May 18, 2021

The Honorable Janice D. Schakowsky, Chair
Subcommittee on Consumer Protection and Commerce
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Gus M. Bilirakis, Ranking Member
Subcommittee on Consumer Protection and Commerce
House Committee on Energy and Commerce
2322 Rayburn House Office Building
Washington, DC 20515

Dear Chair Schakowsky and Ranking Member Bilirakis,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I would like to submit the below *Labor Principles for Autonomous Vehicle Legislation* to the Committee. These principles reflect the positions of both TTD and the International Brotherhood of Teamsters on automated vehicle policy and substantively inform the testimony I will give at today's hearing.

Sincerely,

Greg Regan
President

Labor Principles for Autonomous Vehicle Legislation

Autonomous vehicles (AVs) are often touted for their potential to increase safety, improve transportation access, produce environmental benefits, and create new American jobs in the manufacturing and technology sectors. Yet, for all the benefits touted by its cheerleaders, we too often overlook the serious impacts AVs will have on workers, safety, and equity if not properly regulated by the federal government. Reports estimate that as many as 3 million transportation workers may lose their jobs, face a severe degradation of their wages and bargaining power, or otherwise have their job functions fundamentally altered by self-driving vehicle technology.

A deluge of reports about accidents involving Waymo, Tesla, Uber, and other automated vehicle makers and operators should give pause to our policy leaders who have bought in to the argument that it's time to remove barriers to widespread deployment. There have been many accidents involving AVs resulting in multiple deaths and serious injuries. These accidents occurred largely because of the unsafe waiver, exemption, and safety self-reporting regulatory environment propelled by the irresponsible decisions of the Trump administration and its hands-off approach to regulation. And serious questions have been raised about the extent to which AVs will truly improve equity, access, and environmental outcomes.

History tells us that strong unions and worker engagement are essential to mitigate harms inherent in rapid changes to industries. Relatively high union density in the transportation workforce will play an important role in assisting this sector—namely through the opportunities to manage change that the collective bargaining process brings. At the same time, federal regulations that establish a high bar for safety, worker training, assistance and transition policies, and assurances that transportation services will meet a basic public service standard must be in place.

Congress will play a key role in determining whether these technological changes will be viewed by millions of Americans as positive progress or a dangerous upending of the status quo. The following represents transportation labor's key priorities that Congress must consider as the foundation of any legislative framework for the testing, deployment, and regulation of AVs:

1) Put Safety first

– **Abide by the safety framework developed in the Joint AV Tenets introduced by Advocates for Highway and Auto Safety**[1]. Truck drivers, bus operators, and thousands

[1] https://saferoads.org/autonomous-vehicle-tenets/

of other transportation workers will be sharing the road with AVs if widespread use is authorized for years to come. The performance of AVs will be of paramount importance to safety throughout our entire transportation network for both system users and our members, whether they operate on the roads and transit systems or work in other roles with AVs such as performing maintenance or loading the vehicle.

The Joint AV Tenets were developed by safety advocates and equity partners, as well as our unions. All workers deserve to know that an autonomous car or bot driving next to them is safe enough to be on the same road or in the worksite. Any legislation developed by Congress or regulations promulgated by the U.S. Department of Transportation (DOT) must strengthen the development of future Federal Motor Vehicle Safety Standards (FMVSS) for AVs and mandate tests of key components (i.e., a vision test) on any system whose performance is inseparable from the safe deployment of that vehicle. Congress and the federal government must focus on strong safety regulation and enforcement rather than hands-off policies sought out by the AV industry, such as waivers and exemptions that clear the way for widespread piloting and deployment of AVs.

2) Define the scope appropriately

– Continue the carveout for vehicles over 10,000 pounds. Heavy commercial motor vehicles offer a laundry list of unique operational challenges which will greatly complicate the introduction of AVs into that space. Frontline commercial vehicle operators do not just drive, they have unique training to react to adverse situations and an array of challenges that an AV is ill equipped to handle without a human on board. Small vehicles bear little resemblance to the design or operational realities of buses, trucks, or heavy-duty construction vehicles and should not be considered under the same regulatory framework as personal cars or fleets of small vehicles delivering individual packages. The enormous workforce concerns surrounding the use of these larger vehicles also necessitates their separate consideration. We applaud Congress for recognizing these challenges and excluding vehicles over 10,000 pounds in every AV bill that has been introduced to date.

– Sub-10,000 pound AVs providing passenger service must have a human driver. The operators of passenger service vehicles are critical to the safe and accessible delivery of transportation services, both for the passengers and for all other road users. Any legislation or regulations designed to facilitate the deployment of AV technologies must mandate an operator on board who is available to take over operations, regardless of how far AV technology develops. The presence of an operator ensures that someone is there to respond to emergencies and summon first responders, facilitate ADA needs, prevent vehicles from becoming magnets for crime, and critically, to provide a backup in the case of technological failure.

– Include delivery bots and other alternative-design small vehicles. Any AV legislation must also cover alternative design vehicles such as delivery bots. Any vehicle that is under the 10k pound threshold that will travel on public roads must be properly regulated and not made exempt from the safety mandates embodied in any AV legislation. We have already seen these smaller AV vehicles receive special treatment (including waivers from safety

requirements) from regulators simply because they are lighter and travel at lower speeds. These vehicles should also be subjected to proper federal scrutiny and safety requirements.

3) Create a robust workforce plan and move it in conjunction with any AV bill

The impact that AVs will have on workers is not yet fully known. But we know that for many in this industry AVs are a labor-saving and labor-replacing technology during a time when our worker support programs are wholly inadequate. We cannot wait to address these issues after the fact. We have a unique opportunity to prepare for and mitigate impacts **before** they happen.

Congress should attack this issue from multiple fronts. With regard to public transportation, legislation should direct comprehensive regulations through the Department of Transportation and its Federal Transit Administration (FTA) that would require workforce impact assessments be conducted jointly by representatives of the frontline workforce and management at any agency utilizing AVs, and the application of transit-related AV labor standards. Moreover, legislation that allows the commercial application of AVs, which may negatively impact public transportation ridership, must also include provisions that create career ladder and apprenticeship programs for transit workers, ensure the manufacture and development of new technologies is done within the U.S., and that new jobs created come with union protections. For private transportation, Congress should examine the impact smaller AVs will have in high-risk industries such as taxicab and rideshare operations, private shuttles, and food/package delivery operations. These reviews should be combined with aggressive policies aimed at mitigating **both** job losses and wage degradation via job retention, just transition, vehicle taxation regimes, allocation of retraining funds for displaced workers, wage supplements, and the restriction on the use of independent contractors throughout the industry. They should also be combined with robust manufacturing standards to ensure that vehicles, components, and engineering work is done in the United States. These rules should be put into place before any widespread deployment or approvals for AVs are granted.

4) Ensure consumer rights, equity, and accessibility are key components of any framework

The AV industry claims broad deployment of this technology stands to help improve access to transportation for disadvantaged populations. But if wrongly implemented, they also risk exacerbating long-standing inequities which have existed across racial, gender, and socioeconomic lines for generations. Professional driving has long been a solid path to the middle class, including for women and people of color. Nearly 40% of professional drivers are non-white and men and women both work as bus operators across the country at about the same rate. Transportation jobs have higher unionization rates than many other professions, and as a result, they pay significantly better than most jobs the same individuals could find in non-driving occupations.[2] Congress must keep these ladders to the middle class intact before and during the eventual introduction of AVs onto our roads or in our transit systems.

[2] http://globalpolicysolutions.org/report/stick-shift-autonomous-vehicles-driving-jobs-and-the-future-of-work/

Our unions also represent many workers who currently provide paratransit for older adults and individuals with disabilities. We know how much of a lifeline these services can be to many individuals and their families. If deployed, AVs must not degrade universal access to these services. Isolated and marginalized communities must share in the benefits of these mobility options. This will require adequate staffing levels to ensure the presence of well-credentialed safety monitors aboard AV-enabled paratransit operations, and assurance these types of services will remain accessible for all.

5) Federal policies must ensure that jobs in AV manufacturing are good jobs

Promoters of AV technology repeatedly make the claim that we are falling behind China and other countries in the development and deployment of automated driving system technologies. But for workers, the lingering question is what would "leading" in this sector even mean for their future employment opportunities? History tells us that without clear federal leadership American manufacturing workers will be the last to benefit from the economic benefits of these technologies. To ensure broadly shared prosperity and that jobs created in AV manufacturing are good jobs here in the US, lawmakers must take clear steps. They must ensure that U.S. government assistance for the development of AV technologies, and federal procurements of AVs or procurements by transit agencies or state and local governments through federal assistance, come with strong Buy American policies and a U.S. Employment Plan or similar procurement standards that ensure the development and use of AVs also benefit communities and lead to good middle-class domestic manufacturing jobs.

Transportation Trades Department, AFL-CIO
A bold voice for transportation workers

TTD MEMBER UNIONS

Air Line Pilots Association (**ALPA**)
Amalgamated Transit Union (**ATU**)
American Federation of Government Employees (**AFGE**)
American Federation of State, County and Municipal Employees (**AFSCME**)
American Federation of Teachers (**AFT**)
Association of Flight Attendants-CWA (**AFA-CWA**)
American Train Dispatchers Association (**ATDA**)
Brotherhood of Railroad Signalmen (**BRS**)
Communications Workers of America (**CWA**)
International Association of Fire Fighters (**IAFF**)
International Association of Machinists and Aerospace Workers (**IAM**)
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers (**IBB**)
International Brotherhood of Electrical Workers (**IBEW**)
International Longshoremen's Association (**ILA**)
International Organization of Masters, Mates & Pilots (**MM&P**)
International Union of Operating Engineers (**IUOE**)
Laborers' International Union of North America (**LIUNA**)
Marine Engineers' Beneficial Association (**MEBA**)
National Air Traffic Controllers Association (**NATCA**)
National Association of Letter Carriers (**NALC**)
National Conference of Firemen and Oilers, SEIU (**NCFO, SEIU**)
National Federation of Public and Private Employees (**NFOPAPE**)
Office and Professional Employees International Union (**OPEIU**)
Professional Aviation Safety Specialists (**PASS**)
Sailors' Union of the Pacific (**SUP**)
Sheet Metal, Air, Rail and Transportation Workers (**SMART**)
SMART-Transportation Division
Transportation Communications Union/ IAM (**TCU**)
Transport Workers Union of America (**TWU**)
UNITE HERE!
United Automobile, Aerospace and Agricultural Implement Workers of America (**UAW**)
United Mine Workers of America (**UMWA**)
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (**USW**)

These 33 labor organizations are members of and represented by the TTD