BEFORE THE PUBLIC UTILITIES COMMISSION OF THE

STATE OF CALIFORNIA

Order Instituting Rulemaking on Regulations Relating to Passenger Carriers, Ridesharing, And New Online Enabled Transportation Services	R.12-12-011

OPENING COMMENTS OF SAN FRANCISCO INTERNATIONAL AIRPORT AND THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY TO PHASE III.B SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER

TRACK 3 – TNC DATA

Edward D. Reiskin
Director of Transportation
San Francisco Municipal Transportation Agency
One South Van Ness Avenue, 7th Floor
San Francisco, CA 94013
(415) 701-4720

Ivar C. Satero
Airport Director
San Francisco International Airport
International Terminal, 5th Floor
P.O. Box 8097
San Francisco, CA 94128
(650) 821-5006

These Comments are submitted jointly by the San Francisco Municipal Transportation Agency ("SFMTA") and the San Francisco International Airport ("Airport" or "SFO").

INTRODUCTION

In the early stages of these proceedings, one TNC described how its operations could improve life in California cities and why heavy-handed regulation would be an obstacle to realizing that vision:

> Giving people viable and convenient alternatives in transportation – as a complement to public transit, taxis, carsharing, carpooling, etc. – is the critical element that makes reduced individual car ownership and use of single occupancy vehicles achievable. For platform-based communities to reach the critical mass tipping point at which they can *significantly contribute to reduction of urban congestion, greenhouse gas emissions, and other problems caused by single-occupant driving,* such communities must be allowed to develop and flourish without unnecessary or ill-fitting regulatory barriers.[1]

The California Public Utilities Commission ("CPUC" or "Commission") paid heed to this vision and did not erect "ill-fitting regulatory barriers," at least from the perspective of TNCs. Unfortunately, the streets of San Francisco and other cities are now choked with more cars than ever, but because the Commission has elected not to make TNC data publicly available, it is difficult to fully understand the cause of the problem.[2] And without TNC data, it is difficult to assess whether, among other things, TNCs have delivered on their original promises to reduce individual car ownership and single occupancy vehicles.

We assume that when the Commission determined that data provided by the TNCs would be designated non-public information, it did so because the TNCs had two primary concerns: (1) disclosing data from which one could determine market share could negatively impact the ability of TNCs to attract investors and/or because the information could be considered a trade secret, and (2) disclosing driver or passenger information implicated privacy rights. But we see no need to disclose driver or passenger information, or customer volume in anything other than an aggregated form. In these Comments, we hope to persuade the Commission to (1) immediately release, in anonymized and

[1] Lyft (formerly "Zimride") comments to CPUC, 2/11/2013, http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M042/K156/42156521.PDF; emphasis added.

[2] Although the Commission has made summary data available on its website, the data are incomplete and only reflect activity through 2015.

aggregated form, all data it has already received from the TNCs, and (2) require TNCs to provide additional data requested in these Comments.

QUESTIONS PRESENTED

1. What is the public and/or research value of a website, database, or other publicly accessible means to host data about transportation for hire that is under the Commission's jurisdiction?

Without all relevant data, traffic engineers, environmental agencies, city planners and others can only guess how to design effective solutions to increasing urban density and the resulting congestion. As the editorial board of Bloomberg View recently opined, "[c]ity and county governments need to understand how people are using ride-service companies so they can see where changes are needed in transit services and in traffic engineering on local streets. Uber and Lyft ridership patterns might well suggest where express bus services are needed or train services should be improved. And cities should be able to demand the data they need, as many do from traditional taxi companies."[3]

We agree and so, apparently, does Uber. According to a January 8, 2017 press release, Uber is launching a database for city planners. In part, the press release states:

> Every hour of every day, people use Uber to get around the more than 450 cities we serve. From Sydney to Summit, we've been working hard to get to know these cities, with the goal of making them cleaner, more efficient and less crowded. Along the way, we've found that local leaders, urban planners, and civic communities are all working to crack their city's commute and figure out how best to invest in new infrastructure.
>
> That's why we're introducing Movement: a website that uses Uber's data to help urban planners make informed decisions about our cities. Uber trips occur all over cities, so by analyzing a lot of trips over time, we can reliably estimate how long it takes to get from one area to another. Since Uber is available 24/7, we can compare travel conditions across different

[3] *See* "Cities Need Data From Uber and Lyft," Editorial Board, Bloomberg News, July 5, 2017 https://www.bloomberg.com/view/articles/2017-07-05/cities-need-data-from-uber-and-lyft

> times of day, days of the week, or months of the year—and how travel times are impacted by big events, road closures or other things happening in a city.
>
> This data is anonymized and aggregated into the same types of geographic zones that transportation planners use to evaluate which parts of cities need expanded infrastructure, like Census Tracts and Traffic Analysis Zones (TAZs). In the weeks ahead, we'll be inviting planning agencies and researchers to access our data and explore zone-to-zone travel times, and will soon make the website freely available to the public. [4]

We are unaware of any San Francisco agency that has been invited to access Uber data. Even if such an invitation had been issued, it is the Commission as the TNC regulator that should take an interest in these data and make access mandatory, not a TNC that might or might not decide to share such data.

a. The Public Interest and Research Value in TNC Data is Overwhelming

Alleviating congestion is a key quality-of-life issue for San Franciscans. Roadway congestion has been a growing problem in California since at least 1989, when the legislature adopted a series of statutes designed to address congestion management on the state's streets and highways.[5] Government Code § 65088, amended in 2003, made the following findings:

> (a) Although California's economy is critically dependent upon transportation, its current transportation system relies primarily upon a street and highway system designed to accommodate far fewer vehicles than are currently using the system.
>
> (b) California's transportation system is characterized by fragmented planning, both among jurisdictions involved and among the means of available transport.
>
> (c) The lack of an integrated system and the increase in the number of vehicles are causing traffic congestion that each day results in 400,000 hours lost in traffic, 200 tons of pollutants released into the air we breathe, and three million one hundred thousand dollars ($3,100,000) added costs to the motoring public.

In the 14 years since these findings were made, congestion has increased. With 18,581 people per square mile, San Francisco is more densely populated than the three largest California cities -- Los

[4] *See* https://newsroom.uber.com/introducing-uber-movement/

[5] *See* Cal.Gov't Code § 65088, *et seq*.

Angles has 8,483 people per square mile, San Diego has 4,325 people per square mile and San Jose has 5,776 people per square mile.[6] And even though San Francisco is only the fourth largest city in California, it has the distinction of being the fourth most congested city *in the world* – only Moscow, New York and Los Angeles have worse traffic.[7] TNC vehicles were added to the mix of transportation options in San Francisco around the same time as a significant economic recovery and job and housing growth. It is impossible without data to fully understand how TNCs have contributed to this increase in congestion. And because San Francisco has such a lucrative TNC market, it is a magnet for out-of-town TNC drivers.

San Francisco's transportation planners need TNC trip data to perform their duties. Under the City's charter, SFMTA has a responsibility to the general public to plan the transportation infrastructure for the future, manage congestion, and manage curb space appropriately. Without TNC data, SFMTA transportation planners must rely instead on anecdotal information to fill the gap, but such information does not present an accurate depiction of conditions on the ground. Creating public policy on factual, real time data, is clearly preferable. Here, the CPUC already requires TNCs to report much of the relevant data. Sound public policy requires the CPUC to make it available to allow local jurisdictions to make intelligent, supported transportation planning decisions for the benefit of all Californians.

The National Association of City Transportation Officials (NACTO) also agrees and has published a report supporting the importance of good data in making transportation decisions. As explained by NACTO, data that is already being collected by new technologies can enable better planning decisions that support community goals:

[6] *See* https://en.wikipedia.org/wiki/San_Francisco; https://en.wikipedia.org/wiki/Los_Angeles; https://en.wikipedia.org/wiki/San_Diego; https://en.wikipedia.org/wiki/San_Jose,_California.

[7] *See* "INRIX Global Traffic Scorecard," http://inrix.com/scorecard/

> Cities seek the best data to understand, manage, and maintain increasingly congested street networks. New mobility providers, like Uber, collect high-quality GPS data that can provide unique and timely insights into the operation of city streets. Anonymized data including vehicle speed, volume, travel time, pick-up and drop-off information, among other crucial data points, will enable cities to make better data-driven planning and policy decisions, and redesign streets to meet modern needs. While limited data has been shared, most recently through Uber Movement, the data as currently provided does not allow for meaningful analysis and decision making on a street design level, even for the limited cities that currently have access to the platform. [8]

According to a January 2017 NACTO report, NACTO is currently working with Open Traffic, a global repository that translates vehicle GPS data into anonymous historical and real time travel information and travel statistics.[9] Open Traffic is an example of a third-party platform that manages big data and ensures that it is anonymized and aggregated using industry-leading practices. By building data partnerships on standardized, shared platforms, the public sector can ensure that data provided by private sector partners is both secure and actionable.

There are numerous good government policies that could be supported and advanced by public access to TNC data including: Safety/Vision Zero and Congestion; Transit First; Equity; Accessibility; and Clean Air/Sustainability. The level and patterns of TNC use may also implicate how local jurisdictions spend public money on new infrastructure. Transportation planners at the SFMTA and throughout California have significant research questions on a range of subjects that can be answered with TNC data, including the following:

[8] *See* NACTO 1/9/2017 press release, See Appendix A, Toran Declaration, Exhibit A.

[9] *See* "Sharing Principles: Integrating New Technologies Into City Streets," See Appendix A, Toran Declaration, Exhibit B.

Subject	Data Driven Research Questions
Safety/Vision Zero and Congestion	1. How many TNCs operate in the City today? a. What are their effects on traffic congestion and roadway capacity, particularly on the City's Rapid Network streets? i. Is their activity concentrated in certain geographies? ii. Do they deadhead and/or cruise and if so, what is the effect? iii. Do they travel from far away (e.g., Stockton, Tracy, etc.) and does that have an effect on the regional system? b. What are their effects on safety? i. Do they impede bicycle and pedestrian safety? ii. Do they impede safe transit operations? iii. Are TNCs involved in collisions at a higher rate than the general population? iv. Are there specific locations in the City where safety violations are particularly common and/or egregious? c. What are best practices for loading/curbside/roadway space allocation?
Transit First	2. Do TNCs facilitate Transit Service? a. Do they provide service where there are transit gaps? b. Do they provide service during hours when transit service is limited? c. Do they shift riders from transit and if so, does this help address peak-hour transit crowding? d. Do they provide last-mile services, particularly to regional transit destinations? e. Do operations of TNCs facilitate or hinder Muni operations? Do they use Muni stops? Do they slow Muni down?
Equity	3. Do TNCs serve low income areas equitably? a. Do they provide quality geographic coverage throughout the entire City? b. Can they be accessed by low-income households? c. Can they be accessed by non-English speaking households? d. Do they provide multiple methods of payment and booking? e. Do the number of unfulfilled, declined or cancelled rides vary significantly by neighborhoods, particularly low-income or those with a large proportion of non-English speaking households.
Accessibility	4. Do TNCs serve persons with disabilities? a. Do TNCs provide wheelchair accessible service?
Clean Air/Sustainability	5. What is the effect of TNCs on Vehicle Miles Traveled (VMT)? 6. What is the effect of TNCs on Greenhouse Gas (GHG) emissions? 8. What is the typical/average vehicle occupancy for TNC services?

Subject	Data Driven Research Questions
Financial Impact	7. How do TNCs affect infrastructure investment?
Other: Parking, land use development, effect on travel demand	8. What are the characteristics of current TNC service providers, such as number of drivers, trips taken, service area, etc.? 9. When are TNC activities concentrated by time of day and day of week? What is the effect of TNCs on parking? a. How is work trip parking demand affected? b. How is residential parking demand affected? c. Will they significantly influence the need for parking in the future?[10] 9. How do TNCs effect land use development? a. Do they lead to more vehicle trips per land use as what has traditionally been forecast and could that effect CEQA? b. At what types of land uses will they be most prevalent? Why? c. Do they create new land uses associated with their operations (e.g., parking lots where drivers sleep; lounges where they get information and socialize; etc.) 10. What is the effect of TNCs on travel demand and mode choice? a. Do they induce travel? i. Work/non-work trips? ii. Time of day? iii. Certain geographies? iv. Certain demographics? b. Do they cannibalize trips made by other modes (transit, bike, pedestrian)?

b. Usefulness of Existing Data from SFO and the San Francisco Transportation Authority

Currently, there are only two sources of TNC trip data accessible to San Francisco transportation planners: (1) extrapolation of data collected on TNC activity at the Airport; and (2) data collected and analyzed for a limited period in November and December 2016 by the San Francisco County Transportation Authority (SFCTA) and published and analyzed in its report "TNCs Today: A Profile of San Francisco Transportation Network Company Activity" (June 2017).[11] In the first

[10] *See* http://www.sfchroniclc.com/opinion/articlc/Forget-about-building-downtown- parking-lots-You-10827773.php.

[11] *See* http://www.sfcta.org/tncstoday

instance, while the data from SFO are somewhat helpful, they are not directly relevant to analysis of transportation planning in San Francisco. Second, the data gathered by researchers collaborating with the SFCTA was only for a short period in 2016. While also helpful, it cannot substitute for ongoing access to data generated on a regular basis. Nonetheless, these two data sources underscore how useful data is to make critical transportation decisions in San Francisco and how valuable it could be statewide.

1. SFO Data.

Unlike cities and towns in California, which have virtually no control over TNC operations, the state's municipal airports are able to determine whether TNC services are desirable and airports are authorized by statute to charge trip fees.[12] SFO issued the first permits to TNCs in late 2014 and TNC operations have increased every year since then. Last year, TNCs made a total of 5,688,850 trips to and from the Airport. Although the Airport does not have data on where each trip began, if even half of those trips were to and from San Francisco, then TNCs made 2.8 million trips to and from the City in 2016. If an equal number of trips was made to and from destinations within the geographical boundaries of San Francisco – a conservative estimate – then the City's streets absorbed 5.7 million commercial transportation trips in a single year from TNCs alone.

Based on passenger surveys at SFO, TNCs have had a negative impact on all other transportation modes serving SFO.[13] Fifty-three percent of TNC passengers surveyed stated they used to take taxis; 19% said they previously received rides in private vehicles; 17% used to take BART; 4% used shared-ride vans; and the remaining 7% used other modes, such as limousines, rental cars, and public transit buses. The survey data is supported by trip data prepared by the Airport's Landside Division. These data show a steady increase in the mode share of TNCs and a decrease for all other

[12] *See* Cal. Pub. Util. Code §§ 5371.4 and 21690.5-21690.10.

[13] *See* See Appendix B, Angus Davol Declaration.

modes. Because 96% of the taxis regulated by the SFMTA are low emission vehicles, as is BART, the shift from these clean modes to TNCs also has a negative impact on the environment.

In addition to the Airport's hard data on TNC activities, enforcement personnel have encountered numerous TNC drivers who have come to the Airport from as far away as San Diego and Redding to work for TNCs in the lucrative Bay Area market. These individuals are often found sleeping in their cars in the TNC staging lot, a trend also noted by local media.[14] And based on recent reporting in the New York Times, by "[e]mploying hundreds of social scientists and data scientists, Uber has experimented with video game techniques, graphics and noncash rewards of little value that can prod drivers into working longer and harder — and sometimes at hours and locations that are less lucrative for them."[15] Encouraging drivers to spend more and more hours behind the wheel clearly implicates legitimate public safety concerns.

2. The SFCTA's TNCs Today Report

In June 2017, the SFCTA published a report entitled "TNCs Today: A Profile of San Francisco Transportation Network Company Activity," the purpose of which was to provide information on TNC activity in San Francisco to help the SFCTA fulfill its duties as the Congestion Management Agency for San Francisco County.[16] The report analyzed one month of data (mid-November to mid-December of 2016) including the number of TNC trips in San Francisco, when and where those trips occurred, how much vehicle travel they generated, and their geographic coverage of the City.[17] While this information is extremely valuable, it offers only a snapshot in time. But even with this limited data, the SFCTA report made significant findings, including the following:

[14] *See* Appendix C, Prasad Declaration, and "Long Distance Uber, Lyft Drivers' Crazy Commutes," 2/19/2017, San Francisco Chronicle, http://www.sfchronicle.com/business/article/Long-distance-Uber-Lyft-drivers-crazy-10942919.php.

[15] *See* https://www.nytimes.com/interactive/2017/04/02/technology/uber-drivers-psychological-tricks.html

[16] *See* http://www.sfcta.org/sites/default/files/content/Planning/TNCs/TNCs_Today_061317.pdf

[17] The TNC data was originally gathered by researchers at Northeastern University from the Application Programming Interfaces (APIs) of Uber and Lyft which show the locations of available vehicles to mobile apps, and then was shared with the Transportation Authority through a research collaboration over the past year.

- On a typical weekday, TNCs make more than 170,000 vehicle trips within San Francisco, approximately 12 times the number of taxi trips, representing 15% of all intra-San Francisco vehicle trips.

- TNC trips are concentrated in the densest and most congested parts of San Francisco, including the downtown and northeastern core of the city. At peak periods, TNCs are estimated to comprise 20-26% of vehicle trips in Downtown areas and the South of Market. At the other end of the range, TNCs comprise 2%-4% of peak vehicle trips in the southern and western part of the city.

- On an average weekday, more than 5,700 TNC vehicles operate on San Francisco streets during the peak period. On Fridays, over 6,500 TNC vehicles are on the street at the peak

- TNCs drive approximately 570,000 vehicle miles within San Francisco on a typical weekday. This accounts for 20% of all local daily vehicle miles traveled (VMT) and includes both in-service and out-of-service mileage. Taken over total weekday VMT, which includes regional trips, local TNC trips account for an estimated 6.5% of total weekday vehicle miles traveled.

Having regular access to TNC data like this would provide the SFCTA and SFMTA with the tools needed to engage in comprehensive, thoughtful transportation planning.

3. The need for CPUC TNC Data

While the Commission has apparently received various annual reports from the TNCs, it is unclear how – if at all – the Commission has used these data to improve on regulations. The following data, some of which is already available to the CPUC, must be made available in real time on an ongoing basis:

- The total number of TNC drivers operating in the state

- The home zip code for every TNC driver combined with the zip codes where each driver provided TNC services during the reporting period

- The total number of TNC drivers who have completed driver training

- GPS location of every TNC pick-up by date and time, with time stamp to the minute

- GPS location of every TNC request that was rejected by date and time, with time stamp to the minute

- GPS location of every TNC drop-off by date and time, with time stamp to the minute

- The number of hours driven by each day per driver (using a unique identifying number to avoid disclosure of driver names)
- The number of requests for wheelchair accessible vehicles
- The number of accepted requests for wheelchair accessible vehicles
- The total number of TNC hybrid vehicles
- The total number of TNC electric vehicles
- The total number of carpool-type TNC rides (Lyft Line, Uber Pool, etc.)
- The total number of passenger for each ride
- Full telemetry data for every accepted ride

The data listed above provides baseline information for SFMTA to address the following issues. affecting all people who work or live in San Francisco:

- Corridor-level speeds and volumes, using TNC vehicles as "probes" of general traffic flow
- The impact of TNC trips on traffic congestion and flow on specific streets
- Air quality and greenhouse gas impacts, at City and neighborhood scale
- The volume of TNC services in a given time/date/place
- Concentrations of loading/unloading activity
- Location and frequency of dangerous driving behavior
- Volume of service provided to disabled riders

Using these data, SFMTA can make adjustments to conditions on the ground that will improve congestion and assist SFMTA in meeting its obligations under the City Charter. Specifically, SFMTA would use the data for the following purposes:

- To enhance basic traffic engineering, including adjusting signal timing, lane assignments and curb regulations, such as white zones
- Enforcement of curb regulations to reduce double parking

- To develop traffic impact studies, environmental reviews, and other processes by which the City reviews public and private development
- Diagnose locations where signs and markings are unclear
- Proactive traffic safety changes
- Facilitate safety campaigns
- Evaluate equity of TNC services
- Improve transit corridors
- Redesign streets to optimize public transit options and reduce congestion
- Develop transportation forecasting models

2. What has been the effectiveness of third-party hosted websites that provide data about Commission programs?

Neither SFMTA nor SFO have relied on the California Open Data Portal to develop a sense of its efficacy.

3. What concerns, if any, are there about the ability of a Commission-sponsored website to protect customer privacy and market sensitive data?

None. From the City's perspective, there is no need to collect personally identifiable passenger information and therefore there is no privacy issue. Further, consistent with Government Code §6254.5(e), the Commission could make this data available to local public entities and agencies that agree to maintain confidentiality. Various authorities in New York City, Chicago[18] and Portland, Oregon[19] all regularly receive TNC data, some of which has been produced through secure servers, others through various confidentiality agreements with the TNCs. A recent report on TNC operations

[18] Under Rule TNP2.02 of the City of Chicago's Transportation Network Providers Rules, TNCs must provide trip data, driver and vehicle information and other data. *See* https://www.cityofchicago.org/content/dam/city/depts/dol/rulesandregs/TNPRulesAmendedeffJan12017.pdf

[19] See "We've Got Data," 7/10/2015, Blogtown, http://www.portlandmercury.com/BlogtownPDX/archives/2015/07/10/weve-got-data-uber-and-lyft-were-quicker-and-growing-more-popular-in-may

in New York City demonstrates why rich data is critical to developing sensible policy around urban transportation. Using various datasets, including electronic trip logs and vehicle mileage, the study's author was able to determine that as of 2016, 133 million passengers used TNCs and TNCs added 600 million miles to New York City streets. The data also reveal times of the day and night, and locations where TNC demand peaks and numerous other data for traffic planner consumption.[20]

4. What characteristics or design specifications are needed to ensure that a Commission-sponsored website would be flexible enough to adjust to future legislative action including, but not limited to: new background check standards that are germane to the Commission's jurisdiction over TNCs?

The Commission should develop its own open data portal where TNC data can be accessed by local governmental entities in real time. To address TNC concerns regarding privacy and market share information, the portal should be designed to anonymize and aggregate all TNC data, using a service such as Open Traffic, referred to in the NACTO report. If new statutes or regulations result in the need for additional data, the new data can be added to the existing data buckets in the open data portal.

5. Should the Commission share TNC trip data with interested California governmental entities?

Yes.

6. What factors should the Commission take into account in determining if TNC trip data should be shared with interested California governmental entities?

As discussed above, the public interest in access to TNC data is critical, not only for the CPUC to adequately regulate the industry but for local jurisdictions to address a panoply of public policy concerns from safety to accessibility to congestion management. And, the Commission must also consider that the reports TNCs are required to file are public records, and that keeping these records from local governments that are so impacted by the advent of TNCs is contrary to California law.

[20] *See* "Unsustainable? The Growth of App-Based Ride Services and Traffic, Travel and the Future of New York City," 2/27/2017, Schaller Consulting; attached as Appendix A, Toran Declaration, Exhibit C.

The California Public Records Act ("CPRA" or "Act") begins with the following declaration: "In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (*See* Cal. Gov't. Code § 6250.)

The Act defines "public record" as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." (Cal. Gov't Code § 6252(e).)

The term "public record" is broadly construed and is intended to cover every conceivable kind of record involved in the governmental process unless the Legislature has expressly exempted a record from disclosure. (*Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385.) The governmental agency opposing disclosure bears the burden of proving that one or more CPR exemptions apply in a particular case. (*County of Los Angeles v. Superior Court* (2012) 211 Cal.App.4th 57.)

In its September 19, 2013 Decision, the Commission listed a number of reports the TNCs were required to file on an annual basis. (*See* D13-09-045, at 32-33.) Without reference to any statutory exemptions from the California Public Records Act, the Decision, at footnote 42, simply states:

> For the requested reporting requirements, TNCs shall file these reports confidentially unless in Phase II of this decision we require public reporting from TCP companies as well.

In its Phase II Decision, the Commission did not order TCP companies to submit public reports to the Commission, and so it appears that the original Decision in which the Commission determines that TNC reports may be filed confidentially, still stands. (*See* D. 16-04-041.) However, in January 2015, the Commission did issue a lengthy contempt order against Rasier-CA for its failure to provide a number of the required reports. In that Order, the Commission rejected Rasier-CA's claim that release of data by location and time was a trade secret. (*See* D. 16-01-014, at 104.) In coming to this

conclusion, the Commission noted that similar information was provided by Uber, the parent company, in other jurisdictions, including New York and Boston. The Commission also made the following observation, relevant here:

> Rasier-CA is a highly regulated business, and as this Commission found in *Re Pacific Bell, supra* [citation omitted] such businesses have to expect some intrusions into their operations as the price of being licensed to do business in California … 'PacBell, as a franchised monopoly, exists in a world of regulation. Information about its operations must be freely and openly exchanged in rate proceedings if the regulatory process is to have credibility. Its operations, as any utility's, must be on public view, since it served the public trust.'[21]

We agree with the Commission's observations and can see no reason for continuing to hold required TNC reports as confidential documents. They should be open to public view. Alternatively, should the Commission determine, contrary to its contempt findings, that TNC reports are not public records, the City requests that the Commission make all reports available to it under California Government Code Section 6254.5(e), which permits disclosure of otherwise exempt records to any governmental agency that agrees to treat the disclosed material as confidential.

7. What steps should the Commission consider implementing to protect the market sensitivity of trip data?

As more fully discussed elsewhere in these Comments, the Commission should receive data from TNCs, anonymize and aggregate it, and immediately make the data available to local public agencies.

[21] *See* D. 16-01-014, at 115.

CONCLUSION

For the reasons set forth herein, we strongly urge the Commission to (1) give local governmental agencies access to data and reports already in the Commission's possession, and (2) order the TNCs to make additional data available, as outlined in these Comments. Although we believe the public should also have access to such data, at the very least, the Commissions should make it available to any public entity that agrees to maintain the information in confidence, consistent with Government Code section 6254.5(e).

Dated: July 17, 2017

Respectfully submitted,

By: /s/
Ivar C. Satero
Airport Director
San Francisco International Airport

By: /s/
Edward D. Reiskin
Director of Transportation
San Francisco Municipal Transportation Agency