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R1212011

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

ASSIGNED COMMISSIONER’S RULING ON DEVELOPMENT OF NEW DATA REPORTING REQUIREMENTS FOR AUTONOMOUS VEHICLES DRIVERLESS DEPLOYMENT PROGRAM

1. Background

On May 11, 2023, the Commission’s Consumer Protection and Enforcement Division (CPED) served draft resolutions TL-19144 and TL-19145. TL-19144 approves Waymo LLC’s (Waymo) application to participate in the Commission’s autonomous vehicles (AV) Driverless Deployment program. TL-19145 approves Cruise LLC’s (Cruise) request to expand its operations under its existing Driverless Deployment authorization. The resolutions confirm that Waymo and Cruise have met the requirements of Decision (D.) 20-11-046 as modified by D.21-05-017 (Deployment Decision) and Resolution TL-19137 while also acknowledging continued and emerging challenges related to passenger and public safety and data reporting.

But the issuance of the draft resolutions does not exhaust the Commission’s regulatory oversight responsibility. The evolution of the AV industry has brought to light operational issues that demand a proactive and flexible regulatory approach that must continually evaluate and develop regulatory policy in order to ensure that AV service is safe, equitable, accessible

to the widest range of potential riders, and meets the environmental goals of the AV program.

To that end, I am concerned about incidents where AVs have blocked traffic, interfered with public transit including light rail vehicles, or impeded the activities of first responders.¹ While Waymo and Cruise have both maintained good passenger safety records, so far, in that none of these incidents have resulted in injuries, these anecdotal incidents make it imperative that the Commission put in place policies to monitor and evaluate AV operations and the appropriateness of current policy as the AV technology continues to evolve and expand. Accordingly, I issue this ruling to launch an expedited process to develop new data reporting requirements for the AV program. Following this process and adoption of new data reporting requirements, staff may also update existing quarterly data reporting templates as needed.

2. Ruling

The Deployment Decision delegated to CPED the authority to collect all information necessary to evaluate the AV programs.² Accordingly, CPED has prepared a proposal for new data reporting requirements, attached to this ruling as Attachment 1. CPED will collect feedback from parties in the form of written comments and discussion in a workshop in accordance with the schedule below.

Comments due	June 15, 2023
Workshop	June 22, 2023
Workshop comments due	June 27, 2023

¹ See, e.g., Protests of the San Francisco Municipal Transportation Agency, the San Francisco County Transportation Authority, and the Mayor's Office on Disability of Waymo LLC Tier 3 Advice Letter and Cruise LLC Tier 2 Advice Letter.

² D.20-11-046, as modified by D.21-05-017 at 75.

Parties are ordered to file written comments by [June 15, 2023]. Written comments should be filed with the Commission and served to the Rulemaking (R.) 12-12-011 Service List. Parties are encouraged to provide feedback on specific aspects of the proposal, as well as responses to the general questions below:

1. What data, if any, that is not currently being collected by CPED is needed to monitor and evaluate the impacts of AV operations in the near term, especially as it pertains to passenger and public safety?
 - a. How should CPED define specific metrics (including unplanned stops, law enforcement or first responder interactions, in-lane pickup and drop-off, other metrics included in CPED's proposal or as may be proposed by parties) for the purposes of data reporting?
2. What data, if any, is technically and operationally feasible to collect and report? What constraints, if any, are there (technical, operational, or otherwise) that might limit data collection and/or reporting for particular metrics?
3. What cadence is appropriate for data reporting?
 - a. Should certain data be submitted at different cadences (e.g., collision reports submitted on a weekly basis versus vehicle miles traveled on a monthly basis)?
4. Is it reasonable to require data collection and reporting to begin immediately upon publishing of the new data reporting requirements?
5. Should this data be shared with stakeholders? What constraints are there that might limit sharing with stakeholders?

Following the submission of written comments, CPED will host a workshop for further discussion on the proposed data reporting requirements. The workshop will be held on June 22, 2023. CPED will provide additional logistical details on the workshop via email to the R.12-12-011 service list.

Additional written comments may be submitted within five days of the workshop, no later than June 27, 2023.

IT IS RULED that:

1. Written comments shall be served by June 15, 2023.
2. Parties shall participate in a workshop which will be held on June 22, 2023.
3. Post-workshop comments shall be served by June 27, 2023.

Dated May 25, 2023, at San Francisco, California.

/s/ GENEVIEVE SHIROMA

Genevieve Shiroma
Assigned Commissioner

ATTACHMENT 1