

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

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September 29, 2020

The Honorable Roger Wicker  
Chairman  
Committee on Commerce, Science,  
and Transportation  
United States Senate  
Washington, DC 20510

The Honorable Maria Cantwell  
Ranking Member  
Committee on Commerce, Science,  
and Transportation  
United States Senate  
Washington, DC 20510

Dear Chairman Wicker and Ranking Member Cantwell:

The U.S. Chamber of Commerce appreciates the opportunity to provide our perspectives to your inquiry about how the passenger transportation sector, in particular, transportation network companies (TNCs) are meeting the challenges of the COVID-19 pandemic.

The Chamber hopes that the following information will assist the Committee in ascertaining the effect of the pandemic on the TNC industry and the appropriate response.

**What impacts have you seen from COVID-19 on passenger transportation operations and how have you responded to these impacts?**

The COVID-19 pandemic has disrupted the daily lives of Americans in unprecedented ways. Transportation network companies (TNCs) have been affected as Americans have limited their travel in accordance with state and local emergency orders as well as with guidance from the Centers for Disease Control and Prevention (CDC) and local health officials. These declines in ridership are similar to those experienced by the rail, aviation, and public transit sectors. As cities start to move again, TNCs, car rentals, and other passenger transportation services are critical to safely facilitating the movement of people and goods.

TNCs have also taken steps to modify operations to protect the health and safety of drivers, riders, and the traveling public. Uber and Lyft have continued rideshare, bikeshare, and scooters as essential services under state and local orders and federal guidance, but have temporarily paused shared rides across all of their markets to help slow the spread of COVID-19.

While the COVID-19 pandemic has significantly affected passenger transportation operations, TNCs have been critical in assisting the community during this time in three key ways.

**First**, TNCs serve a key role in communities by transporting frontline essential workers such as doctors and nurses to hospitals and healthcare centers while public transportation is limited. Uber Health is helping provide transportation for frontline health care workers, both to

and from patients' homes, as well as between healthcare facilities. Uber has partnered with 1199SEIU, one of the country's largest healthcare unions, to help frontline healthcare workers with proximity to areas most affected by the pandemic. Lyft is offering free rides, scooter trips, and bike memberships to many of those working on the front lines, like first-responders, healthcare workers, and transit staff.

**Second,** TNCs support frontline workers through contributions to advance their critical work. Uber, for instance, committed 10 million free rides and food deliveries to healthcare workers, seniors, and people in need, free of charge. Further, Uber has partnered with domestic violence organizations and local governments in 35 cities across 16 countries to provide 50,000 free rides to shelters and safe spaces, and more than 45,000 free meals. Lyft has partnered with hundreds of nonprofits to provide access to free rides for vulnerable communities with essential transportation needs – like trips to the grocery store, pharmacy, or healthcare appointments.

**Third,** TNCs are also involved in transporting essential goods. Since the crisis started, Uber Freight has moved more than 1 billion pounds of emergency relief supplies including food and water, hospital beds, and face masks. Uber Freight has also worked to keep drivers safe and healthy by distributing free sanitization kits, face masks, care packages, and Uber Eats credits. During a period of shelter-in-place mandates and self-quarantine recommendations, governments and healthcare organizations were able to use Lyft's on-demand network to bring life-sustaining medical supplies and test kits to the elderly, those with chronic diseases, and other vulnerable populations. Lyft's healthcare team is working with government agencies and other businesses to identify individuals in need and TNCs are working to facilitate contactless drop-offs.

### **What are your expectations for continued impacts on the passenger transportation system in the near future and its response to a reopening of the economy?**

As cities and states begin to reopen, there will be concern among travelers sharing enclosed spaces with non-household members, and there will be an acute need for transportation. In addition, we have an economy with higher unemployment, a large remote workforce, and many recreational destinations such as bars, restaurants, theaters, and museums closed or at reduced capacity. All of these factors will contribute to a much different demand profile on a passenger transportation system designed and built before COVID-19.

Several experts are assuming lower than normal demand across the entire transportation system, particularly during the traditional commute hours that were previously dominated by work that can be done remotely. Public transportation could be affected as people stay away due to COVID-19 apprehensions and transit agencies cut service, creating a negative feedback loop. As we have seen in publicly available map data, vehicle traffic appears to be returning, but it will likely be spread out across the day and week and not as concentrated in the traditional peaks.

If people continue to find ways to safely reengage with their daily routines and return to offices, restaurants, and other popular destinations, we could see car travel return to or even exceed pre-COVID numbers as commuters cut back on transit and purchase their own vehicles. TNC ridership may also rebound more quickly than transit due to social distancing measures.

Consequently, cities will need to evaluate innovative solutions to moving people around. TNCs will play an important role in helping people get back to work and taking part in the economy again. TNCs take this responsibility seriously and have adapted their platforms in accordance with public health guidance so that riders and drivers can continue to trust that TNCs are taking necessary measures to protect the health and safety of their drivers and riders.

### **What impacts do you anticipate for the passenger transportation system in the long term?**

While some of the traveling habits formed by passengers during the pandemic may endure, we expect that the overall pull of people gathering and meeting face-to-face will eventually bring transportation patterns closer to pre-COVID ones. From a global perspective, early signs show a slow return to public transit in countries that have already begun to re-open their economies and resume more normal daily travel. In Chinese cities, for example, public transit has only returned to 50% of pre-COVID-19 travel levels. Many riders who previously relied on public transit are considering other options that promote social distancing. Driving has already returned to pre-COVID-19 levels. At the same time, there has been a large spike in demand for travel by bicycle.

However, remote work may prove to be a viable long-term option for many businesses. This will reduce travel demand during the peaks, but that will likely be made up with more social and recreational travel. Traditional public transportation, which is built around the commute to the central business district (CBD), will need to become more flexible to adjust to lower peak-hour demand, lower CBD travel, and higher demand to more dispersed areas at various times of day. Cities will need to work with private sector partners to address gaps in their transportation infrastructure such as those created by new travel patterns.

Micromobility services like bikeshare and scooters have proven to be a transportation option that helps people reach essential services during shelter-in-place orders, and continues to be a popular service as people resume travel. For example, bikeshare is playing a role in supporting critical healthcare workers; rides to and from bikeshare stations near hospitals have increased meaningfully. Overall, while ride activity during traditional morning commute hours has decreased, bikeshare and scooter trip distances are increasing, likely due to increased recreational riding and potential mode shift from other transportation methods.

Public transportation will need to further adapt to respond to the need for contactless payments. Mobile ticketing options, such as those offered in the Uber app for Denver, Las Vegas, and 13 agencies across Ohio and Kentucky, will be the preferred fare payment option to reduce public touchpoints and prioritize health and safety. Also, innovative business models such as mobility-on-demand through TNC partnerships will increase in use to complement existing fixed-route networks and serve these new travel demands. Riders will want to see more integration between their transit, micromobility, and TNC options to make traveling without a car easier, and mobility-as-a-service platforms can work with agencies to offer this level of integration.

Moving forward, the Chamber supports federal investments in public transportation and mobility-on-demand that can accelerate this change and help keep transit agencies ahead of the curve. Through offsetting high capital and operational costs, new grant programs can jumpstart the public-private partnerships needed to bring mobility-on-demand to public transportation. Finally, as bikeshare grows in popularity, there is increased need to expand the service equitably throughout cities to ensure high-quality coverage across communities.

### **How have critical infrastructure employees been affected during the COVID-19 crisis while performing their duties, and what steps have been taken to protect them?**

Transportation network company workers, such as drivers and delivery people, are recognized under state emergency orders and federal guidance as essential critical infrastructure workforce during the COVID-19 crisis. The health and safety of the TNC community is a primary focus, and it is critical that drivers should first focus on their health and the health of their loved ones, follow guidance from the local government, and stay informed.

TNCs have made significant strides to protect their employees and drivers during the pandemic. Uber has allocated \$50 million for Personal Protective Equipment (PPE) for drivers and delivery people, including masks, cleaning supplies, and hand sanitizers. Further, any Uber driver who is diagnosed with COVID-19 or is individually asked to self-isolate by a public health authority will receive financial assistance for up to 14 days.

Lyft has sent drivers regular email updates to make sure they have the latest information and guidance from the CDC. Additionally, Lyft has created in-app health safety education based on the CDC rideshare guidance, which provides the Lyft community with information to best protect themselves and others during rides.

Lyft has also established a Health Safety Program with new policies, commitments, and products designed in accordance with CDC guidelines to address the needs of the TNC community during this important time for public health. As part of the Health Safety Program, all Lyft users must confirm that they will wear a face covering, will keep vehicles clean, and will not use Lyft if they have COVID-19, think they have it, or have related symptoms. Users who feel that their rider or driver is not complying with Lyft's Health Safety Program are able to decline to accept or cancel their ride, without penalty.

Since March, Uber has sourced nearly 30 million masks and face covers and has distributed masks to 1.4 million drivers and delivery people free of charge. In addition, Uber has provided more than 800,000 packages of disinfectant sprays, wipes, and hand sanitizer to drivers at no cost, including through partnerships with Clorox, Unilever, and Dettol—with millions more on the way.

Since the COVID-19 crisis began, Lyft has secured and provided tens of thousands of drivers with face masks and cleaning supplies, at no cost to them. To date, Lyft has distributed over 160,000 sanitizing products and masks to drivers in over 40 markets across North America. Lyft's most active drivers also received a free safety kit, consisting of a reusable cloth face covering, sanitizer and disinfectant.

Lyft has also partnered with One Medical Lyft to connect drivers with One Medical's Essential Workers program, for access to a free 30-day trial membership, on-demand virtual care at no cost, and access to COVID-19 testing.

As states and cities continue to reopen, Lyft has created a comprehensive framework for understanding how, when, and where to reopen our offices and hubs. This framework involves identifying all applicable regulations and orders for social distancing, PPE provision and requirements, cleanliness, capacity limits, and other regulations. Lyft has developed site-specific plans to comply with each of these requirements.

Finally, the Chamber and companies including Uber and Lyft have provided online guidance, information, and tutorials to drivers on how to access financial assistance under the CARES Act.

### **What steps has your organization or have your members taken to protect the safety of the traveling public?**

The health and safety of the TNC community is a top priority. During each phase of the crisis, TNCs have worked closely with state and local agencies to prioritize safety. All of the users on TNC platforms including riders and drivers have a role to play in keeping each other safe and healthy. Below are five major actions that TNCs have taken to protect the health and safety of their drivers, employees, and riders.

**First**, working with the CDC and other relevant health and safety officials, TNCs have compiled safety tips and recommendations specifically geared towards educating around ridesharing. TNCs already have begun sharing this information with users globally, and they now leverage tips to educate riders and drivers. TNCs have also included this information in COVID-19 safety educational videos.

**Second**, TNCs have limited the number of passengers per trip to ensure that no one sits in the front seat of the vehicle and encourage those with larger vehicles to provide distance between drivers and passengers. Additionally, TNCs have temporarily paused offering shared rides.

**Third**, before an Uber driver can go online, the driver will be asked to confirm, via a new Go Online Checklist, that certain preventive measures have been taken. The Go Online Checklist includes steps such as having on a face cover or mask, that a driver has sanitized his or her vehicle or food delivery equipment, and that a driver will not allow anyone to ride in the front seat. Uber also requires drivers to verify they are wearing a mask by taking a picture through the app. Riders too will be asked to confirm they have taken certain precautions like wearing a face cover or mask and washing or sanitizing their hands before they can ride. A rider must also agree to sit in the back seat and open windows for ventilation.

Lyft's Health Safety Program includes a Health Safety Commitment for drivers and riders. Before using Lyft, every rider and driver is required to self-certify that they will wear face masks throughout the ride and will follow CDC and local guidelines related to COVID-19,

including: a driver or rider will not ride or drive with Lyft if they have COVID-19, think they have it, or have related symptoms; a driver will keep vehicles clean and sanitize their hands frequently; a driver will leave windows open when possible and avoid recirculated air when possible; and a rider will not ride in the front seat.

**Fourth,** TNCs have also provided drivers with educational materials, PPE, and other tools to ensure health and safety. In addition to its \$50 million commitment of PPE and safety supplies, Uber has provided drivers with educational videos and guidance on how to use masks and sanitizer correctly and has encouraged drivers to keep windows open during rides to reduce the risk of contagion. Lyft has secured and provided tens of thousands of drivers with face masks and cleaning supplies, at no cost to them. To date, they have distributed over 160,000 sanitizing products and masks to drivers in over 40 markets across North America.

Uber has also created a system of accountability; if a rider is not wearing a face cover or mask, drivers can cancel the trip and report it to Uber's support team by selecting "No face cover or mask" as the cancellation reason without penalty. Similarly, if a driver shows up without a mask on, the rider can cancel the trip without penalty, too, and report the issue to Uber via the app. Similarly, users who feel that their rider or driver is not complying with Lyft's Health Safety Program are able to decline to accept or cancel their ride, without penalty.

**Fifth and finally,** TNCs have also taken steps to establish positive case protocols. Both Uber and Lyft, for instance, have teams available 24/7 to support public health authorities in their response to the pandemic. Working with them, TNCs may temporarily suspend the accounts of riders or drivers confirmed to have contracted or been exposed to COVID-19. Any driver who is diagnosed with COVID-19 or is individually asked to self-isolate by a public health authority will receive financial assistance for up to 14 days while their account is on hold. Uber has also been consulting with an epidemiologist to make sure their efforts as a company are grounded in medical advice.

### **What additional guidance or support would be useful from the U.S. Department of Transportation, other federal agencies, and from Congress as you move forward during the COVID-19 public health crisis?**

The Chamber presents four central policy recommendations and concerns moving forward:

**First,** we recommend that the Federal Government provide further guidance on the implementation of unemployment insurance, pandemic unemployment assistance, and small business loans for rideshare drivers. Also, any guidance on rideshare, micromobility, transit and non-emergency medical transportation (NEMT) should be updated to address phased recovery.

**Second,** in order to allow for maximum flexibility to adapt to new information about COVID-19, federal policymakers should refrain from mandating one-size-fits-all safety requirements absent support from both industry representatives and public health officials. Policies that allow companies to innovate and roll out new safety measures will remain critical during this uncertain period. Data and research about the transmission of COVID-19 is being

released on a daily basis, and we are constantly tracking and adjusting our policies in light of such information.

**Third,** Congress should allow businesses to protect independent contractors in the sharing economy during this unprecedented crisis without facing additional costs and liabilities while preserving the freedom and flexibility that the vast majority of independent contractors prefer. At the very least, a legal “safe harbor” provision should be included in COVID-19 legislation that at a minimum would permit platform companies to provide assistance to drivers during the public health emergency, while providing a very limited protection against litigation challenging worker classification status regarding such assistance. Furthermore, to protect independent workers from litigation that threatens their ability to earn income and provide transportation to their communities, policymakers should take steps to clarify their independent contractor status and allow businesses to provide flexible portable benefits to drivers and delivery people.

**Fourth and finally,** we are concerned about ongoing legislative efforts to impose novel federal regulations on the operations of TNCs, such as H.R. 4686. This legislation requires riders to digitally verify the driver’s identity before beginning the trip. While this legislation has a laudable goal of ensuring the safety of riders, given the novel approach presented by this legislation, Congress should take additional time to carefully consider any potential adverse implications of the legislation on consumers and the TNC industry including the use of mandates. In addition, the legislation lacks any preemption language, which is necessary to establish a strong national standard and provide certainty for American consumers.

**Please describe any ways that you or your members have been affected by the CARES Act and how it has affected your employees, operations, or other aspects of your business.**

Many people who operate on TNC platforms have experienced a reduction in their income as a result of COVID-19. Many who have worked full-time or part-time in traditional jobs along with participating in the gig economy have been laid off, and others have had to reduce their driving hours due to either a lack of passenger demand or a need to stay home for health reasons.

Consequently, we are appreciative that the federal government provided significant relief to independent workers through the CARES Act. The temporary expansion of unemployment insurance to independent workers through the Pandemic Unemployment Assistance (PUA) program as well as added eligibility in the Small Business Administration’s Paycheck Protection Program (PPP) were necessary and important steps to help workers manage the worst of the crisis.

In addition to government support, TNCs have also provided multiple financial options for workers to consider that allow them the opportunity to choose the best course for their own individual situation. To help drivers and delivery people during the COVID-19 crisis, TNCs have gathered up-to-date information about government financial support, launch online resource guides to answer important questions and share resources to help them apply, and developed in-app interactive tutorials.

While anecdotal reports indicate that some drivers have been able to receive the PUA unemployment insurance benefits, access to the program has varied across the states. We have seen stories of the logistical and technological challenges to standing up the program at the state level. One major barrier are state claims they cannot pay out benefits because they need TNCs to report driver earnings in the same way companies report wages and requirements. However, drivers who have any minimal W2 earnings can receive benefits for those earnings through traditional UI, even if the drivers make the majority of their earnings driving and would receive more through PUA.

Also, while TNCs have appreciated that both SBA's PPP and EIDL Loan Advances included self-employed independent contractors, several elements of the programs have made it challenging for self-employed workers to access these benefits. For example, self-employed workers were left out of the first round of PPP loans, many self-employed independent contractors did not have access to banks offering PPP loans, and documentation requirements were unclear considering the guidance for these programs was written to focus on traditional businesses. In sum, this created disincentives for self-employed workers to access these programs.

## **Conclusion**

The Chamber thanks you again for the opportunity to outline the effect of the pandemic on the TNC industry, how TNCs have responded to protect the health and safety of their drivers and riders, and the best path forward as the United States continues to respond and recover from the effects of the pandemic. Please do not hesitate to reach out to us with any questions or if we can be of any assistance as the Committee continues its important work on these issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'TK' followed by a long horizontal flourish.

Tom Quadman