

1 [Urging the California State Legislature to Amend the California Vehicle and Public Utilities
2 Codes Related to Regulation of Transportation Network Companies]

3 **Resolution urging the California state legislature to amend the California Vehicle and**
4 **Public Utilities Codes to enable local jurisdictions to access trip data for**
5 **Transportation Network Companies (TNCs) and to permit and conduct enforcement of**
6 **TNCs as warranted to ensure safety and disability access, and manage congestion.**

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8 WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) is
9 responsible for the operation and management of San Francisco city streets under the City’s
10 Transit First policy and is leading the city’s Vision Zero initiative and implementation of the
11 City’s Transit First Policy, in an effort to combat traffic congestion and carbon emissions; and

12 WHEREAS, The San Francisco County Transportation Authority (SFCTA) is the county
13 congestion management agency and its adopted long-range countywide transportation plan
14 calls for study of the ridesharing sector leading to recommendations for management of this
15 rapidly growing sector; and

16 WHEREAS, Pursuant to these roles, both agencies have made repeated requests to
17 the CA PUC for annual reports submitted by each TNC detailing the number of rides
18 requested by customers and accepted/not accepted by TNC drivers within each zip code
19 where the TNC operates and provision of trips in accessible vehicles, and the CA PUC has
20 consistently denied these requests; and

21 WHEREAS, In denying local requests for TNC data, CA PUC cited the current
22 Commission Decision (D. 13-09-045) that requires TNCs to provide verified reports to the it’s
23 Safety and Enforcement Division (SED) documenting operational data and requires TNCs to
24 file these reports confidentially unless in Phase II the Commission requires public reporting

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1 from Transportation Charter Party (TCP) companies, and therefore D. 13-09-045 prohibits
2 SED from releasing the information SFMTA and SFCTA requested; and

3 WHEREAS, The CA PUC further cited provisions of the California Evidence Code
4 Section 1040(b)(2) that authorize the Commission to refuse to disclose official information if
5 disclosure is against the public interest, and stated that "...the Commission has determined
6 that preserving confidentiality outweighs disclosure in the interests of justice at least until
7 Phase II of this rulemaking;" and

8 WHEREAS, San Francisco Board of Supervisors seeks a public hearing on the basis of
9 the public interest claims of the CA PUC in favor of TNCs over local jurisdictions and on the
10 status of the Phase II Rulemaking; and

11 WHEREAS, There is growing concern and evidence that the large number of TNCs
12 operating in San Francisco is having a negative effect on congestion, safety and equitable
13 access based on 1) the City Treasurer's estimate that up to 50,000 TNC drivers are required
14 to apply for business permits in order to drive for TNC companies, 2) corridor-level data from
15 San Francisco International Airport which shows that the rate of TNC use more than tripled
16 during January 2015 to October 2016, while BART SFO extension ridership declined over the
17 same period; 3) news reports of TNC drivers operating for excessive hours potentially
18 jeopardizing passenger and traffic safety; and 4) the average number of monthly paratransit
19 trips provided by wheelchair accessible ramp taxis has declined markedly over the past three
20 years, a decline SFMTA attributes to the rise of TNCs and decreasing availability in on-
21 demand service for people with disabilities; and

22 WHEREAS, Given the scale of TNC services in California and given the small number
23 of CA PUC transportation enforcement staff who are expected to conduct statewide
24 enforcement of TNCs, a recent independent audit of the CA PUC's Transportation
25 Enforcement Branch (TEB) indicated that TEB is not meeting its mandated activities; and

1 WHEREAS, The impact of TNC service is experienced at the local level and SFMTA
2 has expertise in regulating private transportation modes and could enhance the public safety
3 by conducting enforcement; and

4 WHEREAS, A recent study of New York City TNC activity estimated that TNCs
5 added 600 million miles of vehicular traffic and account for 3.5% of vehicle miles driven by all
6 vehicles and its author advises cities experiencing similar conflicts with TNCs to seek
7 regulatory authorities to manage TNCs, among other strategies; now, therefore, be it

8 RESOLVED, That the San Francisco Board of Supervisors urges the California State
9 Legislature to amend the Vehicle and Public Utilities Code to permit CA PUC to share TNC
10 trip data with local California jurisdictions; and, be it

11 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the
12 California State Legislature to allow local jurisdictions to Permit TNC operations and conduct
13 Enforcement as warranted to ensure safety and access, and manage congestion; and, be it

14 FURTHER RESOLVED, That the City Lobbyist for the City and County of San
15 Francisco shall advocate for this policy; and, be it

16 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
17 the Clerk of the Board to transmit copies to the members of San Francisco State Legislative
18 Delegation with a request to take any and all action necessary to achieve the objectives of this
19 resolution.

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