



February 1, 2023

Advice Letter - 0002

(Cruise LLC PSG 0039080)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Consumer Protection and Enforcement Division

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SUBJECT: Cruise LLC's Reply to Protests and Comments to Cruise's Application for Driverless Deployment Permit ODD Expansion - Tier 2 Advice Letter - 0002

I. Introduction

Pursuant to Section 7.4.3 of General Order ("GO") 96-B, Cruise LLC ("Cruise") hereby respectfully submits this reply to the protests submitted by the San Francisco Municipal Transportation Agency ("SFMTA"), the San Francisco County Transportation Authority ("SFCTA"), and the San Francisco Mayor's Office on Disability (collectively, "San Francisco") and the California Transit Association ("CTA") to Cruise's Tier 2 Advice Letter – 0002 ("Advice Letter"). Cruise's Advice Letter seeks approval to expand its service under its Driverless Deployment Permit issued pursuant to the California Public Utilities Commission's ("Commission") Phase I Driverless Autonomous Vehicle ("AV") Deployment Program ("Driverless Deployment Program") under Cruise's Charter-Party Carrier Class "P" Permit. Cruise also received comments from the Los Angeles Department of Transportation ("LADOT"), which it addresses below.

Cruise's Advice Letter demonstrates that Cruise has satisfied the requirements the Commission established in D.20-11-046¹ and Resolution TL-19137² for expansion of its AV passenger service to the entire 7x7 of San Francisco, 24 hours a day, 7 days a week and changes to its roadway type and speed range. Cruise has submitted an updated Passenger Safety Plan ("PSP") that addresses Cruise's AV service expansion.³ Cruise's PSP demonstrates its comprehensive commitment to passenger safety. It comprehensively describes the policies and procedures to minimize safety risk for all passengers and residents in the areas Cruise serves,

¹ Decision Authorizing Deployment of Driven and Driverless Autonomous Vehicle Passenger Service, D.20-11-046 (Cal. P.U.C. Nov. 19, 2020), as modified by Order Modifying Certain Holdings of Decision 20-11-046 and Denying Rehearing of the Decision, as Modified, D.21-05-017 (Cal. P.U.C. May 6, 2021) ("D.20-11-046").

² See Resolution TL-19137 (Cal. P.U.C. June 2, 2022), <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M483/K544/483544466.PDF> ("Resolution").

³ See Advice Letter at p. 8 and **Attachment 1** (PSP).

including people with disabilities and other vulnerable road users. Cruise's updated PSP includes new policies and procedures to support customer safety that encompass and reflect Cruise's expanded service. No further proceeding, workshop, or submission is required or necessary to grant approval of the Advice Letter.

Cruise's expansion also advances the Commission's goals for AV programs: (1) it protects passenger safety; (2) it expands the benefits of AV technologies, including for people with disabilities; (3) it improves transportation options for all, particularly for disadvantaged and low-income communities; and (4) it reduces greenhouse gas emissions, criteria air pollutants, and toxic air contaminants, particularly in disadvantaged communities.⁴ A broad range of stakeholders, including members of the California Legislature, the disability community, neighborhood and merchant groups, the electric vehicle community, various business and trade groups, academics, and others submitted 37 letters in support of Cruise's application.⁵ These letters further support approval of Cruise's Advice Letter and illustrate how Cruise's service expansion will advance the Commission's goals of creating a safer, more sustainable, and more accessible transportation sector that improves transportation options for all Californians, including people with disabilities and disadvantaged and low-income communities. Cruise exists to help save lives by developing autonomous vehicle technology that makes roads safer. In addition, Cruise was the first AV company to operate a fully electric fleet, and it remains the first and only AV company to power its AVs 100% with in-state renewable energy. Cruise thus offers people with disabilities and those from disadvantaged and low-income communities access to electric vehicle technology that they may not otherwise have, while reducing greenhouse gas emissions.

Cruise has taken a measured, incremental approach to expanding its driverless operations, first proving out its capabilities in simple environments and gradually increasing scale and complexity. Cruise has accumulated nearly five million total autonomous miles and nearly one million driverless miles. Cruise has completed more than 18,000 driverless rides and more than 7,000 driverless fared rides. Under its Driverless Deployment Permit, across all trips Cruise has received an average of 4.67 star rating from public passengers. And under the Driverless Deployment Permit, Cruise's safety record has been exemplary. Since receiving its Driverless Deployment Permit, Cruise has not had a collision with passengers in the vehicle during its fared passenger service.

⁴ D.20-11-046 at p. 2, as modified by D.21-05-017.

⁵ The following parties submitted letters or responses in support of Cruise's Advice Letter: Gabe Quinto, City of El Cerrito Councilmember; Evan Low, City of San Jose Assemblymember; American Council for the Blind; Northern California Spinal Cord Injury Foundation; National Federation of the Blind of California; Harkin Institute; iAccess Life; Self-Help for the Elderly; Rose Pak Community Fund; Telegraph Hill Neighborhood Center; The Richmond Neighborhood Center; California Chamber of Commerce; San Francisco Chamber of Commerce; San Francisco Council of District Merchants Association; Potrero Dogpatch Merchants Association; Fillmore Merchants Association; San Francisco Chinese Chamber of Commerce; Golden Gate Restaurant Association; Sunset Mercantile; India Basin Neighborhood Association; Santa Monica Chamber of Commerce; Chamber of Progress; Bay Area Council; Assistive Technology Development, Inc.; sf.citi; Humanmade; Silicon Valley Leadership Group; Technet; Corporation for Automated Road Transportation Safety; Consumer Technology Association; Autonomous Vehicle Industry Association; Dr. Brad Duerstock; Mike Williston; Ken Pyle; Owen Kent; Matt Ater; and Andre Johnson.

Cruise also recognizes the importance of engaging the communities it serves to hear feedback, share progress, and gain insights that can ultimately improve service for more riders (such as through user experience testing). Cruise regularly engages and consults with the disability community, community groups, and passengers. In addition, Cruise regularly meets with industry regulators and other stakeholders, including the SFMTA. Cruise has used the feedback it has received to inform the updated PSP. As Cruise expands its service, Cruise is committed to continuing to work with the disability community, community groups, passengers, regulators, and additional stakeholders to incorporate feedback and continuously improve its service.

The issues that San Francisco, CTA, and LADOT raise in their protests and comments do not provide a basis to deny approval of Cruise’s Advice Letter to expand its AV passenger service. Many are outside the jurisdiction of the Commission and others are policy objections or attempts to relitigate prior orders of the Commission, which are inappropriate grounds on which to protest an advice letter.⁶ At bottom, San Francisco, CTA, and LADOT are attempting to use the advice letter process to relitigate issues the Commission already has decided, which is an inappropriate use of the process, as San Francisco implicitly acknowledges.⁷

Cruise is ready and prepared to expand its AV passenger service within San Francisco and respectfully requests that the Consumer Protection and Enforcement Division (“CPED”) approve expeditiously its Tier 2 Advice Letter for a service expansion of its Driverless Deployment Permit.

II. Grounds to Protest an Advice Letter are Limited

Section 7.4.2 of GO 96-B limits the grounds on which an advice letter may be protested to the following grounds:

- (1) The utility did not properly serve or give notice of the advice letter;
- (2) The relief requested in the advice letter would violate statute or Commission order, or is not authorized by statute or Commission order on which the utility relies;
- (3) The analysis, calculations, or data in the advice letter contain material errors or omissions;
- (4) The relief requested in the advice letter is pending before the Commission in a formal proceeding;
- (5) The relief requested in the advice letter requires consideration in a formal hearing, or is otherwise inappropriate for the advice letter process; or

⁶ GO 96-B, Section 7.4.2.

⁷ San Francisco’s Protest of Cruise LLC Tier 2 Advice Letter (0002) (“San Francisco Protest”) at p. 4 n. 5 (“To the extent CPED believes any of these actions exceed staff authority under the Deployment Decisions or other applicable authorities, San Francisco urges staff to refer the Expansion Advice Letter to the full Commission.”). See *also id.* at p. 5 (proposing alternate protest grounds if “the Commission believes that adopting new data reporting requirements to support analysis that may limit the scope of approval of Advice Letters exceeds the proper use of the Advice Letter process”).

- (6) The relief requested in the advice letter is unjust, unreasonable, or discriminatory, ***provided that such a protest may not be made where it would require relitigating a prior order of the Commission.***⁸

GO 96-B also is explicit that “a protest may not rely on policy objections to an advice letter where the relief requested in the advice letter follows rules or directions established by statute or Commission order applicable to the utility.”⁹

Cruise’s Advice Letter follows the directions and requirements set forth in Decision 20-11-046 and Resolution TL-19137 for expansion of its service under its Driverless Deployment Permit. The objections that San Francisco, CTA, and LADOT raise to the Advice Letter are not valid grounds to protest or challenge the Advice Letter and do not provide a basis to deny approval of Cruise’s expansion application.

III. Regulatory Structure and the Commission’s Jurisdiction

In authorizing pilot programs for drivered and driverless AV passenger service in Decision 18-05-043, the Commission recognized that the California Department of Motor Vehicles (“DMV”) regulates the safe operation of AVs.¹⁰ The DMV’s regulatory authority includes authority over the testing, equipment, and performance standards of AVs to ensure the safe operation of AVs on public roads.¹¹ It also includes authority over the Operational Design Domain (“ODD”)¹² of AVs, including how the AV is designed to react when it is outside its ODD or encounters commonly-occurring or restricted conditions within its ODD.¹³ Before an AV may be deployed on public roads, a manufacturer must submit an application for a permit to deploy an AV to the DMV and the DMV must approve that application. The application process includes the submission of detailed information and certifications concerning the technical abilities and performance of the AV within the ODD and the completion of testing.¹⁴ The DMV must be satisfied that the AV is safe to operate on public roads before it issues a post-testing deployment permit.¹⁵ Cruise received its DMV Deployment Permit on September 30, 2021 after a rigorous review by the DMV of its application.¹⁶ On March 24, 2022, Cruise submitted to the DMV an amendment to Cruise’s Autonomous Vehicle Deployment (AVD) Program Application -

⁸ GO 96-B, Section 7.4.2 (emphasis added).

⁹ *Id.*

¹⁰ 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 Rasier-CA, LLC/UATC, LLC for Purposes of a Pilot Test Program for Driverless Autonomous Vehicle Passenger Service, D.18-05-043, at pp. 5-13 (Cal. P.U.C. May 31, 2018).

¹¹ See Cal. Veh. Code § 38750(e) (2022); Cal. Code Regs. tit. 13, § 228.06 (2022).

¹² An “ODD” is the specific operating domain(s) in which an automated function or system is designed to properly operate, including but not limited to geographic area, roadway type, speed range, environmental conditions (weather, daytime/nighttime, etc.) and other domain constraints. See Cal. Code Regs. tit. 13, § 227.02(j) (2022).

¹³ See Cal. Code Regs. tit. 13, § 228.06(a).

¹⁴ See Cal. Code Regs. tit. 13, § 228.06.

¹⁵ See Cal. Veh. Code § 38750(e); Cal. Code Regs. tit. 13, § 228.08(e)(2) (2022).

¹⁶ See Cruise Advice Letter – 0001, Application for Driverless Deployment Permit – Tier 3 Advice Letter, **Attachment 2** (DMV Permit); see *also* Resolution at p. 8 and p. 21, Finding of Fact 7.

Driverless Vehicles (“DMV Expansion Amendment”) to expand its Limited ODD. The California DMV approved Cruise’s DMV Expansion Amendment on December 15, 2022. The DMV’s issuance of a deployment permit and subsequent approval of the Expansion Amendment to Cruise means that the DMV was satisfied that the Cruise AVs “are safe to operate on public roads.”¹⁷

In its protest, San Francisco opines on whether it deems Cruise AVs are safe to operate on public roads by raising a number of issues concerning the technical performance of Cruise’s AVs.¹⁸ As the Commission recognized in Resolution TL-19137, these issues are within the exclusive jurisdiction of the DMV, not the Commission, as they relate to the technical performance of the AV.¹⁹

San Francisco’s protest and LADOT’s comments also focus on alleged effects of Cruise’s service on transit service within San Francisco.²⁰ San Francisco, however, has the authority to enforce compliance with the California Vehicle Code and local stopping, standing, traffic, and parking regulations.²¹ The Commission, in contrast, does not have jurisdiction over state and local traffic regulations. In addition, as the Commission recognized in Resolution TL-19137, the California Vehicle Code is within the purview of the DMV.²²

The issues that are within the jurisdiction of the Commission include the regulation of passenger service, including safety and consumer protection issues.²³ To that end, in Decision 20-11-046, the Commission set forth the requirements for participation in the Commission’s Driverless Deployment Program that focus on safety and protection of passengers.²⁴ These requirements include creation and submission of a PSP that describes policies and procedures to minimize risk for all passengers in driverless vehicles.²⁵ In Decision 20-11-046 and Resolution TL-19137, the Commission also set forth the requirements for Cruise’s expansion of its passenger service – namely, the submission of an updated PSP in the form of a Tier 2 advice letter if Cruise intended to change its operations in a way that would materially affect the approaches outlined in its Passenger Safety Plan.²⁶

As Cruise’s Advice Letter demonstrates and as discussed further below, Cruise has met the Commission’s requirements.

¹⁷ Cal. Veh. Code § 38750(e)(1).

¹⁸ See, e.g., San Francisco Protest at pp. 2, 7-11, 15, 16.

¹⁹ Resolution at p. 18.

²⁰ See, e.g., San Francisco Protest at pp. 3-5, 7-17; Reply Comments of the Los Angeles Department of Transportation to Cruise LLC’s Application for Driverless Deployment Permit ODD Expansion-Tier 2 Advice Letter (“LADOT Comments”), at pp. 2-3.

²¹ San Francisco Transp. Code, art. 3, § 3.1.

²² Resolution at p. 18.

²³ See D.18-05-043 at pp. 5, 13-14.

²⁴ D.20-11-046 at pp. 129-37, OP 7-10, as modified by D.21-05-017.

²⁵ *Id.* at pp. 136-37, OP 8-10, as modified by D.21-05-017.

²⁶ D.20-11-046 at p. 140, OP 20, as modified by D.21-05-017; Resolution at pp. 1, 23, OP 5-6.

IV. Cruise's Advice Letter Satisfies Commission Requirements for Expansion of Passenger Service and the PSP Protects Passenger Safety

In Decision 20-11-046, the Commission ordered that “if an entity authorized to participate in the driverless deployment program intends to change its operations in a way that would materially affect the approaches outlined in its Passenger Safety Plan,” that entity should submit to CPED an “updated Passenger Safety Plan by way of a Tier 2 Advice Letter.”²⁷ In Resolution TL-19137, the Commission clarified that “any changes to the hours, geography, roadway type, speed range, or weather conditions” would “materially affect” the strategies in a PSP requiring the submission of an updated PSP in the form of a Tier 2 advice letter prior to modification of operations.²⁸

Cruise's Advice Letter requests expansion of Cruise's AV passenger service to the entire 7X7 of San Francisco, 24 hours a day, 7 days a week, in addition to changes to roadway type and speed range, and it submits an updated PSP detailing how Cruise will protect the safety, health, and well-being of passengers in its expanded scope of service. Cruise therefore has met the Commission's requirements for modifying its operations as outlined in its Advice Letter and PSP.

The issues San Francisco, LADOT, and CTA have raised in protests and comments concern issues outside of the Commission's jurisdiction or are attempts to relitigate issues the Commission already has decided. In fact, for the most part, their protests and comments do not address Cruise's updated PSP or whether Cruise has met the Commission's requirements for changing the hours, geography, roadway type, or speed of its AV passenger service.

In approving Cruise's application for a Driverless Deployment Permit, the Commission determined that Cruise's PSP “includes policies and procedure to ensure passengers can safely identify, enter, and exit the AV”²⁹ and is “reasonable in the context of its proposed service.”³⁰ Cruise has updated the following sections of its PSP to address Cruise's expansion of its AV passenger service to all of San Francisco, 24 hours a day, 7 days a week, as well as the changes to roadway type and speed range:

- **Section 2.1 – Scope of Deployment:** The updated PSP explains that Cruise's Driverless Deployment Program will expand to all of San Francisco for 24-hour, 7-day a week service, with an initial fleet of 100 Cruise AVs.³¹ It further explains that Cruise's software prevents Cruise AVs from routing to locations or streets outside of the vehicle's ODD.³²
- **Section 2.3 – Accessibility:** The updated PSP explains that in addition to being able to locate the AV through the mobile-app's audio-based navigation systems,

²⁷ D.20-11-046 at p. 140, OP 20, as modified by D.21-05-017.

²⁸ Resolution at p. 1, 23, OP 5-6.

²⁹ *Id.* at p. 22, Finding of Fact 13.

³⁰ *Id.*, Finding of Fact 18.

³¹ Cruise Advice Letter, **Attachment 1** (PSP), at p. 5.

³² *Id.*

passengers now have the ability to have the AV honk and/or extend wait time so that the passenger has additional wayfinding support.³³

- **Section 4.3 – The Passenger Experience and Safety:** As part of Cruise’s continued protection of the safety, health, and well-being of passengers, the updated PSP outlines additional safety features, including in-vehicle touchscreens that display safety rules to passengers during the ride,³⁴ passengers’ ability to use the mobile app to change their destination after the Cruise AV has reached its destination but before the passenger has exited the vehicle,³⁵ and passengers’ ability to use the mobile app phone support to initiate a call with Customer Support during the ride.³⁶
- **Section 4.4 – Passenger Safe Ingress and Egress:** The updated PSP explains that in addition to displaying each vehicle’s unique vehicle name on the front hood, rear hatch, and right and left rear quarter panels, the name will be visible in the in-vehicle touchscreens.³⁷ In addition, as described in Section 2.3 of the PSP, passengers now also have the ability to have the AV honk and/or extend wait time so that the passenger has additional wayfinding support.³⁸
- **Section 4.5 – Safe Arrival and Exiting:** The updated PSP provides additional information on pick ups and drop offs, explaining that passengers can change the destination of their journey during the ride using the Cruise mobile app or by contacting Customer Service using the in-vehicle two-way communications button in the vehicle.³⁹ The updated PSP also explains that to determine the safest stopping location, the Cruise AV selects a location closest to the passenger’s requested pick-up or drop-off location, taking factors into account including: the presence of pedestrians, cyclists, and other vehicles; curb colors, safety zones, and restricted lanes; the location of transit and fire lanes; and road features.⁴⁰ The Cruise AV will pull over to a legal pullover location where possible and will double park only where necessary, which the Cruise AV may do under the California Vehicle Code as a commercial vehicle.⁴¹
- **Section 4.6.2 – Operational Design Domain and Avoidance Areas:** The updated PSP discusses Cruise’s expanded scope of service and explains that Cruise’s ODD will be the expanded ODD that the DMV approved, which expanded Cruise’s operations to the full 7x7 San Francisco, 24 hours a day, 7 days a week. The updated PSP explains that Cruise’s AVs will operate at a maximum speed of 35

³³ *Id.* at p. 7.

³⁴ *Id.* at p. 13.

³⁵ *Id.* at p. 16.

³⁶ *Id.* at p. 17.

³⁷ *Id.* at p. 18.

³⁸ *Id.* at p. 7.

³⁹ *Id.* at p. 21.

⁴⁰ *Id.*

⁴¹ *Id.* (citing California Vehicle Code section 22502(b)(1)).

miles per hour on local and arterial roads and certain roadway types will be excluded, including bridges, tunnels, overpasses, and underpasses.⁴² The updated PSP also provides that Cruise currently does not operate driverless passenger service in heavy rain or fog, although it notes that Cruise continues to develop its technology in these conditions.⁴³ Finally, the updated PSP explains that Cruise AVs use automated AV detection systems and operation restrictions to safely navigate conditions such as parades or emergency scenarios.⁴⁴

- **Section 4.6.3 – Transit and Rail Safety:** The updated PSP provides additional information on transit and rail safety, explaining that the Cruise AV is designed to operate at crossings with cable cars, street cars, or light rail vehicles if doing so is necessary.⁴⁵ The Cruise AV uses technology to detect and safely proceed through these crossings in accordance with applicable right-of-way rules.⁴⁶ The Cruise AV is designed to maintain a safe distance from the crossing to avoid blocking the crossing from traffic with the right-of-way.⁴⁷ The updated PSP also explains that the Cruise AV is designed not to travel across passive crossings or rail crossings that contain gate arms, flashing lights, audible alarms, or signage that indicates that rail traffic has the right-of-way.⁴⁸
- **Section 4.6.4 – Passenger Health Issues:** As part of Cruise’s continued efforts to address passenger health issues, the updated PSP explains that Customer Support now has the capability to live stream a video of the inside of the Cruise AV if the passenger is unresponsive.⁴⁹
- **Section 4.6.5 – Share My Ride:** The updated PSP describes a new in-app feature, Share My Ride, which allows passengers to share their ride trip details with family and friends. Family and friends can view the rider’s trip progress.⁵⁰
- **Section 5.4 – Feedback:** As part of Cruise’s continued effort to collect and incorporate passenger feedback, the updated PSP describes additional categories of customer feedback available to passengers. In addition, passengers now are able to submit free-text feedback.⁵¹
- **Section 5.5 – Cruise Teams Supporting Passenger Safety:** Cruise’s robust passenger support operation now includes a Trust & Safety team that works with

⁴² *Id.* at p. 23.

⁴³ *Id.*

⁴⁴ *Id.* at p. 24.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.* at p. 25.

⁵⁰ *Id.*

⁵¹ *Id.* at pp. 29-30.

Customer Support on incident response and conducts investigations into passenger safety concerns to help determine appropriate courses of action.⁵²

- **Section 8.1 – Operation Design Domain:** The PSP includes an updated ODD that lays out the scope of Cruise’s expanded operations in San Francisco.⁵³

V. The Protests and Comments to Cruise’s Advice Letter Do Not Provide a Basis to Deny Approval of Cruise’s Service Expansion

Despite Cruise’s comprehensive updates to its PSP that meet the Commission’s requirements for expansion of service and also reinforce Cruise’s protection of the safety, health, and well-being of passengers, San Francisco, LADOT, and CTA nonetheless object to Cruise’s application. They use their protest letters and comments to raise complaints and policy issues outside the scope of Cruise’s Advice Letter and the Commission’s advice letter process. San Francisco acknowledges as much.⁵⁴

First, San Francisco and CTA urge the Commission to deny Cruise’s request to expand its operations in San Francisco and to require a path of “incrementalism.”⁵⁵ This attempt to impose an incrementalism requirement is outside the scope of the advice letter process and an effort to relitigate issues the Commission already has considered and decided. San Francisco incorrectly suggests that the relief Cruise is seeking “requires approval based on issues that were not contemplated in the [Commission’s] Deployment Decisions.”⁵⁶ But Decision 20-11-046 clearly contemplated changes in operations,⁵⁷ and in Resolution TL-19137, the Commission clarified that a change in hours, geography, roadway types, and speed range – the exact changes Cruise is seeking – would require only an updated PSP submitted via a Tier 2 Advice Letter.⁵⁸ It did not impose the incremental requirements San Francisco and CTA now are seeking. In fact, in Resolution TL-19137, the Commission emphasized that Decision 20-11-046 “does not condition approval of a Deployment permit upon meeting certain mileage or other operational thresholds.”⁵⁹

⁵² *Id.* at p. 31.

⁵³ *Id.* at p. 40.

⁵⁴ San Francisco Protest at p. 4 n. 5 (“To the extent CPED believes any of these actions exceed staff authority under the Deployment Decisions or other applicable authorities, San Francisco urges staff to refer the Expansion Advice Letter to the full Commission.”). See also *id.* at p. 5 (proposing alternate protest grounds if “the Commission believes that adopting new data reporting requirements to support analysis that may limit the scope of approval of Advice Letters exceeds the proper use of the Advice Letter process”).

⁵⁵ *Id.* at pp. 3-5 (the Commission should approve only a “series of limited deployments with incremental expansions” until “Cruise demonstrates that [it] can operate in the most demanding circumstances without compromising safety, equity, accessibility and street capacity”); California Transit Association’s Response to Cruise LLC’s Advice Letter 0002 (“CTA’s Protest”), at p. 2 (the Commission should “provide for incremental approvals with regards to the geographic area, hours of operation, and fleet size” given Cruise’s alleged impact on transit riders in San Francisco).

⁵⁶ San Francisco Protest at p. 5.

⁵⁷ D.20-11-046 at p. 140, OP 20, as modified by D.21-05-017.

⁵⁸ Resolution at pp. 1, 23, OP 5-6.

⁵⁹ Resolution at p. 17.

Cruise has complied with the Commission's requirements to expand its hours, geography, and roadway types and change its speed range by updating its PSP and detailing how Cruise will protect the safety, health, and well-being of passengers in its expanded scope of service. In addition, although not required, Cruise *has* taken an incremental approach to its expansion. Cruise's initial deployment was limited in geography and hours of operation and by certain operational conditions. Only after proving out its capabilities, including a series of measured geographical and service hour expansions of its driverless operations since receiving its Driverless Deployment Permit and throughout 2022,⁶⁰ is Cruise seeking to expand its services to all of San Francisco, 24 hours a day, 7 days a week.

Indeed, San Francisco and CTA do not even attempt to connect their incrementalism request to passenger safety or Cruise's PSP. Rather, San Francisco's and CTA's protests center on the San Francisco transit system and traffic issues – issues outside the scope of the Commission and the Driverless Deployment Program. LADOT also raises complaints centered on transit issues, including concerns regarding how traffic officers will issue citations to AV vehicles for transit and loading violations if no driver is present.⁶¹ San Francisco's, CTA's, and LADOT's complaints about the transit system and traffic issues are outside of the Commission's jurisdiction, and the Commission already previously rejected them as a basis for denying approval of Cruise's Driverless Deployment Permit.⁶²

Cruise emphasizes, however, that it prioritizes the safe and lawful pick up and drop off of passengers consistent with its obligations under the Vehicle Code, DMV regulations, and local laws relevant to stopping, standing, and parking, as well as the Commission's safeguards for passenger safety. Further, consistent with current practice, to the extent law enforcement officers observe a traffic violation, they may ticket and fine the Cruise AV at the time of the incident after witnessing the circumstances in which the violation occurred.⁶³ Cruise also notes that in contrast to San Francisco's concerns about the effects of AV passenger service on the transit system and traffic congestion, business, merchant, and neighborhood associations across the city have expressed support for Cruise's expansion, emphasizing it will increase business opportunities for merchants and communities and benefit the local economy.⁶⁴ The disability community and advocates for disadvantaged and low-income communities likewise have expressed their support, noting that Cruise will provide a more affordable and accessible transportation option than previously available.⁶⁵

⁶⁰ See Advice Letter at p. 3.

⁶¹ LADOT Comments at pp. 2-3.

⁶² Resolution at p. 18.

⁶³ Contrary to SF's protest and LADOT's comments, Cruise has received citations from SFMTA.

⁶⁴ See Letters of Support from the California Chamber of Commerce; San Francisco Council of District Merchants Association; Sunset Mercantile; Golden Gate Restaurant Association; India Basin Neighborhood Association; San Francisco Chinese Chamber of Commerce; and Potrero Dogpatch Merchants Association.

⁶⁵ See Letters of Support from Rose Pak Community Fund; Northern California Spinal Cord Injury Foundation; Self-Help for the Elderly; Telegraph Hill Neighborhood Center; The Richmond Neighborhood Center; American Council for the Blind; and The Harkin Institute.

Cruise has been engaging with SFMTA over the last two years. In addition, over the last year alone, Cruise has met with the SFMTA over 50 times to discuss Cruise's operations and share concerns and information. On a number of occasions, at the request of SFMTA, Cruise and SFMTA met in person to review road incidents. The hope of those meetings was to create a transparent and open dialogue of concerns and proactively collaborate on ways Cruise and the SFMTA could work together, including around the pick up and drop off of passengers. However, despite Cruise's efforts and to Cruise's disappointment, SFMTA has provided limited information about its curb management programs and, to date, SFMTA and Cruise have not been able to identify and solve curb space issues, among other issues.

Second, San Francisco and CTA request that the Commission limit Cruise's fleet size.⁶⁶ The Commission, however, previously rejected San Francisco's request to require Cruise to file a Tier 2 Advice Letter if Cruise "wish[ed] to expand its vehicle fleet beyond the 30 vehicles currently proposed."⁶⁷ The Commission ruled that the "Deployment Decision . . . does not require an Advice Letter filing for Cruise to add vehicles to its deployment fleet."⁶⁸ San Francisco and CTA may not use the advice letter process to relitigate issues the Commission already has decided.⁶⁹

Finally, San Francisco, CTA, and LADOT request that expansion of Cruise's services in San Francisco be conditioned on the collection of a whole host of new data.⁷⁰ They assert more data is necessary before the Commission can make an informed decision on the expansion of Cruise's operations in San Francisco. San Francisco also requests that CPED convene a workshop to address San Francisco's data collection and disclosure proposals prior to approving Cruise's expansion request.⁷¹ These efforts to impose additional data reporting requirements and require a workshop as preconditions to approval of the Advice Letter are not only outside the scope of the advice letter process, as San Francisco implicitly acknowledges,⁷² but also are prohibited attempts to relitigate prior Commission orders in direct contravention of

⁶⁶ San Francisco Protest at p. 5; CTA Protest at p. 1.

⁶⁷ Resolution at p. 17.

⁶⁸ *Id.* at p. 18.

⁶⁹ GO 96-B, Section 7.4.2(6).

⁷⁰ See San Francisco Protest at pp. 4, 17-20; CTA Protest at p. 2; LADOT Comments at pp. 4-5. For example, San Francisco now seeks "the location and duration of each unplanned stop" and "a metric that assesses the rate at which these unplanned stops occur" to "assess how unexpected and unplanned stops obstructing travel lanes impact the transportation network," among other categories of data, and requests that the information be submitted in public form without opportunity to claim confidential treatment. San Francisco Protest at pp. 18-19. San Francisco also seeks additional data collection related to pick ups and drop offs and "trips delivered to people who use wheelchairs." *Id.* at 17, 20. CTA states: "To assess the readiness to expand service . . . the CPUC should require new data be reported by the permit holder to document the number of minimal risk condition and vehicle retrieval incidents that obstruct travel lanes." CTA Protest at p. 2. LADOT asserts that Cruise and other AV providers "must participate in a comprehensive integration with a data/notification program with the localities in which it operates to facilitate planning, operation and curb management on local streets," and requests that the Commission modify its quarterly data reporting requirements. LADOT Comments at pp. 4-5.

⁷¹ San Francisco Protest at pp. 19-20.

⁷² *Id.* at p. 5.

GO 96-B's prohibition on protests that "would require relitigating a prior order of the Commission."⁷³

In Decision 20-11-046, the Commission set forth extensive data reporting requirements concerning AV operations, passenger safety, accessibility, equity and environmental justice, environmental and climate impacts, customer feedback, data sharing, among others.⁷⁴ Pursuant to these requirements, Cruise must report quarterly data on the total number of complaints and incidents and the causes of incidents, in addition to information about WAV rides.⁷⁵ Cruise also must alert the Commission any time Cruise notifies the DMV of a safety incident and must simultaneously transmit to the Commission any collision reports required by DMV regulations.⁷⁶ Decision 20-11-046 also specifically and explicitly allowed for claims of confidential treatment of the quarterly reports, providing that confidential treatment is governed by GO 66-D.⁷⁷ Cruise complies with these data reporting requirements and will continue to do so under its expanded operations.⁷⁸

The Commission already has rejected similar requests to impose additional data reporting requirements on AV operators as a condition to participate in the Driverless Deployment Program. For example, in response to Cruise's application for a Driverless Deployment Permit, the San Francisco Taxi Workers Alliance requested that the permit be denied until additional data on driverless operations was made available and the Commission had investigated various incidents involving AVs.⁷⁹ The Commission squarely rejected this request, finding that "[t]he Deployment Decision does not condition approval of a Deployment permit upon meeting certain mileage or other operational thresholds."⁸⁰ The Commission likewise rejected LADOT's prior efforts to impose additional data collection and reporting requirements and modify the quarterly data reporting requirements as a condition of Cruise's Driverless Deployment Permit.⁸¹ The Commission emphasized: "The Deployment Decision sets forth requirements for the AV program, including data reporting requirements," it does not require "specific availability or usage requirements for AVs," and "broader policy topics are more appropriately addressed through the formal rulemaking process."⁸²

San Francisco's, CTA's, and LADOT's efforts to impose additional data collection or reporting requirements as a precondition to approving Cruise's Advice Letter for expansion of its AV passenger services should be rejected as inappropriate challenges to the Commission's prior orders and Cruise's Advice Letter.

⁷³ GO 96-B, Section 7.4.2(6).

⁷⁴ D.20-11-046 at pp. 131-36, OP 7m, as modified by D.21-05-017.

⁷⁵ *Id.*

⁷⁶ *Id.* at p. 130, OP 7g, as modified by D.21-05-017.

⁷⁷ *Id.* at p. 135, OP 7m(v), as modified by D.21-05-017.

⁷⁸ See Cruise Advice Letter at pp. 8-9.

⁷⁹ Resolution at p. 17.

⁸⁰ *Id.*

⁸¹ *Id.* at p. 20.

⁸² *Id.*

Cruise is committed to continuing to participate in collaborative dialogue with the CPED about its expansion efforts. In addition, if the CPED convenes a workshop on AV passenger service, as authorized by the Commission in Decision 20-11-046,⁸³ Cruise will actively participate and update stakeholders on how the strategies described in its PSP have been realized in operations and the effectiveness of its strategies. A workshop, however, is not a precondition to approval of Cruise's application for expansion of its services. Cruise has met the Commission's requirements for service expansion, and its application should be approved expeditiously. No valid basis to deny approval has been presented.

VI. Cruise's Expanded Service Advances the Commission's Goals of Expanding AV Service to All Californians, Including People with Disabilities, Disadvantaged and Low-Income Communities, and the Elderly

Cruise's proposal to expand its services to all of San Francisco, 24 hours, 7 days a week will substantially increase the population served by Cruise's AV passenger services, including people with disabilities, disadvantaged and low-income communities, and the elderly, and it will advance further the Commission's goals to expand AV service to all Californians.

San Francisco previously challenged Cruise's application for a Driverless Deployment Permit on the grounds of equity, noting that Cruise's proposed ODD excluded San Francisco's "Equity Priority Communities."⁸⁴ The Commission rejected San Francisco's position, finding that Decision 20-11-046 did not require AV operators to serve specific geographic areas.⁸⁵ After taking a measured, incremental, and careful path to geographical expansion in San Francisco, Cruise now is ready to serve all of San Francisco with its AV passenger service. Ironically, San Francisco now protests Cruise's "broad expansion of geographic area and service hours," even though the expansion will serve all of San Francisco's Equity Priority Communities.⁸⁶

The expansion of Cruise's services will contribute to a more equitable distribution of transportation options across San Francisco. Indeed, the letters Cruise has received in support of its Advice Letter expressly recognize the value of Cruise's technology in creating a safer, more sustainable, and more accessible transportation sector that improves transportation options for all Californians, especially disadvantaged and low-income communities.⁸⁷ Cruise's fully electric fleet is powered entirely with in-state renewable energy and offers disadvantaged and low-income communities access to electric vehicle technology that they may not otherwise have, while reducing greenhouse gas emissions.

Under its Driverless Pilot Permit, Cruise has made a demonstrable and material effort to expand its service to areas traditionally underserved by transportation and to lower-income communities, including several of San Francisco's southern neighborhoods – Bayview-Hunters Point, Potrero Hill, and the Excelsior. As Cruise expands its service area and hours, Cruise will

⁸³ D.20-11-046 at p. 138, OP 12, as modified by D.21-05-017.

⁸⁴ Resolution at p. 5 (describing comments to Cruise's Tier 3 Advice Letter).

⁸⁵ *Id.* at pp. 9, 21, Finding of Fact 9.

⁸⁶ San Francisco Protest at p. 3.

⁸⁷ See, e.g., Letters of Support from Rose Pak Community Fund; Telegraph Hill Neighborhood Center; The Richmond Neighborhood Center; and Self-Help for the Elderly.

continue to emphasize service offerings and outreach to communities of color, non-English-speaking groups, low-income, and under-resourced neighborhoods.

Cruise's proposal to expand its services in San Francisco also has received broad support from the disability community. Organizations representing the disability community have emphasized that Cruise's self-driving technology has the potential to empower individuals with low vision and mobility challenges to live a more independent life by offering a safe and equitable form of transportation.⁸⁸ The American Council of the Blind, for example, "urges the commission to approve Cruise's application to provide 24/7 service to all of San Francisco" because it will "increase access to equitable transportation options for the blind community and build a more accessible, affordable transportation network for the city."⁸⁹ The Harkin Institute for Public Policy & Citizen Engagement stated that "Cruise's commitment to providing an accessible rideshare service can be seen in the design of their vehicles and mobile app."⁹⁰ Cruise will continue to engage a broad range of accessibility stakeholders from across the disability spectrum to inform Cruise's services, products, and processes as it expands its services across San Francisco.

Despite the disability community's widespread support for Cruise's expansion in San Francisco, CTA protests Cruise's expansion on the grounds that "the Commission has not yet required AV passenger service providers to provide service with wheelchair accessible vehicles or meet any minimum standards for disability access."⁹¹ The Commission, however, rejected a similar argument in approving Cruise's Driverless Deployment Permit, recognizing that Decision 20-11-046 did not require "specific accessibility measures" for "participation in the Driverless Deployment program" and Cruise was not obligated to provide WAVs.⁹² CTA's protest thus is an inappropriate challenge to prior Commission orders and not a basis to deny approval of Cruise's expansion application.

Cruise has made clear, however, that it is committed to making its AVs accessible. Cruise also regularly consults with the disability community and has undertaken user research to gather feedback on Cruise's services and products. Cruise's updated PSP describes the accessibility features and safety measures Cruise has incorporated into its Driverless Deployment Program that are designed to support passengers who are hearing or visually impaired. These features have been built into Cruise's mobile application, the in-vehicle passenger experience, and the manner and means by which passengers can communicate with Cruise Customer Support.⁹³ Cruise's updated PSP also confirms that Cruise's Driverless Deployment Program meets Cruise's legal accessibility obligations, including accommodations for service animals and other means of supporting access.⁹⁴ The Cruise AV can securely fit a foldable wheelchair on the rear

⁸⁸ See, e.g., Letters of Support from The American Council of the Blind; Northern California Spinal Cord Injury Foundation; Harkin Institute; Assistive Technology Development, Inc.; Dr. Brad Duerstock; and Mike Williston.

⁸⁹ The American Council of the Blind Letter at p. 1.

⁹⁰ The Harkin Institute for Public Policy & Citizen Engagement Letter at p.1.

⁹¹ CTA Protest at p. 1.

⁹² Resolution at pp. 11, 21, Finding of Fact 11.

⁹³ Cruise Advice Letter, **Attachment 1** (PSP) at Section 2.3.1, pp. 6-8 (Accessible Safety Measures) and Section 5.3, p. 29 (Accessible Customer Support).

⁹⁴ *Id.*

floor or backseat with one passenger.⁹⁵ The rear floor and backseat can also accommodate similar sized foldable walkers and foldable scooters, in addition to other smaller assistive devices such as crutches and canes.⁹⁶

Cruise also is designing a wheelchair accessible version of its purpose-built vehicle, the Origin, and is working with the disability community to test early prototypes.⁹⁷ In September 2022, Cruise hosted stakeholders at its facilities, including the SFMTA, and showed them the WAV Mobility Origin. Stakeholders were able to interact and sit inside the vehicle. As Cruise works to bring the WAV Mobility Origin to market, Cruise looks forward to continuing to engage with San Francisco on accessibility issues, including curbside access for passengers with mobility constraints.

Community groups representing the elderly also have expressed broad support for Cruise's expansion, recognizing that "Cruise's self-driving technology has the potential to . . . empower seniors to live more independently and safely" by providing convenient transportation options to seniors experiencing trouble with mobility and lack of transportation options.⁹⁸ The Rose Pak Community Fund, for example, comments that "most transportation options and services are not designed with [the nearly 40 percent of Americans over the age of 65 who experience mobility trouble] in mind, resulting in significant barriers," and "Cruise is committed to addressing these challenges for our seniors and all San Franciscans by building a product for the community."⁹⁹

As Cruise expands its services across San Francisco, Cruise looks forward to working with community groups and advocates to improve and expand access for disabled, disadvantaged and low-income communities, and the elderly.

VII. Conclusion

Cruise's Advice Letter demonstrates that Cruise has satisfied the Commission's requirements for expansion of its services. Cruise therefore respectfully requests that CPED approve Cruise's Advice Letter expeditiously.

⁹⁵ *Id.* at Section 2.3.2, pp. 8-9 (Wheelchair Accessible Vehicles).

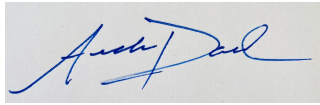
⁹⁶ *Id.* at p. 8.

⁹⁷ *Id.* at pp. 8-9.

⁹⁸ Self-Help for the Elderly Letter at p. 1.

⁹⁹ Rose Pak Community Fund Letter at p. 1.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Aichi Daniel", is displayed on a light gray rectangular background.

Aichi N. Daniel

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