BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on Regulations Relating to Passenger Carriers, Ridesharing, and New Online-Enabled Transportation Services	Rulemaking 12-12-011 (Filed December 20, 2012)

REPLY COMMENTS OF THE LOS ANGELES DEPARTMENT OF TRANSPORTATION TO CRUISE LLC's APPLICATION FOR DRIVERLESS DEPLOYMENT PERMIT ODD EXPANSION-TIER 2 ADVICE LETTER

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INTRODUCTION

The Los Angeles Department of Transportation (LADOT), submits this response regarding Cruise LLC's Application for Driverless Deployment Permit ODD Expansion-Tier 2 Advice Letter

While the LADOT is excited about advancements in technology that have the possibility to increase eco-friendly transportation options for all, it continues to remain concerned that the unimpeded expansion of service, particularly in light of the problems that have persisted in San Francisco, does not satisfy the goals of the Consumer Protection and Enforcement Division (CPED) and further may cause harm to the Cities where these services will be provided. This includes any potential deployment in Los Angeles that may occur in the near future.

Protecting Passenger Safety

Throughout 2022, Cruise has operated on the streets of San Francisco in a limited capacity, and has been collecting fares during operation at least since June of 2022.

During this period it has been documented throughout the news and social media that Cruise vehicles regularly engage in illegal behavior by picking up and dropping off passengers in travel lanes. Ironically, on page 21 of its Passenger Safety Plan, Cruise continues to argue that this commonly understood unsafe behavior is permissible when "reasonably necessary" under the California Vehicle Code. However, as the LADOT has stated before, there is no exemption for commercial vehicles to double park or block traffic lanes for passenger pick up and drop off. LADOT Traffic Officers are authorized to issue citations for double parking, usually under California Vehicle Code (CVC) 22500 and 22502, (18 inches from the curb.) LADOT Traffic Officers follow a policy of "willing compliance" meaning if the vehicle is occupied and in violation, the officer will ask the driver to move from the location. If the driver does not comply and the vehicle is not moved, a citation may be issued. This poses a problem with AV's because technically there is not a driver who can be asked to relocate to a safer location. The lack of a driver does not suddenly equate with compliance. In the instance of AVs, Traffic Officers and other law enforcement

personnel would have to impose strict compliance on any AVs that are in violation of the law, and based upon Cruise's statement, every time the vehicle services a passenger, a safety violation will occur.

The LADOT is concerned that if unattended vehicles are given carte blanche to stop anywhere in San Francisco, including double parking and thereby blocking a lane of traffic, that there will be an intimation that unattended vehicles are allowed to do the same in Los Angeles which the LADOT unequivocally disagrees with.

Furthermore, vehicles that can simply stop at any time, and anywhere, pose a safety risk for other vehicles including bicycles and scooters who must share these lanes as well as for passengers who must get in or disembark in the middle of what could be a very busy roadway. This includes mobility impaired customers who need to be able to access the vehicle from the curb.

Better allocation and enforcement of commercial curb loading zones could assist with this; however, the CPED has not given direction on how Law Enforcement or local Traffic Officers can engage these vehicles and how citations may be issued.

In Cruise's "Guide for Law Enforcement & First Responders Interacting with a Cruise Autonomous Vehicle," Cruise's solution is to simply call a toll free 888 number or send an email if there are any problems. As a City that regulates numerous private transportation modes, we can appreciate having direct access to our permitted transportation providers, which we do, however, we also have clear protocols for our ability to place a vehicle out of service if need be. Furthermore, sending an email or making a phone call and waiting for the Provider to respond is not always the most efficient use of a Transportation Investigator or Traffic Officer's time.

In addition, there have been numerous stories of transit interference in San Francisco which required immediate action, but there is no clear indication on how this can be resolved. (See Wired Article "Cruise's Robot Car Outages are Jamming Up San Francisco" Published July 8, 2022 https://www.wired.com/story/cruises-robot-car-outages/?s=09)

See Also New York Times Article "G.M. Unit's Self Driving Taxis Are Subject of U.S. Safety Investigation" Published December 16, 2022

https://www.nytimes.com/2022/12/16/business/gm-cruise-self-driving-cars-investigation.html

LADOT is deeply concerned that these issues will eventually migrate south to Los Angeles' Streets while remaining unresolved.

Digital Infrastructure and Data Collection

In order for this program to properly work, 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.

To allow Cruise to continue without local enforcement guidance and a curb management program does not improve safety, but rather exacerbates and increases the dangers of traveling on our streets and highways. In Los Angeles, we continue to move toward a technological future wherein digital infrastructure will complement our existing physical infrastructure, and further allow Cities to make decisions, or adjust behaviors depending on circumstances.

For example, All permitted dockless scooters in Los Angeles are on the Mobility Data Specification (MDS) Platform which allows the City to manage, in near-real-time, behaviors on the public right-of-way. During our regular Ciclavia events which opens up our streets to people and families on bicycles and pedestrians and prohibits cars on those streets during the event, we also prohibit the use of permitted Scooters which are motorized and can travel at speeds up to 15 mph. We are able to do this digitally by geofencing the street from riders and digitally sending information automatically to the providers which in turn notifies the Scooter to throttle down to 0 mph when entering that zone. We also digitally communicate to those providers that the vehicles cannot start or end trips in those zones during set time periods around and during the Ciclavia event.

Our taxicabs are also integrating on this platform and we will be using this to manage curb space and vehicular travel throughout the City.

If an AV is going to operate in a municipality that uses tools like MDS to manage its right-of-way, then those vehicles should be integrated into those platforms.

Integration on these platforms allows cities to work with Providers to manage traffic planning and curb use by having data that can inform better usage of space and help improve safety or even allow Cities to restrict travel in certain zones, limit the number of vehicles in particular areas that are highly congested, or to account for peak vs. non peak travel periods.

Currently the CPUC's quarterly data collection requirement is not as transparent as it could be for such an innovative and ever-changing service. The data that has been submitted to the CPUC is completely redacted and is unusable for Cities who must manage the impacts these services will have on its streets and its residents. The CPED should aspire to modernize its data collection efforts to be consistent with best practices in cities. Real-time notifications permit the identification of potential problems in transportation systems far more quickly than what the CPED is currently allowing. Furthermore, at a minimum, the unredacted vehicle data should be available to public agencies for their use.

The CPED has encouraged AV providers to "work collaboratively with public agencies in the areas they deploy." The LADOT applauds this statement, but believes that only by having better deployment data can we truly bring the appropriate stakeholders, businesses, communities and residents together. This information is needed to help Cities conduct targeted outreach to stakeholders in areas in which these vehicles would be deployed. This would help us in improving ridership and addressing concerns within these communities. Here in Los Angeles, we encourage a great deal of community engagement with our transportation programs, and AVs should be no different.

Performance Standards and Actual Data Expand the benefits of AV technologies to all Californians, including people with disabilities

Any expansion of service by Cruise or any other provider should be allowed only after certain performance standard criteria are met. Below are some examples of performance criteria subject matter that the LADOT believes should be required before expansion

1. Equivalency of Service by Area meaning that underserved and low income parts of the City should have similar services and wait times as more lucrative, higher income parts of the City.
2. Equivalency of service for disabled customers. Similar to bullet 1, but with the addition that a person with disabilities should be able to receive similar services and wait times as a person without those disabilities
3. A certain percentage of trips established by the municipality should be made for disabled or low income residents, or at minimum a locally approved action plan to address those residents.
4. There should be data released monthly related to the number of accidents per number of trips serviced, including but not limited to incidents leading to fatalities which should potentially lead to a reduction or suspension of the fleet.
5. VMT data collection by fleet should be given on a near real time basis.
6. Engagement with Community Based Organizations and Advocates should be required with action plans going forward
7. Regular data submissions on System failure or other unplanned activity information.
8. Data submitted on Insurance claims and available carriers, including loss-runs.

Going forward Cruise (and other AV providers) should provide data that facilitate the calculation of metrics related to the items above.

CONCLUSION

Thank you for giving LADOT the opportunity to respond to this Advice Letter. The LADOT is excited about new developments in the transportation industry, but strongly encourages the CPED to:

1. Remind AV Providers that State Law still applies to them and that double parking, stopping, or standing in a travel lane is illegal and unsafe, and that repeated violations will lead to suspension or revocation of the permit.
2. Give guidance and authority to Traffic Officers and other Law Enforcement personnel on how they can engage with AVs operating in their local jurisdictions.
3. Require AVs to work with local jurisdictions where they operate to establish and integrate into a comprehensive digital curb management program, or an MDS equivalent program.
4. Before allowing expansion, establish uniform metrics and performance standards for AVs, including for service of disabled passengers as well as metrics for areas that are underserved and/or low income.
5. Modernize data collection efforts to help support planning, local equity programs and other issues related to For-Hire Passenger service, which includes making trip data and pricing information available to public agencies or allowing public agencies in areas where these vehicles operate to collect this data directly.

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Respectfully submitted,

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