



January 30, 2023

**RE: Reply of Waymo LLC - Waymo Advice Letter 0001 (Tier 3)**

TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pursuant to General Order Section 7.4.3 and the extension of time granted by the Commission's Consumer Protection and Enforcement Division ("CPED") on January 5, 2023, Waymo LLC ("Waymo") (TCP0038152A) hereby submits this Reply to protests and responses filed in connection with Waymo's Advice Letter 0001 ("Waymo's Advice Letter"), submitted on December 12, 2022, in accordance with Decision (D.) 20-11-046 (as modified by D.21-05-017) (the "Deployment Decision"), and the *CPUC Autonomous Vehicle (AV) Drivered and Driverless Pilot and Phase I Deployment Programs Application Instructions and Requirements (Version 1.0)* ("Application Instructions").

**SUMMARY OF RESPONSES AND PROTESTS**

Waymo received 38 letters to the Commission expressing support for our application for a Phase I Driverless Autonomous Vehicle (AV) Deployment Permit, submitted by Waymo's Advice Letter. This broad group of supportive stakeholders includes organizations that advocate for road safety, accessibility, sustainability, and access for the historically underserved, including seniors. The group also includes public officials, business and trade organizations, and non-profit organizations serving communities in San Francisco, among others.<sup>1</sup> Individually and collectively, these groups have deep and varied experience with the transportation ecosystem within which Waymo seeks to provide passenger carrier service. Many have

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<sup>1</sup> Organizations submitting letters of support for Waymo's Advice Letter 0001 include: National Multiple Sclerosis Society; The Arc San Francisco; National Federation of the Blind; United Spinal Association; Blinded Veterans Association; American Council of the Blind; Support for Families of Children with Disabilities; Mothers Against Drunk Driving; The Richmond Neighborhood Center; Curry Senior Center; Self-Help for the Elderly; Independent Living Resource Center of San Francisco; SF LGBT Center; TransForm; United Cerebral Palsy; Safe Kids Worldwide; Greenbelt Alliance; Openhouse; United Way Bay Area; TechNet; Chamber of Progress; Bay Area Council; Golden Gate Restaurant Association; Norcal Spinal Cord Injury Foundation; Epilepsy Foundation of Northern California; Best Buddies CA; San Jose Chamber of Commerce; Senator Steve Glazer; Senator Josh Newman; Students Against Destructive Decisions; Autonomous Vehicle Industry Ass'n; Assemblymember Marc Berman; California Chamber of Commerce; San Francisco Firefighters Toy Program; Silicon Valley Leadership Group; San Francisco Chamber of Commerce; Sf.citi; and Consumer Technology Association.

helped to inform Waymo's development of AV technology over the years - some with dialogue dating back to our start as the Google Self-Driving Car Project in 2009. Waymo is grateful for their partnership in helping to bring our Waymo One ride hail service to San Francisco, and for their continued feedback as we grow our service in a way that advances the public good.

In addition to the above, Waymo received three (3) further submissions: responses from both the Los Angeles County Department of Transportation ("LADOT") and the California Transit Association ("CTA"), as well as a letter of protest submitted jointly 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").<sup>2</sup> Waymo appreciates the opportunity afforded by this reply to address each of these submissions, as described below.

### **WAYMO'S REPLY TO PROTESTS**

After nearly three years of active rulemaking,<sup>3</sup> the Commission unanimously approved the Deployment Decision, creating a robust regulatory framework authorizing fared AV passenger carrier service in California through the Commission's Phase I Drivered and Driverless AV Deployment Programs.<sup>4</sup> As described in the Application Instructions, advice letters for Phase I driverless AV deployment authority must demonstrate or include, among other requirements: (1) compliance with General Order 157-E, (2) compliance with the Deployment Decision, including the extensive requirements enumerated under Ordering Paragraph 7, (3) a Passenger Safety Plan, (4) a DMV Deployment Permit, and (5) certification of compliance with all DMV regulations. Waymo's Advice Letter supports the relief requested by demonstrating that Waymo has satisfied these and other requirements necessary to participate in the Commission's Driverless Deployment Program. Arguments to the contrary made by San Francisco, LADOT, and CTA are without merit in that they: fail to state a valid basis for protesting Waymo's Advice Letter; seek to impose improper limits on Waymo's DMV-approved ODD on conditions not authorized by the Commission's Deployment Decision; and erroneously claim that approving Waymo's Advice Letter will grant Waymo "nearly unrestrained" driverless deployment authority.

Waymo's San Francisco riders are already enjoying free "rider-only" (driverless) trips in the Waymo Driver-equipped Jaguar I-PACE vehicle, including in Downtown San Francisco, and we are delighted that riders have been paying fares for drivered trips since May of last year. Waymo respectfully urges CPED to confirm the completeness of Waymo's Advice Letter and to recommend Waymo be authorized to charge fares for its driverless AV services, as specified in our application.

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<sup>2</sup> Note that while the LADOT and CTA submissions were styled as "responses," in accordance with the definition of a "protest" in GO 96-B, Waymo treats these submissions as protests.

<sup>3</sup> The Commission commenced its rulemaking activities in R.12-12-011 related to regulation of AV passenger carrier service in June 2017.

<sup>4</sup> The Commission approved Waymo's Drivered Deployment permit in February 2022.

## **1. San Francisco, LADOT and CTA fail to state a valid basis for protest under GO 96-B.**

San Francisco asserts that Waymo’s request for authorization is “unreasonable in light of the following circumstances”: (1) incrementalism; (2) transparency; (3) insufficient driverless testing; (4) inadequate reporting and monitoring.<sup>5</sup> None of these issues serve as a valid basis for protesting Waymo’s Advice Letter. San Francisco’s protest, as well as LADOT’s and CTA’s, constitute an improper attempt to modify the requirements adopted in the Deployment Decision and to relitigate issues that the Commission either already considered or that San Francisco, LADOT, or CTA could have raised in the rulemaking proceeding, R.12-12-011.

In the Deployment Decision, the Commission detailed the driverless deployment application process.<sup>6</sup> It stated that “GO 96-B provides the procedural vehicle by which an entity seeks a Commission order that the requested relief is consistent with Commission policy and applicable law.”<sup>7</sup> Pursuant to GO 96-B Section 7.4.2, an advice letter may be protested only on specified grounds,<sup>8</sup> and “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 [company].”<sup>9</sup>

The objections raised by San Francisco, LADOT, and CTA are entirely policy-based. San Francisco, LADOT, and CTA do not identify any deficiency in Waymo’s Advice Letter; instead they seek to modify the existing regulatory framework by adding to or modifying the conditions and requirements adopted by the Commission in the Deployment Decision. The protests fail to identify how the authorization Waymo seeks in Waymo’s Advice Letter is inconsistent with applicable Commission requirements or is otherwise unlawful. Under GO 96-B, the protests should be accorded no weight.

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<sup>5</sup> San Francisco Protest, p. 2.

<sup>6</sup> D.20-11-046, p. 80.

<sup>7</sup> Id.

<sup>8</sup> Permissible grounds for protest are limited to: (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) 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. (General Order 96-B, Section 7.4.2).

<sup>9</sup> Id.

**a. Waymo has adopted an incremental approach to deploying AV-TCP services.**

San Francisco suggests that Waymo's request for deployment authorization is unreasonable because it is not sufficiently "incremental."<sup>10</sup> San Francisco states that it "appreciates the Commission's effort to build a path from testing to commercial deployment of AVPS that provides for incremental review" but that "Cruise and Waymo now both seek blanket approval to provide unlimited commercial services."<sup>11</sup> As a threshold matter, "incremental" is not a term used in the Deployment Decision and San Francisco does not cite to any rule, requirement or other authority to support its assertion that the authorization sought in Waymo's Advice Letter is somehow inconsistent with or exceeds the parameters of the Commission's AV regulatory framework.

Furthermore, the Commission already rejected San Francisco's proposal from R.12-12-011 that would have imposed local limits on AV deployment authorized by the CPUC. San Francisco sought to require that deployments be limited to "Sandbox Pilot Testing" conducted in collaboration with a local public agency.<sup>12</sup> The Commission declined to adopt this approach in the Deployment Decision on the basis that it would create a "patchwork of local regulations" and would give municipalities "veto power that would allow them to set the terms of any AV passenger service within their jurisdiction."<sup>13</sup> San Francisco cannot relitigate these issues or use the advice letter process to dictate the parameters of an AV-TCP's ODD or secure other operational concessions. San Francisco's argument that Waymo's deployment application is not sufficiently "incremental" is precisely the sort of policy objection that GO 96-B prohibits as a basis for a protest to an advice letter that otherwise complies with Commission orders.

Notwithstanding that a sequential approach is not required (e.g. a CPUC AV deployment permit is not preconditioned on providing free rides to the public pursuant to a CPUC AV pilot permit), Waymo has followed a deliberate and methodical "path from testing to commercial deployment" insofar as it obtained a CPUC drivered pilot permit, a CPUC driverless pilot permit, and a CPUC drivered deployment permit before seeking the presently requested authorization for a driverless deployment permit in its San Francisco ODD. Each of Waymo's CPUC permits - as well as the foundational DMV permits that underlie them<sup>14</sup> - are subject to the numerous conditions and requirements detailed in the relevant CPUC decisions and DMV regulations.

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<sup>10</sup> San Francisco Protest, p. 2.

<sup>11</sup> Id. (San Francisco uses the acronym "AVPS" to refer to "autonomous vehicle passenger service")

<sup>12</sup> See Opening Comments of the SFMTA and SFCTA on ALJ Ruling Ordering Parties to Comment on Questions Regarding CPUC Regulation of Autonomous Vehicles (Feb. 10, 2020), pp. 8-9.

<sup>13</sup> D.20-11-046, p. 22.

<sup>14</sup> For its San Francisco ODD, Waymo holds Drivered Testing, Driverless Testing, and Deployment (Drivered and Driverless) permits issued by the DMV.

Beyond the steps Waymo has taken to secure all applicable permits for the San Francisco ODD, Waymo has spent many years driving on public roads in San Francisco and in the broader San Francisco Bay Area. This is, of course, in addition to the years spent developing and operating the world's first driverless ride hail service in Arizona.<sup>15</sup> As San Francisco recognizes in their protest,<sup>16</sup> Waymo is committed to seeking out local public agency input to make investments in shared priorities. Waymo appreciates San Francisco's acknowledgement and looks forward to further collaboration and continued open dialogue.

**b. San Francisco's objections regarding Waymo's confidentiality claims are irrelevant to Waymo's Advice Letter.**

San Francisco objects that Waymo and Cruise have both sought confidential treatment of "basic operational data about AV driving."<sup>17</sup> The operational data over which Waymo has sought confidential treatment was submitted to the Commission pursuant to the quarterly AV data reporting requirements for Waymo's existing drivered deployment operations and not as part of Waymo's Advice Letter. San Francisco appears to presume that the information Waymo has sought to protect as confidential will reveal information related to "the readiness of its systems for driverless operation."<sup>18</sup> San Francisco provides no basis for that presumption. Furthermore, Waymo has a right to seek confidential treatment pursuant to existing Commission rules, and seeking such treatment has no bearing on Waymo's Advice Letter. Waymo has complied with both the extensive reporting requirements established in the Deployment Decision and the Commission's procedures for seeking confidential treatment of protected or commercially sensitive information. Waymo's Advice Letter is not the proper vehicle for considering those claims. Confidentiality claims can and should be addressed through the process adopted by General Order 66-D, and the Commission's decisions interpreting GO 66-D.

San Francisco proposes that the Commission "[r]equire AVPS permittees to submit, at a minimum, the newly required data on a public basis without requests for confidential treatment as a condition of approval of any Tier 2 or Tier 3 AVPS deployment Advice Letter and provide at least 30 days of opportunity for public review and analysis of that data before approving new commercial deployments or expansions."<sup>19</sup> This is another example of San

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<sup>15</sup> Waymo has been driving in the Metro Phoenix area since 2016 and began operating our driverless service in October 2020 – servicing Chandler, Tempe and Mesa, Arizona, and have since expanded to include Downtown Phoenix and the first-ever AV airport service at Sky Harbor.

<sup>16</sup> San Francisco Protest, at 1-2 ("Waymo has actively sought City input about its AV testing and deployment, has demonstrated intent to address several city concerns, and appears to have apparently invested significant resources in doing so. Many details described in the Advice Letter reflect attention to city concerns about the safety and integrity of the transportation network and about providing equitable service that is accessible to people with disabilities. Waymo has been an industry leader in reaching out to the stewards of the city's transportation network as stakeholders in Waymo user experience and product development research.")

<sup>17</sup> San Francisco Protest, at 3.

<sup>18</sup> Id.

<sup>19</sup> San Francisco Protest, at 4.

Francisco improperly using the advice letter process to propose new policy requirements that conflict with Commission's orders in the Deployment Decision that specifically contemplated that AV permit holders could seek confidential treatment of information provided in their quarterly data reports.<sup>20</sup>

LADOT similarly objects that the Commission's quarterly data collection requirement is "not as transparent as it could be for such an ever-changing service," and states that the data that has been submitted to the CPUC is "completely redacted and is unusable."<sup>21</sup> While it is unclear whether LADOT is referencing Waymo's data submissions, LADOT's comments are misplaced for the same reasons discussed immediately above. It is not appropriate for the Commission to consider those issues here.

**c. San Francisco's concern for the sufficiency of Waymo's driverless pilot operations in SF is without merit.**

San Francisco acknowledges that "Waymo has tested both automated driving and passenger service extensively" but objects that "as of August 31, 2022, the latest date for which information is available to the public, Waymo had not tested any passenger service in San Francisco in vehicles that have no safety driver."<sup>22</sup> San Francisco contends that "[t]his increases concern about the potential for increased AV street obstructions."<sup>23</sup>

San Francisco's concern is unfounded. As noted above, the Deployment Decision does not mandate that an AV-TCP first conduct a passenger service pilot before being authorized to charge for trips provided to the public - whether in a drivered or driverless configuration. What the Deployment Decision does require is 30 days of operations following receipt of the foundational DMV permit. Waymo's Advice Letter includes this required attestation. The Deployment Decision should not be read to include any additional pre-deployment application conditions of CPUC pilot permit use.

Nevertheless, Waymo clarifies that it has conducted driverless pilot operations with public riders in San Francisco. Waymo immediately commenced such services upon receiving the CPUC driverless pilot permit in November 2022. To date, Waymo has driven tens of thousands of autonomous miles in its CPUC driverless pilot, completing thousands of trips transporting members of the public (for free). In addition, prior to receiving the CPUC driverless pilot permit, Waymo employees had been taking driverless trips in San Francisco since March 2022 pursuant to our DMV driverless testing authority.

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<sup>20</sup> D.20-11-046, p. 26 ("Any permit holder who claims that any part of the quarterly data reports should not be made publicly available must comply with the requirements set forth in GO 66-D to establish any claims of privilege, confidentiality, or any other grounds that would prevent the information's public dissemination.")

<sup>21</sup> LADOT Response, at 4.

<sup>22</sup> Id.

<sup>23</sup> Id.

**d. Demands for increased data reporting and real-time operational monitoring are not a proper basis to deny or condition Waymo's driverless deployment permit approval.**

San Francisco argues that the "Commission's existing data collection requirements, public disclosure, and analysis do not provide the information necessary to assess how automated driving technology is actually affecting the safety, operations, equity, and accessibility of the City's transportation network . . . ." <sup>24</sup> LADOT also argues that the Commission should allow an expansion of service by Waymo (or any other AV service provider) only after certain performance criteria are met. <sup>25</sup> CTA similarly argues that the Commission should require new data reporting to "assess the readiness to expand service." <sup>26</sup> These contentions regarding the sufficiency of the Commission's data reporting requirements are not a valid basis for protesting Waymo's Advice Letter. San Francisco, LADOT, and CTA participated in R.12-12-011 and had ample opportunity to comment on the data reporting requirements that were established in both D.18-05-043 (creating the Commission's AV Pilot Programs) and the Deployment Decision.

Significantly, the Commission's Deployment Decision already indicates that the Commission will initiate a subsequent phase of the proceeding to "evaluate the data collected in Phase I." <sup>27</sup> Indeed, as the Deployment Decision further notes, "In Phase II or subsequent phases of the AV deployment programs, as AV companies begin further deployment, the Commission and local governments will have more visibility into the impacts of AVs on local streets based on the data collected in Phase I." <sup>28</sup> Furthermore, the Commission specifically declined to make AV deployment contingent upon AV operators meeting specific performance-based targets related to safety, accessibility, equity and environmental justice. <sup>29</sup>

To the degree San Francisco, LADOT, and CTA believe that additional industry-wide data reporting requirements or performance criteria are appropriate, the proper procedural vehicle would be a Petition for Modification in the rulemaking proceeding, which would provide all stakeholders the opportunity to comment on both the benefits and burdens of those recommendations. Such a petition would not be appropriate here, however, because the Commission has already determined that the current data reporting requirements are sufficient for Phase 1 and stated its intent to consider the need for additional industry-wide rules in a future phase of the rulemaking proceeding.

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<sup>24</sup> San Francisco Protest, at 3.

<sup>25</sup> LADOT Response, at 5.

<sup>26</sup> CTA Response, at 2.

<sup>27</sup> D.20-11-046, at 2.

<sup>28</sup> *Id.* at 48.

<sup>29</sup> D.20-11-046, at 26-30.

**2. San Francisco’s “alternate grounds for protest” does not provide a valid basis for protest.**

As an alternate basis for protest, San Francisco asserts that “the relief requested in the advice letter is inappropriate for the advice letter process because it requires approval based on issues that were not contemplated in the Deployment Decisions.”<sup>30</sup> San Francisco does not specify how Waymo’s Advice Letter seeks relief beyond what was contemplated in the Deployment Decision, and it is incorrect that Waymo’s Advice Letter is in any way inconsistent with the regulatory framework adopted by the Commission. As detailed above, the relief sought in Waymo’s Advice Letter request falls squarely within the scope of deployment authority that the Commission contemplated AV operators would seek.

San Francisco’s principal complaint and concern relates to recent unplanned stops by AVs.<sup>31</sup> To the extent San Francisco is arguing that Waymo’s requested authorization should not be approved because new or changed facts have arisen since the Commission adopted the Deployment Decision, an advice letter protest is not the appropriate vehicle within which to raise such concerns. At best, these claims would be the basis for filing a petition for modification.<sup>32</sup> A petition for modification would not be appropriate in this context, however, because the Commission already determined that it would revisit the AV regulatory framework three years from the date of the Deployment Decision.<sup>33</sup>

**3. The Commission should not impose limitations on Waymo’s ODD or scope of service that would curtail DMV approvals and that were not contemplated by the Commission’s Deployment Decision.**

San Francisco requests that CPED limit Waymo’s operating authority by prohibiting Waymo from providing transportation services to the public during times of day and geography already approved by the DMV for deployment purposes, and beyond the limitations contemplated in the Commission’s Deployment Decision.<sup>34</sup> Specifically, San Francisco would

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<sup>30</sup> San Francisco Protest, p. 4.

<sup>31</sup> San Francisco and Los Angeles reference a number of unplanned stops or other occurrences or events involving vehicles of other AV operators. As these events did not involve Waymo vehicles, Waymo is not in a position to comment on or address the alleged facts related to these occurrences or events. Waymo addresses unexpected stops in its Passenger Safety Plan (see Section VI.A *Collisions and Unexpected Stops*).

<sup>32</sup> See Commission Rule 16.4 (“(a) A petition for modification asks the Commission to make changes to an issued decision. Filing a petition for modification does not preserve the party’s appellate rights; an application for rehearing (see Rule 16.1) is the vehicle to request rehearing and preserve a party’s appellate rights. (b) A petition for modification of a Commission decision must concisely state the justification for the requested relief and must propose specific wording to carry out all requested modifications to the decision. Any factual allegations must be supported with specific citations to the record in the proceeding or to matters that may be officially noticed. Allegations of new or changed facts must be supported by an appropriate declaration or affidavit...”)

<sup>33</sup> D.20-11-046, p. 26.

<sup>34</sup> San Francisco Protest, p. 4.



have CPED (1) prohibit Waymo from deploying driverless AVs in downtown San Francisco on weekdays during the hours of 7-10 AM and 4-7 PM; and (2) impose a cap on the number of vehicles in AV fleets with expansion in limited increments.<sup>35</sup> To support these proposed operational limitations, San Francisco states that it “appreciates the wisdom reflected in the Commission’s Resolution TL-19137 approving the first commercial AVPS deployment in California for a small fleet of Cruise AVs operating only at night.”<sup>36</sup>

However, the parameters of Cruise’s driverless deployment permit ODD were not created by CPED, as San Francisco’s statement seems to suggest; rather, they were proposed, reviewed and approved in the DMV permitting process.<sup>37</sup> The full extent of Cruise’s DMV-approved ODD was then, in turn, adopted by the Commission in Resolution TL-19137.<sup>38</sup> As the Commission found in the Deployment Decision, assessing the capability of the AV to operate safely within a proposed ODD was a matter for the DMV, not the Commission:

...vehicle safety is currently addressed by another State agency. To receive any autonomous vehicle permit from the Commission, the applicant must first obtain a DMV AV Testing Permit or DMV AV Deployment Permit. To obtain either a DMV AV Testing Permit or DMV AV Deployment Permit, applicants must demonstrate that their vehicle meets the description of Level 4 or Level 5 autonomy under Society of Automotive Engineer International’s “Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles.” Thus, the DMV is the appropriate authority to evaluate and affirm through the permit process the AVs’ capability to perform the dynamic driving task.<sup>39</sup>

As with Cruise, CPED should similarly authorize Waymo to charge for driverless trips to the full extent of Waymo’s DMV-approved ODD. The fact that another AV operator exercises its independent discretion to seek a particular scope of deployment, based on its unique operational and technological considerations, does not mean that similar parameters should be imposed on Waymo.

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<sup>35</sup> San Francisco Protest, p.

<sup>36</sup> San Francisco Protest, p. 3.

<sup>37</sup> As envisioned by the legislature, it is DMV’s role to assess and approve an AV operator’s proposed ODD. The DMV may only issue a Permit to Deploy Autonomous Vehicles on Public Streets if, among other things, the agency is satisfied that: (1) the applicant has demonstrated the ability of the autonomous technology to perform “the dynamic driving task in the vehicle’s operational design domain, except when necessary to enhance the safety of the vehicle’s occupants and/or other road users;” and (2) “the manufacturer has conducted test and validation methods and is satisfied, based on the results of the tests and validations, that the vehicles are safe for deployment on public roads in California.” 13 CCR Section 228.06

<sup>38</sup> In approving Cruise’s initial Driverless Deployment application, the Commission stated that Cruise proposed to offer driverless passenger service, “[i]n alignment with the Operational Design Domain (ODD) approved by the California Department of Motor Vehicles (DMV).” See Resolution TL-19137 at 2.

<sup>39</sup> D.20-11-046, p. 30.

With regards to San Francisco’s proposed limits on the number of vehicles, the Commission declined to adopt a proposal to impose such a limitation in R.12-12-011.<sup>40</sup>

#### **4. Waymo’s Advice Letter Does Not Seek “Nearly Unrestrained” Operations; Waymo is Subject to Ongoing Jurisdiction of Multiple Regulatory Agencies.**

San Francisco argues that “Waymo seeks exclusive authority to make judgments about the readiness of its systems for driverless operation,” and suggests that the scope of Waymo’s “sweeping” request for driverless deployment in San Francisco will be “nearly unrestrained.” These characterizations are not accurate. Waymo’s autonomous driving system has gone through extensive testing to establish its readiness and has received the DMV’s approval, which deems Waymo’s autonomous driving system safe to operate within the parameters of the allowed ODD<sup>41</sup> described in Waymo’s Advice Letter.

Furthermore, Waymo is subject to continued regulatory oversight by the Commission, the DMV, and the National Highway Traffic Safety Administration (NHTSA). These agencies are actively exercising their regulatory authority over the safe operation of autonomous vehicles within their respective jurisdictions. Indeed, Waymo is in regular communication with each agency on all manner of issues, including our technological and operational approaches to congestion prevention.<sup>42</sup> State and federal oversight of the AV industry is extensive and engaged. In addition, municipalities like San Francisco and Los Angeles are well equipped to address traffic disruptions and potential violations through existing traffic enforcement mechanisms. Granting the relief requested by Waymo’s Advice Letter does nothing to undermine the highly regulated environment in which we operate.

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<sup>40</sup> In R.12-12-011, the San Francisco Taxi Workers Association proposed that “[t]he number of AVs should be strictly limited in both the drivered and driverless pilot programs AND if and when full deployment is allowed.” (*Opening Comments of the San Francisco Taxi Workers Alliance (SFTWA) on Administrative Law Judge’s Ruling Ordering Parties to Comment on Questions Regarding the Commission’s Regulation of Autonomous Vehicles*, p. 2 (January 21, 2020)). The Commission did not adopt this proposal.

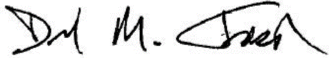
<sup>41</sup> 13 CCR Section 228.08(e) (stating that “The department shall approve the application if the manufacturer has: (1) Submitted all the information and certifications required by Sections 228.04 and 228.06; and, (2) based on the submitted information and certifications, conducted testing necessary to satisfy the department that the subject autonomous vehicles are safe to operate on public roads.

<sup>42</sup> NHTSA has extensive experience and expertise in investigating motor vehicle safety issues, and has the ability to review data from operations in multiple states. NHTSA continues to exercise its authority over AVs operating on public roads, having recently opened investigations into operations of two AV companies, including one investigation related to “vehicle immobilization events.” In addition, CPED and DMV routinely make inquiries of Waymo regarding various aspects of its permit applications and operations.

**CONCLUSION**

Waymo greatly values the relationships it has with its municipal partners, including San Francisco and Los Angeles. However, as San Francisco appears to acknowledge,<sup>43</sup> the advice letter process is not the proper avenue for CPED to consider the additional conditions and limitations that it (and LADOT and CTA) is proposing. Nor is San Francisco's desire for additional rulemaking a basis for denying, delaying, or limiting the relief requested in Waymo's Advice Letter. Adopting San Francisco's proposals would be a deviation from Commission policy and procedure. Accordingly, Waymo respectfully requests that CPED draft a resolution recommending the Commission approve Waymo's Advice Letter without undue delay or the addition of improper limits and conditions not contemplated by the Deployment Decision.

Respectfully,

DocuSigned by:  
  
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<sup>43</sup> San Francisco Protest, p. 4.