cruise

January 8, 2024

Sharon Yukevich, Chief
Vehicle Defects Division A
Office of Defects Investigation
National Highway Traffic Safety Administration
1200 New Jersey Ave. SE
Washington, D.C. 20590

***CONFIDENTIAL***

***VIA SECURE FILE TRANSFER***

NEF-101tph
PE-23-018

**Re: Cruise LLC's Initial Responses to NHTSA's November 27, 2023, Information Request in Preliminary Evaluation 23-018**

Dear Ms. Yukevich:

This letter contains Cruise LLC's ("Cruise") initial responses to your November 27, 2023, Information Request (ID23018-02) ("**IR**") relating to National Highway Traffic Safety Administration ("**NHTSA**" or the "**Agency**") Preliminary Evaluation 23-018. These responses address Request Nos. 1a-1h, 2, and 11 (partial). In accordance with the Memorandum from the Office of Defects Investigation, dated December 13, 2023, granting Cruise's request for a partial extension of time to respond to this IR, Cruise will submit its remaining responses no later than February 19, 2024. Unless otherwise indicated herein, Cruise's responses rely on the IR's defined terms. Where applicable, Cruise has provided Bates Number ranges corresponding to referenced files.

Some or all of Cruise's responses and Cruise's file production constitute confidential business information and are exempt from public disclosure under the Freedom of Information Act (5 U.S.C. § 552(b)(4)) ("FOIA"). For the materials for which Cruise requests confidential treatment under 49 C.F.R. part 512 and 5 U.S.C. § 552(b)(4), Cruise has submitted an unredacted nonpublic copy of those materials electronically via secure file transfer to the NHTSA Office of Chief Counsel in the folder titled "CONFIDENTIAL – Cruise – PE23-018 Response (01.08.2024)." For materials or portions of which Cruise is not requesting confidential treatment under FOIA, Cruise has submitted an unredacted or partially-redacted copy of those materials electronically via secure file transfer to the NHTSA Office of Chief Counsel in the folder titled "NON-CONFIDENTIAL – Cruise – PE23-018 Response (01.08.2024)."

## REQUESTS AND RESPONSES

**Request 1a-1h: For each subject vehicle operated with the ADS engaged on public roadways in the United States to date by Cruise, state the following:**

- **a. Vehicle identification number (17-character VIN);**
- **b. Model;**
- **c. The name used by Cruise to identify the subject vehicle;**
- **d. ADS version installed as original equipment on the subject vehicle;**
- **e. Date of initial operation on public roadways (MM/DD/YYYY);**
- **f. The State(s) and jurisdiction(s) in the United States where the vehicle and system have been operated (postal abbreviation);**
- **g. If permanently out of service, the date of final operation on public roadways (MM/DD/YYYY);**
- **h. Number of miles driven on public roadways with the ADS engaged from June 1, 2021, through October 31, 2023, by month, year, and jurisdiction:**
  - **i. in total;**
  - **ii. with onboard human supervision;**
  - **iii. without onboard human supervision;**

**Cruise Response 1a-1h:** [redacted]

[redacted]

**<u>Request 2</u>: State the number of each of the following, received by Cruise, or of which Cruise is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles or to a pedestrian conflict avoidance incident or collision response incident:**

a. **Consumer complaints[1], including those from fleet operators;**
b. **Reports involving a crash, injury or fatality;**

[1] **The definition of consumer complaints includes communications made by any person. See https://www.ecfr.gov/current/title-49/part-579#p-579.4(c)(Consumer%20complaint)**

c. **Property damage claims; and**
d. **Third-party arbitration proceedings, both pending and closed, where Cruise is or was a party to the arbitration; and**
e. **Lawsuits, both pending and closed, in which Cruise is or was a defendant or Codefendant.**

**For subparts "a" through "e," state the total number of each item (e.g., consumer complaints, lawsuits, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).**

**In addition, for items "d" and "e," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.**

**<u>Cruise Response 2</u>:**

[redacted]



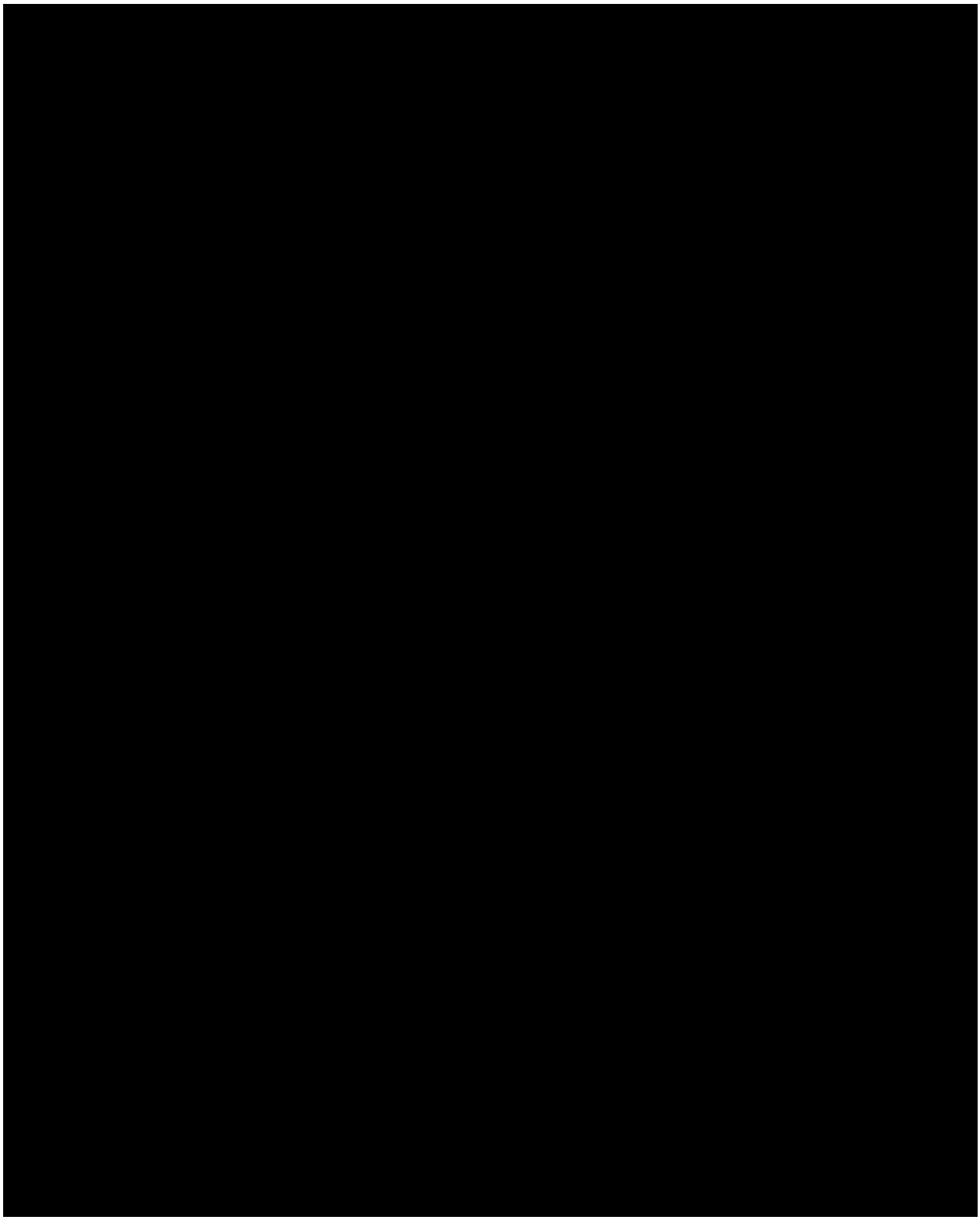














**<u>Request 11</u>: Furnish Cruise's assessment of the behavioral competencies throughout the crash described in SGO Report 30412-6395 and explain any changes Cruise has made to the ADS to alter performance in the same or similar scenario. Specifically explain:**

- **p. Whether, given the imminent conflict in the adjacent lane, the Cruise AV maintained a safety envelope and other safety metrics meeting Cruise's design specifications including but not limited to the velocity, acceleration and trajectory.**
- **q. Whether the Cruise AV failed to continuously track and correctly classify the pedestrian at any time before, during, or after the crash.**
- **r. Why the Cruise AV continued forward motion after initially coming to a stop with the pedestrian beneath the vehicle, and whether subsequent configurations or versions of the ADS alter performance for this specific scenario or similar scenarios involving a vulnerable road user trapped beneath the vehicle.**
- **s. Whether the documents provided in response to Request No. 10 pertaining to requirements and design specifications for the ADS previously included (before the crash) and whether they were subsequently revised to include elements pertaining to post-crash behaviors with vulnerable road users.**

t. **Whether the documents provided in response to Request No. 10 pertaining to verification and validation of the ADS previously included (before the crash) and whether they were subsequently revised to include scenarios involving the Cruise AV responding to a vulnerable road user beneath the vehicle.**

u. **Whether the Cruise AV's performance in this crash scenario was as expected and whether it maintained the desired safety envelope and other safety metrics as specified in the ADS requirements and design documentation.**

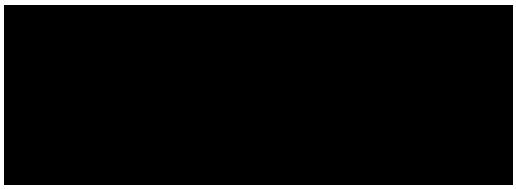
v. **Any limitations on potential steering avoidance opportunities. Explain whether the ADS can choose to cross into the delineated bike lane during a crash-imminent scenario.**

**Cruise Response 11:** [redacted]

## CONCLUSION

Please contact me or Rachel Ross, Senior Counsel, Regulatory and Compliance, at rachel.ross@getcruise.com, if you require further information about this response.

Sincerely,



Louise Zhang
Interim Chief Safety Officer
Cruise LLC
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**Attachments**

CONFIDENTIAL – Cruise – PE23-018 Response (01.08.2024)

NON-CONFIDENTIAL – Cruise – PE23-018 Response (01.08.2024)