



NOTICE

Staff Workshop on Draft Language for the Weights and Measures Requirements for Software Systems Used to Provide On-Demand Transportation Services

The California Department of Food and Agriculture (CDFA), Division of Measurement Standards (DMS) will conduct a pre-rulemaking workshop on the specifications, tolerances, and other technical requirements for software systems used to provide on-demand transportation services.

Thursday, December 3, 2015

9:00 a.m. – 2:30 p.m.

California Department of Food and Agriculture

1222 N Street

First Floor, Auditorium

Sacramento, CA 95814

Remote access available through GoToWebinar

Purpose

The purpose of this pre-rulemaking workshop is to provide stakeholders an opportunity to comment on an upcoming regulation to establish legal metrology standards for software applications used to provide on-demand transportation services. Several businesses, including Transportation Network Companies, have developed new technologies for measuring time and distance in the transportation sector which are distinctly different from existing taximeter technology.

Background

Enforcement of California's weights and measures laws and regulations is the responsibility of the Division of Measurement Standards (DMS) within the CDFA. Enforcement of these requirements found in Division 5 of the California Business and Professions Code and Title 4, Division 9 of the California Code of Regulations assures consumer confidence in commercial transactions and promotes equity among businesses competing for market share.



California law adopts by reference the current version of the National Institute of Standards and Technology (NIST) Handbook 44: Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices. The law authorizes the CDFA Secretary to modify, amend, or reject sections of NIST Handbook 44 by regulation, and to establish new tolerances and specifications for commercial weighing and measuring devices that are not included. Applying these requirements serves to minimize the measurement error in commercial transactions and creates uniform enforcement over businesses with the same device types.

The CDFA has determined that the software systems used by TNCs such as Uber and Lyft are commercial “devices.” The charge for transportation services is calculated from measurements of time and distance. Therefore, the systems these companies use fall under the jurisdiction of the CDFA. Although NIST Handbook 44 provides authority to regulate “unclassified” equipment for which there is no specific code section, the increased, widespread use of these software systems in the transportation sector makes it necessary for the CDFA to create the specifications, tolerances, and other technical requirements necessary for their oversight.

Public Comment

Oral comments: Staff will accept oral comments during the workshop. Any comments will become part of the public record in this proceeding.

Written comments: Written comments may be accepted at the workshop; however, staff may or may not have time to review them before the workshop conclusion. Submit written comments to the California Department of Food and Agriculture, Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, California 95828. Comments may also be submitted by facsimile (FAX) at (916) 229-3026 or by e-mail at dms@cdfa.ca.gov.

Please note that your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the viewable public record.

Remote Attendance

You may participate in this meeting through GoToWebinar. Presentations will appear on your computer screen, and you may listen to audio via your computer or telephone. Please be aware that the meeting will be recorded.

Please register at the link below:

<https://attendee.gotowebinar.com/register/7881041333212197121>

After registering, you will receive a confirmation email containing information about joining the webinar. If you have difficulty joining the meeting, please call the GoToWebinar Technical Support at (855) 352-9002.

Availability of Documents

Following the meeting, documents, including staff reports and presentations, will be available online at: <https://www.cdfa.ca.gov/dms/regulations.html>

November 13, 2015

A handwritten signature in blue ink that reads "Kristin Macey". The signature is written in a cursive, flowing style.

Kristin Macey
Director