U.S. Department of Transportation
National Highway Traffic Safety Administration

1200 New Jersey Avenue SE.
Washington, DC 20590

October 20, 2023

VIA EMAIL

Ms. Alicia Fenrick
Associate General Counsel
Cruise LLC
333 Brannan Street
San Francisco, CA 94170

NEF-101tph
PE22-014

Subject: Information Request ID PE22014-13

Dear Ms. Fenrick:

As you are aware, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE22-014) to investigate allegations of Automated Driving System (ADS) equipped vehicles operated by Cruise LLC (Cruise) engaging in inappropriately hard braking while operating in the specified Operational Design Domain (ODD). Inappropriately hard braking results in the Cruise vehicles becoming unexpected roadway obstacles and may result in a collision with a Cruise vehicle. To assist us at this stage of the investigation, ODI is requesting certain information concerning incidents reported under Standing General Order 2021-01 (SGO).

Since opening PE22-014, this office has received reports of five (5) incidents in which a Cruise ADS equipped vehicle initiated a braking maneuver with no stated obstacles ahead and with another road user approaching from the rear. In each case, the other road user subsequently struck the rear of the ADS equipped vehicle. The ADS equipped vehicles involved were operating without onboard human supervision at the time of each crash. The reports received by NHTSA were submitted in response to Standing General Order 2021-01 (SGO) and are identified below by their report identification numbers.

Unless otherwise stated in the text, the following definitions apply to this information request:

- **Subject SGO Reports:** 30412-5430, 30412-6020, 30412-6242, 30412-6271, and 30412-6281.

- **Subject Incidents:** incidents in which any subject vehicle operating on a public roadway is commanded by the ADS to reduce speed in a manner that results in a peak deceleration magnitude exceeding 0.4g (3.923 m/s^2) at least partially in response to another road user

whose leading edge is not located ahead of the subject vehicle's leading edge at the time braking is initiated.

- **Subject Vehicles:** vehicles identified as such in the subject SGO reports.

- **Cruise:** Cruise LLC, all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Cruise (including all business units and persons previously referred to), who are or were involved in any way as of January 30, 2013, with any of the following related to the alleged defect in the subject vehicles:
  a. Design, engineering, analysis, modification, or production (e.g., quality control);
  b. Testing, assessment, or evaluation;
  c. Consideration, or recognition of potential or actual defects, reporting, record-keeping, and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, lawsuits, or arbitrations; or
  d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.

In order for my staff to evaluate the allegations, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Cruise has previously provided a video to ODI, Cruise may produce it again or identify the video, the video submission to ODI in which it was included and the precise location in that submission where the document is located. When videos are produced, the videos shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When videos are produced and the videos would not, standing alone, be self-explanatory, the production of videos shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Cruise's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. Provide all videos of the incidents described in the subject SGO reports beginning at least 30 seconds prior to the first contact with any crash partner and until at least 30 seconds after the vehicle is in a stable stopped condition. If the vehicle did not achieve a stable stopped condition due to detection of contact or remote assistance, provide at least 2 minutes following contact.

2. For each incident described in the subject SGO reports, provide a composite rendering for the same timeframe specified in Request No. 1 showing video of each crash partner alongside synchronized renderings of the ADS planned paths, the predicted trajectories of relevant road

users, the velocity of the Cruise vehicle and other relevant road users, and the acceleration of the Cruise vehicle.

3. For each incident described in the subject SGO reports, state the following information:
   a. Whether the incident described in the subject SGO report meets the definition of a subject incident;
   b. Whether the collision was detected by the ADS;
   c. Peak magnitude of the subject vehicle's deceleration; and
   d. Speed of the subject vehicle at the time braking was initiated.

Legal Authority for This Request

This letter is being sent to Cruise pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports. It constitutes a new request for information.

Civil Penalties

Cruise's failure to respond promptly and fully to this letter could subject Cruise to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) The Vehicle Safety Act, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to $26,315 per violation per day, with a maximum of $131,564,183 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 C.F.R. § 578.6(a)(3). This includes failing to respond completely, accurately, or in a timely manner to ODI information requests.

If Cruise cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Cruise does not submit one or more requested documents or items of information in response to this information request, Cruise must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Confidential Business Information

If Cruise's response contains any information that you claim is confidential business information, Cruise must request two secure electronic file transfer links from Thomas Haugh at thomas.haugh@dot.gov. One secure electronic file transfer link is for your request for confidential treatment and will be directed to NHTSA's Office of the Chief Counsel. Please see the enclosure for additional instructions on submitting a request for confidential treatment that is compliant with 49 C.F.R. Part 512 (specifically, a request for confidential treatment must include the four required parts that are discussed in the enclosure). The second secure electronic file transfer link is for your non-confidential response to this letter. Do not submit any confidential

business information along with your non-confidential submission. Please refer to PE23-018 in Cruise's response to this letter and in a request for confidential treatment that Cruise may submit.

Due Date

Cruise's response to this letter must be submitted to this office by **NOVEMBER 3, 2023**. If Cruise finds that it is unable to provide all of the information requested within the time allotted, Cruise must request an extension from me at (202) 366-4925 or (202) 836-3605 no later than five business days before the response due date. If Cruise is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Cruise then has available, even if an extension has been granted.

If you have any technical questions concerning this matter, please call Thomas Haugh of my staff at (202) 366-2252.

Sincerely,

Sharon Yukevich, Chief
Vehicle Defects Division A
Office of Defects Investigation

ENCLOSURE – INFORMATION FOR REQUESTS FOR CONFIDENTIAL TREATMENT

If you believe that your response contains any material that you claim is confidential business information, submit these materials to NHTSA's Office of the Chief Counsel in accordance with 49 C.F.R. Part 512. **All requests for confidential treatment must be submitted directly to the Office of the Chief Counsel. Upon request, ODI will provide you with a secure file transfer link for your submission to the Office of the Chief Counsel.**

Requests for confidential treatment are governed by Part 512. A current version of this regulation is available on the internet at http://www.ecfr.gov by selecting Title 49 "Transportation," selecting "Parts 500 – 599" and then selecting Part 512 "Confidential Business Information."

How to request confidential treatment:

NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under Part 512. If you claim that any of the information or documents provided in your response constitutes confidential business information within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, you must request a secure file transfer link from the ODI contact listed in your Information Request. ODI will copy a representative from the Office of the Chief Counsel on the secure file transfer link for your request for confidential treatment. You must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with Part 512, to the Office of the Chief Counsel. Do not send a hardcopy of a request for confidential treatment to NHTSA's headquarters.

Your request must include a request letter that contains supporting information, pursuant to Part 512.8. Your request must also include a certificate, pursuant to Part 512.4(b) and Part 512, Appendix A.

You are required to submit one unredacted "confidential version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.6, the words "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS" (as applicable) must appear at the top of each page containing information claimed to be confidential. In the latter situation, where not all information on the page is claimed to be confidential, identify each item of information for which confidentiality is requested within brackets: "[ ]."

You are also required to submit one redacted "public version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.5(a)(2), the redacted "public version" should include redactions of any information for which you are seeking confidential treatment (i.e., the only information that should be unredacted is information for which you are **not** seeking confidential treatment).

For questions about a request for confidential treatment, please contact Dan Rabinovitz in the Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov or (202)366-8534.