

May 17, 2026

Via E-Mail

Chair Jeremy McDiarmid
Commissioner Elizabeth Anderson
Commissioner Staci Rubin
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Commonwealth of Massachusetts
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**App Drivers Union’s Request for Withdrawal of Proposed Transportation
Network Company Regulations (D.P.U. 26-90)**

Dear Chair McDiarmid and Commissioners Anderson and Rubin:

The App Drivers Union (“ADU”) hereby submits preliminary comments requesting that the Department of Public Utilities (“DPU”) (1) withdraw its proposed amendments and additions to regulations in 220 CMR 274.00 (Transportation Network Company Oversight), 220 CMR 275.00 (Suitability Standards for Transportation Network Drivers), and 220 CMR 276.00 (Transportation Network Company Division Practice & Procedures) and (2) postpone rulemaking on these subjects until after the Secretary of Labor has issued a Final Determination approving the agreement reached between ADU and the TNCs regarding drivers’ terms and conditions of work pursuant to G.L. c. 150F (“Chapter 150F”). Furthermore, we are writing to raise concerns about the impact on drivers terms and conditions of work of proposed regulations 220 CMR 277.00 (Transportation Network Vehicle Electrification). While we are not requesting that DPU withdraw the proposed electrification regulations, we will be working with drivers to provide testimony regarding those impacts and believe that many of their concerns can be addressed through bargaining.

ADU is a Transportation Network Driver Organization (“TNDO” or, colloquially, a “union”) organizing Transportation Network Drivers (“TNDs” or “drivers”) in Massachusetts. On April 20, 2026, ADU filed a petition with the Department of Labor Relations for certification as the exclusive bargaining representative of all TNDs in the Commonwealth pursuant to Chapter 150F. We are confident that ADU will become certified within weeks. Once certified, the TNCs will have a legal obligation to negotiate with ADU over TNDs’ terms and conditions of work, including subjects like compensation, benefits, and deactivations.

We recognize and respect DPU’s responsibility to regulate the rideshare industry, ensure public safety, and to balance the interests of drivers, passengers, and the companies. As the anticipated representative of all 100,000+ TNDs in the Commonwealth, we look forward to working collaboratively with DPU to craft an updated set of regulations for the rideshare industry that ensures greater fairness for drivers, many of whom have invested thousands of dollars into their vehicles and rely on driving for their livelihoods. We also understand DPU’s

obligation to promulgate regulations implementing the rideshare electrification requirements, pursuant to G.L. c. 159A½, § 13.

We are deeply concerned, however, by DPU's decision to propose regulations relating to deactivations, background checks, hours of work, and other subjects that will have a distorting impact on the collective bargaining process under Chapter 150F. For the reasons discussed below, ADU requests that DPU (1) withdraw its proposed amendments and additions to 220 CMR 274.00, 220 CMR 275.00, and 220 CMR 276.00, and (2) postpone rulemaking on these subjects until after the Secretary of Labor has issued a Final Determination approving the agreement reached between ADU and the TNCs regarding drivers' terms and conditions of work pursuant to Chapter 150F.

First, the unionization and collective bargaining process set forth in Chapter 150F represents the public policy of the Commonwealth. Unlike typical forms of collective bargaining between unions and private companies, any agreement reached between ADU and the TNCs implicates public, not merely private, interests. The sectoral scope of the negotiations—covering all 100,000+ TNDs and all TNCs in the Commonwealth—merits substantial deference from other agencies. Moreover, any agreement reached between the parties must be evaluated by the Secretary of Labor, who has the power to reject, approve, or recommend amendments to the terms of the agreement before issuing a Final Determination. G.L. c. 150F(6)(F). The Final Determination has the force of law and may be further amended by the Secretary of Labor if she determines that market conditions have changed. *Id.* In sum, the bargaining process in Chapter 150F is a cornerstone of the Commonwealth's labor policy in this industry. As another state agency, DPU should avoid conflict with the Secretary of Labor and defer to this process by postponing proposed regulations on subjects that may be part of these negotiations until after the Secretary of Labor's Final Determination is in effect.

Second, the fact that these regulations are only proposed, not final, does not mitigate their distorting and detrimental impact on the bargaining process. Until they are withdrawn, the proposed regulations will cast a shadow over the negotiations, creating uncertainty and limiting the ability of the parties to bargain productively due to the fear that any agreement may conflict with DPU's regulations. The proposed regulations will also give the TNCs unfair advantages in negotiations, as they may refer to them as a reason why they cannot agree to certain proposals. If the negotiations advance to interest arbitration, the proposed regulations will also unduly influence the arbitrators, who may seek to avoid conflict with them. It is only by withdrawing the regulations before the collective bargaining process begins that DPU can ensure that TNDs and TNCs will meet each other on an equal playing field, with a clean slate for negotiations.

Third, withdrawing the proposed regulations will result in a more productive rulemaking process from a public engagement and policymaking perspective. Drivers and TNCs are two of the main constituencies that will be impacted by DPU's regulations. But neither of these parties can make informed suggestions during the comment period until the collective bargaining process has concluded, because the terms of the Final Determination will necessarily impact their positions on any proposed regulations. This may result in the parties taking positions that are in conflict, incoherent, and uncertain, because they would not know how any terms negotiated in the collective bargaining process would interact or conflict with the proposed regulations. Once a

Final Determination is in place, all parties will be able to fully engage in the rulemaking process because they will be acting on certain ground.

Finally, there is no risk of undue delay if DPU withdraws its proposed regulations and restarts rulemaking when a Final Determination is in place. The collective bargaining process under Chapter 150F includes built-in timelines that ensure that negotiations will not drag on indefinitely. After six months of bargaining, if the parties are at impasse over certain subjects, either party has the opportunity to seek mediation and interest arbitration to resolve any remaining disputes. G.L. c. 150F(6)(C)-(E). Since there is no legal imperative to amend the regulations concerning background checks, deactivations, hours of work, and other topics that may impact the negotiations, we request that DPU withdraw the proposed regulations and restart the rulemaking process after the Secretary of Labor issues the Final Determination. At that time, all stakeholders will be able to work collaboratively on new regulations that fit with the Final Determination.

While we are not requesting that DPU withdraw its proposed regulations in 220 CMR 277.00 (Transportation Network Vehicle Electrification), we believe there would be better outcomes for drivers if the TNC proposed plans described in the proposed regulations were to be bargained with ADU. We support the Commonwealth's goal of reducing Greenhouse Gas Emissions (GHGs) and appreciate that vehicle emissions requirements are an effective way of meeting such goals. We also appreciate the statutory obligation on the DPU to "to the extent practicable, minimize any negative impacts of the program on drivers from neighborhoods and municipalities that have an annual median household income of not more than 65 per cent of the statewide annual median household income." G.L. c. 159A½, § 13.

The approaches in the proposed regulations to reach such goals, through incentives programs, and improvement in vehicle utilization rates would be most effective if designed in a way that improves driver conditions and incentivizes driver participation. The use of zero emissions fleets and increasing shared rides could create pressures on drivers that disadvantage drivers if not carefully designed. Finally, any programs to increase the share of vehicle miles provided through zero emission vehicles will present challenges to drivers absent a complimentary strategy to significantly increase driver access to fast and low-cost charging stations. All of these will have particular impact on drivers from neighborhoods and municipalities that have an annual median household income of not more than 65 per cent of the statewide annual median household income. We believe that many if not all of the design issues can be resolved through bargaining over the TNC plans.

For the foregoing reasons, ADU requests that DPU (1) withdraw its proposed amendments and additions to regulations in 220 CMR 274.00 (Transportation Network Company Oversight), 220 CMR 275.00 (Suitability Standards for Transportation Network Drivers), and 220 CMR 276.00 (Transportation Network Company Division Practice & Procedures) and (2) postpone rulemaking on these subjects until after the Secretary of Labor has issued a Final Determination approving the agreement reached between ADU and the TNCs regarding drivers' terms and conditions of work pursuant to G.L. c. 150F ("Chapter 150F"). While we are not requesting withdrawal of proposed regulations in 220 CMR 277.00 (Transportation Network Vehicle Electrification), we hope the rulemaking process and timeline will support the

opportunity for ADU to bargain with the TNC companies on the impact on drivers over TNC plans anticipated under such proposed regulations.

Sincerely,

App Drivers Union