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Uber and Stakeholders: Managing a New Way of Riding

By 2015, technological innovations—the smartphone and the advanced data connectivity that enabled it—created new opportunities for people to move around cities quickly and conveniently without owning a car, via car-sharing services like Zipcar or new ride-sharing services.¹ Uber, a five-year-old startup, enabled users to order private rides via a smartphone app. In mid-2015, the company had achieved a pre-IPO market valuation of \$50 billion,² with operations in 311 cities in 58 countries.³ Despite its scale and success, Uber often found itself embroiled in controversy, with resistance from a broad range of unhappy stakeholders—regulators, competitors, drivers, and even some customers and partners—across the U.S. and the world. Could Uber continue on this route?

The Private Ride Industry in the United States

U.S. ride-for-hire services traditionally consisted of limousine services and taxis, each with its own set of regulations. But a third category was emerging: transportation network companies (TNCs), which shared attributes of both categories but were not yet subject to clear rules.

The U.S. ride-for-hire industry grew at about 2.7% per year from 2010 to 2015, with 2014 revenues estimated at \$12 billion.⁴ Large operators existed, but competition was fragmented and included many single-worker owner-operators; businesses in the space were estimated to exceed 200,000.⁵ Regulations varied by area, but limousines, taxis, and their drivers were generally subject to strict safety and insurance requirements. In New York City, for example, professional drivers were required to take defensive driving courses every three years, pass criminal background checks and annual drug tests, receive a medical exam, and undergo annual sex trafficking awareness training.⁶ New York also required for-hire vehicles to pass annual inspections and carry minimum commercial insurance of \$100,000 per passenger and \$300,000 per incident. Once approved, cars received special license plates identifying them as for-hire vehicles.⁷ (See **Exhibit 1**, Livery License Plate.)

Limousine Services

Limousine services, also referred to as livery, limo, or “black car” after the ubiquitous Lincoln Town Car favored by many companies, typically provided a premium service with professional drivers,

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prearranged pickup and drop-off points, comfortable luxury sedans or SUVs, and set rates that included driver tips. Trips might include free snacks or water, work tables, or rear-seat entertainment systems. Starting prices for Town Cars were about \$55 per hour in Boston, with higher prices for Cadillac or Mercedes sedans, SUVs, and stretch limousines.⁸ In Las Vegas, where regulations mandated a one-hour minimum, prices averaged \$46 per hour.⁹ Corporate travelers accounted for about 65% of demand for black car services; car services often had extensive contracts with businesses as preferred vendors, with prearranged billing and invoicing procedures.¹⁰ Though the pace of technological innovation in the industry was relatively slow, operators had responded to the Internet revolution with online reservation portals, including the Limos.com site that referred customers to operators in its network.¹¹ Observers estimated that limousine industry revenues for 2014 totaled about \$5.9 billion,¹² though the U.S. Census estimate was closer to \$4.2 billion.¹³

Some national leaders in the U.S. livery industry had emerged, though the industry as a whole remained relatively fragmented. The largest was Carey International, founded in 1921 in Washington, D.C. Carey's market share was estimated at 3.5%, with estimated 2014 revenues of about \$340 million, global operations—550 cities in 60 countries around the world—and more than 1,200 employees. New York's Empire Limousine had an estimated 1.4% market share and estimated 2014 revenue of \$132 million; it and other regional players, like Air Brook Limousine in New York (estimated revenue of \$67 million),¹⁴ Boston Coach (\$60 million), and Commonwealth Limousine (\$32 million), also had limited operations in other cities and abroad.¹⁵ Large services dominated most metropolitan markets, accounting for almost half of industry revenue, but accounted for only about 4% of limousine companies; about 90 percent of companies were independent owner-operators.¹⁶

Barriers to entry were typically low, with few requirements beyond a suitable vehicle and a livery license. State agencies usually regulated black car services and enforced commercial insurance, operating, and licensing requirements. Although specific rules varied by location, livery services were typically required to schedule trips well in advance, set prices prior to pick-up, and carry a passenger manifest. In New York, limousine companies were required to transact 90% of business via contractual voucher work, making ad-hoc trips paid via credit card or cash more difficult.¹⁷

Taxicabs

The U.S. taxi industry had estimated 2014 revenues of about \$6.5 billion.¹⁸ Taxi services were typically priced lower than black car services; in Boston, the minimum fare was \$2.60 for the first 1/7 mile, with an additional \$0.40 per 1/7 mile thereafter and \$28 per hour while stopped.¹⁹ Some cities also included flat rates for specific destinations, such as a regulated \$52 fare between New York's JFK Airport and Manhattan.²⁰ In major cities, comparatively low car ownership, dense populations, and visiting tourists supported the economics of taxi use.²¹

Passengers could hail taxis at the street or call in requests for immediate pickup. (The notion of cab "dispatch" was heavily ingrained: in Chicago and some other cities, taxis were required to communicate via two-way radio with dispatch stations.²²) To facilitate safe hailing, cabs were usually required to be clearly marked, a requirement that established the now-iconic New York yellow cab.²³ (See **Exhibit 2**, Typical Taxi Markings.) Taxis also carried calibrated and sealed taximeters, which determined standardized prices based on time and distance, with tips at passengers' discretion.²⁴

In some areas, taxi drivers had to undergo special training to operate legally. London, for example, required aspiring black cab drivers to train for and pass what some considered the world's most difficult test: the Knowledge of London.²⁵ The test, which required an average four years of intensive study and was described as comparable in time and effort to getting a medical degree, required takers

to memorize the entirety of London—its 25,000 labyrinthine streets and any conceivable landmark—and instantly plan an efficient route anywhere on demand.²⁶ Some questioned the Knowledge's value in an age of GPS and Google, but others pointed to contests in which certified taxi drivers had beaten drivers using GPS, noting, "We're trying to be the best in the world."²⁷ Others defended the Knowledge as an end in itself, a quest to "know the unknowable."²⁸

Cities, which usually regulated their local cab industries, often sold medallions that provided the right to operate a taxi and regulated the territories where cabs could pick up passengers, including city centers and airports.²⁹ Medallions were difficult to obtain due to their rarity and their cost: in New York, two medallions were auctioned in late 2013 for \$1.3 million each—a significant revenue source for the city and a large investment for an owner to recoup.³⁰ The prohibitive cost of medallions meant that ownership was concentrated in cab companies, which then rented out access to their drivers. Some reports suggested that this dynamic lent itself to abuse: in Boston, investigative journalists revealed that drivers were forced to bribe dispatchers for shifts during busy times, charged to fill cars that had full gas tanks, and otherwise exploited by profiteering owners.³¹ Drivers, charged various leasing fees, typically started each shift about \$100 in debt to owners.³² A UCLA study found that Los Angeles taxi drivers worked an average of 72 hours per week, for average wages of \$8.39 per hour; considered independent contractors, none received health benefits.³³

Some cab companies worked to build customer loyalty and develop relationships with businesses as preferred providers, but riders often had little choice, picking the first cab in a cab stand or on the street. The relative anonymity of service and poor feedback mechanisms for customers led to complaints about the courtesy, quality, and safety of service;³⁴ cab drivers also concentrated around areas where they were most likely to find passengers, making it more difficult to find a ride in underserved areas.³⁵ One writer's satirical how-to guide for cab drivers suggested the extent of dissatisfaction with the industry: "For the health of passengers smoking is not permitted in any vehicle unless YOU want to smoke." The writer continued, "In order to keep abreast of any potential emergencies... wear a Bluetooth headset and stay on the phone with your girlfriend at all times. Please feel free to argue with her."³⁶ Some black and Hispanic riders reported difficulty hailing cabs.³⁷ African-American New York City Councilman James Sanders commented: "45 minutes later and [after] 20 cabs, I said this isn't working." After a driver waiting at a cab stand declined to pick him up and drove off, the cab "went 20 feet away and picked up a nice white couple."³⁸

As in the limousine industry, competition was fragmented, with no national leaders—though historically the Yellow Cab Company, since split into regional companies, had maintained a national fleet in the 1960s. The largest taxi company, Yellow Cab Chicago—a descendant of the national Yellow Cab Company—operated 2,600 vehicles and accounted for less than one percent of industry revenue.³⁹ Other Yellow Cab regional companies were often the largest players in their markets, with several exceeding \$100 million in revenue, but competition was dispersed—and independent owner-operators often operated with loose affiliation to a network that provided dispatch, branding, and payment-processing services to compete with fleet operators. Though no national operators existed, booking networks like 1-800-Taxicab connected operators in different markets and provided a single point of contact for consumers.⁴⁰ In Boston, the largest player was Boston Cab, which owned one in five of the city's 1,825 medallions,⁴¹ followed by the Metro Cab Association and Veterans Taxi.⁴²

Despite a reputation for underinvestment and stasis, the taxi industry was slowly changing. A major development had been the push to accept credit cards. New York City required its cabs to accept credit cards in 2007; despite initial resistance, increased ridership from the convenience afforded by credit card sales convinced many cabbies that the change was a positive one.⁴³ Cab company owners in Boston reported a similar increase in ridership after the city required its cabs to accept credit cards in

2009—though drivers complained about excessive card processing fees, and riders reported occasional false claims that credit card machines were broken.⁴⁴ In addition to convenience for customers, adding wireless connectivity to cabs also increased the advertising revenue that taxi companies had previously earned via print ads on top of cabs. “Taxi TV,” produced and distributed by payment vendors like VeriFone Systems or Creative Mobile Technologies, displayed a mix of news clips and advertisements during trips on small screens facing the backseat—though drivers usually did not receive a cut of revenue from these ad sales, and cab owners had to negotiate revenue sharing in their contracts with vendors.⁴⁵

Opportunities through New Technology

The spread of sophisticated, location-enabled smartphones such as the iPhone and high-speed mobile data connections created opportunities for new ways of connecting buyers and sellers. New startups embraced the “sharing economy,” also called “collaborative consumption,” which used the new technology to connect providers and consumers of goods and services who would not otherwise have been able to transact business.⁴⁶ The movement had idealistic roots: Zipcar, an early example, took its inspiration from a Swiss car-sharing collective⁴⁷ and championed car-sharing not only for its convenience and cost, but also for the environmental benefit of reducing greenhouse gas emissions.⁴⁸

As a means of consumption, the sharing economy promised to put idle assets to good use. “Collaborative consumption gives people the benefits of ownership with reduced personal burden and cost and also lower environmental impact,” wrote sharing economy advocates Rachel Botsman and Roo Rogers.⁴⁹ Zilok.com created a network for peer-to-peer tool sharing, while UsedCardboardBoxes.com sought to “rescue” cardboard boxes and claimed to have saved over 900,000 trees.⁵⁰ Airbnb, which allowed owners to rent out rooms or entire homes to guests via its Internet marketplace, achieved a \$20 billion valuation in early 2015.⁵¹ Its founder, Brian Chesky, described his service as a “revolution.”⁵²

“Ridesharing” was a particular target. New technologies made it possible to build services in which customers could order rides with just a tap on their smartphones. Using proprietary algorithms and location-aware apps, new services were able to create a seamless experience that connected customers and drivers, tracked the arrival of a car, offered driver reviews, and automated cashless payments via online credit card accounts; the services took a cut of fares. Silicon Valley startups raced to compete in the new ridesharing space, though some questioned whether they really involved sharing;⁵³ in 2015, the Associated Press stopped using the term in favor of “ride-hailing.”⁵⁴

Uber, founded in 2009 and launched in June 2010, was the most visible app-based transportation service and originally provided only on-demand black car service using limousine drivers who had time between scheduled trips, priced about 1.5 times higher than a typical San Francisco cab but less than a limousine.⁵⁵ Other companies also competed: Lyft, which launched in 2012 and grew out of the carpooling company Zimride, connected riders with non-professional drivers in personal cars and called itself “your friend with a car.”⁵⁶ (By mid-2015, Lyft had achieved a private market valuation of \$2.5 billion, making it Uber’s chief rival, with a \$100 million investment from prominent investor Carl Icahn.⁵⁷) Sidecar, also founded in 2012, allowed drivers in personal cars to set their own prices, which consumers would see before reserving a ride.⁵⁸ Other startups, like Wingz (which focused on airport rides) and Summon (which scheduled rides ahead of time), also sought to gain a foothold.⁵⁹

Ride-hailing startups exhibited some characteristics of taxi services, like on-demand service or time- and distance-based fares, but did not acquire medallions or meet other licensing requirements. They shared some characteristics with black car services, like variable rates and unmarked cars, but did not

comply with requirements for commercial insurance, passenger manifests, preset fares, or advance booking.⁶⁰ They also owned technology and data, not cars, and classified their drivers as independent contractors rather than employees. Uber, Lyft, and other startups were quickly met with cease-and-desist orders from the public authorities responsible for regulating limousines and taxis—orders the startups cast as anti-competitive, while regulators pointed to a need to protect the public.

In late 2013, the California Public Utilities Commission—the agency responsible for regulating the state’s limousine industry—created the TNC category, establishing a legal framework for app-based private rides to operate. Some states followed California’s lead, but in other states the app-based services remained illegal. Despite regulatory uncertainty and vocal opposition from some in the taxi and limousine industries, growth soared.⁶¹

Uber’s Rise

Uber founder Travis Kalanick, who dropped out of UCLA in 1998, had previously founded Scour.com, a media search engine and file sharing service. Though Scour was initially successful, legal action from the recording and film industries led its founders to defensively declare bankruptcy.⁶² Kalanick and co-founders used their experience to start another file-sharing company, Red Swoosh, which they sold to Akamai in 2007 for \$19 million.⁶³ (See **Exhibit 3**, Travis Kalanick.)

In 2009, Kalanick and partners including Garrett Camp, a wealthy entrepreneur who talked Kalanick into the idea, founded UberCab, an on-demand black car service. Kalanick and Camp, unable to find a cab on a cold night in Paris, wanted to “ride around like a pimp [sic]” at lower cost and greater convenience than traditional black car services offered.⁶⁴ UberCab generated buzz with its sleek service and invitation-only June 2010 launch in San Francisco, but soon received cease-and-desist orders from the San Francisco Municipal Transportation Agency (the taxi regulator) and the California Public Utilities Commission.⁶⁵ In October 2010, Uber raised \$1.25 million in venture funding,⁶⁶ adding another \$11.5 million in February 2011.⁶⁷ Despite resistance from authorities and competitors, Uber grew rapidly, expanding in 2011 to Seattle, Chicago, New York, and Boston—and to Paris, its first international market, in December 2011.⁶⁸ This growth and Kalanick’s enthusiastic boosting—including promises that Uber’s technology could later provide on-demand services far beyond the scope of private rides⁶⁹—led to a successful \$37 million Series B round in late 2011.⁷⁰

Uber soon dropped “Cab,” avoiding being regulated like a taxi company, and focused on black car service as “Everyone’s Private Driver.”⁷¹ Limousines sat unused for a large part of many workdays, and Uber promised to utilize these idle assets and help drivers find additional customers.⁷² Uber offered professional service at a slight discount to normal black car rates, with a \$7 base fare in Boston and charges of \$3.95 per mile and \$0.45 per minute.⁷³ The Uber app used smartphones’ GPS signals to supply a location for pickup; once a driver accepted a ride request, users could track a car’s arrival in real time, view a driver photo and license plate, and contact the driver.⁷⁴ (See **Exhibit 4**, Uber App.) To encourage drivers to sign on and maintain reliable service, Uber implemented multiples of its base fare (“surge pricing”) when demand exceeded supply.⁷⁵

Customers and drivers rated each other once trips were complete. Poor driver ratings would automatically trigger feedback and possible dismissal from the system; poorly rated riders would have trouble booking future rides. The app handled payment—customers’ credit cards were linked to their accounts, and tipping was forbidden. Uber took 20% of trip costs and returned the rest to drivers, whom it classified as independent contractors—partially justified by the fact that drivers used their own cars; Uber did not own a fleet.⁷⁶ Customers raved. The service offered a level of convenience and seamlessness that traditional ride-hiring could not match. Good service distinguished Uber from the

surly reputation of taxicabs.⁷⁷ In August 2014, Uber added the ability for passengers to input destinations to provide drivers with automatic turn-by-turn directions.⁷⁸

In spring 2012, the company rolled out Uber Taxi, bringing cab drivers in Chicago into its network, and that summer introduced UberX—a down-market service, priced at a slight premium to cabs, that allowed amateur drivers to offer rides with their personal vehicles—initially limited to hybrids like the Toyota Prius but later expanded to include nearly any late-model car with four doors.⁷⁹ The new UberX service would compete more closely with cabs and other peer-to-peer ride-hailing services—though it remained more formal than Lyft, which had roots in the sharing economy and called its version of surge pricing “Prime Time” and bargain times “Happy Hour.”⁸⁰ “The experience will be efficient but not as elegant” as livery service, Kalanick said.⁸¹ UberX expanded quickly to markets across the country and abroad, where it was known as UberPOP. Customers quickly embraced the service—especially after Uber slashed prices in early 2013 to compete with cabs. In Boston, UberX rates in 2015 included a \$2 base fare, with additional fees of \$0.21 per minute and \$1.20 per mile.⁸²

Uber’s growth impressed investors, who valued it at \$41 billion in a December 2014 funding round.⁸³ Though it did not publicly disclose its finances, Uber was estimated in 2015 to earn approximately \$10 billion gross and \$2 billion net revenue—an order of magnitude greater than the leading traditional limousine company, Carey⁸⁴—with 2015 revenue projections far higher.⁸⁵ In May 2015, Uber sought an additional \$1.5 to \$2 billion at a reported \$50 billion valuation—about 120 times trailing revenue. The valuation would make it the second startup after Facebook to reach a \$50 billion valuation prior to going public.⁸⁶ The \$50 billion valuation of Uber after just five years outpaced Facebook’s \$15 billion valuation at the same point in its history.⁸⁷ Some scoffed, but others were impressed at its ability to grow the market: in San Francisco, the company’s most mature market, Uber’s revenues of \$500 million, growing at 200% annually, already dwarfed the city’s \$140 million taxi industry.⁸⁸ (See **Exhibit 5**, UberBLACK and UberX Driver Growth.)

In June 2015, when Uber turned five, it was active in 311 cities—181 in the U.S.—and 58 countries, with more than a million drivers and hundreds of millions of completed rides globally.⁸⁹ “Looking back at where we’ve been is incredible,” it announced. “Where we’re going together is even better.”⁹⁰

Tensions in the Ecosystem

Uber developed a reputation for hard-driving tactics, which some described as cutthroat.⁹¹ As it grew, the company’s tactics raised questions about how best to manage stakeholders in a complex, rapidly changing environment. Uber had to manage regulatory uncertainty and ecosystems that had developed around limousines and taxis, including a variety of stakeholders who were not aligned around the vision. It could attempt to follow established rules, work to change the rules, or operate in defiance of authority. It had similar options for dealing with other forms of stakeholder resistance: it could try to win critics’ support, ignore them, or cultivate its own, new stakeholder groups.

State and Local Government

Different state and local ordinances regulating the limousine and taxi industries raised questions about how to classify Uber. Uber exhibited characteristics of livery services, like cashless payments and unregulated rates, and sometimes used licensed limousine drivers; other elements, like on-demand hailing and time- and distance-based fare calculations, suggested that it operated more like a taxi service. Uber insisted that it was neither and should not be subject to controls from either regulatory group; that it was not a transportation provider at all, but a data-based marketplace that connected

drivers of varying types with riders. As an upstart in a mature, highly regulated market, tensions arose as Uber negotiated its relationship with rules and their makers.

Fights with Regulators New technology often outpaces the ability to write rules, creating an opportunity for incumbents to invoke existing rules in trying to prevent challengers. Uber's initial unveiling in San Francisco illustrated the challenges. When Uber launched, it quickly received cease-and-desist orders from both the California Public Utilities Commission—the state agency that regulated livery services—and the San Francisco Municipal Transportation Agency, which oversaw taxis.⁹² (See **Exhibit 6**, Cease-and-Desist Order from California Public Utilities Commission.) Uber ignored the orders and continued to operate despite the threat of fines and possible jail time, relying on media buzz and loyal, affluent customers to overcome regulatory resistance.⁹³ Kalanick joked at a 2011 conference: “I think I’ve got 20,000 years of jail time in front of me.”⁹⁴

Events in San Francisco showed how Uber entered new markets: quickly, and often in open defiance of regulators. A former Uber general manager described the strategy as: “Try and stop us, and if you try and stop us, we’ll cross that bridge when we come to it.”⁹⁵ Critics compared Uber's tactics to a steamroller; an attempt to flatten resistance and bully regulators into compliance.⁹⁶ After Uber won a battle with the Washington, D.C., taxi commission in July 2012, Kalanick described his strategy as: “We gave constituents a voice, people who would never have been heard before.”⁹⁷ Kalanick cast rules as anti-competitive; he once posted a cease-and-desist order on Instagram, the photo-sharing service, with the caption: “Charming greeting card from a taxi cartel representative.”⁹⁸ One former employee recalled meeting with taxi industry representatives: “I was certainly taken out to a lot of really sketchy steak lunches where they’d sit on the other side of the table smoking cigars, saying, ‘You gotta come into this on our terms or things will happen’...you know, ‘Watch out.’”⁹⁹ Fights with regulators generated free media; in May 2014 alone, U.S. newspapers discussed the company in 185 separate articles; in the same month, Lyft received only 78 mentions.¹⁰⁰

In Massachusetts, though some cities’ governments had tentatively welcomed Uber, the state Division of Standards banned it in August 2012 over its use of GPS data to calculate fares. Uber's Boston office took to Facebook and Twitter to denounce the move, and social-media-savvy users quickly escalated the protest, with viral tweets directed at Governor Deval Patrick highlighting the perceived hypocrisy of a ban by a pro-innovation administration. The social media unrest worked; within a day, Patrick announced via twitter that he would overturn the ban and seek new rules for ride-hailing apps.¹⁰¹ In June 2014, city officials in adjoining Cambridge attempted to regulate Uber and other app-based transportation companies. Angry constituents used social media to encourage others to turn out and fill the city council’s meeting room. Officials quickly backed down.¹⁰²

Other fights were more protracted. In December 2012, the city of Toronto charged Uber with 25 different licensing offenses; further charges came in 2014, and in March 2015 the city arrested eleven UberX drivers for violating insurance requirements and picking up passengers without a license.¹⁰³ In Las Vegas, Kalanick had launched a Twitter campaign, #VegasNeedsUber, at the January 2014 Consumer Electronics Show, in response to ordinances in Nevada that prohibited Uber from operating.¹⁰⁴ The Las Vegas effort failed to sway officials, who impounded cars and sued Uber, with a court injunction banning operation until the Nevada legislature passed a May 2015 bill authorizing transportation network companies.¹⁰⁵ In Seattle, the City Council voted in March 2014 to limit to 150 the number of drivers who could operate on each ride-hailing app at any given time, limiting Uber's ability to scale in the city. After several months of public outcry and aggressive lobbying, Seattle councilors relented, passing new regulations that eliminated driver caps, issued new taxi licenses to placate the taxi industry, and imposed new insurance requirements on Uber and its competitors.¹⁰⁶

Insurance Questions Uber often cast such clashes as between an innovative upstart and corrupt protectionists set on insulating the taxi industry, renowned for poor service, from competition.¹⁰⁷ But the situation was more complicated.

In a tragic example, in the evening of December 31, 2013, a San Francisco Uber driver hit six-year-old Sofia Liu, her four-year-old brother, Anthony, and her mother as they walked in a crosswalk downtown. Sofia died on the scene; her mother, Huan Kuang, later reported that the last thing she saw before the crash was light from a cell phone on the driver's face. "He [kept] looking at [his] phone," she said.¹⁰⁸ The driver, Syed Muzaffar, was signed in to the app but between fares. Uber issued a statement of condolence but was also quick to argue that its insurance only covered drivers while they carried passengers, and that it was not liable for the girl's death. It was later revealed that Muzaffar had already been convicted of reckless driving.¹⁰⁹ Should Uber and other app-based services be required to cover their drivers only during trips or during the entire period a driver was signed in to the service? Soon after the incident, Uber announced a new contingent liability policy that would cover any potential "insurance gaps" for drivers whose personal insurance refused to pay.¹¹⁰ Despite the new policy, Uber refused to accept liability for the San Francisco accident. Liu's family ultimately received a \$15,000 accidental-death payout from Muzaffar's personal liability insurance, while her younger brother continued to receive trauma counseling.¹¹¹

Lobbying for Legal Recognition In 2013, Uber began to lobby cities and states to pass laws that would legalize its operations and recognize it as one of a new class of TNCs. In September 2013, Uber, Lyft, Sidecar, and other ride-hailing apps reached an agreement with the California Public Utilities Commission, one of its first public-agency opponents, that created a regulatory framework for TNCs to operate legally and establish rules for insurance, background checks, training, and vehicle inspections.¹¹² Uber used lobbyists – including David Plouffe, a well-known architect of the successful Obama presidential campaigns – to enact TNC laws in almost twenty states and cities, including overturned bans in Nevada and Virginia, with bills under consideration in many other state houses – though some officials continued to pursue bans.¹¹³ In California, the leader in TNC regulation, concerns remained; in September 2014, the state Senate passed a law to require TNCs' insurance to cover drivers from the moment they signed into the app instead of when they began a ride.¹¹⁴ In Boston, despite efforts at the state level to create a legal operating framework for TNCs,¹¹⁵ city police continued to issue \$500 tickets to Uber and Lyft drivers in mid-2015 for operating "illegal vehicles for hire."¹¹⁶

The ability to pick up and drop off passengers at airports was an evolving regulatory question for Uber and industry peers. By mid-2015, some airport authorities, mindful of transportation network companies' popularity, had written rules to allow operation. San Francisco International allowed Uber and Lyft, while Los Angeles mayor Eric Garcetti pledged to lift restrictions at Los Angeles International.¹¹⁷ But other airports were less receptive. In New York, Kennedy and La Guardia airports allowed pickups only from Taxi and Limousine Commission-certified drivers.¹¹⁸ Police at Atlanta's Hartsfield-Jackson International, the busiest U.S. airport, handed out more than 100 citations to Uber drivers in the first five months of 2015 – though driver Ingemar Smith reported that he had "figured out what the hazards and tricks were" to avoid trouble with law enforcement, such as hiding his Uber smartphone and having passengers sit in front, as well as communicating with other drivers to monitor police.¹¹⁹ Still, in 2015 Atlanta officials recognized the need to accommodate new services after Georgia passed a TNC law that created a legal framework for Uber and its peers. The airport weighed how to charge Uber the same airport access fees paid by taxis and limousines.¹²⁰

Although Uber's lobbying slowly established a legal framework for TNCs to operate, its history of clashing with regulators and tendency to cast regulators as anti-competitive led Matthew Daus, head of the International Association of Transportation Regulators, to describe Uber's behavior as "childish"

and unprofessional.¹²¹ As Uber worked to legalize its operations, some wondered whether different tactics might have eased this task.

Regulators Outside the U.S.

Uber also encountered regulatory resistance outside the U.S. when it operated in defiance of rules, which tended to be national rather than local. (See **Exhibit 7**, Global Legal Issues.) Variants of UberX (called UberPOP in Europe) were particularly challenging, with Uber operating in many markets despite threats of arrest and impounded vehicles.¹²² In Spain, after Uber ignored a nationwide ban on UberPOP, telecom companies complied with a court order to block smartphones' data access to the app. (The court also ordered payment companies not to work with Uber.)¹²³ In Germany, a Frankfurt court found in March 2015 that Uber was in violation of the country's public transportation law, which required licensed drivers.¹²⁴ Under threat of arrest, Uber Germany had to shut down UberPOP, though it continued to operate Uber Taxi, which worked with licensed cabs.¹²⁵ In May, a Milan court ordered UberPOP to cease operating in Italy, finding that it constituted unfair competition for taxi drivers; Uber would be fined €20,000 for every day it operated after a 15-day grace period.¹²⁶

In fall 2014, France passed a new law named for trade minister Thomas Thévenoud that banned operation of a network that connected paying customers with amateur drivers, with punishments of two years in prison and a €300,000 fine for violators.¹²⁷ In early 2015, French officials raided Uber's Paris offices; the company continued to operate and in March won a reprieve while courts considered the constitutionality of the new law.¹²⁸ Despite the reprieve, the specialized Boer police brigade that enforced taxi laws continued patrolling Paris streets for UberPOP drivers with an expanded force; those caught often continued as drivers, and Uber paid for their tickets.¹²⁹ But some government officials saw Uber in a more positive light. Emmanuel Macron, the young Minister of the Economy, argued: "There's potential here to create thousands of jobs." Unemployment in France was high, especially among the young. "Should we only defend those who have a job?" he asked.¹³⁰

In late May 2015, following complaints from Uber, the European Commission, the executive organization of the European Union, sent the French government a letter expressing its concern that the Thévenoud law might violate EU law.¹³¹ Mark MacGann, Uber's public policy head for the region, expressed his approval: "For a country such as France to pursue a rear-guard action and erect new barriers to new competitors is a clear violation of European law."¹³² The European Commission's letter had the potential to lead to formal charges against the law, though France had two months to respond, and the EU could also choose not to pursue its complaint.¹³³

South Korean authorities charged Kalanick, the head of Uber Korea, and nearly thirty others with operating an illegal taxi service, with a highly publicized raid on Uber's Seoul offices and warrants for executives' arrest.¹³⁴ At issue in Korea was that many Uber drivers, as in other markets, were not registered taxi drivers; Seoul law held that Uber drivers not licensed to drive taxis would be fined. If convicted, those charged with operating an illegal service would face two years in prison and a fine of 20 million won (about \$18,000).¹³⁵ Authorities in Taiwan raised similar concerns, imposing daily operating fines—totaling more than \$80,000 by late December 2014—and arguing that the company needed a transport-services license and was hiring unlicensed drivers.¹³⁶ In Thailand, the government declared an outright ban on the service for using personal cars.¹³⁷ In Japan, where the company had started offering UberX-style service in the city of Fukuoka in February 2015, officials announced in March that they had instructed the company to suspend the service due to the unlicensed drivers it employed.¹³⁸ Uber announced that it disagreed with officials' view and intended to keep operating.¹³⁹

In December 2014, authorities in India—reported to be Uber’s largest international market—enacted an emergency ban on app-based transportation services after a Delhi Uber driver allegedly raped a passenger, triggering protests.¹⁴⁰ Delhi ministers told Uber to apply for radio taxi licenses, but its application was rejected—first over technical mistakes,¹⁴¹ and then for continuing to operate while banned.¹⁴² Officials requested the national government to block access to the Uber website, but doing so only in Delhi was infeasible; Uber continued to operate. Police turned to enforcement: in one week, police, who used the Uber app to track down drivers, impounded more than 350 vehicles.¹⁴³

Drivers

Uber marketed itself as an opportunity for off-duty livery drivers and casual drivers to make extra money on their own time with flexible hours,¹⁴⁴ and claimed that full-time drivers in the New York area could make as much as \$90,000 per year—far higher than most cab drivers could hope to earn.¹⁴⁵ It also reported average wages in Los Angeles and Washington, D.C. of \$17 per hour and announced in 2015 that it was hiring 20,000 new drivers each month.¹⁴⁶ (See **Exhibits 8 and 9**, New U.S. Drivers Starting Each Month and Median Driver Hourly Earnings.) To recognize exceptional drivers, Uber awarded a “Sixth Star” employee-of-the-week award, which included a \$1,000 gift card.¹⁴⁷

Although they received 80% of fares, as independent contractors, drivers had to pay for their cars, maintenance, gas, and insurance, as well as taxes. UberX fare cuts were good for consumers but decreased drivers’ earnings.¹⁴⁸ In Washington, D.C., for example, one UberX driver reported that he made only \$3 per hour after factoring in his costs; others in the city complained about an unexpected 15% UberX fare cut, which made the service 30% cheaper than the average D.C. cab.¹⁴⁹ In mid-2015, outlets reported that Uber had started experimenting with keeping 25% of fares in some markets, rather than its usual 20%.¹⁵⁰ “I don’t see how they think the drivers are going to make more than taxi drivers,” said one lawyer, “where they are charging less than taxis and [drivers] are having to pay all these expenses.”¹⁵¹ One observer referred to Uber, and the sharing economy more generally, as the “new feudalism.”¹⁵² Another decried a “fantasy of community in an atomized population,” noting, “You may lack health insurance, sick days and a pension plan, but you’re in control.”¹⁵³

A group of drivers filed a class action lawsuit in California federal court to challenge their classification as independent contractors rather than benefits-eligible employees protected by minimum wage and business expense reimbursement laws.¹⁵⁴ Uber executives argued independent contractor classification was appropriate given drivers’ flexible schedules and variable working hours, but attorneys for the drivers countered that significant elements of driver work—including real-time monitoring and the fact that they could be “terminated at the will of a local manager”—merited classification as employees.¹⁵⁵ In mid-2015, the case was ongoing, but a ruling to proceed suggested that the judge found merit in drivers’ arguments.¹⁵⁶ In June 2015, the California Labor Commissioner’s Office ruled that Uber driver Barbara Berwick, who had filed a complaint, should be classified as an employee and reimbursed for expenses. The ruling applied only to Berwick, and Uber appealed, but observers took note. “This is a very big deal,” said a lawyer in the class action suit.¹⁵⁷

User ratings were also controversial. If a driver’s average rating dipped too low, the Uber system would automatically “deactivate” him or her, mandating training in customer service to reenter the system. Some drivers felt that the system put them at a disadvantage, forcing them to bear rider abuse with a smile for fear of ratings retaliation.¹⁵⁸ One driver reported a hurried customer threatening to give him a one-star rating if he refused to run a red light.¹⁵⁹

Some drivers pursued other opportunities. Boston-based RiderAds, envisioned by a group of Harvard Business School students in an entrepreneurship class project, took its cue from seat-back taxi

advertising and offered full-time Uber drivers \$150 per month to install video-ad tablets in their cars.¹⁶⁰ “Anything that allows [drivers] to increase their income with minimal effort is attractive,” said one founder, Tyler Sipprelle. “You don’t have to do anything. And you get paid for it.”¹⁶¹ But Uber discouraged drivers from installing ad systems in their cars; a spokesperson noted, “We don’t believe that in-ride advertising enhances the ride experience.”¹⁶² But Uber did not fire drivers for installing ads; doing so could jeopardize its argument that drivers were independent operators.¹⁶³

Customers

Uber could point to its enthusiastic customers and service as a mandate for how it did business. Positive reviews abounded; one happy customer noted that Uber provided “superior service and superior cars at rates that are either identical, or cheaper, than taxis,” and vowed never to use a taxi again.¹⁶⁴ Many customers evidently agreed: in late 2014, Uber announced that it had completed 140 million rides worldwide in the past year, with more than 1 million rides per day – an eight-fold increase from the previous year.¹⁶⁵ One survey of millennials found that 51 percent used Uber, while ten percent “couldn’t imagine [their] life without it.”¹⁶⁶ However, as the company grew, there were stresses and tensions in the still-evolving relationship between Uber and its customers, particularly with the lower-cost UberX service.

Pricing During periods of high demand, such as Friday evenings in the U.S. or after big sporting events, Uber’s surge pricing algorithms charged a demand-based multiple of its base fare to ensure adequate supply of cars. The company defended the practice as necessary to ensure a high level of service and reliability, but it upset some customers to be charged surge pricing during actual storm surges, as in New York during 2012’s Hurricane Sandy.¹⁶⁷ Uber later promised to cap surge pricing at a predetermined maximum during natural disasters and other emergencies,¹⁶⁸ but some mistakes continued. During a hostage crisis in Sydney’s central business district in 2014, surge pricing quadrupled normal Uber rates, with AU\$100 minimum fares, prompting outcry on social media and a quick reversal by the company.¹⁶⁹ At other times, angry customers posted hefty fare receipts on social media.¹⁷⁰ Kalanick defended surge pricing, noting, “The market is setting the price” via algorithms to maximize reliability.¹⁷¹ But some commentators argued that surge pricing damaged customers’ faith in pricing reliability. “If I have to pay more just because it’s Tuesday,” one reported, “I’m out.”¹⁷²

Privacy Seemingly lax privacy protections for riders, as well as unrestricted employee access to “God View,” an internal tool that enabled employees to track any rider in the system, were concerns. In 2011, venture capitalist Peter Sims reported that while taking an Uber ride in New York, he received a series of text messages from an acquaintance describing his location in great detail. Alarmed, Sims learned that the acquaintance was attending Uber’s launch party in Chicago and, along with other guests, was able to track his and others’ trips in real time on a big screen, apparently a common display at launch events.¹⁷³ (See **Exhibit 10**, “God View” at Toronto Launch Party.) Moreover, potential employees who had interviewed for jobs at Uber sometimes received unrestricted access to Uber’s customer tracking function as part of the interview process and retained that access for several hours after. One applicant reported that he was able to look up records for people he knew, including a prominent politician’s family member.¹⁷⁴ Previously, Uber had also published a blog that analyzed rider data to determine where riders were most likely to have engaged in one-night stands – demonstrating a depth of data and analytical ability that alarmed privacy advocates. The post, titled “Rides of Glory,” was quietly deleted – but not before setting off fresh controversy.¹⁷⁵

In November 2014, Emil Michael, a senior Uber executive, suggested at a private dinner in New York that Uber should spend \$1 million on opposition researchers to investigate the personal lives of journalists who criticized the company, including a Silicon Valley blogger who had accused Uber of

sexist and misogynistic business practices.¹⁷⁶ Although Michael later issued an apology, and Uber distanced itself from his comments, he kept his job.¹⁷⁷ Also in November 2014, another journalist reported that Uber's New York general manager had tracked her Uber rides using the "God View" tool. In response to media outcry about an apparent disregard for journalists' privacy, Uber for the first time published its privacy policy.¹⁷⁸ However, some web journalists—many of whom were usually tech-forward, enthusiastic supporters of the service—wrote scathing editorials, exhorting their readers to delete the Uber app.¹⁷⁹ Some pushed for a new Twitter hashtag: #Ubergate.¹⁸⁰

In the wake of growing concern about how Uber was using customer data, Senator Al Franken, Chair of the Senate Judiciary Committee's Subcommittee on Privacy, Technology, and the Law, sent Uber a letter raising the question of a "troubling disregard for customer privacy."¹⁸¹ Uber announced that it would limit access to "God View" to a select group of employees working in operations, fraud prevention, and other areas that required real-time access to trip data. It also engaged a prominent law firm to review its data privacy program—though Franken continued to push for details.¹⁸²

In January 2015, the company released the results of its data privacy review. The review found that Uber needed a clearer privacy policy but did not need to improve how it handled rider data, concluding that the company had "dedicated significantly more resources to privacy than we have observed in other companies of its age, sector, and size."¹⁸³ In May 2015, the company issued a new, shorter, and more expansive privacy policy, which it said would "explain more clearly and concisely what data Uber asks for, and how that data is used to provide or improve our services."¹⁸⁴ Lorrie Faith Cranor, a privacy expert at Carnegie Mellon University, had a different interpretation: "This is written in a way to protect themselves from liability."¹⁸⁵

Data Security Uber's customer information included not only credit cards and billing addresses—common targets for hackers—but also other potentially valuable data, like where users went and how often.¹⁸⁶ In February 2015, Uber admitted to being hacked the previous May, with roughly 50,000 driver accounts compromised—raising questions about data vulnerability and why it took five months to disclose the breach after its September discovery.¹⁸⁷ Drivers soon filed a class action lawsuit over the delayed disclosure.¹⁸⁸ In March 2015, news outlets reported that thousands of Uber account passwords were for sale on a "dark web" Internet marketplace. Uber denied that its systems had been hacked and suggested that users had been using the same password for multiple accounts.¹⁸⁹

In April 2015, Uber announced that Joe Sullivan, head of security for Facebook, would become its first chief security officer. "It's no longer about traditional metrics for safe transportation or keeping our community's data private and secure," said Kalanick, "but about how we lead efforts to redefine and strengthen physical and data security in the location-based world."¹⁹⁰

Personal Safety UberX drivers, who were not subject to the same training, testing, and licensing requirements as livery or taxi drivers,¹⁹¹ were sometimes accused of subjecting their riders to personal abuse and dangerous situations. Uber called its vetting process "industry-leading," but some argued for more stringent checks.¹⁹² In Colorado, Uber lobbyists convinced lawmakers to remove fingerprinting and F.B.I. background checks—typical requirements for cab drivers—from the state's TNC bill.¹⁹³ Some accused Uber of valuing speed over safety, with an average background check turnaround time of 36 hours.¹⁹⁴

Anecdotes about unsafe situations made the news. In 2014, rider James Alva reported that after a driver had cursed at him, slapped him, and called him a "dirty Mexican faggot," Uber managers had refused to apologize.¹⁹⁵ In Washington, D.C., an UberX driver, worried that a taxi commission inspector was following him, had taken passenger Ryan Simonetti on a high-speed chase, refusing to slow down or let him out.¹⁹⁶ In San Francisco in October 2014, bartender Roberto Chicas called for an UberX with

two friends at the end of his shift; during the trip, the driver pulled over, demanded that Chicas and his friends exit the car, and bashed Chicas in the head with a hammer, almost destroying one of his eyes. It took Uber a week to refund the trip.¹⁹⁷ The same month, another rider in Los Angeles reported a two-hour ordeal; her UberX driver had locked her into his car, driven to an empty parking lot twenty miles out of the way, and returned her home only when she kicked and screamed. When she later complained to customer service, she received a partial refund and an apology for an “inefficient route.” (Uber later refunded the remainder of her trip.¹⁹⁸) In March 2015, Denver news outlets reported that an Uber driver had been arrested for attempting to burglarize a customer whose home he had identified after giving her a ride; the woman’s roommate unexpectedly surprised him, and he fled the scene.¹⁹⁹

Women There were also claims of sexual violence against female passengers. In March 2014, a Philadelphia woman reported that an UberX driver had raped her and then driven her around for two hours before letting her out of his car; the accused driver remained in Uber’s system for forty days after she filed an initial police report.²⁰⁰ The following month, Chicago prosecutors charged another UberX driver with battery for attempting to fondle a female passenger.²⁰¹ Reports of sexual harassment, assault, and rape surfaced in 2014 in Washington, D.C.,²⁰² San Francisco,²⁰³ and Boston—where three separate assaults were claimed in one night,²⁰⁴ and an alleged rape occurred two days later.²⁰⁵ Safety concerns persisted abroad as well. In November 2014, a New Delhi Uber driver was arrested for raping a female passenger, setting off a wave of demonstrations and protests and culminating in the New Delhi government banning Uber in early 2015, despite promises that the company would install in-app S.O.S. buttons for passengers.²⁰⁶ (Uber refused, however, to install physical S.O.S. buttons in its cars, arguing that many drivers worked on multiple TNC platforms.)²⁰⁷

In March, Kalanick announced a partnership with United Nations Women to create 1 million jobs for women as global Uber drivers by 2020, which it billed as “an unprecedented plan for advancing gender equality and the empowerment of women everywhere.”²⁰⁸ An expanded number of female drivers—who made up just 14% of Uber’s 160,000 drivers in early 2015—could create an opportunity for female passengers to request female drivers, potentially mitigating personal safety concerns, though Uber denied any immediate plans to implement such a feature.²⁰⁹ In the wake of the announcement, some reacted positively, but others did not. The International Transport Workers Federation, an industry union, argued that Uber’s promised jobs would be “insecure and unsafe” for women.²¹⁰ Some commentators pointed to previous incidents in which female drivers had feared for their safety;²¹¹ one suggested that the move amounted to Uber’s management “throwing up their hands at the idea that they could employ only male drivers who *don’t* rape female passengers.”²¹² In the face of outcry and controversy, UN Women backed out of the partnership.²¹³

Incumbents and Competitors

Incumbents from taxi and limousine companies did not sit still while Uber built its markets. Uber was the subject of ongoing protests from taxi drivers and companies, who believed it was an illegal taxi operation engaging in unfair competition. In summer 2014, driver unions staged massive protests in Germany, India, Spain, France, Italy, England, and the United States, among other nations.²¹⁴ In France, cabbies blocked access to Charles de Gaulle Airport and smashed Uber car windows in Paris; in London, they stopped in Trafalgar Square and brought traffic to a standstill.²¹⁵ (See **Exhibit 11**, European Taxi Driver Protests.) Ironically, some indications suggested that the protests, by restricting cab availability and attracting attention, had driven customers to use Uber instead; the company’s London office reported an 850% increase in app downloads during the week of the London protest.²¹⁶ U.S. taxi drivers also protested, though less visibly. In Boston in summer 2014, cabbies circled Uber’s Boston offices, horns blaring. A union representative reported that Uber, Lyft, and Sidecar had taken 35 to 40% of her business; “It’s not a level playing field,” she said.²¹⁷

Taxi companies, which owned expensive cab medallions, also opposed Uber's expansion. In Chicago, cab companies sued Uber, charging that it operated illegally and stole business from licensed operators,²¹⁸ as did other cab companies in Maryland and Northern Virginia.²¹⁹ And in March 2015, 19 California taxi companies filed a class action suit against Uber, alleging that Uber competed unfairly and falsely advertised safer services than taxis.²²⁰ Uber said in response: "This lawsuit was filed by an industry that for decades has ignored the safety of riders and drivers – and that in San Francisco, allows up to two drug or alcohol offenses for drivers and only looks back five years into a driver's background, with limited recourse for complaints and wrongdoings."²²¹

Uber angered competing app-based transportation companies with what some called a "street-fighting" approach to competition.²²² In August 2014, Lyft complained that nearly 200 Uber employees had requested and then cancelled more than 5,500 rides in an attempt to bog down the Lyft system and drive customers—and frustrated drivers—to Uber.²²³ Uber employees also employed similar tactics that year in New York against Gett, a new startup, using its false reservations to recruit drivers for Uber; in response to Gett's calls for an apology and extensive media coverage, Uber issued a statement that its team had been "too aggressive" in "spreading the word about Uber and how [its] platform opens up new economic opportunities for drivers."²²⁴ Some media outlets also reported that Uber had attempted to recruit workers in New York immediately following Lyft's market entry, providing them with smartphones and credit card numbers to submit false requests and gum up Lyft's reservation system. One commentator, in an article entitled "Why Uber Must Be Stopped," cast Uber as "the living, breathing essence of unrestrained capitalism."²²⁵

A particularly intense rivalry developed between Uber and Lyft. Kalanick, in a heated Twitter exchange with then-Lyft CEO John Zimmer, referred to Lyft as a "clone" and stated that it had "a lot of catching up to do."²²⁶ Although Uber had been founded earlier, the borrowing went both ways. In August 2014, Lyft introduced Lyft Line, a carpooling service, in San Francisco. Uber announced it would develop its own beta service, UberPool, the day before, in what some deemed an attempt to steal Lyft's thunder.²²⁷ Emily Castor, a Lyft spokesperson, tweeted that Lyft "inspired quick action by our friends in black."²²⁸ Lyft Line scaled to Los Angeles and New York;²²⁹ UberPool quickly followed suit, beating it to New York launch by nine days.²³⁰ Lyft announced in 2015 that Lyft Line accounted for a majority of rides in its primary San Francisco market, underlining the value of carpooling.²³¹

Both Uber and Lyft also took actions regarding each other's access to capital; by late 2014, Uber required potential investors to sign promises not to invest in (or even enter discussions with) specific named competitors; Lyft followed suit in early 2015.²³² Kalanick had previously admitted that when he heard Lyft was preparing to raise funds, he called investors to say, "Just so you know, we're going to be fundraising after this, so before you decide whether you want to invest in them, just make sure you know that we are going to be fundraising immediately after."²³³ Although investors typically did not invest in competitors to avoid conflicts of interest, Uber's insistence was unusual and, to some, potentially unethical. "It doesn't look good," noted venture capitalist Fred Wilson.²³⁴

Partners and Investors

Although Uber's valuation indicated extensive investor confidence, some potential investors reported less positive experiences. Explicit insistence on fealty struck some as arrogant.²³⁵ One investor reported that Kalanick "came in like he was God's gift;" his firm chose not to invest because the partners did not get along with Kalanick.²³⁶ Investor Peter Thiel (who invested in Lyft) had described Uber as "the most ethically challenged company in Silicon Valley."²³⁷ At an industry event, Kalanick, adapting the Dr. Dre lyrics, quipped: "VCs ain't [expletive] but hoes and tricks."²³⁸

In early 2015, media outlets reported that Google, one of Uber's major investors, was developing its own ride-hailing service.²³⁹ Sources reported that the Uber board weighed whether to ask Google legal head David Drummond, who had sat on the board since Google's first investment in 2013, to step down over the issue.²⁴⁰ Compounding rumors of a schism was Google's previous announcement that it would allow third-party services to present data in Google Now, a feature of its Android smartphones that enabled quick access to functions. The company announced collaboration with sharing-economy stalwart Airbnb and with Lyft, Uber's chief rival – but Uber was notably absent.²⁴¹

Shortly after, in March 2015, Uber quietly announced its acquisition of deCerta, a small mapping software company that specialized in turn-by-turn directions.²⁴² In May, Uber submitted a \$3 billion bid to acquire Nokia's Here mapping business, Google Maps' chief competitor.²⁴³ After bidding competition intensified, Uber partnered with Chinese Internet company Baidu and private equity firm Apax Partners to increase its bid, which was reported to exceed \$4 billion.²⁴⁴ Analysts reported that Here could help Uber, which was rapidly hiring mapping engineers, lessen its reliance on Google's software and ease complex logistics problems like optimizing UberPool's multiple pick-up and drop-off points.²⁴⁵ Some wondered whether Uber sought to use Here's rich trove of vehicle data, such as braking points at curves and the locations of lane markers, to power autonomous vehicles.²⁴⁶

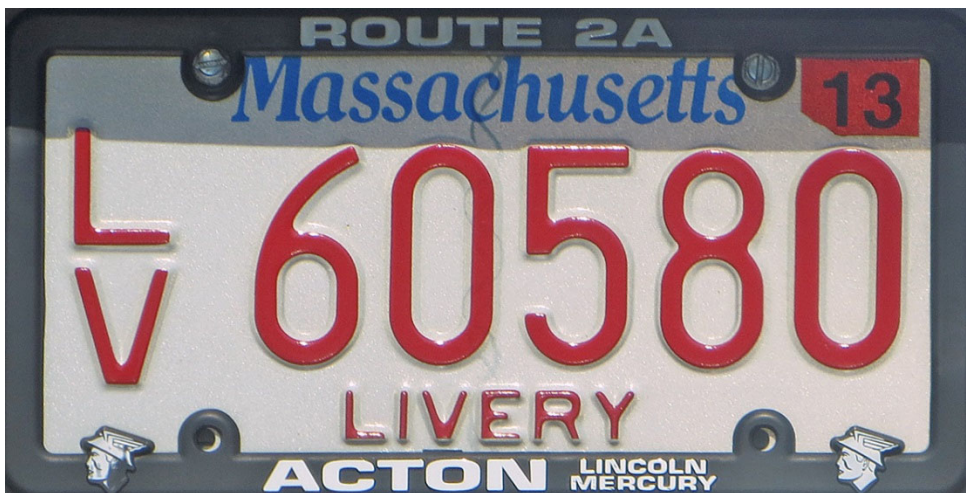
In February 2015, while Google continued in its efforts to develop self-driving cars, Uber announced a "strategic partnership" with Carnegie Mellon University's renowned National Robotics Engineering Center (NREC) to develop its own autonomous vehicle technology.²⁴⁷ In mid-2015, the *Wall Street Journal* reported that Uber subsequently lured forty members of the NREC – including its director and most key program directors – with promises of tripled salaries and six-figure bonuses, in a move that left the NREC "in a crisis," with other researchers jumping ship out of fear that the center would have to shut down.²⁴⁸ "I would have preferred [Uber] just come to us," said an NREC official, as Uber prepared to move into a new 53,000-square-foot research center less than a mile away.²⁴⁹

Driving Toward Change?

Uber was growing rapidly, but it also faced clear challenges. Would Uber reconsider its approach? At a conference in September 2014, Travis Kalanick noted that the company's explosive growth required a reevaluation of its public image: "When you're the big guy, you're not allowed to be scrappy and fierce."²⁵⁰ In 2015, the company agreed to comply with a ban in Portland, Oregon, to allow the city council time to debate regulation. In Delhi, where its highly publicized troubles had resulted in an outright ban, Uber announced its willingness to adopt new standards to appease local authorities. When its radio taxi license was rejected, it initially complied with the ban and publicized a new background check policy,²⁵¹ as well as a partnership with the city's auto rickshaw drivers – a service that would allow cash payments and made Uber no money, a big departure from its cash-free model.²⁵² (Authorities later announced that Uber had quietly resumed its regular operations while its application was under review, a move that led authorities to declare a total ban in June 2015.)²⁵³ In Germany, where the courts had prohibited UberPOP, the company announced that it would comply and employ only drivers with private-hire licenses – a strategic reversal.²⁵⁴

Uber began to espouse a tactic that Kalanick described as "principled confrontation."²⁵⁵ Others described it as a charm offensive.²⁵⁶ Observers suggested that the company's high valuation created pressure for Uber to find new ways of overcoming resistance and succeed in its many markets.²⁵⁷ Uber had proven that it served a large and growing market, but stakeholders were not all aligned behind the vision. One of Kalanick's former associates suggested, "If [Kalanick] were less brash, I don't think he would get half as far as he [has]."²⁵⁸

Exhibit 1 Livery License Plate



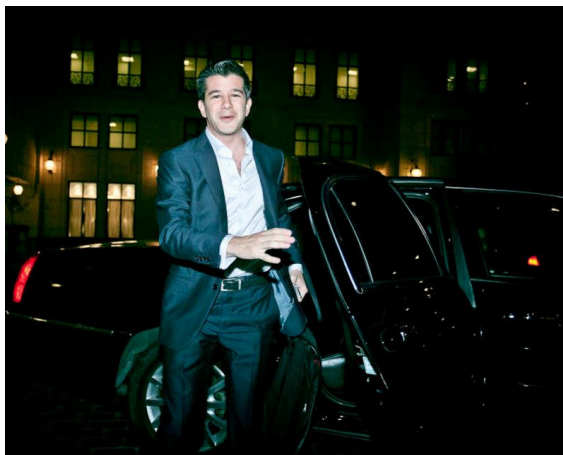
Source: <http://www.plateshack.com/y2k/Massachusetts3/ma2013livery.jpg>, accessed Jun. 2015. Used by permission.

Exhibit 2 Typical Taxi Markings



Source: http://commons.wikimedia.org/wiki/File:NYC_Hybrid_Taxi.JPG, accessed Jun. 2015.

Exhibit 3 Travis Kalanick

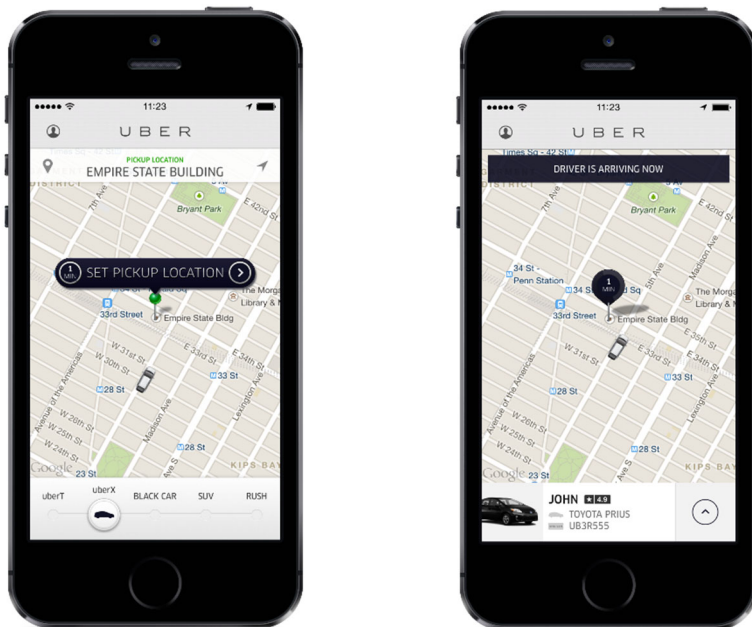


Source: Uber, Facebook post, Sept. 22, 2011, <https://www.facebook.com/uber/photos/pb.120945717945722.-2207520000.1433956988./258452137528412/?type=3&theater>, accessed Jun. 2015. Used by permission.



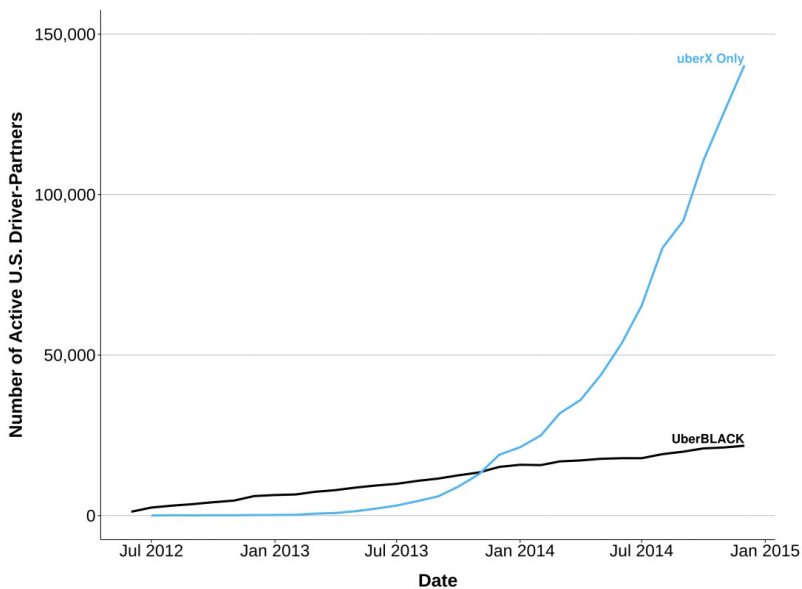
Source: Alyson Shontell, "All Hail the Uber Man! How Sharp-Elbowed Salesman Travis Kalanick Became Silicon Valley's Newest Star," *Business Insider* Jan. 11, 2014, <http://www.businessinsider.com/uber-travis-kalanick-bio-2014-1>, accessed May 2015. Used by permission.

Exhibit 4 Uber App



Source: Uber Press Kit, <https://www.uber.com/presskit>, accessed Jun. 2015.

Exhibit 5 UberBLACK and UberX Driver Growth



Note: Sample consists of all U.S. UberBLACK and uberX driver-partners making at least four trips in any month (284,898 individuals).

Source: Jonathan Hall and Alan Krueger, "An Analysis of the Labor Market for Uber's Driver-Partners in the United States," Paper, Jan. 22, 2015, https://s3.amazonaws.com/uber-static/comms/PDF/Uber_Driver-Partners_Hall_Kreuger_2015.pdf, accessed Jun. 2015, Fig. 7, p. 17. Used by permission.

Exhibit 6 Cease-and-Desist Order from California Public Utilities Commission

STATE OF CALIFORNIA PUBLIC UTILITIES COMMISSION 505 Van Ness Ave. San Francisco CA 94102	Arnold Schwarzenegger, Governor
--	---------------------------------

October 19, 2010

File: Nong
Case: PSG-3018

UberCab, Inc.
Attn: Ryan Graves
182 Howard St., Ste. 8
San Francisco CA 94105

NOTICE TO CEASE AND DESIST

This letter places you on notice to cease and desist immediately all advertisements and operations as a for hire passenger carrier without a valid authority in force with the Commission. Continued violations of law may result in criminal prosecutions and termination of telephone service.

UberCab's website states that it collects the fees from the passenger and pays the limousine company for the transportation. This is a prime carrier/subcarrier relationship with the companies providing the transportation. In this role, UberCab, Inc. is required to have a charter party carrier permit issued by the Public Utilities Commission.

Pursuant to Public Utilities Code sections 5371, 5411, and 5415, any carrier which operates and/or advertises after revocation of their authority is guilty of a misdemeanor which is punishable by a fine of up to \$1,000 or by imprisonment in the county jail for up to three months, or both. Each day of continued violations is a separate and distinct offense.

In addition, Public Utilities Code section 5386.5 states in part, "No charter-party carrier of passengers shall advertise its services, or in any manner represent its services, as being a taxicab or taxi service." The name UberCab itself is representative of a taxicab service and thus prohibited under this code section.

To obtain an application and/or view information regarding the CPUC requirements for reapplying to reinstate your authority and operating a passenger carrier company, visit the Commission website or contact the License Section at (800) 877-8867.

<http://www.cpuc.ca.gov/PUC/transportation/passengers>

If you have any questions regarding this letter, I can be reached at

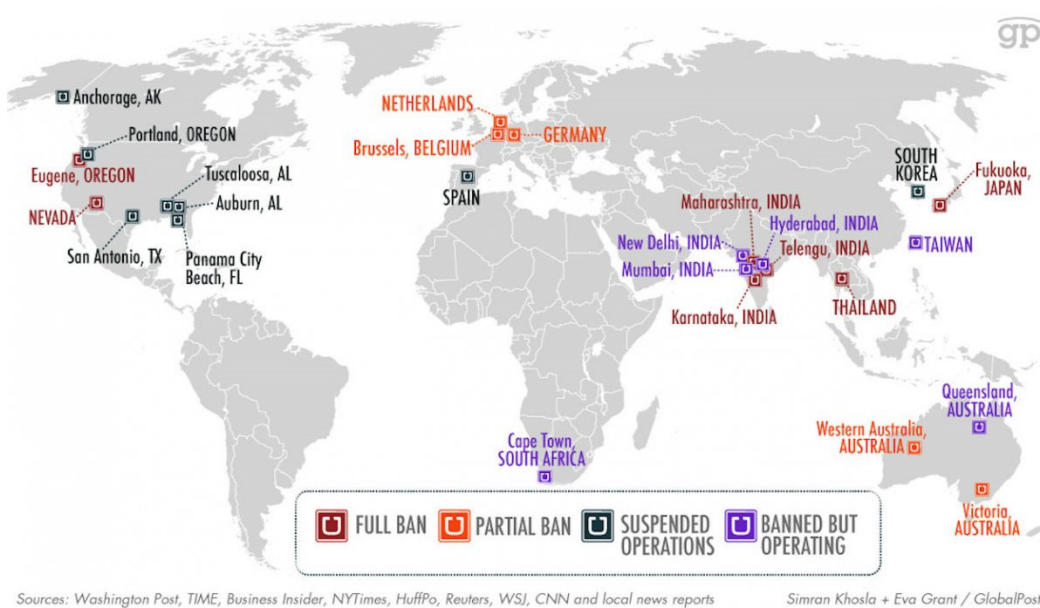
Very truly yours,

Investigator, Badge #
Consumer Protection and Safety Division
Transportation Enforcement Section

CC: Ed Rouquette, Supervising Investigator

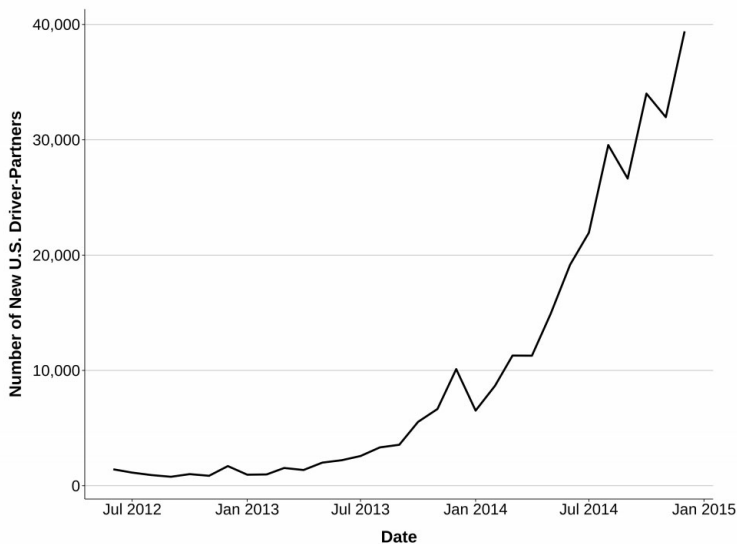
Source: Ryan Graves, "Uber's Cease & Desist," post, Uber Blog, Oct. 25, 2010, <http://blog.uber.com/2010/10/25/ubers-cease-desist/>, accessed Apr. 2015. Used by permission.

Exhibit 7 Global Legal Issues, April 2015



Source: Eva Grant and Simran Khosla, "These are the places that are trying to put the brakes on Uber," *Global Post* Apr. 2, 2015. <http://www.globalpost.com/article/6505309/2015/04/02/maps-uber-legal-troubles-world>, accessed Jun. 2015. Used by permission.

Exhibit 8 New U.S. Uber Drivers Starting Each Month



Note: Figure based on U.S. UberBLACK and uberX driver-partners who have joined since June 2012 (303,985 individuals), based on Uber data.

Source: Jonathan Hall and Alan Krueger, "An Analysis of the Labor Market for Uber's Driver-Partners in the United States," Paper, Jan. 22, 2015, https://s3.amazonaws.com/uber-static/comms/PDF/Uber_Driver-Partners_Hall_Kreuger_2015.pdf, accessed Jun. 2015, Fig. 3, p. 13. Used by permission.

Exhibit 9 Median Driver Hourly Earnings

	Earnings Per Hour or Hourly Wages	
	Uber Driver-Partners (Earnings Per Hour)	OES Taxi Drivers and Chauffeurs (Hourly Wages)
BOS	\$20.29	\$12.92
CHI	\$16.20	\$11.87
DC	\$17.79	\$13.10
LA	\$17.11	\$13.12
NY	\$30.35	\$15.17
SF	\$25.77	\$13.72
Avg. BSG Survey Uber Markets	\$19.19	\$12.90

Source: For Uber Driver-Partners: Uber. Data aggregated to the driver-month level and medians of hourly earnings reported for Uber’s driver-partners who drove at least one hour a week during the month of October 2014. Earnings per hour are net of Uber fees but do not adjust for expenses. For OES Taxi Drivers and Chauffeurs: OES data from May 2013. OES average for all areas in last row is weighted by the number of taxi drivers and chauffeurs in the 20 BSG market areas. The figure reported for Uber in the last row is the weighted average of median earnings per hour in the 20 market areas, where weights are the number of taxi drivers and chauffeurs in the market area.

Source: Jonathan Hall and Alan Krueger, “An Analysis of the Labor Market for Uber’s Driver-Partners in the United States,” Paper, Jan. 22, 2015, https://s3.amazonaws.com/uber-static/comms/PDF/Uber_Driver-Partners_Hall_Krueger_2015.pdf, accessed Jun. 2015, Table 6, p. 23. Used by permission.

Exhibit 10 “God View” at Toronto Launch Party



Source: Uber, Facebook post, Mar. 14, 2012, <https://www.facebook.com/uber/photos/pb.120945717945722.-2207520000.1433956630./362972733743018/?type=3&theater>, accessed Jun. 2015. Used by permission.

Exhibit 11 European Taxi Driver Protests, Summer 2014

Buckingham Palace, London



Source: Sean Gallup, Getty Images, Jun. 11, 2014, <http://www.gettyimages.com/detail/news-photo/taxi-drivers-gather-next-to-the-olympia-stadium-to-protest-news-photo/450426276>. Used by permission.

Olympic Stadium, Berlin



Source: Luke MacGregor, Reuters, Jun. 11, 2014, <http://pictures.reuters.com/archive/LM1EA6B17AN01.html>. Used by permission.

Endnotes

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