



## IN BRIEF

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

## BACKGROUND

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

In the initial decision adopting the first rules on TNCs, disability access was highlighted as a central issue to consider, with the CPUC noting the need “to ensure that TNCs are accessible to, and do not discriminate against, persons with disabilities.”<sup>3</sup>

As outlined within the Americans with Disabilities Act (ADA)<sup>4</sup> and §54.1 of the California Civil Code: “individuals with disabilities shall be entitled to full and equal access, as other members of the general public, to ...privileges of all common carriers ...or any other public conveyances or modes of transportation.”<sup>5</sup>

The ADA was passed in 1990. The CPUC had previously opened a rulemaking in 1988<sup>6</sup> to examine disability access issues; their decision on that proceeding<sup>7</sup> simply ordered all common carriers to comply with the ADA. Twenty-six years later, it is unclear to what level the CPUC has evaluated disability access across their transportation authority. Although CPUC-licensed carriers’ self-verify ADA compliance during vehicle licensure, the disability access requirements for TNCs are unclear.

<sup>1</sup> The California Railroad Commission in 1911.

<sup>2</sup> R.12-12-011, D. 13-09-045

<sup>3</sup> pg. 54 *Ibid.*

<sup>4</sup> Code of Federal Regulations, Title 49, Subtitle A, Part 37

<sup>5</sup> CIV §54.1 (a)

<sup>6</sup> R. 88-03-012

<sup>7</sup> D. 92-12-065

## THE PROBLEM

In the 2013 decision on TNCs, the CPUC added disability access to its list of issues to be considered in subsequent phases of the rulemaking. But the question posed – “what regulations should be adopted to assure that the disabled community has access to TNC services?” – has swung on and off the CPUC rulemaking list throughout the four years of the proceeding’s history,<sup>8</sup> and is currently listed as a separate proceeding without a timeline for consideration.

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

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

However, several jurisdictions within the U.S. – such as Seattle<sup>9</sup> and Chicago<sup>10</sup> – levy surcharges

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

(<http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M190/K174/190174048.PDF> ; pgs. 8-10)

<sup>9</sup>

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

(~\$0.10-0.25 / trip) on TNC trips to be deposited in an accessibility fund to be used for incentives and investments in wheelchair accessible on-demand transit. Yet, California is one of the few states<sup>11</sup> to regulate TNCs at a state level; thus the solution to TNC disability access unavailability in California will require state-wide coordination.

## **THE SOLUTION**

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

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

- engage in workshops with relevant stakeholders;
- assess a fee on TNCs to fund on-demand accessible transportation services;
- request interested parties to submit plans to access the on-demand transportation fund in order to meet the transportation needs of persons with disabilities;
- require specific criteria and reporting from parties accessing the fund;
- report to the Legislature by January 1, 2023 on the implementation of the program; and
- create a working group with stakeholders to examine duplicative programming in transportation services for disabled persons.

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

## **SUPPORT**

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

## **STATUS**

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Senate Floor Vote: 39-0

Assembly Communications & Conveyance  
Committee – to be heard on Wednesday, June 20<sup>th</sup>

## **FOR MORE INFORMATION**

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Laura McWilliams (916) 651-4013  
[laura.mcwilliams@sen.ca.gov](mailto:laura.mcwilliams@sen.ca.gov)

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<sup>10</sup>

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

<sup>11</sup> Along with Maryland and Massachusetts