

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**Consumer Protection and Enforcement Division  
Transportation Licensing and Analysis Branch**

**RESOLUTION TL-19133  
June 24, 2021**

**RESOLUTION**

**RESOLUTION AWARDING LOCAL ACCESS FUND ADMINISTRATORS AND  
CORRESPONDING ACCESS FUND GRANTS FOR FUNDING YEAR 2021-2022 FOR  
THE TNC ACCESS FOR ALL PROGRAM.**

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**SUMMARY**

This resolution approves Local Access Fund Administrators (LAFAs) and their corresponding Access Fund awards for Funding Year 2021-2022. The following entities will serve as a LAFA and administer the TNC Access for All Program locally for their respective county(ies): Contra Costa Transportation Authority (Contra Costa), Fresno Council of Governments (Fresno), Los Angeles County Metropolitan Transportation Authority (Los Angeles), Riverside County Transportation Commission (Riverside), San Diego Association of Governments (San Diego), San Luis Obispo Council of Governments (San Luis Obispo), Santa Barbara County Associations of Government (Santa Barbara), Shasta Regional Transportation Agency (Shasta), Solano Transportation Authority (Solano), and Transportation Agency for Monterey County (Monterey). Collectively, the total authorized Access Fund amount is \$11,171,599.96.

**BACKGROUND**

On September 22, 2018, Governor Brown signed Senate Bill (SB) 1376 (Hill) or the *Transportation Network Company (TNC) Access for All Act*, into law.<sup>1</sup> This legislation directed the California Public Utilities Commission to establish a program relating to accessibility for persons with disabilities, including wheelchair users who need a wheelchair-accessible

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<sup>1</sup> SB 1376 is codified in Public Utilities (Pub. Util.) Code § 5440.5.

vehicle (WAV).<sup>2</sup> The purpose of the TNC Access for All Program is to incentivize the expansion and improvement of on-demand WAV transportation service for people with disabilities in California. On February 21, 2019, the Commission opened Order Instituting Rulemaking (R.) 19-02-012 to implement SB 1376. This proceeding is divided into four tracks: Track 1 culminated in D.19-06-033, Track 2 culminated in D.20-03-007, Track 3 culminated in D.21-03-005, and Track 4 is open.

A. Access Fund and Offset Process

In Decision (D.) 19-06-033, the Commission required TNCs to collect an “access fee” in the amount of \$0.10 for each TNC trip and to remit the total fees collected to the Commission on a per geographic area and quarterly basis beginning the third quarter of 2019. The fees collected from TNCs are then deposited in the Commission’s TNC Access for All Fund or “Access Fund” for distribution to “access providers” that establish on-demand transportation programs or partnerships to meet the needs of persons with disabilities, including wheelchair users who need a WAV, in each geographic area.

There are two mechanisms to meet the overall goal of the Access for All Program: (1) through TNCs’ investments, and (2) through local Access Providers. In the first mechanism, TNCs invest Access Fee revenue to expand or improve on-demand WAV service in each county. In return, they can file offset requests on a quarterly basis with the Commission. Approval of their request allows the TNCs to keep some of the Access Fee revenue they collect, equal to the amount they invest in WAV service in a particular county in a particular quarter, so long as the WAV service meets performance requirements set by the Commission.

In the second mechanism, the Commission sets aside the remaining moneys not claimed by TNCs in the offset process, which can then be distributed to local Access Providers through Local Access Fund Administrators (LAFAs). Access Providers are identified by LAFAs as providers that can provide on-demand WAV service but require additional financial resources to do so.

B. Access Providers and Local Access Fund Administrators (LAFAs)

P.U. Code Section 5440.5(a)(1)(C) provides that the Commission “shall distribute funds in the Access Fund on a competitive basis to access providers that establish on-demand transportation programs or partnerships to meet the needs of persons with disabilities,

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<sup>2</sup> Public Utilities (Pub. Util.) Code Section 5431(b) defines “wheelchair accessible vehicle” or “WAV” to mean a vehicle equipped with a ramp or lift capable of transporting non-folding motorized wheelchairs, mobility scooters, or other mobility devices.

including wheelchair users who need a WAV, in the geographic areas selected....” Additionally, Section 5440.5(3)(c) allows the Commission to hire an independent entity to administer the program locally within the geographic areas defined in D.19-06-033 (counties). This independent entity was named as an Access Fund Administrator (AFA) in D.20-03-007, and then renamed as Local Access Fund Administrator (LAFA) in D.21-03-005 to draw a distinction from the Statewide Access Fund Administrator. “AFA” is now used to refer to LAFAs and the SAFA, collectively.

The primary role of an AFA is to administer the Access for All program in the geographic area(s) within its jurisdiction. Specifically, Decision D.20-03-007 tasks AFAs with developing local WAV programs and distributing Access Fund moneys to Access Providers in accordance with criteria adopted by the Commission. To serve as an AFA, the applicant must be able to perform the following responsibilities identified in D.20-03-007 and D.21-03-005, including:

1. Establish a submission process for the Access Provider application
2. Select Access Providers to receive Access Fund moneys based on criteria adopted by the Commission
3. Distribute Access Fund moneys to selected access providers
4. Submit a consolidated Quarterly Report to the Commission based on the Quarterly Reports submitted by Access Providers
5. Submit on a quarterly basis the amount of Access Funds requested by and distributed to Access Providers in a quarter and a brief description of the progress made by selected Access Providers and any compliance or other challenges encountered
6. Submit an annual certification that Access Fund moneys will be expended and distributed in accordance with the requirements established by the CPUC

Recognizing that they are “best equipped and positioned to administer the Access Fund,” in D.20-03-007, the Commission limited the eligibility of potential LAFAs to the following entities: Metropolitan Planning Organizations (MPOs), Regional Transportation Planning Agencies (RTPAs) and County Transportation Commissions (CTCs). CTCs, RTPAs, and MPOs are all single-county entities except AMBAG, MTC, SACOG, and SCAG (see Attachment 6 for a complete list).<sup>3</sup> Moreover, except for El Dorado and Placer counties, no

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<sup>3</sup> AMBAG (Association of Monterey Bay Area Governments) consists of 3 counties: Monterey, San Benito and Santa Cruz. MTC (Metropolitan Transportation Commission) consists of 9 counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma. SACOG (Sacramento Area Council of Governments) consists of 6 counties: El Dorado, Placer, Sacramento, Sutter, Yolo and

county spans more than one MPO or RTPA. Most of these two counties are under the jurisdiction of the Sacramento Area Council of Governments while small portions are under the Tahoe Metropolitan Planning Organization (TMPO) of Nevada.

For these multi-county MPOs, the individual RTPA or local CTC with jurisdiction over each member county shall be eligible to apply as a LAFA for that geographic area. Each geographic area may only be served by a single LAFA. In the event overlapping eligible entities apply to become a LAFA for the same area, the MPO will be given preferential consideration, followed by the county-level RTPA or CTC.

### C. LAFA Program Guidelines

As directed in D.20-03-007, CPED Staff developed program guidelines that included the application and selection process for potential LAFAs. On April 2, 2021, CPED released the Access for All Program Overview & Requirements (“Program Requirements”) specifying the Commission’s procedures for selecting LAFAs; the operational, fiscal, and reporting requirements for entities serving as LAFAs; and the requirements for Access Providers chosen to provide on-demand transportation to meet the needs of persons with disabilities.

All LAFA applicants are required to submit a complete application, which must include the following:

1. MPO / RTPA / CTC information form – this provides Staff with the correct and up to date information related to the applicants.
2. Certification of program requirements – this certifies that the LAFA will follow the Program Requirements and must be signed by the Executive Director or other Director.
3. Board Resolution – this is an approval from the applicant’s governing board authorizing the entity to serve as the LAFA. This process is only required once for each LAFA and must be signed by the Board Chair.
4. Notarized Affidavit – this serves as an attestation that all the information, statements and representations made in the application by the entity are true and correct. This includes a commitment to comply with the Commission’s Rules of Practice and Procedure and statutes, including Public Utilities Code Sections 2108 and 2111, and to submit quarterly and annual reports as outlined in the Program Requirements.
5. Payee Data Record form (STD 204) – this ensures that the approved LAFA receives payments from the CPUC.

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Yuba). SCAG (Southern California Association of Governments) consists of 6 counties: Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura.

Templates for each of these required application documents are included as Attachments 2, 3, 4, and 5.

#### D. LAFA Application Review and Approval

CPED Staff reviews each application to ensure completeness and that appropriate signatures and notarizations are included. Once Staff determines that the application is complete, Staff then drafts a Resolution to seek the Commission's approval of the selected LAFA(s) and the corresponding Access Fund amounts to be disbursed. After the Commission approves the Resolution, Staff initiates the disbursement process with CPUC's Fiscal Office.

#### E. Late Board Resolutions

Recognizing that the timeline for obtaining the required Board Resolution does not coincide with the voting schedule for some of the applicants' governing boards, CPED Staff allowed the following applicants to submit their board resolution by July 9, 2021. Failure to submit by this date will delay consideration by the Commission and, if approved, may delay distribution of funding

- i. Contra Costa Transportation Authority (Contra Costa)
- ii. Los Angeles County Metropolitan Transportation Authority (Los Angeles)
- iii. Riverside County Transportation Commission (Riverside)
- iv. San Luis Obispo Council of Governments (San Luis Obispo)
- v. Solano Transportation Authority (Solano)
- vi. Transportation Agency for Monterey County (Monterey)

LAFAs' full approval and the disbursement of awarded Access Funds shall be conditional on the submission of their respective board's resolution. The Commission will consider Board Resolutions submitted after July 9, 2021, but disbursement of Access Funds may be delayed after September 30<sup>th</sup> for such LAFAs.

#### **FUNDING YEAR 2021-2022: LAFA APPLICATIONS**

CPED received a total of 10 LAFA applications, including five MPOs, and five CTCs.

Table 1 below lists the LAFAs that applied for Funding Year 2021-2022. Staff reviewed these applications based on the required documents enumerated above for completeness and whether they conform to the language provided in the templates. Staff determined that the applications submitted by the LAFAs listed below were complete and in compliance with program requirements.

*Table 1: List of LAFA Applicants for Funding Year 2021-22*

Lafa Applicants	Entity Type	Geographic Areas Covered
Contra Costa Transportation Authority	CTC	Contra Costa
Fresno Council of Governments	MPO	Fresno
Los Angeles County Metropolitan Transportation Authority	CTC	Los Angeles
Riverside County Transportation Commission	CTC	Riverside
San Diego Association of Governments	MPO	San Diego
San Luis Obispo County of Government	MPO	San Luis Obispo
Santa Barbara County Associations of Government	MPO	Santa Barbara
Shasta Regional Transportation Agency	MPO	Shasta
Solano Transportation Authority	CTC	Solano
Transportation Agency for Monterey County	CTC	Monterey

**FUNDING AWARD**

SB 1376 requires the Commission to “allocate moneys in the Access Fund for use in each geographic area in a manner that is proportional to the percent of the Access Fund fees originating in that geographic area.” After taking into account approved offsets requested by TNCs between Q3 2019 and Q2 2020, the remaining balance in the Access Fund was allocated by county. The balance for each county shall be the maximum funding available for the corresponding approved LAFA responsible for that county. Staff recommends the following funding awards for each approved LAFA; these amounts include the corresponding 15% authorized by the Commission to cover LAFAs’ administrative costs:

*Table 2: Access Fund Amounts Awarded Per LAFA Applicant*

<b>LAFA Applicant</b>	<b>Total Access Funding</b>
Contra Costa Transportation Authority	\$279,949.83
Fresno Council of Governments	\$222,436.80
Los Angeles County Metropolitan Transportation Authority	\$6,629,057.88
Riverside County Transportation Commission	\$556,432.20
San Diego Association of Governments	\$2,976,476.08
San Luis Obispo County of Government	\$79,751.50
Santa Barbara County Associations of Government	\$211,697.60
Shasta Regional Transportation Agency	\$24,730.60
Solano Transportation Authority	\$92,661.68
Transportation Agency for Monterey County	\$98,405.79
<b>TOTAL</b>	<b>\$11,171,599.96</b>

*Table 3: Portion of the Total Approved Access Funding Allowed for Administrative Costs*

<b>Approved LAFA</b>	<b>Allowance for Administrative Costs</b>
Contra Costa Transportation Authority	\$41,992.47
Fresno Council of Governments	\$33,365.52
Los Angeles County Metropolitan Transportation Authority	\$994,358.68
Riverside County Transportation Commission	\$83,464.83
San Diego Association of Governments	\$446,471.41
San Luis Obispo County of Government	\$11,962.73
Santa Barbara County Associations of Government	\$31,754.64
Shasta Regional Transportation Agency	\$3,709.59
Solano Transportation Authority	\$13,899.25
Transportation Agency for Monterey County	\$14,760.87
<b>TOTAL</b>	<b>\$1,675,739.99</b>

**COMPLIANCE REQUIREMENTS**

All approved LAFAs are required to comply with the rules detailed in the Access for All Program Requirements. Detailed compliance requirements can be found in the attached Access for All Program Requirements (Attachment 1).

### **AUDITS**

Pursuant to Public Utilities Code 314.6 (a), the Commission has the right to conduct any necessary audit, verification, and discovery during the Program's implementation to ensure that Access Fund moneys are spent in accordance with Commission requirements. D.20-03-007 also requires that all LAFAs are subject to a financial audit by the Commission and authorizes Staff to retain an independent entity to monitor and audit the collection and expenditure of Access Fund moneys. For this reason, contracts with Access Providers and records such as files, invoices, and other related documentation shall be retained and made available to CPUC upon request for the duration of the program and for three (3) years from the date of final Access Provider funding liquidation. Although audit of Access Providers is not required, it is the responsibility of LAFAs to determine whether Access Providers are eligible to receive future funding.

### **COMMENTS**

In compliance with Public Utilities Code §311(g), a notice shall be emailed on May 21, 2021, informing all parties on the R.19-02-012 Service List of the availability of the Resolution at the Commission's website at <http://www.cpuc.ca.gov/documents/>. The comment period for this draft resolution is being shortened pursuant to Public Utilities Code section 311(g)(2) and CPUC Rules of Practice and Procedure, Rule 14.6(a)(7). Accordingly, comments on this draft resolution must be submitted no later than **June 10, 2021**. This letter also informed parties that the final Resolution adopted by the Commission will be posted and available at the same website.

No comments received.

### **FINDINGS OF FACT**

1. In D.20-03-007, the Commission identified Metropolitan Planning Organizations (MPOs), Regional Transportation Planning Agencies (RTPAs) and County Transportation Commissions (CTCs) as eligible to serve as Local Access Fund Administrators (LAFAs).
2. Per D. 20-03-007 and D.21-03-005, LAFAs shall administer the Access for All Program locally within their respective geographic areas or counties to Access Providers who provide on-demand WAV transportation to meet the needs of persons with disabilities.

3. CPED Staff received LAFA applications from the following entities in a timely manner before the May 1, 2021 deadline:
  - i. Contra Costa Transportation Authority (Contra Costa)
  - ii. Fresno Council of Governments (Fresno)
  - iii. Los Angeles County Metropolitan Transportation Authority (Los Angeles)
  - iv. Riverside County Transportation Commission (Riverside)
  - v. San Diego Association of Governments (San Diego)
  - vi. San Luis Obispo Council of Governments (San Luis Obispo)
  - vii. Santa Barbara County Associations of Government (Santa Barbara)
  - viii. Shasta Regional Transportation Agency (Shasta)
  - ix. Solano Transportation Authority (Solano)
  - x. Transportation Agency for Monterey County (Monterey)
4. Based on its review, CPED Staff has determined that these applicants meet the eligibility requirements and submitted the required documents.
5. The following applicants are in the process of obtaining the required Board Resolution from their respective boards. These applicants have until July 9, 2021 to submit their Board Resolution to CPED Staff without delay in funding distribution by September 30, 2021:
  - i. Contra Costa Transportation Authority (Contra Costa)
  - ii. Los Angeles County Metropolitan Transportation Authority (Los Angeles)
  - iii. Riverside County Transportation Commission (Riverside)
  - iv. San Luis Obispo Council of Governments (San Luis Obispo)
  - v. Solano Transportation Authority (Solano)
  - vi. Transportation Agency for Monterey County (Monterey)

**THEREFORE, IT IS ORDERED THAT:**

1. All applicants shall be conditionally approved as LAFAs; the disbursement of their Access Fund award is contingent on the submittal of their Board Resolution and Consent Form by July 9, 2021. Submittals after that date will be considered on a case by case basis, which may delay funding distribution.
2. The Commission conditionally approves the Local Access Fund Administrators (LAFAs) endorsed by CPED Staff and shall award the following amounts for the 2021-2022 Funding Year provided that each conditionally approved LAFA submits its Consent Form and Board Resolution by July 9, 2021:
  - i. \$279,949.83 to the Contra Costa Transportation Authority (Contra Costa)
  - ii. \$222,436.80 to the Fresno Council of Governments (Fresno)

- iii. \$6,629,057.88 to the Los Angeles County Metropolitan Transportation Authority (Los Angeles)
  - iv. \$556,432.20 to the Riverside County Transportation Commission (Riverside)
  - v. \$2,976,476.08 to the San Diego Association of Governments (San Diego)
  - vi. \$79,751.50 to the San Luis Obispo Council of Governments (San Luis Obispo)
  - vii. \$211,697.60 to the Santa Barbara County Associations of Government (Santa Barbara)
  - viii. \$24,730.60 to the Shasta Regional Transportation Agency (Shasta)
  - ix. \$92,661.68 to the Solano Transportation Authority (Solano)
  - x. \$98,405.79 to the Transportation Agency for Monterey County (Monterey)
3. Once fully approved, a total of \$11,171,599.96 for these LAFAs shall be paid out of the Access Fund in accordance with the Program Requirements.
  4. The following LAFAs have not yet submitted their Board Resolution and must do so by July 9, 2021 to be considered for funding distribution by September 30, 2021:
    - i. Contra Costa Transportation Authority (Contra Costa)
    - ii. Los Angeles County Metropolitan Transportation Authority (Los Angeles)
    - iii. Riverside County Transportation Commission (Riverside)
    - iv. San Luis Obispo Council of Governments (San Luis Obispo)
    - v. Solano Transportation Authority (Solano)
    - vi. Transportation Agency for Monterey County (Monterey)
  5. Conditionally approved LAFAs must complete and execute the Consent Form (to be sent to the conditionally approved LAFA after this Resolution is adopted) agreeing to the conditions set forth in this Resolution and email it to [tnaccess@cpuc.ca.gov](mailto:tnaccess@cpuc.ca.gov) within 15 calendar days from the date of the adoption of this Resolution (due July 9, 2021). Failure to submit the Consent Form within 15 calendar days from the adoption date of this Resolution will render the award null and void.
  6. Payments to the LAFA shall be in accordance with the process outlined in the Program Requirements (Attachment 1 of this Resolution).
  7. Approved LAFAs agree to comply with all guidelines, requirements, and conditions associated with the Access for All Program awards as specified in D.20-03-007, D.21-03-005, the Program Requirements, and this Resolution.
  8. By receiving moneys from the Access Fund, approved LAFAs agree to comply with the terms, conditions, and requirements of the award and thus submits to the jurisdiction of the Commission with regard to disbursement and administration of the award.

9. Upon termination of its role as a LAFA, an approved LAFA must return unused Access Fund moneys to the Commission by following the process outlined in the "Unused Funds" section of the Program Requirements.
10. An approved LAFA shall remain approved until such time as its own withdrawal, breach of this agreement, or Access for All Program termination. In the event the LAFA is interested in being re-approved, the LAFA will be required to apply again by submitting the full Application, including the Certification, Affidavit, Board Resolution, Payee Data Record, and Consent Form following the Commission's award.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the California Public Utilities Commission at its regular meeting on June 24, 2021. The following Commissioners approved it:

/s/ RACHEL PETERSON

Rachel Peterson  
Executive Director

MARYBEL BATJER  
President  
MARTHA GUZMAN ACEVES  
DARCY HOUCK  
CLIFFORD RECHTSCHAFFEN  
GENEVIEVE SHIROMA  
Commissioners

**ATTACHMENT 1**  
**PROGRAM REQUIREMENTS**



April 2021  
Version 1.1

## Table of Contents

PROGRAM OVERVIEW .....	17
Authority and Purpose.....	17
History and Structure .....	17
Access Fee and Access Fund .....	18
Local Access Fund Administrators (LAFAs) .....	18
Eligibility to Serve as a LAFA .....	19
Summary of Roles and Responsibilities of a LAFA .....	21
Anticipated Program Funding Schedule .....	21
Statewide Access Fund Administrator (SAFA) .....	23
ANNUAL PHASE I – ACCESS FUND BALANCE NOTIFICATION (anticipated by end of January).....	23
Allocation of Funds .....	23
Available Access Fund Balance Estimates.....	24
ANNUAL PHASE II – APPLICATION SUBMISSION (anticipated February through April).....	24
Required Documents .....	25
Summary of Required Forms .....	26
Submission.....	26
ANNUAL PHASE III – REVIEW AND APPROVAL (anticipated May through July) .....	26
Review .....	26
Approval .....	26
Consent Form and Board Resolution.....	27
ANNUAL PHASE IV – FUND DISTRIBUTION to LAFAs (anticipated August through September) .....	27
ANNUAL PHASE V – ACCESS PROGRAM DEVELOPMENT and IMPLEMENTATION.....	27
Administrative Costs.....	28
LAFA Transparency .....	28
Engagement with Disability Communities.....	28
Eligibility Requirements for Access Providers.....	29
TNCs as Access Providers.....	29
Application/Proposal Requirements for Access Providers .....	29
Contracting Access Providers (executed contract anticipated by July 1 annually, starting 2022).....	33
Liquidation of Funds .....	33
Eligible Expenses.....	34

Return and Report of Unused Funds .....	34
Data Reporting and Compliance .....	35
Execution and Performance .....	36
Financial and Program Audit and Non-Compliance Penalties .....	36
ANNUAL PHASE VI – REPORTING OBLIGATIONS (Recurring and Ongoing) .....	37
LAFAs’ Administrative Costs, updates on Access Provider Solicitation and Engagement with Disability Community (Quarterly) .....	37
Progress Reports and Amount of Access Funds Used by Access Providers (Quarterly) .....	38
LAFAs’ Consolidated Reports (Quarterly) .....	38
Selection/Continuation of Access Providers (Annually) .....	39
Appendix A: Eligible WAV Expenses .....	41
Appendix B: 2021 Funding Year Calendar .....	43

## PROGRAM OVERVIEW

### Authority and Purpose

The California Public Utilities Commission (CPUC or Commission) created the transportation network company (TNC) Access for All Program to implement Senate Bill (SB) 1376 (Hill: 2018), which directed the Commission to establish a program relating to the accessibility of TNC services for persons with disabilities, including wheelchair users who need a wheelchair-accessible vehicle (WAV).<sup>4</sup>

The purpose of the TNC Access for All Program is to incentivize the expansion and availability of on-demand transportation service for people with disabilities statewide. This document is the Access for All Program Overview & Requirements (“Program Requirements”). It specifies the Commission’s procedures for selecting Local Access Fund Administrators (LAFAs); the operational, fiscal, and reporting requirements for entities serving as LAFAs; and the requirements for Access Providers chosen to provide on-demand transportation to meet the needs of persons with disabilities.

### History and Structure

In early 2019, the Commission opened order instituting rulemaking (OIR) R.19-02-012 to address the issues related to the implementation of SB 1376. The rulemaking is currently divided into four tracks:

- Track 1 ([D.19-06-033](#)) – set the Access Fee amount of \$0.10 to be collected from each completed TNC trip and defined geographic areas as individual counties for the purpose of fee collection and redistribution (58 in total).
- Track 2 ([D.20-03-007](#)) – established the offset and exemption requirements and process; response time standards and other criteria for TNCs; and defined and identified eligible entities to serve as Local Access Fund Administrators (LAFAs).
- Track 3 ([D.21-03-005](#)) – defined “on-demand” as it relates to WAVs; adjusted metrics for TNCs’ offset eligibility; set requirements for Access Providers and local and statewide AFAs; and addressed other accessibility issues.
- Track 4 (anticipated) – a Scoping Memo can be accessed [here](#).

The Access for All Program provides two mechanisms to meet the statute’s overall goal of expanding and improving on-demand WAV transportation service in California: one through TNCs’ investments, and the other through local Access Providers. In the first mechanism, TNCs invest Access Fee revenue to expand or improve on-demand WAV service in each county or geographic area. In return, they can file offset requests on a quarterly basis with the Commission. Approval of their request allows the TNCs to keep some of the Access Fee revenue they collect, equal to the amount they invest in WAV service in a particular county in a

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<sup>4</sup> California Public Utilities Code [§5440.5 \(a\)\(1\)](#).

particular quarter, so long as the WAV service meets performance requirements set by the Commission. This part of the Program is already being implemented via the Commission's advice letter process.

In the second mechanism, the Commission sets aside the remaining moneys (not claimed by TNCs in the offset process) in a fund called the Access Fund. These funds can then be distributed to local Access Providers through LAFAs. Access Providers are identified by LAFAs as providers that are able to provide WAV service similar to that of TNCs but require additional financial resources to do so. In Track 2, the Commission concluded that local transportation planning agencies (Metropolitan Planning Organizations; Regional Transportation Planning Agencies; and County Transportation Commissions) are best equipped and positioned to administer the Access Fund. Consequently, the Commission delegated LAFAs for the role of distributing funds to Access Providers in each county.

#### [Access Fee and Access Fund](#)

In Track 1 of Decision D.[19-06-033](#), the Commission required TNCs<sup>5</sup> to collect an "Access Fee" in the amount of \$0.10 for each TNC trip<sup>6</sup> and to remit the total fees collected to the Commission on a per geographic area<sup>7</sup> and quarterly basis beginning the third quarter of 2019.

The fees collected from TNCs are then deposited in the Commission's TNC Access for All Fund or Access Fund for distribution to Access Providers that establish on-demand transportation programs or partnerships to meet the mobility needs of persons with disabilities, including individuals who need a WAV, in each geographic area. TNCs may "offset" the fees due to the Commission by the amounts they spend quarterly to improve WAV service in each geographic area.<sup>8</sup>

#### [Local Access Fund Administrators \(LAFAs\)](#)

In Track 2 of Decision D.[20-03-007](#), the Commission authorized Access Fund Administrators (AFAs),<sup>9</sup> to develop local WAV programs using Access Fund moneys collected by the Commission. For clarity, these entities are now referred to as Local Access Fund Administrators (LAFAs), as established in Track 3 as well as in these Program Requirements. [D.20-03-007](#) also tasked CPUC's Consumer Protection and Enforcement Division (CPED) to develop these Program Requirements for the selection of LAFAs, disbursement of funds, and compliance with data reporting requirements. LAFAs are to assist CPED by administering the local WAV program,

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<sup>5</sup> "Transportation Network Company" means an organization, including, but not limited to, a corporation, limited liability company, partnership, sole proprietor, or any other entity, operating in California that provides prearranged transportation services for compensation using an online-enabled application or platform to connect passengers with driver using a personal vehicle. See California Public Utilities Code [§5431\(c\)](#).

<sup>6</sup> See Commission Decision [D.19-06-033](#).

<sup>7</sup> Commission Rulemaking R.19-02-012 designated each county in California as a geographic area.

<sup>8</sup> See Commission Decision [D.20-03-007](#).

<sup>9</sup> See Commission Decision [D.21-03-005](#).

and contracting with and obligating available funds to eligible Access Providers. Access Providers are organizations or entities that directly provide, or contract with a separate organization or entity to provide, on-demand transportation to meet the needs of persons with disabilities,<sup>10</sup> including individuals who need access to a WAV.

[Eligibility to Serve as a LAFA](#)

Decision [D.20-03-007](#) limits the entities that may serve as LAFAs to metropolitan planning organizations (MPOs), regional transportation planning agencies (RTPAs), and county transportation commissions (CTCs). Currently, there are 18 MPOs and 21 RTPAs, covering California’s 58 counties, as shown in Table 4 below. Other than AMBAG,<sup>11</sup> MTC,<sup>12</sup> SACOG,<sup>13</sup> and SCAG,<sup>14</sup> the CTCs, RTPAs, and MPOs are all single-county entities. Moreover, except for El Dorado and Placer counties, no county spans more than one MPO or RTPA.<sup>15</sup> For multi-county MPOs like AMBAG, MTC, SACOG, and SCAG, the individual RTPA or local CTC with jurisdiction over each member county shall be eligible to apply as a LAFA for that geographic area.

Each geographic area may only be served by a single LAFA. In the event overlapping eligible entities apply to become a LAFA for the same area, the MPO will be given preferential consideration, followed by the county-level RTPA or CTC. Furthermore, Access Fees collected in one county must stay in that county. As such, if an MPO representing multiple counties is selected as a LAFA, it shall ensure county-level expenditures do not exceed county-level fund balances.

Given the discrete number of eligible entities, the entities listed below are considered “conditionally selected” as a LAFA, contingent upon their agreement to accept and fulfill the requirements established by the Commission for LAFAs in a process described in this Program Requirements document.

*Table 4: Entities Conditionally Selected as LAFAs*

Entity Name	Entity Type	Geographic Areas Covered
Association of Monterey Bay Area Governments (AMBAG)	MPO	Monterey, San Benito, Santa Cruz

<sup>10</sup> California Public Utilities Code [§5431.5 \(a\)](#).

<sup>11</sup> AMBAG (Association of Monterey Bay Area Governments) consists of 3 counties: Monterey, San Benito and Santa Cruz.

<sup>12</sup> MTC (Metropolitan Transportation Commission) consists of 9 counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma.

<sup>13</sup> SACOG (Sacramento Area Council of Governments) consists of 6 counties: El Dorado, Placer, Sacramento, Sutter, Yolo and Yuba.

<sup>14</sup> SCAG (Southern California Association of Governments) consists of 6 counties: Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura.

<sup>15</sup> The only exceptions are El Dorado and Placer Counties. Most of these two areas are under the jurisdiction of the Sacramento Area Council of Governments while small portions are under the Tahoe Metropolitan Planning Organization (TMPO) of Nevada.

Entity Name	Entity Type	Geographic Areas Covered
Butte County Association of Governments (BCAG)	MPO, RTPA	Butte
Fresno Council of Governments (FresnoCOG)	MPO, RTPA	Fresno
Kern Council of Governments (KCOG)	MPO, RTPA	Kern
Kings County Association of Governments (KCAG)	MPO, RTPA	Kings
Madera County Transportation Commission (Madera CTC)	MPO, RTPA	Madera
Merced County Association of Governments (MCAG)	MPO, RTPA	Merced
Metropolitan Transportation Commission (MTC)	MPO, RTPA	Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma
Sacramento Area Council of Governments (SACOG)	MPO, RTPA	El Dorado, Placer, Sacramento, Sutter, Yolo, Yuba
San Diego Association of Governments (SANDAG)	MPO, RTPA	San Diego
San Joaquin Council of Governments (SJCOG)	MPO, RTPA	San Joaquin
San Luis Obispo Council of Governments (SLOCOG)	MPO, RTPA	San Luis Obispo
Santa Barbara County Association of Governments (SBCAG)	MPO, RTPA	Santa Barbara
Shasta County Regional Transportation Planning Agency (SCRTPA)	MPO, RTPA	Shasta
Southern California Association of Governments (SCAG)	MPO, RTPA	Imperial, Los Angeles, Orange, Riverside, San Bernardino, Ventura
Stanislaus Council of Governments (StanCOG)	MPO, RTPA	Stanislaus
Tahoe Regional Planning Agency (TRPA)	MPO, RTPA	Parts of El Dorado and Placer
Tulare County Association of Governments (TCAG)	MPO, RTPA	Tulare
Calaveras County COG	RTPA	Calaveras
Humboldt County Association of Governments	RTPA	Humboldt
Lake County Area Planning Council	RTPA	Lake
Mendocino COG	RTPA	Mendocino
Tuolumne County Transportation Council	RTPA	Tuolumne
Del Norte Local Transportation Commission (LTC)	RTPA	Del Norte
Modoc CTC	RTPA	Modoc
Siskiyou County LTC	RTPA	Siskiyou
Tehama County LTC	RTPA	Tehama
Trinity County LTC	RTPA	Trinity
Nevada CTC	RTPA	Nevada
Inyo County LTC	RTPA	Inyo
Mono LTC	RTPA	Mono
Alpine LTC	RTPA	Alpine
Amador CTC	RTPA	Amador

Entity Name	Entity Type	Geographic Areas Covered
Mariposa LTC	RTPA	Mariposa
Sierra LTC	RTPA	Sierra
Plumas CTC	RTPA	Plumas
Colusa CTC	RTPA	Colusa
Lassen CTC	RTPA	Lassen
Glenn CTC	RTPA	Glenn

### Summary of Roles and Responsibilities of a LAFA

The primary role of a LAFA is to administer the Access for All Program in the geographic area(s) within its jurisdiction. Specifically, Decision [D.20-03-007](#) tasks LAFAs to develop local WAV programs and to contract with and obligate available funds to eligible Access Providers in accordance with criteria adopted by the Commission and outlined in these Program Requirements. A LAFA has the following responsibilities:

1. Submit an application to the Commission certifying that Access Fund moneys will be obligated and liquidated in accordance with the requirements established by the CPUC
2. Submit an Affidavit certifying all is true and correct under penalty of perjury and agreeing to be subject to the CPUC rules and jurisdiction
3. Establish a process for Access Provider solicitation
4. Select Access Providers to receive Access Fund moneys based on criteria adopted by the Commission and outlined in these Program Requirements
5. Obligate available Access Fund moneys to selected Access Providers
6. Submit a Consolidated Quarterly Report to the Commission in a format specified by CPED based on the Quarterly Reports submitted to the LAFA by Access Providers
7. Submit annual and other quarterly reports to ensure that progress is made toward the broader goals and objectives of the program and SB 1376 (see *ANNUAL PHASE VI – REPORTING OBLIGATIONS (Recurring and Ongoing)*)

### Anticipated Program Funding Schedule

The Access for All funding cycle is divided into six annual phases, which are discussed individually in detail in the following sections.

**Phase I – Access Fund Balance Notification anticipated by January 30 each year:** Commission Staff will provide a Notice of Funding Availability of Access Fund balances by geographic area to all the potential LAFAs and posted [here](#) by January 30 each year.

**Phase II – LAFA Application Submission due by May 3, 2021 and April 1 for following years:** Each eligible entity shall review the Program Requirements and certify that it agrees to follow them throughout the duration of its role as a LAFA. In addition, the LAFA must obtain an approval from its governing board via a resolution authorizing the execution of the certification to serve as the LAFA. This process is only required once for each LAFA; each year, new LAFAs

must make this certification by May 3, 2021 and April 1 for the following years for new applicants not already established as a LAFA. For the 2021-2022 Funding Year, the Board Resolution will be due July 9, 2021. If the Board Resolution is submitted after July 9, 2021, the LAFA may not receive funding until after September 30, 2021.

Phase III – LAFA Application Review and Award anticipated by **July 1 each year**: Each year, CPUC is required to approve LAFAs by July 1. Only eligible entities that are not already LAFAs are required to submit application materials. Once LAFAs are awarded, each LAFA will be required to sign a Consent Form agreeing to the terms stated in the Commission Resolution. The Consent Form must be emailed to CPUC staff within 15 days of Resolution approval. A signed form must be received for CPUC staff to initiate the distribution process of Access Funds to the LAFA.

Phase IV – Fund Distribution to LAFAs anticipated by **September 30 each year**: After the Commission approves the LAFA's application and receives the signed Consent Form, Staff will distribute the approved funding to each LAFA. The entire process is expected to be complete at the end of September; however, if LAFAs' Board Resolutions are received after July 9, 2021, funding distribution may not occur by September 30, 2021. Funds will continue to be distributed on an annual basis to LAFAs until revenues collected in Q4 2025 have been distributed.

Phase V – Access Program Development and Implementation: Approved LAFAs will be required to establish a process for Access Provider solicitation; select, contract with and obligate available funds to eligible Access Providers by **July 1** as outlined in these Program Requirements; and, begin obligating Access Fund moneys to selected Access Providers by **July 1 (the following year) on an annual basis**. LAFAs shall continue to obligate Access Fund moneys to selected Access Providers annually until funds that include Q4 2025 have been liquidated.

Phase VI – Reporting Requirements:

**Quarterly (by February 15, May 15, August 15, and November 15)**. On a quarterly basis, starting November 15, 2021, LAFAs are required to report administrative cost expenditures and a progress report on engagement efforts with disability communities and Access Provider solicitation. Starting November 15, 2022 and on a quarterly basis thereafter, LAFAs must also submit Access Provider performance reports, the amounts of funds obligated, and any challenges encountered as well as plans to address those challenges.

**Annually (by September 30)**. In addition to the quarterly reports, LAFAs are required to submit annually: a self-assessment describing their program's progress, including its process to solicit Access Providers and a link to the LAFA's website displaying a list of approved Access Providers and information about the local Program.

Overall Anticipated Process Timeline:

Table 5 below shows an estimate timeline of how long the entire process could take from application to award of funds to LAFA. A more detailed timeline can be found in Appendix B.

Table 5: Anticipated Overall LAFA Process Timeline

LAFA Selection Process	Expected Duration
Submission of Required Information	8 weeks
Review of Required Information	+4 weeks
Preparation and Approval of Resolution	+8 weeks
Funding Award	+8 weeks
<b>Overall Process</b>	<b>28 weeks</b>

#### Statewide Access Fund Administrator (SAFA)

For geographic areas where no LAFA is selected, Decision [D.20-03-007](#) authorizes Commission Staff to retain an independent entity to act as the Statewide Access Fund Administrator (SAFA), which can be a private or non-profit entity or other state agency. This process will be developed after implementation of LAFAs. Separate guidance for the SAFA will be issued.

### ANNUAL PHASE I – ACCESS FUND BALANCE NOTIFICATION (anticipated by end of January)

#### Allocation of Funds

CPUC will allocate Access Fund moneys annually<sup>16</sup> in each geographic area proportional to the percent of the fees originating in that geographic area. This means that the available funds by geographic area will fluctuate by quarter depending on the total amount of Access Fees (\$0.10 per TNC trip) collected from each geographic area and the offset amounts requested by TNCs for that area.

Access Fees collected in one county shall remain in that county throughout the Program. For example, if County A's share of the total Access Fees collected in Q3 2019 is 10%, then County A shall be allocated 10% of the total available Access Fund balance (total Access Fee collected less offsets) in Q3 2019, up to the total Access Fees collected in that county. If County A's share decreases to 5% in the following quarter, then its share of the available funds for that quarter shall also be 5%. County A's share of the available funds in each of the four consecutive quarters will then be added up, which will constitute the total annual allocation for County A for the funding year.

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<sup>16</sup> California Public Utilities Code [§5440.5 \(1\)\(F\)](#). Multi-year funding cycle will be considered in a subsequent decision.

If awarded by the Commission, County A shall obligate at least 85% of allocated funds to Access Providers within its jurisdiction in accordance with the rules set by the Commission. Up to 15% of the allocated funding in that quarter may be used by County A to pay for its administrative costs incurred in running the program.

*The available funds for the current funding year (2021) will be the total of moneys in the Access Fund from Quarter 3 (July 1 through September 30) and Quarter 4 (October 1 through December 31) of 2019 and Quarter 1 (January 1 through March 31) and Quarter 2 (April 1 through June 30) of 2020. Table 6 below lists each funding year and the corresponding quarters from which the funds will be drawn. Table 6: Funding Source*

<b>Funding Year<sup>17</sup></b>	<b>Funding Sources<sup>18</sup></b>
<b>2021</b>	Q3 2019 – Q2 2020 Access Fees
<b>2022</b>	Q3 2020 – Q2 2021 Access Fees
<b>2023</b>	Q3 2021 – Q2 2022 Access Fees
<b>2024</b>	Q3 2022 – Q2 2023 Access Fees
<b>2025</b>	Q3 2023 – Q2 2024 Access Fees
<b>2026</b>	Q3 2024 – Q2 2025 Access Fees
<b>2027</b>	Q3 2025 – Q4 2025 Access Fees

#### Available Access Fund Balance Estimates

The Access Fund is funded by a \$0.10 fee collected on each TNC trip that is remitted to the Commission by TNCs each quarter per county. A Notice of Funding Availability (NOFA) is anticipated to be posted on the CPUC website annually [here](#) by January 30.

#### ANNUAL PHASE II – APPLICATION SUBMISSION (anticipated February through April)

If the MPO/RTPA/CTC is interested in fulfilling the role of LAFA, then it proceeds to Phase II—to acknowledge agreeing to the Program Requirements. The potential LAFA shall also seek an authorization from its governing board agreeing to develop and administer its local program to the geographic area for which it has jurisdiction based on the requirements adopted by the Commission in Rulemaking R.19-02-012.

Moreover, through a board resolution, the LAFA’s board shall also certify that the LAFA will follow the Program Requirements. The certification shall serve as a basis for CPED Staff to ask the Commission to award moneys to the LAFA.

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<sup>17</sup> “Funding Year” is the calendar year in which Access Funds are distributed from CPUC to Local Access Fund Administrators.

<sup>18</sup> “Funding Sources” are the quarters in which Access Fees were collected that fund each Funding Year.

The MPO/RTPA/CTC shall provide CPED Staff with the certification duly endorsed and signed by its board or its board's designee. Only one submission of the required documents listed below is required for each LAFA for the duration of the program.

### Required Documents

Entities interested in the LAFA role must submit the following items to the Commission for review:<sup>19</sup>

1. Certification of Program Requirements (Due May 3, 2021)

The authorized agent for the MPO/RTPA/CTC must sign and submit a self-certification that the entity/agency will follow all the rules and meet all the requirements set forth in the Program Requirements for LAFAs. CPUC will provide template Certification language.

2. Board Resolution<sup>20</sup> (Due July 9, 2021)

A Board Resolution or other equivalent action is required to demonstrate the Board's commitment and a public process. CPUC Staff recommends using the language contained in the sample Board Resolution. Only one Board Resolution is required for the duration of the program.

3. Notarized Affidavit (Due May 3, 2021)

MPOs/RTPAs/CTCs must submit an affidavit, under penalty of perjury, that to the best of their knowledge all the statements and representations made in the application, including Certification and the Board Resolution, are true and correct. Additionally, MPOs/RTPAs/CTCs must also agree to abide by the Requirements established by the Commission, the Commission's Rules of Practice and Procedure and statutes, to comply with Public Utilities Code Sections [2108](#) and [2111](#), and to submit quarterly and annual reports as outlined in these Program Requirements.

4. Payee Data Record (STD 204 Form) (Due May 3, 2021)

All payees (including non-governmental entities or individuals) are required to complete a Payee Data Record, STD 204 form, to receive payments from the CPUC. It is important the mailing address be the address at which the payee chooses to receive correspondence and payments. If there is a change in the mailing address, another form will need to be submitted.

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<sup>19</sup> All the required documents can be downloaded from [www.cpuc.ca.gov/tncaccessadmin/](http://www.cpuc.ca.gov/tncaccessadmin/)

<sup>20</sup> For the 2021-2022 Funding Year, the Board Resolution component of the application must be submitted by July 9, 2021 to avoid any delay in the distribution of funding by September 30, 2021. If the Board Resolution is submitted after July 9, 2021, the LAFA may not receive funding until after September 30, 2021.

### Summary of Required Forms

In summary, MPOs/RTPAs/CTCs interested in becoming a LAFA must submit the following completed documents in Phase II.

1. Certification of Program Requirements
2. Board Resolution (due date extended to July 9, 2021)
3. Notarized Affidavit
4. Payee Data Record (STD 204 Form)

### Submission

MPOs/RTPAs/CTCs interested in becoming a LAFA must submit all signed forms and supporting documents electronically to [TNCAccess@cpuc.ca.gov](mailto:TNCAccess@cpuc.ca.gov) no later than May 3, 2021, 5:00 PM, Pacific Standard Time except for the Board Resolution, which will be due July 9, 2021. For MPOs/RTPAs/CTCs interested in applying in subsequent years who are not already a LAFA, the deadline will be April 1, 5:00 PM, Pacific Standard Time. Any deadline that falls on a weekend will be extended to the following business day. Only one submission and approval is required for the duration of the program. Any documents submitted to the Commission for a grant program funded by consumers are public documents unless designated confidential pursuant to [General Order 66D](#).

### ANNUAL PHASE III – REVIEW AND APPROVAL (anticipated May through July)

Upon receiving the required documents listed in Phase II (by May 3 in 2021 and by April 1 in subsequent years), the Commission Staff shall start the review process and seek a final approval by the Commission at one of its regular voting meetings (by July 1).

### Review

Commission Staff will review the Certification (1), Board Resolution<sup>21</sup> (2), Notarized Affidavit (3), and Form STD 204 (4) listed under Phase III. If the required documents are incomplete or information provided needs additional clarification, Staff will work with the MPOs/RTPAs/CTCs to resolve the issues.

### Approval

Upon determining that the MPO/RTPA/CTC meets all the conditions, Staff will prepare a Resolution seeking approval from the Commission to confirm the selected LAFA(s) and award the corresponding funding amounts.<sup>22</sup> Once the Commission approves the resolution, Commission staff will notify LAFAs of award by email and will also post an announcement on the Program website, [here](#).

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<sup>21</sup> For Funding Year 2021-2022, the Board Resolution due date has been extended to July 9, 2021.

<sup>22</sup> For more information on CPUC voting meetings: <https://www.cpuc.ca.gov/General.aspx?id=1128>

### Consent Form and Board Resolution

Each approved LAFA will be required to sign a Consent Form (annually) agreeing to the terms stated in the Resolution authorizing the Access Fund award. The agreement will provide the name of the LAFA, names of officers, and must be signed by the LAFA. The Consent Form must be emailed to CPUC staff within 15 days of Resolution approval in order for Commission Staff to initiate the distribution process of the Access Funds. The proposed wording of the Consent Form can be downloaded [here](#).

For Funding Year 2021-2022, the Board Resolution and the Consent Form must be submitted by July 9, 2021 (15 days of Resolution approval of June 24, 2021 voting meeting<sup>23</sup>) to avoid any delay in the distribution of funding.

Beginning in 2022, the annual Commission approval process (through Resolution) will consider any new LAFA applicants, re-confirm existing LAFA's (who must subsequently file an updated Consent Form), and identify the appropriate corresponding funding availability for each geographic area.

### ANNUAL PHASE IV – FUND DISTRIBUTION to LAFAs (anticipated August through September)

Once funding has been awarded and the Consent Form has been received, Commission Staff will initiate the distribution process within CPUC's Fiscal Office.<sup>24</sup> Note that the State Controller's Office, not the CPUC, will distribute payment to the LAFAs in the form of a check. The check will be mailed to the address indicated on the STD 204 Form. Payments will be issued by September 30 of any Funding Year. Funds will be distributed on an annual basis, pending Commission Resolution, to LAFAs until the last revenues collected in Q4 2025 have been distributed.

### ANNUAL PHASE V – ACCESS PROGRAM DEVELOPMENT and IMPLEMENTATION

Once the LAFAs receive Access Funds, the LAFAs shall establish a solicitation process for Access Providers, including submission logistics, deadlines, and evaluation. LAFAs shall select and contract with Access Providers beginning July 1, 2022, and continuing every subsequent year based on criteria outlined in these Program Requirements. LAFAs must obligate Access Fund moneys to selected Access Providers by June 30 on an annual basis, starting in 2022. Once annual funding is awarded by the Commission, LAFAs shall obligate Access Fund moneys to

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<sup>23</sup> For information on CPUC voting meeting dates: <https://www.cpuc.ca.gov/General.aspx?id=6442466589>

<sup>24</sup> For the 2021-2022 Funding Year, the Consent Form and the Board Resolution component of the application must be submitted by July 9, 2021 to avoid any delay in the distribution of funding by September 30, 2021. If the Board Resolution is submitted after July 9, 2021, the LAFA may not receive funding until after September 30, 2021.

selected Access Providers annually until all available funds collected through Q4 2025 have been liquidated.

#### Administrative Costs

Per [D.21-03-005](#), up to 15% of the total allocated funds may be used by the corresponding LAFA to cover costs of administering the program. [D.21-03-005](#) defines administrative costs as “indirect overhead costs attributable to a project, per generally accepted accounting principles (GAAP), and the direct cost of complying with Commission administrative and regulatory requirements related to the grant itself.”

The LAFA is required to submit a reporting of administrative expenditures incurred each year (beginning July 1—immediately after the funds are awarded by CPUC—through June 30 the following year) to CPUC Staff. These administrative expenditures may not exceed 15% of the allocated funds. Any amount over 15% of the allocated funds will not be reimbursed by the Commission and cannot be drawn from the funds reserved for disbursement to Access Providers. Funds cannot be applied retroactively for administrative costs incurred prior to being awarded the funds. Unused funds within the 15% allowed for administrative costs can be carried over from one funding year to the next.

#### Lafa Transparency

The LAFA shall develop and maintain a webpage to include at minimum, but not limited to, the following information:

- Information on SB 1376
- Access Provider Application Process
- Link to CPUC’s Access for All Program website ([www.cpuc.ca.gov/tncaccess/](http://www.cpuc.ca.gov/tncaccess/))
- List of approved Access Providers (updated regularly)

The LAFA shall provide the website link to CPED Staff by September 30 along with other required reporting requirements, 90 days after the obligation of funds to Access Provider(s). See Appendix B for a summary of the reporting schedule.

#### Engagement with Disability Communities

LAFAs must make a good faith effort to reach out to the local disability community to get their input in the planning process of the LAFA’s local program. The Commission acknowledges that LAFAs know their local market best, including its constituents and the relevant stakeholders, and encourages the LAFAs to consult with them to inform the development and implementation of the local Access Fund-funded WAV programs. The list of stakeholder constituencies is listed in the statute.<sup>25</sup> LAFAs will be required to report in their quarterly report their actions to engage with the disability community 45 days after completion of each quarter

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<sup>25</sup> California Public Utilities Code [§5440.5 \(a\)\(1\)\(A\)](#).

(February 15, May 15, August 15, November 15) to the Commission (via [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov)). The first report shall be due November 15, 2021.

#### Eligibility Requirements for Access Providers

Per Decision [D.21-03-005](#), for the purposes of the Access for All Program, the Commission identifies eligible Access Providers as “transportation carrier[s] that hold a Commission-issued permit prior to applying to be an Access Provider.” Further, Access Providers must meet the following conditions:

- a. Directly provides, or contracts with a separate organization or entity to provide, on-demand WAV transportation to meet the needs of persons with disabilities.
- b. “On-demand WAV transportation” means that the provider can fulfill trip requests within 24 hours through a service that does not follow a fixed route or schedule.

The LAFA shall screen applications based on these Program Requirements and prioritize funding to providers that can demonstrate an ability to deliver trips within the shortest response times (time between trip request and passenger pick-up time). However, if there are no applicants who can provide such on-demand service, the LAFA can accept applications from other providers so long as those providers’ services do not follow a fixed-route or schedule.

The Commission may consider the expansion of eligible Access Providers in a future track. In the event the Commission expands the eligible pool of Access Providers, the LAFA may adjust their program requirements and solicitation accordingly, provided the change does not introduce a competitive advantage or disadvantage to eligible Access Providers. In addition, the LAFA must provide clear and reasonable notification to all eligible Access Providers of the change.

#### TNCs as Access Providers

Decision [D.21-03-005](#) approves TNCs to apply as an Access Provider in a geographic area where it currently offers WAV service if: (a) the TNC qualifies for an exemption in that geographic area and (b) certifies that the TNC’s collected fees during the Exemption Year were exhausted to provide WAV service. A TNC may also apply as an Access Provider in a geographic area where it does not currently offer any WAV services. In the event the LAFA receives a TNC’s application, the LAFA must consult with CPED Staff to verify whether the TNC has met these eligibility requirements.

#### Application/Proposal Requirements for Access Providers

At a minimum, Access Providers need to demonstrate in their application/proposal how the proposed program or partnership will improve the following: response times for WAV service compared to the previous year and/or status quo in that county; the presence and availability of WAVs within the geographic area; and, efforts undertaken to publicize and promote available WAV services to disability communities.

Per [D.20-03-007](#), some of the required information below may be inapplicable or unavailable at the time of the application as some of the Access Providers might be offering newer services. The applicant should explain why the information is unavailable or not applicable, but the applicant should not be disqualified for being unable to provide the information. To satisfy the minimum requirements, Access Providers shall provide the following specific information to LAFAs (and, if requested, to CPED Staff) as part of their application/proposal for the first year of funding (the template can be downloaded [here](#) once available):<sup>26</sup>

- a. WAV information (optional in the first year)
  - i. Number of WAVs in operation - by quarter and aggregated by hour of the day and day of the week.
  - ii. Number and percentage of WAV trips completed, not accepted, cancelled by passenger, cancelled due to passenger no-show, and cancelled by driver – by quarter and aggregated by hour of the day and day of the week. For WAV trips completed, Access Providers shall have the option to demonstrate an increase in the number of trips completed or an increase in the percent of trips completed.
    - The % of completed WAV trip requests in a geographic area shall be calculated as the total number of completed WAV trips divided by the total number of WAV requests for a given geographic area and quarter as follows:
      - $\% \text{ Completed WAV Trip Requests} = \frac{\text{Total Completed Trips}}{\text{Total Trip Requests}}$
    - The Access Provider shall also report its WAV operating hours with the submission of the % of completed WAV trip requests.
  - iii. Completed WAV trip request response times, as well as Periods A and B, in deciles by quarter<sup>27</sup>. This also includes a report of the 75<sup>th</sup> percentile response times, specifically, for that quarter.
    - Period A (time elapsed from when a trip is requested until the trip is accepted) and B (time elapsed from when a trip is accepted until the vehicle arrives).<sup>28</sup> Response time is the elapsed time between when a trip is requested and when the passenger is picked-up (Period A plus Period B). For example, the Access Provider shall report that 10 percent of all trip requests originating in a geographic area and quarter were fulfilled in X

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<sup>26</sup> Some of these requirements are optional in the first year, such as companies newly operating in that county or for new companies. However, they will be required in the succeeding years.

<sup>27</sup> An Access Provider shall submit response time data for the preceding four quarters, if available.

<sup>28</sup> For a definition of Period A and B, see Commission Decision [D.20-03-007](#) at 20.

response time minutes, 20 percent were fulfilled in X response time minutes, etc. In addition, the Access Provider shall report that the Period A time was X minutes for 10 percent of completed trips, that the Period B time was X minutes for 10 percent of completed trips, etc.

- iv. Evidence of outreach efforts to publicize and promote available WAV services to disability communities, which may include a list of partners from disability communities, how the partnership promoted WAV services, and marketing and promotional materials of those activities.

### Special Note for First-Year Applicants

Note that in the first year of the application process, an Access Provider applicant shall be required to provide a narrative outlining how it will demonstrate improvements in response times and WAV presence and availability, and how it will promote the service. This narrative can be in place of the required data indicated above if such data is not available from past performance. In addition, the Access Providers shall provide estimates for the following metrics that are expected to result from the project they are requesting funding for:

- i. Expected number of WAVs in operation during the first year
- ii. Outline of planned outreach efforts to publicize and promote available WAV services to disability communities, which may include a list of partners from disability communities, how the partnership promoted WAV services, and marketing and promotional materials for those activities

On the next round of applications, the LAFAs shall use the reported data under requirement (a) (WAV information) above from the first year as a baseline in evaluating applications in the second year.

- b. Safety, training, and insurance information
  - i. Certification that the Access Provider's WAV drivers have completed WAV driver training within the past three years
  - ii. Report of WAV driver training programs used and number of WAV drivers that completed the training in the prior year
  - iii. Certification that all WAVs operating on an Access Provider's platform have been inspected and approved to conform with the ADA Accessibility Specifications for Transportation Vehicles<sup>29</sup> within the past year

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<sup>29</sup> Title 49 Code of Federal Regulations, Chapter 38, Subpart B available at [Electronic Code of Federal Regulations \(eCFR\)](#).

- iv. Number of complaints received related to WAV drivers or WAV services, categorized as follows: securement issue, driving training, vehicle safety and comfort, service animal issue, stranded passenger, and other
  - v. Access Providers must place the International Symbol of Accessibility (ISA)<sup>30</sup> on the following locations on a WAV: passenger side door (below door handle) and rear of vehicle (right side above bumper)
- c. Financial information
- i. Estimated income (categorized by passenger revenue; other revenue; and total grants, donations, and subsidy from other agency funds)
  - ii. Estimated expenses (categorized by wages, salaries, and benefits; maintenance and repair; fuels; casualty and liability insurance; administrative and general expense; other expenses; contract services)
  - iii. Funding sources: list and explain all sources of operating revenue, including revenue from grants, donations, and local fundraising projects that will be used to fund the Program, for the prior, current, and budget year.

d. Project description

In addition to requirements (a) – (c) above, Access Providers shall submit a narrative project description to inform the LAFA’s evaluation.

- i. Detailed description of the proposed project
  - What type of WAV-related expenses are requested and a breakdown of associated costs (please see Appendix A: Eligible WAV Expenses) – for example, a proposed improvement in an existing on-demand WAV service that involves the purchase of new WAVs is an eligible type of project under the “Vehicle Costs” category. For this proposal, the applicant shall describe the type and quantity of WAVs to be purchased.
  - How it will increase WAV availability – provide an estimate of hourly number of available WAVs resulting from the proposed improvement.
  - How it will improve response times – provide an estimate of the improvement in response times (in the example above, what is the expected change in response times with the addition of new WAVs?). At a minimum, the estimates should work toward demonstrating improvement from the previous quarter throughout the one-year funding cycle.

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<sup>30</sup> See U.S. Access Board, Guide to the ADA Accessibility Standards, available at: <https://www.access-board.gov/ada/guides/guidance-on-the-isa/>

- How the Access Provider will engage the disability communities and market the new service – provide an outreach plan that details how the Access Provider would increase awareness about its on-demand WAV service within its service area.
- ii. Estimated start and completion date of the project (contract termination)

[Contracting Access Providers](#) (executed contract anticipated by July 1 annually, starting 2022)

Per Decision [D.20-03-007](#), the Commission “shall distribute funds in the Access Fund on a competitive basis to Access Providers that establish on-demand transportation programs or partnerships to meet the needs of persons with disabilities, including wheelchair users who need a WAV....” To fulfill this requirement, a LAFA must establish a competitive application process to select eligible Access Providers within its jurisdiction. A LAFA must develop a scoring and evaluation mechanism to be used to select who can receive funding based, at a minimum, on the following criteria:

- a. Prioritize Access Providers that can offer on-demand WAV transportation that can be requested and fulfilled within 24 hours
  - However, if there are no applicants who can provide such on-demand service, the LAFA can accept applications from other providers so long as those providers’ services do not follow a fixed-route or schedule. If there are remaining funds after the LAFA has approved funding for on-demand providers, then the LAFA may distribute those funds to WAV providers that do not meet the on-demand criteria.
- b. Improve response times for WAV service compared to the previous year and/or status quo
  - Response time is defined as the time between when a WAV ride was requested and when the vehicle arrived
- c. Improve presence and availability of WAVs within the geographic area compared to the previous year and/or status quo
  - Presence and availability refer to the number of WAVs in operation by quarter and aggregated by hour of the day and day of the week
- d. Identify efforts undertaken or that will be undertaken to publicize and promote WAV services to disability communities
  - Evidence of outreach efforts may include: a list of partners from disability communities, how the partnership promoted WAV services, and marketing or promotional materials of those activities (e.g. social media, website, in-person events)

[Liquidation of Funds](#)

The LAFA shall liquidate moneys (i.e. transfer all applicable funding to the Access Provider) based on generally accepted accounting principles to ensure funds are used in accordance with

the conditions and restrictions adopted under the Program. Funds shall be liquidated by June 30 each calendar year—one year from when funds are obligated to the Access Provider—starting 2022. At least eighty-five percent (85%) of the total awarded funds per geographic area must be reserved for Access Providers by the corresponding LAFA. In addition, the LAFA must ensure that the following are in place before liquidating funds and retained for duration of the program for purpose of program audits:

- Funding agreement or contract with the Access Provider referencing the Program Requirements and specifying the scope of work, schedule, and financial agreement.
- Documented process for verifying Access Provider expenses

The Access for All Program can be implemented by LAFAs as either a grant or a reimbursement program as long as obligated funds are liquidated within one year of obligation. The LAFA will be responsible for developing a grant or reimbursement program that best suits their business practices and for maintaining auditable record keeping of obligated and liquidated funds. LAFAs shall ensure the funding agreement or contract with the Access Provider clearly specifies the terms of the agreement and meets all of the Program Requirements.

See *ANNUAL PHASE VI – REPORTING OBLIGATIONS (Recurring and Ongoing)* for quarterly reporting requirements related to fund obligation and liquidation. Access Providers shall have one year to liquidate the funds from the date the Access Providers enter into a contract with the LAFA.

#### Eligible Expenses

Per [D.21-03-005](#) Ordering Paragraph 9, a qualifying expense for an Access Provider is (1) a reasonable, legitimate cost that improves wheelchair accessible vehicle service, and (2) on the list of eligible WAV expense attached as Appendix A in this Program Overview and Requirement which was adopted in Decision [D.20-03-007](#).

For Access Providers that provide WAV services to a TNC, the Access Provider shall not use Access Fund moneys for trips that are compensated by a TNC. Accordingly, the LAFA is permitted to request additional information from Access Provider applicants as necessary to sufficiently review the application. An Access Provider applicant shall disclose whether it is a current or former service provider for a TNC. The Access Provider applicant must demonstrate to the LAFA that any Access Fund monies will not be used for services that are compensated by a TNC.

#### Return and Report of Unused Funds

The contract between the LAFA and Access Provider shall specify that in the event an Access Provider has unused funds at the end of their contract period, the Access Provider shall return all unused funds to the LAFA within 30 days of the contract expiration.

All funds returned to the LAFA by Access Providers shall become unobligated funds, and must be added to the total funding available for next funding cycle.

The LAFA is required to report all unobligated funds (if any) to CPUC Staff by September 30<sup>th</sup> on an annual basis (see also *ANNUAL PHASE VI – REPORTING OBLIGATIONS (Recurring and Ongoing)*).

In the event the LAFA is no longer interested in continuing as an Access Fund Administrator, the LAFA shall inform CPUC Staff within 30 business days via email at [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov), identify the reason(s) for not continuing, and provide a LAFA Board Resolution withdrawing its application. The email will constitute an immediate withdrawal as a LAFA. Any Program funding held by the LAFA shall be returned to the Access Fund, including unobligated funds, administrative funds, and any accrued interest. In the event the LAFA withdraws its application and is interested the following year, the LAFA will be required to apply again by submitting the full Application, including the Certification, Affidavit, Board Resolution, Payee Data Record, and Consent Form following the Commission's award.

#### Data Reporting and Compliance

Access Providers receiving funding are required to report on a quarterly basis data related to the Program to their respective LAFAs. For a list of reporting requirements, see *ANNUAL PHASE VI – REPORTING OBLIGATIONS (Recurring and Ongoing)*. It is the responsibility of the LAFAs to compile and submit these data to the Commission on a quarterly basis. The required data reporting and reporting schedule is covered under *ANNUAL PHASE VI – REPORTING OBLIGATIONS (Recurring and Ongoing)*.

The LAFA shall develop a process to collect the required data from Access Providers within 30 days after the end of each quarter. The LAFA shall consolidate the data into a quarterly report and submit them to the Commission 45 days after the end of each quarter to [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov).<sup>31</sup> Any documents submitted to the Commission for a grant program funded by consumers are public documents unless designated confidential pursuant to [General Order 66D](#).

It is the responsibility of the LAFA to review quarterly performance provided by the Access Providers and to determine whether there is a pattern of non-compliance with the standards established by the Commission and misuse of funds as set forth in these Program Rules. In concert with the LAFA, CPUC will make the determination whether non-compliant Access Providers shall be suspended or disqualified from receiving future funds.

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<sup>31</sup> A data reporting template will be available for download from the Access for All Program [website](#) once available.

### Execution and Performance

The selected LAFA shall start the project within 30 days upon award and complete the project execution (develop, solicit, award, liquidate) within a 24-month timeframe. Should the LAFA fail to commence work within 30 days of award, the Commission or Director of CPED, upon five (5) days written notice to the LAFA recipient, reserves the right to terminate the award. If the LAFA is unable to complete the proposed project within the required 24-month timeframe, it must notify the Commission as soon as it becomes aware of this prospect. The Commission reserves the right to reduce or withhold payment for failure to satisfy this requirement.

The LAFA must complete all performance of the project before the termination date in accordance with the terms of approval granted by the Commission. In the event that the LAFA fails to complete the project or subsequently perform the responsibilities as an Administrator in accordance with the terms of approval granted by the Commission and compliance with the LAFA Program Requirements, the LAFA may be required to reimburse some or all of the Access Funds that it has received.

Material changes in the entries in the application, such as discontinuing operation or bankruptcy, change of address, telephone, fax number, or email address must be reported within 10 business days to [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov).

### Financial and Program Audit and Non-Compliance Penalties

Access Funds shall only be used in accordance with the Access for All Program Requirements. LAFAs and Access Providers receiving Access Funds must adhere to the Program Requirements established by the CPUC, including the use of standard accounting practices, and agree to Program and financial audits as deemed appropriate by CPUC or other State control agencies. LAFAs and Access Providers that are found to be in noncompliance may be subject to, among other things depending on the violation: audit findings, suspension, or permanent disqualification from future participation in the Access for All Program.

Pursuant to Public Utilities Code [314.6 \(a\)](#), the Commission may conduct any necessary audit, quality check verification, or discovery during project implementation and post-project completion. If any portion of the 15% allocated funds to LAFAs for use of administrative costs is found to be out of compliance, LAFA will be responsible for refunding any disallowed amount along with appropriate interest rates determined to be in accordance with applicable Commission decisions. For this reason, all documentation pertaining to this program, including contracts with Access Providers, program related records such as files, invoices, and other related documentation shall be retained and made available to CPUC upon request for the duration of the program and for three (3) years from the date of final Access Provider funding liquidation. Audits of Access Providers are not required. However, it is the responsibility of the LAFA to determine whether Access Providers are eligible to receive future funding based on their performance.

LAFAs and Access Providers who do not comply with program requirements could be at risk of not receiving future Access Funds. In addition, the Commission may impose penalties allowed under Public Utilities Code Sections [2108](#) and [2111](#) for failure to meet the program and project compliance requirements, as determined by the Commission.

LAFAs must agree to the following language in the affidavit as attached in the LAFA [Application](#).

*If [MPO/RTPA/CTC] violates the terms and conditions TNC Access For All Program Overview & Requirements for Access Fund Administrators, it shall be subject to Public Utilities Code sections 2108 and 2111. The Commission may impose the maximum penalties allowed under Public Utilities Code sections 2108 and 2111 for failure to meet the program and project compliance requirements, as determined by the Commission.*

## ANNUAL PHASE VI – REPORTING OBLIGATIONS (Recurring and Ongoing)

A LAFA must submit reports to CPED quarterly and annually under Decision [D.20-03-007](#).<sup>32</sup> The purpose of these reports is to ensure that progress is made toward the broader goals and objectives of the program and SB 1376. These data will inform the Commission whether changes to the program are necessary. Similarly, the LAFAs can use the data to evaluate the performance of their local programs and adjust them accordingly. The following quarterly and annual reports must be submitted via email to [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov) according to the schedule that follows.<sup>33</sup> To the extent that any information submitted is claimed to be confidential, the LAFA must provide a public redacted version, in addition to the confidential version, and comply with the confidentiality requirements in General Order 66-D including providing the requisite confidentiality declaration to CPED at [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov).

### LAFAs' Administrative Costs, updates on Access Provider Solicitation and Engagement with Disability Community (Quarterly)

LAFAs are required to track and report administrative expenditures incurred each quarter (beginning July 1 immediately after the Funds are awarded by CPUC, through June 30 the following year). LAFAs must track the administrative cost allocation and its administrative expenditures separately from the funding allocation and its expenditures for Access Providers' services. In addition, LAFAs shall also report the amount of administrative funds remaining for each quarter.

In addition to reporting Administrative Costs, LAFAs are required to provide a brief narrative describing the following: actions to engage with local disability communities and progress toward LAFAs solicitation and evaluation of eligible Access Providers.

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<sup>32</sup> See Commission Decision [D.20-03-007](#) Ordering Paragraph 31.

<sup>33</sup> Staff shall develop a reporting template, which will be available for download once it is available at this [website](#). Moreover, Staff shall provide step-by-step directions related to the submission.

The reporting of administrative costs and brief narrative description of progress of Access Provider solicitation and engagement with disability communities shall be provided quarterly, 45 days after the completion of each quarter (February 15, May 15, August 15, November 15) to the Commission (via [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov)). The first report shall be due November 15, 2021.

#### Progress Reports and Amount of Access Funds Used by Access Providers (Quarterly)

A brief narrative description of the progress made by selected Access Providers, including any compliance or other challenges encountered, shall be reported on a quarterly basis. In addition, the amount of Access Funds obligated and used by Access Providers shall be reported on a quarterly basis, which are due 45 days after the end of each quarter (February 15, May 15, August 15, November 15). The first report shall be due November 15, 2022.

#### LAFAs' Consolidated Reports (Quarterly)

CPUC will provide a Quarterly Report template for LAFAs. These consolidated reports are due to CPUC 45 days after the end of each quarter (February 15, May 15, August 15, November 15), starting November 15, 2022. The Consolidated Quarterly Reports shall be submitted for each geographic area in which an Access Provider received Access Fund moneys. LAFAs shall require an Access Provider to affirm their ability to provide such data on the quarterly reporting schedule (30 days after the end of each quarter, giving LAFAs 15 days to consolidate the report to the CPUC). The first reports shall be due to CPUC by November 15, 2022.

1. **Number of Unique WAVs in Operation (Excel)** – by quarter and aggregated by hour of the day and day of the week. “In operation” is defined when a WAV: (a) is available to receive a trip request in that quarter/hour/day or (b) has accepted a trip request in that quarter/hour/day.
2. **Number and percentage of WAV trips completed, not accepted, cancelled by passenger, cancelled due to passenger no-show, and cancelled by driver (Excel)** – by quarter and aggregated by hour of the day and day of the week.
3. **Completed WAV trip request response times<sup>34</sup> (Excel)** - in deciles, as well as broken out by Period A (time elapsed from when a trip is requested until the trip is accepted) and B (time elapsed from when a trip is accepted until the vehicle arrives).<sup>35</sup> Response time is the elapsed time between when a trip is requested and when the passenger is picked-up (Period A plus Period B). For example, the Access Provider shall report that 10 percent of all trip requests originating in a geographic area and quarter were fulfilled in X response time minutes, 20 percent were fulfilled in X response time minutes, etc. In addition, the Access Provider shall report that the Period A time was X minutes for 10 percent of

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<sup>34</sup> “Completed WAV trip” is defined as a WAV trip request that results in a passenger being dropped-off at the requested location. See Commission Decision [D.20-03-007](#) at 20.

<sup>35</sup> For a definition of Period A and B, see Commission Decision [D.20-03-007](#) at 20.

completed trips, that the Period B time was X minutes for 10 percent of completed trips, etc. Accordingly, to verify the Access Provider's WAV response times, the Access Provider shall provide WAV trip response times in deciles, as well as Periods A and B in deciles, by quarter.

4. **Evidence of outreach (PDF)** - to publicize and promote available WAV services to disability communities, how the partnership promoted WAV services, and marketing or promotional materials of those activities.
5. **Certification of Driver Training (PDF)** – Certification that all WAV drivers operating on its platform have completed driver training on transporting peoples with disabilities within the past three years, including sensitivity training, passenger assistance techniques, accessibility equipment use, door-to-door service, and safety procedures.
6. **Report of WAV Driver Training Programs (Excel)** – List of driver training programs completed and number of WAV drivers that completed each training in that quarter.
7. **Certification of Inspection (PDF)** - that all WAVs operating on its platform have been inspected and approved to conform with the ADA Accessibility Guidelines for Transportation Vehicles<sup>36</sup> within the past year.
8. **Number of complaints (Excel)** - received related to WAV driver or WAV services, categorized as follows: securement issues, driving training, vehicle safety and comfort, Service animal issue, stranded passenger, and others.

#### Selection/Continuation of Access Providers (Annually)

LAFAs are required to submit a self-assessment describing their program's progress, including its process to solicit Access Providers, including the type of Access Providers that apply for funding and the number of applicants who applied and were approved. LAFAs' annual competitive solicitation process must be open and transparent and allow for new entrants each funding year; it does not preclude an entity that previously served as an Access Provider from continuing in the program.

In the report, LAFAs shall also include the following:

- A website link (updated regularly) to include at minimum but not limited to the following information:
  - Information on SB 1376
  - Access Provider Application Process
  - Link to CPUC's Access for All Program website ([www.cpuc.ca.gov/tncaccess/](http://www.cpuc.ca.gov/tncaccess/))
  - List of approved Access Providers

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<sup>36</sup> Title 49 Code of Federal Regulations, Chapter 38, Subpart B available at [Electronic Code of Federal Regulations \(eCFR\)](#).

- A LAFA point of contact to be included on the CPUC website

This report is due 90 days after the obligation of funds deadline to the Access Provider (due September 30). The first report shall be due to the Commission September 30, 2022.

## Appendix A: Eligible WAV Expenses

Table 7: Eligible WAV Expenses

<b>Eligible WAV Expenses Adopted in <a href="#">D.20-03-007</a></b>
<b>Vehicle Costs</b>
Lease/Rental/Purchase Costs
Rental Subsidies for Driver
Inspections
Maintenance, Service & Warranty
Fuel Cost
Cleaning Supplies/Services
Other (Describe)
<b>Partnership Costs</b>
Transportation Service Partner Fees/Incentives and/or Management Fees
Vehicle Subsidies
Consultants/Legal
Other (Describe)
<b>Marketplace Costs</b>
Recruiting
Driver Onboarding
Training Costs
Driver Incentives
Promo Codes for WAV
Other (Describe)
<b>Operational Costs</b>
Marketing Costs
Technology Investments/Engineering Costs/Enhancements
Community Partnership/Engagement Costs
Rental Management
Pilot Management
Wages, Salaries and Benefits (non-maintenance personnel)
Other (Describe)
<b>Other (Describe)</b>

Resolution TL-19133  
CPED/RR1/AML

June 24, 2021

Appendix B: 2021 Funding Year Calendar

<b>TNC Access For All Program</b>	
<b>Annual Calendar</b>	
<b>Lafa Program Schedule:</b>	<b>Due Date</b>
Funding Availability Provided (Range)	January 30, 2021
Lafa Program Rules/NOFA/Supporting Documents available on Website	March 2021*
Lafa Application (Certification, Affidavit, Payee Data Record) due (initial year)	May 3, 2021*
CPUC awards funding to Lafa	July 1, 2021
Lafa submits Consent Form and Board Resolution (15 days after approval of Commission Resolution anticipated at the June 24, 2021 CPUC voting meeting)	July 9, 2021
CPUC distributes funding to Lafa (unless Lafa's Board Resolution is late)	September 30, 2021
<b>Access Provider Implementation:</b>	
Select, contract with and obligate funds to Access Providers	July 1, 2022
Liquidation of 2021 Access Fund moneys to Access Providers	June 30, 2023
<b>Reporting Schedule**:</b>	
Report to CPUC administrative costs, progress of engagement with disability communities and Progress of Access Provider Solicitation (45 days end of each quarter)	November 15, 2021 February 15, 2022 May 15, 2022 August 15, 2022
Program progress report and self-assessment (Annually)	
Report to CPUC unobligated funds (Annually)	
Process and outcome of solicitation of Access Providers and Lafa information (Annually)	September 30, 2022
<b>Q3</b> Access Provider Q3 2022 report due to Lafa (30 days after end of each quarter)	October 30, 2022
Report to CPUC administrative costs, progress of engagement with disability communities, and Access Provider Solicitation (45 days end of each quarter)	
Q3 2022 Consolidated report due to CPUC (45 days end of each quarter)	
Progress and amount of Access Funds used by APs (Quarterly)	November 15, 2022
<b>Q4</b> Access Provider Q4 2022 report due to Lafa (30 days after end of each quarter)	January 30, 2023
Report to CPUC administrative costs, progress of engagement with disability communities, and Access Provider Solicitation (45 days end of each quarter)	
Q4 2022 Consolidated report due to CPUC (45 days end of each quarter)	
Progress and amount of Access Funds used by APs (Quarterly)	February 15, 2023
<b>Q1</b> Access Provider Q1 2023 report due to Lafa (30 days after end of each quarter)	April 30, 2023
Report to CPUC administrative costs, progress of engagement with disability communities and Access Provider Solicitation (45 days end of each quarter)	
Q1 2023 Consolidated report due to CPUC (45 days end of each quarter)	
Progress and amount of Access Funds used by APs (Quarterly)	May 15, 2023
<b>Q2</b> Access Provider Q2 2023 report due to Lafa (30 days after end of each quarter)	July 30, 2023
Report to CPUC administrative costs, progress of engagement with disability communities, and Access Provider Solicitation (45 days end of each quarter)	
Q2 2023 Consolidated report due to CPUC (45 days end of each quarter)	
Progress and amount of Access Funds used by APs (Quarterly)	August 15, 2023

\* Note these dates will differ in subsequent years

\*\* Reports must be submitted via email to [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov)

**ATTACHMENT 2**  
**AGENCY INFORMATION FORM**

<b>MPO/RTPA/CTC INFORMATION</b>
<b>Entity Name</b> Click or tap here to enter text.
<b>Address</b> Click or tap here to enter text.
<b>City &amp; Zip Code</b> Click or tap here to enter text.
<b>Contact Person (Prepared by)</b> Click or tap here to enter text.
<b>Title/Role</b> Click or tap here to enter text.
<b>Phone Number</b> Click or tap here to enter text.
<b>Email</b> Click or tap here to enter text.

## Agency Information

<b>ELIGIBILITY</b>
<b>Entity Type</b> MPO <input type="checkbox"/> MPO & RTPA <input type="checkbox"/> RTPA <input type="checkbox"/> Transportation Commission <input type="checkbox"/>
<b>County or Counties Covered</b> Click or tap here to enter text.
<b>Program Model</b> Grant <input type="checkbox"/> Reimbursement <input type="checkbox"/> Both <input type="checkbox"/>

**ATTACHMENT 3**  
**CERTIFICATION OF PROGRAM REQUIREMENTS**

### MPO/RTPA/CTC INFORMATION

#### Entity Name

Click or tap here to enter text.

## Certification

The California Public Utilities Commission (CPUC) has adopted the following requirements for the Access for All Program. As a condition of the award of Access for All Funds, the MPO/RTPA/CTC must comply with these requirements.

### A. General

1. The MPO/RTPA/CTC agrees to abide by the current Access for All Program Overview & Requirements for Access Fund Administrators (AFAs)<sup>37</sup> and applicable legal requirements.<sup>38</sup>

### B. Project Administration

1. No more than 15% of the total allocated funds may be used by the corresponding LAFA to cover costs of administering the program.
2. Access Fees collected in one county must stay in that county. As such, if an MPO representing multiple counties is selected as a LAFA, it shall ensure county-level expenditures do not exceed county-level fund balances.<sup>39</sup>
3. The LAFA shall develop and maintain a webpage to include at minimum but not limited to the following information: information on SB1376; Access Provider Application Process; link to CPUC's Access for All Program website; and a list of approved Access Providers (updated regularly).
4. LAFAs must make a good faith effort to reach out to the local disability community to get their input starting during the planning process of the LAFA's local program. The Commission acknowledges that LAFAs know their local market best, including its constituents and the relevant stakeholders, and encourages the LAFAs to consult with them to inform the development and implementation of the local Access Fund-funded WAV programs.

<sup>37</sup> Available for download at [www.cpuc.ca.gov/tncaccessadmin](http://www.cpuc.ca.gov/tncaccessadmin).

<sup>38</sup> See Appendix A for applicable laws, codes, and rules that apply.

<sup>39</sup> California Public Utilities Code [§5440.5 \(a\)\(1\)\(D\)](#).

5. The LAFA shall screen applications based on the eligibility requirements outlined in the “Eligibility Requirements for Access Providers” and “TNCs as Access Providers” sections of the Access for All Program Overview & Requirements.
6. The LAFA shall establish a process for Access Provider solicitation.
7. The LAFA shall select and contract with Access Providers beginning July 1, 2022, and continuing every subsequent year to receive Access Fund moneys based on criteria adopted by the Commission and outlined in the “Application/Proposal Requirements for Access Providers” and “Competitive Selection of Access Providers” of the Access for All Program Overview & Requirements.
8. The LAFA shall liquidate moneys (i.e. transfer all applicable funding to Access Provider) based on generally accepted accounting principles (GAAP) to ensure funds are used in accordance with the conditions and restrictions adopted under the program. Funds shall be liquidated by June 30 each calendar year – one year from when funds are obligated to the Access Provider – starting 2022.). Eighty-five percent (85%) of the total allocated funds per geographic area must be reserved for distribution to Access Providers by the corresponding LAFA.
9. The LAFA will be responsible for developing a program that best suits their needs as long as obligated funds are liquidated within one year of obligation and to maintain good record keeping of funds obligated and funds liquidated. Funds shall be obligated annually to Access Providers for expenses outlined in the Access Provider’s application either upfront or for expenses incurred with prior approval by the LAFA.
10. LAFAs shall only approve Access Provider expenses identified in the “Eligible Expenses” section of the Access for All Program Overview & Requirements.
11. The contract between the LAFA and Access Provider shall specify that in the event an Access Provider has unused funds at the end of their contract period, the Access Provider shall return all unused funds to the LAFA within 30 days of the contract expiration. All funds returned to the LAFA by Access Providers shall become unobligated funds, and must be added to the total funding available for next funding cycle.
12. In the event the LAFA is no longer interested in continuing as an administrator, the LAFA must inform CPUC Staff within 30 business days via email at [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov) and state the reason(s) for not continuing, and provide a LAFA Board Resolution withdrawing its application. The email will constitute an immediate withdrawal as a LAFA. Any Program funding held by the LAFA shall be returned to the Access Fund, including unobligated funds, administrative funds, and any accrued interest.
13. Access Funds disbursed to Access Providers must adhere to program requirements established by the CPUC. Access Funds shall only be used strictly for the purposes of expanding or enhancing WAV service. Failure to comply with the Commission’s

- funding requirements will result in providers not being eligible to receive future Access Funds.
14. The LAFA shall develop a process to collect the required data from Access Providers. Access Providers shall submit data within 30 days after the end of each quarter.
  15. It is the responsibility of the LAFA to review quarterly performance provided by the Access Providers and to determine whether there is a pattern of non-compliance with the standards established by the Commission as set forth in the Program Requirements. In concert with the LAFA, CPUC will make the determination whether non-compliant Access Providers shall be sanctioned or disqualified from receiving future funds.
  16. The selected LAFA shall start the project within 30 days upon approval of award and complete the project execution within a 24-month timeframe. Should the LAFA fail to commence work within 30 days of award, the Commission or Director of CPED, upon five (5) days written notice to the LAFA recipient, reserves the right to terminate the award. If the LAFA is unable to complete the proposed project within the required 24-month timeframe, it must notify the Commission as soon as it becomes aware of this prospect. The Commission reserves the right to reduce or withhold payment failure to satisfy this requirement.
  17. The LAFA must complete all the performance on the project before the termination date in accordance with the terms of approval granted by the Commission. In the event that the LAFA fails to complete the project or subsequently perform the responsibilities as an Administrator in accordance with the terms of approval granted by the Commission and compliance with the LAFA Program Requirements, the LAFA must reimburse some or all of the Access funds that it has received.
  18. Material changes in the entries in the application, such as discontinuing operation or bankruptcy, change of address, telephone, fax number or email address must be reported within 10 business days to [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov).
  19. All documentation pertaining to this program including contracts with Access Providers, program related records such as files, invoices, and other related documentation shall be retained and made available to CPUC upon request for the duration of the program and for three (3) years from the date of final Access Provider funding liquidation. Audits of Access Providers are not required. However, it is the responsibility of the LAFA to determine whether Access Providers are eligible to receive future funding based on their performance.
  20. Pursuant to Public Utilities Code 314.6, the Commission may conduct any necessary audit, quality check verification and discovery during project implementation and post-project completion. If any portion of the 15% allocated funds to LAFAs for use of administrative costs is found to be out of compliance, LAFA will be responsible for refunding any disallowed amount along with appropriate interest rates determined to be in accordance with applicable Commission decisions.

21. Once the Commission approves the resolution on one of its regular agendas, the LAFA will be required to sign a Consent Form (annually) agreeing to the terms stated in the Resolution authorizing the Access Fund award. A signed form must be received in order for CPUC staff to initiate the disbursement process of Access Funds to the LAFA. The agreement will provide the name of the LAFA, names of officers, and must be signed by the LAFA. The proposed wording of the Consent Form can be downloaded at [www.cpuc.ca.gov/tncaccessadmin/](http://www.cpuc.ca.gov/tncaccessadmin/) and must be emailed to [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov) within 15 days of Resolution approval.

### C. Reporting

1. The LAFA must submit the following reports to CPUC at [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov):
  - a. Reporting of administrative costs and brief narrative description of progress of Access Provider solicitation and engagement with disability communities as outlined in CPED's Program Overview & Requirements for AFAs quarterly by February 15, May 15, August 15, November 15 (45 days after the end of each quarter). The first report shall be due November 15, 2021.
  - b. A narrative description of the progress made by selected Access Providers, including any compliance or other challenges encountered; the amount of Access Funds obligated and used by Access Providers; Progress and Amount of Access Funds to Access Providers as outlined in CPED's Program Overview & Requirements by February 15, May 15, August 15, November 15 (45 days after the end of each quarter). The first report shall be due November 15, 2022.
  - c. Consolidated Reports as outlined in CPED's Program Overview & Requirements for AFAs by February 15, May 15, August 15, November 15 (45 days after the end of each quarter). The first reports shall be due November 15, 2022.
  - d. Submit a self-assessment describing their program's progress, including its process to solicit Access Providers, including the type of Access Providers that apply for funding, the number of applicants applied and/or approved, a link to the LAFA's website reflecting a list of approved Access Providers, and provide point of contact to be included on the CPUC website by September 30 on an annual basis. The first report shall be due to the Commission September 30, 2022.
  - e. To the extent that any information submitted is claimed to be confidential, LAFA must provide a public redacted version, in addition to the confidential version, and comply with the confidentiality requirements in General Order 66-D including providing the requisite confidentiality declaration to CPED at [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov).

I certify that all of the above requirements will be met.

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**ATTACHMENT 4**  
**BOARD RESOLUTION**

**RESOLUTION # Resolution #**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE**

**AUTHORIZING THE EXECUTION OF THE CERTIFICATION  
TO SERVE AS THE LOCAL ACCESS FUND ADMINISTRATOR (LAFA)  
FOR THE ACCESS FOR ALL PROGRAM FOR THE COUNTY OF COUNTY NAME**

**WHEREAS**, the Agency Name is an eligible Agency type=MPO/RTPA/CTC and may receive state funding from the Access For All Program to administer a funding program for local Access Providers for on-demand wheelchair accessible vehicle (WAV) transportation projects; and

**WHEREAS**, the statutes related to state-funded transit projects require a local or regional administering agency to abide by various regulations; and

**WHEREAS**, Senate Bill 1376 (2018) designated the California Public Utilities Commission (Commission) as the administrative agency for the Access For All Program; and

**WHEREAS**, the Commission has developed the Access for All Program Overview & Requirements for Access Fund Administrators (AFAs), for the purpose of selecting Local AFAs (LAFAs), and administering and distributing Access Funds to eligible local Access Providers of on-demand WAV transportation; and

**WHEREAS**, the Agency name authorizes Agency staff's Name and Title, to execute required documents and any amendments thereto.

**WHEREAS**, the Agency Name wishes to serve as the LAFA for the county of County Name,

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Agency Name that as the Access Fund recipient agrees to comply with all conditions and requirements set forth in the Certification document and applicable statutes, regulations, and Program Requirements for the Access for All Program.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that Agency Staff's Name and Title be authorized to execute all required documents of the Program and any amendments thereto with the Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Agency Name that it hereby authorizes the (Agency Name) to serve as the LAFA of the Access for All Program for the county(ies) of (County(ies) Name(s)).

**PASSED AND ADOPTED BY** the governing board of the (Agency Name) on this \_\_\_\_ day of  
\_\_\_\_ 20\_\_.

\_\_\_\_\_, Board Chair  
(Print Name)

\_\_\_\_\_  
(Signature)

Attest:

\_\_\_\_\_, Director  
(Print Name)

\_\_\_\_\_  
(Signature)

**ATTACHMENT 5**  
**NOTARIZED AFFIDAVIT**

**NOTARIZED AFFIDAVIT**

Name of MPO/RTPA/CTC \_\_\_\_\_

My name is \_\_\_\_\_. I am \_\_\_\_\_ [Title] of \_\_\_\_\_ [MPO/RTPA/CTC]. My personal knowledge of the facts stated herein has been derived from my employment with \_\_\_\_\_ [MPO/RTPA/CTC]

I swear or affirm that I have personal knowledge of the facts stated in this Application for the Access For All Program, I am competent to testify to them, and I have the authority to make this Application on behalf of and to bind the Company.

I further swear or affirm that \_\_\_\_\_ [MPO/RTPA/CTC] agrees to comply with all federal and state statutes, rules, and regulations covering the Access for All Program and state contractual rules and regulations if awarded funding from the Access Fund.

I further swear or affirm that I agree to comply with Rules 1.11 and 2.2 of the California Public Utilities Commission’s Rules of Practice and Procedure.

I further swear or affirm, under penalty of perjury, and under Rule 1.1 of the California Public Utilities Commission’s Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

If \_\_\_\_\_ [MPO/RTPA/CTC] violates the TNC Access for All Program Overview & Requirements for Access Fund Administrators, it shall be subject to Public Utilities Code Sections 2108 and 2111. The Commission may impose the maximum penalties allowed under Public Utilities Code Sections 2108 and 2111 for failure to meet the program and project compliance requirements, as determined by the Commission.

\_\_\_\_\_  
*Signature* *Date*

\_\_\_\_\_  
*Type or print name and title*

**SUBSCRIBED AND SWORN** to before me on the \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_.

Notary Public In and For the State of \_\_\_\_\_

My Commission expires:\_\_\_\_\_

**ATTACHMENT 6**  
**ELIGIBLE LAFAs**

**LIST OF ELIGIBLE LOCAL ACCESS FUND ADMINISTRATORS (LAFAs)**

Entity	Entity Type	County Type	Geographic Areas Covered
Association of Monterey Bay Area Governments (AMBAG)	MPO	Multi county	Monterey San Benito Santa Cruz
Butte County Association of Governments (BCAG)	MPO, RTPA	Single county	Butte
Fresno Council of Governments (FresnoCOG)	MPO, RTPA	Single county	Fresno
Kern Council of Governments (KCOG)	MPO, RTPA	Single county	Kern
Kings County Association of Governments (KCAG)	MPO, RTPA	Single county	Kings
Madera County Transportation Commission (Madera CTC)	MPO, RTPA	Single county	Madera
Merced County Association of Governments (MCAG)	MPO, RTPA	Single county	Merced
Metropolitan Transportation Commission (MTC)	MPO, RTPA	Multi county	Alameda Contra Costa Marin Napa San Francisco San Mateo Santa Clara Solano Sonoma
Sacramento Area Council of Governments (SACOG)	MPO, RTPA	Multi county	El Dorado Placer Sacramento Sutter Yolo Yuba
San Diego Association of Governments (SANDAG)	MPO, RTPA	Single county	San Diego
San Joaquin Council of Governments (SJCOG)	MPO, RTPA	Single county	San Joaquin
San Luis Obispo Council of Governments (SLOCOG)	MPO, RTPA	Single county	San Luis Obispo
Santa Barbara County Association of Governments (SBCAG)	MPO, RTPA	Single county	Santa Barbara
Shasta County Regional Transportation Planning Agency (SCRTPA)	MPO, RTPA	Single county	Shasta

Entity	Entity Type	County Type	Geographic Areas Covered
Southern California Association of Governments (SCAG)	MPO, RTPA	Multi county	Imperial Los Angeles Orange Riverside San Bernardino Ventura
Stanislaus Council of Governments (StanCOG)	MPO, RTPA	Single county	Stanislaus
Tahoe Metropolitan Planning Organization (TMPO)	MPO, RTPA	Multi county (some parts only)	El Dorado Placer
Tulare County Association of Governments (TCAG)	MPO, RTPA	Single county	Tulare
Calaveras County COG	RTPA	Single county	Calaveras
Humboldt County AOG	RTPA	Single county	Humboldt
Lake County Area Planning Council	RTPA	Single county	Lake
Mendocino COG	RTPA	Single county	Mendocino
Tuolumne County Transportation Council	RTPA	Single county	Tuolumne
Del Norte LTC	RTPA	Single county	Del Norte
Modoc CTC	RTPA	Single county	Modoc
Siskiyou County LTC	RTPA	Single county	Siskiyou
Tehama County LTC	RTPA	Single county	Tehama
Trinity County LTC	RTPA	Single county	Trinity
Nevada CTC	RTPA	Single county	Nevada
Inyo County LTC	RTPA	Single county	Inyo
Mono LTC	RTPA	Single county	Mono
Alpine LTC	RTPA	Single county	Alpine
Amador CTC	RTPA	Single county	Amador
Mariposa LTC	RTPA	Single county	Mariposa
Sierra LTC	RTPA	Single county	Sierra
Plumas CTC	RTPA	Single county	Plumas
Colusa CTC	RTPA	Single county	Colusa
Lassen CTC	RTPA	Single county	Lassen
Glenn CTC	RTPA	Single county	Glenn