

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



July 11, 2022

Janeé Weaver  
Lyft, Inc.  
185 Berry Street, Suite 5000  
San Francisco, CA 94107

Subject: TNC Access for All Advice Letter AL 7A

Dear Janeé Weaver,

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Disposition of Filing (Approved, Rejected, Withdrawn, etc.)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 timely protests against AL 7 from San Francisco (SFMTA, SFCTA, and SFMOD) on 1-5-22. No replies were filed. CPED did not reopen the protest period for AL 7A.

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, protests, and staff's disposition. If you have any questions on this matter, please contact CPED Staff via email at [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Jeff Kasmar".

Jeff Kasmar  
Program Manager, Consumer Protection and Enforcement Division

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## Advice Letter Status Certificate

**Status of Advice Letter 7A  
As of July 8, 2022**

**Lyft, Inc.**  
TCP 32513  
Attention: Janeé Weaver  
185 Berry Street, Suite 5000  
San Francisco, CA 94107

Advice Letter Subject: **Offset for Q1 2021 in compliance with Decision 20-03-007 and Assigned Commissioner's Ruling issued on 4/11/2022**  
Division Assigned: Consumer Protection and Enforcement  
Date Filed: 06-17-22

**Disposition:** **Approved**  
**Effective Date:** **07-11-2022**  
**Approved Offsets:**

COUNTY	APPROVED OFFSETS
LOS ANGELES	\$643,052.10
SAN FRANCISCO	\$133,198.00

<b>TOTAL AMOUNT APPROVED</b>	<b>\$776,250.10</b>
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CPUC Contact Information: [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov)

TNC Contact Information: Janeé Weaver  
[jweaver@lyft.com](mailto:jweaver@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) 7 on April 15, 2021 to request offsets against quarterly Access Fund payments for amounts it spent during the First Quarter (Q1) of 2021 to improve wheelchair accessible vehicle (WAV) service. On May 5, 2021, San Francisco<sup>1</sup> filed a protest; however, no replies were filed. On April 11, 2022, Assigned Commissioner's Ruling on Track 5A (on issues related to data submission for pre-scheduled trips) was issued to address San Francisco's protest. On June 17, 2022, Lyft filed supplement 7A to comply with the April 2022 Commissioner's Ruling, which removed pre-scheduled trips from its offset request and reported these data separately.

To qualify for an offset in a geographic area, a Transportation Network Company (TNC) must provide the following in its quarterly advice letter filing: (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 evaluation criteria adopted in D.20-03-007:

*Table 1: Criteria for Evaluating Offsets*

<b>Evaluation Criteria</b>	<b>Must Demonstrate</b>	<b>Satisfied By</b>
<b>1. Presence and availability of WAVs</b>	(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	Submission of the relevant data
<b>2. Improved level of service</b>	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	Achievement of the Offset Time Standard <sup>2</sup>

<sup>1</sup> San Francisco Municipal Transportation Agency, San Francisco County Transportation Authority, and San Francisco's Mayor's Office on Disability

<sup>2</sup> D.20-03-007, Ordering Paragraphs 2, 3, and 4

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Evaluation Criteria	Must Demonstrate	Satisfied By
<b>3. Efforts to publicize and promote available WAV services</b>	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	Submission of the relevant data
<b>4. Full accounting of funds expended</b>	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 <sup>3</sup> attached as Appendix A	Submission of the relevant data
<b>5. Training and inspections</b>	(a) certification of WAV driver training completion within the past 3 years, <sup>4</sup> (b) WAV driver training programs used per geographic area, and the number of WAV drivers that completed WAV training in that quarter, and (c) Certification of WAV inspection and approval <sup>5</sup>	Submission of the relevant data
<b>6. Reporting complaints</b>	(a) number of complaints related to WAV drivers or services – by quarter and geographic area, and broken out by category <sup>6</sup>	Submission of the relevant data

The Commission adopted standards for demonstrating 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 satisfies 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, training and inspections, and complaints related to WAV service, it is eligible to receive offsets and its advice letter will be approved.**

<sup>3</sup> D.20-03-007, Appendix A

<sup>4</sup> Must include: sensitivity training, passenger assistance techniques, accessibility equipment use, door-to-door service, and safety procedures, D.20-03-007, Ordering Paragraph 13.

<sup>5</sup> Should state that WAVs conform with the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles within the past year, D.20-03-007, Ordering Paragraph 13.

<sup>6</sup> Categories include securement issue, driving training, vehicle safety and comfort, service animal issue, stranded passenger, and others, D.20-03-007, Ordering Paragraph 14.

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Table 2: Interim WAV Response Times and Offset Time Standard

Geographic Area/County	Level 1 WAV Response Time (mins)	Level 2 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%

## Discussion

### A. Offset Requirements

To qualify for an offset, a TNC must demonstrate an improved level of service by satisfying the Offset Time Standard (OTS). Ordering Paragraph 4 in D.20-03-007 sets forth the requirements:

*To demonstrate improved level of service for offset eligibility, a Transportation Network Company (TNC) must demonstrate that it achieved either a Level 1 or Level 2 Offset Time Standard for a quarter in that implementation year. If a TNC received an offset in the prior quarter, the TNC must achieve an Offset Time Standard that exceeds the percentage achieved in the prior quarter in either, a Level 1 or a Level 2 Offset Time Standard.*

This means that a TNC must demonstrate first that it meets either the Level 1 or 2 response time benchmark for that county (first test) and, second, it must show improvement in the OTS percentage from the previous quarter (second test), if applicable.

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**B. Protests to AL7**

On May 5, 2021, San Francisco filed protests against Lyft's AL 7. San Francisco's protests are based on the grounds that the relief requested is unjust, as Lyft's report included negative response times in both San Francisco and Los Angeles. This would mean that trips are accepted before they are even requested.

San Francisco also argued that the company's accounting of funds does not demonstrate improvements due to investments in WAV service with an average offset request of over \$414 per completed WAV trips in Los Angeles County, and \$938 per completed WAV trip in San Francisco. San Francisco asserts that, based on the information submitted in this Advice Letter, Lyft failed to meet the minimum requirements and the offset requests should be rejected.

**C. Track 5A Ruling on Issues and Data Submission for Pre-scheduled Trips**

On May 5, 2021, CPED staff reached out to Lyft to clarify the negative response time value. The negative response time value was a result of the driver arriving before the scheduled pickup time. How to calculate response times for pre-scheduled trips and whether these pre-scheduled trips are eligible for Access Funding should be addressed by the Commission through the proceeding.

On January 14, 2022, an Assigned Commissioner's Amended Track 5 Scoping Memo and Ruling was issued to address the issue of pre-scheduled WAV trips in Track 5A while Track 5B addressed additional issues referenced in D.21-11-004.

On April 11, 2022, an Assigned Commissioner's Ruling on Track 5A (on issues and data submission for pre-scheduled trips) was issued, which directed Lyft to "file a supplemental advice letter that separately reports pre-scheduled WAV trip data and non-pre-scheduled WAV trip data" for any pending or appealed ALs that included pre-scheduled WAV trip data, and that "any negative response time values shall be replaced with a '0'. CPED is authorized to issue a disposition on the supplemental ALs or issue a proposed resolution if applicable, without consideration of any pre-scheduled WAV trip data."<sup>7</sup>

**D. Review of Offset Requests**

Lyft's AL 7A requested offsets in Q1 2021 totaling \$776,250.10 in two counties (Los Angeles and San Francisco). Tables 3 and 4 below summarize the Q1 2021 Offset Time Standard (response times and OTS percentages) reported for each geographic area eligible for offsets.

The review of AL 7A showed that Lyft satisfied the first test as its response times in the two counties meet either the Level 1 or Level 2 benchmark (see Table 3). It also satisfied the second

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<sup>7</sup> April 11, 2022 Track 5A Ruling #4

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test in the two counties since its OTS percentages improved from the prior quarter of Q4 2020 (see Table 4).

Finally, Lyft satisfied the other requirements by submitting all the required information regarding WAV presence and availability, outreach efforts, full accounting of funds expended, complaints related to WAV service, and training and inspections.

### E. Disposition of AL 7A

After review of AL 7A, Staff concludes that Lyft complied with the offset eligibility requirements in D.20-03-007 and Commissioner's Track 5A Ruling for the counties of Los Angeles and San Francisco. Therefore, Lyft's AL 7A is approved, effective July 11, 2022. The approved total offset amount is \$776,250.10.

Table 3: Lyft's Level 1 and 2 Response Times (minutes) by County in Q1 2021

County	Benchmark (minutes)		Q1 2021 (minutes)		Within Benchmark
	Level 1	Level 2	Level 1	Level 2	
LOS ANGELES	25	50	21.69	30.22	Yes (Level 1 and 2)
SAN FRANCISCO	15	30	14.81	19.22	Yes (Level 1 and 2)

Table 4: Lyft's Level 1 and 2 Offset Time Standards (percent) by County in Q4 2020 and Q1 2021

County	Q4 2020 (OTS %)		Q1 2021 (OTS %)		Demonstrated Improvement?
	Level 1	Level 2	Level 1	Level 2	
LOS ANGELES	22.37	75.34	61.10	96.70	Yes (Level 1 and 2)
SAN FRANCISCO	- *	- *	52.80	97.60	Not applicable

\* The requirement to show improvement in OTS does not apply here because Lyft did not receive an offset in San Francisco in the prior quarter (Q4 2020). However, Lyft did file response times for AL6B (Q4 2020) in response to the Track 5A Ruling to remove pre-scheduled WAV data; those data show that Lyft achieved Level 1 OTS of 64.33% and Level 2 OTS of 96.18%.