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

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

WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) is responsible for the operation and management of San Francisco city streets under the City’s Transit First policy 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 CA PUC for annual reports submitted by each 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 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 the it’s 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

Section 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 seeks 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 which shows that the rate of TNC use more than tripled
during January 2015 to October 2016, while BART 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 of 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

Supervisors Peskin; Fewer, Yee, Ronen
BOARD OF SUPERVISORS
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; now, therefore, be it

RESOLVED, That the San Francisco Board of Supervisors 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 San Francisco Board of Supervisors 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 City Lobbyist for the City and County of San Francisco shall advocate for this policy; and, be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors 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.
Resolution urging the California state legislature to amend the California Vehicle and Public Utilities Codes to enable local jurisdictions to access trip data for Transportation Network Companies (TNCs) and to permit and conduct enforcement of TNCs as warranted to ensure safety and disability access, and manage congestion.

April 04, 2017 Board of Supervisors - ADOPTED
Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170306

I hereby certify that the foregoing Resolution was ADOPTED on 4/4/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board