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Lyft, Inc. Comments on Proposed Modifications to the Proposed Regulation Order for the Clean Miles Standard and Incentive Program Regulation

Submitted electronically to https://www.arb.ca.gov/lispub/comm/bclist.php

Lyft, Inc. ("Lyft") appreciated the opportunity to review the 15-day proposed changes to the Clean Miles Standard and Incentive Program regulation. Pursuant to CARB's request, Lyft is providing the attached comments on the proposed modifications for CARB's consideration.

Lyft looks forward to continuing to collaborate with CARB and the CPUC to ensure that the Clean Miles Standard and Incentive Program is a success and can serve as a model for other states.

Sincerely,

Paul Augustine
Senior Manager, Sustainability

Lyft Comments on Proposed Modifications to the Proposed Regulation Order for the Clean Miles Standard and Incentive Program Regulation

Introduction

As Lyft mentioned in its public comments at the May 2021 California Air Resources Board ("CARB") hearing, we strongly support the final Clean Miles Standard and Incentive Program regulations. We appreciate the opportunity to review CARB's proposed 15-day changes and share feedback. Our comments here are primarily focused on: (1) streamlining data reporting and (2) protecting sensitive driver data and business information.

Streamlining Data Reporting

Pursuant to California Public Utility Commission ("CPUC") D.13-09-045 and D.16-04-041, TNCs are required to submit an annual report covering their operations in California during the reporting period. Upon reviewing the proposed regulations against the CPUC annual report requirements, we have identified that there is overlap between the data requested under Attachments 1 and 2 of CARB's Clean Miles Standard and Incentive Program Proposed Regulation Order and 15-Day Changes (together the "proposed rule") and the current annual CPUC reporting requirements for TNCs (the "CPUC annual report"). In Attachments 1 and 2 of this document, we identified the data requested under the proposed rule and the corresponding CPUC annual report templates where the same information can be found. Because of this overlap, we recommend that CARB utilize the same CPUC templates to collect the data requested in the proposed rule. Utilizing the same templates will ensure consistency in reporting and reduce administrative burden for TNCs and the CPUC.

A number of the data requests go beyond the scope of SB 1014. The law specifies that CARB/CPUC can require TNCs to report data "to determine average emissions of greenhouse gases per passenger-mile to be calculated." Most of the new data elements of Attachments 1 and 2 do not meet that criteria. Specifically, Total Amount Paid, Tip, Trip Revenue, Total Revenue, or ZEV Subsidies information should not be collected and reported under the Clean Miles Standard and Incentive Program. Such data does not reasonably relate to determining the average emissions of greenhouse gases per passenger-mile.

We also recognize that not all data requested under the proposed rule is captured in a CPUC annual report template. We, therefore, recommend that the proposed rule require the following data fields (to the extent that each field is within the scope of SB 1014, as noted above), to be submitted on their own CARB specific templates:

- TNC ID
- Driver ID
- Vehicle Occupancy
- Total Amount Paid
- Tip
- Trip Revenue by Driver
- Total Revenue by Driver
- ZEV Subsidies
- Total Time in Period 2
- Total Time in Period 3
- Total Annual Miles by Driver

In addition to recommending that CARB utilize the same reporting templates as the CPUC annual report, we also suggest that CARB collaborate with the CPUC on the reporting periods for both reports. The current CPUC annual report reporting period is September 1st to August 31st; the reporting period under the proposed rule is January 1st to December 31st. By requiring both reports to reflect the same period, a TNC would only have to submit one set of report templates, in addition to the CARB specific template. This would increase efficiency and accuracy of the information received by both agencies.

Protecting Sensitive Driver Data and Business Information

Lyft and other California TNCs have been working very closely with the CPUC to ensure that data submitted as part of the CPUC annual report is kept confidential from third parties. On December 21, 2020 the ALJ issued a ruling on the confidential treatment of data submitted in the 2020 annual report. In Attachments 1 and 2 of this document we have identified the data fields that have been deemed confidential under that ALJ ruling. We request that CARB treat these data fields as confidential as well, and we strongly recommend that CARB add the following language at the end of Section 2490.3(a) of the Proposed Regulation Order to ensure consistent confidential treatment of submitted data:

> *CARB will maintain the confidentiality of any TNC data provided to CARB by the CPUC or the TNC that the CPUC deems entitled to confidential treatment under General Order 66-D.*

Attachment 1

Required Field	Definition	Data Comments			CPUC Template Name
		Request Confidential Treatment	Consider Removing - Beyond SB1014 Scope	Other Notes	
TNC ID	TNC carrier ID number	X			• Driver Names & IDs • Accessibility Report • Accessibility Complaints • Accidents & Incidents • Assaults & Harassment • 50,000 Miles + • Number of Hours • Number of Miles • Driver Training • Law Enforcement Citations • Off-Platform Solicitation • Aggregate Requests Accepted • Requests Accepted • Requests Accepted Period • Aggregate Requests not Accepted • Requests Not Accepted • Suspended Drivers • Total Violations • Zero Tolerance
Submission Date	File submission date	X			• Driver Names & IDs • Accessibility Report

					• Accessibility Complaints • Accidents & Incidents • Assaults & Harassment • 50,000 Miles + • Number of Hours • Number of Miles • Driver Training • Law Enforcement Citations • Off-Platform Solicitation • Aggregate Requests Accepted • Requests Accepted • Requests Accepted Period • Aggregate Requests not Accepted • Requests Not Accepted • Suspended Drivers • Total Violations • Zero Tolerance
Driver ID	Driver identification ID	X Subject to December 2020 ALJ Confidentiality Ruling			• Driver Names & IDs
VIN	Vehicle identification number	X Subject to December 2020 ALJ Confidentiality Ruling		Recommend that CARB establish a statistical approach to ensure	• Accidents & Incidents • Assaults & Harassments • 50,000 Miles + • Law Enforcement Citations • Off-Platform

				overall reporting accuracy, but NOT require 100% accuracy.	Solicitation • Requests Accepted • Requests Accepted Periods • Requests Not Accepted • Zero Tolerance
Vehicle Make	Vehicle make	X		Recommend that CARB advise on a VIN lookup process for compliance	• Accidents & Incidents • Assaults & Harassments • 50,000 Miles + • Law Enforcement Citations • Off-Platform Solicitation • Requests Accepted • Requests Accepted Periods • Requests Not Accepted • Zero Tolerance
Vehicle Model	Vehicle model	X		Recommend that CARB advise on a VIN lookup process for compliance	• Accidents & Incidents • Assaults & Harassments • 50,000 Miles + • Law Enforcement Citations • Off-Platform Solicitation • Requests Accepted Periods • Requests Accepted • Requests Not Accepted • Zero Tolerance
Vehicle Year	Vehicle year	X		Recommend that CARB advise on a VIN lookup	• Accidents & Incidents • Assaults & Harassments • 50,000 Miles + • Law Enforcement

				process for compliance	Citations ● Off-Platform Solicitation ● Requests Accepted Periods ● Requests Accepted ● Requests Not Accepted ● Zero Tolerance
App On Date	Date and time when driver app is turned on or last passenger is dropped off	X			● Requests Accepted
App On Or Passenger Dropped Off Lat	Latitude of driver when driver app is turned on or last passenger is dropped off	X Subject to December 2020 ALJ Confidentiality Ruling	X		● Requests Accepted
App On Or Passenger Dropped Off Long	Longitude of driver when driver app is turned on or last passenger is dropped off	X Subject to December 2020 ALJ Confidentiality Ruling	X		● Requests Accepted

Period One Miles Traveled	Distance of Period 1 vehicle miles traveled (app open to when match is accepted)	X		P1 miles are subject to data quality issues such as duplicate records across TNCs.	• Requests Accepted Periods • Requests Accepted
Req Accepted Date	Date and time the request was accepted	X Subject to December 2020 ALJ Confidentiality Ruling	X		• Requests Accepted Periods • Requests Accepted
Req Accepted Lat	Latitude of driver at time trip request was accepted	X Subject to December 2020 ALJ Confidentiality Ruling	X		• Requests Accepted Periods

Req Accepted Long	Longitude of driver at time trip request was accepted	X Subject to December 2020 ALJ Confidentiality Ruling	X		• Requests Accepted Periods • Requests Accepted
Passenger Pickup Date	Date and time of passenger pick-up. All times should be provided in local time.	X			• Requests Accepted • Requests Accepted Periods
Period Two Miles Traveled	Period 2 vehicle miles traveled (match accepted to when passenger in vehicle)	X			• Requests Accepted Periods • Request Accepted

Passenger Pickup Lat	Latitude of passenger pick-up	X Subject to December 2020 ALJ Confidentiality Ruling	X		• Requests Accepted Periods • Requests Accepted
Passenger Pickup Long	Longitude of passenger pick-up	X Subject to December 2020 ALJ Confidentiality Ruling	X		• Requests Accepted Periods • Requests Accepted
Passenger Dropoff Date	Date and time of passenger drop-off. All times should be provided in local time.	X			• Requests Accepted

Passenger Dropoff Lat	Latitude of passenger drop-off	X Subject to December 2020 ALJ Confidentiality Ruling	X		• Requests Accepted
Passenger Dropoff Long	Longitude of passenger drop-off	X Subject to December 2020 ALJ Confidentiality Ruling	X		• Requests Accepted
Period Three Miles Traveled	Period 3 vehicle miles traveled from time passenger gets into vehicle to time passenger exits the vehicle	X			• Requests Accepted Periods • Requests Accepted

Pool Request	Whether or not passenger party requested or accepted a shared ride service (Y/N)	X			• Requests Accepted Periods • Requests Accepted • Requests Not Accepted • Accidents & Incidents
Pool Match	Whether or not passenger party was matched with a separate party in the vehicle for any portion of the trip (Y/N)	X			• Requests Accepted Periods • Requests Accepted • Requests Not Accepted • Accidents & Incidents
Vehicle Occupancy	Number of passengers in vehicle	X		We do not collect vehicle occupancy. Recommend using existing CARB standard: 1.5 for Classic or Unmatched Shared rides and 2.5 for Matched Shared rides.	N/A

Service Type	Type of service (e.g. Uber Black, UberX, UberPool, Lyft Lux, Lyft Line, WAV, etc.)	X			• Requests Accepted
Total Amount Paid	Total Amount Paid for Trip	X	X		• Requests Accepted
Tip	Tip Amount of Total Amount Paid	X	X		• Requests Accepted

Attachment 2

Required Field	Definition	Data Comments			CPUC Template Name
		Request Confidential Treatment	Consider Removing - Beyond SB1014 Scope	Other Notes	
TNC ID	TNC carrier ID number	X			• Driver Names & IDs • Accessibility Report • Accessibility Complaints • Accidents & Incidents • Assaults & Harassment • 50,000 Miles + • Number of Hours • Number of Miles • Driver Training • Law Enforcement Citations • Off-Platform Solicitation • Aggregate Requests Accepted • Requests Accepted • Requests Accepted Period

					• Aggregate Requests not Accepted • Requests Not Accepted • Suspended Drivers • Total Violations • Zero Tolerance
Submission Date	File submission date	X			• Driver Names & IDs • Accessibility Report • Accessibility Complaints • Accidents & Incidents • Assaults & Harassment • 50,000 Miles + • Number of Hours • Number of Miles • Driver Training • Law Enforcement Citations • Off-Platform Solicitation • Aggregate Requests Accepted • Requests Accepted • Requests Accepted Period • Aggregate Requests not Accepted • Requests Not Accepted • Suspended Drivers

					• Total Violations • Zero Tolerance
Driver ID	An alphanumerical ID assigned by the TNC for each driver that is used consistently across all data submittals. A unique ID assigned to one driver should be the same ID found in the trip data.	X Subject to December 2020 ALJ Confidentiality Ruling			Driver Names & IDs
VINs	All vehicle identification numbers associated with driver	X			• Accidents & Incidents • Assaults & Harassments • 50,000 Miles + • Law Enforcement Citations • Off-Platform Solicitation • Requests Accepted • Requests Accepted Periods • Requests Not Accepted • Zero Tolerance
Trip Revenue	Amount earned in the calendar year, equivalent to the sum of trip fares and tips, minus fees and commission taken by the TNC.	X	X		N/A

Total Revenue by Driver	The total revenue earned by the driver including bonuses and subsidies.	X	X		N/A
ZEV Subsidies	Subsidies given by the TNC to driver for ZEV purchase, lease, rental or charging.	X	X		N/A
Total Time in Period 2	Total time the driver spent in Period 2 in the calendar year.	X	X	Lyft currently reports a period start and end time on the CPUC "Request Accepted Periods Report"	N/A
Total Time in Period 3	Total time the driver spent in Period 3 in the calendar year.	X	X	Lyft currently reports a period start and end time on the CPUC "Request Accepted Periods Report"	N/A
Total Annual Miles by Driver	Total miles accrued in the calendar year				• Number of Miles

Other Recommendations

Some language from the Draft Regulation Order seems to have been inadvertently dropped in the Proposed Regulation Order. While CARB corrected this in Section 2490.2(c) for Equation 3, it also must be corrected in Section 2490.1(c)(3). We simply recommend reinserting this language to the definitions for Equation 1, in red below, to clarify the greenhouse gas compliance equation.

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

Additionally, it is critical that CARB updates the regulations to ensure treatment of deadhead miles is comparable to the baseline--eliminating overlapping trips / multi-apping. As CARB found in its 2018 Base-year Emissions Inventory Report, overlapping miles represented 11% of total vehicle miles travelled. Creating a mechanism to correct for overlapping miles is important to prevent double-counting of miles and inaccuracy of programmatic effectiveness and to not competitively disadvantage smaller TNCs.