

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



June 17, 2021

Annette Tran
Lyft, Inc.
185 Berry Street, Suite 5000
San Francisco, CA 94107

Subject: TNC Access for All Advice Letter AL 5A

Dear Ms. Tran,

Pursuant to Decision D.20-03-007, the Consumer Protection and Enforcement Division (CPED) of the California Public Utilities Commission has processed your recent Advice Letter (AL) filing and is returning an AL status certificate for your records. This status certificate indicates:

Advice Letter Number
Name of Filer
CPUC Corporate ID number of Filer
Subject of AL Filing
Date Filed
Disposition of Filing (Approved, Rejected, Withdrawn, etc.)
Amount of Approved Offsets by County
Effective Date of Filing

CPED received protests against supplemental AL 5A from San Francisco (SFMTA, SFCTA, SFMOD) and Disability Advocates on November 4, 2020. CPED received replies to the protest on November 11, 2020 from Lyft.

Please review your advice letter filing with the information contained in the attached AL status certificate and the Appendix for a description of the AL, protest, reply, and staff's disposition. If you have any questions on this matter please contact CPED Staff via email at tncaccess@cpuc.ca.gov.

Sincerely,

Douglas Ito

Douglas Ito
Director, Consumer Protection and Enforcement Division

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**Advice Letter Status Certificate****Status of Advice Letter 5A
As of June 7, 2021****Lyft, Inc.**

TCP 32513
Attention: Annette Tran
185 Berry Street, Suite 5000
San Francisco, CA 94107

Advice Letter Subject: **Offset for Q3 2020 in compliance with Decision 20-03-007**
Division Assigned: Consumer Protection and Enforcement
Date Filed: February 24, 2021

Disposition: Approved
Effective Date: June 7, 2021
Approved Offsets:

COUNTY	APPROVED OFFSET AMOUNTS
LOS ANGELES	\$612,761.97
SAN FRANCISCO	\$127,860.80
TOTAL APPROVED	\$740,622.77

CPUC Contact Information: tncaccess@cpuc.ca.gov

TNC Contact Information: Annette Tran
atran@lyft.com

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Appendix: Staff Review and Disposition

Background

In accordance with D.20-03-007, Lyft, Inc. (Lyft) filed advice letter (AL) 5 on October 15, 2020 to request offsets against quarterly Access Fund payments for amounts it spent during the Third Quarter (Q3) of 2020 to improve wheelchair accessible vehicle (WAV) service. On November 4, 2020, the Disability Advocates¹ and San Francisco² filed separate protests due to Lyft's redaction of certain data submitted with the AL. On February 24, 2021, Lyft filed supplemental AL 5A, which replaced AL 5 in its entirety. The supplemental AL was issued in response to CPED's requests to (a) reflect the maximum offset requests as WAV expenses exceeded the fees collected in the given quarter for both Los Angeles and San Francisco and to (b) un-redact the information in their Advice Letter consistent with ALJ-388.³

To qualify for an offset in a geographic area in the third quarter of 2020, D.20-03-007 requires a Transportation Network Company (TNC) to provide data and information in its quarterly advice letter filing to demonstrate fulfillment of the following evaluation criteria: (1) presence and availability of WAVs, (2) improved level of service, (3) outreach efforts, (4) accounting of funds expended, (5) training and inspections, and (6) complaints related to WAV service. Table 1 below summarizes the required data and information that the TNC must provide to demonstrate fulfillment of the evaluation criteria.

Table 1: Criteria for Evaluating Offsets

Evaluation Criteria	Must Demonstrate	Qualifying Standard
1. Presence and availability of WAVs	(a) the number of WAVs in operation - by quarter and aggregated by hour of the day and day of the week, and (b) the number and percentage of WAV trips completed, not accepted, cancelled by passenger, cancelled due to passenger no-show, and cancelled by driver – by quarter and aggregated by hour of the day and day of the week	None. Satisfied by submitting the relevant data.

¹ Disability Rights California, Disability Rights Education & Defense Fund, and the Center for Accessible Technology

² San Francisco Municipal Transportation Agency, San Francisco County Transportation Authority and San Francisco Mayor's Office on Disability

³ Resolution ALJ-388 issued November 16, 2020 Denying Uber and Lyft's Appeals of CPED's Confidentiality Determination.

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Evaluation Criteria	Must Demonstrate	Qualifying Standard
2. Improved level of service	Either the Level 1 (50%) or Level 2 (75%) Offset Time Standard for a quarter in a geographic area, and demonstrated improvement over the prior quarter's performance	Offset Time Standard ⁴ (see <i>Table 2</i>)
3. Efforts to publicize and promote available WAV services	Evidence of outreach efforts such as a list of partners from disability communities, how the partnership promoted WAV services, and marketing or promotional materials of those activities	None. Satisfied by submitting the relevant data.
4. Full accounting of funds expended	Qualifying offset expenses are: (a) reasonable, legitimate costs that improve a TNC's WAV service, and (b) incurred in the quarter for which a TNC requests an offset, and (c) on the list of eligible expenses ⁵ attached as Appendix A	None. Satisfied by submitting the relevant data.
5. Training and inspections	(a) certification of WAV driver training completion within the past 3 years, ⁶ (2) WAV driver training programs used per geographic area, and the number of WAV drivers that completed WAV training in that quarter, and (3) Certification of WAV inspection and approval ⁷	None. Satisfied by submitting the relevant data.
6. Reporting complaints	(a) number of complaints related to WAV drivers or services – by quarter and geographic area, and broken out by category ⁸	None. Satisfied by submitting the relevant data.

As described in Table 1, the Commission adopted a specific qualifying standard for evaluating improved level of service in D.20-03-007 (see Table 2 below), but did not set qualifying standards for the five other evaluation criteria. **As long as a TNC demonstrates that it satisfied the Offset Time Standard for improved level of service and submitted all the required data showing WAV presence and availability, outreach efforts, accounting of expended funds,**

⁴ D.20-03-007, Ordering Paragraphs 2 and 3

⁵ D.20-03-007, Appendix A

⁶ Must include: sensitivity training, passenger assistance techniques, accessibility equipment use, door-to-door service, and safety procedures.

⁷ Should state that WAVs conform with the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles within the past year.

⁸ Categories include: securement issue, driving training, vehicle safety and comfort, service animal issue, stranded passenger, and others.

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training and inspections, and complaints related to WAV service, then it is eligible to receive offsets and its advice letter shall be approved.

Table 2: Interim WAV Response Times and Offset Time Standard

Geographic Area/County	Level 1 – WAV Response Time (mins)	Level 2 - 2x WAV Response Time (mins)
San Francisco	15	30
San Diego, Santa Clara, Alameda, Sacramento, Contra Costa, Ventura, San Joaquin, Stanislaus, Santa Barbara, Solano, San Luis Obispo, Santa Cruz, Shasta, Imperial, Madera Los Angeles, Orange County, San Mateo	25	50
Riverside, San Bernardino, Fresno, Kern, Sonoma, Tulare, Monterey, Placer, Merced, Marin, Butte, Yolo, El Dorado, Napa, Humboldt, Kings, Nevada, Sutter, Mendocino, Yuba, Lake, Tehama, San Benito, Tuolumne, Calaveras, Siskiyou, Amador, Glenn, Del Norte, Lassen, Colusa, Plumas, Inyo, Mariposa, Mono, Trinity, Modoc, Sierra, Alpine	30	60

Offset Time Standard	Offset Service	Offset Service
April 2020 until subsequent Commission decision	50%	75%

Protests to AL 5

On November 4, 2020, the Disability Advocates and San Francisco filed separate protests against Lyft's AL 5. The Disability Advocates' protest is based on the grounds that the relief requested would violate statute or Commission order or is not authorized by the statute or Commission order on which the regulated entity relies. San Francisco's protest is based on the grounds that the relief requested is unjust and unreasonable.

Specifically, both Disability Advocates and San Francisco argued that Lyft has failed to demonstrate (1) presence and availability of WAVs, (2) outreach efforts to promote its WAV service, and (3) full accounting of funds expended as required under SB 1376. Therefore, it argues, the offset requested by Lyft is not authorized by the statute and must be disallowed.

Lyft's Reply to Protests to AL 5

On November 11, 2020, Lyft replied to the Disability Advocates and San Francisco's protests. It argued that AL 5 is consistent with both the requirements under Decision D.20-03-007 and the Legislature's intent behind SB 1376. Lyft argued that describing or providing information about

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the presence and availability of WAVs is sufficient for demonstrating that it has satisfied this requirement. Regarding its outreach efforts, Lyft pointed out that it has promoted its WAV service targeting to the disability community to “ensure that likely users of the service are aware of it and how to use it. In fact, as that documentation shows, Lyft’s outreach efforts included a tutorial on how to toggle on to Wheelchair Access and explained that a user must do so only once. Once activated, a user will see the available WAVs whenever she opens the app.” Lyft argued that the protests are procedurally and substantively flawed and must be rejected.

Discussion and Disposition of AL 5A

Lyft’s AL 5A requested offsets in Q3 2020 totaling \$740,622.77 for the following counties: Los Angeles (under Level 2 criteria) and San Francisco (under Level 1 criteria). Table 3 and Table 4 below show Q3 2020 response times and the Offset Time Standard reported in each geographic area where Lyft is requesting offsets. As the data show, Lyft’s response time in Q3 2020 in each county is less than the response time for the selected standard. In addition, consistent with D.20-03-007 Ordering Paragraphs 3 and 4, the Offset Time Standards (i.e. percentage of completed trips that occurred within the relevant response time benchmark) improved from the prior quarter. Therefore, Lyft has demonstrated improved level of service as required.

For the other evaluation criteria, Lyft submitted all the required data and information for WAV presence and availability, outreach efforts, full accounting of funds expended, complaints related to WAV service, and training and inspections. Lyft is in compliance with all the offset eligibility requirements under D.20-03-007. Therefore, Lyft’s AL 5A is approved, effective June 7, 2021.

Table 3: Lyft’s Level 1 and 2 Response Times by County (minutes)

County	Benchmark		Q3 2020		Within Benchmark?
	Level 1 (mins)	Level 2 (mins)	Level 1 (mins)	Level 2 (mins)	
LOS ANGELES	25	50	22.93	29.1-33.3	Yes (Level 2)
SAN FRANCISCO	15	30	10.88	14.32-16.6	Yes (Level 1)

Table 4: Lyft’s Level 1 and 2 Offset Time Standards by County (percent)

County	Q2 2020		Q3 2020		Demonstrates Improvement?
	Level 1	Level 2	Level 1	Level 2	
LOS ANGELES	53.28%	95.43%	57.18%	96.32%	Yes (Level 2)
SAN FRANCISCO	59.68%	98.39%	74.89%	99.56%	Yes (Level 1)

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As stated in Section 5.1 under General Order 96-B, “the advice letter process provides a quick and simplified review of the types of utility requests that are expected neither to be controversial nor to raise important policy questions.” Furthermore, Section 7.4.2 provides that “a protest may not rely on policy objections to an advice letter where the relief requested in the advice letter follows rules or directions established by statute or Commission order applicable to the utility.” Thus, the advice letter process is not the appropriate venue to address the policy objections raised in the protests by the Disability Advocates and San Francisco. The issues raised by the protestants should be addressed within the R.19-02-012 proceeding.