



## **The International Brotherhood of Teamsters**

### **Petitions for Temporary Exemption from Safety Standards**

**[Docket No. NHTSA-2022-0066  
and -2022-0067]**

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

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#### **Prepared by:**

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The International Brotherhood of Teamsters (IBT) welcomes the opportunity to provide comment on petitions filed by General Motors Company/Cruise and Ford Motor Company seeking exemption from several Federal Motor Vehicle Safety Standards (FMVSS) for vehicles equipped with an Automated Driving System (ADS), pursuant to 49 C.F.R. part 555. The IBT represents over 600,000 members who operate motor vehicles and has a vested interest in ensuring that any deployment of automated vehicle technology and attendant regulatory changes comply with, or exceed, statutory requirements on safety equivalence, promote transparent standards, and are considerate of workforce impacts.<sup>1</sup>

In the petitions, GM/Cruise requests exemptions for its Cruise Origin vehicle, a multipurpose passenger vehicle equipped with a Level 4 ADS, which Cruise will operate in rideshare services. The Cruise Origin requires FMVSS waivers because it will not be equipped with manual driving controls and is to be solely operated by its on-board ADS system. Ford seeks waivers of the FMVSS for similar reasons for its vehicle. Ford's vehicle will operate via ADS but will also feature non-traditional controls that can be used in a "dedicated Manual Mode intended for service purposes". In discussing, these petitions, NHTSA requests further information on a similar set of questions.

### **Data and Information**

Questions 1 and 2 contemplate requirements placed on the petitioner to provide data and information to NHTSA, including accident data and details of the operations of the exempted vehicles. We commend NHTSA on outlining a robust proposed data set, and we strongly support the inclusion of such reporting requirements. It is essential that information collections cited in the docket, including but not limited to, crash incidences and related sensor data, certain acceleration events and descriptions of any "minimal risk condition fallback" events, are required of the petitioners without exception and without redaction that would render the data unusable for the intended purpose for which they are required.

Regarding the reporting information discussed in Question 2, NHTSA states that the petitioner "may provide this information either in aggregate or on a per-vehicle basis". We urge NHTSA to retain sufficient discretion in this regard. For example, if the agency is unable to gather satisfactory information on safety equivalency and compliance with terms of terms of the petition, NHTSA should reserve the authority to require the petitioner to provide either aggregate and/or per-vehicle data in its next report, as appropriate.

Additionally, NHTSA should consider requiring petitioners to also submit ridership data within a given 90-day reporting period. This provides critically important information on usage patterns and public opinion on the deployment of ADS vehicles. Indeed, it would be impossible for NHTSA, other impacted modal agencies, or the Department to craft a meaningful analysis of economic impacts without this data. As discussed later, the impact of the introduction of ADS vehicles will have far reaching impacts on existent provision of transportation and the employees

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<sup>1</sup> 49 U.S.C. § 30113(b)(3)(ii-iv)

of those traditional operations, and NHTSA and DOT must be fully equipped to begin analyzing these impacts.

Finally, NHTSA must make the data it receives publicly available in an accessible format. While the petitioners make aggressive claims regarding the satisfaction of statutory public interest criteria, the public and users asked to share the roads with ADS vehicles must be given the opportunity to educate themselves on the operational realities of these products and their safety records. We further urge NHTSA to adopt a narrowly tailored view of the scope of proprietary information and ensure that petitioners are not abusing these privileges to keep critical data from the public eye.

### **Ownership and Control**

In both dockets, NHTSA proposes that the petitioner “maintain ownership and operational control over the exempted vehicle that are built pursuant to this exemption for the life of those vehicles”, which would preclude the sale of these vehicles to other entities. However, we request clarity on the permissibility of other arrangements in which operational control may not solely rest with the petitioners, including, for example, the lease of covered exempted vehicles. We urge that such types of arrangements be prohibited.

### **Equity and Economic Impacts**

The introduction of driverless ADS vehicles in multi-passenger transportation presents fundamental threats and risks to more traditional transportation providers. While the petitioners will surely argue for their right to compete in the sector, NHTSA and the Department must broadly be considerate of the introduction of negative and/or unintended externalities. If the petitions were to be granted, we strongly request that NHTSA, in conjunction with its sister agencies, gather data and perform analysis on impacts to ridership on public transit and traditional taxi service over the course of the deployment.

In their petition, GM/Cruise state that “GM and Cruise’s investment in the Origin has a powerful downstream impact as well, driving additional investment by suppliers, competitors, and supporting industries”. While this may be, it is also true that there may be, or even is likely to be, powerful negative downstream impacts if the result of deployment is job loss in the transportation industry or curtailing of traditional services. For example, a reduction in transit ridership due to passenger-mile diversion to GM/Cruise vehicles impacts not only transit drivers but also other transit agency employees like bus mechanics. Farther downstream, impacts on manufacturing is likely if procurement is ultimately slowed.

NHTSA should also consider the impacts these deployments may have on passengers and availability of passenger service. We note that neither petitioner has provided information on pricing models, or comparison pricing to existing services. If ridesharing offerings on these vehicles are cost-prohibitive, this would be disqualifying for any supposed benefits of exempted vehicles to improve accessibility and equity in serving underserved communities. Similarly, NHTSA should specifically consider the impacts of these operations on current para-transit offerings in the context of cost structure. While ensuring wheelchair accessibility and access for

the vision impaired is important, if the impact of deployment is to drive individuals with disabilities who can afford the service away from existing para-transit, the result may ultimately produce worsened service for the most vulnerable communities who are not able to afford these offerings.

Our concerns are not alarmist. The introduction of Uber, Lyft and other rideshare services has shown to have a causal negative effect on transit ridership.<sup>2</sup> While these companies argue that this demonstrates the provision of a superior service, it has long been apparent that the approach instead was to advertise artificially low rates, sustainable only through vast corporate subsidy. Their ultimate intent has been to raise rates once a level of market dominance had been achieved – once traditional taxi operations are shuttered, and transit agencies are forced to reduce or modify service due to declining ridership. This has been born out globally, as fares rose 92% between January 2018 and July 2021.<sup>3</sup> To ensure that a similar scenario does not play out among our most essential transportation services, and for the aforementioned reasons, we urge NHTSA to adopt a policy to collect information on proposed pricing models of the petitioners.

Finally, a footnote in its petition, GM/Cruises states that “the Origin is a rideshare vehicle that also is capable of delivering goods and operating as an occupant-less delivery vehicle”. Similarly, NHTSA highlights that “Ford states the vehicle's intended ODD represents a convergence of the vehicle's expected capabilities and projected business model, which includes ride-hailing and goods delivery on urban streets”.

The petitioners provide no further information on these delivery capabilities, or their intent to deploy the vehicle for those purposes. NHTSA is currently proposing no oversight beyond requiring “detailed descriptions of any material changes made to the subject vehicle's Operational Design Domain (ODD) or ADS software during the reporting period”. We are concerned by NHTSA’s proposal to allow the modification of an ODD with no further action than informing NHTSA. In the event petitioners seek to modify the exempted vehicles’ ODD, any such modification should require thorough advance review by the agency to determine whether the proposed operations remain in compliance with both the safety equivalency and public interest requirements of the initial petition.

In particular, if the petitioners intend to deploy these vehicles in a delivery capacity, further information on such usage must be provided. Given the vastly different ODD associated with a delivery vehicle, we request that NHTSA prohibit the petitioner from redeploying the exempted vehicle as a delivery vehicle without additional public notice and comment of such changes to the vehicles ODD. In the event that an exempted vehicle’s ODD is modified to include delivery services, and NHTSA finds this change to be congruent with the terms of the petition and other requirements, we request that NHTSA requires further information on package delivery, including where these deliveries are taking place on a per-vehicle basis, and the quantity of deliveries the petitioner is providing.

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<sup>2</sup> Graehler, et al, “Understanding the Recent Transit Ridership Decline in Major US Cities: Service Cuts or Emerging Modes?”, 2019.

<sup>3</sup> Dain Evans, “Why Uber and Lyft rides are more expensive than ever”, CNBC, 8/2021.

## **Revocation Authority**

NHTSA contemplates that it could “establish terms to specify what the consequences would be if the flow of information were to cease or become inadequate during or after the exemption period”. We strongly urge NHTSA to do so. Given the enormous safety consequences presented by an ADS deployment for which NHTSA has no or inappropriate levels of oversight, NHTSA must be able to take swift action as necessary and be able to compel cessation of operations immediately if the exempted vehicles are operating unsafely. These terms should include rapid progressive penalties, up to and including revocation of any granted exemptions. NHTSA should also immediately revoke all granted exemptions in cases of willful negligence, fraud, or a demonstrated unwillingness to comply with the terms of the petition, or federal law and regulation.

The International Brotherhood of Teamsters appreciates the opportunity to comment on this notice and looks forward to continuing to work with NHTSA on these and other matters.