

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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

R.12-12-011
(Filed December 20, 2012)

**COMMENTS OF WAYMO LLC
ON QUESTIONS 2 THROUGH 8 OF THE ADMINISTRATIVE LAW JUDGE'S
RULING REGARDING THE REGULATION OF AUTONOMOUS VEHICLES**

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In accordance with the Rules of Practice and Procedures (“Rules”) of the California Public Utilities Commission (“Commission” or “CPUC”), the instructions set forth in the *Administrative Law Judge’s Ruling Ordering Parties to Comment on Questions Regarding the Commission’s Regulation of Autonomous Vehicles*, dated December 19, 2019 (the “Ruling”), and the extension of time granted by Administrative Law Judge (“ALJ”) Robert M. Mason III’s January 9, 2020 email ruling, Waymo LLC (“Waymo”) hereby submits the following comments responsive to Questions 2 through 8 of the Ruling in the above-captioned rulemaking.

I. INTRODUCTION

As Waymo explained in its *Comments on Question 1 of the Administrative Law Judge’s Ruling Regarding the Regulation of Autonomous Vehicles*, filed on January 21, 2020, the Commission has a sufficient record to convert the AV pilot programs it authorized by D.18-05-043 (the “Pilots Decision”) into permanent rules for AV deployment. While we appreciate this further opportunity to comment on how the Commission might expeditiously finalize its AV passenger carrier rules, we respectfully observe that the Pilots Decision suggested that a proposed decision setting terms and conditions for AV passenger service for “fully deployed vehicles” would be issued in early 2019. The far-reaching scope presented in the Ruling’s

Questions 2 through 8 should not further delay or impede the Commission from finalizing operational rules.

While some of the questions may be decided by the Commission with straightforward fact-finding and a balancing of the interests, many others implicate complex issues (climate change and accessibility, among others) that society—not just AV companies and the Commission—is likely to be grappling with for years to come. Of course, that these issues are formidable is no reason to ignore them. Waymo was born from the belief that by addressing complex global challenges we could someday make the world a radically better place. But that Waymo and the AV industry aspire to accomplish something profound does not mean that the Commission’s existing AV passenger carrier rules should be left in a “pilot” state until these larger societal issues are resolved. Furthermore, it is not realistic to approach climate change, accessibility, and equity of service issues with the expectation that they can be remedied by AV passenger carriers alone. These issues should be addressed in appropriate forums that allow for industry-wide and public-private sector collaboration.

For these reasons, it is Waymo’s primary recommendation in response to Questions 2 through 8 that the Commission focus this rulemaking track on finalizing the regulations required to:

- Operationalize AV passenger service on a permanent basis; and
- Continue learning and iterating its rules as such services develop - as it does for the other services and industries it regulates.

To advance the conversation on broader environmental and access issues, Waymo further suggests that a final decision articulate the Commission’s policy goals with respect to AV passenger service (which we would expect would be essentially the same as for other services), identify the legitimate regulatory objectives to which they relate, and commit to finding the proper forum(s) to address these priorities on an industry-wide basis. This approach would

properly pair the regulatory certainty of final operational rules for AV passenger carriers, with a longer-term policy road-map upon which the Commission and AV stakeholders could build into the future. Waymo’s comments on the Ruling’s Questions 2 through 8 and their subparts should be read in the context of the above recommendation.

II. GOALS (QUESTION 2)

A. Passenger Safety

The safety of passengers as consumers of transportation services is a key—if not *the* key—driver of the Commission’s regulatory and enforcement oversight of all passenger carriers, as intended by applicable statutory and constitutional authority.¹ The Commission’s AV pilot program terms and conditions were informed by these consumer-oriented safety concerns.² Waymo expects that final rules, as an extension of the existing pilots, will be so informed as well. Waymo also expects that the Commission’s final rules will appropriately harmonize the agency’s consumer safety jurisdiction with the well-established safety programs administered by both the California Department of Motor Vehicles (“DMV”) and the federal National Highway Traffic Safety Administration (“NHTSA”). Consequently, in Waymo’s view, it is unnecessary for the Commission to incorporate specific safety “goals” into final AV passenger carrier regulations. However, Waymo does recommend that a future decision adopting final AV passenger carrier regulations describe the agency’s safety interests and those of its sister agencies, as did the Pilots Decision.³

¹ Pilots Decision, pp.13-15 (citing, Cal. Const., art. XII; Passenger Charter-Party Carriers' Act (Pub. Util. Code, § 5351 *et seq.*)).

² For example, the Pilots Decision requires AV pilot permit-holders to notify members of the public that their AV ride is being provided pursuant to a pilot program under the jurisdiction of the Commission.

³ Pilots Decision, FoF 20, p. 48 (finding that the “Commission has an interest in the safety and consumer protection provided to passengers who receive passenger service in an AV, just as in all vehicles available for charter.”); see also, pp. 6-16 (providing a detailed discussion about the scope of the Commission’s safety jurisdiction over AVs vis-à-vis the authority exercised by both the DMV and NHTSA).

B. Accessibility

Waymo has been exploring and investing in accessibility features for several years.⁴ As Waymo indicated in its Comments on Question 1,⁵ in the context of the pilot reporting requirements, the Commission should interpret “accessible rides” broadly to include rides taken using service features that were developed to accommodate passengers with disabilities of any kind. The Commission has also defined “accessible vehicle” as one that is accessible to persons with disabilities.⁶ There is no need for the Commission to additionally define “accessibility” in the abstract.

AV service providers seek to provide access to an extraordinarily diverse population with varying needs. Soliciting only specific information on certain aspects, features, or types of accessibility could result in a siloed or less inclusive approach to making services accessible. Instead, Waymo encourages the Commission to continue collecting data on “accessible rides” in an inclusive and open-ended format, as Waymo has suggested in its Comments on Question 1.⁷ This will enable the agency to understand what an “accessible ride” means to those providing and using the services. The Commission may then use that data to pose questions and initiate future engagement in response to identified needs.

C. Equity and Environmental-Justice

Setting AV-specific equity and environmental justice (“EJ”) requirements now, particularly if they differ from expectations on other forms of passenger service in California, could unduly constrain the exercise of managerial discretion and business judgment by AV

⁴ Descriptions of Waymo’s current accessibility features can be found in the September 3, 2019 transmittal letter accompanying Waymo’s quarterly data report for May 1-July 31, 2019 period, available at <https://www.cpuc.ca.gov/avcpilotdata/>.

⁵ *Comments of Waymo LLC on Question 1 of The Administrative Law Judge’s Ruling Regarding The Regulation of Autonomous Vehicles* (Waymo’s “Comments on Question 1”), Jan. 21, 2020 (R.12-12-011), p. 10.

⁶ Per D.19-08-040, an “accessible vehicle” is one that is accessible to persons with disabilities.

⁷ Waymo’s Comments on Question 1, pp. 9-10.

companies at what is a critical juncture. The consequences of trying to dictate equity and EJ policy outcomes may be minimal, or they could be extremely detrimental; it is simply unknown at this time. The Commission should decline to act prescriptively until equity and EJ issues unique to AV service are researched further and are better understood.

Waymo hopes to bring the ease and safety of self-driving cars to as many people and communities as we can, including those in California. Waymo One, our commercial ride-hailing service, is currently available in the East Valley of the Phoenix metropolitan area, including the cities of Chandler, Gilbert, Mesa and Tempe. Our partnerships with local public sector entities (e.g. Valley Metro⁸ and the City of Chandler⁹), nonprofits (The *Let's Talk Self Driving*¹⁰ education partnership), and the private sector, are intended to help us learn how to improve mobility gaps. But unlike in Arizona (and other states such as Nevada, Texas and Florida), there is still no firm path to a commercial opportunity for AV passenger service in California. Waymo submits that this lack of regulatory certainty creates barriers to progress on many fronts—not just commercial ones—and respectfully requests the Commission lift the monetary compensation prohibition in the existing AV pilots, and finalize straightforward operational rules for AV passenger carrier service in California.

D. City Planning

Waymo has worked closely with state and city officials in every market in which we have tested over the last eleven years. However, we are concerned with any suggestion that the Commission's authority be utilized to serve as an intermediary for other entities, including local governments for their own operations and planning purposes. Waymo believes this would

⁸ <https://www.valleymetro.org/news/valley-metro-waymo-announce-technology-transit-partnership>.

⁹ <https://www.chandleraz.gov/news-center/chandler-first-city-nationwide-partner-waymo-autonomous-vehicle-ride-hailing-program>.

¹⁰ <https://letstalkselfdriving.com/partnership.html>.

undermine the credibility of the Commission’s orders vis-à-vis its regulated entities and should be avoided.

Existing mechanisms already are in place to facilitate information-sharing with cities. Waymo expects that final Commission rules for AV passenger service will require applicants for CPUC authority to hold the appropriate class of permit from the DMV (including permits for testing with a driver, testing without a driver, and/or deployment) and comply with the corresponding state requirements. That is significant because an applicant for CPUC authority will already have provided the DMV with a minimum of ten mandatory categories of attachments—two of which pertain specifically to city interests—to secure a DMV deployment permit.¹¹

Finally, while knowing the precise comings and goings of commuters, visitors and other travelers using AV passenger services may support a city’s planning efforts, as Waymo indicated in its Comments on Question 1, the Commission should not order AV companies to publicly divulge granular trip data out of concern for rider privacy and market sensitive information.¹²

E. Environmental and Climate Impacts

The Commission’s jurisdiction to regulate both the electrical energy and transportation service industries puts the agency in a good position to work with its regulated entities to advance California’s air quality and climate change goals. However, the Commission

¹¹ These are: (1) a summary of the autonomous technology testing in the operational design domain in which the autonomous vehicle is designed to operate, which describes all locations in which the AV is designed to operate and all locations where the vehicle has been tested; and (2) a law enforcement interaction plan that has been provided to the law enforcement agencies and other first responders in the vicinity of the ODD of the AVs, which instructs those agencies on how to interact with the vehicle in emergency and traffic enforcement situations. DMV Deployment (Public Use) application, *available at*: <https://www.dmv.ca.gov/portal/wcm/connect/64d2b714-0f76-442c-89c5-b2bc7de3fd2c/ol321.pdf?MOD=AJPERES&CVID=>

¹² Waymo’s Comments on Question 1, pp. 12-13.

should be judicious in establishing specific goals with respect to the AV passenger service sector. First, it is appropriate for the Commission to allow the industry to at least *start* to take shape before imposing burdensome regulation. Second, it may not be appropriate for the Commission to apply an “off-the-shelf” set of rules developed for a different industry, or even another transportation model within the same industry. For example, while the Commission may be able to leverage its future work to implement the Clean Miles Standard for Transportation Network Companies (“TNCs”), as directed by SB 1014, due process requires that differences in the composition and management of AV fleets by TCPs be accounted for before any such rules are applied categorically in the AV context.

There are meaningful ways that the Commission can support the efforts of AV passenger carriers to contribute to meeting the state’s climate change goals. First and foremost, the Commission should promote the installation of charging infrastructure for zero-emission vehicles (“ZEVs”) by approving electric utility investments in transportation electrification. Waymo understands that the Commission is revamping its project review and approval process in an open proceeding, R.18-12-006 (precipitated by SB 350, 2015). We are monitoring these activities, as having dependable access to charging infrastructure will become increasingly important as AV companies expand or build fleets around ZEVs.

Since Waymo began our testing program—originally as the Google Self Driving Car Project in 2009—Waymo’s fleet has consisted of plug-in hybrids or fully electric vehicles. Waymo expects the environmental benefits of AVs in passenger service to be unlocked when driverless fleets are operating at scale, and we encourage the Commission to support the industry’s efforts to get there.

III. DATA (QUESTION 3)

A. Reporting - Requirements, Frequency and Availability

Waymo believes good data is essential for making good decisions, and we appreciate that the Commission shares this same data-driven approach. But developing AV technology and its associated opportunities is an extremely competitive endeavor, and the business, reputational, and customer privacy risks associated with the disclosure of market sensitive or personally identifiable information are high. Accordingly, the Commission's data reporting requirements should be no broader than what is required to advance the Commission's core regulatory objectives - in particular, the safe and convenient transport of members of the public by charter party carriers under its jurisdiction.

As explained more fully in Section V.A below, Waymo sees no need to create a new regulatory category for AVs. Therefore, the Commission should retain the reporting requirements set forth in the Pilots Decision, except as proposed to be modified by Waymo and Lyft,¹³ for at least the time being. The Commission should continue to collect such data on a quarterly basis, and make data reports publicly available on the CPUC's website.¹⁴

B. Qualitative Feedback

Waymo commends the Commission for its recent initiatives to encourage meaningful feedback and participation from the public.¹⁵ However, Waymo would oppose a mandate that AV companies collect and disclose detailed passenger feedback to the Commission. Doing so

¹³ Waymo's Comments on Question 1, pp. 8-11; Lyft Comments on Question 1, p. 10 (recommending the Commission remove the pilot requirement to report dwell time).

¹⁴ These two recommendations are predicated on the Commission requiring no new data metrics that are either unduly burdensome to collect and report, or that reveal sensitive customer information (e.g. trip start and end location).

¹⁵ For example, in 2018, the Commissioners and Division Directors conducted a pilot program aimed at increasing meaningful public participation through public participation hearings ("PPHs"). The pilot report is available at:

https://www.cpuc.ca.gov/uploadedFiles/CPUC_Website/Content/About_Us/Organization/Divisions/News_and_Outreach_Office/Final%20Draft%20PPH%20Report%20-%20final.pdf

might discourage AV companies from soliciting critical, actionable feedback from their riders, and discourage riders from sharing detailed feedback with AV companies due to concerns over government monitoring. Instead, the Commission should rely upon its existing consumer complaint process and the Public Advisor’s Office for information about individual trips. This approach has the added advantage of respecting rider privacy because it limits disclosure to those who have elected to reach out to the Commission and chosen to share their identities and experiences. As Waymo and other stakeholders have urged on many previous occasions,¹⁶ the Commission’s AV passenger carrier rules should take care to protect consumer privacy, consistent with state policy codified in the recently-enacted California Consumer Privacy Act (“CCPA”).¹⁷

IV. DEFINITIONS (QUESTION 4)

Regulation is most effectively implemented and enforced when there is consistency in terminology. Accordingly, where possible, the Commission should use existing definitions already established in California law. To avoid confusion, the Commission should adopt the DMV’s definition of “autonomous vehicle” set forth in Cal. Code Regs., tit. 13, § 228.02.¹⁸ In

¹⁶ Waymo’s Comments on Question 1, pp. 12-13 (urging the Commission to ensure that any data collected will continue to respect the privacy of AV passengers.); *Comments of Cruise LLC on The Administrative Law Judge’s Ruling Ordering Parties to Comment on Questions Regarding The Commission’s Regulation Of Autonomous Vehicles* (“Cruise Comments”), Jan. 21, 2020 (R.12-12-011), pp. 2, 13-22; *Opening Comments of Lyft, Inc. on The Assigned Commissioner’s Ruling Seeking Comments on Autonomous Vehicles*, Jan. 21, 2020, (R.12-12-011), p. 11 (noting that submission of specific pick-up and drop-off locations would impinge on the privacy of passengers and expose such data to potential misuse). See also, *Opening Comments of Waymo LLC on The Proposed Decision Authorizing Pilot Test Programs For Autonomous Vehicle Passenger Service*, April 26, 2018 (R.12-12-011), pp. 12-13 (noting passenger privacy expectations).

¹⁷ As a company that collects PI of California residents, Waymo is required to comply with the CCPA, which went into effect on January 1, 2020.

¹⁸ The DMV defines “autonomous vehicle” as “[a]ny vehicle equipped with technology that is a combination of both hardware and software that has the capability of performing the dynamic driving task without the active physical control or monitoring of a natural person, excluding vehicles equipped with one or more systems that enhance safety or provide driver assistance but are not capable of driving or operating the vehicle without the active physical control or monitoring of a human. For the purposes of this [definition] an “autonomous vehicle” meets the definition of levels 3, 4, or 5 of the SAE International’s *Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road*

addition, the Commission should adopt the DMV’s definition of “remote operator” set forth in Cal. Code Regs., tit. 13, § 227.02(n).¹⁹ Stakeholders deliberated on these definitions extensively during the DMV’s rulemaking process and, with the clarifications related to “remote operators” in Section V.A below, create no fundamental conflicts with Commission requirements.

V. PERMITS (QUESTION 5)

A. No New Regulatory Category

The Commission need not create an entirely new regulatory category specific to AVs before authorizing a person or entity to provide prearranged passenger transportation service using drivered or driverless AVs. As Waymo observed in Comments on Question 1,²⁰ regulating AV pilot participants as a subcategory of TCP carriers, as prescribed in the Pilots Decision, has functioned well. Rather than expending the resources to create a new category, Waymo and other industry stakeholders have suggested that the Commission simply tailor existing TCP requirements for the AV service subcategory, where necessary and logical. Specifically, the Commission should expressly clarify that driver-focused requirements in its final rules, including drug and alcohol testing under General Order (“GO”) 157-E, do not apply where no human is performing the dynamic driving task, as the Commission has already made clear for remote operators under the current driverless pilot program.²¹

B. Airport Access for Driverless AVs

The Pilots Decision²² and Section 3.02 of GO 157-E leave it to the discretion of the

Motor Vehicles, Standard J3016 (SEP2016), which is hereby incorporated by reference.”

¹⁹ The DMV defines “remote operator” as a person who “possesses the proper class of license...” and “...engages and monitors the autonomous vehicle” and “is able to communicate with occupants in the vehicle through a communication link.”

²⁰ Waymo’s Comments on Question 1, p. 3.

²¹ Pilots Decision, pp. 31 (noting that the driver-related terms and conditions of the TCP permit are applicable to “the remote operator capable of performing the dynamic driving task”); see also *Opening Comments Of Waymo LLC On The Proposed Decision Authorizing Pilot Test Programs For Autonomous Vehicle Passenger Service*, April 26, 2018 (R.12-12-011), p. 8.; Cruise Comments, p. 23.

²² Pilots Decision, pp. 36-38, 55 (CoL 10 & 11).

relevant airport authority to decide whether to allow a CPUC-permitted entity to operate AVs on airport property. In Waymo’s view, this approach continues to strike a rational balance where airport access is concerned. No more restrictive requirements or prohibitions need be imposed as part of the Commission’s AV passenger service framework.

However, Waymo does suggest that the Commission clarify the existing pilot directive that a driverless AV applicant file a plan with the Commission explaining how it will “prevent its vehicles from providing Driverless AV Passenger Service to, from or within airports.”²³ The wording of this directive concludes—we believe, unintentionally—that all airport authorities (of which there are dozens offering commercial services in California) have or will universally ban driverless AV operations. Waymo recommends that the reference to “airports” be narrowed to those “for which no operating authority has been granted by the airport involved.”

C. TNC Partnerships

Different entities with different but valid classes of permits issued by the Commission should be authorized to work in partnership to provide passenger trips.

VI. PASSENGER SAFETY IN DRIVERLESS AVs (QUESTION 6)

A. Unaccompanied Minors

Driverless AVs have the potential to enhance the safe and convenient transport of unaccompanied minors. To unlock this use case, the AV industry will need to develop service features tailored to meet the high expectations of parents and guardians for the caring transport of their minor children. Waymo suggests that it would be unrealistic and ineffective for the Commission to try to define such features at this time, given the current early stage of AV development. At the same time, the Commission should not put its AV passenger carrier

²³ Pilots Decision, pp. 36-38, 53 (CoL 8).

framework on hold to definitively resolve this issue - important as it is.²⁴

B. Fare-splitting

Please refer to Waymo's Comments on this issue in response to Question 1.²⁵

C. Basic Information for Consumers

This question²⁶ seems to contemplate a "street-hail" scenario where the rider in a driverless AV does not already have an established service relationship with the company providing the ride. But as the Commission is well-aware, AV companies operating as charter-party carriers under state regulation must—by definition—arrange transportation with riders in advance through "prearrangement." For Waymo, this means that before riders can hail an AV, they will have downloaded the Waymo app and reviewed service terms that describe the company and its services, and the rider's rights and responsibilities. In addition to providing those terms and answers to other frequently asked questions, the Waymo app gives riders prominent direction to multiple means of contacting Waymo with questions or feedback - before, during, or after a ride - by phone (via an immediate call-back), chat, or email.

Furthermore, Waymo's driverless AVs²⁷ are equipped with a two-way communication link to a "remote operator" available to provide information and support to riders taking driverless rides. Stakeholders debated whether and how AVs should incorporate this functionality in the DMV's driverless testing and deployment rulemaking, and DMV testing regulation already mandates its use.²⁸

In Waymo's view it is unnecessary and redundant of DMV regulations for the

²⁴ Waymo's service terms require riders be at least 18 years of age to book and take trips, unless accompanied by a parent, guardian or other trusted adult.

²⁵ Waymo's Comments on Question 1, p. 12.

²⁶ See Ruling at 6, subpart 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?*)

²⁷ Waymo currently offers a driverless AV passenger service in its Arizona service area.

²⁸ 13 CCR 227.38(b)(1).

Commission to order AV passenger carriers to provide certain basic information to its riders. The Commission should decline to incorporate such a requirement in its final AV passenger carrier rules.

D. Identifying Your Driverless AV

Riders need to be able to identify the driverless AV dispatched to service their trip. However, the Commission should not set specific requirements for how to ensure this happens where no human driver can be consulted, or if referring to the vehicle's individualized license plate number is not enough. Instead, AV companies should be allowed the flexibility to develop user-friendly solutions to make it easier for all riders to locate their arriving vehicles, including those who are blind or have low-vision. For example, Waymo's app includes wayfinding features, including an in-app navigation to the vehicle through Google Maps. Waymo also has developed a "honk horn" feature in the Waymo app, which sounds the hailed AV's horn upon the press of an in-app button. To be clear, we do not mention these features to suggest that the Commission should require them of all driverless AVs. The point is that the Commission should not limit the industry's imagination to anticipate or solve for complexities by imposing one-size-fits-all requirements - especially without having first given driverless AVs long-term authorization to operate such that this problem could even materialize.

Waymo also notes that there is a significant market incentive for AV companies to do this well. It wastes everyone's time—the rider's and the service provider's—if riders are not readily able to find the right vehicle.

VII. DRIVERS (QUESTION 7)

A. Remote Operators

Rather than listing all of the requirements under statute, Commission decision, rules and orders that should apply to "remote operators" of AVs used in CPUC-permitted passenger

service, the Commission should simply identify those that do not make sense to apply in the driverless AV capacity. Please see Waymo’s response to Section V.A (No New Regulatory Category) above.

B. Third Party Contractors

As part of securing a TCP permit to participate in the Commission’s AV Pilot in July of 2019, Waymo was granted an exemption from certain requirements of GO 157-E. This exemption allows Waymo to leverage the professional experience and expertise of a third-party provider in securing test operator services. Pony.ai received a similar exemption in September of last year. No such exemptions are required under the DMV’s regulations for autonomous vehicles, which apply safety criteria and training requirements to manufacturers and their third-party providers alike. The Commission should enable all AV companies to partner with third-party providers in a permanent way by amending GO 157-E to make it available to all companies seeking to provide AV passenger service under the jurisdiction of the Commission.

VIII. VEHICLES (QUESTION 8)

A. Insurance

The insurance coverage requirements for the Commission’s AV pilot programs are appropriate and should be incorporated into the Commission’s final rules authorizing AV passenger service.

B. Vehicle Inspections

Currently, Waymo performs the vehicle inspections required by D.16-04-041 in partnership with AutoNation, a nationally-known expert in automotive repair and maintenance licensed by the California Bureau of Automotive Repair. However, AV manufacturers, as defined in 13 CCR § 227.02(h),²⁹ that are TCP license holders should have the flexibility to

²⁹ DMV defines an AV “manufacturer” as “a manufacturer of autonomous technology as defined in

perform the inspections required by D.16-04-041 themselves, in accordance with the required schedule. Manufacturers are well-positioned to perform required inspections and have access to more operational safety related data than third party licensed inspectors. In addition, AV manufacturers can better protect sensitive and proprietary information by conducting inspections “in-house.”

C. De-energization Events

As the state seeks to decarbonize the transportation sector in favor of electrification, reliance on ZEV charging infrastructure will necessarily increase. At the same time, more frequent and lengthy public safety power shutoffs (“PSPS” or de-energization events) are being triggered by severe weather conditions related to climate change. For obvious reasons, the availability of a ZEV AV fleet (rather than a gas-powered one) may be disproportionately impacted by PSPSs. Of real concern to ZEV owners, including Waymo,³⁰ is having dependable access to live charging infrastructure and receiving adequate and actionable advance notice of a pending loss of power.

Waymo believes that the Commission’s open rulemaking proceeding, R.18-12-005, is the proper forum to examine issues attendant to PSPSs and appreciates the Commission’s leadership in this area.

IX. CONCLUSION

Waymo very much understands the sense of urgency to bring the full promise of AVs to bear on many of the policy challenges facing the state and the broader transportation sector. And there is a very logical appeal to the idea that the Commission can “build in” its policy

Vehicle Code section 38750 (a)(5) and includes a vehicle manufacturer as defined in Vehicle Code section 672 that produces an autonomous vehicle from raw materials or new basic components; and, a person as defined in Vehicle Code section 470 who modifies any vehicle by installing autonomous technology.”

³⁰ Waymo is currently testing our all-electric Jaguar i-Pace crossover and plans to add the EV to our service fleet later this year.

objectives from the start. But without learning from actual AV passenger service operations, it is impossible to know the role AVs will play in helping to achieve those larger objectives. Waymo encourages the Commission to establish a regulatory framework that provides the certainty required for industry and stakeholders alike to work together. Without a doubt, there will be more to do even after the Commission adopts final rules for operating as an AV passenger service carrier in this state. Waymo is willing to do the work.

For these reasons, and those set forth in Waymo's Comments on Question 1, we respectfully urge the Commission to take the following two-step approach:

- Promptly incorporate the modifications to the existing AV pilot programs that Waymo recommended in its Comments on Question 1, including, especially, to lift the prohibition on monetary compensation; and
- Move expeditiously to approve a decision adopting final passenger carrier rules, informed by additional pilot data, with a road-map for addressing the agency's broader policy goals in the future.

Waymo commends the Commission for taking intentional steps to improve the state's regulatory environment for AV passenger service and to open up the path to fared AV service, for the benefit of all Californians. We look forward to what's next.

Respectfully submitted,

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