BOARD of SUPERVISORS

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January 6, 2023

Ann Carlson
Acting Administrator, National Highway Traffic Safety Administration
U.S. Department of Transportation
Docket Operations, M-30, Rm. W12-140
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Docket # NHTSA-2022-0067 - General Motors
Docket # NHTSA-2022-0066 - Ford

Re: Board of Supervisors Resolution No. 529-22

Dear Acting Director Carlson:

On December 6, 2022, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 529-22 (City Policy - Autonomous Vehicles Declaration of Policy), which was enacted on December 16, 2022.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 529-22 (File No. 221212)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,

Angela Calvillo
Clerk of the Board

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c. Members of the Board of Supervisors; Supervisors Aaron Peskin, Rafael Mandelman, Shamann Walton and Connie Chan
Tom Paulino, Mayor's Liaison to the Board of Supervisors
Sarah Owens, Mayor's Manager of State and Federal Legislative Affairs
Andres Power, Mayor's Policy Director
Susanna Conine-Nakano, Mayor's Office
Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

FILE NO. 221212 RESOLUTION NO. 529-22

[City Policy - Autonomous Vehicles Declaration of Policy]

Resolution declaring the official policy of the City and County of San Francisco regarding Autonomous Vehicle (AV) services and programs, by urging the National Highway Traffic Safety Administration (NHTSA), state and local agencies to condition the granting of permits and incentives on addressing San Francisco's safety concerns.

WHEREAS, San Francisco continues to support innovations in the technology sector, and in particular is interested in about the potential for improved public safety and mobility benefits (including for low vision/sight-impaired people and people with disabilities) that autonomous vehicles (AV) Passenger Services may provide to the extent they can demonstrate a higher level of safety performance than human-controlled driving; and

WHEREAS, As new mobility services and technologies emerge, from ride-hailing services to electric scooters to AV passenger services, San Francisco continues to seek to appropriately regulate or otherwise influence them to protect the general public interest and public safety; and

WHEREAS, San Francisco has adopted a Vision Zero Safety Strategy across all Departments emphasizing investments in street safety engineering, education, enforcement, policies, and other policy measures to achieve zero traffic fatalities; and

WHEREAS, San Francisco has adopted other foundational transportation policies, including its Transit First Policy and a Climate Action Strategy, which identify mobility services as one potential tool in decreasing our carbon footprint, along with public transportation, cycling and walking; and

WHEREAS, In order to minimize our carbon footprint, as outlined in our Climate Action Strategy (1) AV Passenger Services should be offered in zero emission vehicles, and (2) to

minimize negative secondary effects of congestion on more efficient travel modes or excessive miles traveled with low vehicle occupancy, AV Passenger services should seek to achieve maximum occupancy that exceeds personally owned passenger vehicles; and

WHEREAS, San Francisco has a limited amount of street space, and more than a million people use the public roadways within its forty-nine square miles to get around the city everyday, and city officials have a responsibility to consider and minimize negative unintended consequences on other street users, including ensuring a manageable scaling of all AV fleet programs and removal of vehicles from the public right of way if and when they fail or become paralyzed; and

WHEREAS, The City and County administers Proposition D, San Francisco's 3.25% per-trip fee on drivered and driverless ridehail trip services to help fund Vision Zero street safety upgrades and more reliable Muni transit services and therefore has an interest in transparent and reliable reporting of ridehail trips to/from and within the city; and

WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) is responsible for managing competing mobility needs within that limited public road space, and protecting the public interest in a safe and reliable transportation network that serves everyone's needs; and

WHEREAS, The San Francisco County Transportation Authority (SFCTA) is the regional congestion management agency tasked with managing public investments for San Francisco's comprehensive transportation system, including advancing Vision Zero initiatives and conducted its own in-depth analysis of Transportation Network Companies' (TNC's) traffic circulation and congestion on San Francisco streets in its 2017 "TNC's Today" Report, which showed the significant impact of TNC vehicles on congestion in the city's downtown core, and which is hereby declared to be a part of this resolution as if set forth fully herein; and

WHEREAS, San Francisco has learned from the roll out of previous mobility services and "sharing economy" products that it is very important to establish clear policy goals at the outset of the deployment of new innovation programs and technologies, set user and permitted vendor expectations that are sustainable over the long term, ensure strong reporting and evaluation protocols to enable data-drive policy-making, and to "get things right the first time"; and

WHEREAS, While San Francisco supports the potential benefits of automated driving, including improving street safety and realizing first/last mile transit solutions, the City and County of San Francisco continues to have reasonable concerns over granting permits by state and federal agencies for driverless vehicles without adherence to and consideration of evidence-based protocols, data sharing and transparent reporting; and

WHEREAS, San Francisco transportation agencies need transparent and accurate data from AV companies on collisions, travel lane failures, and other safety concerns in order to effectively evaluate the best congestion and transportation demand management solutions in the public interest; and

WHEREAS, While San Francisco does not have permitting authority over AV Passenger Services, there are many other incentives and support that the City provides to potential operators using the public right-of-way, including but not limited to fleet charging, fleet deployment, curb management tools, tax incentives, fee waivers, and other approvals and incentives which could apply to AV Passenger Services; and

WHEREAS, San Francisco has provided lengthy recommendations to NHTSA (the "Letter"), which is hereby declared to be a part of this resolution as if set forth fully herein, on the City's valid safety concerns, emphasizing that AV's should improve safety for everyone, and that AV's should be safe and courteous defensive drivers that comply with all state and local traffic laws, as well as minimize conflicts on the road, especially with vulnerable road

users such as cyclists and pedestrians, including 1) pulling to the curb and other safe available spaces for picking up and dropping off passengers and 2) minimizing and timely mitigating failures in travel lanes that create hazards for other road users and obstruct the safe and efficient flow of traffic; and

WHEREAS, Given that the economic vitality of the city depends on the transportation network providing good mobility options that serve everyone, including people with disabilities and low-income people who live in areas that reflect historic disinvestment, there should be a clear equity nexus in all AV Passenger Service programs; now, therefore, be it

RESOLVED, That the Board of Supervisors of the City and County of San Francisco urges the NHTSA to condition any grant of petition for temporary exemption from critical safety standards on addressing the safety concerns raised in San Francisco's public comment Letter to the satisfaction of both the SFMTA and SFCTA; and, be it

FURTHER RESOLVED, That it is the official policy of the City and County of San Francisco to condition the approval or issuance of discretionary permits, licenses or other approvals, other city support, resources, or incentives to private AV service providers on addressing the valid safety concerns as outlined in the Letter; and, be it

FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board to transmit this Resolution declaring the official city policy to the Mayor, City Attorney, SFMTA, SFCTA, Planning Department and NHTSA.

City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 221212 **Date Passed:** December 06, 2022

Resolution declaring the official policy of the City and County of San Francisco regarding Autonomous Vehicle (AV) services and programs, by urging the National Highway Traffic Safety Administration (NHTSA), state and local agencies to condition the granting of permits and incentives on addressing San Francisco's safety concerns.

December 06, 2022 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 221212

I hereby certify that the foregoing Resolution was ADOPTED on 12/6/2022 by the Board of Supervisors of the City and County of San Francisco.

Alisa Somera

f Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

12/16/2022

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo

Angela Calvillo
Clerk of the Board

12/16/2022

Date