Uber Technologies, Inc.
1515 3rd Street
San Francisco, CA 94158

September 29, 2021

Via Electronic Submittal

Clerk's Office
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Uber Technologies, Inc.'s Comments on CARB's 15-Day Notice of Public Availability of Modified Text to the Clean Miles Standard Regulation

To Whom It May Concern,

Uber Technologies, Inc. ("Uber") greatly appreciates CARB's continued leadership towards achieving the emissions reduction goals of the State, which are becoming increasingly more important. Uber shares those goals, having committed in September of 2020 to being a zero-emission platform in the US, Canada and Europe by 2030 and globally by 2040. As part of this goal we have already committed $800 million in resources, by 2025, to help drivers make the transition to ZEVs. We applaud CARB's tremendous efforts to finalize the Clean Miles Standard ("CMS") regulation and continue to be supportive of its mission. Uber is pleased to provide the following brief comments on the California Air Resources Board's ("CARB" or "the Board") 15-Day Notice of Public Availability of Modified Text for the CMS regulation. In summary, we respectfully request that CARB (1) give more flexibility to the California Public Utilities Commission ("CPUC") to apply potential future credits to the eVMT target so that they may properly align CMS with existing initiatives, (2) modify the new data reporting requirements to protect personally identifiable information, (3) ensure that the new data reporting requirements encompassed by Attachments 1 and 2 align with existing CPUC data reporting requirements so that data the two agencies receive will be consistent, and (4) modify the CO_2

factor and occupancy components of Equation 1 to more accurately reflect the fleet characteristics of TNC vehicles and occupancy of trips taken in TNC vehicles.

First, we are pleased to see more flexibility given to the CPUC to develop its own optional credits in subsection 2490.2(f). As we have mentioned in our prior comments, new and innovative incentives, designed for use and direct benefit to TNC drivers—particularly lower- and moderate-income drivers from underserved communities—will be necessary to allow a fair transition to affordable, high-quality zero-emission vehicles for all drivers who regularly participate on our network, yield substantial emissions avoidance for the State, and help accelerate California's overall transition to a fully zero-emission transportation system. However, to be a meaningful component of the current policy, we believe that the existing optional credits and any additional optional credit programs adopted in the future should be applied not only to the GHG targets but also to the eVMT targets in the regulation. Doing so would not only appropriately recognize the fact that meeting the eVMT targets will account for an overwhelming majority of compliance with the GHG targets, but it would also provide sufficient flexibility and encouragement to TNCs to test new investment approaches and interventions (including those designed to increase access to electric vehicles and affordable charging infrastructure) to achieve compliance.

In addition, the CPUC already has several rulemakings underway aimed at promoting vehicle electrification and aligning electric utility markets with wider transportation goals (*i.e.*, R. 18-12-006; R. 21-06-017). Providing flexibility within the CMS regulation for eVMT-focused credits will allow the CPUC to harmonize these rulemaking efforts. Conversely, foreclosing eVMT-focused credits risks creating an unnecessary hurdle to unified transportation electrification policy.

Above and beyond CARB's direction, SB 1014 (Skinner, 2018) also requires the CPUC to ensure the following in its implementation of the CMS: (1) ensure minimal negative impact on low-income and moderate-income drivers, (2) ensure that the program complements and supports the sustainable land-use objectives in regional transportation planning, and (3) support the goals of clean mobility for low- and moderate-income individuals. CARB has not taken these elements of the law into consideration in crafting the CMS regulation. We therefore respectfully request that CARB not restrict the CPUC as it seeks to address these vitally important considerations in the implementation of the CMS.

Therefore, rather than curtailing how the CPUC can leverage optional credits at this time, we believe that the CPUC should have discretion to apply the existing credits, and any additional credit options the CPUC may adopt, to both the eVMT targets and the GHG targets. Accordingly, we recommend modifying the language of subsection 2490.2(f) as follows:

(f) CPUC may develop additional optional CO2 ***and/or eVMT*** credit programs, in addition to those outlined in this section, for the TNCs to comply with annual GHG ***and/or percent eVMT*** targets.

Second, while we are supportive of the modifications that CARB has proposed to the data requirements in Attachments 1 and 2 of the CMS regulation, we remain concerned that there are real privacy concerns implicated by tying any of this type of revenue data and trip activity data to personally-identifiable characteristics like Driver IDs, TNC IDs, and VIN information. Additionally, requiring the provision of latitude/longitude coordinates per trip heightens the risk that this data can be used to re-identify passengers and the locations they frequent. We note that in addition to having to disclose this precise, per-trip information, we are also required to share aggregated sums (e.g. Period Two Total Miles traveled). We strongly recommend that CARB and the CPUC be willing to accept only the aggregated sums with the ability to receive disaggregated data for a specific trip or sample of trips in order to verify the aggregate information. Providing data in anonymized and aggregate form can still achieve CARB's and the CPUC's goal of monitoring the impacts of the CMS regulation on low and moderate-income drivers and assessing compliance. At a minimum, CARB should consider adopting additional confidentiality standards that could be applied to any personally-identifiable data to be submitted in a public proceeding, as well as clarify the use and potential sharing, if any, of the collected data.

Additionally, Uber notes that the data reporting fields in Attachment 1 overlap to a large extent with the information that Uber already provides to the CPUC as part of its Annual Report submissions pursuant to CPUC Decisions D.13-09-045 and D.16-04-041. While the data reporting obligations in the CMS regulation tracks the calendar year, the data submitted in Uber's Annual Report reflects the time period from September 1 to August 31. To ensure alignment between the two reports and consistency with the way in which such data is stored internally, Uber intends to use the same interpretations of the data fields that it uses with its Annual Report submission to the extent there is an overlap.

Finally, Uber notes that the CO_2 factor and occupancy components of Equation 1 should be modified to more accurately reflect the fuel efficiency characteristics of TNC vehicles and occupancy of trips taken in TNC vehicles. First, the CO_2 factors listed on Table 2 and 3 of the proposed regulation require classification of vehicles based on vehicle weight, which we do not currently collect. Additionally, we have the ability to identify vehicle level CO_2 factors for the majority of vehicles on the platform (such as via VIN decoding). Accordingly, we request the ability to use more accurate CO_2 factors when such data is available. To that end, Uber would be willing to provide sample data for auditing, as well as detailed notes on the methodology used to calculate the CO_2 factor. The emissions values reflected in Tables 2 or 3 could be used as a fallback when such vehicle data is not available. Second, the occupancy values listed on Table 4 appear to be biased to pool-matched trips. We understand the importance of pool-matched trips, yet assigning uniform 1.5 occupancy values for all trips, even for UberXL or UberSUV trips where maximum capacity is 6, does not reflect the reality of trips arranged through Uber's platform. Therefore, we request that CARB consider adding additional flexibility to enable TNCs to use more accurate, actual occupancy values when such data is available (based on real data or survey).

In conclusion, we thank CARB for their continued leadership in developing the CMS to help drive the State towards its clean transportation goals and for the opportunity to provide comments on the proposed modifications. Thank you for your consideration.

Respectfully submitted,

/s/ *Austin Heyworth*
Senior Public Affairs Manager

/s/ *Adam Gromis*
Public Policy Manager

/s/ *Alex Larro*
Regulatory Counsel