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## Taxicab Paratransit Association of California Responds to Flawed PUC Decision

SACRAMENTO, Calif. (Oct 1, 2013) –This morning the Taxicab Paratransit Association of California (TPAC) filed appeals in two separate courts challenging the flawed decision of the California Public Utilities Commission (PUC) that created a new class of passenger transportation carriers called Transportation Network Companies (TNC) that compete with traditional taxicab service. TNCs such as Uber, Lyft and Sidecar participated in the PUC proceeding and are expected to oppose the court appeals.

TPAC's appeal filed today in the California Supreme Court is based on the PUC's failure to consider the serious environmental impacts created by the thousands of TNC vehicles that the PUC has unleashed onto California city streets, in violation of the California Environmental Quality Act (CEQA). Under CEQA, an agency may not render a discretionary decision or approval without conducting environmental review if there are reasonably foreseeable environmental impacts. The California Supreme Court has original jurisdiction on appeals from PUC decisions that are based on CEQA. Furthermore, the PUC's decision undermines the hybrid/clean-fuel taxi programs in San Francisco, Los Angeles, and other cities which, under the PUC's decision, do not apply to TNCs. It has been estimated that 80% of those TNC vehicles do not comply with the programs. TPAC believes that the operation of the TNCs, as approved by the PUC, also creates other reasonably foreseeable health and safety impacts such as excessive traffic congestion, distracted or impaired driving, inadequately screened drivers, inadequate commercial liability insurance, inadequate carrier signage, and unsafe and inadequately maintained vehicles.

TPAC's appeal filed today in the Third Appellate District Court of Appeal in Sacramento seeks review based on the PUC's lack of jurisdiction over the on-demand transportation service provided by taxicabs. The PUC ignored clear statutory limits and decades of its own rulings and those of the California courts when it ruled that it had authority over the provision of on-demand services of the TNCs that compete with lawfully permitted taxicabs. The Legislature reserved the right to regulate these services to California cities and counties, and denied the right to regulate them to the PUC.

TPAC makes two other arguments in its appeal to the Court of Appeal. It argues that PUC's ruling is unsupported by adequate findings as required by the Public Utilities Code, and it argues that the taxi industry's constitutional rights were violated by the creation of a new, on-demand carrier classification that is almost entirely unregulated while the taxi industry is heavily regulated by local governments.

"We think these appeals present strong legal arguments," said Mark Fogelman, one of TPAC's appellate attorneys. "The PUC's approach is not well thought out, and unfortunately, it creates potentially serious harms for drivers, passengers, pedestrians, and the public. We think the PUC's decisions violate the law and should be overturned."

"TPAC has tried to explain the impact of these decisions on the proper functioning of the taxicab industry and the public interest, but I'm afraid the message has not gotten through," said William J. Rouse, President of TPAC. "Hopefully, these appeals will help correct some of the practical problems we see and educate the PUC on how it can fix its current regulatory approach."

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