

# **PRELIMINARY RESEARCH & RECOMMENDATIONS ON EMERGING MOBILITY SERVICES AND LABOR**

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## EXECUTIVE SUMMARY

The rapid growth of Transportation Network Companies (TNCs), namely, Uber and Lyft in San Francisco has created much grounds for concern in terms of their labor practices. As a fairly new sector in the economy, TNCs have been under-regulated by the California Public Utilities Commission (CPUC) and have been nearly impossible to regulate at the local level. Consequently, the lack of regulation of TNCs has enabled these companies to misclassify workers and thus deny them basic labor rights.

This research was undertaken to provide a better understanding of TNCs' labor and lobbying practices, spatial and geographical impact, and thus to recommend potential regulatory changes to the current laws that govern TNCs. The recommendations offered in this report concentrate on possible solutions that can be implemented through existing local laws and the amendment of California's labor code, to reclassify emerging mobility workers as employees in order to ensure "fairness in pay and labor practices."

The research teams met with industry stakeholders (local Merchant Associations and businesses), on-demand labor workers, local on-demand labor organizations (Gig Workers Rising), the California Labor Federation, and Legislative Aides of respective District Supervisors to gain a broader understanding of the impact of TNCs. The research teams also designed online surveys to quantify the implications of TNCs' business practices for workers, collected and analyzed data through field site studies and reviewed best practices for regulatory action in other jurisdictions both domestically and internationally.

### Key Findings:

The research teams identified the following key findings:

**Misclassification of workers:** Due to the misclassification of workers, TNCs are not required to adhere to Federal, State and local employee labor laws.

**Unsustainability of TNCs business model:** TNCs current business model is likely unsustainable from an environmental, economic and social perspective.

**Impact of TNCs on San Francisco's roadways:** TNCs have been a significant contributor to traffic congestion, estimated at two-thirds of new congestion within the past six years.

**Impact on driver's health and safety:** Driving for TNCs have a tremendous impact on driver health and safety.

### **Policy Recommendations:**

The recommendations provided in this report are intended to guide policymakers in addressing the current working conditions of emerging mobility workers.

#### **Congestion Pricing**

A charge to enter congested areas that consistently has positive impacts on reducing congestion, pollution, GHG's, while raising funds for investment in modes that alleviate congestion. It must be paired with major prioritization of transit and other modes and significant investments locally and regionally, while reducing fares. Prioritizing investments in transit deserts/MUNI's Equity Strategy can potentially mitigate some equity issues. Additionally, SF should consult TNC driver-leaders to make sure their insights are represented, and potentially offer foreclosure protection and debt relief to taxi drivers who purchased taxi medallions. Transit is one of the best potential tools S.F. has to respond to TNCs and prepare for automation.

#### **Comprehensive Curb Management**

With the increase of TNCs has come an increase in illegal parking, resulting in traffic and safety issues. Citations issued are borne by drivers, not Uber/Lyft, however, and it is unlikely that S.F. can cite its way out of this issue. San Francisco's system for allocating curb space is antiquated, and the City should develop a comprehensive curb management strategy to help mitigate illegal parking and traffic flow issues.

#### **Labor Rights & Complaints App**

As ride-hail apps have changed our cities in more ways than one, cities, counties and regional planners have very little data or access to measure the effects of this transportation "revolution." Uber and Lyft have refused to share their data and as a result cities don't know the number of cars on the road, how many miles they are driving, where they are driving people, and even how much people are paying for the ride.

Ride-hail apps consider their data private and proprietary, and in most cases states have usurped the power of cities to require the use of data from these companies. Since cities in California do not have the power to require these companies to share their data, an alternative for San Francisco could be developing their own app that would track and generate similar data to what New York City's Taxi and Limousine Commission requires. The city would have very little power to enforce the utilization of the app, but could provide incentives for those that choose to use the city app.

#### **Driver Safety**

Irrespective of driver designation, as a service industry where workers are interacting with customers, TNCs have a responsibility at the very least to provide safety trainings so drivers are prepared to deal with aggressive passengers. Furthermore, policymakers should consider requiring

TNCs to come equipped with cameras and require these companies to fully cooperate during a police investigation when a driver has been assaulted.

### **Safe Food Delivery**

Amend the CA Food Retail Code to include third-party food delivery companies in the definition of "food facilities" which would legally require these companies to educate their drivers about safe food handling and require drivers to use temperature controlling gear at company cost.

### **Resolution in Support of Assembly Bill 5 & Public Awareness Campaign**

California Assemblywoman Lorena Gonzalez (District 80 - San Diego/Chula Vista) has introduced legislation, Assembly Bill-5 (AB-5), to codify the “ABC” test to determine whether workers are independent contractors into State labor law. Thus far no municipality or county in California has authored a resolution supporting AB-5.<sup>1</sup> The San Francisco Board of Supervisors should author a Resolution in support of AB-5 and elevate this action via media, increasing public awareness of this issue and putting pressure on other legislators to support it.

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<sup>1</sup>Gonzalez, Lorena. AB-5 Worker status: employees and independent contractors., Pub. L. No. 5 (2019).

## INTRODUCTION

The on-demand labor economy has been one of the fastest growing sectors in San Francisco commerce over the last 10 years. Specifically, TNCs have significantly changed the nature of on-demand work in our community. With the use of online platforms, TNCs provide transportation services by connecting drivers using their own vehicle with paying customers.<sup>2</sup> These companies, such as Uber and Lyft, have grown at a tremendous rate, subsequently creating many labor and policy issues. Although the “gig” economy has been sold as a revolutionary way to earn a living, we have found significant issues in the way workers are treated and compensated. Furthermore, the industry is having a negative impact on the city’s infrastructure, and the companies themselves have thus far avoided much of their responsibility. In order to better understand how government policies impact this business sector, we researched how several cities across the globe have been able to regulate and respond to the industry. Though San Francisco is obligated to abide by regulations laid out by the CPUC, which restrict the City’s ability to influence TNCs, our goal is to come up with policy recommendations that would improve conditions. In this report, we will present a variety of potential responses for City leaders to consider. Some are actions that can be taken now, others are outside the current powers or jurisdiction of the City but nonetheless warrant consideration. Even though there are many limitations on what policies and actions City leaders can take today, they also have the bully pulpit at their disposal to increase awareness of these issues and bring currently infeasible responses into the realm of possibility. Within the limited scope of this research, TNCs are our primary focus, although we will touch on third-party food delivery services and include policy recommendations that aim to address the inequities present in such companies.

In this report, we will begin by including narratives on labor and the political economy; geographical dimensions of TNC workers in the greater San Francisco Bay Area; and politics and lobbying. We will then discuss best practices that delve into context, feasibility, and potential consequences and considerations. Lastly, we include extended recommendations for LAFCo to consider when they begin researching. We conclude with final statements and hopes for the future.

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<sup>2</sup> Transportation Network Companies. California Public Utilities Commission, 2019.

## **LABOR & POLITICAL ECONOMY**

**Researchers:** Melissa Benik, Grasielita Diaz, Zach James, Sergio Martinez, Camila Mena, Ben Peterson and Josh Steinberger

### **Summary**

Guiding Research Question: What impact does the gig economy have on the livelihood of workers in San Francisco?

The rise of Uber, Lyft and the gig economy, more generally, have altered the way that labor operates in San Francisco. Ride-hail services like these have become a more prevalent form of employment. This economy differs from traditional transportation and delivery services in the sense that drivers for Uber and Lyft are considered independent contractors. This dichotomy between drivers and the companies they drive for has led our group to our guiding research question: What impact does the gig economy have on the livelihood of workers in San Francisco? In order to answer this question, we organized our research into five categories: Income/Expenses, Work/Life Balance, Career, Health, and Externalities. We believe that these categories are reflective and indicative of the state of Uber and Lyft drivers' livelihood. While our research is focused on the labor/political economy in the City and County of San Francisco, the nature of the gig economy makes it so that drivers often move across city boundaries. As a result, our research has taken on a regional focus with an emphasis on San Francisco, while also taking into account the greater Bay Area.

### **Methods**

Our efforts to quantify the implications of the TNC industry for labor included designing and disseminating an online survey in tandem with conducting in-person interviews with drivers. Our survey (see Appendix I), which was completed by 36 drivers, consisted of fifteen questions covering basic demographic information including the respondent's race, age, home zip code and hours driven per week. We included these questions in efforts to ground the second portion of the survey in the appropriate context. The second portion of the survey (see Appendix II) consists of 21 questions pertaining to five sub-categories relevant to our topic, answered by respondents on a sliding scale from "strongly disagree" to "strongly agree." The five sub-categories represented in this section of the survey include income and expenses, health, work/life balance, career and externalities associated with driving. We focused our questioning around these topics to gain a comprehensive overview of each respondent's relationship to the gig economy.

To further expand on the information gathered from survey responses, we scheduled longer, substantive interviews with a selection of respondents. To ensure cohesiveness and gain a greater degree of insight, we tailored our interview questions to the same five sub-categories that were included in the survey (see Appendix III). Our interviews ranged from 30-50 minutes and were conducted in person, with all but one taking place between a single interviewer and respondent. Once each of the interviews was completed and transcribed, we compiled the most poignant and telling quotations from each, organizing them according to sub-category.

## Demographics

- 47% of drivers identified as non-white
- The largest group of drivers is between the ages of 45-51 (9) and the second largest group of drivers is between 38-44 (8).
- 15 drivers had a bachelor's degree or a graduate degree while 15 drivers had only some college.
- 77% of drivers reported “renting” as their housing arrangement.

## Work/Life Balance:

The balance between time individuals allocate between work and other aspects of their lives. The latter includes time spent with family, friends, engaged in hobbies, and leisure activities.

*“That’s the real heartbreak of the story - the loss of my children.”*

Of the 36 people who were surveyed, over 66% of respondents drive for both Lyft and Uber, while only 22% and 11% exclusively drive for Uber and Lyft, respectively. Based on the results, 40% of Uber drivers are driving more than 41 hours while 24% of Lyft drivers drive more than 41 hours a week. Both Uber and Lyft have imposed driving limits—of 12<sup>3</sup> and 14<sup>4</sup> consecutive hours per day respectively—but due to the cross section of drivers who use both apps and the percentage of drivers who drive 26-40 hours/week, for either app, it is very likely that drivers circumvent the time limit measures by simply switching apps.

The data we gathered show: (1) the majority of drivers feel as if their schedule is more flexible, (2) nonetheless, most drivers believe that their driving schedule has negatively affected their time for hobbies, (3) and over half of the drivers said that they don’t have as much time to see family and friends since driving.

For the most part, it seems as if providing services on ride-hail platforms impedes on drivers’ personal lives, but they still felt as if their schedule is more flexible. This may be due to Uber and Lyft’s “Be your own boss” ideology. Similarly, despite drivers’ ability to create and follow their own schedule, they are economically incentivized to drive at high traffic times such as mornings, evenings, and weekends<sup>5</sup> and some travel more than 50 miles to drive in San Francisco (see appendix IV).

For additional research, we recommend looking deeper into the number of rides a driver has given in relation to how long they have been driving. This data can shed light on the average hours spent driving per week for an individual or any subgroup of drivers and connect it with the

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<sup>3</sup>Sachin Kansal, “Another Step to Prevent Drowsy Driving,” Uber Newsroom, February 12, 2018, accessed May 09, 2019.

<sup>4</sup> Lyft, Inc, “Taking Breaks and Time Limits in Driver Mode,” Lyft Help.

<sup>5</sup> Nat, “Uber Peak Hours: When to Drive for Maximum Earnings,” Ridester, October 12, 2018.



how Uber and Lyft incentivizes their drivers to keep driving.<sup>6</sup> Furthermore, it will be important to create a survey that can highlight the working habits of drivers who work for one TNC or two to truly understand whether Uber and Lyft's "be your own boss" ideology promotes a healthy work and life balance.

### **Income/Expenses**

The money earned by drivers for providing services through the gig-economy and how they use it to cover their financial obligations including rent/mortgage, car maintenance, gas, and savings.

*"Well at the moment it does (gas prices) affect when you're pumping and stuff. I pump frequently like once a day. Every time I'm going to drive I fill up, so it adds up, so let's say it's a random \$120 on gas that I'll spend on the weekend or something like that."*

Our initial hypothesis was that drivers would feel that participating in the gig-economy as "their own bosses" would provide them with more financial stability. However, only 34% of drivers report having more income stability since they started driving for Uber and Lyft. Moreover, over 55% of drivers are not able to save money while driving for Uber or Lyft. The promises of financial security that come with being one's own boss do not come to fruition for many drivers. Similarly, almost 50% drivers report not having more disposable income since they started driving for Uber or Lyft. With the cost of living in the San Francisco metro area increasing by 22% since Uber's official launch in 2011, we wonder how drivers have adjusted financially while the average monthly earnings for those in the gig-economy's transportation sector have decreased by 53% between 2013 and 2017 nationally.<sup>7,8</sup>

Of the four metrics we included in the survey, income/expenses received the lowest average score. This metric was the only one of the four where each statement received an overall negative response. The income/expenses metric also had the question with the most overall "Strongly Disagree" responses—which was to the statement that Uber/Lyft's rate of pay is fair for drivers. Overall, 75% of respondents believe the rate of pay Uber/Lyft provide is unfair.

Only two of the 36 respondents said they "Strongly Agree" that the rate of pay for Uber/Lyft is fair for drivers. These two drivers answered identically to each of the four income/expenses questions. In addition to answering "Strongly Agree" for Uber/Lyft having a fair rate of pay, they said they "Strongly Agree" to being able to save more money and having more disposable income. However, they both responded as "Strongly Disagree" to having more income instability. Both respondents have another adult in the household, along with other demographic

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<sup>6</sup> Noam Scheiber, "How Uber Uses Psychological Tricks to Push Its Drivers' Buttons," The New York Times, April 02, 2017, accessed May 09, 2019.

<sup>7</sup> Bureau of Labor Statistics, "Annual CPI-All Urban Consumers (Current Series) San Francisco-Oakland-Hayward, CA, 2011-2019," accessed May 8, 2019.

<sup>8</sup> JPMorgan Chase Institute, "The Online Platform Economy in 2018: Drivers, Workers, Sellers, and Lessors," 2018, Accessed May 9, 2010.

similarities in age, education, housing status (renters), and hours spent driving per week. Both said they are not looking for new jobs. These drivers shared other answers outside the income/expenses metric. They both responded as “Strongly Agree” to statements about collecting useful skills for future jobs and that driving for Uber/Lyft is good for their physical health. They both responded “Strongly Disagree” about having more flexibility in their schedule since driving and feeling connected to their community. These answers relate over various metrics, but the commonality is that they’re reporting less overall stability. They believe they are receiving a fair rate and that they have more income to save and spend. However, they feel less stable, that they are less flexible, and are not as attached to their community. Although they feel they’re making good money, the instability of their work is a troubling factor.

To develop this criteria further, we added the scaling question: I have taken out some debt to driver for Uber/Lyft. However, it was added after responses had stopped. This question may be important in showing the true value gained from driving for a TNC. Along this same line, an additional question regarding awareness of income after all expenses can reveal if drivers are falsely drawn to driving for these TNCs.<sup>9</sup>

### **Career**

The relationship between a driver’s long-term goals and driving.

*“Ben: What were the circumstances around your decision to start driving for Uber?”*

*Karen: Being a P.E. teacher, I had the summers off. So I thought I could do it on my time, my schedule. Um, just make some extra money.”*

As a career, many drivers, 66%, indicated that driving was not their long term goal, and 63% of survey participants feel that driving is not helpful for their career path. This may be due to the few, if any, chances there are for upward movement or personal development which supports a dimension of drivers not feeling like valued members of the Uber and Lyft workforce (69%).

Thirty-one percent of drivers were working at another job and 34% of them were looking for another job while driving. However, 50% of drivers feel that looking for work has not been more difficult while driving. The data would suggest that a majority of drivers are utilizing the TNC applications as an additional source of income.

For those who indicated they were looking for another job, their residential zip codes reveal that they live in Manteca, Hayward, Antioch, San Jose, San Francisco, Vallejo, Sacramento and Fresno. The unemployment rates for Manteca, Antioch, Vallejo, and Fresno are above that of the state average (4.3%).

The survey and interviews reveal a common theme: many drivers began to drive to earn extra money. This could be a result of increasing cost of living around the Bay Area and the unavailability of jobs in some of the driver residential localities. Many residents of the larger Bay Area need to work more than one job to afford fair market rate housing in many of the counties

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<sup>9</sup> Ridester Staff, “Uber Fees: How Much Does Uber Pay, Actually? (With Case Studies),” Ridester, April 30, 2019, accessed May 09, 2019.

recorded in the survey.<sup>10</sup> For additional research we recommend tracking how long drivers remain with the TNCs and why they began driving in order to corroborate or dismiss the theme we found.

### **Health & Safety**

The state of drivers' physical, mental, and emotional well-being.

*"He got pissed off. He called me, you know, he said 'fuck you, you piece of shit' and then like he grabbed my water bottle and threw it at my face."*

Of the 36 people who were surveyed, only 26% of respondents reported feeling safe driving for Uber/Lyft. Much of the popular focus is on the safety of passengers but an interviewee described having been verbally, physically, and sexually assaulted while driving at different times. Their experience with these incidents has made them more weary of when and where they drive.

Additionally, 77.7% do not believe that driving for Uber/Lyft is good for their physical health. Eleven percent more respondents said they are unhappy than those who said they were happy. This is a generic question with not much context, so the definition of "happy" is not fully determined. Surprisingly, 3% of respondents feel less stressed since driving for one of the TNCs. Our respondents have a wide variety of answers for the health topic. The results show that a majority of drivers say that driving is not good for their physical health but the findings for emotional and mental health are inconclusive.

For further research it will be important to develop more specific questions to determine the effect on the emotional and mental well-being of drivers and create a procedure to inquire about the frequency of assaults on drivers and connect it with actions (or inaction, see externalities) taken by the TNC. In addition to this, exploring the reasons why respondents believe that driving for Uber/Lyft is bad for their physical health and how it has affected them medically (i.e. more trips to the doctor, more medical costs, etc.).

### **Externalities**

Aspects of drivers' experiences not captured by the aspects mentioned above. Includes drivers' personalities and feelings toward their circumstances.

*"They are not taking a quote normal capitalistic responsibility for the overhead of their corporation. We are just pawns and numbers, and as long they keep us independent they don't have any responsibility for us."*

While responses to questions regarding externalities are largely based on individual drivers' life circumstances and personality, there were a few noticeable trends that emerged from our survey results. Roughly 70% of respondents claimed to not feel like valued members of Uber and/or Lyft's workforce. This speaks directly to a lack of effective lines of communication and

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<sup>10</sup> National Low Income Housing Coalition, "Out of Reach 2018: The High Cost of Housing,," National Low Income Housing Coalition, 2018, accessed May 09, 2019.

accountability between TNCs corporate entities and its contracted drivers. Such difficulties with communication tend to primarily burden drivers, as they lack the ability to voice concerns or issues they may be having with passengers, the rate of pay, their car, the driver app, or any other aspect of their employment that may become problematic. Several drivers described anecdotal irritation and dissatisfaction with how tech support handles claims—this has led drivers to decrease the things they call about. If such issues persist for extended periods of time, they can severely hinder a driver’s capability to adequately perform his or her job and thus, earn money.

A particular source of driver anxiety and fear is the looming threat of “deactivation,” or the revocation of one’s driving capabilities determined at the sole discretion of TNCs’ official policies or individual actors within the corporate structure. Such actions most commonly occur as the result of a driver’s rating, which is determined by his or her passengers, dips below a certain level or the TNC receives a complaint about the driver that they believe is punishable with either temporary or permanent “deactivation.”<sup>11</sup> Fear of deactivation was a common theme in our research, as it is typically done with little to no warning and drivers have reported experiencing difficulty in attempts to reactivate their driver accounts.<sup>12</sup> What may seem like a useful feature for customers, and an attempt at transparency from the TNC, may in fact be a lever of coercion against drivers. Especially since there exists no formal mechanism through which drivers can challenge the validity of their expulsion from the platforms. As is the case with many of the more unsavory aspects of this employment arrangement, this structure seems to impact TNCs considerably less than their individual drivers, as any issue prohibiting a single driver from performing work is offset by the sheer size of TNCs’ pool of available drivers.

Drivers’ feelings toward passengers, however, were considerably warmer, as about 65% of respondents claimed to feel a sense of connection with the communities in which they drive. To be sure, the wording of this question leaves considerable room for interpretation on the respondents’ part, as individuals’ conceptions of what “connection” with a certain community might indeed entail would seem to vary considerably on a person to person basis. Questions regarding drivers’ feelings of social isolation and respect from passengers provided inconclusive data, with survey responses revealing no clear majority opinion. Therefore, a further exploration into the social dynamics that drivers encounter with both passengers the communities in which they work would seem beneficial for future research on TNCs.

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<sup>11</sup> “Uber Community Guidelines,” Uber, accessed May 09, 2019.

<sup>12</sup> Ridester Staff, “Uber Deactivation: Why You Got Deactivated [ and How to Get Reactivated],” Ridester, September 27, 2018, accessed May 09, 2019.

## **GEOGRAPHICAL DIMENSIONS OF TNC WORKERS IN THE GREATER SAN FRANCISCO BAY AREA**

**Researchers:** Cara Annese, Anthony Caceres, Pierce Forgione, Luwam Kahassay, CJ Olton Jr. and Justin Pearson

### **Summary**

The geography team embarked on a journey to pinpoint the cities of origin of San Francisco TNC drivers to better understand the reasons why they commute to work in San Francisco. Data collected through field sites studies and interviews confirm our original hypothesis, TNC drivers are willing to commute more than 100 miles a day for the opportunity to earn higher overall wages. The pull is strictly economic, one built from the already existing economic system in the Bay Area and a newer economy that exploits the failures of the greater free market economy. The companies within the TNC industry are contracting workers that reside well out of San Francisco's boundaries.

### **Inquiries**

In our short time of research, our team sought to discover the reason behind the perceived influx of drivers from the wider Bay Area into San Francisco. The initial inklings were due to the large density of cars observed anecdotally by members of the class. Several questions emanated from this initial thought: *What are the reasons TNC drivers come to San Francisco? Why are they not working in their own city?*

In the context of geography, we understand that a central component of the job required of TNC workers is to pick up riders from any given location and drop them off at their destination. San Francisco appears to have the greatest draw in the Bay Area, and therein, money can be made there. Serious questions arise regarding the conditions workers find themselves in. For example, drivers surveyed often work 10-12 hours in their vehicles, putting their physical health in danger. Furthermore, the amount of hours on the road takes a toll on the vehicle itself in terms of mileage and maintenance required. This was the premise of our research and our first point of entry.

### **Methods**

After familiarizing ourselves with key studies on TNCs and on-demand labor matters broadly, we collected data through personal interviews with drivers as well as survey data collected by the labor team. Because of the transience of on-demand workers, we found that being in a ride as a passenger was a useful way to collect information and data as opposed to ad hoc questioning of drivers in some public spaces where drivers may briefly gather or park. We found it difficult to get a large representative sample because of the need to be in a ride to speak with a driver and the short duration of time and money in which this research took place. We used a conversational style interview with drivers as most were unable to offer us a lot of their time. Finally, through the use of MapLine, we were able to plot data from the survey conducted on a Facebook page for San Francisco TNC workers.

## Findings

With the culmination of the data collected from the Geography & the Labor teams, we were able to map where drivers are originating from. This data shows that TNC drivers are traveling anywhere from 1 to 383 miles to work in San Francisco. The TNC drivers that we have interviewed (35 in total) have said that they are more likely to get rides in San Francisco and at a higher volume than where they live.

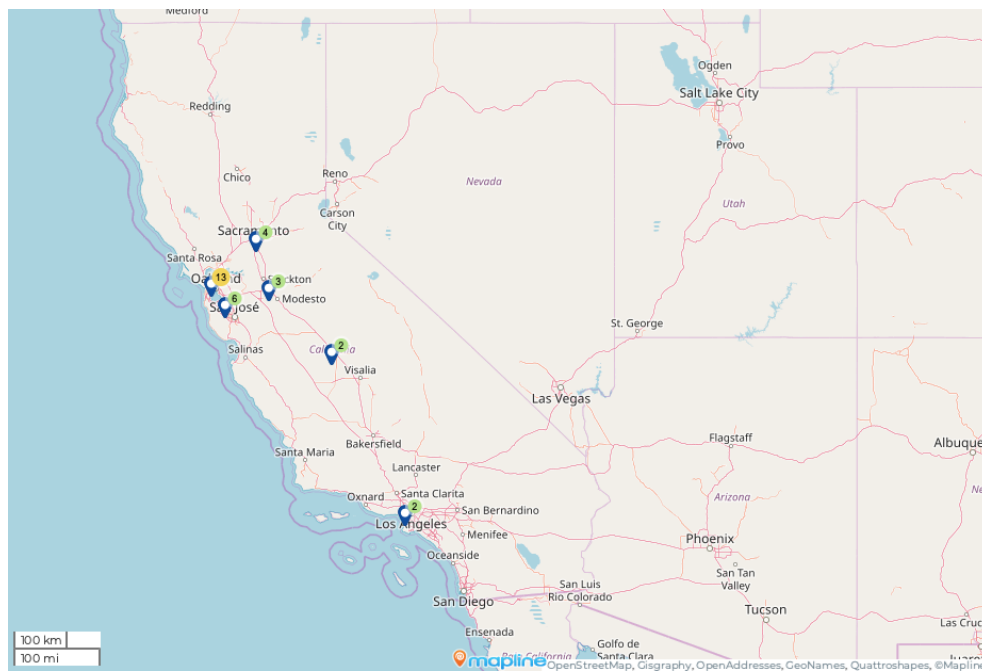
From our limited research, we have found people are driving over 100 miles a day from their city of origin to work in San Francisco. For instance, two drivers sampled are located as far south as Los Angeles. In addition, only 5 drivers (16.6 percent) surveyed are living and working in the gig economy in San Francisco.

It is important to think about why San Francisco is the central destination for so many drivers. This may stem from the city's growth in jobs as well as the greater prospects for jobs in the thriving tech industry. This must also be compared with the high cost of rent in San Francisco that has caused the wider Bay Area to exist as a super-city of sorts, in that, many people that may work in San Francisco must commute from outside the city.

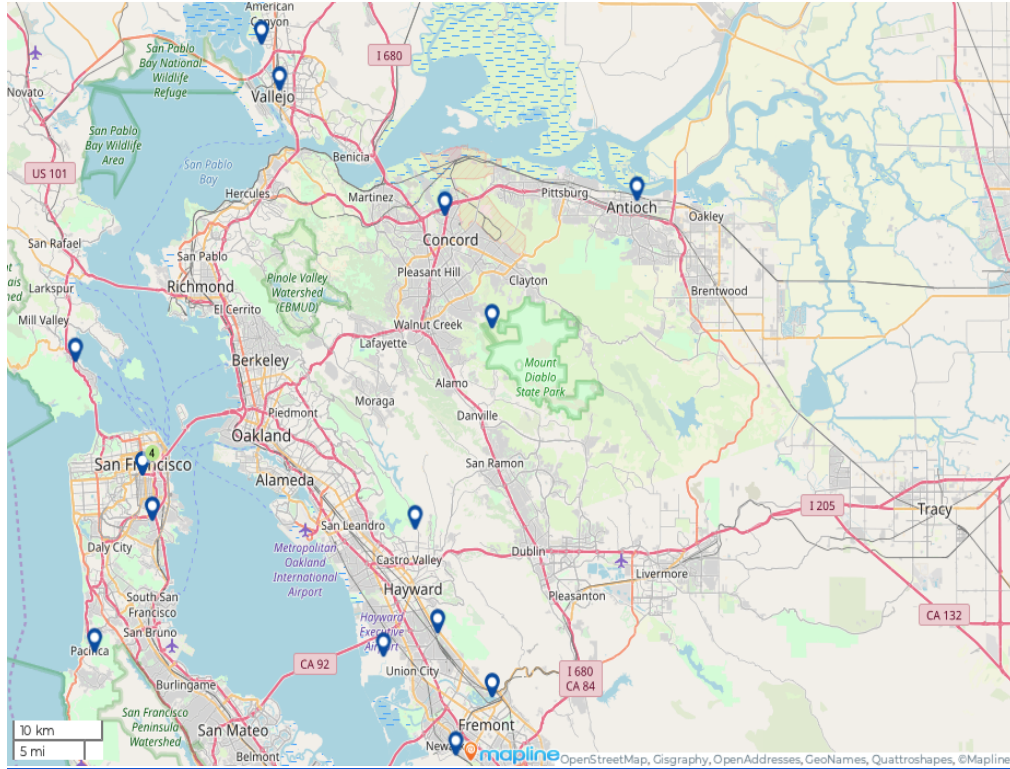
The Bay Area suffers from wealth and income disparities that result in workers having to work multiple jobs in order to afford the cost of living in the Bay Area. As the data collected by our team suggests, in the case of TNC drivers in San Francisco, they are being incentivized by higher earning potential to commute into the City. These commutes can be upwards of 100+ miles and over 2 hours. The gig economy continues to work on the hinterland-city connection that has existed in the Bay Area for a long time.

The graph below indicates that San Francisco has a higher Per Capita income than most cities and counties in the Bay Area. Furthermore, it also has one of the highest median incomes in the region. These economic incentives bring TNC drivers from north and east of Contra Costa County to work 10+ hour shifts. Both individuals and families within San Francisco have the financial flexibility to afford TNC services and therefore provide a stable customer base for drivers. Due to lower incomes in the surrounding cities, workers participating in the gig economy are forced to travel to the city with proven demand. TNC drivers remain in a system that promises economic prosperity and financial freedom but requires burdensome sacrifices.

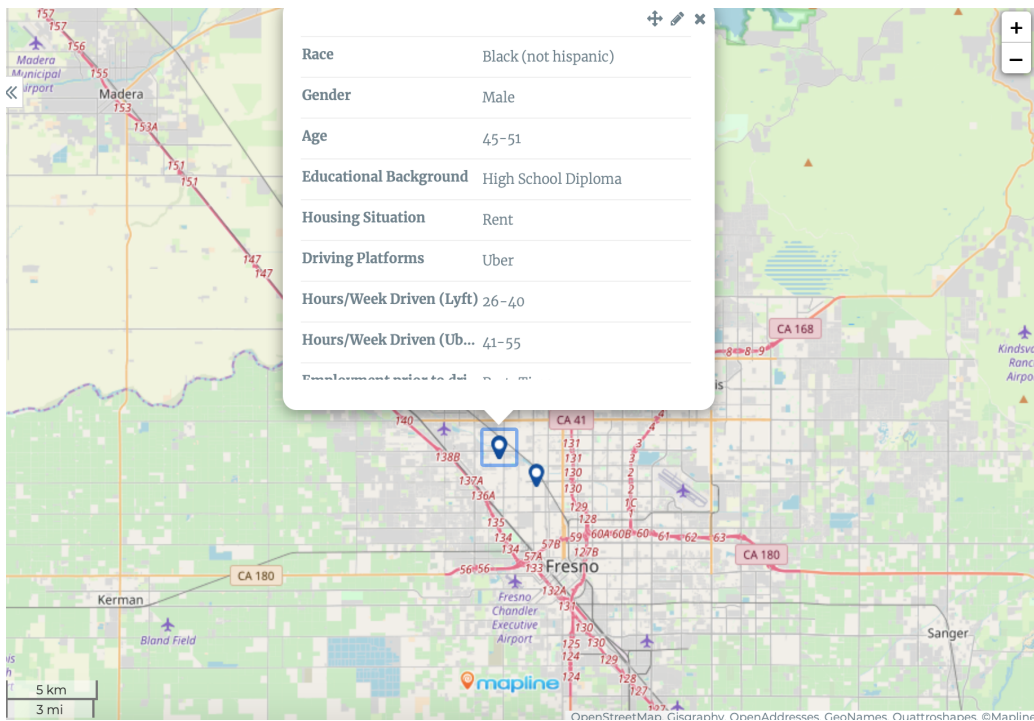
Bay Area Income Breakdown (2017 U.S Census)			
	Median Household Income	Per Capita Income	Population
Alameda	\$96,265.00	\$41,363.00	1,666,753
Contra Costa	\$88,456.00	\$42,898.00	1,150,215
Marin	\$104,703.00	\$66,748.00	259,666
Napa	\$79,637.00	\$40,632.00	139,417
San Francisco	\$96,265.00	\$59,508.00	884,363
Santa Clara	\$106,761.00	\$48,689.00	1,937,570
Solano	\$72,950.00	\$31,934.00	446,610
Sonoma	\$71,691.00	\$37,767.00	499,942



**Illustration 1. These points represent zip code locations of survey participants.**



**Illustration 2 represents the data collected from survey participants.**



**Illustration 3 represents the zipcode of a driver who lives in the Fresno area. Data collected reflects the individual’s race, gender and age.**



## **POLITICS AND LOBBYING**

**Researchers:** Karen Aceves, Maria Amezcua, Lydia Cho, Juhi Khemani, Elijah Williams

### **Summary**

Our research on the practices of politics and lobbying from TNCs, led us to explore possible regulations that can be implemented within the city of San Francisco, emphasizing a focus on limited local level regulation. The most beneficial part of our research identified Merchant Associations as a diverse group of stakeholders that LAFCo should reach out to regarding Lyft and Uber's contributions and challenges to local business districts. These ride-hail companies are courting local businesses and we believe LAFCo should too. Why? Lyft and Uber are working to support local businesses by bringing customers directly to businesses areas without accessible public transportation, and even to places with ample public transit. These business areas notice low contact from the City, to which TNCs like Uber/Lyft provide direct support and contact. We should explore different members and associations that are relevant within San Francisco who are directly affected by the laws around these businesses, effectively shaping the future of public transit. Locally elected officials should consider working in conjunction with these ride-hail companies to better understand how the private sector is filling in a gap in service that the public sector should provide for. We have interviewed aides from some of these offices to explain their actions, or lack thereof, in regards to Lyft and Uber.

### **Inquiry**

How should city officials and community leaders factor in TNCs when enacting policies and legislation on regulations? What are merchant's groups and elected officials' impressions of Lyft and Uber's lobbying efforts? What can the city of SF do to mitigate Uber and Lyft's impact on the city?

### **Methods**

Supervisor Aides Interviews: Email communications addressed directly to supervisors but responded by Legislative Aides due to time constraints. Every interview conducted via person or phone and later transcribed into a document. The questions created were tailored to the Supervisors and their stance based on their district's needs and knowledge on TNCs.

Merchant Interviews: We reached out directly to different Merchants Associations — the ones we initially contacted were the Greater Geary Merchants Association, Valencia Corridor Merchants Association (VCMA), Marina Merchants Association, Presidio Heights Neighborhood Association, and the overall Council for District Merchants Association (CDMA).

We conducted phone interviews using a script with the CDMA and the VCMA and asked questions like "What is your communication with Lyft and Uber been like?" or "How did Lyft and Uber contribute to your association featuring local businesses?"

We all worked together to draft the questions beforehand and researched specific Merchant's groups to have background research about their respective relationships with Uber and Lyft before we inquired about their business relationships.

## Findings

Jurisdiction of Board of Supervisors: Our team learned that the California Legislature can only regulate wage and taxation of private transportation companies.<sup>13</sup> TNCs are regulated by the California Public Utilities Commission. Supervisors could regulate some operation of transportation companies, such as the partial ability to regulate pick-up and drop-off zones.<sup>14</sup> The MTA policed the drivers for parking tickets and road violation citations, negatively impacting the drivers which could be redirected to the company if regulated.<sup>15</sup>

Legislative Aide results: The politics and lobbying group met three Legislative Aides for their respective Supervisors. The questions answered were regarding TNCs, Uber and Lyft, labor, and the effect on the transportation system of San Francisco.

Labor: There appears to be a double-standard for the taxi and TNC industries, the former being subject to a higher degree of regulation than entities like Uber and Lyft. TNCs are cheaper than taxi services likely in part because of the lack of regulation in the market. Taxi drivers are losing their employment because ride-hail companies are dissolving the taxi market.<sup>16</sup>

Environment: Congestion is increasing every year in San Francisco due to the rising population. The popularity of ride-hail has increased the number of drivers on the road. Since ride-hail companies do not require emission-free vehicles, the supervisors worry about the environment degrading more aggressively over time.<sup>17</sup>

Safety: The high amount of Uber and Lyft vehicles congesting the roads could threaten the safety of bikers, pedestrians, and other drivers.<sup>18</sup> Double-parking often occurs when a driver is picking-up and dropping-off patrons. Unsafe methods of parking could block biking lanes and put bikers in positions of danger.<sup>19</sup> Unsafe parking also directly affects businesses that are on various corridors of the city of San Francisco. As a result, Merchant Associations have a vested interest in preserving the safety of different major intersections in the city.<sup>20</sup>

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<sup>13</sup> Edward Wright. Interview by Karen Aceves. Legislative Aide Interview. San Francisco, April 4, 2019.

<sup>14</sup> Aide of Supervisor Ronen. Interview by Lydia Cho. Legislative Aide Interview. San Francisco, April 25, 2019.

<sup>15</sup> Aide of Supervisor Ronen. Interview by Lydia Cho. Legislative Aide Interview. San Francisco, April 25, 2019.

<sup>16</sup> Aide of Supervisor Fewer. Interview by Maria Amezcua. Legislative Aide Interview. San Francisco, April 18, 2019.

<sup>17</sup> Edward Wright. Interview by Karen Aceves. Legislative Aide Interview. San Francisco, April 4, 2019.

<sup>18</sup> Jonah Buffa. Interview by Juhi Khemani. Merchant's Association Interview. San Francisco, April 11, 2019.

<sup>19</sup> Aide of Supervisor Ronen. Interview by Lydia Cho. Legislative Aide Interview. San Francisco, April 25, 2019.

<sup>20</sup> Anonymous. Interview by Juhi Khemani. Merchant's Association Interview. San Francisco, April 18, 2019.

## BEST PRACTICES

**Researchers:** Eva Gaye, Preston Kilgore, Lindsay Miller, Winston Parsons and Gabriella Ruiz

**Guiding Research Question:** Specific to the gig economy, what are best practices that support San Francisco’s goal of “ensuring fairness in pay and labor policies and practices?”<sup>21</sup>

### Congestion Pricing

One of the most tangible impacts of TNCs that is traffic congestion. In San Francisco alone, traffic congestion is estimated to cost the City \$2 billion annually in lost revenue (a figure that is growing).<sup>22</sup> As TNCs have grown in the region, San Francisco alone sees tens of thousands of TNC drivers daily, particularly in the downtown core where transit service is highest. A recent analysis by the SFCTA found that ride-hail services collectively accounted for:

- 51% of the increase in daily vehicle hours of delay between 2010 and 2016;
- 47% of the increase in vehicle miles travelled during that same time period; and
- 55% of the average speed decline on roadways during that same time period.
- On an absolute basis, TNCs comprise an estimated 25% of total vehicle congestion (as measured by vehicle hours of delay) citywide and 36% of delay in the downtown core.”<sup>23</sup>
- Additionally TNCs are estimated to make up 20% of all local daily vehicle miles traveled (VMT), or 600,000 miles daily, and are overwhelmingly concentrated in the downtown and SOMA areas.<sup>24</sup>

Another review across the United States illustrated that:

- “TNCs added 5.7 billion miles of driving in the nation’s nine largest metro areas at the same time that car ownership grew more rapidly than the population.
- About 60 percent of TNC users in large, dense cities would have taken public transportation, walked, biked or not made the trip if TNCs had not been available for the trip, while 40 percent would have used their own car or a taxi.
- TNCs are not generally competitive with personal autos on the core mode-choice drivers of speed, convenience or comfort. TNCs are used instead of personal autos mainly when parking is expensive or difficult to find and to avoid drinking and driving.”<sup>25</sup>

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<sup>21</sup> “Emerging Mobility Labor Study,” Local Agency Formation Commission. City and County of San Francisco, 2019.

<sup>22</sup> San Francisco County Transportation Authority “San Francisco, Access, and Pricing Study.” San Francisco, CA: SFCTA, December 2010.

<sup>23</sup> Ibid. “TNCs and Congestion.” sfcta.org, 2019.

<sup>24</sup> Ibid. “TNCs Today: A Profile of San Francisco Transportation Network Company Activity.” San Francisco, CA, June 2017.

<sup>25</sup> Schaller, Bruce. “The New Automobility: Lyft, Uber and the Future of American Cities.” Schaller Consulting. Brooklyn, NY, July 25, 2018.

Notably, a number of studies indicate that the growth in TNC ridership has in some part come from drawing riders away from public transit.<sup>26 27</sup> One study that reviewed changes in transit ridership across twenty-two large U.S. cities analyzed the roles of other modes in declining transit ridership (focusing on bike share and TNCs). This study found that impacts to some rail systems and buses were negative and significant, suggesting that TNCs reduce transit ridership. This effect appears to grow in the years after TNCs enter an area. In general, after “TNCs enter a market, heavy rail ridership decreases by 1.29% per year, and bus ridership decreases by 1.70% per year. This is reasonable to expect as TNC use grows after entering a market.”<sup>28</sup> This same study, performed by Civil Engineering researchers at the University of Kentucky, determined that the cities like San Francisco would need to increase bus service by roughly 25% (or 4% per year) just to counteract the loss of bus ridership to TNCs over the preceding eight years. Unsurprisingly, they also found a direct relationship between rising fares and decreasing transit ridership. Implementing congestion pricing, described below, could curtail the need for as robust an investment, given that the pricing mechanism charges road users a cost closer to their impacts, thus shifting some drivers and ride-hail passengers to other modes while investing in improvements to transit, pedestrian, and bicycle systems. This would likely be a faster, more efficient and fiscally responsible approach than drastically expanding and prioritizing transit alone.

Congestion pricing acts as a tool to manage and control traffic congestion by charging a fee to drive in the most congested areas, and/or during the times that cities are the most congested. There are many variations to go about implementing congestion pricing, such as installing some form of structure that can charge cars when they go into certain areas such as a downtown area or if they utilize a bridge or tunnel during the busiest hours.

Three countries and cities that have been effective at implementing congestion pricing include London, Stockholm, and Singapore. As cities in the United States move towards implementing their version of congestion pricing, they should certainly take note of these the cities listed above. Since implementation in 2003, London has received \$230 million annually in net revenue, seen cars entering congestion zones drop by 18% and has a 12% reduction in emissions of nitrogen oxides and particulate matter from vehicles in the zone.<sup>29</sup> Stockholm’s system has raised \$155 million annually, and traffic entering the congestion zone has dropped in the first year from 450,000 in 2005 to 350,000 vehicles per day in 2006, about a 22 percent reduction in one year.<sup>30</sup> Singapore’s implementation of congestion pricing goes back to 1975, where they generate about \$100 million annually and saw a 20% decrease in congestion levels early on. In London,

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<sup>26</sup> Baruchman, Michelle. “Ask An Expert: Congestion Pricing Is Coming to New York City. Could Seattle Be Next?” The Seattle Times. April 15, 2019.

<sup>27</sup> Badger, Emily. “Is Uber Helping or Hurting Mass Transit?” The New York Times. October 16, 2017.

<sup>28</sup> Graehler, Michael, Richard Mucci, and Gregory Erhardt. “Understanding the Recent Transit Ridership Decline in Major US Cities: Service Cuts or Emerging Modes?” University of Kentucky. University of Kentucky, November 14, 2018.

<sup>29</sup> Provonsha, E. (n.d.). *A Way Forward for New York City*(pp. 1-20, Rep.). Tri State Transportation Campaign. doi:<http://www.tstc.org/reports/A-WAY-FORWARD-FOR-NEW-YORK-CITY-2017.pdf>

<sup>30</sup> *ibid*

“traffic volume reductions have been sustained over time as a result of congestion pricing, with 9.9% less volume in 2015 compared with 2000, despite nearly 20% population growth of nearly 1.5 million residents.”<sup>31</sup>

Notably, all these cities saw marked decreases in greenhouse gas emissions and air pollution (which has costly health impacts and contributes to early deaths), garnering public health benefits and bringing them closer to climate change mitigation goals. Also important was that congestion pricing was paired with service improvements. London rolled out hundreds of new buses, new bus lines, bike and pedestrian infrastructure, and other service improvements as they implemented congestion pricing. Additionally, there can be a bevy of discounts or exemptions that can be created for lower-income drivers, disabled drivers, those who live within congestion pricing zones, and drivers who already paid a bridge toll prior to entering the congestion zone.

In terms of congestion pricing and mitigating the impacts of TNCs, one transportation consulting firm specifically recommended an hourly fee versus a per-ride fee and variable pricing, providing a stronger incentive for pooled than solo rides and seeking to mitigate the amount of time TNCs drive without passengers. In Manhattan’s Central Business District, for example, it is estimated that 40% of the time that TNCs are on the road they lack a passenger, or “out-of-service.”<sup>32</sup> In San Francisco, it is estimated 20% of TNC miles are out-of-service, whereas taxis have 40%, though this is likely higher for taxis due to the higher prevalence of Uber/Lyft drivers and less efficient technology for taxis.<sup>33</sup>

Important to note is that in New York City, elected officials initially proposed applying congestion pricing to solely taxis and TNCs. This was met with strong resistance by TNCs, taxi drivers, and transit advocates alike. Advocates and experts agree that while it may be tempting to simply apply congestion fees on TNCs “without a charge for personal vehicles, city and suburban motorists will likely fill up much of the street space cleared out by diminished use of for-hire vehicles.”<sup>34</sup> In short; TNCs have dramatically contributed to congestion, but solely focusing on them in policy responses is short-sighted.

The following areas have implemented or are considering congestion pricing:  
**Implemented/ing:** NYC, Singapore, Stockholm, London, Milan, Santiago, Gothenburg  
**Considering:** Seattle, LA/Santa Monica, Vancouver, Portland, Auckland, San Francisco

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<sup>31</sup> *ibid*

<sup>32</sup> Schaller, Bruce. “Making Congestion Pricing Work for Traffic and Transit in New York City.” Schaller Consulting. Brooklyn, NY, March 7, 2018.

<sup>33</sup> San Francisco County Transportation Authority. “TNCs Today: A Profile of San Francisco Transportation Network Company Activity.” San Francisco, CA, June 2017.

<sup>34</sup> Komanoff, Charles. “Why I Love Congestion Pricing but Hate the Taxi-Uber Surcharge.” *Crain’s New York Business*. January 15, 2019.

### Potential Consequences and Considerations

Congestion pricing is nuanced and wonky; the details matter tremendously. It is also likely to be extremely unpopular at first, and likely warrants a pilot period. What's more, while transit systems in New York City, London, and other cities that implemented congestion pricing were struggling under decades of underinvestment, many of them had far more comprehensive regional transit systems than the San Francisco Bay Area, often with far fewer transit agencies. This means that their fares, services, and operations are much more easily coordinated. In general, transit ridership is higher among lower-income demographics. Research in New York indicated "that for every one low-income resident to will have to pay a toll, thirty-eight will benefit from improved transit service."<sup>35</sup> This comparison is not apples to apples with San Francisco, however. Regional transportation in the Bay Area is far from comprehensive by contrast, fares and discount transfers vary greatly despite riders depending on multiple agencies in per trip, and coordination between agencies can be haphazard. Displaced residents who still work in the City or on the urban fringes need to be considered. There is an argument made that the time that lower income drivers will save with congestion pricing could recoup their costs, but it is uncertain at what point those with limited funds who have little alternative to driving will benefit by time saved time, and if that will adequately offset the costs that come with congestion pricing.

All this is to say that we if San Francisco implements congestion pricing, it needs to invest those funds and target them in the areas that need them the most. To quote an environmental equity program manager at the Greenlining Institute: "Road pricing is a necessary step to building a healthier and more efficient transportation system, but it has to be done in a fair way...the needs of vulnerable populations [should be] first and foremost at the conversation."<sup>36</sup> Acting on that locally could mean that MUNIs Equity Service Strategy<sup>37</sup> could be receive funding from congestion pricing to enhancing transit services in under-served areas and providing discount programs or reducing fares. It also means considering the needs of taxi drivers by having no charge on taxis, and using congestion pricing funds to provide debt relief or foreclosure protection to taxi medallion holders who now struggle under the strain of loans that became comparatively worthless overnight. In New York City, eight professional drivers have taken their own lives within the past two years because of stress and depression in part from decreasing wages. Despite our ability to locally regulate taxis, San Francisco's policies and pricing mechanisms place a much higher burden on taxis, and they don't receive subsidies from venture capital that TNCs do.<sup>38</sup> In short: Uber and Lyft have access to venture capital to absorb the costs; taxis do not, and given that San Francisco has

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<sup>35</sup> Community Service Society. Congestion Pricing: CSS Analysis. Accessed 16 December 2017. [http://lghhttp.58547.nexcesscdn.net/803F44A/images/nycss/images/uploads/press-pdfs/171024\\_congestion\\_pricing\\_release\\_FINAL.docx](http://lghhttp.58547.nexcesscdn.net/803F44A/images/nycss/images/uploads/press-pdfs/171024_congestion_pricing_release_FINAL.docx)

<sup>36</sup> Schmitt, Angie. "Congestion Pricing, Often Attacked as Inequitable, Is Actually the Cure for Inequitable Transportation." Streetsblog. January 30, 2019.

<sup>37</sup>San Francisco Municipal Transportation Agency. "Muni Service Equity Strategy." SFMTA.com. Accessed May 2019.

<sup>38</sup> Komanoff, Charles. "Why I Love Congestion Pricing but Hate the Taxi-Uber Surcharge." Crain's New York Business. January 15, 2019.

the ability to regulate taxis locally (and that they're a vital part of our paratransit system) we should also be elevating and relieving the beleaguered taxi industry.

At the heart of the lessons learned from other cities is that if you want drivers from all socioeconomic backgrounds out of private or for hire vehicles, then you must provide affordable and accessible alternative transportation opportunities and ensure that the funds raised go directly towards improving public transit. Another thing to understand is that congestion pricing takes political will and therefore if it is not implemented well, the ramifications could lead to severe backlash. For example, in Stockholm, they saw disapproval rates as high as 80% before implementation, however after the trial period they saw a majority of their voters favor the road pricing scheme and even support its expansion a few years later.<sup>39</sup> The fee must be significant enough to change behavior while responding to the circumstances of those struggling the most.

REVENUE INVESTMENT EQUITY MATRIX	
INVESTMENT STRATEGY	EQUITY IMPACTS
Road expansion	Does not add more affordable options.
Mix of road expansion and transit	Some drivers can shift to new, more affordable modes. Transit users also benefit.
Transit, walking, and bike infrastructure with targeted carpool, vanpool, and new mobility options where needed	Allows greater shift to more affordable and sustainable modes.
Transit, walking, and bike infrastructure with an <b>intensive focus on vulnerable communities</b>	Significant expansion of commute options and a reduction in user costs (if fares are reduced on transit and other mobility options).

Fig. 1: TransForm, "Revenue Investment Equity Matrix"

Management at Uber and Lyft was supportive of congestion pricing in New York City<sup>40</sup> and is also advocating for it as Seattle considers the policy,<sup>41</sup> as they see the reduction in single-occupant vehicles that comes with congestion pricing as a boon to lower-cost services like pooled rides. While San Francisco re-examines congestion pricing, decision makers and the SFCTA should bring TNC drivers and leaders from driver organizations to the table to discuss the potential structure and impacts of congestion pricing. Solely consulting with the management or lobbyists of companies like Uber and Lyft would likely neglect the impacts on and insights of drivers themselves. Given the tendency for Uber and Lyft to shift costs onto drivers by cutting their portion of the fares, we would argue for ensuring that congestion fees aren't simply passed onto drivers

<sup>39</sup> Provonsa, E. (n.d.). *A Way Forward for New York City*(pp. 1-20, Rep.). Tri State Transportation Campaign. doi:<http://www.tstc.org/reports/A-WAY-FORWARD-FOR-NEW-YORK-CITY-2017.pdf>

<sup>40</sup> Bliss, Laura. "The Policy That Will Make the Uber/Lyft IPO Pay Off." CityLab, 2018.

<sup>41</sup> Nickelsburg, Monica. "Uber and Lyft Push for Congestion Pricing as Seattle Considers Tax on Ride-Hailing Companies." GeekWire. March 25, 2019.

and reducing their pay, but are reflected in the cost of fares while keeping steady the proportion of driver wages, or borne in some part by the companies themselves.

Lastly, given San Francisco's limited capacity to directly regulate Uber and Lyft and given that congestion pricing has the potential to both shift modes and fund alternatives to driving, a brief look at areas that have seen increases in transit ridership amidst the growth of TNCs is warranted.

In Seattle, investments in transit and other modes paired with transit prioritization (dedicated transit lanes) has resulted in increasing its transit ridership while decreasing solo-driver trips from 50% to 30%, from 2000 to 2016.<sup>42</sup> This all occurred when most cities in the U.S. saw declining transit ridership.<sup>43</sup> Importantly, many of the investments that Seattle and other regions enjoy increased ridership made were in bus lines, not just rail, and changes to street configurations provided transit with priority resulting in greater reliability and speed. What's more, on top of all the aforementioned investments and changes, Seattle voters recently approved a series of measures that give a "\$50 million annual funding boost to bus service, a billion-dollar Bus Rapid Transit expansion and a \$54 billion light-rail expansion plan that will build 62 miles of light-rail."<sup>44</sup> Additionally, Seattle is studying congestion pricing as a measure to mitigate traffic and further fund public transportation.

In summary: especially if San Francisco cannot directly regulate TNCs and is frustrated by its geographical impacts, one of the best strategies to respond that is actually within our powers is to drastically expand and prioritize MUNI and regional transit service while freezing, reducing, or eliminating transit fares. Regardless of whether congestion pricing is part of the strategy to reduce auto trips and fund other modes, "findings from the US studies suggest that ride services may not erode high quality public transport if the latter is fast and convenient."<sup>45</sup> In short, there would be far less need and temptation for commuters to open a ride-hail app if they could trust in a transportation system that was reliable, expedient, affordable, and inviting. As it stands right now, MUNI is not particularly price (or service) competitive with Uber or Lyft, and in 2018, the City approved further fare increases for MUNI's 2019-2020 operating budget. MUNI collects \$200 million a year in revenue from fares, and while it is not an insignificant amount, it does not make up the majority of MUNI's funding, and other funding sources (including congestion pricing) should be explored to stabilize or reduce fares while improving service. What's more, while there have been driver shortages due to insufficient pay in relationship to the rising cost of living (and

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<sup>42</sup>Seattle Department of Transportation. "A Closer Look at Seattle's Rising Transit Ridership." Sdotblog.Seattle.Gov, January 3, 2018.

<sup>43</sup> TransitCenter. "There's a Reason Transit Ridership Is Rising in These 7 Cities." Transitcenter.Org, February 27, 2019.

<sup>44</sup> Siddiqui, Faiz. "Falling Transit Ridership Poses an 'Emergency' for Cities, Experts Fear." The Washington Post. March 24, 2018.

<sup>45</sup> The International Transport Forum. "The Shared-Use City: Managing the Curb." The International Transport Forum, 2018.



is cause to increase pay for MUNI operators),<sup>46</sup> public sector jobs give workers the ability to collectively bargain and in general offer higher wages and benefits, unlike on-demand work. Expanding our transit system would necessitate hiring more operators, mechanics, and planners, providing more sustainable jobs. Congestion pricing has as a potentially positive role to play, if it is nuanced and done with great care, and as such is worth consideration.

### **Feasibility**

Congestion pricing would require State level action before San Francisco could pilot it, and will be subject to both National Environmental Policy Act (NEPA) and (California Environmental Quality Act) CEQA review. This will also be a contentious issue, though with levels of traffic congestion at all time highs and other localities approving or studying congestion pricing, it appears more feasible than when San Francisco last studied it in 2010.

### **Curb Management - Issues: Geography, Labor, Safety**

Currently, San Francisco's system for managing curb uses (passenger loading, commercial loading, short-term parking, ADA zones, etc) disincentivizes appropriate curb use and puts the burden on applying for curb colors onto individual merchants and community based organizations, with little incentive for them to actually apply.

"White zones" - for passenger loading up to 5 minutes - start with a minimum application fee of \$2,166 (for the shortest length of loading zone offered), then an installation/renewal fee that starts at \$586 (which grows if paid after 30 days). See Figure 2 for fee structure of passenger loading zones in San Francisco.

In the case of passenger loading zones, the only entities exempt from the aforementioned fees are "government Agencies providing public services, and nonprofits that provide free services exclusively to seniors and people with disabilities."<sup>47</sup> Nonprofits that provide free services to youth, for example, are not exempt from fees, even though they may have high passenger loading needs and pick up and drop off times and little fiscal capacity to pay loading permit fees.

These fees are fully borne by the individual or business applying for a loading zone, yet anyone can use the loading zone and merchants can often be content with the status quo of double parking and traffic hazards, or might not have the organizational capacity to go through an costly permitting they might view as bringing little immediate benefit.

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<sup>46</sup>KTVU. "Muni Driver Shortage Getting Worse, Solutions Include Better Pay and Free College Class." KTVU. December 6, 2018.

<sup>47</sup>San Francisco Municipal Transportation Agency. "New Color Curb." Sfmta.Com. Accessed April 2019.

Zone Length	Application Fee	Installation / Renewal Fee, paid within 30 Days	Installation / Renewal Fee, paid after 30 Days	Late Fee
1 to 22 feet	\$2,166	\$586	\$647	\$61
23 to 44 feet	\$2,166	\$1,174	\$1,298	\$124
45 to 66 feet	\$2,166	\$1,761	\$1,947	\$186
Over 66 feet	\$2,166	\$2,346	\$2,591	\$245

*Fig 2. Source: SFMTA, “New Curb Color”*

While there are no fees for applying for Yellow (commercial loading) or blue (accessible) zones, the burden to apply is nonetheless put on an individual or business. This creates a structural barrier to potentially providing safer conditions and reducing traffic on our streets. While it is somewhat outside the scope of this project, the growth of online delivery services has, concurrently with the rise of TNCs, changed the scale of delivery impacts on our transportation network and is also a curb management concern. Globally, the total volume of package deliveries doubled between 2014 and 2016, the volume of package deliveries increased by 8% (1 billion parcels) from 2015 to 2016 in the US alone.<sup>48</sup>

A common concern expressed is the impacts to public safety, the reliability of public transit corridors, and traffic congestion in general. “Double-parking” increases the likelihood of collisions on a corridor, especially for more vulnerable road users like bicyclists, and even is a hazard to passengers entering and exiting vehicles. Mid-block u-turns also pose a collision hazard.<sup>49</sup> With roughly 30 people killed and 600 seriously injured every year (half of whom are seniors), and a commitment to eliminating traffic deaths by 2024, San Francisco needs to seriously grapple with the role curb management plays in public safety and health.

From a labor perspective, TNC workers frequently have few legal places to pull over to meet passengers in busy areas, even in predominantly residential areas. When drivers who are already earning a comparatively low wage are ticketed for illegally or “double-parking,” they bear the full cost of the infraction. The companies themselves (Uber or Lyft) feel no immediate fiscal impact. Lyft has begun piloting “geofencing”<sup>50</sup> in some areas, aiming to mitigate some of the safety issues illegal parking poses to pedestrians, bicyclists, and drivers alike. Uber has not cooperated or expressed interest in implementing geofencing. What’s more, even officers in SFPD’s enforcement division have publicly stated that their enforcement efforts feel like a futile

<sup>48</sup> Wirschafter, Eli. “San Francisco May Give Lyft and Uber More Curb Space to Unload Passengers.” KALW. March 15, 2018.

<sup>49</sup> San Francisco County Transportation Authority. “San Francisco: Regulation For Curbside Supply and Demand/TNC and City Partnerships.” The Institute of Transportation Engineers. Washington, DC, 2019.

<sup>50</sup> Smart Cities Dive. “Lyft Launches Geofencing Pilot in San Francisco.” March 26, 2018.

effort; they're constantly attempting to educate and cite a tremendous number of drivers, many of whom are unfamiliar with the idiosyncrasies of San Francisco's streets. Ride hail services make up roughly 15% of all trips that start and end within the city (170,00 rides per day) and SFPD reports that TNCs were responsible for two-thirds of all traffic violations downtown in the spring of 2017.<sup>51</sup> Given these figures it appears unlikely that San Francisco can simply "cite" its way out of traffic and illegal parking. Importantly, a citation-driven approach places further financial burdens on a class of workers who already operate at the margins and who are struggling to make ends meet in demanding economic environment.

Finally, we are learning that TNC workers are very much at the mercy of even "petty" customers who feel slighted when they're not picked up immediately where they are waiting. Customers have the ability to give a driver a negative review for making them walk a potentially short distance to a safer loading area. Negative reviews can lead to drivers being deactivated from the app - cut-off from wages - potentially because of the whim of an impatient or entitled customer. Anecdotally, we've heard from drivers that they can be deactivated if their ratings are not maintained at high levels, with no real process appeal, illustrating just how disposable and vulnerable drivers are.

With this in mind we suggest that the City consider a more comprehensive, corridor-by-corridor review of curb needs, and a community based process to garner input on the "hot spots" areas where double-parking, loading, and accessibility issues are pervasive. A number of other cities domestically and internationally have adopted different approaches to curb management, and a number of professional transportation planning and advocacy organizations have created guides for cities like San Francisco to reference in considering curb management needs.

Seattle, Washington D.C., New York City, and Toronto, for example, have all piloted or established other methodologies for determining who goes where (and when) at the curb. Figure 2 below, from provides an example of a street with a variety of curbside uses and the potential volumes of passengers and needs they can address.

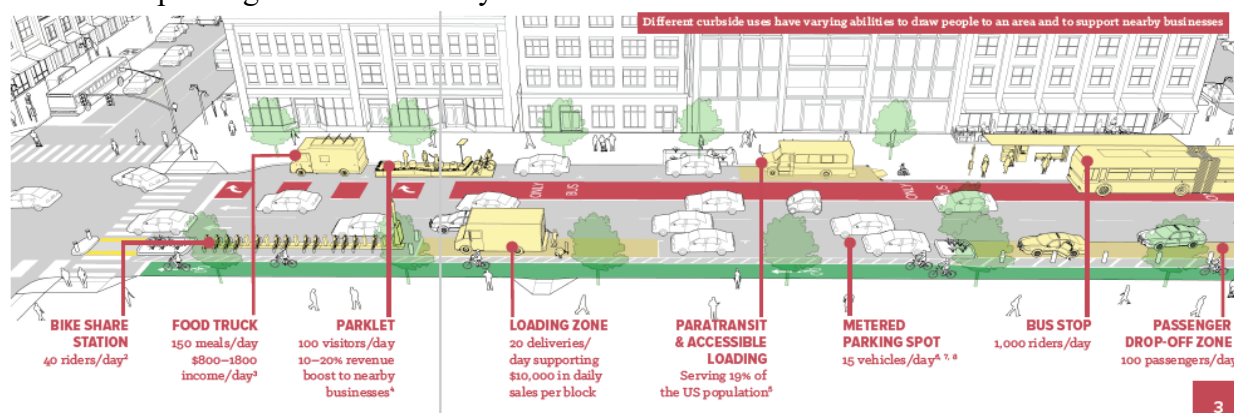


Fig. 3 Source: NACTO, "Curb Appeal"

<sup>51</sup> Wirschafter, Eli. "San Francisco May Give Lyft and Uber More Curb Space to Unload Passengers." KALW. March 15, 2018.

Seattle, for example, has redefined curbs as “flex zones” and established a model that prioritizes curb use depending upon adjacent land uses and transportation features. These spaces can potentially be flexible, providing commercial or passenger loading at certain times of day and/or days of the week, while changing to accommodate other needs at different times.<sup>52</sup> While engineering guides and policies varied by municipality, they shared a number of general principles.<sup>53</sup>

### **Political Consequences & Considerations**

There will likely be public backlash over perceived and real “loss/repurposing” of curb space. Perceived uses of the street versus more concrete measures can vary greatly, in part leading to public backlash. Robust outreach, pilot strategies, and studies of conditions before and after curb management changes are likely warranted.

In Los Angeles, for example, “merchants on Cesar Chavez Street estimated 36% of arriving patrons used cars and none arrived by transit; in fact, only 7% drove and 46% arrived by transit. On Nostrand Avenue in Brooklyn, surveys found that only 5% to 9% of business patrons arrived by a car parked on the street itself—while buses delivered 33%.”<sup>54</sup> On Geary Boulevard in San Francisco’s Richmond District, 22% of people surveyed during an intercept study of roughly 600 individuals on the corridor arrived by car, while 78% took transit, walked, or biked.<sup>55</sup>

“On Fordham Road in the Bronx, NYC DOT replaced curbside metered parking lanes with full-time bus lanes in both directions, a dramatic change. An intensive study of local business tax receipts demonstrated that business increased 71% on the corridor, in comparison to 38% for comparable streets.”<sup>56</sup>

Our late mayor, Ed Lee, was exploring a pilot expansion of loading zones in exchange for datasets from Uber and Lyft, though this effort faded after Mayor Lee’s passing. This idea was received with mixed reviews, though Lyft has started piloting geofencing in San Francisco,<sup>57</sup> and City leaders could re-consider this strategy.

There will likely be increased costs for SFMTA to administer and perform outreach for a different, systematic model of curb management. Long term, however, this could alleviate some of the safety and traffic impacts San Francisco is currently suffering from, allow the City to re-allocate SFPD and Parking Control Officer enforcement to address other issues, and spare struggling workers from costly and inefficient tickets.

There are still many questions that remain, however, and policy makers should consider these carefully. Will there be a limited effectiveness/adherence to loading zones (e.g. will a

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<sup>52</sup>The International Transport Forum. “The Shared-Use City: Managing the Curb.” The International Transport Forum, 2018.

<sup>53</sup>Toronto Neighborhood Policy.” The Institute of Transportation Engineers. Washington, DC, 2019.

<sup>54</sup>National Association of City Transportation Officials. “Curb Appeal: Curbside Management Strategies for Improving Transit Reliability,” November 2017.

<sup>55</sup>San Francisco County Transportation Authority. “Geary Corridor Bus Rapid Transit Engineering and Environmental Analysis: Customer Intercept Survey Results.” San Francisco, CA, May 9, 2013.

<sup>56</sup>National Association of City Transportation Officials. “Curb Appeal: Curbside Management Strategies for Improving Transit Reliability,” November 2017.

<sup>57</sup>Smart Cities Dive. “Lyft Launches Geofencing Pilot in San Francisco.” March 26, 2018.

meaningful percentage of drivers actually pull to the curb)? Would pairing rollout of new loading zones with targeted enforcement by Parking Control Officers and SFPD help shift loading habits sufficiently, and if so, for how long? Would City wayfinding/signage directing pedestrians on busy ride-hail corridors to designated loading zones help adherence?

Given these uncertainties and the potential animosity some segments of the public may express about changes at the curb, San Francisco should consider piloting or enacting “living” previews” (or pop-ups) to test curbside management treatments”<sup>58</sup> and develop a transparent, accountable, and living process for crafting a comprehensive curb management program with short and long-term strategies. This process shouldn’t merely aim to accommodate Uber, Lyft, and on-demand food services, however; these zones should *not* be for the exclusive use of TNC companies.

That said, San Francisco was already experiencing the consequences of a haphazard curb management program before Uber and Lyft arrived, and the reality is that automation is coming, so this strategy nonetheless warrants consideration. Key to note is that curb management should be only one part of a transportation and safety focused strategy; studies by transportation planning organizations that we reviewed consistently noted that curb management alone is a “blunt instrument” and should be paired with investment and prioritization of other modes (public transit, car share, bicycle infrastructure and services, taxis, and more). In short, if San Francisco wants reduce the chaos at the curb and in our streets, we must also invest in and prioritize MUNI, BART, Caltrain, and other modes at the local and regional levels that put people over vehicles. These modes can also provide higher paying jobs with benefits, an important boon to a struggling workforce.

### **Feasibility**

This is currently within San Francisco’s jurisdiction. There could potentially be CEQA implications, but as explained above, we are already feeling the impact of maintaining the status quo at the curb.

### **Related policies to consider**

- Advocating at state level for municipal or county-level authority to regulate TNCs to:
  - Put caps on the number of TNCs and delivery vehicles
  - Mandate geofencing
    - Prohibit pickups and drop-offs on high-injury corridors<sup>59</sup>
  - Direct a significant portion of infraction fees onto TNC companies (or add it onto the “TNC tax”)
- Expand driver citation diversion programs

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<sup>58</sup> San Francisco County Transportation Authority. “San Francisco: Regulation For Curbside Supply and Demand/TNC and City Partnerships.” The Institute of Transportation Engineers. Washington, DC, 2019.

<sup>59</sup> Cabanatuan, Michael. “SF to Experiment with Uber and Lyft Passenger Loading and Pick-up Zone.” SF Gate. November 7, 2017.

### **Apps for Drivers**

Since the founding of Uber and Lyft, app based ride services have changed the urban landscape in cities across the world. In 2017, San Francisco had over 45,000 uber and lyft drivers driving some of the city's busiest areas.<sup>60</sup> In New York City as of the fall of 2017, ride hail/TNC companies have carried over 15 million passengers a month – tripling its ridership in just a year and a half.<sup>61</sup>

The gig economy has changed our cities in more ways than one, and with all of these changes, many city, county and regional planners have very little data or access to measure the effects of this transportation revolution. In most cases, cities don't even know the number of cars out there, how many miles they are driving, where they are driving people, and even how much people are paying for the ride.

The reason this happens is because ride sharing apps consider their data private and proprietary. In most cases, cities and counties didn't foresee the significant strains that these companies put on their infrastructure and were too late to mandate or require the sharing of data. And now state legislatures have been heavily lobbied by the ride hail companies and as a result states across the country are usurping cities' power to regulate them.

In 2016, the city of Austin passed legislation that mandated all ride hail drivers must pass a fingerprint test to ensure the safety their passengers. Shortly after, Uber and Lyft pulled out of Austin because according to them "the fingerprint process was harming or creating more of a problem for drivers and slowing down their approval time in order to get on the road,"<sup>62</sup> effectively choosing expediency over passenger safety. After a year, the state legislature passed House Bill 100, leaving the regulation of ride hailing apps under the control of the Texas Department of Regulation, effectively blocking any opportunities for municipalities to control their own local tax rates, safety regulations or licensing requirements.

The use of transportation data to improve cities and to protect residents from harm is nothing new. In 2007, New York City's Taxi and Limousine Commission required that all taxis driving anywhere in the five boroughs is required to have a credit card payment. Credit card machines not only made it easier for New Yorkers to pay for their rides, but it also came with a GPS tracker which allowed the Taxi and Limousine Commission to collect data to improve the city's transportation ecosystem. Taxi's gave the city the opportunity to track things such as, are cabs speeding along a certain stretch of street, what intersection has the most traffic and when, or how long drivers are driving and how many riders are they picking up.

In February, 2019 the City's Taxi and Limousine Commission will begin requiring ride hailing companies to share important pieces of information if they want to continue operating in the New York City. Some of the data they will require includes: the date, time, and location of

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<sup>60</sup> "Cities Need Data From Uber and Lyft." Bloomberg.com. July 5, 2017. Accessed May 09, 2019.

<sup>61</sup> Ibid.

<sup>62</sup> H. (2019, March 08). Uber and Lyft are back in Austin, TX. Retrieved from <https://hyrecar.com/blog/uber-lyft-back-austin-tx/>

pickups and drop-offs (down to the intersection), the vehicles license number, the trip mileage, itemized trip fare, route (including information about where or not they are driving into vehicle congested traffic), and how much the driver was paid.<sup>63</sup>

The city will use this data to research and plan how to avoid traffic and improve road safety. It will monitor the number of wheelchair accessible vehicles picking up passengers and assist in the enforcement of their new minimum wage for ride app hail drivers to 17.22 an hour (even though it is being challenged in court by Lyft and Juno).<sup>64</sup> Other things that the city is tracking include linking traffic camera data to driver location to identify which car ran the red light and who was behind the wheel. New York City currently has a “safety honor roll” where drivers are rewarded for not committing traffic violations or avoiding crashes in the past four years. The “safety honor roll” has reduced fatal crashes involving TNC regulated vehicles in half from 32 to 16 between 2017 and 2018.<sup>65</sup>

Ride hail companies have raised some questions about sharing data regarding user privacy, and that submitting this data to governments might expose their private information to public scrutiny, or their competitors. Exposing private information is a real concern and that is why New York City anonymizes the data through its open data portal. Even with the randomization of this data there are still concerns regarding hackers piecing the data together to identify an individual’s personal information.

Most cities are unable to ensure such privacy and therefore their data may be more exposed to a larger risk. Other cities have the infrastructure to replicate New York City’s system but are not afforded the autonomous support to regulate and protect their roads and residents because of State legislative constraints on the powers of local jurisdictions. For example, San Francisco has very little power to regulate ride hail companies since the state of California has given that power to the California Public Utilities Commission.

An alternative to a city that is hamstruck such as San Francisco is to potentially develop their own app that could track and generate similar data to what New York City’s Taxi and Limousine Commission requires. The city would have very little power to enforce that drivers utilize the app, but could potentially provide incentives for those that choose to use the city app. Such incentives could include helping gig workers understand their rights, help them file their taxes and avoid preventable fines. Features could include tracking the number of passengers in the car, hours on the road (both during work and on their way home), time dedicated to gig work, tax tracking feature that would allow drivers to track maintenance costs, gas costs, insurance costs, mile travelled and car lease costs. Additional data that the app could track includes time parked, number of citations given, time spent without passengers, time between pick up and drop-off (for food couriers), employee complaint feature (that goes to government agency such as the CPUC, California Labor Commission, City of SF, local police department), employee resources & rights

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<sup>63</sup> Marshall, Aarian. "NYC Now Knows More Than Ever About Your Uber and Lyft Trips." *Wired*. February 01, 2019. Accessed May 09, 2019.

<sup>64</sup> *Ibid*.

<sup>65</sup> *Ibid*.

list and anonymous tip line to the San Francisco police department. The opportunity to offer an employee complaint feature is a unique opportunity for drivers to share safety concerns directly with the CPUC and potentially play a role in shifting power back to cities to regulate TNCs.

By offering incentives such as information regarding labor rights, tax information, or safety, the city can track crucial information with public agencies to potentially learn how they can make streets safer for both the passenger and the driver. Having access to this data would aid in the city's ability to protect drivers and their residents.

There are a handful of labor rights and obligations apps available on the Apple App Store, but most cost \$5 to \$10, are state specific, and their user interfaces leave much to be desired. The labor app provided by the National Labor Relations Board is promising, but has few downloads, and a 1-star rating. San Francisco could partner with local unions and ride-hail organizing groups to refine the App so it is relevant and useful. In an era where individuals and businesses are increasingly relying on mobile devices, where on-demand workers lack both a stable office and consistent contact with other workers, an app may offer utility than the obligatory break room "Know Your Rights" poster.

If San Francisco wouldn't want to take on the risk of data collection, then the city can rely on the private industry to act as a third party platform that serves as a data middleman between private companies and the public sector. Organizations such as SharedStreets are trying to replicate what New York City has done which is substantially reduce the risk of data breaches by meeting cities where they are but still provide key data to protect both residents and drivers.

Other alternatives to the city developing an app include the city partnering with apps that already exist, such as Gridwise. Gridwise is a paid subscription service with a free version that tracks drivers' mileage, time, earnings, and trips. Other apps that drivers utilize include the Stride Drive app which helps drivers screen shot receipts and help drivers navigate and comply with state tax requirements and deductions. There could be opportunities to retrieve some relevant data at the local level depending on whether or not a partnership is feasible.

Another opportunity that exists is for the city to support or partner with an outside organization and create an infrastructure for alternative transportation applications, such as RideAustin, a non profit and locally based non profit ride sharing service. Ride Austin was created in 2016 to compete with Uber and Lyft through a more sustainable business model. The company is the only nonprofit ride hailing company in the world and pays drivers more than other comparable companies, donates to local charities and is connected to the local community.<sup>66</sup>

Another form of "on-demand" labor, day-laborers, have long had to work within a legal system that isolates them and for employers that have little accountability. One strategy organizers employed was to create an app of their own to track hours worked and other metrics in order to hold employers accountable. In some respects, there are a lot of similarities between on-demand

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<sup>66</sup> Herrera, S. (2018, September 24). RideAustin battles to survive in space dominated by Uber, Lyft. Retrieved from <https://www.statesman.com/news/20180503/rideaustin-battles-to-survive-in-space-dominated-by-uber-lyft>



laborers and day laborers, and the lessons from this strategy for day laborers could potentially be applied to on-demand labor.<sup>67</sup>

### **Feasibility**

There is strong potential that creating an app to assist workers while also sharing data with the city could be cost prohibitive. There is also no guarantee that drivers will use the app, therefore the city could partner with organizations that TNC drivers are already using to recapture some of this data. When possible, the city should seek ways to work with Gig Workers Rising and other similar groups to investigate ways an app could benefit them so that there is potential buy in.

On-demand companies, venture capital firms, and other business groups may push back if the City were to assist with an alternative to the already existing ride hail services, such as Ride Austin, however with opposition from the private industry the city may find wide support from labor organizations and large segments of on-demand workers.

### **Driver Safety**

Existing regulation on TNCs by the CPUC primarily focus on consumer safety and protections. While it is essential to focus on consumer safety, the CPUC nor TNCs have directed much effort in ensuring a “safe and healthful working”<sup>68</sup> environment for drivers. This lack of safety regulation on the part of the CPUC and lack of safety training by TNCs can be attributed to the misclassification of drivers. Under both Federal and State laws, safety trainings are required for “employees” and being that TNC drivers are classified as independent contractors, Uber and Lyft are not legally required to provide safety trainings to their drivers.

Consequently, this lack of safety regulation and training have led to rampant assaults on Uber and Lyft drivers by passengers. Although not discussed in the same magnitude as driver assault on passengers, there appears to be an equal risk to driver safety. To understand the safety risks involved in driving for TNCs, we can look to the US Occupational Safety and Health Administration (OSHA) report, where “Taxi drivers are over 20 times more likely to be murdered on the job than other workers.”<sup>69</sup> As a consequence of being in the same line of work, Uber and Lyft drivers are susceptible to the same unfair treatment from their passengers as Taxi drivers. According to online Uber and Lyft driver forums, assaults by intoxicated passengers are very common, especially against female drivers who are more vulnerable to such verbal and physical harassment.<sup>70</sup> When recounting their experiences, many female drivers have shared that they

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<sup>67</sup> Iain Campbell. (2018). On-call and related forms of casual work in New Zealand and Australia (Conditions of Work and Employment Series ed., Vol. Conditions of Work and Employment Series No. 102). International Labour Office Geneva. Retrieved from <http://labourlawresearch.net/sites/default/files/papers/IainILO.pdf>

<sup>68</sup> Occupational Safety and Health Administration, *Workers Rights*, <https://www.osha.gov/Publications/osh3021.pdf>

<sup>69</sup> US Occupational Safety and Health Administration, *Preventing Violence for Taxi and for-Hire Drivers*, <https://www.osha.gov/Publications/taxi-driver-violence-factsheet.pdf>

<sup>70</sup> Selina Wang, “The Dark Realities Women Face Driving for Uber and Lyft”, *Bloomberg*, Dec 18, 2019, <https://www.bloomberg.com/news/articles/2018-12-18/the-dark-realities-women-face-driving-for-uber-and-lyft>

experience both tremendous fear and discomfort, not only because of their negative experiences but the lack of support from these companies when sexual assault and harassment have occurred.

Outside of their standard recommendation for driver and passenger safety, Uber and Lyft fails to provide adequate safety training to drivers.<sup>71</sup> In speaking to on-demand labor groups such as Gig Workers Rising, a common sentiment echoed by the group is the lack of safety training provided by TNCs. Most notably, when reporting passenger assaults, Uber and Lyft does not provide much support to drivers. These companies refuse to provide basic passenger information to police officers during a criminal investigation, which often makes it impossible for drivers to get justice. Further exacerbating the problem, is the fear of retaliation from disgruntled passengers when a report is made.

### **Safety Recommendations**

Current Federal and State laws require that employers provide adequate safety training to their employees. Nonetheless, Uber and Lyft misclassification of drivers enables them to circumvent the Occupational Safety and Health Act of 1970. Irrespective of driver designation, as a service industry where workers are interacting with customers, TNCs have a responsibility at the very least to provide safety trainings to driver on how to handle aggressive passengers.

In mitigating the safety risk faced by drivers, the City of San Francisco requires all taxis to be equipped with cameras. This preventative measure dissuades passengers from behaving inappropriately. As a result of this change, Yellow Cab in San Francisco has reported a dramatic decrease in driver assaults.<sup>72</sup> Although TNCs are not regulated to the same extent as taxis, they face the same safety concerns as taxi drivers and thus should be required to provide an adequate level of safety trainings.

In addressing safety concerns, policymakers should consider the following factors:

- TNCs should be required to provide drivers with adequate safety trainings.
- TNCs should be required to have cameras installed in vehicles (currently Uber and Lyft allow drivers to record trips. Given that it is not a requirement, not all cars come equipped with cameras. Furthermore, drivers are required to inform passengers that they are being recorded).
- TNCs should be required to share customer information during a police investigation.

### **Safe Food Delivery**

At the time of this report's publication there are no existing regulations on third-party food delivery companies at the local, state, or federal level, yet third-party food delivery services like UberEats, Doordash, and Postmates can pose significant public health risks if the food that is being transported is mishandled, putting drivers in danger of liability claims if a consumer falls ill from mishandled food. This lack of safety regulation on the part of the California Health and Safety

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<sup>71</sup> Uber, "Safety Tips for drivers", <https://www.uber.com/drive/resources/safety-tips/>

<sup>72</sup> Molly Mchugh, "Uber and Lyft Drivers Work Dangerous Jobs- But They're On Their Own" Wired, March 10, 2016

Code is likely attributed to the fact that under the California Food Retail Code, third-party food delivery services are not included under the definition of “food facilities,” meaning that health, safety, and cleanliness standards do not apply, including safe food handling instruction for drivers.<sup>73</sup>

None of the aforementioned companies provide safe food handling instruction to their drivers, nor do they provide materials or gear to assist in the safe transportation of food. State and local public health codes mandate that safe food handling be required in food facilities, “an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level,” to ensure public health and safety standards are upheld and reduce the risk of illness. Food that is not kept at safe temperatures during transportation can pose significant public health risks, some of which can be fatal. In addition, these companies do not provide the temperature control gear required to safely transport food, passing that cost onto drivers which subsequently disincentivizes drivers from purchasing them. Without educational support and proper gear, drivers could be liable for causing illness or death if food they transport is mishandled.

However, a few places in the United States and abroad have made some headway in regulating aspects of the third-party food delivery industry. In 2016, the Texas Restaurant Association began negotiations with third-party food delivery companies, like Postmates and UberEats, to ensure customers have transparency with their orders and that mishandled food during transit is not the responsibility of the restaurant, but rather on the company.<sup>74</sup> However, that liability is often pushed onto the drivers who transport these orders from point A to point B.

In Beijing, China that liability is now placed on both driver and company in the result of illness or death after a group of 20 college students reported getting sick from mishandled food they ordered through a delivery app. While the third-party food delivery company was not found to be directly at fault for the massive food poisoning scandal, public outcry did result in a policy change that now requires all food retail vendors, inclusive of delivery companies, to follow safe food preparation, handling, and transportation training.<sup>75</sup>

In Clark County, Nevada, all independent contract drivers who transport goods, services, and/or passengers are required to obtain a special license in order to do business.<sup>76</sup> This is inclusive of both TNC and third-party food delivery drivers. While this kind of licensing does not mean that UberEats drivers in Las Vegas are better equipped to safely handle food than drivers in San Francisco, it is an avenue that the City and County of San Francisco could pursue to both cap the number of TNC affiliated vehicles in the city and might also be an avenue to require food safety training as well.

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<sup>73</sup> California Department of Public Health, California Food Retail Code, sec. 113789, (b).

<sup>74</sup> Benito, Marcelino. "Food Delivery Apps Gaining Popularity but No Regulations in Place." KHOU. September 23, 2016. Accessed May 09, 2019.

<sup>75</sup> Sun, Yushuang. "China Adopts Tightened Rules Governing Food Safety Online and Retail Food Sectors." Global Food Safety Forum. November 27, 2017. Accessed May 09, 2019.

<sup>76</sup> Clark County, Nevada, Municipal Code 6.12.447.

### **Safe Food Delivery Recommendation**

It is recommended as a matter of both public health and worker safety, third-party delivery drivers should a) be required to participate in mandatory food safety trainings prior to activation, and b) be provided adequate gear/materials for safe food transport at the cost of the company. One potential avenue for accomplishing these best practices would be at the state level, wherein an amendment to the language defining “food facilities” in the California Food Retail Code to be inclusive of third-party food delivery companies, like UberEats and Postmates. This in turn would also make temperature control gear required in order to transport food.

### **Resolution in Support of AB-5 - Labor, Safety**

In our conversations with workers and labor leaders, misclassification came up as the most important issue needing addressing, followed by forced arbitration clauses in on-demand labor contracts. While the decision of the California Supreme Court in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* set precedent that would define many “independent contractors” as employees, many companies still violate this with relative impunity and little tangible enforcement. AB 5 would formally codify into State labor law the “ABC” test (listed below), which is used to determine whether a worker is an independent contractor. It also establishes a presumption that a worker is an employee unless the ABC test illustrates otherwise, with exemptions for a number of industries. While the bill doesn’t extend the ABC test to determining qualification for unemployment insurance and family leave programs, its author, Assemblywoman Lorena Gonzalez (District 80 - San Diego/Chula Vista) has expressed an interest in taking this up at a future date.

The “ABC” test is as follows: “A person providing labor or services for remuneration shall be considered an employee unless the hiring entity satisfies all of the following conditions:

- A. The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.
- B. The person performs work that is outside the usual course of the hiring entity’s business.
- C. The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.<sup>77</sup>”

To our knowledge, no municipality or county in California has thus far authored a resolution supporting Assembly Bill 5 (AB-5); none have formally registered their support in the

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<sup>77</sup> Gonzalez, Lorena. AB-5 Worker status: employees and independent contractors., Pub. L. No. 5 (2019).

State Assembly.<sup>78</sup> There are some exemptions for certain categories of workers, and leaders should make sure the language is finalized before authoring a resolution, though at the moment it appears that truck drivers and TNCs would still be covered.<sup>79</sup>

Notably, this issue goes beyond on-demand labor and TNCs. A national study commissioned by the U.S. Department of Labor found that 10%-30% of audited employees had been misclassified. This study was performed in 2000, almost two decades ago, and given employment trends in the past 20 years, this problem is likely more pervasive than even the study found.<sup>80</sup> A more recent series of audits and investigations by California's Employment Development Department Tax Audit Program in 2017 resulted in nearly \$250 million in assessments, and discovered that there were at least roughly half a million unreported employees.<sup>81</sup>

While authoring a resolution in support of AB-5 would primarily be a symbolic gesture, it could serve as an act of solidarity and might put pressure on other municipalities and leaders to vocally support AB-5. This action has the capacity to garner media attention, thus elevating public awareness of the labor issues on-demand is posing. Furthermore, local leaders could lobby State decision-makers (particularly those representing Bay Area districts) that are currently opposed to or ambivalent about supporting AB-5, and hold press conferences or join rallies in support.<sup>82</sup> Ultimately, changing both the law and public discourse around what counts as "work," who is considered an employee vs. a contractor, and what "workers rights" entails will likely be the most important contribution to addressing issues and sustainability of on-demand labor.

### **Potential Consequences & Considerations**

Legislators should be aware that there is some disagreement amongst TNC drivers specifically about whether they actually want to be "employees," depending upon how it ultimately impacts the flexibility to determine their own schedules. That said, the "contractor" status is currently being abused, and leaders should consider protecting workers as soon as possible. Legislators could, as part of a longer-term strategy, explore other avenues to protect on-demand workers while allowing the flexibility the "gig" model can afford, including but not limited to creating a third category of workers besides "Employee" and "Independent Contractor."

Opposition would also likely come from on-demand companies, venture capital firms, and other business groups. Chambers of Commerce would possibly be opposed, though the California

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<sup>78</sup>Lane, Megan. "Bill Analysis: AB-5 Worker Status: Employees and Independent Contractors." California State Assembly. Sacramento, CA, April 3, 2019.

<sup>79</sup>Poei, Hazel U., and Tulis, Benjamin A. "Assembly Bill Codifying Dynamex Moves Forward, with Notable Exemptions." *The National Law Review*. March 29, 2019.

<sup>80</sup>Gao, Ceilidh, and Catherine Ruckelhaus. "Independent Contractor Misclassification Imposes Huge Costs on Workers and Federal and State Treasuries." National Employment Law Project. New York, NY. Accessed April 2019.

<sup>81</sup>State of California, Employment Development Department "Fraud Deterrence and Detection Activities: A Report to the California State Legislature." State of California. Sacramento, CA, June 2018.

<sup>82</sup>Parsons, Winston. "Interview with Steve Smith, California Labor Federation," April 30, 2019.

Chamber of Commerce has thus far refrained from formally filing its opposition to AB-5, while decrying the *Dynamex* decision.<sup>83</sup> There is, and will likely continue to be, wide support from labor organizations, some on-demand organizing groups, and others.

### **Feasibility**

This is currently within San Francisco's jurisdiction.

## **EXTENDED RECOMMENDATIONS**

- Seek data on more than transportation level data: also anonymized data on wages, demographics, zip codes/census tract, etc.
- Local income and capital gains taxes, consider extending the sales tax to the service sector (possibly with reductions in sales tax on some or all goods) to fund transportation investments.
- Continue seeking local regulatory authority over TNCs, including oversight of the TNC deactivation process.
- Prohibit forced arbitration in labor and consumer contracts.
- Provide an avenue for consumer and worker feedback on TNCs via the SFMTA App and/or 311 App, with the feedback routed directly to the CPUC.

## **CONCLUDING STATEMENTS**

While the issues and recommendations we've highlighted with TNCs and food delivery services in this report are certainly not novel, their impacts are being felt now more than ever.

That so many individuals are driving with TNCs and performing other gig work poses some serious questions. How much has our State economy really recovered from the 2001 and 2008 recessions when it appears that so many workers are willing (or needing) to work for long hours and less pay? TNC companies have openly stated that their business model would not function if workers were classified as employees, and they are meanwhile racing beat out competitors (including public transit systems) and introduce automation to further cut costs.<sup>84</sup> Meanwhile, in the third quarter of 2018, Uber lost \$1.07 billion, and \$4.5 billion in 2017. Lyft is also operating at a loss, and both companies are witnessing growth start to slow; their financial success is far from certain.

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<sup>83</sup>Buhl, Larry. "New Legislation Aims to Clarify Who Is an Employee." *The American Prospect*. February 22, 2019.

<sup>84</sup>Griswold, Alison. "Uber's Success Is Far from Assured—Just Look at New York City." *Quartz*. May 2, 2019.

What's more, transportation represents roughly 45% of San Francisco's greenhouse gas emissions. We've drastically reduced our GHGs from electrical generation, but transportation emissions have primarily come down because of fuel efficiency standards; the number of vehicles on our streets is in fact growing. Simultaneously, a recent study concluded that 2/3rds of new traffic in San Francisco over the past six years was from TNCs.<sup>85</sup> All these points raise the question: is the on-demand economy, specifically TNCs, truly sustainable from environmental, social, and economic perspectives?

Beyond responding to the issues in front of us today, we need to be thinking of related policy and planning issues in the near future. Viable autonomous vehicle technology is possibly around the corner: we need start preparing for how it will impact the future of work, our streets, our communities. How do we build resilient and responsive local and regional labor markets, transportation systems, and communities?

Lastly, leaders need to help change the narrative about on-demand work: in the United States concerns are primarily around public safety and the plight of workers is often dismissed, or workers are framed as the source of problems arising from the on-demand economy. Our literature review revealed that, internationally, there is an additional focus on the unsustainable practices workers are encountering, and a greater critical analysis of the role the companies themselves are playing. Local leaders can, and should, focus on elevating this message, especially as we sit on the precipice of a climate crisis and likely face another recession in the near future.

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<sup>85</sup> Swan, Rachel. "Uber, Lyft Account for Two-Thirds of Traffic Increase in SF over Six Years, Study Shows." San Francisco Chronicle. May 8, 2019.

## APPENDIX

### I. Survey Questions: Demographics

- 1) What is your race?
  - a) White (not of Hispanic origin)
  - b) American Indian or Alaskan Native
  - c) Asian or Pacific Islander
  - d) Black (not of Hispanic origin)
  - e) Hispanic or Latino
  - f) Other:
  - g) Decline to answer
- 2) What is your gender?
  - a) Female
  - b) Male
  - c) Non-Binary
  - d) Decline to answer
- 3) Please provide your residential zip code
  - a)
  - b) Decline to answer
- 4) What is your age range?
  - a) 18-24
  - b) 24-30
  - c) 31-37
  - d) 38-44
  - e) 45-51
  - f) 51+
  - g) Decline to answer
- 5) What is your educational background?
  - a) Some high school
  - b) High school diploma
  - c) Some college
  - d) Bachelor's degree
  - e) Master's degree
  - f) Other:
  - g) Decline to answer
- 6) What is your housing situation?
  - a) Rent
  - b) Own
  - c) Other:
  - d) Decline to answer
- 7) Please select the rideshare platforms you use to drive: (checklist)



- a) Uber
  - b) Lyft
  - c) Other:
  - d) Decline to answer
- 8) If driving for Lyft, please select the option that best reflects the number of hours you drive per week:
- a) 10 or less
  - b) 10-25
  - c) 25-40
  - d) 40-55
  - e) 55 or more
- 9) If driving for Uber, please select the option that best reflects the number of hours you drive per week:
- a) 10 or less
  - b) 10-25
  - c) 25-40
  - d) 40-55
  - e) 55 or more
- 10) What type of employment did you have before driving for Uber/Lyft?
- a) Driving for Uber/Lyft is my first job
  - b) Part-time
  - c) Full-time
  - d) Unemployed
- 11) If previously employed, please describe your last job
- a) (text box)
- 12) What is your current employment status?
- a) Driving for Lyft/Uber and working at another job
  - b) Driving for Lyft/Uber and not looking for another job
  - c) Driving for Lyft/Uber and looking for another job
- 13) How many rides have you given total?
- 14) How long have you been driving for?
- 15) How many people are in your household?
- Adults:              Kids:

## II. Survey Scale Questions

- 1) I want to drive for Uber/Lyft long term
- 2) I feel more stressed since I've been driving for Uber/Lyft
- 3) I have more income stability since I've been driving for Uber/Lyft
- 4) I feel connected to the community I drive in
- 5) My personal schedule is more flexible since I've been driving for Uber/Lyft

- 6) It has been more difficult looking for the work I want since driving for Uber/Lyft
- 7) I feel happy driving for Uber/Lyft
- 8) Driving for Uber/Lyft allows me to pursue my hobbies
- 9) I am not able to save money driving for Uber/Lyft
- 10) I feel like a valued member of the Uber/Lyft workforce
- 11) I have more disposable income since I've been driving for Uber/Lyft
- 12) Driving for Lyft/Uber is socially isolating
- 13) Driving for Uber/Lyft is good for my physical health
- 14) Driving for Uber/Lyft is helpful for my career path
- 15) I feel respected by the people I drive
- 16) The rate of pay for Uber/Lyft is fair for drivers
- 17) I have taken out some sort of debt to drive for Uber/Lyft
- 18) Since driving for Uber/Lyft, I don't have as much time to see friends or family
- 19) I feel safe while I drive for Uber/Lyft
- 20) I am able to drive for Uber/Lyft near the place I live
- 21) Uber/Lyft offers skills and experience that will be useful in other jobs

### **III. Interview Guiding Questions**

#### **Work/Life Balance**

1. (Only if from outside of SF) what are your habits when you come to drive in SF?
  - a. Where do you stay? For how long? What do you eat?
2. How many rides have you completed? (How many rides per day do you think you complete? How many hours a week on average do you drive?)
3. If they don't mention another job, Do you work anywhere else in addition to driving?
  - a. If yes, what do you do and how many hours do you devote to each job?
  - b. What are the reasons you continue to work at both places?
  - c. If no, were you working somewhere else before driving?
4. Can you explain if the job has positively or negatively affected your lifestyle and how?
  - a. Do you feel that by working with these apps you have become your own boss with regard to scheduling and workflow?
  - b. Has there ever been a time your work for Uber/Lyft has interfered with personal/familial responsibilities?
  - c. Has driving been fulfilling your needs?

#### **Income/Expenses**

1. How does paying for gas/maintenance impact your income? (i.e.: spending habits - looking for cheaper gas but no effect on desire to drive)
  - a. Sub question: do you keep track of how much your net income is after expenses?
2. (Since you've been driving) How has the rate of pay changed since you have been driving?

- a. how do you feel about how the fare split?
  - b. Are you aware of the fare split between drivers and companies?
3. How consistent is your pay each month? Do you find that you make more/less during certain times?

### **Career**

1. When and why did you start driving? ->For how long did you think you'd be driving when you started? (Calculate difference)
  - a. If not from SF, how often do you come into the city to drive?
2. Do you drive for more than one rideshare companies/courier services? If so, which ones?
  - a. Do you prefer one over the other? (If one or the other pay might come up, which could lead into follow up questions regarding externalities, income, etc)

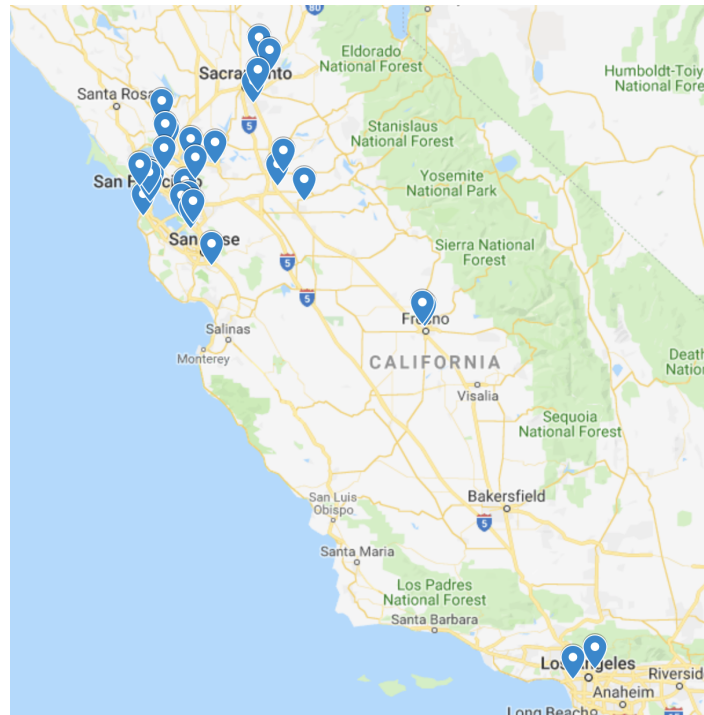
### **Health**

1. Have you noticed any effects on your physical and mental health since you've began driving?
2. How are you impacted, if at all, by Uber/Lyft's lack of employment-related benefits?
  - a. Does the lack of health benefits affect your work?
    - i. E.i. do you avoid taking days off even when you're sick? Or how do you cover health expenses?

### **Externalities**

1. What do you think about the transition from a traditional economy where workers have a direct employer to the gig economy where people work as independent contractors?
2. Describe some of the perks you find with working in this sector that you had not found elsewhere? Why do you find these traits appealing?
3. Tell me about some of the more difficult aspects of working for Uber/Lyft?
  - a. Would you consider these challenges a matter related to the software and corporate side of the company, or the public that you service?
4. Is there certain times or places you will or will not drive for the platforms? Why or why not?
  - a. Is this in reference to driver safety, rate of pay, or both? I remember Rebecca from Gig Workers Rising mentioning she doesn't drive the post-bar crowd for safety reasons, but there's also probably pay-related reasons why someone wouldn't want to drive at a certain time
  - b. Could we also ask if there are specific parts of SF or the bay area that they are unwilling to drive in? And follow up by asking how much control they believe they have over this decision vis a vis the app's algorithm
5. How often do you talk to other Uber/Lyft drivers about working in the gig economy?
6. Do you consider yourself to be a worker for Uber/Lyft or independent contractors?
7. What would you change (if anything) about Uber/Lyft?
8. Is there anything else you think would be helpful for our study?

#### IV. Map of Driver Residential Zip Codes



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