



RESOLUTION URGING THE CALIFORNIA STATE LEGISLATURE TO AMEND THE CALIFORNIA VEHICLE AND PUBLIC UTILITIES CODES TO ENABLE LOCAL JURISDICTIONS TO PERMIT, CONDUCT ENFORCEMENT AND ACCESS TRIP DATA FOR TRANSPORTATION NETWORK COMPANIES

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

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

WHEREAS, Pursuant to these roles, both agencies have made repeated requests to the California Public Utilities Commission (CA PUC) for annual reports submitted by each Transportation Network Company (TNC) detailing the number of rides requested by customers and accepted/not accepted by TNC drivers within each zip code where the TNC operates and the provision of trips in accessible vehicles, and the CA PUC has consistently denied these requests; and

WHEREAS, In denying local requests for TNC data, CA PUC cited the current Commission Decision (D. 13-09-045) that requires TNCs to provide verified reports to its Safety and Enforcement Division (SED) documenting operational data and requires TNCs to file these reports confidentially unless in Phase II the Commission requires public reporting from Transportation Charter Party (TCP) companies, and therefore D. 13-09-045 prohibits SED from releasing the information SFMTA and SFCTA requested; and



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

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

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

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

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



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

WHEREAS, At its April 5, 2017 meeting, the Vision Zero Committee was briefed on the subject resolution and unanimously recommended its approval; now, therefore, be it

RESOLVED, That the SFCTA urges the California State Legislature to amend the Vehicle and Public Utilities Code to permit CA PUC to share TNC trip data with local California jurisdictions; and be it further

RESOLVED, That the SFCTA urges the California State Legislature to allow local jurisdictions to permit TNC operations and conduct enforcement as warranted to ensure safety and access, and manage congestion; and be it further

RESOLVED, That the State Legislative Advocate for the SFCTA shall advocate for this policy in coordination with the City Lobbyist; and be it further

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