

**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 SILICON VALLEY LEADERSHIP GROUP ON THE ADMINISTRATIVE LAW  
JUDGE'S RULING ORDERING PARTIES TO COMMENT ON QUESTIONS REGARDING THE  
COMMISSION'S REGULATION OF AUTOMATED VEHICLES**

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Dated: January 21, 2020 in San José, California

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**I. INTRODUCTION**

In accordance with Rule 6.2 of the California Public Utilities Commission (“Commission”) Rules of Practices and Procedure (“Rules”), the Silicon Valley Leadership Group (“Leadership Group”) hereby submits these comments in the above-captioned Rulemaking 12-12-011. These comments are timely filed pursuant to the extension of time granted by email ruling of Administrative Law Judge (“ALJ”) Robert Mason on January 9, 2020.

The Leadership Group was founded in 1978 by David Packard of Hewlett-Packard and represents more than 350 of Silicon Valley’s most respected employers. Leadership Group companies collectively provide nearly one of every three private sector jobs in Silicon Valley and support policies that promote innovation, stronger economic growth and improved transportation in California.

**II. COMMENTS**

The Leadership Group provides comments herein regarding the Administrative Law Judge’s Ruling Ordering Parties to Comment on Questions Regarding the Commission’s Regulation of Autonomous Vehicles (AVs). These comments urge the Commission to: (a) authorize fare AV service; (b) eliminate the prohibition on fare-splitting in driverless AVs; and (c) decline to expand existing pilot program reporting requirements to include granular trip data.

### *Path to fareless AV passenger service*

The Commission's AV Pilot decision (D.18-05-043) currently prohibits AV passenger service providers from collecting fares. This prohibition undercuts the innovation currently underway by the Autonomous Vehicle industry in California. The ability to charge a fare is critical as the industry explores different business models and seeks to understand how the public interacts with AV passenger services. Moreover, without a commercialization pathway, it is difficult for industry to confidently invest in AV passenger service in California, which may be a reason why participation in the Commission's AV pilot programs is far lower than the number of companies currently testing in the state under valid DMV permits.

As the AV industry continues to mature, it is critical that the Commission encourages a level-playing field that fosters competition. The ability to charge fares will reduce barriers of entry to the industry for companies of all sizes and create a competitive market. This will enhance users' experience, increase consumers' options, and better position them to assess the value of AV passenger service. Moreover, paid service will more closely mimic the circumstances of future service. This experience will be a more accurate gauge of consumer behavior, and help both the Commission and industry understand how to better serve users.

### *Fare-splitting*

The OPR's [\*Automated Vehicles Principles for Healthy and Sustainable Communities\*](#) identifies fare-splitting, where passengers share a vehicle for all or a portion of a trip, as an important element of its vision for deploying AVs in alignment with the public interest and established state and environmental goals. The document suggested that AVs should maximize ride-sharing by encouraging pooling, prioritizing pooled vehicles' mobility, and provide for shared-vehicle passenger safety and comfort.<sup>1</sup> Unfortunately, the Commission's AV Pilot decision (D.18-05-043) prohibits fare-splitting (or pooled service) for driverless AV passenger service. In light of the OPR's objectives for more fully integrating

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<sup>1</sup> Governor's Office of Research and Planning, *Automated Vehicles for Healthy and Sustainable Communities*. Available at: [http://opr.ca.gov/docs/20181115-California\\_Automated\\_Vehicle\\_Principles\\_for\\_Healthy\\_and\\_Sustainable\\_Communities.pdf](http://opr.ca.gov/docs/20181115-California_Automated_Vehicle_Principles_for_Healthy_and_Sustainable_Communities.pdf)

AVs into our communities, and improving the quality of life throughout the state, we request that pooled service be allowed for AV driverless services. A 2017 [report](#) from the UC Davis Institute of Transportation Studies affirmed this idea, noting that shared vehicle trips can lead to more efficient use of urban space, reduce congestion, cut energy use and emissions, and generally improve urban livability.<sup>2</sup>

### *Granular trip data*

Ordering AV pilot participants to publicly file detailed AV trip data creates a significant privacy risk. Granular data reporting requirements can lead to exposing personal trip data, and efforts to anonymize and aggregate this data have been shown to be insufficient to preserve privacy. Several peer-reviewed studies have found that anonymized and aggregated data can easily be analyzed to identify specific individuals and reveal highly sensitive data. In a foundational study on data privacy, Latanya Sweeney, a computer scientist and Professor of Government and Technology at Harvard University, found that combinations of few characteristics often combine in populations to uniquely or nearly uniquely identify individuals. Sweeney found that 87% of the U.S. population had reported characteristics that likely made them unique based only on three fields of information: zip code, gender, and date of birth. Similarly, a [study](#) by Columbia University researchers found that mobility data can be used to reveal travel patterns, which be used to identify a person's gender and ethnicity, providing a basis upon which to discriminate.<sup>3</sup> Knowledge of these risks may also discourage consumers from using AVs in order to maintain the same level of privacy afforded by personal vehicle travel. Consumers may also be deterred from reporting incidents related to AVs if they know that such reports are subject to public disclosure.

Additional privacy risks associated with granular trip data arise when we consider that local municipalities may lack established legal and regulatory protocols to protect data at all stages of its lifecycle. In its [open data privacy playbook](#) for cities, the Berkman Klein Center for Internet & Society Research Publication at Harvard University highlights that cities have traditionally focused on privacy

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<sup>2</sup> Fulton, Lew, Mason Jacob, Meroux, Dominique, *Three Revolutions in Urban Transportation*. Available at: [https://steps.ucdavis.edu/wp-content/uploads/2017/05/STEPS\\_ITDP-3R-Report-5-10-2017-2.pdf](https://steps.ucdavis.edu/wp-content/uploads/2017/05/STEPS_ITDP-3R-Report-5-10-2017-2.pdf)

<sup>3</sup> Reiderer, Chris, Zimmeck, Sebastian, Phanord, Coralie, Chaintreau, Augustin, Bellovin, Steven, "I Don't Have a Photograph, but You Can Have my Footprints" – *Revealing the Demographics of Location Data*, Proceedings of the Ninth International AAAI Conference on Web and Social Media. Available at: <http://sebastianzimmeck.de/riedererEtAlPhotograph2015ShortPaper.pdf> (2015)

only when releasing data.<sup>4</sup> This approach misses risks that occur at collection, maintenance, review, and transmission. Further, high rates of personnel turnover and regular upgrades to records management systems add to the difficulty of properly evaluating datasets for risks.

Finally, it is unclear how the requests to share specific trip data will be executed in such a way as to be compliant with the California Consumer Privacy Act (CCPA).<sup>5</sup> The CCPA explicitly lists geolocation information as personal information and affirms that “any information that can be reasonably linked, directly or indirectly, with a particular consumer” should be considered “personal information.” Releasing such information would be at odds with the spirit of the CCPA’s directives.

### III. CONCLUSION

The Leadership Group looks forward to continuing to work with the CPUC to find solutions that allow for a path to AV passenger service commercialization that includes fare collection, fare-splitting, and only reasonable, anonymized reporting requirements that minimize consumer privacy concerns.

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<sup>4</sup> Green, Ben, Gabe Cunningham, Ariel Ekblaw, Paul Kominers, Andrew Linzer, and Susan Crawford. 2017. Open Data Privacy (2017). Berkman Klein Center for Internet & Society Research Publication. Available at: <https://dash.harvard.edu/handle/1/30340010>

<sup>5</sup> Sheard, Nathan, *The Los Angeles Department of Transportation’s Ride Tracking Pilot is Out of Control*, Electronic Frontier Foundation (2019). Available at: <https://www.eff.org/deeplinks/2019/04/los-angeles-department-transportations-ride-tracking-pilot-out-control>

Respectfully submitted,

/s/

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