

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



September 20, 2022

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

Subject: TNC Access for All Advice Letter AL 10B

Dear Janeé Weaver,

Pursuant to Decision D.20-03-007 and D.21-03-005, the Consumer Protection and Enforcement Division (CPED) of the California Public Utilities Commission has processed your recent Advice Letter (AL) filing and is returning an AL status certificate for your records. This status certificate indicates:

- Advice Letter Number
- Name of Filer
- CPUC Corporate ID number of Filer
- Subject of AL Filing
- Date Filed
- Disposition of Filing (Approved, Rejected, Withdrawn, etc.)
- Amount of Approved Offsets by County
- Effective Date of Filing

CPED did not receive any protests against AL 10. The protest period was not reopened for supplemental AL 10A and 10B.

Please review your advice letter filing with the information contained in the attached AL status certificate and the Appendix for a description of the AL, and staff's disposition. If you have any questions on this matter please contact CPED Staff via email at tncaccess@cpuc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Terra Curtis".

Terra Curtis
Manager, Transportation Policy & Programs (Consumer Protection & Enforcement Division)

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Advice Letter Status Certificate

**Status of Advice Letter 10B
As of September 20, 2022**

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

Advice Letter Subject: **Offset for Q4 2021 in compliance with Decisions D.20-03-007 and D.21-03-005**

Division Assigned: Consumer Protection and Enforcement

Date Filed: 9-8-2022

Disposition: **Approved**
Effective Date: **09-20-2022**
Approved Offsets:

COUNTY	APPROVED OFFSETS \$
LOS ANGELES	\$700,921.12

TOTAL AMOUNT APPROVED	\$700,921.12
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CPUC Contact Information: tncaccess@cpuc.ca.gov

TNC Contact Information: Janeé Weaver
jweaver@lyft.com

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**Appendix: Staff Review and Disposition****Background**

In accordance with D.20-03-007 and D.21-03-005, Lyft, Inc. (Lyft) filed advice letter (AL) 10 on January 14, 2022 to request offsets against quarterly Access Fund payments for amounts it spent during the Fourth Quarter (Q4) of 2022 to improve wheelchair accessible vehicle (WAV) service. No parties filed protests or responses. On April 11, 2022, Assigned Commissioner issued Track 5A Ruling on issues related to data submission for pre-scheduled trips.

On August 12, 2022, Lyft filed supplement 10A for the following reasons:

- Lyft's datasets for its Q4 2021 offset request included WAV trips originating outside Los Angeles and San Francisco Counties. These trips have been removed from the datasets.
- Lyft's Funds Expended report includes an updated "Transportation Service Partner Fees / Incentives and / or Management Fees" value for Los Angeles county. In Lyft's previous request, the value for this field was based on estimates of their third-party contractor invoices that Lyft had yet to receive. The value for this field in the supplemental submission reflects the actual amount invoiced.
- Lyft complied with the April 2022 Commissioner's Ruling, which required TNCs to remove pre-scheduled trips from their offset requests and to report these data separately.
- Lyft has specified, per staff data dictionary instructions, whether Lyft has any WAVs in operation for a given hour and which time periods are outside of Lyft's WAV operating hours.
- Lyft reflected the total number of unique WAV trips requested across completed trips, not accepted trips, and canceled trips.
- As required, for response times, Lyft has included 25th and 75th percentile in addition to each decile.
- Lyft has added information regarding outreach Lyft had performed at the Bay Area Disability Entrepreneurship Week.

On September 8, 2022, Lyft filed supplement 10B for the following reason:

- Correct an error that was presented in the cover letter, specifically Table A was amended to reflect minutes for Q4 2021 Level 1 and Level 2 for Los Angeles County rather than percentages. No other changes were made.

This disposition evaluates Lyft's compliance with offset requirements based on the dataset provided with the supplements.

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To qualify for an offset in a geographic area, a Transportation Network Company (TNC) must provide the following for its on-demand trips in its quarterly advice letter filing: (1) presence and availability of WAVs, (2) improved level of service, (3) outreach efforts, (4) accounting of funds expended, (5) training and inspections, and (6) complaints related to WAV service. D.21-03-005 added the Trip Completion Standard as an additional component of demonstrating the improved level of service effective Q2 2021. Table 1 below summarizes the evaluation criteria adopted in D.20-03-007 and D.21-03-005:

Table 1: Criteria for Evaluating Offsets

Evaluation Criteria	Must Demonstrate	Satisfied By
1. Presence and availability of WAVs	(a) the number of WAVs in operation - by quarter and aggregated by hour of the day and day of the week, and (b) the number and percentage of WAV trips completed, not accepted, cancelled by passenger, cancelled due to passenger no-show, and cancelled by driver – by quarter and aggregated by hour of the day and day of the week	Submission of the relevant data
2. Improved level of service	Both the Offset Time and the Trip Completion Standards are satisfied: (a) (1) Either the Level 1 (50%) or Level 2 (75%) Offset Time Standard for a quarter in a geographic area, and (2) demonstrated improvement over the prior quarter's performance, and (b) an increase in the total number of completed wheelchair accessible vehicle (WAV) trips compared to the previous quarter in that geographic area, or an increase in the percentage of completed WAV trips compared to the previous quarter in that geographic area	Achievement of the Offset Time Standard ¹ and Trip Completion Standard ²

¹ D.20-03-007, Ordering Paragraphs 2, 3, and 4

² D.21-03-005, Ordering Paragraphs 1, 2, and 3

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Evaluation Criteria	Must Demonstrate	Satisfied By
3. Efforts to publicize and promote available WAV services	Evidence of outreach efforts such as a list of partners from disability communities, how the partnership promoted WAV services, and marketing or promotional materials of those activities	Submission of the relevant data
4. Full accounting of funds expended	Qualifying offset expenses are: (a) reasonable, legitimate costs that improve a TNC's WAV service, and (b) incurred in the quarter for which a TNC requests an offset, and (c) on the list of eligible expenses ³ attached as Appendix A	Submission of the relevant data
5. Training and inspections	(a) certification of WAV driver training completion within the past 3 years, ⁴ (b) WAV driver training programs used per geographic area, and the number of WAV drivers that completed WAV training in that quarter, and (c) Certification of WAV inspection and approval ⁵	Submission of the relevant data
6. Reporting complaints	(a) number of complaints related to WAV drivers or services – by quarter and geographic area, and broken out by category ⁶	Submission of the relevant data

The Commission adopted standards for demonstrating improved level of service in D.20-03-007 and D.21-03-005 (see Table 2 below), but it did not set qualifying standards for the five other evaluation criteria. **As long as a TNC satisfies both the Offset Time and Trip Completion Standards for improved level of service and submitted all the required data showing WAV presence and availability, outreach efforts, accounting of expended funds, training and inspections, and complaints related to WAV service, it is eligible to receive offsets and its advice letter will be approved.**

³ D.20-03-007, Appendix A

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

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

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

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Table 2: Interim WAV Response Times and Offset Time Standard

Geographic Area/County	Level 1 WAV Response Time (mins)	Level 2 WAV Response Time (mins)
San Francisco	15	30
San Diego, Santa Clara, Alameda, Sacramento, Contra Costa, Ventura, San Joaquin, Stanislaus, Santa Barbara, Solano, San Luis Obispo, Santa Cruz, Shasta, Imperial, Madera Los Angeles, Orange County, San Mateo	25	50
Riverside, San Bernardino, Fresno, Kern, Sonoma, Tulare, Monterey, Placer, Merced, Marin, Butte, Yolo, El Dorado, Napa, Humboldt, Kings, Nevada, Sutter, Mendocino, Yuba, Lake, Tehama, San Benito, Tuolumne, Calaveras, Siskiyou, Amador, Glenn, Del Norte, Lassen, Colusa, Plumas, Inyo, Mariposa, Mono, Trinity, Modoc, Sierra, Alpine	30	60

Offset Time Standard	Offset Service	Offset Service
April 2020 until subsequent Commission decision	50%	75%

	Must meet at least one of:	
Trip Completion Standard	Number of Completed Trips	Percentage of Completed Trips
Effective Q2 2021 to Q2 2022	Improvement (higher) than prior quarter	Improvement (higher) than prior quarter

Discussion

A. Offset Requirements

To qualify for an offset, a TNC must demonstrate improved level of service by satisfying both the Offset Time Standard (OTS) and Trip Completion Standard (TCS) established in Decisions D.20-03-007 and D.21-05-003. Ordering Paragraph 4 in D.20-03-007 sets forth the requirements that must be satisfied to meet the OTS:

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

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Time Standard that exceeds the percentage achieved in the prior quarter in either, a Level 1 or a Level 2 Offset Time Standard.

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

Ordering Paragraph 1 in D.21-03-005 added the TCS, effective starting the second quarter of 2021, which requires a TNC to increase the number or percentage of completed WAV trips (third test):

To show “improved level of service” for an Offset Request or an Exemption Request, a Transportation Network Company (TNC) must demonstrate either:

(a) an increase in the total number of completed wheelchair accessible vehicle (WAV) trips compared to the previous quarter in that geographic area, or

(b) an increase in the percentage of completed WAV trips compared to the previous quarter in that geographic area.

B. Review of Offset Requests

Lyft’s AL 10B requested offsets in Q4 2021 totaling \$700,921.12 in one county (Los Angeles). Tables 3 and 4 below summarize the Q4 2021 Offset Time Standard (response times and OTS percentages), while Table 5 summarizes the Trip Completion Standard (percentages and numbers) for each geographic area eligible for offsets.

The review of AL 10B showed that Lyft satisfied the first and second tests as its response times in Los Angeles met either the Level 1 or 2 benchmark (see Table 3) and its OTS percentages improved from the prior quarter of Q3 2021 (see Table 4). It also satisfied the third test as the number or percentage of completed trips improved from the previous quarter (see Table 5).

Finally, Lyft satisfied the other requirements by submitting the required information regarding WAV presence and availability, outreach efforts, full accounting of funds expended, complaints related to WAV service, and training and inspections. It also complied with changes required by the April 11, 2022 Assigned Commissioner Ruling.

C. Disposition of AL 10B

After review of AL 10B, Staff concludes that Lyft complied with all the offset eligibility requirements in D.20-03-007, D.21-05-003 and the Assigned Commissioner’s Track 5A Ruling for the county of Los Angeles. Therefore, Lyft’s AL 10B is approved, effective September 20, 2022. The approved total offset amount is \$700,921.12.

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Table 3: Lyft's Level 1 and 2 Response Times (minutes) by County in Q4 2021

County	Benchmark (minutes)		Q4 2021 (minutes)		Within Benchmark?
	Level 1	Level 2	Level 1	Level 2	
LOS ANGELES	25	50	23.54	32.61	Yes (Level 1 and 2)

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

County	Q3 2021 (OTS %)		Q4 2021 (OTS %)		Demonstrated Improvement?
	Level 1	Level 2	Level 1	Level 2	
LOS ANGELES	53.57	95.68	54.61	96.04	Yes (Level 1 and 2)

Table 5: Lyft's Trip Completion Standards by County in Q4 2021

County	Q3 2021 (TCS)		Q4 2021 (TCS)		Demonstrated Improvement?
	%	#	%	#	
LOS ANGELES	61.13	2,847	64.37	3,285	Yes (% and #)