

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**



**FILED**

02/13/26

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)

**REPLY COMMENTS OF THE SAN FRANCISCO TAXI WORKERS ALLIANCE  
ON EMAIL RULING PROVIDING QUESTIONS FOR PREHEARING CONFERENCE**

February 13, 2026

Mark Gruberg  
Executive Board Member  
San Francisco Taxi Workers Alliance  
1415 Palou Avenue  
San Francisco, CA 94124  
Tel: 415-534-5221  
Email: [mark1106@att.net](mailto:mark1106@att.net)

The San Francisco Taxi Workers Alliance (SFTWA) submits these Reply Comments on Email Ruling Providing Questions for Prehearing Conference.

**I. Introduction**

At the January 9, 2026 Prehearing Conference SFTWA responded to the questions provided in Administrative Law Judge Robert Mason’s Email Ruling and posed at the Conference. We thought it unnecessary to repeat those points in response to ALJ Mason’s request for written comments as they are contained in the transcript and part of the record. We submit these Reply Comments in response to other parties’ Opening Comments.

**II. Waymo’s Comments on power outage questions fall short.**

At the Conference, Waymo, asserting dubious claims of confidentiality, refused to provide information on the number of its vehicles that ceased functioning during the power outage of last December 20, blocking roads and intersections and in some instances impeding first responders.<sup>1</sup> In its Opening Comments, Waymo repeated the claim of confidentiality, but said it was "electing to voluntarily disclose" certain information.<sup>2</sup> That disclosure was woefully inadequate. Waymo states:

At approximately 5 PM on December 20th, the volume of confirmation requests began to markedly exceed typical request volume, resulting in RA [Remote Assistance] response times that were longer than typical. In a subset of cases, Waymo AVs waiting on confirmation from RA remained stationary at intersections with darkened traffic signals. This contributed to congestion on already-disorderly streets.<sup>3</sup>

---

<sup>1</sup> Prehearing Conference Transcript at 16.

<sup>2</sup> Response of Waymo LLC, 1/30/26 at 3, f/n 2.

<sup>3</sup> *Id.* at 2.

Undisclosed are (1) the number of confirmation requests, (2) the “longer than typical” response times, and (3) the number of vehicles in the “subset of cases” stalled at intersections.

It’s also instructive to learn that Waymo confined its disclosure of “stoppage events” to those that lasted 120 seconds or more<sup>4</sup> -- in line with the definition in D.24-11-002, but hardly adequate to describe the actual impact of a massive number of such events. Stalls of much shorter length can create major backups and contribute to accidents, especially when traffic lights are not functioning and drivers are uncertain of how to proceed through intersections. Waymo states that over 96 percent of the 1,593 stops of two minutes or more were resolved remotely -- which indicates that in some 60 or so instances, humans had to be dispatched to move the vehicles. How long did that take? How long was the average stoppage, and how long the lengthiest? Waymo doesn't say.

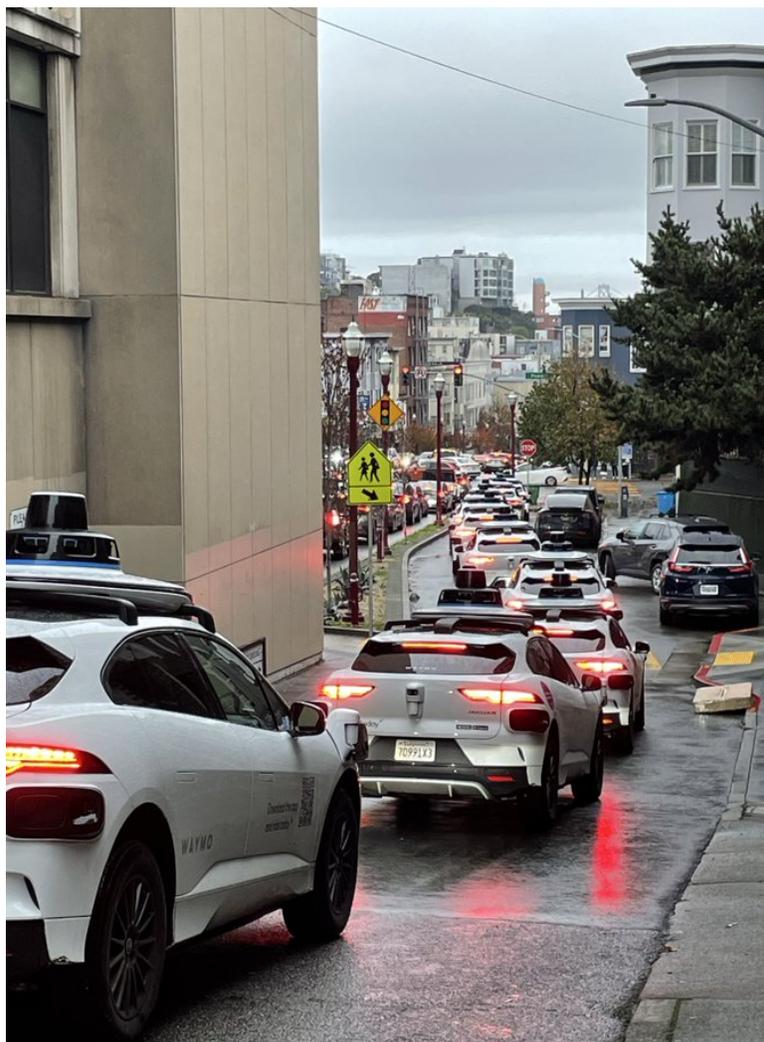
Waymo’s failures on December 20 apparently were not limited to freezing in place. Some of its vehicles were seen driving through intersections with lights out without stopping. According to a report in SfiST, “Commenters in the Waymo subreddit thread had a variety of observations from the meltdown, including seeing many near-misses with human drivers.”<sup>5</sup> An observer quoted in the same article said, “They’re running through intersections constantly right now. Or bricking in the middle. Either way hope nothing bad happens!”<sup>6</sup>

---

<sup>4</sup> *Id.* at 3.

<sup>5</sup> “Waymos Freeze in Place, Snarl Traffic En Masse During Saturday’s Citywide Power Outage,” SFiST, 12/21/25; <https://sfist.com/2025/12/21/waymos-freeze-in-place-snarl-traffic-en-masse-during-saturdays-citywide-power-outage/>.

<sup>6</sup> *Id.*



The above photo from December 20 shows a lineup of at least 10 Waymo vehicles approaching Broadway and Powell in North Beach.<sup>7</sup> The traffic to the left is emerging from the Broadway Tunnel. The portion of Broadway to the right of the tunnel is controlled by a stop sign, not a traffic light. The intersection is heavily congested, but doesn't explain how so many Waymo vehicles could accumulate on this one street. In the experience of the author of these comments, a San Francisco taxi driver, Waymo vehicles will sometimes refuse to enter

---

<sup>7</sup> *Id.* Photo: @AnnTrades on X.

a congested intersection even when conditions allow it. The author once got stuck for many minutes behind five Waymos in a South-of-Market alley, when the first in line balked unnecessarily at making a turn.

What happened on December 20 may be a prelude for much worse to come. As SFTWA commented at the Prehearing Conference, “Imagine if we had a major earthquake in San Francisco and streets were disrupted, power lines were disrupted, gas line[s], water mains, any imaginable type of disruption that might take place under those circumstances and how these vehicles would react to that.”<sup>8</sup> Waymo's attempts to minimize the impact of its failures on December 20, and its refusal to be more forthcoming about what happened that day, do not bode well for some future disaster when the breakdowns that then took place could have much wider and more dire consequences.

This is not just about one company. Zoox and Tesla intend to start commercial service in the near future, and some 30 other companies have AV testing permits from the DMV. Waymo had 829 vehicles on the street at one time or another during the power outage. As the company continues to grow, and others enter the field, those numbers are likely to expand into the thousands and tens of thousands in San Francisco alone, following in the footsteps of Uber and Lyft. It's sobering to imagine how a major disaster might play out under these conditions -- especially after the next generation of purpose-built AVs, without human driver controls, takes to the streets. The Opening Comments of San Francisco Municipal Transportation Agency (SFMTA) state:

Vehicles that cannot be moved by police or fire fighters without towing have the potential to have much greater impacts on the transportation network, on life safety, and on other public services. These impacts may be especially acute during a large-scale performance failures, *[sic]* such as the one that occurred during the December blackout, or in the event of a natural disaster that has

---

<sup>8</sup> Prehearing Conference Transcript at 28.

more profound effects on the road network, such as an earthquake or very severe weather event.<sup>9</sup>

SFTWA concurs with that statement and agrees with the San Francisco County Transportation Authority (SFCTA) that “(i)t is critical that the Commission develop detailed requirements for AV providers’ disaster response and resilience plans and consider adopting mandatory adjustments of permitted AV operations during high-risk events.”<sup>10</sup> But beyond that, because the current technology is not up to the task of dealing with disasters like massive power outages and earthquakes and is likely to remain so for some time to come, the prudent course would be to limit the allowable numbers of these vehicles for the foreseeable future. At the very least, the Commission should hold an evidentiary hearing on this subject, as SEIU has proposed.<sup>11</sup>

### **III. The Commission must consider the economic impacts of its decisions.**

The Commission’s website states that it is dedicated to “promoting the health of California’s economy.” Hundreds of thousands of drivers work in passenger transportation. Besides the devastating impact on affected workers and their families, major job losses resulting from AV operations would deal a powerful blow to the state’s economy.<sup>12</sup> SFTWA agrees wholeheartedly with SEIU Locals 521, 721 and 1021 (“SEIU Locals”), whose Opening Comments state: “SEIU Locals ask that the Commission expand its scope to consider the impacts of driverless Autonomous Vehicles (“AV”) deployment on the displacement of the human driver workforce, and to use the proceeding to explore policies to mitigate the impacts

---

<sup>9</sup> Opening Comments of SFMTA, 1/30/26 at 1.SFMTA

<sup>10</sup> Opening Comments of SFCTA, 1/30/26 at 3.

<sup>11</sup> SEIU Opening Comments, 1/30/25 at 4-5.

<sup>12</sup> <https://www.cpuc.ca.gov/about-cpuc>.

driverless AV will have on worker/Transportation Network Companies (“TNC”) drivers.”<sup>13</sup> We would add taxi, limousine, shuttle and bus drivers, all of them in the crosshairs of AV operations.<sup>14</sup> SFTWA has proposed an Economic Impact Mitigation Fund to allay some of the economic impacts of AV deployment. SEIU Locals ask the Commission “to explore policies like phased deployment or fleet caps, workforce transition programs, and other mitigation options,”<sup>15</sup> and call for an evidentiary hearing on economic and worker displacement impacts of AV deployment.<sup>16</sup> That is a good place to start.

#### **IV. Airports require a heightened standard for public protection.**

By any measure, airports present safety challenges. Airport roadways are famously congested. Lane configurations can be confusing. Accessing curb space can be challenging. Cars double- and sometimes triple-park. Pedestrians constantly cross unsignalized traffic lanes. AVs won’t do well in this environment. Airports are also tempting targets for people with ill intentions. So it is concerning to say, as Zoox does, “(t)he passenger safety risks and mitigations discussed in a carrier’s PSP regarding airport operations do not warrant a heightened standard,”<sup>17</sup> Waymo and Tesla agree with Zoox that airports alone should determine the conditions for AV operations.<sup>18</sup>

SFTWA agrees with the Los Angeles Department of Transportation’s comments on the subject:

Considering the technology is nascent, some potential risks that the City of Los Angeles is concerned about AV passenger service at airports include AVs in mixed traffic with unpredictable behavior by human driven vehicles, liability

---

<sup>13</sup> Opening Comments of SEIU Locals, 1/30/26 at 3.

<sup>14</sup> See Opening comments of SFTWA on OIR, 10/31/25 at 4.

<sup>15</sup> Opening comments of SEIU, 1/30/26 at 3.

<sup>16</sup> *Id.* at 4.

<sup>17</sup> Opening Comments of Zoox, Inc., 1/30/25 at 7.

<sup>18</sup> Response of Waymo, LLC, 1/30/25 at 7; Comments of Tesla, Inc., 1/30/25 at 5.

confusion, competition with the taxi drivers and rideshare drivers, and AVs creating more congestion on the limited roadways within the airport.<sup>19</sup>

In recognition of the sensitivity of airports to disruptions, and the fact that this is a developing technology whose track record is spotty at best, SFTWA has asked the Commission to require airports to locate AV pickups and drop-offs at a distance from passenger terminals. There are plenty of other options at the terminals, including taxis, which have human drivers who are more adept at handling confusion. We have also proposed a moratorium on commercial AV airport operations at airports, at least until the issues raised in the OIR are resolved through regulation. While airports could take these steps on their own, they face competitive pressures that could influence their decision-making, especially in large urban areas such as Los Angeles and San Francisco where multiple airports serve the public. The Commission needs to keep things in hand, at least until the issues in this rulemaking are resolved.

**V. The Commission must establish clear rules regarding unaccompanied minors.**

Waymo opposes a minimum age for transport of unaccompanied minors.<sup>20</sup> They say it should be left to the operator's discretion. They pretend that there is no difference between transport of unaccompanied minors in a vehicle with a human driver and in an AV:

The risks related to passenger service involving unaccompanied minors in AVs are generally similar to the risks related to transportation of unaccompanied minors in other contexts, including TNCs and public transit - services that are available to minors (subject to minimum age limitations in the case of TNCs).<sup>21</sup>

---

<sup>19</sup> Ladot's Comments, 1/30/26 at 3.

<sup>20</sup> Response of Waymo LLC at 10.

<sup>21</sup> *Id.*

Of course there is a critical difference: the driver. Children are immature by definition. They are lacking in judgment. They aren't always well behaved. They may panic in an emergency, such as an accident. They need adult supervision.

In contrast to Waymo, Tesla concedes the need for a minimum age:

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.<sup>22</sup>

SFTWA agrees with Tesla and urges the Commission to set a reasonable minimum age for minors at least in their teens, in consultation with experts on the subject.

## **VI. Disclosure and transparency**

SFTWA agrees with SFCTA and SEIU Locals that a company's Operational Design Domain (ODD), whether in the Pilot or Deployment Program, and any subsequent modifications of it should be disclosed.<sup>23</sup> We also agree that issues of confidentiality, which have dragged on for years, must be decided, allowing for maximum disclosure and transparency.<sup>24</sup>

## **VII. "Robotaxi" is not a thing.**

ALJ Mason's Email Ruling of January 6, 2026 posed the question, "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?" This was asked in reference to Level 2 Advanced Driver Assistance Systems (ADAS), which are not AVs, but the use of the term "robotaxi" in any context for a vehicle that is not a taxi is

---

<sup>22</sup> Comments of Tesla, Inc., 1/30/26 at 8.

<sup>23</sup> Opening Comments of SFCTA, 1/30/26 at 3; Opening Comments of SEIU Locals, 1/30/26 at 7. See also Opening Comments of SFTWA on OIR, 10/31/25 at 7.

<sup>24</sup> See Opening Comments of SFCTA, 1/30/26 at 5; Opening Comments of SEIU Locals, 1/30/26 at 4.

inappropriate and misleading. When Uber started up, it called itself “Ubercab”, until SFMTA asked it to stop from using the term. Taxis are a specific form of transportation, authorized under state law and regulated by cities and counties, and subject to rules and requirements that do not apply to other forms of for-hire transportation. Taxis supplement and complement public transportation systems. They take all comers, and multiple forms of payment, including cash, credit and debit cards, various forms of vouchers and account payments, as well as payments through taxi apps that function in the same way as TNC apps. In San Francisco and elsewhere, they are an integral part of the city’s Paratransit Program, providing discounted rides to the elderly and passengers with disabilities who cannot conveniently use mass transportation.

The term “rideshare” is now ubiquitous to describe TNC service. That is also a misnomer, as the word has a specific meaning under state law, referring to carpools. “Rideshare” was a cover used by Lyft and others to try to mask their unlawful operations before they gained regulatory legitimacy. “Robotaxi” should be banned before it gains similar acceptance.

### **VIII. Conclusion**

SFTWA urges the Commission to give careful consideration to the points discussed above, together with our Opening and Reply Comments on the OIR and responses at the Prehearing Conference.

February 13, 2026

Respectfully submitted,

/s/ Mark Gruberg

Mark Gruberg  
Member of the Executive Board  
San Francisco Taxi Workers Alliance  
1415 Palou Avenue  
San Francisco, CA 94124  
Tel: 415-534-5221  
Email: [mark1106@att.net](mailto:mark1106@att.net)