



International Association of Transportation Regulators (IATR)
P.O. Box 844, Lewiston, NY, 14092; Website: www.iatr.org
US PH (716)405-5002; Can/Int'l (905)228-2091; FX (403)775-7021

SUPPORTING THE PRACTICE OF FOR-HIRE TRANSPORTATION REGULATION

January 28, 2013

Via Electronic Submission

California Public Utilities Commission

**Re: IATR Comments to the Order Instituting Rulemaking on Regulations
Relating to Passenger Carriers, Ridesharing, and New Online-
Enabled Transportation Services; Docket No. R.12-12-011**

To Whom It May Concern:

My name is Matthew Daus and I am the President of the International Association of Transportation Regulators – or IATR. By way of introduction, I served as the New York City Taxi & Limousine Commission (“TLC”) Commissioner and Chairman for over 8 years and as the General Counsel to several City agencies, including the TLC. I currently serve as a Distinguished Lecturer with the City University of New York’s (“CUNY’s”) Transportation Research Center (“UTRC”) at The City College of New York, in addition to lecturing at CUNY on sustainable transportation and transportation policy. I am intimately familiar with government regulations, policies and procedures related to for-hire transportation. Since I left municipal government, I have been practicing law as a partner at Windels Marx Lane & Mittendorf, LLP (“Windels Marx” or “Firm”), where I Chair its Transportation Practice Group. I have extensive experience in the drafting of regulations both as a lawyer and regulator, having overseen significant government regulatory changes in New York City during my sixteen year tenure in government.

As President of the IATR, I head the leading group of government taxi and limousine regulators from around the world. IATR’s mission is to provide an international, professional



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association for transportation regulators to cooperate and consider matters of mutual interest and concern, and to exchange ideas.

For some time, the IATR has recognized the emergence of smartphone applications, as one of the most exciting and innovative changes to the transportation industry. However, some “apps” operate in a manner that creates serious concerns for the public and regulators alike.

In response, my Firm provided its services on a pro bono basis to the IATR when it requested that we examine these concerns in light of the regulatory landscape in numerous major cities throughout the United States. As a result of our research, we published a seminal report on the status of the operations of these apps entitled:

“Rogue” Smartphone Applications for Taxicabs and Limousines: Innovation or Unfair Competition?
*A National Regulatory Review of Safety, Accountability and Consumer Protection Legal Issues*¹

As a follow-up to the Report and as a benefit to the IATR members, I created a Special Apps Committee (“Apps Committee”) to study the issue of “rogue” smartphone applications, and to draft model regulations for potential adoption internationally and within the U.S with the purpose “to develop a model regulation to ensure smartphone app technology can exist fairly, safely and with accountability to protect the consumer, while also protecting existing businesses against unfair competition.” A copy of the model regulations may be found online at www.windelsmarx.com.

¹ The Report is available to the public at http://www.windelsmarx.com/news_detail.cfm?id=127



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In support of the Apps Committee, Windels Marx conducted additional research for noteworthy regulations or innovative approaches to incorporating technology, defining for-hire services and preserving protections for consumers, which were the foundation for the proposed model regulations submitted to the IATR Apps Committee for consideration. The Apps Committee considered the model regulations and ultimately introduced them at the IATR's international public hearing entitled "*There's an App for That!*", on November 17, 2012, as part of the IATR's 25th Anniversary conference held in Washington D.C. The details on the conference may be found at the IATR website www.iatr.org.

Thus far, the Report and the draft model regulations have engendered much discussion about these smartphone apps. The IATR is accepting comments to the model regulations until March 15, 2013. More information regarding how to submit comments may be found at www.windelsmarx.com.

On December 20, 2012, the California Public Utilities Commission (the "Commission") voted to approve the Order Instituting Rulemaking on Regulations Relating to Passenger Carriers, Ridesharing, and New Online-Enabled Transportation Services (the "OIR"). As the OIR notes, there are several issues that should be addressed in order to enact conscientious and responsible regulations that properly protect the riding public as well as encourage innovators to use technology in the transportation industry. We discuss these issues in the IATR's Comments to the OIR, which is annexed hereto. We look forward to working with the Commission to maintain top-level public safety and service as it navigates through the advent of new technologies in the transportation space.



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Sincerely,

A handwritten signature in blue ink that reads "Matthew W. Daus". The signature is fluid and cursive, with a prominent initial "M".

Matthew W. Daus, Esq.
IATR President

Enclosure