Ms. Liane Randolph
Chair, Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: City and County of San Francisco Comments on the California Clean Miles Standard Proposed Regulation Order

Dear Chair Randolph,

The San Francisco Municipal Transportation Agency (SFMTA) and the San Francisco County Transportation Authority (TA) appreciate the opportunity to comment on the proposed Regulation Order to implement the Clean Miles Standard. The SFMTA is a department of the City and County of San Francisco responsible for the management of all ground transportation in the city. The TA plans, funds, and delivers transportation projects to improve travel choices for residents, commuters, and visitors throughout San Francisco. We thank CARB staff for their rigorous analysis and engagement with stakeholders. We see evidence that comments from stakeholders have been incorporated into the proposed Regulation Order. We share comments in three areas of the proposed Regulation Order and have attached redline edits to address each of these issues:

- Definitions
- Occupancy
- Optional Credits

Definitions (Section 2490)

The Clean Miles Standard legislation focused on TNCs and established policy based on the historic record of TNC service but also seeks to ensure that future vehicles and services achieve the program goal of reducing greenhouse gas emissions per passenger mile of travel. The proposed regulation modifies the definition of TNC established by the Public Utilities Code. We urge CARB to retain the statutory definition of a TNC while acknowledging the policy goal to include future services not yet available in the market when such services are offered under a TNC permit.

Occupancy (Section 2490.1 c) Greenhouse Gas Targets)

We recommend replacing the use of Compliance Occupancy values with the reported trip-specific Vehicle Occupancy data included in Attachment 1 of the Regulation Order. We also recommend revising the definition of Vehicle Occupancy in the Required Trip Data report to clarify that this information is per fare and excludes the driver, consistent with the definition used by CARB in the Clean Miles Standard 2018 Base Year Emissions Inventory Report.

In comments submitted by the City and County of San Francisco on 12/11/20, we raised concerns with using Compliance Occupancy values instead of requiring TNCs to submit data documenting actual PMT because the occupancy of a TNC vehicle is so critical to its overall contribution to reducing GHG per passenger mile of travel. We are pleased to see that the trip data report includes "Vehicle Occupancy" and recommend that this be the source of occupancy data used in Equation 1.

As demonstrated in the hypothetical examples below, the use of Compliance Occupancy values in place of reported occupancy can have a significant impact. In each of these examples there are two parties, each of which make a 5-mile trip. Example 1 shows two pool-matched trips that have substantial overlap and thus are an efficient match. Example 2 shows two pool-matched trips that have minimal overlap and thus are an inefficient match. For comparison, Example 3 shows two pool requested trips that are not matched.

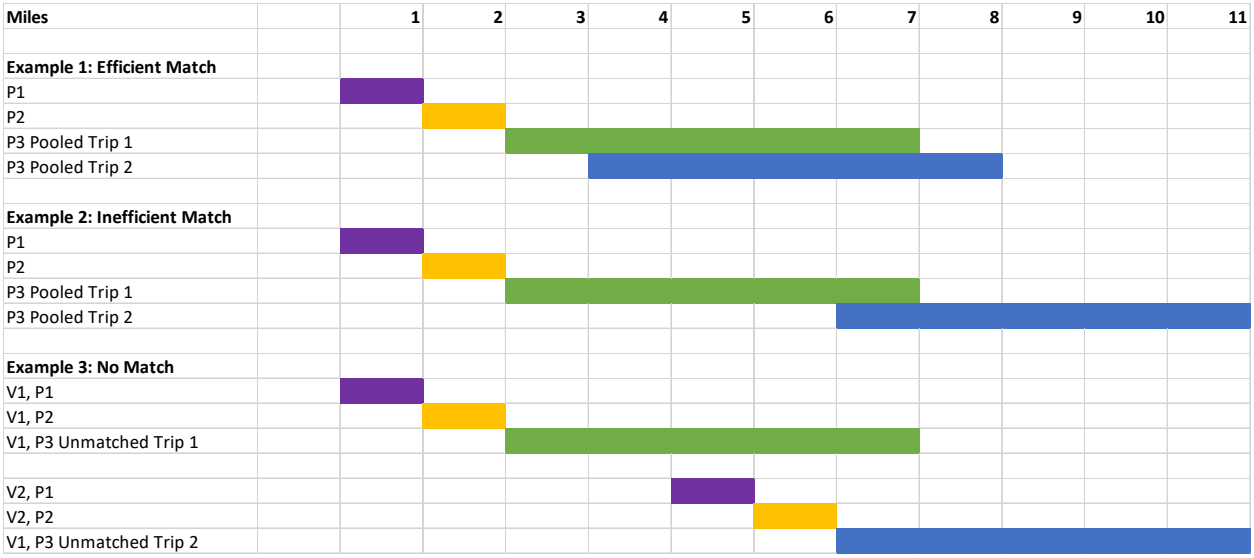

Table 1 below shows the CO_2/PMT metric using different combinations of occupancy for Trip 1 and Trip 2, with up to a total of four passengers in a vehicle, using the Compliance Occupancy Values. Table 2 shows the same metric using the Actual Occupancy Values.

Table 1. gCO2/PMT using Compliance Occupancy Values

Trip 1 Occupancy	Trip 2 Occupancy	Example 1 Efficient Match	Example 2 Inefficient Match	Example 3 No Match
1	1	175	175	341
1	2	175	175	341
2	1	175	175	341
1	3	175	175	341
3	1	175	175	341
2	2	175	175	341

Table 2. gCO2/PMT using Actual Occupancy Values

Trip 1 Occupancy	Trip 2 Occupancy	Example 1 Efficient Match	Example 2 Inefficient Match	Example 3 No Match
1	1	438	438	511
1	2	292	292	341
2	1	292	292	341
1	3	219	219	256
3	1	219	219	256
2	2	219	219	256

As demonstrated in Table 1, calculating CO_2/PMT using the Compliance Occupancy values results in the same gCO_2/PMT regardless of how many people are actually in the vehicle. As such, the use of Compliance Occupancy Values does not create incentives for higher occupancy within "pooled" trips or within "non-pooled" trips. It also does not create an incentive for "efficient" matches where passengers share a higher proportion of travel. Using the Actual Occupancy values in place of the Compliance Occupancy as shown in Table 2, where the gCO_2/PMT goes down as occupancy increases, will create an incentive for higher occupancy in both "pooled" and "non-pooled" trips. Note as well that in all cases the use of Compliance Occupancy Values instead of Actual Occupancy values underestimates the gCO_2 emissions across all levels of occupancy. The only way to incentivize "efficient" matching is to account for the portion of trips that passengers share rides, by collecting vehicle segment data or applying the "stick painting" algorithm.

Optional Credits (Section 2490.2)

<u>CO_2 credits from investment in bikeway and sidewalk infrastructure projects</u>

In the credit for investments made in bikeway and sidewalk infrastructure projects, we ask that the CO_2 credit be limited to offsetting CO_2 generated by trips in the county in which the infrastructure is built, based on passenger pickup locations. This change is necessary to ensure that the emission benefits of the investment made has a nexus with impact TNC services have at the local level.

Further, we recommend clarifying that the term “operational” means that the facility is available for public use.

Finally, we ask that the dollars invested be fully paid to the local agency that leads the bikeway or sidewalk improvement before credits may be requested.

<u>CO2 credits from integrated fare trips</u>

We recommend revising Equation 5 to be factored by the percent eVMT (Equation 2) that the TNC achieves in the year in which they request the credit. This change would reward the TNCs that make significant progress towards achieving 100 percent e VMT. Equation 5 would be revised as follows:

$$CO_2 \text{ credit (g } CO_2) = VMT_{T,P3} \text{ (mi) x 242 (g/mi) x eVMT (\%)}$$

Thank you again for the opportunity to comment on these important regulations.

Sincerely,

Darton Ito
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Darton Ito
Deputy Planning Director/Office of Innovation Manager
San Francisco Municipal Transportation Agency

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Joe Castiglione
Deputy Director for Technology, Data, and Analysis
San Francisco County Transportation Authority

Attachments:

1. CMS App A Regulation Order - SF Redline

Appendix A

Proposed Regulation Order

Proposed Clean Miles Standard Regulation

Date of Release: March 30, 2021
Date of Hearing: May 20, 2021

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Proposed Regulation Order

Adopt new sections 2490, 2490.1, 2490.2, 2490.3, 2490.4, and 2490.5in new Chapter 11 of Division 3, Title 13, California Code of Regulations, to read as follows:

[Note: The sections set forth below are new sections proposed in this rulemaking. Therefore, for simplicity, the language in those sections is shown in "normal type"]

§ 2490. Clean Miles Standard Regulations Applicability and Scope.

(a) Applicability and Exemptions

(1) These Clean Miles Standard regulations, Title 13, Article 1, Section 2490, California Code of Regulations apply to transportation network companies (TNCs) operating in California.

(2) A TNC with annual VMT less than or equal to 5 million in a given calendar year is exempt from the requirements in Sections 2490.1, 2490.2, 2490.3(b) and 2490.3(c) for that year.

(b) Definitions

"Autonomous vehicle" has the meaning provided in section 38750 of the California Vehicle Code.

"Battery electric vehicle" or "BEV" has the meaning provided in title 13, California Code of Regulations, section 1962.

"Charter-party carrier" or "charter-party carrier of passengers" has the meaning provided in section 5360 of the California Public Utilities Code.

"eVMT" means electric vehicle miles traveled by a BEV or fuel cell electric vehicle.

"Fuel cell electric vehicle" or "FCEV" has the meaning provided for "hydrogen fuel cell vehicle" in title 13, California Code of Regulations, section 1962.2.

"Hybrid Electric Vehicle" or "HEV" means any vehicle that can draw propulsion energy from both of the following on-vehicle sources of stored energy: 1) a consumable fuel and 2) an energy storage device such as a battery, capacitor, or flywheel.

"Integrated fare payment" means a payment transaction that occurs on one system or application that connects multiple modes of transport using the open loop Europay, Mastercard, and Visa (EMV) global payment standard that facilitates worldwide interoperability, direct customer payments, and secure payment processing.

"Passenger mile traveled" or "PMT" has the meaning provided in section 2490.1 of this regulation.

"Personal vehicle" has the meaning provided in section 5431(b) of the Public Utilities Code.

"Plug-in hybrid electric vehicle" or "PHEV" has the meaning provided in title 13, California Code of Regulations, section 1961.3.

"Pool-matched trip" means a TNC ride where the TNC matched two or more parties who requested pooled service, such that each matched party shared a portion of the trip with at least one other matched party.

"Pool-requested trip" means a TNC ride where one or more passengers requested pooled service on the TNC app, regardless of whether the requester was in fact matched with another party that requested pooled service.

"Round" means the number shall be rounded, unless otherwise specified, up to the nearest whole number for numbers with 5 or higher in the tenths digit, or rounded down to the nearest whole number otherwise.

"TNC application" or "app" is the internet-based transportation service platform accessed using a mobile device or computer.

"Transportation network company" or "TNC" has the meaning provided in section 5431 of the Public Utilities Code and further applies to the entities listed in section 5450(a)(3) of the Public Utilities Code when they are offering transportation services under a TNC permit issued by the CPUC.

"TNC vehicle" means a vehicle or an autonomous vehicle used to transport passengers in connection with the TNC's online-enabled application or platform.

"Trip" is travel from an origin to destination by vehicle or mass transit that the TNC app captures.

"Vehicle miles traveled" or "VMT" means the distance traveled by a TNC vehicle. For purposes of this regulation, VMT includes all miles traveled within the state of California for trips wholly within the border of California. In addition, VMT shall include all miles for trips that originate within California.

"Year," unless otherwise specified, refers to a calendar year beginning January 1 and ending December 31, inclusive.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code; Section 5450, Public Utilities Code. Reference: Section 44274.4, Health and Safety Code; Sections 5360 and 5431, Public Utilities Code; Sections 27908 and 38750, Vehicle Code; Sections 1961, 1961.3, 1962, and 1962.2, Title 13, Code of Regulations.

§ 2490.1 Clean Miles Standard Requirements.

a) Starting with calendar year 2023, and each calendar year thereafter, each TNC must meet the requirements of this section.

b) *Definitions*. The following definitions apply to this section:

(1) *TNC Periods*. "Period 1" are those miles traveled by a TNC vehicle when a TNC vehicle driver or operator is logged onto the app and waiting for a ride match. "Period 2" are those miles traveled by a TNC vehicle when a TNC vehicle driver or operator has accepted a ride request and is en route to the passenger. "Period 3" are those miles traveled by a TNC vehicle when the passenger, or passengers, are in the TNC vehicle and en route to their destination until the passenger exits the vehicle. This definition is meant to be consistent with the CPUC Commission Decision 14-11-043 that established Periods 1, 2, and 3.

(2) *Passenger Miles Traveled*. "Passenger Miles Traveled" or "PMT" means the miles traveled by a passenger, or miles traveled by each passenger if there are multiple passengers recorded in the app for a trip, in a TNC vehicle or other transport mode provided by the TNC.

c) Greenhouse Gas Targets.

(1) A TNC passenger service fleet shall not exceed the annual greenhouse gas (GHG) targets shown in Table 1.

Table 1. Annual GHG Targets

Calendar Year	GHG Target (grams CO_2/PMT)
2023	252
2024	237
2025	207
2026	161
2027	110
2028	69
2029	30
2030+	0

(2) A TNC shall calculate its greenhouse gas emissions per passenger mile annually using Equation 1. Unless otherwise specified, all calculations are for all vehicle trips summed over the calendar year. The numerator of Equation 1 is calculated by multiplying the CO_2 emissions factor with the VMT for each trip to arrive at a grams CO_2 value per trip. Summing the grams CO_2 per trip values for all trips yields total grams of CO_2 for the fleet of TNC vehicles for the year. The denominator of Equation 1 is calculated by multiplying ~~a compliance~~passenger occupancy ~~value~~ with the Period 3 VMT of each trip to arrive at PMT per trip. Taking the sum of PMT per trip values for all trips yields total PMT for the fleet of TNC vehicles forthe year. A trip shall be included in a calendar year calculation if that tripstarts in that calendar year.

(3) Equation 1.

$$\frac{g\ CO_2}{PMT} = \frac{\sum\left(VMT_{P1,P2,P3} \times CO_2\ factor\right)_{trip}}{\sum\left(VMT_{P3} \times occupancy\right)_{trip}}$$

Where:

$VMT_{P1,P2,P3}$ equals VMT in miles (sum of Periods 1, 2 and 3) of trips for all vehicles (sum of Periods 1, 2, and 3) by BEVs and FCEVs

VMT_{P3} equals VMT in miles for the Period 3 portion of a trip

CO_2 factor equals the CO_2 emission factor in grams CO_2 per mile as provided in Table 2 and Table 3

Occupancy equals the number of passengers per trip as reported in the Required Trip Data ~~compliance occupancy value in the unit of passengers determined by Table 4~~

(4) *Tables 2 and 3 - CO_2 Emission Factor Look-up Table.* For each TNC trip calculated using Equation 1, the CO_2 factor shall be set to the value in grams CO_2 per mile (g CO_2/mi) in Table 2 and Table 3 that corresponds to the vehicle model year, vehicle category, and vehicle propulsion system for the associated TNC vehicle.

(i) If any of the parameters are not known for a TNC vehicle, the worst-case (largest) grams CO_2/mi value shall be used. For example, if only the vehicle model year is known but not the vehicle propulsion system or vehicle category, the largest value for that model year shall be used. If vehicle propulsion system is known but not the vehicle model year, the largest value for that vehicle propulsion system shall be used.

(ii) Flex fuel vehicles (FFVs) shall use the gasoline passenger car (PC) or gasoline light truck (LT) CO_2 emission factor values.

(iii) The light truck vehicle category (Table 3) shall be used if the TNC vehicle is classified as a light-duty truck and has a gross vehicle weight rating (GVWR) of less than 8,500 lbs. and an estimated total weight (ETW) of less than 5,750 lbs.

(iv) All TNC vehicles that do not fall into the light truck vehicle category shall use the passenger car category (Table 2).

(v) Model year means the model year of the vehicle as reported by the TNC driver in their driver profile. If this information is not complete, it is the value as determined by the TNC or regulating agencies using the vehicle identification number (VIN).

Table 2. CO_2 factors for the passenger car (PC) vehicle category in g CO_2/mile

Model Year	Diesel PC	Gasoline PC	HEV/PHEV PC	CNG PC
2008	324	365	181	251
2009	318	357	177	251
2010	302	339	168	251
2011	312	351	174	251
2012	286	321	159	227
2013	278	312	155	218
2014	279	313	155	218
2015	274	307	152	218
2016	266	298	148	218
2017	258	290	144	218
2018	251	281	139	218
2019	243	272	135	218
2020	235	263	130	218
2021	227	254	126	218
2022	218	245	121	218
2023	210	236	117	218
2024	202	226	112	218
2025	194	217	108	218
2026	194	217	108	218
2027	194	217	108	218
2028	194	217	108	218
2029	194	217	108	218
2030	195	217	108	218
2031+	194	217	108	218

Table 3. CO_2 factors for the light truck (LT) vehicle category in g CO_2/mile

Model Year	Diesel LT	Gasoline LT	HEV/PHEV LT	CNG PC
2008	634	505	468	251
2009	593	477	442	251
2010	589	469	435	251
2011	574	458	424	251
2012	556	442	410	227
2013	534	427	396	218
2014	529	425	394	218
2015	518	414	384	218
2016	497	398	369	218
2017	477	383	355	218
2018	454	367	340	218
2019	434	351	325	218
2020	413	335	310	218
2021	392	319	296	218
2022	377	307	285	218
2023	362	295	273	218
2024	346	282	262	218
2025	330	270	251	218
2026	330	270	251	218
2027	331	271	251	218
2028	331	270	251	218
2029	327	271	251	218
2030	322	271	251	218
2031+	304	271	251	218

~~(5) *Compliance occupancy values*. For each TNC trip calculated using Equation 1, the compliance occupancy shall be set to the value in Table 4 for that type of trip. If the type of trip is unknown, the trip shall be assumed to be "Non-pooled."~~

~~(i) "Non-pooled" means a trip where the party requesting the TNC ride requests a non-sharing service.~~

~~(ii) "Pool-requested, unmatched" means a trip where a party requested a shared ride but no other parties requesting shared rides were matched during the duration of the trip.~~

~~(iii) "Pool-matched" means multiple parties requesting shared rides were matched with the same vehicle for a portion of their respective trips.~~

~~Table 4. Compliance occupancy values to use in Equation 1~~

	~~Compliance Occupancy~~
~~Non pooled~~	~~1.5~~
~~Pool-requested, unmatched~~	~~1.5~~
~~Pool-matched~~	~~2.5~~

~~(6)~~(5) If the total calculated grams CO_2/PMT as set forth in section 2490.1(b)(2) for a given calendar year does not result in a whole number, the number shall be rounded up to the nearest whole number if the tenths digit contains a 5 or higher, or rounded down to the nearest whole number otherwise.

~~(7)~~(6) *Exemptions*. Trips on TNC apps that are requested and fulfilled as wheelchair-accessible vehicle trips shall not be included in the calculation of Equation 1.

d) Over-Compliance Credits for Greenhouse Gas Emissions per Passenger Mile Traveled.

(1) If a TNC's annual grams CO_2/PMT emissions are less than the requirement shown in Table 1 for that year, CARB shall issue to the TNC over-compliance credits equal to the difference.

(2) A TNC may use over-compliance credits towards compliance with their grams CO_2/PMT requirement in any of the subsequent three calendar years. Unused credits expire after the three-year period. Credits may not be used to comply with prior calendar years.

(3) Credits are in the unit of grams CO_2/PMT. If the calculated grams CO_2/PMT set forth in § 2490.1(c) in a given calendar year does not result in a whole number, the number must be rounded up to the nearest whole number if the tenths digit contains a 5 or higher, or rounded down to the nearest whole number otherwise. If the rounding results in a difference of 0, then no credits shall be issued for that calendar year.

(4) Table 5 provides an example of using over-compliance credits. The example TNC over-complies by 11 grams CO_2/PMT in 2027 and CARB issues 11 credits. The TNC may use those 11 credits in 2028, 2029, or 2030, and in this example, chooses to use them in 2029 and 2030. The TNC then over-complies by 2 grams CO_2/PMT in 2028 and CARB issues 2 credits. The TNC may use those 2 credits in 2029, 2030, or 2031, and in this example, chooses to use them in 2031.

Table 5. Example of carrying forward over-compliance credits

Year	Target (grams CO_2/PMT)	TNC emissions (grams CO_2/PMT)	Deficit	Over-compliance Credit	Credits available	Credits Applied
2027	110	90	--	20	20	--
2028	69	60	--	9	29	--
2029	30	34	4	--	29	4
2030	0	6	6	--	25	6
2031	0	2	2	--	9	2

e) Electric Vehicle Miles Traveled Requirement.

(1) For each calendar year, a TNC shall meet or exceed the percent eVMT targets shown in Table 6.

Table 6. Annual Electric Vehicle Miles Traveled Targets

Calendar Year	eVMT
2023	2%
2024	4%
2025	13%
2026	30%
2027	50%
2028	65%
2029	80%
2030+	90%

(2) The percent eVMT shall be calculated using Equation 2.

(3) Equation 2.

$$\%\ eVMT = \frac{\sum VMT_{BEV+FCEV}}{\sum VMT_{All\ vehicles}} \times 100\%$$

Where:

$VMT_{BEV+FCEV}$ equals VMT by TNC BEVs and FCEVs for Period 3.

$VMT_{All\ vehicles}$ equals VMT by all TNC vehicles for Period 3.

The numerator and the denominator, respectively, shall be summed over all TNC vehicle trips in which Period 3 miles begin within the relevant calendar year.

(4) If the total calculated percent eVMT as set forth in section 2490.1(e)(2) for a given calendar year does not result in a whole number, the number shall be rounded up to the nearest whole number if the tenths digit contains a 5 or higher, or rounded down to the nearest whole number otherwise.

NOTE: Authority cited: Sections 38530, 39600, 39601, and 43000.5, Health and Safety Code; Section 5450, Public Utilities Code. Reference: Section 44274.4, Health and Safety Code; Section 5431, Public Utilities Code.

§ 2490.2 Optional Credits

(a) In any given calendar year starting with 2023, TNCs subject to the requirements in § 2490.1(b) may use optional CO_2 credits as defined in this section for compliance with the annual GHG targets. Credits earned in this section must be used in the same year they are earned and cannot be banked for use in future years.

(b) Optional credits, upon being issued, may be incorporated into the GHG compliance equation as shown in Equation 3.

(c) Equation 3.

$$\frac{g\ CO_2}{PMT} = \frac{\sum\left(VMT_{P1,P2,P3} \times CO_2\ factor\right)_{trip} - CO_2\ credit}{\sum(VMT_{P3} \times occupancy)_{trip}}$$

Where:

PMT is passenger miles traveled

$VMT_{P1,P2,P3}$ equals VMT in miles (Periods 1, 2 and 3) of trips for all vehicles (Periods 1, 2, and 3 by BEVs and FCEVs)

CO_2 factor equals the CO_2 emission factor in grams CO_2 per mile as provided in Table 2 and Table 3

CO_2 credits are earned from options as described in § 2490.2(c) and (d)

$VMT_{P3, All}$ equals period 3 VMT in miles driven by all drivers using any vehicle type

Occupancy equals the number of passengers per trip as reported in the Required Trip Data ~~compliance occupancy value in the unit of passengers determined by Table 4~~

(d) CO_2 credits from investment in bikeway and sidewalk infrastructure projects. TNCs may request optional CO_2 credits as calculated using Equation 4 through investments in bicycle and sidewalk infrastructure. Credits may be requested for ~~the number of~~each year~~s~~ the project is operational (available for public use) if the project meets the following requirements:

(1) For bikeway infrastructure projects, the investment funds a Class I bikeway, Class II bikeway, or Class IV bikeway, as defined in California Streets and Highways Code Section 890.4.

(2) For sidewalk infrastructure projects, the investment funds construction or repair of a sidewalk. "Sidewalk" means a dedicated pedestrian path along a roadway, separated from motor vehicles by a curb. It does not include other infrastructure such as pedestrian overpass, bus bay or street furniture.

(3) Projects are identified in General Plans under Government Code section 65301, Bicycle Master Plans under California Streets and Highways Code section 891.2, or Regional Transportation Plans adopted in 2016 or later under Government Code section 65080.

(4) The investment used to qualify for CO_2 credits shall not be used to also fulfill any financial or other obligation of the TNC, including civil or criminal penalty agreements.

(5) The TNC shall submit all information required under Section 2490.2(d).

(6) The CO_2 credit to be applied shall be calculated using Equation 4.

(7) Equation 4.

$$CO_2\ credit\ (g\ CO_2) = \frac{Dollars\ invested\ (\$) \times 907{,}185(\frac{g}{ton})}{\$128\ per\ ton\ \times\ Project\ Life\ (years)}$$

Where,

Dollars invested is the amount the TNC invests in the local agency that leads the bikeway or sidewalk improvement project

Project life is the operational period of the bikeway or sidewalk in years

(8) The CO_2 credit cannot be claimed until the year in which the project becomes operational and available for public use.

(9) The CO_2 credit can only be used to offset CO_2 generated by trips in the county in which the infrastructure is built, based on passenger pickup locations.

(e) CO_2 credits from integrated fare trips. TNCs may obtain CO_2 credits from a vehicle trip that is connected to a mass transit trip (e.g. TNC trip that connects to transit or a transit trip that connects to a TNC trip) where the payment transaction was made using an integrated fare payment system from which connected trip data can be collected and submitted. TNCs may request optional CO_2 credit for a mass transit-connected trip if the trip meets the following requirements:

(1) The TNC passenger purchases a connected trip, which includes a TNC vehicle trip to or from a mass transit trip, through an integrated fare payment system.

(2) The total CO_2 credit for the trip shall be calculated using Equation 5.

(3) Equation 5.

~~$CO_2\ credit\ (g\ CO_2) = VMT_{T,P3}(mi) \times 242\left(\frac{g}{mi}\right)$~~

$$CO_2\ credit\ (g\ CO_2) = VMT_{T,P3}\ (mi)\ x\ 242\ (g/mi)\ x\ eVMT\ (\%)$$

Where,

$VMT_{T,P3}$ is the total distance during Period 3 of the TNC vehicle trip that is

connected ~~that is connected~~ with a mass transit trip on an integrated fare payment system

~~*242 g/mi is the California fleet-wide average fuel economy for light duty vehicles in the 2018 base year*~~

eVMT equals the value reported for Equation 2 for the year in which the TNC requests the credit

(4) The TNC shall submit all information required under Section 2490.3(c)(8).

(f) CARB shall issue CO_2 credits to the TNC upon finding that the TNC has submitted all required information for the credit option as described in Sections 2490.2(b) and 2490.2(c), that any supplemental information specifically requested by CARB or CPUC was submitted, that all information and data submitted are adequate for determining the amount of credit, and all other compliance requirements as described in section 2490.3 have been met.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code; Section 5450, Public Utilities Code. Reference: Section 44274.4, Health and Safety Code; Section 65301 and 65080, Government Code; Section 5431, Public Utilities Code; Sections 890.4 and 891.2, Streets and Highways Code.

§ 2490.3 Compliance and Reporting

(a) Each TNC shall comply with data submittal requirements as defined by section 2490.3 of this regulation for purposes of demonstrating compliance with this regulation and the requirements of section 5450(b)(2) of the Public Utilities Code.

(1) Upon request, a TNC shall provide to CARB any information submitted to the CPUC under this Clean Miles Standard Regulation.

(2) Unless otherwise specified, TNCs shall submit all information required under this chapter to the CPUC.

(3) The TNC shall submit data according to the data categories listed in Attachment 1 of this regulation.

(b) Biennial Compliance Plan.

(1) *Biennial Compliance Plan*. The TNC shall submit the Biennial Compliance Plan on or before January 1 on every even-numbered year, beginning January 1, 2022. The Biennial Compliance Plan is a forward-looking plan that shall describe the TNC's plan to comply with targets in the subsequent two years. For example, the Biennial Compliance Plan due January 1, 2022 shall cover compliance years 2023 and 2024.

(2) *Small TNC flexibility*. A TNC that does not exceed 5 million VMT for either of the two years prior to the due date of the next Biennial Compliance Plan is not required to submit a Biennial Compliance Plan. For example, if a TNC does not exceed 5 million VMT in either 2022 or 2023 is not required to submit a Biennial Compliance Plan on January 1, 2024. A TNC that exceeds 5 million VMT for the first time in an even-numbered year

shall submit a Biennial Compliance Plan two years later, on or before January 1 of the next even-numbered year. A TNC that exceeds 5 million VMT for the first time in an odd-numbered year shall submit a Biennial Compliance Plan three years later, on or before January 1 of the second even-numbered year. For example, if a TNC exceeds 5 million VMT for the first time in the year 2025, the TNC must submit a Biennial Compliance Plan on January 1, 2028. If a TNC exceeds 5 million VMT for the first time in the year 2026, the TNC must submit a Biennial Compliance Plan on January 1, 2028. A TNC that falls below 5 million VMT in a subsequent year shall submit a written request to no longer submit a Biennial Compliance Plan if they anticipate staying below 5 million VMT in future years.

(3) The Biennial Compliance Plan shall summarize strategies with which the TNC will meet the electrification and GHG targets, including how they will reduce deadhead miles and increase passenger occupancy. The Biennial Compliance Plan shall include, at a minimum:

Two-year projected:

i. Annual fleet population (number of vehicles)
ii. Annual fleet average GHG emissions in g CO_2/mi
iii. Annual average vehicle occupancy
iv. Strategies for increasing average vehicle occupancy
v. P1 + P2 proportion of total VMT (deadhead miles)
vi. Strategies for decreasing proportion of deadhead miles
vii. Total annual VMT
viii. Grams CO_2/PMT
ix. BEV and FCEV proportion of fleet population
x. Percent eVMT

(c) Annual Compliance Report.

(1) *Applicability*. Any TNC that exceeds 5 million VMT in a single year of operation shall submit an Annual Compliance Report for that calendar year.

(2) *Small TNC exemption*. A TNC that does not exceed 5 million VMT in a single reporting year of operation is not required to submit an Annual Compliance Report for that calendar year. Upon request, an exempt TNC shall provide CARB with any data that would otherwise be required to be submitted under this chapter in order for CARB to verify the applicability of this exemption for the TNC.

(3) A TNC shall submit an Annual Compliance Report on March 1 of each calendar year, beginning on March 1, 2024, covering the prior calendar year (from January 1st through December 31st) of TNC operation. The TNC shall report its annual GHG emissions (in g CO_2/PMT) and percent electric vehicle miles traveled (%eVMT) for the preceding compliance year. For example, the Annual Compliance Report due March 1, 2024 shall provide the g CO_2/PMT and %eVMT for calendar year 2023.

(4) *Over-compliance credits*. If the TNC chooses to use any over-compliance credits issued to it by CARB for its compliance, as described in Section 2490.1(c), the TNC shall report any such credits used in its Annual Compliance Report.

(5) *Optional CO_2 credits*. If the TNC chooses to use CO_2 credits issued to it by CARB from the options described in Section 2490.3, the TNC shall report any such credits used in its Annual Compliance Report.

(6) In the Annual Compliance Report that summarizes each reporting period, the TNC shall report:

i. Total fleetwide vehicle population
ii. Total fleetwide GHG (grams CO_2)
iii. Total fleetwide VMT
iv. Average compliance occupancy
v. Average actual vehicle occupancy (based on real data or survey)
vi. Total compliance of GHG target (grams CO_2/PMT)
vii. Number of BEVs and FCEVs in fleet population
viii. Number of PHEVs in fleet population
ix. Number of HEVs in fleet population
x. Total compliance % eVMT
xi. CO_2 credits being requested and from which credit option

(7) If the TNC chooses to request optional CO_2 credits as described in § 2490.2(b) for a given calendar year, the TNC shall submit:

i. A signed letter from the CEQA lead agency for the bikeway or sidewalk infrastructure project which contains the reference in the General Plan, Bicycle Master Plan or Regional Transportation Plan
ii. The number of years the project will be operational (open for public use)
iii. Dollar amount invested
iv. Type of bikeway and sidewalk infrastructure (e.g., Class 1, Class II, Class IV facilities)

v. Street names and cities where the projects ~~will be~~are located

~~v.~~vi. Documentation that the dollars invested are fully paid to the local agency that leads the bikeway or sidewalk improvement.

(8) If the TNC chooses to request optional CO_2 credits for integrated fare payment mass transit-connected trips as described in § 2490.2(c), the TNC shall submit:

i. Date and time of TNC P3 trip start
ii. Latitude/longitude of TNC P3 trip start
iii. Date and time of TNC P3 trip end
iv. Latitude/longitude of TNC P3 trip end
v. Name of transit agency
vi. Name of integrated fare operator, contact information
vii. Transit station where the TNC trip connects with a transit trip
viii. Amount paid for transit trip

(d) For any report submitted to the CPUC or CARB under this chapter, the TNC shall include an attestation as follows: "I certify under penalty of *perjury* under the laws of the State of California that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. I certify under penalty of *perjury* of the laws of the State of California that the statement of information submitted is true, accurate, and complete."

NOTE: Authority cited: Sections 38530, 39600, 39601, 39607, and 43000.5, Health and Safety Code; Section 5450, Public Utilities Code. Reference: Section 44274.4, Health and Safety Code; Section 5431, Public Utilities Code.

§ 2490.4 Severability and Use of Compliance Credits

(a) Each provision of this chapter shall be deemed severable, and in the event that any provision of this chapter is held to be invalid, the remainder of this chapter shall continue in full force and effect.

(b) *Credit value*. No provision of this article may be construed to limit the authority of the Executive Officer to terminate or limit use of any compliance or over-compliance credit issued under this chapter. Any credit issued by CARB does not constitute property or a property right and has no monetary value. Credits shall not be traded and are not exchangeable other than as specified in this section. Credits shall only be used for the purposes expressly set forth in this chapter.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code; Section 5450, Public Utilities Code. Reference: Section 44274.4, Health and Safety Code; Section 5431, Public Utilities Code.

Attachment 1

Required Trip Data Fields

Required Field	**Definition**	**Justification**
TNC ID	TNC carrier ID number	A TNC's unique ID is needed for each trip to determine which company the trip is for.
Submission Date	File submission date	The date the records were submitted are needed for determining compliance.
Driver ID	Driver identification ID	A unique driver ID is needed for conducting driver-specific analysis such as counting drivers by the geographic region or time of day in which they are active on each platform. Also needed for driver equity analysis.
VIN	Vehicle identification number	A unique ID for each vehicle is needed to ensure that vehicles with the same make/model/year are not mistaken to be the same vehicle and helps maintain a clean database.
Vehicle Make	Vehicle make	Vehicle make, model and year are used to determine the CO2 emission factor based on the table provided by CARB.
Vehicle Model	Vehicle model	Vehicle make, model and year are used to determine the CO2 emission factor based on the table provided by CARB.
Vehicle Year	Vehicle year	Vehicle make, model and year are used to determine the CO2 emission factor based on the table provided by CARB.
App On Date	Date and time when driver app is turned on or last passenger is dropped off	Date and time when driver begins a Period 1 is needed for analysis of time spent in Period 1.
App On Or Passenger Dropped Off Lat	Latitude of driver when driver app is turned on or last passenger is dropped off	Location where driver begins a Period 1 is needed for geospatial analysis of where Period 1 segments start. Where drivers begin or end their shift can be evaluated against LIC/DAC and urbanicity boundaries to better inform how future regulations are designed.

Required Field	Definition	Justification
App On Or Passenger Dropped Off Long	Longitude of driver when driver app is turned on or last passenger is dropped off	Location where driver begins a Period 1 is needed for geospatial analysis of where Period 1 segments start. Where drivers begin or end their shift can be evaluated against LIC/DAC and urbanicity boundaries to better inform how future regulations are designed.
App On Or Passenger Dropped Off Census Tract	Census Tract of driver when driver app is turned on or last passenger is dropped off	Location where driver begins a Period 1 is needed for geospatial analysis of where Period 1 segments start. Where drivers begin or end their shift can be evaluated against LIC/DAC and urbanicity boundaries to better inform how future regulations are designed.
Period One Miles Traveled	Distance of Period 1 vehicle miles traveled (app open to when match is accepted)	The distance of Period 1 in each trip record is needed to determine the portion of deadheading and for total vehicle miles traveled for compliance calculation.
Req Accepted Date	Date and time the request was accepted	This date and time marks when the driver began Period 2.
Req Accepted Lat	Latitude of driver at time trip request was accepted	Location of where the driver was when accepting the request is needed for geospatial analysis of where drivers are when accepting a request (end of Period 1 and start of Period 2). Where drivers are when accepting a request can be evaluated against LIC/DAC and urbanicity boundaries to better inform how future regulations are designed.
Req Accepted Long	Longitude of driver at time trip request was accepted	Location of where the driver was when accepting the request is needed for geospatial analysis of where drivers are when accepting a request (end of Period 1 and start of Period 2). Where drivers are when accepting a request can be evaluated against LIC/DAC and urbanicity boundaries to better inform how future regulations are designed.

Req Accepted Census Tract	Census Tract of driver at time trip request was accepted	Location of where the driver was when accepting the request is needed for geospatial analysis of where drivers are when accepting a request (end of Period 1 and start of Period 2). Where drivers are when accepting a request can be evaluated against LIC/DAC and urbanicity boundaries to better inform how future regulations are designed.
Passenger Pickup Date	Date and time of passenger pick-up. All times should be provided in local time.	The date/time when the driver picks up passenger party marks when Period 3 begins.

Required Field	Definition	Justification
Period Two Miles Traveled	Period 2 vehicle miles traveled (match accepted to when passenger in vehicle)	Period 2 miles are needed to determine portion of deadheading and for total vehicle miles traveled for compliance calculation.
Passenger Pickup Lat	Latitude of passenger pick-up	Location of where the passenger party is picked up is needed for geospatial analysis of where trip origins are occurring.
Passenger Pickup Long	Longitude of passenger pick-up	Location of where the passenger party is picked up is needed for geospatial analysis of where trip origins are occurring.
Passenger Pickup Census Tract	Census Tract of passenger pick-up	Location of where the passenger party is picked up is needed for geospatial analysis of where trip origins are occurring.
Passenger Dropoff Date	Date and time of passenger drop-off. All times should be provided in local time.	Date and time of when passenger party is dropped off is needed for analysis of time spent in Period 3.
Passenger Dropoff Lat	Latitude of passenger drop-off	Location of where the passenger party is dropped off is needed for geospatial analysis of where trip destinations are occurring. Where trips end can be evaluated against LIC/DAC and urbanicity boundaries to better inform how future regulations are designed.
Passenger Dropoff Long	Longitude of passenger drop-off	Location of where the passenger is dropped off is needed for geospatial analysis of where trip destinations are occurring. Where trips end can be evaluated against LIC/DAC and urbanicity boundaries to better inform how future regulations are designed.

Passenger Dropoff Census Tract	Census Tract of passenger drop-off	Location of where the passenger is dropped off is needed for geospatial analysis of where trip destinations are occurring. Where trips end can be evaluated against LIC/DAC and urbanicity boundaries to better inform how future regulations are designed.
Period Three Miles Traveled	Period 3 vehicle miles traveled from time passenger gets into vehicle to time passenger exits the vehicle	Period 3 miles traveled is needed to determine the trip VMT and the PMT for compliance calculation.

Required Field	Definition	Justification
Pool Request	Whether or not passenger party requested or accepted a shared ride service (Y/N)	The pool request status of the trip determines the occupancy value to be used for compliance calculation.
Pool Match	Whether or not passenger party was matched with a separate party in the vehicle for any portion of the trip (Y/N)	The pool match status of the trip determines the occupancy value to be used for compliance calculation.
Vehicle Occupancy	Number of passengers ~~in vehicle~~ per fare not including the driver	Real passenger occupancy is needed for analysis and inventory of actual emissions per passenger mile.
Service Type	Type of service (e.g. Uber Black, UberX, UberPool, Lyft Lux, Lyft Line, WAV, etc.)	Service type is needed to determine if certain trips are exempt from compliance, such as WAV trips, and to help interpret the total amount paid.