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TESTIMONY

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THE INTRODUCTION OF STATE REGULATIONS CONCERNING TRANSPORTATION NETWORK COMPANIES

By Joseph Miller

Testimony before the Senate Commerce, Consumer Protection, Energy and the Environment Committee.

To the Honorable Members of This Committee:

My name is Joseph Miller, and I am a policy analyst for the Show-Me Institute, a nonprofit, nonpartisan Missouri-based think tank that supports free-market solutions for state and local policy. The ideas presented here are my own. This testimony is intended to summarize research that analysts for the Show-Me Institute have conducted and reviewed regarding the introduction of transportation network companies in Missouri and the effects of local and state for-hire vehicle regulations.

Missouri Senate Bill 351 (SB 351) would create a statewide regulatory framework for transportation network companies (TNCs), otherwise known as on demand ridesharing networks.

SB 351 defines a transportation network company as,

> . . . an entity licensed pursuant to sections 387.410 to 387.495 and operating in Missouri that uses a digital network or software application service to connect passengers to transportation network company services provided by transportation network company drivers.

The most prominent TNCs nationally and in Missouri are Uber and Lyft. The proposed regulations stipulate that a TNC must obtain a license from the Missouri Department of Transportation (MoDOT) at a cost of no more than $20,000 annually. The regulations would require TNCs to have insurance coverage that includes primary auto-vehicle liability

insurance, to perform background checks on prospective drivers, and to restrict drivers to digital network ride requests, among other requirements. Critically, the bill would prohibit additional regulation, oversight, or taxation by regional, municipal, or other local entities.

The introduction of ridesharing in general and TNCs in particular present opportunities for Missouri and its major cities. The national expansion of Uber and Lyft is evidence of significant latent demand for transportation network companies, both as an opportunity for transportation and as a source of employment. In San Francisco, where the largest TNCs originated, Uber alone has added an estimated 11,000 for-hire vehicle drivers to the city.[1] This estimate far exceeds the pre-existing San Francisco taxicab stock (1,812) and rivals the number of taxi drivers in New York City. The impact of TNCs is not confined to the Bay Area. Other cities with more than 500 TNC driver-partners include Los Angeles, Memphis, Austin, Houston, Atlanta, Minneapolis, Chicago, Detroit, and Phoenix.[2] On a national level, in December 2014, Uber alone had 162,037 driver-partners that completed four or more trips, meaning the TNC provided more than 648,000 rides, likely many more.[3] When we consider that other TNCs, especially Lyft, also have many drivers nationwide, the magnitude of TNCs' impact on cities is likely considerable. The speed with which TNCs have spread should also be noted. Uber launched UberX, its low-price ridesharing service, in 2012, and Lyft only began a national expansion in early 2014.[4] [5]

From an economic perspective, ridesharing through peer-to-peer networks presents an opportunity for economic growth by lowering the cost of high-speed, high-quality transportation and making more efficient use of the nation's motor vehicle capital stock.

Recent evidence suggests that the popularity of TNCs rests largely on speed and convenience, when compared to taxis and especially public transportation. Evidence from San Francisco shows that 92 percent of Uber and Lyft users waited 10 minutes or less for a weeknight ride, while only 16 percent of those who called for a taxi waited less than 10 minutes.[6] Perhaps even more telling, 37 percent of those who called for cabs waited more than 20 minutes or the cab never showed.[7] That happened to only 1 percent of TNC users.[8] While much of that speed is based on the use of information technology, innovations in pricing is part of TNCs' ability to provide speedy service. Uber, for instance, charges variable rates that are higher during peak demand hours. Higher prices incentivize potential riders whose time-opportunity costs are low to wait for non-peak periods, and simultaneously incentivizes Uber's mostly part-time workforce to provide additional capacity.[9]

Aside from speed, TNCs provide convenience and reportedly high levels of service. App-based payment via smart phones is a feature that is very popular among users and is common to all TNCs, while traditional taxis often struggle to integrate credit cards as a method of payment.[10] [11]

The enhanced mobility TNCs provide has the potential to benefit Missouri's cities by making them an easier place to get around. In both Kansas City and Saint Louis, population density is low compared to other major cities, and destinations are spread across a wide geographic area.[12] Low population density, dispersed employment, and population clusters make it difficult for public transportation agencies to provide service that is a feasible alternative to personal vehicles.[13] TNCs take advantage of automobile-oriented environments and provide on-demand service, which may allow them to more effectively compete with personal cars and complement urban transit systems. Such an advantage can be critical for urban entertainment districts, because customers may only choose to patron those areas if a convenient and cheap alternative to personal vehicles exists.[14] Furthermore, with increased non-personal vehicle mobility, dense urban environments may become a more appealing place to live or set up a business.

TNCs not only provide services that enhance mobility, they can also revolutionize the supply of for-hire vehicles and drivers. Traditional cab companies maintain a separate fleet of commercial vehicles. In contrast, TNC services, by definition, partner with drivers using their own personal vehicles. In essence, TNC drivers are using their existing assets to earn income and provide mobility, making use of an asset that might otherwise sit depreciating in a garage or parking lot. This is an important opportunity for Missouri, where latest census numbers show that almost 93 percent of households have access to a personal vehicle, and 59 percent have access to more than one.[15] In both Saint Louis and Kansas City, almost 60 percent of

households have access to two or more personal vehicles.[16]

The supply of drivers is likely to increase as well, as TNCs open the door to part-time drivers, which is often not economical in the traditional taxi industry. According to the Bureau of Labor Statistics, only a quarter of traditional cab drivers work part-time and only one in seven has a variable schedule.[17] The story is different with TNCs. For example, 81 percent of Uber drivers work part-time (less than 35 hours a week); TNC drivers choose when and if they work.[18]

Creating more for-hire vehicle demand and making better use of existing capital may create new employment opportunities for Missouri. Some critics claim that ridesharing will destroy the ability to earn income from driving taxis. However, although TNCs may drive down demand for traditional taxi service and hence taxi drivers, TNCs create more employment opportunities for the for-hire vehicle driver labor pool in general. Evidence from other cities indicates that Uber drivers may be paid even more than traditional cab drivers on an hourly basis, meaning these new opportunities do not represent worse quality jobs. In Chicago, for instance, part-time drivers can make as much as $15.60 per hour, while the hourly wage of a normal taxi driver is $11.87.[19] The average cost of operating the vehicle may mean that TNC drivers make less per hour than a cab driver, but the wages are likely comparable.[20] If TNCs induce more for-hire vehicle demand, then there would be more jobs at an hourly wage comparable to what cab drivers make today, to the benefit of those looking to work as for-hire vehicle drivers in general.

The bottom line on TNCs is that they can increase mobility, likely create jobs, and make cities easier places to live, work, and play. What's more, they do it through consumer choice and private investment.

Unfortunately, the very existence of SB 351 denotes that Missourians have not been able to enjoy the full benefits of TNCs. Saint Louis, Kansas City, Columbia, and Springfield are not cities with thousands of new Uber and Lyft drivers. A major, if not deciding, factor for this state of affairs is outdated and restrictive local for-hire vehicle regulation.

Missouri's largest metropolitan areas, Saint Louis and Kansas City, have extensive regulations for their for-hire vehicle markets, through the St. Louis Metropolitan Taxi Commission (MTC) and the Kansas City Regulated Industries Division. Common to most large American cities, consumer protection is the primary justification for this regulation.[21] Proponents of regulation have argued in the past that the taxi market has information asymmetries that favor the driver over the rider. Drivers know their way around the city, while riders might not. Drivers also can attempt to rip off riders by rigging meters and by tacking on expenses that the rider might not know about. Significantly, because the taxi ride is a one-off interaction, riders cannot know the reputation of the driver or relay their information on the driver to future potential consumers.[22]

But Missouri's for-hire vehicle regulatory bodies have not confined themselves to making sure that riders can depend on choosing a safe taxi with a transparent price. Both Saint Louis and Kansas City have instituted market regulation that raises significant entry barriers and controls for-hire vehicle business practices like pricing.

As an example of supply limitations, as of 2014, Kansas City's regulations capped taxi permits to 500.[23] In Saint Louis, there is no statutory cab limit. However, only companies that obtain certificates of convenience and necessity (CCNs) can apply for taxi permits. To obtain a CCN, a company has to prove that there is demand for their services, which MTC can reject at will. Before Uber and Lyft attempted to enter the Saint Louis market in 2014, the MTC was not issuing any new CCNs for cabs while they planned a study of Saint Louis taxi demand, essentially eliminating market entry.[24]

In addition to these absolute entry barriers, both Saint Louis and Kansas City have regulations that raise the costs of taxi operations that effectively limit competition and innovation. Both cities require taxis to charge certain prices, drive certain cars, and retain 24/7 dispatch services in the designated localities.[25]

While there are no specific studies on the effects of these regulations on Kansas City and Saint Louis, data from others cities backs up basic economic principles: Limiting the supply and restricting the business practices of the cab industry can lead to higher prices and lower levels of service. A Federal Trade Commission report found that, while it might be theoretically justified for a central body to set efficient taxi supply and pricing, regulatory bodies did not have the expertise or incentives to determine those efficient levels. The authors concluded that local taxi

regulations often cause an undersupply of cabs, low levels of service (long wait times), and high prices, resulting in the underutilization of taxi services.[26] The beneficiaries of these regulations are not the day-to-day drivers, who often lease their vehicles, but the large taxi companies that own the taxi permits.[27]

In the past, the negative impact of taxi regulation may have been justified by instances of market failure in the for-hire vehicle market, although it is possible that the costs of regulation outweighed its benefits. However, new technologies (and especially TNCs) mitigate the market failures that underlie the justification of extensive for-hire vehicle regulation. With TNCs, customers now have access to a wealth of information on drivers and can choose their rides accordingly. In fact, customers rate TNC drivers, and those that receive low scores are kicked off the system. In terms of the price of the ride, TNC users have access to maps on their phones, and drivers that attempt to make more money by taking indirect routes are readily identified and kicked off the system.[28] This resource reduces the driver-rider information asymmetry, which weakens the case for strict regulation over for-hire vehicle supply and pricing.

Unfortunately, regulatory regimes are slow to adjust to these technological opportunities; Saint Louis and Kansas City's regulations do not even have the language to deal with ridesharing. The regulation as written at best puts ridesharing in a regulatory gray area and at worst functionally prohibits TNCs. To their credit, Kansas City officials are responding with an overhaul of its taxicab code,[29] but the MTC shows no sign of substantive change and has only allowed Uber's expensive black car service to enter the market in a tightly controlled manner.[30]

A large part of the difficulty for local regulatory bodies may be that their heavily regulated taxi companies are unlikely to be competitive with less restrained TNCs. That leaves them with three choices: bar or blunt the entry of TNCs, allow TNCs to freely operate and possibly destroy the traditional cab market, or greatly reduce the economic regulation of the for-hire vehicle market altogether.

Because of large potential benefits of TNCs for Missouri and the regional and statewide impact of local for-hire vehicle regulation, it is appropriate that the state should, in the form of SB 351, set a statewide standard for transportation network companies. The bill provides regulation that is limited to protecting consumer safety, i.e., proper insurance, vehicle inspections, background checks, and fare transparency, while not expanding into economic regulation. Because SB 351 would prevent additional regulation, oversight, or taxation by regional, municipal, or other local entities, special interests at the local level would be unable to bar or blunt the entry of TNCs.

Furthermore, SB 351 is modeled after regulation in other states, including California, where ridesharing has shown itself to be both popular and without evidence of endemic safety issues.

However, permitting fees is one area of SB 351 that gives some cause for concern. Section 387.420. 2 stipulates that MoDOT shall issue a permit to TNCs at an annual fee of no more than $20,000. It is not clear how the annual fee would be calculated. An annual fee that blocked Missouri residents from creating small startup TNCs would be a blow to local entrepreneurship. That issue could be addressed, for example, by a sliding scale of fees up to $20,000 based on the number of TNC drivers the company partnered with.

TNCs provide an opportunity for increased mobility and greater transportation choice in Missouri's cities. The proposed regulations of SB 351, focused on safety and transparency, will allow TNCs to bring their services to Missouri without the interference of economic regulations at the local level; regulations that may create suboptimal conditions for transportation innovation. However, SB 351 may also be erecting barriers to innovation of its own, through high permit fees. These elements should be carefully considered lest the state open the regulatory door only for large TNCs like Uber and Lyft.

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NOTES

[1] Joe Fitzgerald Rodriguez, "Uber Releases Driver Data for First Time, and It's not Pretty for Taxi Industry," http://www.sfexaminer.com/sanfrancisco/uber-releases-driver-data-for-first-time-and-its-not-pretty-for-taxi-industry/Content?oid=2917635.

[2] Jonathan Hall and Alan Krueger, "An Analysis of the Labor Market for Uber's Driver-Partners in the United States," (Working Paper, Princeton University, 2015), 14.

[3] Ibid.

[4] Josh Lipton, "Lyft May Expand to 100 Cities Globally in 2015," http://www.cnbc.com/id/102009880#.

[5] Uber, "SF, YOU NOW HAVE THE FREEDOM TO CHOOSE," http://blog.uber.com/2012/07/03/sf-vehicle-choice/.

[6] Lisa Rayle, Susan Shaheen, Nelson Chan, Danielle Dai, and Robert Cervero, "App-Based, On-Demand Ride Services: Comparing Taxi and Ridesourcing Trips and User Characteristics in San Francisco" (University of California, Berkeley, 2014), 12.

[7] Ibid.

[8] Ibid.

[9] Joseph Fichthorn, "Uber and Lyft: The Case for Real-Time Ridesharing Services," http://reason.org/news/printer/uber-and-lyft-the-case-for-real-tim.

[10] Rayle, et al., "App-Based, On-Demand Ride Services," 15.

[11] Mike DeBonis, "Some D.C. Taxis Get Another Month to Install Credit Card Readers," *Washington Post* (July 31, 2013), http://www.washingtonpost.com/blogs/mike-debonis/wp/2013/07/31/some-d-c-taxis-get-another-month-to-install-credit-card-readers/.

"St. Louis Taxi Commission Lifts Ban on Square Payment Option," *St. Louis Business Journal*, http://sbj.net/main.asp?SectionID=48&SubSectionID=108&ArticleID=95107.

[12] US Census Bureau, "Patterns of Metropolitan and Micropolitan Population Change: 2000 to 2010," http://www.census.gov/population/metro/data/pop_pro.html.

[13] Robert Cervero and Erick Guerra, "Urban Densities and Transit: A Multi-dimensional Perspective." 1.

[14] Jean-Paul Rodriguez and Theo Notteboom, "Transportation and Economic Development," http://people.hofstra.edu/geotrans/eng/ch7en/conc7en/ch7c1en.html.

[15] Selected Housing Characteristics, 2013 American Community Survey 1-Year Estimates, http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_DP04&prodType=table.

[16] Ibid.

[17] Bureau of Labor Statistics, U.S. Department of Labor, Occupational Outlook Handbook, 2014-15 Edition, Taxi Drivers and Chauffeurs, on the Internet at http://www.bls.gov/ooh/transportation-and-material-moving/taxi-drivers-and-chauffeurs.htm (visited February 13, 2015).

[18] Hall and Krueger, "An Analysis of the Labor Market," 18.

[19] Ibid.

[20] Heather Hunter, "Cost of Owning and Operating Vehicle in U.S. Increases Nearly Two Percent According to AAA's 2013 'Your Driving Costs' Study," http://newsroom.aaa.com/2013/04/cost-of-owning-and-operating-vehicle-in-u-s-increases-nearly-two-percent-according-to-aaas-2013-your-driving-costs-study/.

[21] St. Louis Metropolitan Taxicab Commission, "Mission," http://www.stl-taxi.com/.

[22] Adrian T. Moore and Ted Balaker, "Do Economists Reach a Conclusion on Taxi Deregulation?" 113-14.

[23] Joseph Miller, "Useless Taxi Regulation in Kansas City" (Blog, Show-Me Daily, May 2014), http://www.showmedaily.org/2014/05/useless-taxi-regulation-in-kansas-city.html.

[24] Ibid. http://www.showmedaily.org/2014/05/useless-taxi-regulation-in-saint-louis.html.

[25] Metropolitan Taxicab Commission, "St. Louis, Missouri Vehicle For-Hire Code," http://www.stl-taxi.com/documents/14-0909VHC83WITHDIRECTORSRULESandallcurrentupdates3.pdf.

[26] Mark W. Frankena and Paul A. Pautler, "An Economic Analysis of Taxicab Regulation," Federal Trade Commission (May 1984), 6-7.

[27] Paul Krugman, Robin Wells, and Martha Olney, *Essentials of Economics* (New York: Worth, 2007), 96.

[28] David Streitfeld, "Ratings Now Cut Both Ways, So Don't Sass Your Uber Driver," *New York Times* (January 31, 2015), http://www.nytimes.com/2015/01/31/technology/companies-are-rating-customers.html?_r=0.

[29] Austin Alonzo, "Review of Kansas City Cab Policy Is Running Behind," *Kansas City Business Journal* (Dec. 12, 2014), http://www.bizjournals.com/kansascity/news/2014/12/08/review-of-kansas-city-cab-policy-is-running-behind.html.

[30] Lindsay Toler, "St. Louis Is Still Having Trouble Getting Rides from Uber, But That's Changing," *Riverfront Times* (October 2010), http://blogs.riverfronttimes.com/dailyrft/2014/10/st_louis_is_still_having_trouble_getting_rides_from_uber_but_that_should_change_soon.php.

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