



FILED

07/26/23

02:34 PM

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 SETTING STATUS
CONFERENCE/ALL PARTY MEETING TO ADDRESS SAFETY ISSUES
REGARDING DRIVERLESS AUTONOMOUS VEHICLE INTERACTIONS WITH
FIRST RESPONDERS**

Summary

On May 25, 2023, I issued a Ruling with a staff proposal on the Development of New Data Reporting Requirements for Autonomous Vehicles (AV) Driverless Program. In that Ruling I stated, “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 environmental goals of the AV program.” I also expressed concerns about incidents where AVs have blocked traffic, interfered with public transit including light rail vehicles, or impeded the activities of first responders. Acknowledging that permitted AVs have maintained good passenger safety records and so far, none of these incidents have resulted in injuries, I stated it is 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. Toward this effort, my Ruling scheduled a workshop which was held on June 22, 2023. This Status Conference/All Party Ruling follows that workshop towards seeking input and orders the parties in this proceeding to appear on August 7, 2023, commencing at 1:00 p.m. and concluding at 5:00 p.m. in the California Public Utilities Commission's (Commission) San Francisco auditorium, for a status conference/all party meeting. Additional instructions regarding Webex and telephonic access for the public to the status conference/all party meeting are provided below in Section 5. The status conference/all party meeting will be transcribed by a court reporter and will be recorded.

The purpose of the meeting is to hear, in person, from Cruise LLC and Waymo LLC, who currently are the only companies authorized for driverless passenger service, first responders and others employed by the City and County of San Francisco, the San Francisco Municipal Transportation Agency, and the San Francisco County Transportation Agency, as well as the California Transit Association and the Los Angeles Department of Transportation regarding (1) reports of driverless autonomous vehicles (AVs) in passenger service stopping unexpectedly and impeding San Francisco first responders from executing their duties; (2) how these interactions can be resolved expeditiously and their occurrence minimized in the future; and (3) what changes should be made to the Passenger Safety Plans required by Decision 21-05-017 revising the Commission's Decision 20-11-046, including whether a definition of "incident" is needed, so they address, in a more comprehensive fashion, how to deal with emergency and catastrophic situations involving first responders and a stalled driverless AVs. The specific questions I want the parties and first responders to address are set forth below in Section 4.

Time permitting, I will allow other parties present and members of the public to comment on the questions set forth in this Ruling and the responses provided at the status conference/all party meeting.

A quorum of Commissioners may be in attendance.

1. Background: The Commission's Authority to Regulate Driverless and Drivered AVs

Through a series of decisions, the Commission confirmed that it has the jurisdictional authority to regulate autonomous vehicles permitted by the California Department of Motor Vehicles (DMV)¹ so that they operate safely in California while providing passenger service as a permitted charter-party carrier.² Decision (D.) 18-05-043³ set out a framework and two pilot programs for

¹ Before an autonomous vehicle manufacturer can be authorized to participate in the Commission's Autonomous Vehicle Driverless Deployment program, that manufacturer must receive a DMV AV Testing Permit. (See Cal. Code Regs., tit. 13, Section 227, *et seq.*) Section 227 states:

(a) The regulations in this article implement, interpret and make specific Division 16.6 (commencing with section 38750) of the Vehicle Code, originally added by Statutes of 2012, Chapter 570 (SB 1298), providing for the regulation of autonomous vehicles operated on public roads in California.

(b) A motor vehicle shall not be operated in autonomous mode on public roads in California except as permitted under Vehicle Code section 38750 and the regulations in this article.

Autonomous vehicle manufacturers must also submit to the DMV a Law Enforcement Interaction Plan. In assessing safety, the DMV evaluates the fitness of the underlying autonomous vehicle's technology. (See Cal. Code Regs., tit. 13, Sections 227.02(b) and 227.38 (a), (b), and (c).) Thus, both the DMV and the Commission play complementary roles in ensuring that driverless autonomous vehicles operate safely on California's public roads.

² See Pub. Util. Code Sections 5352(a) ("It is the purpose of this chapter...to promote carrier and public safety through its safety enforcement regulations.") and 5382 ("[A]ll general orders, rules and regulations, applicable to the operations of carriers of passengers...shall apply to charter-party carriers of passengers.")

³ *Decision Authorizing a Pilot Test Program for Autonomous Vehicle Passenger Service with Drivers and Addressing In Part Issues Raised in the Petitions for Modification of General Motors, LLC/GM Cruise, LLC, Lyft, INC., and Raiser-CA, LLC/UATC, LLC for Purposes of a Pilot Test Program for Driverless Autonomous Vehicle Passenger Service.*

the Commission's regulation of passenger service to the public in California that AVs would provide. Two years later, D.20-11-046⁴ (which was modified by D.21-05-017)⁵ built on the Commission's earlier decision and created two new AV programs that authorized fare collection, one for drivered AVs and the other for driverless AVs. To participate in these driverless AV programs each AV company must submit a Passenger Safety Plan that outlines how each company plans to protect passenger safety for driverless operations.

2. The Cruise and Waymo Advice Letters Seeking Authorization to Provide Driverless AV Passenger Service

Both Cruise and Waymo availed of the Commission's decisions and received permits for both drivered and driverless pilot of AVs without collection of fares. Waymo and Cruise received approval to charge fares for their drivered deployment of AVs in 2022.

In accordance with the foregoing authorities, on November 5, 2021, Cruise applied to the Commission in the form of a Tier 3 Advice Letter (Cruise-0001) for a permit to participate in the Commission's Phase I Driverless AV Passenger Service Deployment program and charge fares but limited the initial deployment by geography and daily hours of operation. Cruise also submitted the requisite Passenger Safety Plan. The Commission approved Cruise's Advice letter in June 2022, for this limited deployment.

Since then, Waymo and Cruise filed their respective Advice Letters on December 12, 2022, and December 16, 2022, for deployment of driverless AVs in San Francisco at all times of day with the collection of fares. The approval

⁴ *Decision Authorizing Deployment of Drivered and Driverless Autonomous Vehicle Passenger Service.*

⁵ *Order Modifying Certain Holdings of Decision 20-11-046 and Denying Rehearing of the Decision, as Modified.*

resolutions are pending for approval on the Commission's next Voting agenda for August 10, 2023. The resolutions refer to the Commission's rulemaking process as the appropriate procedural vehicle for expanding safety data requirements. Hence, I issued a ruling with a draft staff proposal for additional data reporting on May 25, 2023, ordering Commission staff to conduct a public workshop on June 22, 2023, expressing concerns about recent safety-related incidents.

In public comments on the resolutions, the San Francisco Municipal Transportation Agency, San Francisco County Transportation Authority, and the San Francisco Planning Department argued that the current record is inadequate regarding the Passenger Safety Plans of Waymo and Cruise and presents material issues which they claim must be addressed before approval. The Los Angeles Department of Transportation argued that the Commission provide guidance and authority to local law enforcement on how to engage with AVs operating in local jurisdictions.

More recently, at the June 22, 2023, public workshop, the Los Angeles representative stated there is a disconnect between the AVs and first responders to emergencies, as its first responders do not know how to interact with the vehicles, and there is no time to call a phone number in emergency situations. The San Francisco representative echoed the same concerns.

The San Francisco Fire Chief has expressed similar concerns in television news interviews⁶, and Commissioners have received letters from union

⁶ Interview with KGO-7 broadcast on June 22, 2023. Available at: <https://abc7news.com/san-francisco-robotaxis-driverless-cars-sf-sffd-chief-self-driving-taxis-cruise-robotaxi-stuck/13415965/>

representatives for law enforcement and firefighters conveying the same concerns.

On the part of the AV companies, Waymo and Cruise both produce safety reports that detail their respective training programs with law enforcement and first responders on how to respond to a range of potential incidents involving their AVs.⁷ In its safety report, Waymo indicates it has also conducted on-site training in several cities to help police and other emergency workers identify and access their vehicles in emergency situations. Additionally, Waymo provides instructional guides, videos, and lines of communication for further engagement as identified in its safety report.⁸ Cruise additionally has a Safety Report, which details First Responder Interaction with an AV.⁹

3. Driverless AVs Stopping Unexpectedly and Impeding San Francisco First Responders

As with the transportation network companies before them,¹⁰ the safety of any new or expanded passenger service that the Commission may authorize has been at the forefront of my considerations. The Commission is responsible for carrying out its responsibilities as the regulator of Charter Party Carriers to protect passenger safety and address consumer protection issues.¹¹

Parties assert the need for the Commission to proceed cautiously and take action after assembling a comprehensive record has been underscored by the

⁷ [2021-12-waymo-safety-report.pdf \(storage.googleapis.com\)](#) at 39.

⁸ [2021-12-waymo-safety-report.pdf \(storage.googleapis.com\)](#) at 39.

⁹ [Cruise Safety Report 2022 sm-optimized.pdf \(ctfassets.net\)](#) at 7.6.

¹⁰ In Decision 13-09-045, the Commission asserted jurisdiction over Transportation Network Companies (TNCs), which includes Uber Technology, Inc. and Lyft, LLC, amongst others). Since that initial decision, the Commission has issued several decisions regulating the provision of TNC services as more information about the TNC business model became known.

¹¹ D.20-11-046 at 8-9.

recent comments¹² regarding driverless AVs making unexpected stops that may impede the ability of first responders to carry out their life-saving duties. A widely touted incident occurred on June 9, 2023, when following a mass shooting in San Francisco's Mission District, a Cruise driverless AV allegedly came to a stop on a road that first responders may have been attempting to use¹³. Since the first responders and Cruise may have differing accounts of the incident and its impact on San Francisco first responders, it is important to hear from those with first-hand accounts of such incidents, their impact on first responders, their impact on public safety, and how the AV manufacturers such as Cruise and Waymo can update their technology and Passenger Safety Plans to minimize such events from occurring in the future.

4. Questions to Address at the Status Conference/All Party Meeting

4.1. Driverless AVs Stopping Unexpectedly and First Responder Training

(Cruise, Waymo, Representatives of San Francisco First Responders including for Fire, Police, and Deputy Sheriffs, City and County of San Francisco, the San Francisco Municipal Transportation Agency, and the San Francisco County Transportation Agency, as well as the California Transit Association and the Los Angeles Department of Transportation to provide responses)

¹² See comments filed on January 23 and 25, 2023 by the City of San Francisco, California Transit Association, and the Los Angeles Department of Transportation in response to the Cruise and Waymo Advice Letters.

¹³ SFGate article on June 13, 2023. Available at: <https://www.sfgate.com/politics/article/self-driving-car-stops-at-mass-shooting-scene-18148704.php>

1. How many times has a Cruise or Waymo driverless AV come to an unexpected stop in San Francisco?
2. What were the reasons for a Cruise or Waymo driverless AV to come to an unexpected stop in San Francisco?
3. Describe how remote operators interact with AVs in emergency situations, including actions remote operators are able to use to provide navigation aid to vehicles to move vehicles to locations that do not block traffic. If remote operators do not take control of the vehicle and perform the dynamic driving task in these situations, please describe why not, including technical and liability issues associated with remote control of AVs.¹⁴
4. How many of the Cruise or Waymo driverless AV unexpected stops have impeded a San Francisco first responder from executing their duties, if any?
5. How were these unexpected stopped driverless AV situations resolved and how long did they take to be resolved?

¹⁴ Remote operator” is a natural person who: possesses the proper class of license for the type of test vehicle being operated; is not seated in the driver's seat of the vehicle; engages and monitors the autonomous vehicle; is able to communicate with occupants in the vehicle through a communication link. A remote operator may also have the ability to perform the dynamic driving task for the vehicle or cause the vehicle to achieve a minimal risk condition. **Title 13, Division 1, Chapter 1 Article 3.7 - California DMV**

6. Describe the testing protocol used by Cruise or Waymo to test that its AVs recognize an emergency situation.
7. How many times, if any, has Cruise or Waymo conducted training sessions for San Francisco first responders in dealing with unexpected stopped driverless AVs?
8. How many San Francisco first responders, if any, has Cruise or Waymo trained in dealing with unexpected stopped driverless AVs?
9. How long does each training last?
10. Does Cruise or Waymo update its training materials for first responders, and if so, how often?
11. How many training sessions, if any, does Cruise or Waymo have planned in the future?
12. How do first responders learn about the Cruise or Waymo training regarding dealing with unexpected stopped driverless AVs?

4.2. Improving Manner and Speed in Resolving Unexpected Stopped Driverless AVs

(Cruise, Waymo, Representatives of San Francisco First Responders including Fire, Police, and Deputy Sheriffs, City and County of San Francisco, the San Francisco Municipal Transportation Agency, and the San Francisco County Transportation Agency, the California Transit Association and the Los Angeles Department of Transportation, and other parties to provide responses)

1. In a circumstance where a first responder is responding to an emergency (police, fire, medical) and an AV is blocking the way, how should this situation be resolved and how quickly?

4.3. Updating Passenger Safety Plans

(Cruise, Waymo, Representatives of San Francisco First Responders including Fire, Police, and Deputy Sheriffs, City and County of San Francisco, the San Francisco Municipal Transportation Agency, and the San Francisco County Transportation Agency, the California Transit Association and

the Los Angeles Department of Transportation, and other parties to provide responses)

1. The Commission has heard from first responders that from their perspective the Passenger Safety Plans (PSPs) filed by the AV companies have gaps when dealing with emergency and catastrophic situations. For first responders, please describe specific gaps in AV companies' Passenger Safety Plans with regard to protecting passengers and the public during emergency situations.
2. How quickly do first responders need to be able to communicate with AVs in such emergency and catastrophic situations?
3. For Cruise and Waymo, please respond to the comments that we've received from first responders on this issue.
4. To the parties, please suggest solutions that can be implemented to address identified gaps in the PSPs.
5. The Los Angeles Department of Transportation has recommended in comments that AV companies in the city of Los Angeles use the Mobility Data Specification now required for scooters and soon to be required for taxi cabs to immediately communicate to AV companies real-time and fluid traffic data such as special events and road closures. Are tools like this an option for enhancing safety and improving the ability of AV passenger services to identify safety hazards to protect passengers?

5. Public Webex and Telephonic Participation Instructions

R.12-12-011 | STC | Rulemaking on Regulations Relating to Passenger Carriers

Monday, August 7 at 1:00 PM PDT

Join link: <https://cpuc.webex.com/cpuc/j.php?MTID=me2a39da6aed8cafbab44fed9bbbd1161>

Webinar password: 1765767# (from phones and video systems)

Webinar number: 2482 847 4041

Join by phone: 1-800-857-1917 United States Toll Free

Access code: 1765767#

All parties and first responder representatives who wish to speak at the Status Conference / All-Party Meeting should send an RSVP to Commissioner Genevieve Shiroma's office by emailing Jack Chang at Jack.Chang@cpuc.ca.gov with the name of the party or representative speaking along with a contact phone number and email address. RSVPs must be received by 5:00 pm on July 31, 2023.

If reasonable modification or accommodations are needed to attend, including from individuals with disabilities or who require non-English or sign language interpreters, please contact the CPUC's Public Advisor's Office at public.advisor@cpuc.ca.gov or toll-free at 866-849-8390 at least five business days in advance of the event.

IT IS RULED that:

1. A Status Conference/All Party Meeting will be held in person on August 7, 2023, commencing at 1:00 p.m. and concluding at 5:00 p.m., at 505 Van Ness Avenue in the Commission's San Francisco auditorium.

Dated July 26, 2023, at San Francisco, California.

/s/ GENEVIEVE SHIROMA

Genevieve Shiroma
Assigned Commissioner