



**San Francisco  
County Transportation  
Authority**

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March 11, 2024

California Public Utilities Commission  
Consumer Protection & Enforcement Division  
505 Van Ness Avenue  
San Francisco, CA 94102

Via electronic mail only<sup>1</sup>  
terra.curtis@cpuc.ca.gov  
AVprograms@cpuc.ca.gov

Re: Request for Commission review of CPED Disposition of Waymo LLC Advice Letter 0002 (Tier 2)

Dear Consumer Protection & Enforcement Division,

On January 19, 2024, Waymo LLC (Waymo) submitted a Tier 2 Advice Letter (the "Advice Letter") to the California Public Utilities Commission ("CPUC" or "Commission") to expand its operational design domain ("ODD") to the extent approved by the Department of Motor Vehicles ("DMV") on January 11, 2024. The San Francisco County Transportation Authority ("SFCTA") filed a protest in support of other local governments. On March 1, 2024, the Consumer Protection & Enforcement Division ("CPED") approved the Advice Letter. Through this letter, SFCTA seeks Commission's review of CPED's disposition under CPUC General Order 96-B Rule 7.6.3.

In seeking review by the Commission, SFCTA reiterates the arguments it made in its protest and in its prior filings<sup>2</sup> as well as arguments by the Los Angeles Department of Transportation in its Protest and its Request for Commission Review of Disposition of Waymo LLC's Advice Letter 0002 (Tier 2). SFCTA also continues to reiterate the arguments made in its pending writs before the California Court of Appeal (Case Number A169262) and the California Supreme Court (Case Number S283446) related to the Commission's failure to adequately consider risks to public safety under the Charter Party Carriers Act ("TCP Act") or conduct environmental review as required by the California Environmental Quality Act ("CEQA"). The CPUC's rules allow for protest where the relief requested in the advice letter would violate a statute and the Previous Filings and writs have identified statutory violations in these areas.

Moreover, we are disappointed by CPED's decision to approve the Advice Letter at the staff level and continue to believe it is unreasonable for the CPUC to continue to rely on its Deployment Decision which does not fully consider facts on the ground in San Francisco related to public safety incidents involving

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<sup>1</sup> On March 11, 2024, by email to the service lists of R.12-12-011, R.19-02-012, and R.21-11-014.

<sup>2</sup> See Protest of Waymo LLC Tier 3 Advice Letter (0001), dated January 23, 2023; San Francisco Comments on the Draft Resolution Approving Authorization for Waymo Autonomous Vehicle Passenger Service Phase 1 Driverless Deployment Program, dated May 31, 2023; San Francisco's Application to Rehear Resolution TL-19144 Approving Authorization for Waymo Autonomous Vehicle Passenger Service Phase 1 Driverless Deployment Program, dated September 11, 2023; and Protest of Waymo LLC Advice Letter 0002 (Tier 2), dated February 8, 2024. (Collectively "Previous Filings").



AVs, including interactions with first responders. The CPUC continues to maintain that “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” while dismissing the SFCTA’s and other local agencies’ arguments as “policy-based objections.”<sup>3</sup>

While we continue to hope to work with CPED staff to develop better AV policy, the prospect of future regulations does not absolve the Commission of the obligation to act in accordance with the law regarding the approvals that are before them now. Nor do future regulations mitigate the ongoing risks, harms, and consequences of the deployment that has already been authorized. Nevertheless, we hope that the Commission will expediently address issues that it committed itself to (including expanding data reporting requirements, as initiated over nine months ago<sup>4</sup>), and will do so in a way that meaningfully addresses the risks and consequences of deployment.

Thank you,

A handwritten signature in blue ink, appearing to read 'Tilly Chang'.

Tilly Chang  
Executive Director

San Francisco County Transportation Authority

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<sup>3</sup> Disposition of Waymo Advice Letter 0002, dated March 1, 2024, Attachment 1 at pages 7 and 8 n.14.

<sup>4</sup> See Assigned Commissioner’s Ruling on Development of New Data Reporting Requirements for Autonomous Vehicles Driverless Deployment Program, filed May 25, 2023.