BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

FILED
01/30/26
04:59 PM
R2508013

Order Instituting Rulemaking to Establish Policies, Processes, and Rules Regarding Autonomous Vehicle Passenger Transportation Service	Rulemaking 25-08-013 (Filed August 28, 2025)

COMMENTS OF TESLA, INC. ON THE EMAIL RULING PROVIDING PREHEARING CONFERENCE QUESTIONS FOR PARTIES

Dzuy Cao
Sr. Technical Program Manager, Tesla AI
Tesla, Inc.
3000 Hanover Street
Palo Alto, CA 94204
Tel.: (619) 341-3832
Teslaridehailing@tesla.com

Date: January 30, 2026

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COMMENTS OF TESLA, INC. ON THE EMAIL RULING PROVIDING PREHEARING CONFERENCE QUESTIONS FOR PARTIES

Tesla, Inc. ("Tesla") respectfully submits the following Comments in response to the "Email Ruling Providing Prehearing Conference Questions for Parties" dated January 6, 2026, and in accordance with California Public Utilities Commission ("Commission" or "CPUC") Administrative Law Judge Mason's January 12, 2026, email ruling regarding party responses to questions.

I. COMMENTS

1. Safety and Reliability Concerns

- *Did any other AV companies experience similar vehicle stoppages [during the recent December 20, 2025, power failures in San Francisco]?*

Tesla does not currently possess the requisite permits to operate autonomous rideshare vehicles in California. Pursuant to Tesla's transportation charter-party carrier (TCP) permit, all rides are conducted with a safety driver in the driver's seat using Tesla's SAE Level 2 Advanced Driver Assistance System (ADAS), Full Self-Driving (Supervised).

None of Tesla's ADAS-equipped TCP vehicles were impacted by the December 20, 2025, power outage. All of Tesla's TCP rides that day were completed successfully and without interruption. Tesla attributes this to the fact that our Level 2 ADAS is exhaustively trained on how to appropriately respond to these types of real-world driving scenarios. In the specific case of a power outage, FSD (Supervised) is designed to treat non-functioning traffic control devices as four-way stops. Importantly, because these vehicles operate at Level 2, the TCP driver could

override or disengage FSD (Supervised) at any time as a result of any undesirable behavior during the power outage to complete the trip.

- *If an AV or a drivered vehicle offering an AV/driverless feature (such as Tesla) is involved in a vehicular incident, are there clear written, visual, and/or audible instructions for exiting the vehicle?*

All of Tesla's current TCP vehicles in California operate at SAE Level 2, which requires that a human is present in the driver's seat and prepared to take control of the vehicle at all times. In the event of a detected vehicular incident, two-way communication is automatically initiated with Tesla's remote assistance team, who can provide the passenger with verbal instructions on exiting the vehicle. The driver would be able to provide the same instructions, and if the driver was incapacitated or otherwise unable to communicate with the passenger, the vehicle has the capability to display visual egress information on the User Interface (UI). Finally, the passenger could contact Tesla's remote customer support by selecting the "Support" button in the UI or Tesla's rideshare mobile application to obtain exit assistance.

- *How is the remote customer support accessed?*

Tesla's remote customer support is automatically triggered upon detection of a safety-critical incident. The passenger can also proactively request remote customer support through the vehicle UI or Tesla's rideshare mobile application.

3. ODD Disclosure

- *The Commission currently requires public disclosure of operational design domains (ODDs) for entities applying for and operating in the Deployment program. Should the Commission extend that requirement to entities applying for and operating in the Pilot program, and if so, should public disclosure also be required for subsequent ODD modifications?*

As indicated in Tesla's Opening Comments,[1] an AV carrier's ODD may contain sensitive trade secret information and proprietary data, such as details revealing how the AV will react when it exits its ODD or confronts edge cases and how it will achieve a minimal risk condition. While Tesla is committed to transparency and ensuring public trust in its service, that objective must be appropriately balanced against a carrier's need to protect its confidential business information. Mandating blanket public disclosure of ODDs for both the Pilot and Deployment programs would upset this balance by providing a carrier's competitors with unique insight into critical engineering and business strategies relating to the carrier's AV testing that may not otherwise be available to the public or other market participants, which may result in a chilling effect on carrier's participation in the California market.

Moreover, Tesla believes it is unnecessary for the Commission to require public disclosure of both pilot and deployment ODDs, as the DMV already maintains a description of the ODDs on its website for each AV company permitted to operate in California under its Drivered Testing, Driverless Testing, and Deployment permit categories.[2]

4. Purpose-Built AVs

- *Should the Commission clarify that carriers must submit an updated passenger notice and consent plan (as described in D.18-05-043 Ordering Paragraphs 5 and 7, D.20-11-046 as modified by D.21-05-017 Ordering Paragraphs 5(i) and 7(h)) to CPUC staff prior to operating a purpose-built vehicle in passenger service?*

As indicated in Tesla's Opening Comments,[3] we support carriers providing customers with advance notice that a purpose-built AV may be used to provide passenger service. However, we believe the decision to obtain a passenger's affirmative consent to ride in a purpose-built AV

[1] Tesla Opening Comments, p. 17.
[2] *See* Autonomous Vehicle Permit Holders, *available at* https://www.dmv.ca.gov/portal/vehicle-industry-services/autonomous-vehicles/autonomous-vehicle-testing-permit-holders/

[3] Tesla Opening Comments, p. 15.

should be left to the carrier's discretion, as there may be legitimate legal, business, and/or practical reasons why a carrier may decide against pursuing consent. For example, requiring consent could be deemed unnecessary given the customer's proactive use of the service; create confusion as to liability; be difficult to obtain from a passenger with a disability or whose first language is not English; or delay the start of a time-sensitive trip.

- *What risks are unique to passenger service in purpose-built AVs vs. AVs using a more traditional form factor? How should the Commission evaluate if a carrier's protocols and procedures adequately mitigate those risks?*

Unlike AVs "using a more traditional form factor," purpose-built AVs are designed to operate without a human driver and may not be equipped with certain manually-operated driving controls. With that said, purpose-built AVs can be engineered to the same or a higher level of passenger safety compared to standard passenger vehicles today, inclusive of safety protocols related to rider interactions. In the future, Tesla expects its purpose-built AV to decrease risks to passengers and the traveling public in line with its record of reducing vehicle collisions in existing customer vehicles.

6. Airports

- *What passenger service risks are unique to operations at airports? How should the Commission evaluate if a carrier's protocols and procedures adequately mitigate those risks?*

Because the individual airports control the infrastructure within which AVs and TCPs/TNCs operate, they are best positioned to identify the unique passenger service risks presented by their operations. Given their firsthand and continuous visibility into these risks, Tesla believes the airports are optimally equipped to evaluate a carrier's protocols against operational reality and ensure risks are adequately mitigated. This approach grants appropriate deference to airport authorities in determining the means of transportation that will best serve their visitors. Therefore, Tesla believes it is neither appropriate nor necessary for the Commission to participate in an airport's risk assessment process.

8. Use of Advanced Driver Assistance Systems or "Level 2" by Regulated Carriers

- *What information should carriers be required to present to passengers when providing notice of the use of Level 2 Advanced Driver Assistance Systems (ADAS) features in passenger service and when soliciting passenger consent on the use of those features? When and how should the information be conveyed to passengers to ensure their awareness?*

As Tesla indicated in its Opening Comments,[4] Tesla supports requiring carriers to provide customers with advance notice that a Level 2 technology may be utilized during a passenger ride. When California customers sign up for Tesla's rideshare mobile application, they must consent to Tesla's rideshare Terms of Service prior to arranging a ride and are expressly alerted that their ride will be conducted using Tesla's Level 2 ADAS, FSD (Supervised).

If a customer requests that the vehicle be driven manually at the start of a ride, the driver should respect that request. In the absence of such a request, however, drivers or carriers should not be required to obtain or reaffirm affirmative consent from a passenger prior to engaging a Level 2 feature. This would be antithetical to the functionality of a Level 2 ADAS, which under the SAE taxonomy, places the decision to engage the system within the exclusive province of the driver.

- *What requirements should the Commission put in place to ensure consumers appropriately understand the distinction between a service using Level 2 ADAS and autonomous vehicle service?*

As Tesla indicated in its Reply Comments,[5] ADAS-equipped vehicles are wholly distinct from autonomous vehicles because a human is required to be present in the driver's seat and prepared to take control of the vehicle at all times. Tesla believes CPUC's separate frameworks governing TCP/TNCs vs. autonomous passenger service make that distinction sufficiently clear to consumers. Accordingly, no additional requirements from the Commission are necessary, and indeed, would exceed the scope of the Commission's AV regulatory jurisdiction.

[4] *Id*. at 7.
[5] Tesla Reply Comments at p. 4.

- *What requirements, if any, should the Commission set regarding service names and marketing terms, such as "robotaxi," "self-driving," or other similar terms to avoid misleading passengers?*

To reiterate our Reply Comments,[6] comprehensive enforcement mechanisms are already in place within the State to adequately protect passengers against false or misleading marketing by carriers. For example, the DMV has a regulation[7] governing statements about autonomous technology and also administers a section of the California Vehicle Code that prohibits making false or misleading statements in vehicle advertisements.[8] The DMV is empowered to bring an enforcement action for any violation of these laws. More broadly, the California Civil Code prohibits "[r]epresenting that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have,"[9] and the California Business and Professions Code makes it unlawful for any entity, with the direct or indirect intent to perform services, to disseminate before the public any statement that is untrue or misleading.[10] Violations of these provisions may result in civil and/or criminal penalties.[11]

As these laws demonstrate, the State's existing statutory framework adequately protects California consumers against false or deceptive advertising by TNCs and TCPs operating Level 2 ADAS-equipped vehicles. Therefore, any requirements issued by the Commission governing service names and marketing terms, such as 'robotaxi,' 'self-driving,' or other similar terms, would be redundant, and further, would exceed the scope of the Commission's AV regulatory jurisdiction.

9. Unaccompanied Minors in AVs

[6] *Id*. at. pp. 3-4.
[7] 13 CCR § 228.28.
[8] Cal. Veh. Code § 11713.
[9] Cal. Civ. Code § 1770(a)(5).
[10] Cal. Bus. and Prof. Code § 17500.
[11] A violation of § 17500 is a misdemeanor, punishable by up to six months in jail and/or by a fine of up to $2,500.00. A violation of § 1770 can be brought as an individual or class action and make the following relief available: actual damages (no less than a total of $1,000 if a class action); injunctive relief; restitution; punitive damages; and attorney fees. *See* Cal. Civ. Code § 1780(a) and (e).

- *What risks are unique to passenger service involving unaccompanied minors in autonomous vehicles? How should the Commission evaluate if a carrier's protocols and procedures adequately mitigate those risks?*
- *Should the Commission require carriers to submit an outline of their training program for staff interacting with minors?*
- *Should the Commission require background checks for carrier personnel who may interact with a minor in person? (e.g., field support/recovery staff)*
- *Should the Commission set an age limit for minors that may travel unaccompanied in an AV?*

As Tesla indicated in its Opening Comments,[12] we appreciate the importance of – and the CPUC's commitment to – ensuring the safety of unaccompanied minors in AVs. Tesla acknowledges that younger minors may lack the necessary cognitive and emotional capacity to properly engage with an AV. For example, these younger minors may fail to remain seated and appropriately secured at all times, safely enter/exit the vehicle, or follow remote instructions and clearly communicate in emergency situations or edge cases.

With that said, Tesla believes certain older minors should be permitted to ride alone in AVs and is supportive of mandatory safeguards that are reasonably tailored to achieve that goal, including a minimum age requirement, remote tracking capability for parents and guardians, and background checks and specialized training for carrier personnel interacting with minors. In establishing an age threshold, Tesla would encourage the Commission to consider a tiered approach that relaxes certain restrictions as a minor matures. This approach should consider how other transportation modes handle unaccompanied minors, balance safety with innovation, and afford parents and guardians the flexibility to make individualized judgments regarding their minor's readiness to travel alone in an AV.

11. Customer Support in Driverless Vehicles

[12] Tesla Opening Comments, pp. 10-11.

- *What topics related to customer support in driverless AVs should carriers address in their PSPs? (e.g., delineation of roles/responsibilities for various remote support roles, escalation criteria and procedures for emergencies, etc.)*

As Tesla explained in its Opening Comments,[13] no expansions or additions to the PSP requirements are necessary. Pursuant to CPUC Decision 20-11-046 as modified by Decision 21-05-017, the existing PSP requirements mandate that carriers provide information on the role and capabilities of remote customer support agents, including their interactions with other internal support personnel and passengers during driverless rides. Specifically, a PSP must currently set forth how the carrier will (1) minimize safety risks to passengers traveling in a ride operated without a driver in the vehicle and (2) enable passengers to contact the AV service provider during the ride and ensure the passengers receive a timely and complete response. These prompts provide the carrier with adequate opportunity to explain how remote customer support agents fit within the carrier's broader operational infrastructure, the agents' responsibilities during the lifecycle of a passenger ride, and the specific actions agents will take if confronted with an emergency. If the Commission desires additional information from a carrier on this topic, it can issue a request to the carrier pursuant to existing authority.

Moreover, the DMV regulations already require that vehicles operating under a Driverless AV Tester (AVT) Permit be equipped with "a communication link between the vehicle and the remote operator to provide information on the vehicle's location and status and allow two-way communication between the remote operator and any passengers if the vehicle experiences any failures that would endanger the safety of the vehicle's passengers or other road users, or otherwise prevent the vehicle from functioning as intended, while operating without a driver."[14] Under the DMV definition, "remote operators" *may* – but are not required to – have the ability to perform the dynamic driving task, so could include the type of "remote assistants" discussed in the OIR.[15] Further, the DMV requires Driverless AVT permit applicants to certify that they will

[13] *Id*. at pp. 11-12.

[14] 13 CCR § 227.38(b)(1).
[15] *Id*. at § 227.02(n).

"continuously monitor the status of the vehicle and the two-way communication link while the autonomous test vehicle is being operated without a driver;" describe "how the manufacturer will monitor the communication link;" and explain "how all of the vehicles tested by the manufacturer will be monitored.[16] For these reasons, Tesla believes an expansion of the PSP requirements to encompass remote customer support is duplicative of current DMV regulations.

- *If the Commission were to create a standard for customer support response time, what is a reasonable response time for a customer support agent to connect with a passenger in an active ride? Should there be a different standard for emergency situations?*
- *Should carriers be required to report a "time to customer support agent" metric to the Commission, and if not, what alternative oversight mechanism should apply?*

To reiterate our Opening Comments, response times for remote agents will be system and carrier specific and depend on a number of factors that cannot be appropriately standardized into a regulation. Accordingly, the carrier is best positioned to determine the optimal response times for the scale of its planned operation.

- *What accessibility requirements should apply to customer support channels (e.g., multi-language, voice and text, etc.)?*

In providing remote customer support, carriers must comply with the Americans with Disabilities Act and applicable state accessibility laws. Beyond that, carriers should strive to incorporate best practices that will ensure their service is inclusive of the broadest population of customers. Tesla believes these practices should be left to the discretion of the carrier based on their specific business model and technology.

II. CONCLUSION

[16] *Id*. at § 227.38(b)(1)(A)-(C).

Tesla appreciates the opportunity to submit responses to the Commission's questions, and we look forward to continued engagement as we work toward a common vision for the safe and responsible advancement of AV technology in passenger transportation service.

Respectfully submitted on this 30th day of January 2026.

/s/ Dzuy Cao
Dzuy Cao
Sr. Technical Program Manager, Tesla AI
Tesla, Inc.
3000 Hanover Street
Palo Alto, CA 94204
Tel.: (619) 341-3832
Email: teslaridehailing@tesla.com