



IN BRIEF

This bill mandates the California Public Utilities Commission (CPUC) to develop regulations, by January 1, 2020, for transportation network companies (TNCs; i.e. Uber and Lyft) relating to accessibility for persons with disabilities.

BACKGROUND

The CPUC was created as a transportation regulatory body,¹ and most recently established its regulatory oversight of TNCs in 2013 via an ongoing rulemaking.² This CPUC decision made California one of a few states to regulate TNCs at a state level; many states, like Washington and Illinois, regulate TNCs on a city or regional level.

THE PROBLEM

In the 2013 decision on TNCs, the CPUC added disability access to its list of issues to be considered in subsequent phases of the rulemaking. But the question posed – “what regulations should be adopted to assure that the disability community has access to TNC services?” – has swung on and off the CPUC rulemaking list throughout the four years of the proceeding’s history,³ and is currently listed as a separate proceeding without a timeline for consideration.

The fact remains that throughout the CPUC’s TNC rulemaking, the TNCs continue to operate within California; an operation available to able-bodied Californians, but potentially lacking for disabled Californians. In the past months, numerous disability advocates have discussed the shortcomings of TNC services, as being either unavailable or delayed to the point of uselessness. This is especially true for disabled persons requiring wheelchair accessible vehicles.

¹ The California Railroad Commission in 1911.

² R.12-12-011, D. 13-09-045

³ Originally listed on the first Scoping Memo on 11-26-2014 (<http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M143/K311/143311123.PDF>); removed on the Scoping Memos in 04-28-2015 and 10-26-2016; returned on the 04-07-2017 Scoping Memo, and subsequently bumped to an unknown timeline in the most recent Scoping of 06-12-2017 (<http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M190/K174/190174048.PDF> ; pgs. 8-10)

While TNCs have made important improvements and provided access to many in the disabled community, especially for Deaf and Blind individuals, what is currently lacking – and what SB 1376 seeks to address – is the lack of availability for wheelchair users, especially wheelchair users whose wheelchairs cannot break down and fold into a trunk. This is a tough problem to solve, as TNC services are provided by individuals using their personal vehicle and very few individuals own wheelchair accessible vehicles.

However, several jurisdictions within the U.S. – such as Seattle⁴ and Chicago⁵ – levy surcharges (~\$0.10-0.25 / trip) on TNC trips to be deposited in an accessibility fund to be used for incentives and investments in wheelchair accessible on-demand transit. Yet, California is one of the few states⁶ to regulate TNCs at a state level. Thus the solution to TNC disability access unavailability in California will require state-wide coordination.

THE SOLUTION

This bill mandates the CPUC to develop regulations, by January 1, 2020, for TNC accessibility for persons with disabilities.

Moreover, this bill mandates that as part of the regulatory development, the CPUC must:

- engage in workshops with relevant stakeholders;
- assess a fee on TNCs to fund on-demand accessible transportation services;
- request interested parties to submit plans to access the on-demand transportation fund in order to meet the transportation needs of persons with disabilities;
- require specific criteria and reporting from parties accessing the fund;

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<https://www.seattle.gov/Documents/Departments/FAS/RegulatoryServices/CPU%20Rules/CPU-11-2016-signed-FINAL.pdf>

⁵

<https://www.cityofchicago.org/content/dam/city/depts/dol/rulesandregs/TNPRulesAmendedeffJan12017.pdf>

⁶ Along with Maryland and Massachusetts

- report to the Legislature by January 1, 2023 on the implementation of the program; and
- create a working group with stakeholders to examine duplicative programming in transportation services for disabled persons.

Disability access to TNCs should be of the highest priority; an equity issue the CPUC and the Legislature cannot ignore.

SUPPORT

The Arc – California Collaboration
California Transit Association
The Center for Independent Living
Disability Rights California
Disability Rights Education & Defense Fund
Independent Living Resource Center San Francisco
San Francisco Mayor’s Office on Disability
San Francisco Municipal Transportation Agency
Senior and Disability Action
United Cerebral Palsy – California Collaboration

STATUS

Senate Floor Vote: 39-0

Assembly Communications & Conveyance
Committee – to be heard on Wednesday, June 20th

FOR MORE INFORMATION

Laura McWilliams (916) 651-4013
laura.mcwilliams@sen.ca.gov