



The International Brotherhood of Teamsters

Petitions for Temporary Exemption from Safety Standards

[Docket No.-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) writes to provide supplemental comments to our 10/21/22 filing in response to NHTSA-2022-0067, regarding the petition filed by General Motors Company/Cruise 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.¹ Further developments since the filing of our initial comments, including additional information and incidents involving Cruise operations, necessitate this supplemental filing.

Cruise Safety Record

Since October of last year, Cruise vehicles, particularly in San Francisco, have been involved in a number of deeply concerning safety incidents. Importantly, these involve Cruise vehicles operating without the substantial waivers to federal regulation that GM/Ford seek in their petition. A non-exhaustive list of incidents involving Cruise robotaxis includes:

- A collision with [a firetruck](#)
- A vehicle becoming immobilized after [driving into wet concrete](#)
- The blocking of emergency response vehicles to a pedestrian accident, which may have contributed [to the pedestrian's death](#)
- Vehicles losing connectivity and causing [traffic jams near a music festival](#)
- Malfunctioning Cruise vehicles impeding sanitation vehicles [operated by members of Teamsters Local 350](#)

Increasing and concerning incidents involving these vehicles have led directly to the California Department of Motor Vehicles demanding that Cruise cut its fleet in San Francisco by 50%. We also note this spate of incidents recently led the San Francisco Municipal Transportation Agency (SFMTA) to file supplemental comments to this docket, raising their substantial concern with Cruise's existing operations, and specifically requesting that NHTSA "investigate the Cruise AV incidents that reflect interference with routine emergency response operations as well as the reliability and resiliency impacts of driverless operations and failures during power outages, traffic signal outages, cellular network outages and disaster situations".

SFMTA also notes that "Since Cruise was authorized to provide commercial passenger services in San Francisco between the hours of 10 pm and 6 am in a limited area of the city, members of the public and city employees have reported numerous incidents of unsafe and/or illegal Cruise AV driving and unsafe and/or illegal stops in travel lanes that interfere with the use of city streets by others. **These reports have increased significantly in the spring and summer of 2023**" [emphasis added].

Through the outstanding exemption request, the petitioners are requesting an even greater level of federal deference to its ability to operate safely and in compliance with the agency's regulation which requires an exempted vehicle to operate at an "overall level of safety or impact

protection at least equal to that of nonexempted vehicles”.¹ Given the recent safety performance of non-exempted vehicles operated by the petitioners, it is extremely unclear if they are capable of operating an exempted vehicle which meets this standard. We concur with SFMTA that an immediate assessment of the existing FMVSS-complaint operations is appropriate. Further, given that such substantial concerns exist for the petitioner’s compliant operations, it is premature and inappropriate to grant the requested exemption at this time.

To underscore these concerns, we highlight several issues highlighted in communications between GM/Cruise and the agency. On January 17, 2023 NHTSA sent “Follow-up questions re GM's petition for exemption for the Origin” to the petitioners via email, to which petitioners replied on June 23. The IBT believes there are several notable items contained in this exchange.

NHTSA asked petitioners if “the Automated Driving System (ADS) stack used on the Cruise vehicles currently operating in San Francisco the same ADS stack that GM intends to use in the Origin vehicles?”. In response the petitioners state that “The core architecture of the Automated Driving System stack (ADS) currently being utilized by the Cruise AV fleet is the same that will be used by the Origin” but suggests that the Origin will be equipped with higher resolution sensors. Given the uptick in safety incidents involving non-exempt Cruise vehicles, NHTSA should be concerned with, and consider, if an exempted vehicle using the same core architecture is likely to operate an equivalent level of safety to non-exempt, non-autonomous vehicles.

NHTSA also inquired as to “why the cluster of 13 Cruise vehicles to which San Francisco refers in its comment stopped in the same place. What remedies or software/hardware modifications has GM made to prevent this from occurring again?”. GM/Cruise responded that it had resolved this issue, and expected no further “clustering” challenges, yet the recent clustering incident at a music festival clearly demonstrates that GM/Cruise is incorrect regarding its mitigation of this issue and its ability to confidently mitigate operational issues.

Additionally, one of the hallmarks of Cruise’s issues in San Francisco has been the inability of the petitioner’s vehicles to cooperate properly with law enforcement and emergency responders. As mentioned, this includes actual collisions with emergency vehicles, failure to leave or exit the scene of an accident or crime, and non-responsiveness to emergency and enforcement personnel. In some instances, such individuals have been resorted to [banging on the windows of nonresponsive vehicles](#) in the hopes that the vehicle or remote Cruise staff will intervene. We are concerned that this problem will only be exacerbated in a vehicle that has been exempted from traditional FMVSS equipment requirements and is no longer manufactured with driving controls, like a steering wheel or pedals that would allow the vehicle to be manipulated into a minimal risk condition.

Finally, as discussed in our initial comments, the IBT remains deeply concerned with the lack of information provided thus far by the petitioners regarding the Origin’s operations in package delivery service, and any additional considerations, including as they relate to the Operational Design Domain of the vehicle. It is difficult to evaluate how the Origin would function in package delivery service or what safety and operational issues the petitioners have considered given a startling lack of information beyond simply referencing that they plan to operate Origins

¹ 49 CFR 555.5

in this manner. We note that in responding to the January inquiry, GM/Cruise discusses how it may negotiate designated pickup/drop off areas for passengers in San Francisco but provides no information on how it will perform package delivery pickup/drop offs. The physical routing and operational needs of package delivery services and passenger taxi services are unequivocally unidentical, yet there is no acknowledgement of this in any material filed with the agency to date.

The International Brotherhood of Teamsters appreciates this opportunity to file supplemental comments to our previous filing. Given fundamental questions raised concerning the safety record of the petitioner, and ongoing failures to detail components of the Origin's operations, at this time we do not believe that GM/Cruise can operate a FMVSS-exempted vehicle at the level of safety standards required by federal law and regulation. We look forward to continuing to work with the agency on issues related to automated vehicles and their deployment.