

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



VIA ELECTRONIC MAIL

March 1, 2024

Daniel C. Smith
Waymo LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043

SUBJECT: Disposition of Waymo Advice Letter 0002

Dear Daniel C. Smith:

Pursuant to Decision (D.) 20-11-046, as modified by D.21-05-017, and Resolution TL-19136, the Consumer Protection and Enforcement Division (CPED) of the California Public Utilities Commission approves Waymo LLC's (Waymo) Advice Letter 0002. Waymo's updated Passenger Safety Plan (PSP), submitted in connection with its expanded operational design domain (ODD) for deployment approved by the California Department of Motor Vehicles (DMV), is approved. A status certificate is attached for your records.

On January 19, 2024, Waymo submitted Advice Letter (AL) 0002 seeking approval of its updated PSP and thus authorization for expansion of its Phase I Driverless Autonomous Vehicle (AV) Deployment service to the Los Angeles and San Francisco Peninsula areas. On February 8, 2024, the City of South San Francisco, the County of San Mateo, the Los Angeles Department of Transportation, the San Francisco County Transportation Authority, and the San Francisco Taxi Workers Alliance submitted protests. CPED received 81 supportive responses.

Attachment 1 contains further discussion of Waymo's request, protests and responses, Waymo's replies, and CPED's disposition.

Please contact CPED AV Programs staff via email at AVPrograms@cpuc.ca.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Curtis".

Terra Curtis
Interim Director, Consumer Protection & Enforcement Division
Manager, Transportation Policy & Programs

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

**Advice Letter Status Certificate**

Status of Advice Letter 0002 as of March 1, 2024

Waymo LLC (TCP 38152)
Attention: Daniel C. Smith
1600 Amphitheatre Parkway
Mountain View, CA 94043

Advice Letter Subject: **Waymo-0002, Requesting approval of Waymo's updated Passenger Safety Plan in connection with Waymo's expanded deployment ODD**

Division Assigned: Consumer Protection and Enforcement

Date Filed: 01-19-2024

Disposition: **Approved**

Effective Date: **03-01-2024**

CPUC Contact Information: AVPrograms@cpuc.ca.gov

TCP Contact Information: Mari Davidson
waymo-regulatory-permits@google.com

Attachment 1: Staff Review and Disposition

Background

In Decision (D.) 20-11-046 (as modified by D.21-05-017) (Deployment Decision), the Commission established the criteria and requirements for Transportation Charter-Party Carrier permit holders (Carriers) to collect fares for passenger service using autonomous vehicles (AVs). The Deployment Decision builds on the Commission's earlier decision, D.18-05-043, that sets out the requirements for Carriers to pilot passenger service using AVs without charging fares, and on the Department of Motor Vehicles (DMV) regulations and permits for AV manufacturers.

Under California law, the DMV determines if AVs can operate on public roads.¹ To deploy AVs, the AV manufacturer must apply to the DMV for a Permit to Deploy Autonomous Vehicles on Public Streets.² DMV regulations establish the requirements for that application, including that the manufacturer identify in the application the Operational Design Domain (ODD) in which the AVs are designed to operate. The DMV reviews submitted applications, and if it determines the manufacturers have provided all required information and certifications and that the DMV is satisfied the AVs are safe to operate on public roads, issues the permit.³ DMV regulations further require that manufacturers submit an amended application for public deployment prior to implementing certain changes, including changes that expand the geographic areas where AVs may operate.⁴ Manufacturers may not implement these changes prior to review and approval by the DMV.

The Deployment Decision creates two sets of requirements for Carriers wishing to collect fares for AV service—one set of requirements for service with a safety driver present in the vehicle (Drivered Deployment service) and one set of requirements for service without a safety driver (Driverless Deployment service). Given the DMV's role in regulating AVs' safe operations on public roads, the Commission's requirements focus on compliance with the DMV permitting and on issues specific to passenger service. To offer Driverless Deployment service, a Carrier must meet the requirements contained in Ordering Paragraph (OP) 7, including holding a DMV Permit to Deploy Autonomous Vehicles on Public Streets and maintaining insurance for the AVs. In addition, a Carrier must prepare a Passenger Safety Plan (PSP), and in the PSP, must describe its policies and procedures to minimize risk for all passengers in its driverless vehicles. This includes, at a minimum, how the Carrier will:

- Minimize safety risks to passengers traveling in a ride operated without a driver in the vehicle;
- Minimize safety risks to passengers traveling in a shared, driverless ride, including prevention and response to assaults and harassments (only for Carriers applying to offer shared rides);
- Respond to unsafe scenarios outside and within the vehicle, such as hostile individuals;

¹ Veh. Code, § 38750.

² Cal. Code Regs., tit. 13, § 228.06.

³ Cal. Code Regs., tit. 13, § 228.08.

⁴ Cal. Code Regs., tit. 13, § 228.10.

- Educate and orient passengers about the technology, experience, and safety procedures;
- Ensure customers can safely identify, enter, and exit the AV they requested;
- Enable passengers to contact the AV service provider during the ride and ensure the passengers receive a timely and complete response;
- Collect, respond to, and retain any passenger comments and complaints; and
- Ensure the safety measures described above are accessible to and apply to all passengers, including those with limited mobility, vision impairments, or other disabilities.⁵

The Commission established an advice letter process, modeled on the rules set forth in General Order (GO) 96-B, for Driverless Deployment applications and modifications. To offer Driverless Deployment service, the Carrier must submit an application to the Director of the Consumer Protection and Enforcement Division in the form of a Tier 3 Advice Letter.⁶ At any point following this approval, a Carrier that then wishes to change its operations in a way that would “materially affect the approaches” in its PSP must submit a revised PSP in the form of a Tier 2 advice letter.⁷ Per GO 96-B, Tier 2 advice letters are appropriately disposed of by Commission staff “where statutes or Commission orders have required the action proposed in the advice letter, or have authorized the action with sufficient specificity, that [staff] need only determine as a technical matter whether the proposed action is within the scope of what has already been authorized by statutes or Commission orders.”

On December 12, 2022, Waymo submitted Waymo-0001, a Tier 3 advice letter seeking authorization to offer Driverless Deployment service to the limits of its DMV-approved ODD. At that time, Waymo’s ODD included San Francisco and portions of San Mateo County. On August 10, 2023, the Commission approved Waymo’s advice letter, finding that Waymo demonstrated it had met the requirements set out in the Deployment Decision for Driverless Deployment service.⁸

On January 11, 2024, the DMV approved an expanded ODD for Waymo that authorizes Waymo to deploy driverless AVs in portions of the Los Angeles area and additional portions of the San Francisco Peninsula. On January 19, 2024, Waymo submitted Waymo-0002, a Tier 2 advice letter seeking approval of its revised Passenger Safety Plan (PSP) in connection with Waymo’s expanded ODD for AV deployment. In its advice letter, Waymo seeks—through approval of its updated PSP— authorization to expand its ability to collect fares for passenger service using driverless AVs to the areas approved in its updated ODD.

Protests, Responses, and Replies

GO 96-B provides that any person (including individuals, groups, or organizations) may protest or respond to an advice letter within 20 days of its submittal. Protests and responses to Waymo’s advice letter were due on February 8, 2024. CPED received five protests that expressed concerns

⁵ D.20-11-046, p. 83 (as modified by D.21-05-017), OP 8.

⁶ *Id.*, OP 11.

⁷ D.20-11-046, p. 83 (as modified by D.21-05-017).

⁸ Res. TL-19144, *Resolution Approving Waymo LLC’s Application for Phase I Driverless Autonomous Vehicle Passenger Deployment Program* (as modified by D.23-11-053).

regarding or otherwise opposed Waymo's advice letter and 81 responses in support of Waymo's proposed expansion.

Responses in Support

Responses in support were submitted by 81 organizations or individuals, including disability advocates, community organizations, economic development organizations, academics, elected officials, labor representatives, and transportation advocates.

Responses in support were received from (in alphabetical order):

- 100 Black Men of Los Angeles
- 3 Feet Please
- American Council of the Blind
- Assemblymember Vince Fong (32nd District)
- AutoNation
- Autonomous Vehicle Industry Association
- Bahati Foundation
- Bay Area Council
- Best Buddies International
- BikeLA
- Professor Billy Riggs, University of San Francisco
- Blinded Veterans Association
- Boys and Girls Clubs of Silicon Valley
- Breathe Southern California
- Brotherhood Crusade
- Burlingame/SFO Chamber of Commerce
- California Bicycle Coalition
- California Chamber of Commerce
- California Walks
- Center for Council
- Central City Association
- Chamber of Progress
- Chamber San Mateo County
- Community Coalition
- Congress of Racial Equality of California
- DTLA Proud
- Easterseals Southern California
- Epilepsy Foundation of Northern California
- Foundation for Advancing Alcohol Responsibility (Responsibility.org)
- Goodwill of the San Francisco Bay
- Greater Los Angeles African American Chamber of Commerce
- Greater Miracle Chamber of Commerce
- Harvest Home
- Heart of Los Angeles
- Hispanic Foundation of Silicon Valley
- Homeboy Industries
- Hundley Foundation
- Independent Living Resource Center San Francisco
- Integrated Community Collaborative
- International Brotherhood of Electric Workers (IBEW) Local Union 617
- Professor Jiaqi Ma, Center of Excellence on New Mobility and Automated Vehicles at University of California, Los Angeles
- Jobs for the Future
- Karsh Center
- LA-Tech.org
- Los Altos Chamber of Commerce
- Los Angeles Business Council
- Los Angeles County Business Federation (BizFed)
- Los Angeles County Economic Development Corporation
- Los Angeles Mission

- Margaret Cooper (San Mateo resident)
- Mothers Against Drunk Driving
- Mountain View Chamber of Commerce
- National Council on Independent Living
- National Federation of the Blind
- National Federation of the Blind of California
- National Multiple Sclerosis Society (Bike MS – Northern California Chapter of NMSS)
- National Sleep Foundation
- NorCal Spinal Cord Injury Foundation (NorCal SCI)
- Palo Alto Chamber of Commerce
- Pico Union Project
- Safe Kids Worldwide
- San Francisco Lighthouse for the Blind and Visually Impaired
- San Mateo County Economic Development Association
- Santa Monica Chamber of Commerce
- Santa Monica Families for Safe Streets
- Self-Help for the Elderly
- SHE IS HOPE LA
- Silicon Valley Bicycle Coalition
- Silicon Valley Leadership Group
- South LA Best Buy Teen Tech Center
- South Park Neighborhood Association
- Southern California Resource Services for Independent Living
- Street Racing Kills
- Streets Are For Everyone
- TEC Leimert
- TechNet
- United Cerebral Palsy
- Veloz
- Vista Center for the Blind and Visually Impaired
- Westwood Village Improvement Association

These responses generally highlighted the potential safety, accessibility, economic, and environmental benefits of an expansion of Waymo’s driverless AV service. Many responses also described Waymo’s engagement with the community and highlighted potential benefits for specific populations including people with disabilities, seniors, pedestrians, bicyclists, and other underserved groups such as lower-income people, youths and families, and people experiencing homelessness. The Autonomous Vehicle Industry Association, Professor Billy Riggs of the University of San Francisco, and the Silicon Valley Leadership Group described aspects of Waymo’s PSP that in their analyses indicated Waymo’s innovative and considered approach to passenger safety.

One response, submitted by the American Council of the Blind, supported approval of Waymo’s application, but also expressed concerns that the Commission has not adopted standards requested by the California Council of the Blind to increase safety and accessibility of autonomous vehicles. American Council of the Blind argued that the Commission should not grant Waymo’s application without simultaneously beginning the process of adopting safety and accessibility standards.

Protests

Protests were submitted by the City of South San Francisco (SSF), the County of San Mateo (San Mateo), the Los Angeles Department of Transportation (LADOT), the San Francisco County Transportation Authority (SFCTA), and the San Francisco Taxi Workers Alliance (SFTWA).

SSF argued that the Tier 2 advice letter process does not provide adequate notice and public participation and that the public should be able to provide testimony and submit evidence on the implications of Waymo's expansion. SSF expressed "no position on the substance of Waymo's desired service expansion."

San Mateo criticized Waymo's engagement with County staff, arguing that approval of the advice letter would be unreasonable without further input from local stakeholders. In its protest, San Mateo stated that no conversations had taken place between Waymo and County leaders or staff. San Mateo later submitted a follow-up email clarifying that Waymo representatives met with three members of the San Mateo County Board of Supervisors and with the County Executive regarding its interest in expanding commercial operations in the County. San Mateo further argued that the advice letter process is not appropriate to the relief sought by Waymo.

LADOT argued that "unimpeded service expansion without local consultation, collaboration, and oversight" will undermine AV program goals and harm Los Angeles, and that any expansion of AV deployment is premature until Senate Bill 915, which would expand local control over AVs, is settled. LADOT asserted that the relief sought by Waymo is unreasonable without standardization of disengagement protocols, expanded local oversight over AV operations, and greater availability and standardization of AV data. LADOT additionally seeks an evidentiary hearing regarding "disputed facts."

SFCTA's letter expressed its support for protests by San Mateo and LADOT and argued that the advice letter should be referred to the Commission for disposition via a formal vote. SFCTA further argued that the advice letter process is inappropriate and a formal hearing is required, and that the relief requested is unreasonable. SFCTA additionally reiterates arguments submitted in past filings related to Waymo's previous advice letter, the draft resolution disposing of that advice letter, and the City of San Francisco's Application for Rehearing of that resolution.

SFTWA expressed concerns over Waymo's operations, the advice letter process, and AV program requirements generally, and argued that the Commission should defer its decision on Waymo's advice letter until new rules can be put in place. SFTWA's letter cites several grounds for protest, including: the Waymo PSP contains material errors or omissions in that it does not adequately address impacts to first responders and the public generally; a formal hearing is required to discuss Waymo's performance, significant expansion, and other issues beyond the advice letter process; the relief requested by Waymo is unreasonable because it subjects the public to unreasonable risks; and Waymo did not properly serve the advice letter in that it did not submit a cover sheet.

Waymo's Reply

On February 13, 2024, Waymo submitted its reply to these letters of support and opposition. In its reply, Waymo argues that it has followed the requirements of the Deployment Decision and that its advice letter is appropriately disposed of by CPED. Waymo states that SSF, San Mateo, LADOT, SFCTA, and SFTWA failed to state a valid basis for protest under GO 96-B and that several of the issues raised represent impermissible attempts to relitigate issues already decided by the Commission or are outside the scope of the advice letter process. Waymo further argues that these parties failed to identify any deficiencies in Waymo's updated PSP or disputed issues of material fact that would require an evidentiary hearing, and that Waymo complied with service and notice requirements for its advice letter. Lastly, Waymo responds to San Mateo's assertion that no outreach had been conducted to County officials, noting that Waymo had spoken or met with the County Executive Officer, three County supervisors, the Chairperson of the San Mateo City/County Association of Governments, and County sheriffs and fire representatives. Waymo further describes its engagement with city-level officials in the region and notes previous and planned training sessions for various first responders in the area.

Discussion

Rule 7.4.2 of GO 96-B describes acceptable grounds for protest of an advice letter. These include: (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. Protests may not rely on policy objections where the relief requested in the advice letter follows rules or directions established by statute or Commission order.

CPED has carefully evaluated the protests from the City of South San Francisco, San Mateo, LADOT, SFCTA, and SFTWA. Staff determined that the submissions do not state proper grounds for protest per the directives of Rule 7.4.2 of GO 96-B, as further discussed below.

- 1. Is Waymo's request for approval of its updated PSP correctly submitted as a Tier 2 Advice Letter?*

Several parties took issue with the advice letter process itself, arguing the advice letter is inappropriate as it involves controversial matters⁹ and does not provide for sufficient record

⁹ SFTWA.

development,¹⁰ and that Waymo failed to provide sufficient notice or opportunities for public engagement.¹¹ These arguments do not establish an issue with the advice letter process.

The Commission established the requirements for a Carrier to provide fare passenger service using AVs in a formal proceeding in the Deployment Decision. The Commission found that Waymo demonstrated compliance with those requirements in Resolution TL-19144. Based on the DMV's approval of Waymo's expanded ODD, Waymo has authorization to operate on public roads in portions of Los Angeles County and additional portions of the San Francisco Peninsula. The only issue before CPED staff in this advice letter is assessment of whether Waymo's updated Passenger Safety Plan adequately addresses the Deployment Decision requirements.¹² In the Deployment Decision, the Commission determined that a Tier 2 advice letter is the appropriate mechanism to request Commission approval when an entity authorized to participate in the driverless deployment program intends to change its operations in a way that materially affects the approaches outlined in its Passenger Safety Plan.¹³

SSF, San Mateo, LADOT, and SFTWA further requested that the Commission hold evidentiary hearings. General Rule 7.4.1 of GO 96-B requires that any protestant requesting an evidentiary hearing must explain the need for such a hearing and identify material disputed facts requiring a hearing. No party identified material disputed facts that would be resolved through formal hearings. Therefore, requests for evidentiary hearings are denied.

2. *Other Issues*

LADOT, SFTWA, and SFCTA raise additional concerns regarding Waymo's requested relief. LADOT argues that the Commission should give cities more authority to regulate AV operations, require use of the Mobility Data Specification and additional data sharing with cities, and require standardized disengagement protocols to assist law enforcement. LADOT asserts that expansion of AV operations is premature given outstanding legislation (Senate Bill 915) that would expand local control over AVs. SFTWA argues that the Commission has inappropriately deferred to the DMV on matters of vehicle safety, that new rules should be put in place for AV Deployment prior to approval of Waymo's advice letter, and that the PSP should address first responders and the public generally. SFCTA states that the Commission must collect additional data on AV operations and only approve expansion incrementally, that the Commission has not adequately considered public safety impacts, and that the Commission is required to conduct environmental review under the California Environmental Quality Act.

These arguments seek relitigation of the Commission's orders in the Deployment Decision and are not grounds to protest the advice letter. Staff's evaluation and disposition is limited to whether the updated PSP complies with the Deployment Decision's requirements in connection with Waymo's expanded ODD for deployment operations approved by the DMV on January 11, 2024. Here, LADOT, SFTWA, and SFCTA raise arguments that are outside the scope of staff's

¹⁰ County of San Mateo.

¹¹ County of San Mateo, SFTWA, City of SSF, and SFCTA.

¹² D.20-11-046 (as modified), Ordering Paragraphs 8 and 20.

¹³ D.20-11-046 (as modified), Ordering Paragraph 20.

delegated authority.¹⁴ Issues related to program regulations, including accessibility requirements and PSP requirements, are matters of broader AV policy and are not appropriately addressed through this advice letter. Issues specifically on the ability of the autonomous vehicle to operate safely on public roads are within the purview of the DMV, which per statute is the agency responsible for oversight of those areas. Policy issues related to the Commission's authority over AV passenger service should be taken up through the Commission's rulemaking process, the appropriate venue for development of broader policy that would impact all regulated entities. AV policy matters are currently addressed in Rulemaking 12-12-011. This includes active consideration of expansions to AV data reporting, as initiated by Commissioner Shiroma's Ruling in May 2023.

Disposition of Waymo's Advice Letter

As required by the Deployment Decision, Waymo submitted an updated PSP in connection with expansion of its ODD to portions of the Los Angeles and San Francisco Peninsula areas. The PSP describes the policies and procedures Waymo has in place to minimize risk for all passengers in driverless vehicles. These include education of passengers and the public, in-vehicle safety and accessibility features, vehicle identification features and pickup and drop-off protocols, protocols for responding to adverse events both within and outside the vehicle, and protocols for communicating with and supporting passengers.

Waymo's updated PSP includes discussion of new vehicle features that support the safety of passengers and the public, including enhanced exterior lighting to support safer entry and exit from the vehicle and new external audio cues that allow for clearer communication with people outside the vehicle, including first responders. Waymo's PSP also reflects developments in approaches to avoiding adverse events, which include partnerships with select public safety agencies to receive rapid notice of avoidance areas related to first responder activities.

Waymo's updated PSP and the new features and enhanced protocols described therein demonstrate Waymo's attention to continuous evaluation and improvement of its technology, safety practices, and aspects of its operations involving humans (such as Rider Support and Remote Assistance) that minimize risk of driverless passenger service operations in a larger and more diverse ODD.

CPED finds that Waymo has complied with the requirements of the Deployment Decision. Its updated PSP is complete relative to the requirements described in the Deployment Decision and is reasonable for its planned service. Therefore, CPED approves Waymo's updated PSP and authorizes expansion of Waymo's Driverless Deployment service to the areas of Los Angeles and the San Francisco Peninsula it has requested. Waymo may begin fared driverless passenger service operations in the specified areas of Los Angeles and the San Francisco Peninsula, effective today.

¹⁴ LADOT and SFCTA also reiterate arguments made in previous advice letter responses that have already been evaluated by the Commission and found to be policy-based objections inappropriate for the advice letter process. See Res. [TL-19144](#) and Res. [TL-19145](#).