



Transport Workers Union of America, AFL-CIO

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"AMERICA'S FIGHTING DEMOCRATIC UNION"

April 1, 2021

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Docket No. NHTSA-2020-0106. Advance Notice of Proposed Rulemaking: Framework for Automated Driving System Safety

Dear Secretary Buttigieg:

The Transport Workers Union of America (TWU) has been an active and vocal leader in the national conversation about the future of automated transportation, especially the deployment of autonomous vehicle (AV) applications. We offer these comments in response to the above-referenced docket, a proposal of the previous Administration that builds on its irresponsible approach to AV oversight and general disdain for using its regulatory powers responsibly. This notice, like several issued by the previous Administration, should be discarded in favor of a policy reboot. It will be vitally important for this Administration, unlike its predecessor, to lead our nation through a responsible, safety- and worker-centered review of the policy options for deploying and regulating AVs. Our more than 150,000 members work on the frontlines of our transportation system – their views, interests and concerns must be incorporated into any federal policies developed for the purpose of advancing transportation automation technologies.

As we have declared in our responses to previous DOT notices (see the TWU's March 22, 2021 comment on DOT-OST-2021-0005 and April 2, 2020 response to DOT-OST-2019-0179), it is our strongly held belief that the previous Administration's efforts on AV policy were a failure in every respect. The most recent proposal, the Automated Vehicles Comprehensive Plan, combined with the ill-advised AV 2.0-4.0 proposals, leaves to chance the safe implementation of AVs. Those initiatives, collectively, sidestep safety challenges, ignore frontline workers, embrace a dangerous hands-off approach focused more on cheerleading than regulating AVs, and use the waiver and exemption process far too liberally. This irresponsible approach relies on industry and those who stand to profit most from AVs to make all the tough choices for the rest of us. The latest ANPRM is more of the same: it celebrates the agency's inadequate and highly criticized work in this area, disavows the role of federal regulations, and inexplicably ignores the issues confronting frontline transportation workers.

This approach is not consistent with the history of transportation safety regulation. The reality is that while industry has played a large role in developing next generation technologies, those efforts were advanced inside a federal regulatory regime designed around straightforward but profound aspirations: the vehicles deployed in their various forms will be safe, will meet long

established performance expectations, will be held accountable by regulators, and will serve the broader public interest.

The TWU has joined with a broad array of organizations including Advocates for Highway and Auto Safety in developing and advancing AV [Tenets](#), a comprehensive overview of the essential ingredients for responsible regulation of AVs, released in November 2020. While the Tenets do not address a number of specific worker, safety and service concerns around the deployment of AV applications in public transit and other transport sectors, they nonetheless establish critical baseline standards meant to safeguard safety and the public interest no matter their application. We also urge the Administration to consider TWU's [white paper](#), "New Technologies in Transit Systems," a prescriptive approach to AV safety and to the difficult challenges faced by frontline transit and other transportation workers. These two documents provide concrete steps – rooted in the belief that core safety objectives and core principles should be central to any federal regulatory regime – the Biden Administration can take in its overall policy approach to AV regulation and oversight.

As we have stated repeatedly, when it comes to the next frontier in mobility, the Department of Transportation must end the laissez faire approach of the last four years. The Trump Administration broke new ground: it ignored its duty to ensure that transportation innovations are implemented the right way and with proper safeguards in place to protect the public. It jettisoned a proven approach that mainstreamed many innovations and saved lives. Successful innovations have always required incredible feats of engineering and ingenuity. But they have also required federal regulators that challenged and pressure tested assumptions, ensured safety guardrails were in place, held innovators and manufacturers accountable, and crafted responsible regulations designed to protect the public.

We cannot rely on those in industry and on Wall Street who stand to gain the most from billions in new sales to determine the future of AV-enabled mobility. They will not answer the tough questions -- but federal regulators can and must do so. The interests of transportation users, including frontline transportation workers, must be central to any decision about whether and how AVs are implemented. Nothing in our laws or regulations suggest the DOT's primary mission is to use its considerable resources and powers to make markets and enrich investors. Instead, the agency's duty is to ensure the safest transportation system in the world, not simply the most innovative one. Properly regulated innovation is a tool for delivering on that promise.

Let us restate a few of our core beliefs around the future of AVs.

- 1) A reboot at the DOT and its various modal agencies regarding AV development and oversight is needed to ensure this technology is subjected to the most rigorous and enforceable safety and security standards, rooted in science.
- 2) Federal leadership is urgently needed. The Trump DOT's hands-off approach to AV regulation – and its embrace of industry-led standard-setting and loose agency guidelines – was dangerous and exposed the public to potentially severe safety risks.
- 3) Workforce issues can no longer be ignored. They must be addressed as part of any enabling law or regulation around advancement of AV applications. Workers and their unions must be involved, empowered, and at the table as a matter of policy.
- 4) Any federal policies should be discarded that rely on exemptions, waivers and loose guidance as a substitute for regulation and as the tools of choice to propel the AV market forward.
- 5) AV expansion into public transit cannot result in lower safety and service standards. It must not be permitted unless it can meet clear objectives around equity as well as the retention and creation of good jobs.

Mr. Secretary, we are confident that as you lead the agency through a process of assessing the proper policies and regulations needed as AV technologies emerge, you will listen to the frontline workers in this industry who have managed through decades of innovation and change. The DOT must alter its course and embrace its role as an independent regulator. In doing so, it must uphold the highest safety and security standards, guard against innovations that undermine equitable and accessible public transit, protect good jobs, stand up standards for transparency, and ensure the agency's AV policies are not just about enriching corporations and investors, but instead about sharing the benefits of these innovations with everyone.

Thank you for providing us the opportunity to express our views. We look forward to collaborating with your agency on the future of transportation.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Samuelson". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Samuelson".

John Samuelson
International President