



# San Francisco Taxi Workers Alliance

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September 6, 2016

Hon. Jerry Brown, Governor  
State Capitol, Suite 1173  
Sacramento, CA 95814

Re: AB 1289 -- Oppose

Dear Governor Brown:

AB 1289 is a poorly conceived and ill-timed measure requiring drivers for Transportation Network Companies (TNCs) to be subject to criminal background checks that do not include biometric identification. The consensus of most experts in law enforcement favors fingerprint-based, Live Scan background checks because they are the only truly effective means of uncovering false identities and they have access to information unavailable through private checks. Live Scan checks are standard in the taxi industry, and the CPUC requires them for drivers for TNCs that primarily transport minors. The Commission is currently conducting an in-depth examination of this issue to determine whether to expand its requirements to include fingerprint checks for all TNC drivers. Parties have submitted hundreds of pages of comments and materials to its Rulemaking proceeding, and further comments are due next week. We have great concern that the enactment of AB 1289 could preempt or at least greatly constrain the Commission's authority on this issue.

The results to date of TNC background checks are alarming. A small sample of TNC drivers checked by the District Attorneys of San Francisco and Los Angeles turned up over 20 with serious criminal records. An NBC4 investigative report revealed that an ex-con with a 20-year record, including acts and threats of violence, was one of several drivers with criminal backgrounds that Uber hired. An Uber driver in Houston who passed the company's background check had 24 aliases, five dates of birth, 10 Social Security numbers and an outstanding arrest warrant. Not surprisingly, Houston now requires TNC drivers to submit their fingerprints, as does New York. When Uber went to the ballot this year in Austin to try to squelch a similar bill, it lost by double digits, despite spending close to \$9 million in a city with fewer than one million residents. The public understands the need for these checks.

We are also concerned that private background checks lack a notification-and-appeals process, such as the San Francisco Municipal Transportation Agency (SFMTA) provides for taxi drivers. The bill also unfairly disqualifies drivers for minor offenses, such as misdemeanor assault or battery. A discretionary process for these offenses, such as the SFMTA employs, should be adopted.

The timing of AB 1289 clashes with your efforts to craft a restructuring of the CPUC. Piecemeal legislation that will tie the hands of the Commission or its successor should not be put in place before the restructuring has taken place and the agency in charge has had an opportunity to make its own determination on appropriate regulation. We urge a veto on AB 1289.

Respectfully,  
San Francisco Taxi Workers Alliance