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**SENATE COMMITTEE ON ENERGY, UTILITIES AND  
COMMUNICATIONS**  
**Senator Ben Hueso, Chair**  
**2019 - 2020 Regular**

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**Bill No:** AB 1142 **Hearing Date:** 7/2/2019  
**Author:** Friedman  
**Version:** 6/3/2019 As Amended  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Sarah Smith

**SUBJECT:** Regional transportation plans: transportation network companies

**DIGEST:** This bill requires the California Public Utilities Commission (CPUC) to consider the needs of metropolitan planning organizations, regional transportation agencies, the California Air Resources Board (ARB), the transportation research community, and other stakeholders in a proceeding regarding Transportation Network Company (TNC) data reporting requirements.

**ANALYSIS:**

Existing law:

- 1) Authorizes the CPUC to supervise and regulate every charter-party carrier (CPC) of passengers. (Public Utilities Code §5381)
- 2) Defines a CPC of passengers as every person engaged in the transportation of persons by motor vehicle for compensation over any public highway in this state. A CPC of passengers includes any person, corporation, or other entity engaged in the provision of a hired driver service when a rented motor vehicle is being operated by a hired driver. (Public Utilities Code §5360)
- 3) Defines a TNC as organization, including, but not limited to, a corporation, limited liability company, partnership, sole proprietor, or any other entity, operating in California that provides prearranged transportation services for compensation using an online-enabled application or platform to connect passengers with drivers using a personal vehicle. (Public Utilities Code §5431)
- 4) Establishes the California Clean Miles Standard and Incentive Program at the ARB and the CPUC to establish targets for the reduction of greenhouse gas (GHG) emissions resulting from TNC rides. The CPUC must implement the targets adopted by the ARB. To support ARB's calculations of baseline TNC emissions and targets, TNCs must report at least the following data:

- a) Total miles completed by drivers.
  - b) Percent of miles completed by qualified zero emissions transportation methods, including vehicle, walking, biking, and other modes of active transportation.
  - c) Miles-weighted average network-wide grams of carbon dioxide per mile to produce an estimate of the GHG emissions.
  - d) Total passenger miles completed using an average passengers-per-trip estimate to account of trips where TNC does not record the exact number of passengers. (Public Utilities Code §5450)
- 5) Requires each local transportation planning agency to adopt a regional transportation plan aimed at coordinating and balancing transportation across multiple different transportation modes. The regional transportation plan must include a policy element that describes regional transportation issues. For a transportation planning agency serving a population that exceeds 200,000 persons, the policy element of the plan may quantify a set of indicators related to specific transportation issues, including, but not limited to methods of travel and the percentage share of all trips made by specific modes of transportation. (Government Code §65080)

This bill:

- 1) Authorizes local transportation planning agencies serving populations over 200,000 to include performance indicators to measure travel by TNCs in the policy element of a regional transportation plan, if appropriate data is available.
- 2) Authorizes local transportation planning agencies serving populations over 200,000 to include performance indicators for policies to increase the use of existing transit, including public transit and active transportation resources.
- 3) Requires the CPUC to consider, in an ongoing proceeding regarding TNC data reporting requirements, the needs of metropolitan planning organizations (MPOs), regional transportation agencies, the ARB, the transportation research community, and other stakeholders with regard to planning for the impact of TNCs and preparing sustainable community strategies.
- 4) Declares that it is in the public interest that MPOs, transportation planning agencies, the ARB, the transportation research communities, and other stakeholders have access to detailed trip data on TNCs to plan for the impact of TNCs and prepare sustainable community strategies.

- 5) States legislative intent that relevant data sharing protocols are used to protect the privacy of individual customers when providing access to detailed TNC trip data.

## Background

*Transportation planning and TNCs.* In 2008, the Legislature passed Sustainable Communities and Climate Protection Act of 2008 (SB 375, Steinberg, Chapter 728, Statutes of 2008), which required the ARB to set regional GHG emissions reduction goals. This bill also required each MPO to adopt a sustainable communities strategy that demonstrates how the local government will use transportation and land use planning to meet the ARB targets. Each MPO must align funding to the measures in its sustainable communities strategy. Since the implementation of SB 375, the Legislature has also passed legislation (SB 150, Allen, Chapter 646, Statutes of 2017) requiring the ARB to report on progress towards the goals of the Act. In 2018, ARB issued its first progress report. The ARB's report shows that California is not on track to meet GHG reduction goals established under SB 375. While the energy sector has achieved significant emissions reduction progress, passenger vehicle miles traveled per capita have substantially increased since 2008.

TNCs are a form of transportation that relies on passenger vehicles that drivers otherwise use as personal cars. The expansion of TNCs poses challenges for local transportation planning, including identifying how to invest in resources that address gaps in transportation services and encourage transportation methods that reduce vehicle miles traveled pursuant to SB 375. As TNC popularity increases, riders may be less likely to use public transit and methods of active transportation that more significantly reduce vehicle miles traveled at the local level. In addition to contributing to GHG emissions, increases in passenger vehicle miles traveled can also contribute to higher rates of congestion and lower public transit funding. In 2018, the Legislature also passed several bills aimed at addressing transportation accessibility (SB 1376, Hill, Chapter 701, Statutes of 2018), transportation funding (AB 1184, Ting, Chapter 644, Statutes of 2018), and GHG emissions (SB 1014, Skinner, Chapter 369, Statutes of 2018) impacts of TNCs at the local level.

*The ongoing CPUC proceeding.* This bill requires the CPUC to consider the needs of various regional and state transportation agencies and other relevant stakeholders in an ongoing proceeding regarding TNC data reporting requirements. The CPUC's *Order Instituting Rulemaking on Regulations Relating to Passenger Carriers, Ridesharing, and New Online-Enabled Transportation Services* (R. 12-12-011) is an ongoing proceeding through which the CPUC is establishing requirements for TNC, including data reporting requirements. As part of the

proceeding, the CPUC noted MPOs' need for sufficient data to effectively implement recent legislation addressing local impacts of TNCs, and the CPUC sought comments from stakeholders on the data that should be collected from TNCs and reported to support transportation planning.

The CPUC's ruling established data reporting requirements, which TNCs must submit in an anonymized, aggregated form on a quarterly basis. Pursuant to the ruling, the CPUC will post this information on its website. The CPUC also invited parties to submit additional suggestions for future rulemaking regarding data requirements. Some MPO stakeholders have commented that the CPUC's initial data requirements are insufficiently disaggregated to facilitate transportation planning at the local level. The Bay Area's Metropolitan Transportation Commission requested that the CPUC provide origin-destination trip matrices disaggregated to more specific geographic levels and suggested that information should be provided on a zip code or census tract basis.

This bill would require the CPUC to consider the needs of MPOs, regional transportation agencies, the ARB, the transportation research community, and other stakeholders as part of the ongoing rulemaking. Specifically, this bill requires the CPUC to consider the needs of these stakeholders with regard to planning for the impact of TNCs and preparing sustainable community strategies.

*Data privacy implications.* This bill requires the CPUC to consider the needs of various stakeholders regarding the impact of TNCs and sustainment community strategy planning in its TNC data rulemakings. This bill also states that it is in the public interest that MPOs, transportation planning agencies, the ARB, the transportation research communities, and other stakeholders have access to detailed trip data on TNCs.

While some MPOs participating in the CPUC's ongoing TNC proceeding have requested data that is more disaggregated but still prevents the disclosure of personally identifiable information, other MPOs' comments in the proceeding imply that they are seeking highly detailed, real-time information that could be used to track a specific individual's TNC rides. Even if an individual's identity is not explicitly revealed through this information, highly granular trip information can still pose privacy concerns by providing sufficiently detailed information to facilitate the identification of the person and other personal details about that individual based on ride information.

If an MPO shares granular trip information with an aggregator or data broker to shape and analyze data, concerns regarding privacy may be particularly acute because existing privacy statutes do not sufficiently protect consumers if

government departments share their information with other government departments or private third party companies.

As currently written, this bill does not require the disclosure of specific information and this bill states legislative intent that relevant data sharing protocols are used to protect the privacy of individual customers when providing access to detailed TNC trip data. The CPUC is already required to balance stakeholders' need for data with data privacy expectations, and its initial TNC data reporting ruling demonstrates that commissioners are aware of the duty to prevent unwarranted information disclosures. If this bill is amended to require the sharing of more specific ride information, this Committee reserves the right to reconsider this bill.

*Triple referral.* This bill passed out of the Senate Committee on Transportation June 11<sup>th</sup> on a vote of 8-3. Should this bill be approved by this committee, it will be re-referred to the Senate Committee on Judiciary for their consideration.

### **Prior/Related Legislation**

AB 1184 (Ting, Chapter 644, Statutes of 2018) authorized the City and County of San Francisco to tax each TNC and autonomous vehicle ride originating in the city and county to fund transportation operations and infrastructure within the city and county.

SB 1376 (Hill, Chapter 701, Statutes of 2018) required the CPUC to develop regulations relating to accessibility for persons with disabilities who use TNCs, including wheelchair users who require a wheelchair accessible vehicle. The bill also required the CPUC to assess a fee on TNC rides to fund accessible transportation services for persons with disabilities at the local level.

SB 1014 (Skinner, Chapter 369, Statutes of 2018) established the California Clean Miles Standard and Incentive Program by requiring the ARB to establish baseline GHG emissions associated with TNC trips and create targets for reducing those emissions based on specific data provided by TNCs. The bill also identified the minimum data reporting requirements for TNCs to support the creation of the baselines and targets.

SB 150 (Allen, Chapter 646, Statutes of 2017) required the ARB to report to the Legislature, starting in 2018 and every four years thereafter, on progress related to the Sustainable Communities and Climate Protection Act of 2008.

SB 375 (Steinberg, Chapter 728, Statutes of 2008) the Sustainable Communities and Climate Protection Act of 2008, directed the ARB to set emissions reduction targets for passenger vehicles and required MPOs to adopt a sustainable communities strategy that integrates transportation and land use planning to help meet local emissions reductions goals.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

**SUPPORT:**

California Bicycle Coalition  
Sierra Club California

**OPPOSITION:**

None received

**ARGUMENTS IN SUPPORT:** According to the author:

California is not on track to meet its climate goals for the transportation sector. One of the significant issues identified in the Air Resources Board 2018 Sustainable Communities and Climate Protection Act progress report is the lack of available information on the impact of TNCs, such as Uber and Lyft, on vehicle miles travelled and public transit utilization. Transportation data is not being collected at a resolution necessary to understand how people's travel patterns have shifted. AB 1142 will address these data gaps in California's strategies to reduce transportation emissions by requiring California's Regional Transportation Plans to measure: (i) trips made by TNCs, and (ii) community specific barriers that reduce utilization of public transit. AB 1142 also requires the CPUC to consider the long term planning needs of MPOs and transportation agencies in determining the data reporting requirements for TNCs.

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