

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: August 10, 2018

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations
Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No.: 18-0002-S57
Assignment No.: 18-08-0748

SUBJECT: On-demand accessible transportation services for persons with disabilities.

CLA RECOMMENDATION: Adopt Resolution (Bonin-Blumenfield) to include in the City's 2017-2018 State Legislative Program SUPPORT for SB 1376 (Hill) that would require the California Public Utilities Commission (CPUC) to establish a program to ensure persons with disabilities are provided full and equal access, as part of its regulation of transportation network companies (TNCs) such as Uber and Lyft.

SUMMARY

TNCs connect passengers with drivers through use of internet-based platforms to provide taxi-like ride services. TNC service differs from traditional taxi service in several ways. Significantly, TNCs, unlike taxis companies, tend not to own a fleet of vehicles used by their drivers. Rather, TNCs arrange with operators of private vehicles to provide ride services.

Existing CPUC regulations require a TNC to allow passengers to indicate whether they require a vehicle accessible to individuals with disabilities. TNCs submit a report detailing the number and percentage of their customers who requested accessible vehicles and how often the transportation network company was able to comply with requests for accessible vehicles, such as accommodations for electric wheelchairs. The regulations, however, do not explicitly require a TNC to provide service for an individual with disabilities.

On February 16, 2018, Senator Hill introduced SB 1376 that, as amended, would require the CPUC, by July 1, 2019, to begin conducting workshops to determine community demand, transportation provider supply, geographic areas, and educational outreach objectives to develop recommendations for programs that offer on-demand services and partnerships. This measure notes that there is a lack of wheelchair accessible vehicles (WAVs) on TNC online applications or platforms in California. SB 1376 seeks to ensure on-demand transportation services are available to persons with disabilities, especially persons who use wheelchairs.

Specifically, the proposed legislative language provides that the CPUC, starting on July 1, 2020, require each TNC to pay a fee of at least \$0.05 dollars per TNC trip in one of the geographic areas selected by the commission and authorize the adjustment of that fee to different levels based on the cost of providing adequate wheelchair accessible vehicle service. The funds collected would be placed in a new TNC "Access for All Fund." The funds would be provided on a competitive basis to entities that establish on-demand transportation programs or partnerships to meet the needs of persons with disabilities in the specified geographic areas. SB 1376 specifies that the program would sunset on January 1, 2026.

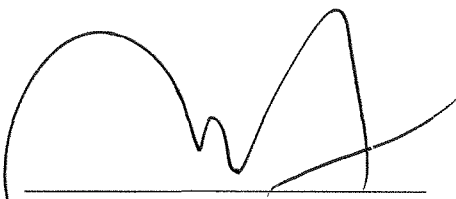
Since taking on regulation of TNCs, the CPUC has included disability access as an issue it intends to address yet, to the date, no new regulations relative to this issue have been promulgated. The CPUC has found it challenging to ensure the accessibility of TNCs because their drivers tend to provide transportation service through use of their personal vehicles, most of which are not equipped to accommodate wheelchairs, especially non-folding motorized wheelchairs.

BACKGROUND

Since its inception, the CPUC has regulated commercial transportation. Generally, the CPUC has regulatory authority over two types of commercial transportation service: passenger stage corporations, which provide transportation to the general public on an individual fare basis, like an airport shuttle, and charter-party carriers (CPCs), which offer services, such as limousine service, by which an individual can charter a vehicle, on a prearranged basis, for exclusive use. In 2013, under its authority to regulate CPCs, the CPUC declared its authority to regulate the service of TNCs.

BILL STATUS

8/06/2018	From Committee with author's amendments and re-referred to the Committee on Appropriations
6/26/2018	From the Committee on Transportation and referred to the Committee on Appropriations
6/12/2018	From Committee with author's amendments
5/31/2018	In Assembly and referred to the Committee on Communications and Conveyance and the Committee on Transportation
5/25/2018	Passed from the Committee on Appropriations and ordered to a special consent calendar
4/25/2018	Hearing in the Committee on Transportation and Housing, passed and referred to the Committee on Appropriations
4/17/2018	Hearing in the Committee on Energy, Utilities, and Communications, passed
4/04/2018	Re-referred to Committee on Energy, Utilities, and Communications and the Committee on Transportation and Housing.
3/08/2018	Referred to the Senate Committee on Rules
2/16/2018	Introduced



Maria Souza-Rountree
Analyst

Attachments:

1. Resolution (Bonin-Blumenfield)
2. SB 1376 (Hill)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, existing regulations of the California Public Utilities Commission (CPUC) require a transportation network company (TNC), such as Lyft and Uber, to allow passengers to indicate whether they require a vehicle accessible to individuals with disabilities and submit a report detailing the number and percentage of their customers who requested accessible vehicles and how often the transportation network company was able to comply with requests for accessible vehicles; and

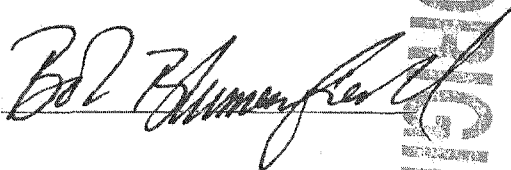
WHEREAS, in 2014 the CPUC declared it would address access to TNCs by persons with disabilities, but no regulations have been forthcoming; and

WHEREAS, on February 16, 2018, Senator Hill introduced SB 1376 that, as amended, would require the CPUC, by July 1, 2019, to develop regulations to ensure that persons with disabilities are provided full and equal access to TNCs, consider assessing a fee on TNCs to fund on-demand accessible transportation services for persons with disabilities, and conduct workshops with stakeholders in order to determine community need and develop programs for on-demand services, service alternatives, and partnerships; and

WHEREAS, SB 1376 states that given the rapidly evolving transportation network company service, it is the intent of the Legislature to continue ongoing oversight of the CPUC's regulation of these services as they evolve;

NOW, THEREFORE BE IT RESOLVED, that with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-18 State Legislative Program SUPPORT for SB 1376 that would require new state regulations to ensure persons with disabilities are provided full and equal access to transportation network companies.

PRESENTED BY: 
MIKE BONIN
Councilmember, 11th District

SECONDED BY: 
ORIGINAL

msr

MAY 08 2018



AMENDED IN ASSEMBLY AUGUST 6, 2018

AMENDED IN ASSEMBLY JUNE 12, 2018

AMENDED IN SENATE MARCH 22, 2018

SENATE BILL

No. 1376

Introduced by Senator Hill

February 16, 2018

An act to amend ~~Sections 5431 and~~ *Section 5440* of, to add *Section 5431.5* to, and to add and repeal *Section 5440.5* to, the Public Utilities Code, relating to ~~transportation~~: *transportation, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1376, as amended, Hill. Transportation network companies: accessibility for persons with disabilities.

The Passenger Charter-party Carriers' Act defines a transportation network company as an organization, whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled platform to connect passengers with drivers using their personal vehicles. The act also defines a participating driver or driver as any person who uses a vehicle in connection with a transportation network company's online-enabled application or platform to connect with passengers. A violation of the act or a ~~regulation~~ *rule* of the Public Utilities Commission with regard to charter-party carriers is generally a misdemeanor and subject to a fine of not less than \$1,000 and not more than \$5,000 or by imprisonment in a county jail for not more than 3 months, or by both that fine and imprisonment.

Existing regulations *rules* of the Public Utilities Commission require a transportation network company to allow passengers to indicate whether they require a wheelchair-accessible vehicle or a vehicle otherwise accessible to individuals with disabilities and requires the transportation network company to submit a specified report to the Public Utilities Commission detailing the number and percentage of their customers who requested accessible vehicles and how often the transportation network company was able to comply with requests for accessible vehicles.

~~This bill would require the commission, by January 1, 2020, to develop regulations commission, as part of its regulation of transportation network companies (TNCs), to establish a program in a new or existing proceeding relating to accessibility for persons with disabilities, including wheelchair users who need a wheelchair accessible vehicle. As part of these regulations, the program the bill would require the commission to conduct commission, by January 1, 2019, to begin conducting workshops with stakeholders in order to determine community demand, transportation provider supply, geographic areas, and educational outreach objectives and to develop recommendations for programs for on-demand services, service alternatives, services and partnerships. As part of these regulations, the bill would also require the commission require each transportation network company to be fully accessible to persons with disabilities and, if this requirement cannot be met, the bill would require the commission to assess a fee on the transportation network company to fund on-demand accessible transportation services for persons with disabilities, as specified, until the transportation network company is fully accessible to persons with disabilities. The bill would require each TNC, by January 1, 2020, to pay on a quarterly basis to the commission an amount equivalent to, at a minimum, \$0.05 for each TNC trip completed using the TNC's online-enabled application or platform that originates in one of the geographic areas selected by the commission for inclusion in the program and would authorize the commission to adjust that fee in each geographic area to different levels based on the cost of providing adequate wheelchair accessible vehicle service within the geographic area. The bill would exempt a TNC from payment of the fee if it is accessible to persons with disabilities, as specified, and would authorize the commission to reduce the amount of money a TNC is required to pay if it meets certain requirements. The bill would require moneys collected by the commission to be deposited in the TNC Access for All~~

Fund, which the bill would create, and would continuously appropriate moneys deposited in the fund to the commission for purposes of the program. The bill would require the commission to distribute funds from the TNC Access for All Fund on a competitive basis to access providers that establish on-demand transportation programs or partnerships to meet the needs of persons with disabilities in the geographic areas selected by the commission. The bill would require the commission to authorize no more than 2% of existing funds collected from TNCs and deposited in the Public Utilities Commission Transportation Reimbursement Account to be distributed to accessibility advocates who provide a substantial contribution to the proceeding, thereby making an appropriation. The bill would require the commission to report to the Legislature by January 1, 2023, 2024, on the compliance with these provisions and, if applicable, on the effectiveness of the on-demand transportation programs and or partnerships funded pursuant to these provisions. The bill would authorize the commission to hire an independent entity to administer the program and to complete the report to the Legislature.

This bill would repeal these provisions on January 1, ~~2025~~, 2026.

Because a violation of the ~~regulation~~ rules adopted by the commission would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

Vote: $\frac{2}{3}$. Appropriation: ~~no~~-yes. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 ~~Transportation Now~~ TNC Access for All Act.
- 3 SEC. 2. ~~Section 5431 of the Public Utilities Code is amended~~
- 4 to read:

1 5431. For purposes of this article, the following terms have
2 the following meanings:

3 (a) ~~“Participating driver” or “driver” means any person who~~
4 ~~uses a vehicle in connection with a transportation network~~
5 ~~company’s online-enabled application or platform to connect with~~
6 ~~passengers.~~

7 (b) ~~“Personal vehicle” means a vehicle that is used by a~~
8 ~~participating driver to provide prearranged transportation services~~
9 ~~for compensation that meets all of the following requirements:~~

10 (1) ~~Has a passenger capacity of eight persons or less, including~~
11 ~~the driver.~~

12 (2) ~~Is owned, leased, rented for a term that does not exceed 30~~
13 ~~days, or otherwise authorized for use by the participating driver.~~

14 (3) ~~Meets all inspection and other safety requirements imposed~~
15 ~~by the commission.~~

16 (4) ~~Is not a taxicab or limousine.~~

17 (c) ~~“Transportation network company” means an organization,~~
18 ~~including, but not limited to, a corporation, limited liability~~
19 ~~company, partnership, sole proprietor, or any other entity, operating~~
20 ~~in California that provides prearranged transportation services for~~
21 ~~compensation using an online-enabled application or platform to~~
22 ~~connect passengers with drivers using a personal vehicle.~~

23 (d) ~~“Transportation network company insurance” means a~~
24 ~~liability insurance policy that specifically covers liabilities arising~~
25 ~~from a driver’s use of a vehicle in connection with a transportation~~
26 ~~network company’s online-enabled application or platform.~~

27 (e) ~~“Wheelchair accessible vehicle” or “WAV” means a vehicle~~
28 ~~capable of transporting nonfolding motorized wheelchairs, mobility~~
29 ~~scoters, or other mobility devices.~~

30 *SEC. 2. Section 5431.5 is added to the Public Utilities Code,*
31 *to read:*

32 *5431.5. In addition to the definitions provided in Section 5431,*
33 *the following terms have the following meanings:*

34 (a) *“Access provider” means an organization or entity that*
35 *directly provides, or contracts with a separate organization or*
36 *entity, to provide on-demand transportation to meet the needs of*
37 *persons with disabilities.*

38 (b) *“Wheelchair accessible vehicle” or “WAV” means a vehicle*
39 *capable of transporting nonfolding motorized wheelchairs, mobility*

1 *scooters, or other mobility devices that include a ramp or lift to*
2 *allow access.*

3 SEC. 3. Section 5440 of the Public Utilities Code is amended
4 to read:

5 5440. The Legislature makes the following findings and
6 declarations:

7 (a) The commission has initiated regulation of transportation
8 network companies as a new category of charter-party carriers and
9 continues to develop appropriate regulations for this new service.

10 (b) Given the rapidly evolving transportation network company
11 service, it is the intent of the Legislature to continue ongoing
12 oversight of the commission's regulation of these services in order
13 to enact legislation to adjust commission authority and impose
14 specific requirements or prohibitions as deemed necessary as these
15 services evolve.

16 (c) It is the intent of the Legislature that the commission initiate
17 regulation of charter-party carriers in accordance with Section
18 5440.5 to ensure that transportation network company services
19 ~~provide full and equal access to all~~ *and participating drivers do*
20 *not discriminate against* persons with disabilities, including those
21 who use nonfolding mobility devices, ~~and to comply with Sections~~
22 ~~51 and 54.1 of the Civil Code.~~ *devices.*

23 ~~(d) Transportation network companies have made a significant~~
24 ~~and positive impact on the lives of many people by reducing~~
25 ~~transportation barriers that limited access to jobs, health care, and~~
26 ~~society. Many persons with disabilities, such as deaf, blind,~~
27 ~~hard-of-hearing, or low-vision individuals have been able to enjoy~~
28 ~~these positive impacts. However, other persons with disabilities,~~
29 ~~especially individuals who require wheelchair accessible vehicles,~~
30 ~~have not experienced a similar reduction in transportation barriers.~~

31 *(d) Technology application-based ride hailing services, such*
32 *as those services provided by transportation network companies*
33 *(TNC), have impacted the lives of many people by reducing*
34 *transportation barriers that limited access to jobs, health care,*
35 *and society. However, more can be done to enable increased access*
36 *to on-demand ride hailing services for people with disabilities,*
37 *especially for persons using nonfolding motorized wheelchairs.*

38 (e) The availability of transportation services, especially
39 on-demand transportation service, is essential for economic
40 competitiveness and quality of life. Many individuals fulfill their

1 transportation needs through vehicle ~~ownership~~: *ownership, public*
 2 *transit, carpooling, or walking and biking*. However, transportation
 3 network companies or other application-based ride hailing services
 4 offer alternative, on-demand access to transportation.

5 ~~(f) There is a lack of on-demand wheelchair accessible vehicles~~
 6 ~~in California, which is likely explained, in part, due to WAVs~~
 7 ~~generally having higher operating costs, higher fuel costs, higher~~
 8 ~~liability insurance, and requiring additional time to serve riders~~
 9 ~~who use wheelchairs.~~

10 ~~(g) The Americans with Disabilities Act of 1990 (42 U.S.C.~~
 11 ~~Sec. 12101 et seq.), and the Unruh Civil Rights Act (Section 51~~
 12 ~~of the Civil Code) are groundbreaking civil rights acts, protecting~~
 13 ~~the rights of persons with disabilities by ensuring equal access to~~
 14 ~~employment, public accommodations, telecommunication services,~~
 15 ~~and public and private transportation.~~

16 ~~(h) The Americans with Disabilities Act of 1990 and the Unruh~~
 17 ~~Civil Rights Act require the services provided by transportation~~
 18 ~~companies meet equivalent service standards that include, but are~~
 19 ~~not limited to, response times, fares, and geographic service areas~~
 20 ~~for disabled persons that are comparable to the services provided~~
 21 ~~to persons without disabilities.~~

22 *(f) There exists a lack of wheelchair accessible vehicles (WAVs)*
 23 *on TNC online-enabled applications or platforms throughout*
 24 *California. In comparison to standard vehicles available via TNC*
 25 *technology applications, WAVs have higher purchase prices, higher*
 26 *operating and maintenance costs, higher fuel costs, and higher*
 27 *liability insurance, and require additional time to serve riders who*
 28 *use nonfolding motorized wheelchairs.*

29 ~~(i)~~

30 ~~(g) It is the intent of the Legislature that California be a national~~
 31 ~~leader in the deployment and adoption of on-demand transportation~~
 32 ~~options for persons with disabilities.~~

33 ~~(j)~~

34 ~~(h) It is the policy of the state to encourage collaboration among~~
 35 ~~stakeholders and to promote partnerships to harness the expertise~~
 36 ~~and strengths of all to serve the public interest.~~

37 ~~(k)~~

38 ~~(i) The Legislature further finds that adoption of services in~~
 39 ~~communities that were previously underserved takes may take~~

1 time, and requires robust dialogue, educational outreach, and
2 partnerships to build trust in the new services.

3 *(j) It is the intent of the Legislature that the commission establish*
4 *programs to facilitate greater adoption of wheelchair accessible*
5 *vehicles on transportation network companies' online-enabled*
6 *applications or platforms.*

7 SEC. 4. Section 5440.5 is added to the Public Utilities Code,
8 to read:

9 5440.5. (a) ~~As Notwithstanding Section 5431, for purposes of~~
10 *this section, "transportation network company" or "TNC" means*
11 *transportation providers regulated by the commission that provide*
12 *prearranged transportation services for compensation using an*
13 *online-enabled application or platform to connect passengers,*
14 *including autonomous vehicles, charter-party carriers, and new*
15 *modes of ridesharing technology that may arise through innovation*
16 *and subsequent regulation.*

17 *(b) As part of the ~~regulations~~ regulation of transportation*
18 *network companies referenced in subdivision (a) of Section 5440,*
19 *the commission shall do all of the following:*

20 *(1) ~~Develop and adopt regulations, by January 1, 2020, In a new~~*
21 *or existing proceeding, establish a program relating to accessibility*
22 *for persons with disabilities, including wheelchair users who need*
23 *a WAV. ~~These regulations~~ This program shall include, but ~~are~~ is*
24 *not limited to, the following:*

25 *(A) ~~The~~ By January 1, 2019, the commission shall ~~conduct~~*
26 *begin conducting workshops with stakeholders, including*
27 *California cities and counties, disability rights organizations,*
28 *persons with disabilities, transportation and transit agencies, social*
29 *service transportation providers, and transportation network*
30 *companies, in order to determine community demand,*
31 *transportation provider supply, geographic areas, and educational*
32 *outreach objectives and to develop recommendations for programs*
33 *for on-demand ~~services, service alternatives, services~~ and*
34 *partnerships consistent with the requirements of this section.*
35 *Workshops may also examine topics including, but not limited to,*
36 *issuing licenses at a reduced rate for WAVs, fuel costs, designated*
37 *pickup locations for drivers in locations where door-to-door service*
38 *is not feasible, WAV driver training, or additional incentives for*
39 *WAV drivers. The commission shall conduct a minimum of five*
40 *workshops throughout the state.*

1 ~~(B) The commission shall require each transportation network~~
2 ~~company to be fully accessible to persons with disabilities, in~~
3 ~~accordance with Sections 51 and 54.1 of the Civil Code. If this~~
4 ~~requirement cannot be met, the commission shall assess a fee on~~
5 ~~the transportation network company to fund on-demand accessible~~
6 ~~transportation services for persons with disabilities until the~~
7 ~~transportation network company is fully accessible to persons with~~
8 ~~disabilities to ensure compliance with Sections 51 and 54.1 of the~~
9 ~~Civil Code. The commission shall allocate the revenue from the~~
10 ~~fees collected from a transportation network company for use in~~
11 ~~each county pursuant to subparagraph (C) in a manner that is~~
12 ~~proportional to the percent of the revenue originating in that county~~
13 ~~from the transportation network company. A transportation network~~
14 ~~company shall report the percent of its revenue originating in each~~
15 ~~county to the commission.~~

16 ~~(C) The commission shall request all interested parties to submit~~
17 ~~plans, created in consultation with disability rights groups and~~
18 ~~persons with disabilities, by January 1, 2020, to establish~~
19 ~~on-demand transportation programs or partnerships to meet the~~
20 ~~needs of persons with disabilities, including users who need a~~
21 ~~WAV. From the plans that are submitted, the commission shall~~
22 ~~select on-demand transportation programs or partnerships to receive~~
23 ~~funding based on criteria that it adopts as part of these regulations.~~
24 ~~The commission shall provide funding to the on-demand~~
25 ~~transportation programs or partnerships from revenues derived~~
26 ~~from the fees on a competitive basis consistent with subparagraph~~
27 ~~(B). A party selected to receive funding shall submit biannual~~
28 ~~status reports to the commission for the duration of the funding.~~
29 ~~These reports shall include, but not be limited to, all of the~~
30 ~~following information:~~

- 31 ~~(i) The number of WAVs used.~~
32 ~~(ii) The number of rides provided by WAVs.~~
33 ~~(iii) The number of rides provided to persons with disabilities~~
34 ~~that are not WAVs.~~
35 ~~(iv) The incentives provided to WAV drivers and owners.~~
36 ~~(v) The geographic area of availability of WAV service.~~
37 ~~(vi) The response time of WAVs.~~
38 ~~(vii) A summary of educational outreach to disability~~
39 ~~communities, including, but not limited to, information regarding~~

1 availability of WAVs for wheelchair users within the geographic
2 area.

3 ~~(viii) A detailed list of program expenditures.~~

4 ~~(2) Report to the Legislature by January 1, 2023, on the~~
5 ~~compliance with the section and, if applicable, on the effectiveness~~
6 ~~of the transportation programs or partnerships administered~~
7 ~~pursuant to this section. The commission may hire an independent~~
8 ~~entity for not more than two hundred fifty thousand dollars~~
9 ~~(\$250,000) to fulfill the requirements of this paragraph, which~~
10 ~~shall include, but not be limited to, an analysis of the biannual~~
11 ~~reporting requirements of paragraph (1), availability of unallocated~~
12 ~~funds, need to reassess fund allocations, analysis of current~~
13 ~~program capabilities and deficiencies, and recommendations to~~
14 ~~overcome any deficiencies identified. The report required by this~~
15 ~~paragraph shall be submitted to the Legislature in compliance with~~
16 ~~Section 9795 of the Government Code.~~

17 *(B) The commission shall require each TNC by July 1, 2019, to*
18 *pay on a quarterly basis to the commission an amount equivalent*
19 *to, at minimum, 0.05 dollars (\$0.05) for each TNC trip completed*
20 *using the transportation network company's online-enabled*
21 *application or platform that originates in one of the geographic*
22 *areas selected pursuant to subparagraph (D), except if the TNC*
23 *meets the requirements of an exemption established by the*
24 *commission pursuant to subparagraph (H). The commission may*
25 *adjust the fee in each geographic area selected pursuant to*
26 *subparagraph (D) to different levels based on the cost of providing*
27 *adequate WAV service within the geographic area.*

28 *(C) The commission shall create the TNC Access for All Fund*
29 *(Access Fund) and deposit moneys collected pursuant to*
30 *subparagraph (B) in the Access Fund. The commission shall*
31 *distribute funds in the Access Fund on a competitive basis to access*
32 *providers that establish on-demand transportation programs or*
33 *partnerships to meet the needs of persons with disabilities,*
34 *including wheelchair users who need a WAV, in the geographic*
35 *areas selected pursuant to subparagraph (D).*

36 *(D) The commission shall select geographic areas, which shall*
37 *be based on the need for WAVs within the area and selected*
38 *according to outcomes of workshops in subparagraph (A), for*
39 *inclusion in the on-demand transportation programs or*
40 *partnerships funded pursuant to subparagraph (C). The*

1 commission shall allocate the Access Funds for use in each
2 geographic area in a manner that is proportional to the percent
3 of the Access Fund fees originating in that geographic area.

4 (E) The commission shall request access providers to submit
5 applications to receive funds pursuant to subparagraph (C) by
6 April 1, 2020. The commission may accept applications for new
7 on-demand transportation programs or partnerships any time after
8 April 1, 2020. From the applications that are submitted, the
9 commission shall select by July 1, 2020, on-demand transportation
10 programs or partnerships to receive funding based on criteria
11 adopted by the commission in consultation with disability rights
12 groups and persons with disabilities.

13 (F) A transportation network company shall only be eligible to
14 receive funds pursuant to subparagraph (C) if the TNC can
15 demonstrate all of the following service level requirements:

16 (i) Seventy-five percent of trip requests, as defined by the
17 commission, placed on the TNC's online-enabled application or
18 platform for WAV vehicles are fulfilled using that online-enabled
19 application or platform.

20 (ii) WAV services are present and available on its
21 online-enabled application or platform.

22 (iii) Efforts are undertaken by the TNC to publicize and promote
23 available WAV services to disability communities.

24 (G) The commission shall distribute funds pursuant to
25 subparagraph (E) in the Access Fund within 90 days following
26 the end of each year. If no access provider meets the requirements,
27 funds shall remain in the Access Fund and be distributed the next
28 year.

29 (H) The commission shall require each transportation network
30 company to be accessible to persons with disabilities in order to
31 be exempt from paying the charge required pursuant to
32 subparagraph (B). The commission shall adopt a designated level
33 of WAV service that a TNC is required to meet in each geographic
34 area in order to be exempt, but at minimum, the TNC shall have
35 average response times for WAV trips that are no more than 20
36 percent longer than the average response times for non-WAV trips.
37 If a TNC meets the service level requirement established pursuant
38 to this subparagraph in a geographic area selected pursuant to
39 subparagraph (D), the TNC is exempt from paying the fee

1 established pursuant to subparagraph (B) for that geographic area
2 only.

3 (I) A TNC may meet the requirements of subparagraphs (F) and
4 (H) by facilitating WAV service through its online-enabled
5 application or platform, by directly providing WAV service with
6 vehicles that it owns, or by a contract to provide WAV service with
7 a transportation provider, or by any combination of these methods.

8 (J) The commission may reduce the amount of money a
9 transportation network company is required to pay pursuant to
10 subparagraph (B) by the amount of money that the TNC invests
11 in WAV service on its online-enabled application or platform for
12 WAV vehicles that are fulfilled using that online-enabled
13 application or platform in the applicable year for each geographic
14 area selected pursuant to subparagraph (D).

15 (K) Within 30 days after the end of each quarter beginning after
16 January 1, 2021, an access provider that receives funding pursuant
17 to subparagraph (C) shall submit a report to the commission. The
18 report shall include, but shall not be limited to, all of the following:

19 (i) The number of WAV rides requested.

20 (ii) The number of WAV rides fulfilled.

21 (iii) Aggregate data detailing the average response time between
22 when a WAV ride was requested and when the ride was accepted.

23 (iv) Information regarding educational outreach to disability
24 communities, including, but not limited to, information and
25 promotion of availability of WAVs for wheelchair users.

26 (L) The commission shall authorize no more than 2 percent of
27 existing funds collected from TNCs pursuant to Section 421 and
28 deposited into the Public Utilities Commission Transportation
29 Reimbursement Account to be distributed to accessibility advocates
30 who provide a substantial contribution to the proceeding initiated
31 pursuant to this section, and only for the duration of the
32 commission proceeding initiated pursuant to this section. These
33 funds may only be distributed to advocates for accessible
34 transportation or representatives of a group whose membership
35 uses accessible transportation. The commission shall distribute
36 funds pursuant to this subparagraph in a manner consistent with
37 the requirements of Sections 1803 to 1808, inclusive. The
38 commission shall not increase the fees authorized pursuant to
39 Section 421 in order to fulfill the requirements of this
40 subparagraph.

1 (2) (A) Report to the Legislature by January 1, 2024, on
2 compliance with the section and, if applicable, on the effectiveness
3 of the on-demand transportation programs or partnerships funded
4 pursuant to this section. The report shall include, but not be limited
5 to, all of the following:

6 (i) A study on the demand for WAVs.

7 (ii) An analysis of the reports required to be submitted by access
8 providers receiving funding pursuant to paragraph (1).

9 (iii) The availability of unallocated funds in the Access Fund,
10 including the need to reassess Access Fund allocations.

11 (iv) An analysis of current program capabilities and deficiencies,
12 and recommendations to overcome any identified deficiencies.

13 (B) The report required by this paragraph shall be submitted
14 to the Legislature in compliance with Section 9795 of the
15 Government Code.

16 (3) Create a working group with stakeholders described in
17 subparagraph (A) of paragraph (1) to examine the variety of
18 agencies, localities, and programs that provide—equivalent
19 transportation services for persons with disabilities, including
20 passenger stage carriers and charter-party carriers within the
21 commission's jurisdiction, in order to evaluate ways to partner
22 with those agencies to provide services to disabled persons in a
23 nonduplicative, nondiscriminatory, and more efficient manner.

24 (c) Notwithstanding Section 13340 of the Government Code,
25 moneys deposited in the TNC Access for All Fund created pursuant
26 to paragraph (2) of subdivision (b) are continuously appropriated
27 to the commission without regard to fiscal years for purposes of
28 the program established pursuant this section.

29 (d) The commission may hire an independent entity to administer
30 the program established pursuant to subdivision (a) and to
31 complete the report required pursuant to paragraph (2) of
32 subdivision (a).

33 ~~(b)~~

34 (e) Nothing in this section shall limit the rights of any person
35 to pursue any remedies or causes of action that they may have
36 under any state or federal law to enforce compliance with those
37 laws or the obligations stated in this section. *Nothing in this section*
38 *shall be construed as relieving a transportation network company*
39 *of disability accessibility requirements under any other state or*
40 *federal law.*

1 (e)

2 (f) This section shall remain in effect only until January 1, ~~2025~~,
3 2026, and as of that date is repealed.

4 SEC. 5. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

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