

BEFORE THE PUBLIC UTILITIES COMMISSION OF  
THE STATE OF CALIFORNIA



**FILED**

12/01/23

10:16 AM

R1212011

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

Rulemaking 12-12-011

**DECLARATION OF ASHLYN KONG  
IN SUPPORT OF ORDER TO SHOW CAUSE**

I, Ashlyn Kong, declare that the following is true and correct to the best of my knowledge and belief:

1. I am a senior analyst in the California Public Utilities Commission's (Commission) Consumer Protection and Enforcement Division (CPED), Transportation Licensing and Analysis Branch (TLAB). All the facts stated herein are within my personal knowledge and if called as a witness, I could and would testify competently thereto.

2. I have been in my current position since May 25, 2023. As a senior analyst in CPED, I work on a variety of transportation programs, including the Commission's autonomous vehicle (AV) passenger programs. I have been the lead analyst responsible for advising and implementing the Commission's AV programs since December 1, 2021.

3. In my role as lead AV program analyst, I am in regular contact with representatives from Commission-regulated AV companies and the California Department of Motor Vehicles (DMV).

4. On October 3, 2023, I received a phone call from Jose Alvarado, Cruise's Senior Manager of Government Affairs. Mr. Alvarado called to inform me of a collision that occurred the night before involving a Cruise AV and a pedestrian.

5. I was aware of the October 2, 2023, incident at the time based upon news articles from the San Francisco Chronicle and other news outlets.

6. On October 3, 2023, Mr. Alvarado verbally relayed that following the collision, the Cruise vehicle immediately stopped and contacted remote assistance.

7. On October 3, 2023, Mr. Alvarado did not disclose that the vehicle attempted a “pull over” maneuver and drove an additional twenty (20) feet at seven (7) m.p.h. with the pedestrian beneath it.

8. On October 3, 2023, Mr. Alvarado did not show, or offer to share any video footage of the collision.

9. During an October 11, 2023, meeting between TLAB and the DMV’s Autonomous Vehicles Branch at which I was present, DMV staff said that they were seeking a longer version of the video than what Cruise had shared with DMV to that point.

10. During an October 18, 2023, meeting between TLAB and Cruise at which I was present, I asked whether there were additional relevant information to the October 2, 2023 incident. Mr. Alvarado said that Cruise would be providing a video of the October 2 incident to TEB as part of its data request response.

11. On October 18, 2023, Mr. Alvarado did not disclose that the vehicle attempted a “pull over” maneuver and drove an additional twenty (20) feet at seven (7) m.p.h. with the pedestrian beneath it.

12. On October 18, 2023, Mr. Alvarado did not show, or offer to share any video footage of the collision.

13. On October 24, 2023, the day that DMV announced its suspension of certain of Cruise’s AV operations in California, Cruise announced in a blog post (<https://getcruise.com/news/blog/2023/a-detailed-review-of-the-recent-sf-hit-and-run-incident/>) and on x.com (<https://twitter.com/Cruise/status/1716877225046520170>) that it “proactively” shared information with the Commission “including the full video.” As set forth above, that statement was inaccurate. The full video was shared only in response to a data request more than two weeks after the incident. Attached hereto as **Exhibit A** is a true and correct copy of that blog post and screenshot of the x.com post that I obtained by viewing them online.

I declare under penalty of perjury that the above information is true and correct to the best of my knowledge.

Executed on this 8<sup>th</sup> day of November 2023, at San Francisco, California.

/s/ Ashlyn Kong  
Ashlyn Kong  
Public Utilities Regulatory Analyst V

## EXHIBIT A

<https://getcruise.com/news/blog/2023/a-detailed-review-of-the-recent-sf-hit-and-run-incident/>

(Accessed 11/7/23)

Blog Post

10.24.2023

# A detailed review of the recent SF hit-and-run incident

Earlier this month, one of our AVs was involved in a horrible hit-and-run incident in which a human driver collided with a pedestrian crossing the street in San Francisco. This then launched the pedestrian directly in front of our AV. First and foremost, our thoughts are with the individual, and we are hoping for their complete recovery. We also assisted the police with identifying the vehicle of the hit and run driver.

Ultimately, safety is at the core of everything we do at Cruise — we want to drastically reduce the number of people injured and killed each year on our roadways. It's with that mindset that we analyze incidents so we can identify opportunities to further enhance safety.

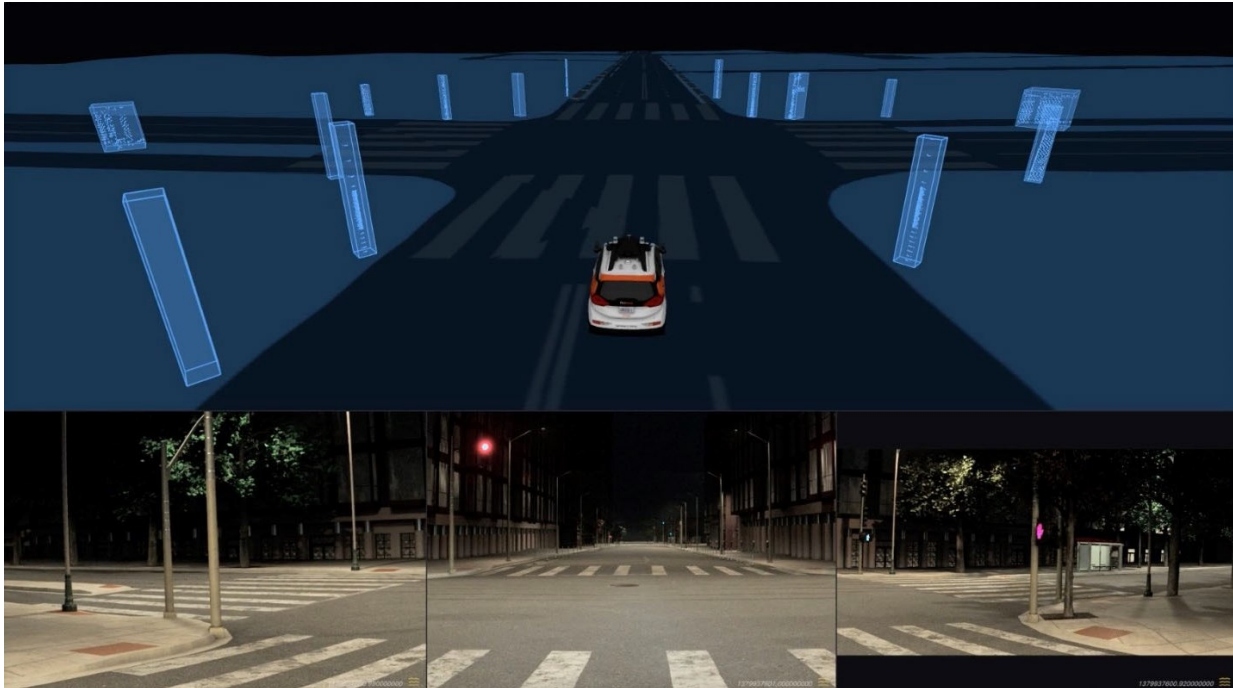
The incident occurred on October 2, 2023 at 9:29 PM PDT in San Francisco. A Cruise AV named Panini, operating in driverless autonomous mode, was at a complete stop at a red light. A dark colored Nissan Sentra was stopped in the adjacent lane to the left of the AV. When the light turned green, the Nissan Sentra and the AV entered the intersection. Against a red light, a pedestrian entered the crosswalk on the opposite side of Market Street across from the vehicles, passed completely through the AV's lane of travel, then stopped mid-crosswalk in front of the Nissan Sentra. The Nissan Sentra then tragically struck and propelled the pedestrian into the path of the AV. The AV biased rightward before braking aggressively, but still made contact with the pedestrian. The AV detected a collision, bringing the vehicle to a stop; then attempted to pull over to avoid causing further road safety issues, pulling the individual forward approximately 20 feet. The driver of the Nissan Sentra fled the scene after the collision. Shortly after the incident, our team proactively shared information with the California Department of Motor Vehicles (DMV), California Public Utilities Commission (CPUC), and National Highway Traffic Safety Administration (NHTSA), including the full video, and have stayed in close contact with regulators to answer their questions.

Currently, the human driver responsible for the incident is still at large and we shared details with the San Francisco police and fire departments, as this was an 'in progress' crime by a hit-and-run human driver against another road user.

As part of our safety review process after an incident, we perform simulations to continue to test our AV behavior compared to human drivers. In this case, the simulations performed afterward

showed that had it been a Cruise AV rather than the human driver, the AV would have detected and avoided the pedestrian, and the pedestrian could have continued on their way. We wish this had been the case. We also found that in the real-world scenario, the AV responded to the individual deflected in its path within 460 milliseconds, faster than most human drivers, and braked aggressively to minimize the impact.

## Cruise simulation



Cruise simulation

Pedestrians and drivers in the real world do not always behave in an expected or predictable manner, for various reasons that can include pedestrians who are confused, inebriated, distracted, or hostile. Cruise's suite of simulation tests covers variations in pedestrian behavior and physical characteristics such as the pedestrian's size, speed of movement, and position, including lying in various positions on the ground. To train and develop the AV systems and response to incidents, Cruise leverages on-road data as well as relevant scenarios defined by US National Highway Traffic Safety Administration's New Car Assessment Program (NCAP), the European New Car Assessment Programme (EuroNCAP), and Insurance Institute for Highway Safety (IIHS) tests to validate system performance for collision imminent scenarios. These regulatory and industry bodies did not include this exceedingly rare event in their scenarios nor had Cruise experienced this confluence of factors in the millions of miles of driving and simulations.

After a collision, Cruise AVs are designed to perform a maneuver to minimize the safety risks to the extent possible within the driving context. This is called achieving a minimal risk condition, and it's required under California regulations and encouraged under Federal AV guidance. The specific maneuver, such as coming to an immediate stop, pulling over out of lane of travel, or

pulling out of traffic after exiting an intersection, is highly dependent on the driving context as well as the Cruise AV's driving capabilities in the moment.

This incident will be included in future suites of simulation tests to allow the vehicle to better determine if it should pull over safely or stay in place, and to validate that the AV's behavior remains safe and reasonable. We aim to continuously learn and improve AV behavior, and in developing new simulation tests and rare scenarios, we can assess multiple variations of this type of incident and increase the robustness of the AV's response.

Safety is fundamental to our mission to save lives — it's at the core of everything we do. We are devastated by what happened to the victim, and are committed, as always, to continuously improving our safety — including in response to extremely rare scenarios such as this. Our teams are currently doing an analysis to identify potential enhancements to the AV's response to rare circumstances like this one. With over 5 million miles of driving, our safety record shows that our AVs are [safer than a human benchmark](#) in dense, urban environments — but our safety work is never done, and we remain deeply committed to continuously improving our safety performance on a daily basis.

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<https://twitter.com/Cruise/status/1716877225046520170> (Accessed 11/7/23)

