

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

Order Instituting Rulemaking on Regulations
Relating to Passenger Carriers, Ridesharing, And
New On-Line-Enabled Transportation Services

R.12-12-011
(Filed December 20, 2012)

**OPENING COMMENTS OF THE SAN FRANCISCO COUNTY TRANSPORTATION
AUTHORITY ON THE ASSIGNED COMMISSIONER'S PROPOSED DECISION
ADOPTING NEW DATA REPORTING REQUIREMENTS FOR AUTONOMOUS
VEHICLES DEPLOYMENT AND PILOT PROGRAMS**

JEAN PAUL VELEZ
Principal Planner
San Francisco County Transportation Authority
1455 Market Street, 22nd Floor
San Francisco, CA 94103
(415) 593-1668
jean.paul.velez@sfcta.org

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Pursuant to California Public Utilities Commission Rule of Practice and Procedure 14.3(a), the San Francisco County Transportation Authority (“SFCTA”) submits these opening comments to the Assigned Commissioner’s Proposed Decision Adopting New Data Reporting Requirements for Autonomous Vehicles Deployment and Pilot Programs (the “Proposed Decision”) filed by the California Public Utilities Commission (“Commission” or “CPUC”) on August 23, 2024.

I. INTRODUCTION

SFCTA is encouraged by the Proposed Decision’s new reporting requirements. SFCTA supports many of the proposals outright and suggests some technical improvements to others to ensure the new requirements deliver on what we believe to be the Commission’s intent. SFCTA does not support, however, the proposal to adopt the confidentiality protocol used for Transportation Network Company (“TNC”) Annual Reports, which produced only one report (2021) publicly and failed to disclose reports for the years of 2013-2020 and 2022-2024, and which is in conflict with the requirements set forth by the Commission. We respectfully urge the Commission to reconsider this approach.

II. DISCUSSION

1. Trip-Level Incident Reporting

SFCTA strongly supports the Commission’s move towards disaggregate incident-level reporting in the Autonomous Vehicle (“AV”) Deployment and Pilot programs for citations, collisions, assaults, harassments, and vehicle immobilizations. The Proposed Decision recognizes the importance of detailed incident-level data, and of linking the event to the trips on which they occur.

But the proposal to implement incident-level reporting through the trip-level report creates an inefficient reporting framework that does not capture important incident details, and, more concerningly, may not capture all incidents. It is inefficient to report incidents as part of the trip-level report because the vast majority of trips will not have an associated incident. This would mean that

the proposed incident fields would be almost entirely blank, making the trip file harder to work with and relevant incident information more difficult to find. Additionally, important incident details are missing from the proposal. For example, the only information collected within the trip-level report for collisions and immobilizations are whether or not an incident occurred and an identifying number. For assaults and harassments, the only information collected is whether or not an incident occurred. Finally, reporting incidents in the trip-level report may not support reporting of all incidents of the same kind. For example, it is possible that multiple vehicle immobilizations may occur during the course of a single passenger trip, but the proposed trip-level reporting only has a place to report a single immobilization for each trip.

Fortunately, the proposed vehicle immobilizations report can be the solution. SFCTA proposes that the Commission develop separate incident-level reports for each of the incident types identified by the Commission: collisions, citations, assaults, harassments, and vehicle immobilizations, and that these reports are tailored to include information relevant to the Commission's oversight of passenger and public safety for each incident type. These incident-level reports should include a trip identification number ("Trip ID") so that the incidents can be linked to the trips on which they occurred. As with the immobilizations report, the final decision should identify the reports of interest, set any requirements, and issue guidance to staff to develop or refine templates as appropriate.

2. AV Pilot Program Reporting

SFCTA fully supports the expansion of the AV reporting requirements described in the Proposed Decision to companies operating under a Pilot permit who exceed 300 miles in a reporting period.

3. Collision Reporting

SFCTA fully supports requiring carriers simultaneously submit full, unredacted reports pursuant to the National Highway Traffic Safety Administration ("NHTSA") Standing General Order

2021-01 (“SGO”) to the Commission, and that carriers identify the specific permit authority they were operating under at the time of the incident described in the report (“SGO Reports”). The partially redacted SGO data published by NHTSA is currently the only systematically collected and publicly available data that comprehensively includes all AV crashes. However, the SGO Reports do not contain certain important collision information, such as enumeration of all other parties involved,¹ which parties sustained damage or injuries, and the severity of each injury. Additionally, as the Proposed Decision notes, companies submit multiple individual incident reports to NHTSA pertaining to the same crash. If the Commission only receives individual SGO Reports, it will require Commission staff to compile them into a database and update it with each SGO Report. Finally, as the Proposed Decision acknowledges, the SGO is due to sunset in May 2026 unless extended. For these reasons, SFCTA proposes that the Commission also require carriers to submit a quarterly report of collisions in a tabular format. Commission staff should develop a template for this report that contains data from the SGO Reports and additional information necessary to carrying out oversight of passenger and public safety, including: the permit number the carrier was operating under, enumeration of the parties involved^[TM(1)], descriptive information about the parties, which parties sustained property damage or injuries, and the extent of those injuries.²

4. Vehicle Immobilizations

SFCTA fully supports requiring quarterly vehicle immobilization reports and suggests some technical improvements to the definition of immobilization and the reporting structure. The Proposed Decision defines immobilizations through sentences in pages 17 and 19, that we read jointly as:

¹ The SGO only requires providers to report the highest severity injury alleged, and does not account for how many people sustained that level of injury or other lower severity injuries.

² We are not recommending the Commission require any type of personally identifiable information. We only recommend the Commission requires a complete enumeration of all the people involved in the collision, some general descriptors, and the highest severity injury sustained by each one of them (e.g., person 1 = male, 35, minor injury, person 2 = female, 42, no injuries, person 3 = male, 50, serious injury, etc.).

[A]ny vehicle stoppage not related to (1) stopping at a stoplight or stop sign; (2) yielding to another road user; or (3) stopping for passenger pickup and drop-off (Proposed Decision at 17) ...[and] does not include support requests initiated by passengers, but rather situations where the automated driving system initiates the outreach. For the purposes of reporting here, and immobilization begins when a stopped AV contacts remote assistance for guidance. The immobilization is considered resolved when the AV moves from the location where it stopped, whether autonomously or manually (including vehicle removal such as towing) (Id., at 19).

Our first concern is that the term “related to” may be construed overly broadly by a carrier and inconsistently with the Commission’s intent to include a range of immobilizations, for example, those that *begin* with stopping at a stoplight but persist after the light changes or road conditions otherwise permit the AV to resume driving. Similarly, immobilizations following a rightful maneuver to yield to another road user, or immobilizations following a successful passenger pickup or drop-off may go unreported under this definition.

Secondly, we disagree with the notion that all vehicle immobilizations that start with a passenger request for support should not be reported. For example, in any scenario in which the passenger initiates a support request because they believe that the AV is not operating safely (e.g., due to erratic or unsafe driving, driving into an emergency response area, driving into other areas where the passenger feels exposed to safety risks, or incongruous routing with the passenger’s destination), the ensuing immobilization to address such passenger concerns should be reported.

Thirdly, the provision that an “immobilization begins when a stopped AV contacts remote assistance for guidance” permits any length of time that passes before contacting remote assistance to go unreported and allows immobilizations to go fully unreported if the AV does not, or cannot, contact remote assistance. It may be the case that a significant amount of immobilized time occurs before an AV contacts remote assistance, or that remote assistance is never contacted due to problems with the AV’s communication systems used to request remote assistance. There may also be many instances in which the AV contacts remote assistance prior to coming to a full stop. In all of these cases, the Commission would not be receiving the data they intend to collect on immobilizations.

Additionally, SFCTA proposes the following revisions to the vehicle immobilization incident report: (1) the Trip ID during which the vehicle immobilization occurred, (2) the permit that the AV was operating under, and (3) *separate* identification of whether the immobilization blocked a travel lane, whether the immobilization blocked a transit-only lane, or any other facility or location of interest.

5. Reporting Cadence and Timing

SFCTA fully supports quarterly reporting aligned to the calendar year, due one month after the quarter's close as described in the Proposed Decision.

6. Data Confidentiality

SFCTA appreciates the Commission's recognition that a high standard should be required for carriers to claim confidentiality and that confidentiality determinations should favor disclosure. However, we object to the proposal in Section 3.6.2 of the Proposed Decision to adopt the confidentiality model used for TNC Annual Reports under General Order 66-D and the Decision on Data Confidentiality Issues Track 3 (D.20-03-014) because it allows companies to contest every annual report submission, and the resolution of those confidentiality claims can take years. In 10 years of TNC Annual Reports, only the 2021 TNC Annual Reports for Uber and Lyft have been published, and those reports are almost entirely redacted despite the Commission's own rulings that much of the redacted data should be public. Motions for confidential treatment filed in June of 2022 remain unresolved more than two years later. Three years' worth of motions for confidential treatment remain pending with no apparent timeline for resolution. The motions largely repeat the same arguments year-after-year, forcing the Commission to repeatedly relitigate issues it has already decided. The inefficiency of this process for all parties would only be compounded with a quarterly reporting schedule.

The Commission should adopt a confidentiality matrix that governs all AV quarterly reports, and establish a public process through the proceeding for parties to comment on motions for confidential treatment. Once confidentiality decisions are made, they should be added to the matrix

and should govern all reports, with new confidentiality arguments only considered when reporting requirements change.

Additionally, the confidentiality matrix adopted for the AV quarterly reports should preemptively designate information public where the Commission has deemed analogous TNC information public. For example, in its Decision Requiring Transportation Network Companies to Submit their Annual Reports for the Years 2014-2019 to the Commission with Limited Redactions, the Commission concluded that several categories of trip data were not confidential and must be disclosed.³ Accordingly, that same or similar trip data should also be determined to be public in the AV context, without the need for the Commission to expend additional resources to re-reach the same conclusion.

7. Staff Authority

SFCTA fully supports the Commission clarifying staff authority to modify reporting templates, with the understanding that staff may not alter or amend a Commission order, and that the authority in question refers only to the creation and modification of data reporting templates within the parameters set forth by the Commission.

8. Disability Access

SFCTA agrees that “the AV trip data at issue will allow the Commission to determine if persons with disabilities have equal access to AV services.”⁴ We would like to reiterate our recommendation from our joint filing with the San Francisco Municipal Transportation Agency from June 2023 that a new data field is added to indicate whether a Wheelchair Accessible Vehicle (“WAV”) is drivered, autonomous, or autonomous with an on-board attendant, with the purpose of improving efficiency and consistency in data reporting and processing.

³ D.23-12-015 at 130-31; see also Decision Denying Appeal of Lyft, Inc. Re: Ruling Denying, in Part, Motions by Uber Technologies, Inc. and Lyft Inc. for Confidential Treatment of Certain Information in Their 2020 Annual Reports (D.22-05-003).

⁴ Proposed Decision at 31.

Dated: September 26, 2024

Respectfully submitted,

DAVID CHIU
City Attorney
MISHA TSUKERMAN
Deputy City Attorney
(415) 554-4230
Misha.Tsukerman@sfcityatty.org

By: _____ /s/
MISHA TSUKERMAN

On behalf of: THE SAN FRANCISCO COUNTY
TRANSPORTATION AUTHORITY

PROPOSED EDITS TO THE ORDER

Proposed additions are shown underlined; proposed deletions are shown in ~~strikeout text~~.

IT IS ORDERED that:

1. Autonomous Vehicle (AV) operators participating in the AV Deployment program and Autonomous Vehicle operators participating in the AV Pilot program that exceed 300 passenger service vehicle miles traveled in that quarter shall submit the following ~~trip-level~~ incident reporting in their reports to the Commission using the templates that Commission staff will provide:

- **For any** ~~Whether there was a~~ citation associated with **CPUC permitted activities** ~~the trip and if so:~~
 - **The Trip ID#.**
 - Type of violation, including reference to the code violated, as applicable.
 - Location of violation, as listed on the citation.
 - Date and time of violation, as listed on the citation.
 - Whether the citation was associated with pickup or drop off (within the period beginning five seconds prior to AV arriving at the pickup/drop off location through five seconds after the AV departs the pickup/drop off location).
 - The entity issuing the citation.

[Collision and immobilizations incident reporting is addressed in Sections 4, 5, 6, and 7 of this order, below]

- ~~Whether there was a collision associated with the trip and if so:~~
 - ~~The identification of any reports made to NHTSA pursuant to SGO 2021-01.~~
- ~~Whether there was an immobilization associated with the trip and if so:~~

- ~~the unique identifier for that immobilization, as reported in the incident-level immobilization reporting.~~
- **For any** ~~Whether there was a complaint associated with~~ **CPUC permitted activities during the period in question** ~~the trip and if so:~~
 - **The Trip ID#.**
 - **Location of incident, as listed on the complaint.**
 - **Date and time of incident, as listed on the complaint.**
 - The type of complaint (e.g. safety, pickup and drop off, accessibility, wheelchair accessibility, or customer service).
 - **A narrative of the incident, as appropriate**
- **For any** ~~Whether there was a claim of harassment associated with~~ **CPUC permitted activities during the period in question:** ~~the trip.~~
 - **The Trip ID#.**
 - **Location of incident, as listed on the complaint.**
 - **Date and time of incident, as listed on the complaint.**
 - **A narrative of the incident, as appropriate**
- For any ~~Whether there was a claim of assault associated with~~ **CPUC permitted activities during the period in question:** ~~the trip.~~
 - **The Trip ID#.**
 - **Location of incident, as listed on the complaint.**
 - **Date and time of incident, as listed on the complaint.**
 - **A narrative of the incident, as appropriate**

2. The Autonomous Vehicle pilot program reporting requirements include the following:

- Participants in the Commission’s AV Passenger Service Pilot (AV Pilot) programs reporting over 300 passenger service vehicle miles traveled in a quarter shall submit the expanded data reports currently required of participants in the Phase I AV Passenger Service Deployment (AV Deployment) programs, as described in Decision 20-11-046 (Deployment Decision) as modified by Decision 21-05-017.
- AV Pilot participants reporting no vehicle miles traveled in a quarter shall submit an attestation to that effect, rather than a full set of reports.

3. All Autonomous Vehicle (AV) data reports for all AV Pilot and AV Deployment participants shall be submitted as follows:

- All AV data shall be reported quarterly.
- Reporting quarters and deadlines shall be shifted to align with regular calendar year quarters: January 1 through March 31, reports due May 1; April 1 through June 30, reports due August 1; July 1 through September 30, reports due November 1; October 1 through December 31, reports due February 1.
- Reporting of any new data requirements adopted by the Commission will begin within 60 days of approval of the new requirements.

4. Autonomous Vehicle (A)V Deployment participants shall simultaneously submit to the Commission unredacted collision reports currently submitted to the National Highway Traffic Safety Administration per its Standing General Order on Incident Reporting for Automated Driving Systems and Level 2 Advanced Driver Assistance Systems. When transmitting these reports to the Commission, carriers shall note the specific authority the AV was operating under when the collision occurred. **Additionally, AV Deployment and AV Pilot participants exceeding 300 quarterly passenger service vehicle miles traveled shall submit the following quarterly report on such collisions using the templates that Commission staff will provide:**

- **Trip ID#**
- **NHTSA SGO ID#**
- **Associated CPUC and DMV permit numbers**
- **All the data elements reported in the NHTSA SGO summary incident report data, as posted on the NHTSA website,⁵ such as, but not limited to:**
 - **The vehicle identification number (VIN) of the autonomous vehicle**
 - **The date and time of the collision in coordinated universal time format**
 - **The latitude and longitude coordinates of the collision with five decimal precision.**
 - **The road and traffic conditions at the time of the collision.**
 - **Weather conditions**
 - **Any interactions with road users or obstacles on the road.**
 - **The type of vehicle that the AV crash with**
 - **The highest level of injury and property damage caused by the collision**
 - **Pre-collision movement by all vehicles in question, the damaged sections of each vehicle, whether they deployed their airbags, and whether any of them were towed**
 - **A detailed narrative of the collision, including any relevant precollision and postcollision information. Relevant precollision and postcollision information includes activity from 30 seconds before a collision through the conclusion of the collision.**

⁵ <https://www.nhtsa.gov/laws-regulations/standing-general-order-crash-reporting#data> Download Summary Incident Report Data section.

- **A complete enumeration of all the people involved in the collision, general descriptors for each party (gender, age) and the highest severity injury sustained by each one of them**

5. Autonomous Vehicle (AV) Deployment and AV Pilot participants exceeding 300 quarterly passenger service vehicle miles traveled shall report incident-level and fleet-level data on vehicle immobilizations.

- Incident-level immobilization data shall be reported for all immobilizations occurring in passenger service lasting 2 minutes or more **in Period 1, 2 or 3**.
- Fleet-level immobilization data shall be reported for all immobilizations occurring in passenger service lasting 30 seconds or more and all immobilizations where the AV required manual, in-person intervention **in Period 1, 2 or 3**.

6. The incident-level reporting requirements for immobilizations adopted for Autonomous Vehicle operators are as following for inclusion in **a single, quarterly tabular report format** ~~their~~ reports:

- Identifying information
 - Date/time of initial stop;
 - AV VIN;
 - **Trip ID#**
 - **A unique incident identification #**
 - **Associated CPUC and DMV permit numbers**
- Location
 - Latitude and longitude of stop;
 - Whether the AV was stopped:
 - More than 18 inches from the curb;

- Blocking a travel lane; ~~or a transit-only lane~~⁶
 - **Blocking a travel lane designated for the exclusive use of public transit, blocking a transit vehicle stop, or otherwise blocking the path of a public transit vehicle**
 - Blocking a bike lane;⁷
 - Blocking **ingress to or egress from** ~~the driveway of a fire station;~~⁸
blocking the path of first responders traveling lights and sirens or within the perimeter of an emergency response scene;
 - **Blocking an intersection;**
 - Blocking a crosswalk **or curb ramp;**⁹
 - Within **7.5 feet of the nearest railroad, street railway or light rail** ~~the dynamic envelope of any rail grade crossing;~~¹⁰
- Passenger impacts
 - **How many passengers present in the AV**
 - If a passenger was present in the vehicle:
 - If the ride was completed to its original destination;
 - If the vehicle was en route to pick up a passenger;

⁶ An AV is blocking a travel lane if its location requires other road users to leave their lane to continue their travel.

⁷ An AV is blocking a bike lane if any part of the vehicle is obstructing the bike lane.

⁸ An AV is blocking a driveway if any part of it extends into the driveway past either curb cut, where the curb begins to slope downward to street level.

⁹ An AV is blocking a crosswalk if any part of the AV is within the marked area of the crosswalk or if any part of the AV is blocking a curb ramp located inside or adjacent to the crosswalk.

¹⁰ See Manual on Uniform Traffic Control Devices, 2009 Edition with Revisions 1, 2, and 3, Section 8B.29.

- **Whether the immobilization is the outcome of passenger support request because the passenger believes that the AV is not operating safely:**
- Report ID(s) associated with any report(s) made to NHTSA per the SGO in connection with this immobilization:
 - Highest Injury Severity Alleged, per NHTSA SGO report(s);
- Resolution of immobilization
 - How the immobilization was resolved:
 - If manual in-person intervention was required;
 - If the vehicle was manually removed (by carrier staff or designees, first responders, others), if it resumed normal operations (e.g., continued on its journey), or other categories as applicable;
 - For incidents involving manual in-person intervention, response time milestones:
 - Time of carrier staff (or designee) dispatch;
 - Time of carrier staff (or designee) arrival; and
 - Time of resolution – no longer immobilized due to manual removal, resuming normal operations, etc.
 - **Duration of the immobilization (from original stoppage to time of removal or resuming of operations)**

7. The fleet-level reporting requirements adopted for Autonomous Vehicle operators for inclusion in their reports include:

- Count of manual removals (AV physically driven away, towed, or otherwise removed from the street);

- Count of relaunches where carrier staff responded in person, but the vehicle was able to resume normal operations (no manual removal);
- Average response time – duration between initial stop and staff arrival at vehicle;
- Average resolution time – duration between initial stop and removal or relaunch;

For all immobilizations of 30 seconds or more:

- Average resolution time – duration from initial stop to removal or resuming normal operations;
- Median resolution time – duration from initial stop to removal or resuming normal operations; and
- Percent of these immobilizations requiring manual removal.

8. For any trip request requiring a WAV originally issued to Autonomous Vehicle

Deployment and AV Pilot participants, regardless of whether that WAV trip is completed by the AV fleet of the operator in question or a contracted operator, the ensuring trip reports should include a category where the provider identifies whether the WAV that completed such trip was driven by a human, autonomous, or autonomous with an on-board attendant.

89. Commission staff shall have the authority to make adjustments (either additions or deletions) to the Autonomous Vehicle reporting templates attached to this decision without the need for a Commission decision to modify this decision. While staff may not alter or amend a Commission order, staff should have the authority to create and modify the data reporting templates within the parameters set forth by the Commission.

910. Rulemaking 12-12-011 remains open.

This order is effective today.