended Resolution 160759, which would require transportation network companies (TNC) to submit prospective drivers to inaccurate and invasive fingerprint-based criminal background checks.

Fingerprint-based background checks rely on state and federal criminal record databases, which can be inaccurate and incomplete. The FBI database in particular does not contain disposition information for a significant percentage of arrests and felony charges, which means in many cases, the database does not show whether an arrest never led to a prosecution or whether a person was tried, but acquitted, of a felony charge. Mandating that employers use these background checks increases the risk that a job applicant will be unfairly disqualified based on this inaccurate information. Even if the employer does not purport to use this information in making hiring decisions, subjecting applicants to this invasion of privacy further stigmatizes persons with criminal records and may discourage people from applying for jobs.

The proposed resolution also runs counter to San Francisco's commitment to address the detrimental impact criminal records can have on employment prospects, particularly for communities of color. Specifying that employers would have to comply with the Fair Chance Ordinance would not change the fact that through this resolution, the Board would be putting its stamp of approval on fingerprint-based background checks as a fair and accurate tool.

Rather than engaging in a race to the bottom in the name of uniform regulation, we urge the Board to address any problems with the current regulatory framework governing TNCs and taxis in a way that expands, rather than limits, employment opportunities for people with criminal records.

Sincerely,

Micaela Davis
Staff Attorney

BOS-11 + Copies

From: Alyssa Kies <akies@spur.org>
Sent: Thursday, July 07, 2016 5:59 PM
To: Board of Supervisors, (BOS)
Cc: Avalos, John (BOS); Kim, Jane (BOS); Cohen, Malia (BOS); Yee, Norman (BOS); Mar, Eric (BOS); Peskin, Aaron (BOS); Breed, London (BOS); Campos, David (BOS); Tang, Katy (BOS); Farrell, Mark (BOS); Wiener, Scott
Subject: SPUR letter regarding Resolution 160759 (TNCs)
Attachments: SPUR ltr to BoS re 160759 7.7.16 .pdf

Dear Board President Breed and Supervisors:

Please find attached a letter from SPUR President & CEO Gabriel Metcalf, in opposition to Resolution 160759.

Thank you.

--
Alyssa Kies
Executive Assistant + Board Liaison
SPUR • Ideas + Action for a Better City
(415) 644-4286
akies@spur.org

[SPUR](#) | [Facebook](#) | [Twitter](#) | [Join](#) | [Get Newsletters](#)

Join us this summer for the SPUR Member Parties!
[Reserve your spot today >>](#)



SPUR

San Francisco | San Jose | Oakland

July 7, 2016

Supervisor John Avalos
President of the Board of Supervisors London Breed
Supervisor David Campos
Supervisor Malia Cohen
Supervisor Mark Farrell
Supervisor Jane Kim
Supervisor Eric Mar
Supervisor Aaron Peskin
Supervisor Katy Tang
Supervisor Scott Wiener
Supervisor Norman Yee

San Francisco Board of Supervisors
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102

Re: Opposition to Resolution 160759

Dear President Breed and Supervisors:

I'm writing to express our concerns about the proposed resolution about fingerprinting and background checks for TNC drivers.

We are living through a time of extraordinary change in our transportation system, perhaps more dramatic than anything we have seen since mass adoption of the automobile a century ago. The new technologies and the cultural changes that go along with them will require us to develop the right rules and regulations. So it is entirely appropriate for elected officials to be thinking about what we need as a regulatory framework for new mobility services.

Unfortunately, the proposal to add fingerprinting and background checks would be a step in the wrong direction. Ridesharing companies already require drivers to undergo background checks, in-person screenings and vehicle inspections, all of which are requirements enforced by the CPUC. The CPUC already subjects ride-sharing companies to continuing review, requiring these companies to report annual on accidents, service levels and other criteria.

The main effect of the proposed resolution is not going to be to increase the safety of passengers, but rather to reduce the ability of people to go to work as a TNC driver. By introducing the duplicative and intrusive process, we expect part time drivers, in particular to be deterred from joining the driving platforms. (The average TNC driver drives around 15 hours per month.)

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date _____

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Peskin

Subject:

Urging the California Public Utilities Commission to Adopt Regulations Requiring Fingerprint-Based Criminal Background Checks of TNC Drivers

The text is listed below or attached:

Resolution supporting the California Public Utilities Commission's solicitation for comment regarding the current method of criminal background checks for Transportation Network Companies and urging the California Public Utilities Commission to adopt new regulations of Transportation Network Companies that would require the same fingerprint-based criminal background checks currently required of traditional taxi cab companies.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: