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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on
Regulations Relating to Passenger
Carriers, Ridesharing, and New
Online-Enabled Transportation
Services

Rulemaking 12-12-011

**ADMINISTRATIVE LAW JUDGE'S RULING ORDERING PARTIES TO
COMMENT ON QUESTIONS REGARDING THE COMMISSION'S
REGULATION OF AUTONOMOUS VEHICLES**

By this *Ruling*, the parties are ordered to file and serve comments on the following questions regarding the Commission's regulation of autonomous vehicles. Comments to Question 1 (including all subparts) shall be filed and served by January 13, 2020. Comments to Questions 2-8 (including all subparts) shall be filed and served by January 24, 2020.

Questions that are in italics originally appeared in the *Amended Phase III*.

C. Scoping Memo and Ruling issued on October 25, 2019.

1. Next Steps for Regulatory Framework

1.1. What changes, if any, should the Commission make to the requirements governing Autonomous Vehicle (AV) testing established by Decision (D.)18-05-043?

1.1.1. In justifying those changes, explain whether and how those changes would:

- Maintain or exceed the safety performance of AVs in passenger service;
- Enable the Commission to understand further the operations and impacts of AVs in passenger

service, such as by collecting more or different data;

- Change the environmental impacts of AV passenger service, if at all;
- Address the accessibility needs of persons with disabilities;
- Provide customer protections;
- Address workforce impacts; and
- Address equity of service.

1.1.2. At a minimum, comment specifically on the following potential changes to the requirements established by D.18-05-043:

- Authorizing fare collection for the drivered AV passenger service but not driverless AV passenger service;
- Authorizing fare collection for both drivered and driverless AV passenger service;
- Authorizing shared rides for driverless AVs; and
- Requiring pilot participants to submit detailed data regarding their operations, such as the specific locations at which trips begin and end.

1.2. What information should the Commission use to inform any changes to the requirements governing AV testing established by D.18-05-043? At minimum, please comment specifically on:

- 1.2.1. The number of entities participating in the Commission's AV pilot programs;**
- 1.2.2. The content and volume of quarterly pilot data reports;**
- 1.2.3. The safety assurances provided by the current requirements to obtain a permit to participate in the CPUC's AV pilots;**
- 1.2.4. AV activities outside of California, both within the United States and internationally;**

1.2.5. AV regulatory frameworks outside of California, both within the United States and internationally; and,

1.2.6. Academic studies.

2. Goals-Related Questions

- 2.1. How should the Commission incorporate safety goals into its AV regulatory framework?**
- 2.2. How should the Commission define accessibility?**
- 2.3. Should the Commission clarify that accessibility applies to many demographics, including but not limited to people who are blind or low-vision; are hearing impaired; rely on comfort animals; use wheelchairs or have other physical limitations; or, are elderly?**
- 2.4. Should the Commission ensure that the drivers of any manually-driven wheelchair-accessible vehicles used in a commercial AV service are properly trained on the securement of wheelchairs and proper passenger restraint for AVs with a driver?**
- 2.5. How should the Commission incorporate accessibility goals into its AV regulatory framework?**
- 2.6. For the sake of the AV Regulatory Framework, should the Commission define and evaluate accessible service in a manner similar to the process established in Proceeding Rulemaking 19-02-012?¹**
- 2.7. Should the Commission incorporate equity and environmental-justice related goals into its AV regulatory framework? If so, how?**

¹ Commission proceeding R.19-02-012 established the Transportation Network Companies (TNC) Access For All Program, which focuses on providing wheelchair-accessible TNC service that is comparable to broad market TNC access. In Commission decision D.19-06-033, the Commission considers the services comparable if the average wait time for a wheelchair-accessible vehicle to arrive is no slower than the 80th percentile wait time for the broad market program.

- 2.8. Should the Commission incorporate goals related to city operations and planning into its AV regulatory framework? If so, how?**
- 2.9. Should the Commission evaluate AVs' impacts on congestion, traffic, curb use, and public transit? Why?**
- 2.10. How should the Commission incorporate goals related to environmental and climate impacts into its AV regulatory framework?**
- 2.11. Should the Commission establish fleet-level emissions requirements for AV companies that are coordinated with requirements established by Senate Bill (SB) 1014 (the Clean Miles Standard)?**
- 2.12. Should the Commission incorporate goals from key climate, transportation, and equity-related legislation into its AV regulatory framework? If so, how?**
 - 2.12.1. If so, which laws and programs should the Commission reference? Please comment specifically on SB 32, Assembly Bill (AB) 32, SB 350, SB 1014, SB 1376, and SB 375.**
- 2.13. Should the Commission measure the progress toward achieving each of these goals? If so, how?**

3. Data-Related Questions

- 3.1. *In a new regulatory category, what information should the Commission require to be reported by a person or entity authorized to provide prearranged passenger transportation service using AVs operated without a driver in the vehicle to the Commission; how often (e.g. monthly, annually, per trip, etc.) should this information have to be reported to the Commission; and under what conditions, if any, should this information be made available to the public?***
- 3.2. *How should the information be made available to interested government entities? For example, should such information be hosted by a third-party entity (e.g. university, research institution, etc.)?***

- 3.3. **Should the Commission gather and incorporate qualitative feedback, including, but not limited to, information such as rider experiences and community feedback, into its decision-making process?
If so, how?**

4. Definition-Related Questions

- 4.1. ***How should the Commission define what constitutes an “autonomous vehicle” used in prearranged passenger transportation service for-hire?***
- 4.2. ***How should the Commission define what constitutes a “remote operator” of an AV used in prearranged passenger transportation service for-hire?***
- 4.3. ***Should the Commission modify the definition of “personal vehicle” pursuant to D.16-12-037 to include AVs used to provide prearranged passenger transportation service using online-enabled applications or platforms?***

5. Permit-Related Questions

- 5.1. ***Should the Commission designate a new regulatory category, such as Autonomous Vehicle Carrier, to authorize a person or entity to provide prearranged passenger transportation service using AVs operated without a driver in the vehicle?***
- 5.2. ***In a new regulatory category, what requirements of Charter-Party Carriers or TNC permit-holders under the Charter-Party Carriers Act and all applicable Commission decisions, rules, and orders should the Commission also adopt in order to authorize a person or entity to provide prearranged passenger transportation service using AVs operated without a driver in the vehicle?***
- 5.3. ***Should the Commission prohibit or impose any requirements on prearranged passenger transportation service to, from, or within airports using AVs operated without a driver in the vehicle?***

- 5.4. *Should the Commission modify D.13-09-045 to allow TNCs to own AVs or allow AVs leased or rented by TNCs from partnering entities on their online-enabled applications or platforms?***

6. Passenger Safety-Related Questions

- 6.1. *Should the Commission prohibit or impose any requirements on prearranged passenger transportation for unaccompanied minors in AVs operated without a driver in the vehicle?***
- 6.2. *Should the Commission impose any requirements to ensure the safety of all passengers on the chartering by more than one party (i.e. fare-splitting) of AVs operated without a driver in the vehicle?***
- 6.3. *Should the Commission require that certain information, such as how to contact the person or entity authorized to provide prearranged passenger transportation service using AVs, be made available to passengers inside an AV operated without a driver in the vehicle?***
- 6.4. *Should the Commission require certain unique identifying information be made available on each AV, operated without a driver in prearranged passenger transportation service, to enable passengers to easily identify the exact AV offered for that trip?***
- 6.5. *Should the Commission require that a two-way communication link, between passengers and the person or entity authorized to provide prearranged passenger transportation service using AVs, be available and maintained at all times in each AV operated without a driver in the vehicle?***

7. Driver-Related Questions

- 7.1. *What requirements under the Charter-Party Carriers Act and all applicable Commission decisions, rules, and orders which apply to drivers physically present in vehicles should the Commission also adopt for “remote operators” of AVs used in prearranged passenger transportation service?***

7.2. Should the Commission authorize pilot participants to utilize third party contractors as test operators for the drivered and/or driverless pilots?

8. Vehicle-Related Questions

8.1. *What amount of insurance coverage (i.e. evidence of ability to respond to judgments for personal injury, death, or property damage) should the Commission require of a person or entity to provide prearranged passenger transportation service using AVs?*

8.1.1. Should the Commission establish insurance requirements independently from the insurance coverage required for a Department of Motor Vehicles AV deployment permit?

8.2. *Should the Commission modify D.16-04-041 to allow inspections of AVs performed by the manufacturers of AVs to fulfill the inspection requirements for vehicles used to provide prearranged passenger transportation service using online-enabled applications or platforms?*

8.3. What are the near- and long-term impacts of interruptions of electric service such as Public Safety Power Shutoffs on AV passenger service?

IT IS RULED that:

1. Comments to Question 1 (including all subparts) shall be filed and served on January 13, 2020.
2. Comments to Questions 2-8 (including all subparts) shall be filed and served on January 24, 2020.

Dated December 19, 2019 at San Francisco, California.

/s/ ROBERT M. MASON III

Robert M. Mason III
Administrative Law Judge