TTD

A bold voice for transportation workers

April 12, 2017

Ms. Rebecca Yoon
Office of the Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Federal Motor Vehicle Safety Standards; V2V Communications
Docket Number NHTSA–2016–0126

Dear Ms. Yoon,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I write to comment on NHTSA's Notice of Proposed Rulemaking (NPRM) concerning vehicle-to-vehicle communications. By way of background, TTD consists of 32 affiliate unions that represent workers in all modes of transportation who will be impacted by the development and deployment of automated transportation. We therefore have a vested interested in the rulemaking. [1]

Through this NPRM, NHTSA proposes to require that all light duty vehicles be equipped with vehicle-to-vehicle communications (V2V) systems. As proposed, these systems would transmit information including a vehicle's speed, heading, and brake status from vehicle to vehicle in order to warn drivers of potential hazards. Critically, NHTSA states that the fusion of V2V and other technologies will "advance the further development of vehicle automation systems, including the potential for truly self-driving vehicles."

While this NPRM has a limited scope, NHTSA's statement that this rulemaking lays the foundation for a fully autonomous vehicle environment not only is premature, but it has broad and significant implications. Through this rulemaking, NHTSA's guidance on Federal Automated Vehicle Policy, and the Federal Highway Administration's Vehicle-to-Infrastructure (V2I) guidance, the federal government is increasing its role from providing technical and safety guidance to actually promoting the rollout of autonomous vehicle (AV) technology. Given that AV technology is likely to be developed and deployed across all modes, we strongly urge NHTSA and the Department of Transportation (DOT) to consider that automation in transportation could pose safety and security risks, create significant regulatory challenges, and result in massive displacement of workers. Since our member unions are on the frontlines of responding to the

[1] Attached is a complete list of TTD's 32 affiliate unions.

Transportation Trades Department, AFL-CIO

815 16th Street NW /4th Floor /Washington DC 20006
Tel:202.628.9262 / Fax:202.628.0391 /www.ttd.org
Edward Wytkind, President /Larry I. Willis, Secretary-Treasurer

challenges that stem from various forms of transportation automation, we hope that NHTSA and all DOT agencies will carefully consider our concerns for the future implications of fully autonomous technology alongside our concerns with respect to this V2V proposal as we have outlined below.

Worker Displacement

Technological changes in transportation threaten to drastically alter the nature of work and eliminate millions of jobs. Estimates conclude that more than four million driver-dependent jobs could be at risk because of AV, with millions more driving-related and other transportation jobs threatened by artificial intelligence-based automation. Through the deliberate creation of a supportive legal and regulatory framework, the government is becoming a market actor in the creation and deployment of AV technology, and therefore it is incumbent on the DOT and other agencies to respond aggressively to the job displacement threats.

We note that it is not a unique proposition to suggest an enhanced role for the federal government in intervening on behalf of American workers when their jobs are at risk. When the government has served as market actor that effectively terminates jobs, it has sought to provide some type of government supported employment transition. For example, when the government has pursued new trade agreements that have placed American workers in direct competition with low labor standards found in developing nations, the government has provided a variety of adjustment assistance through the important but highly imperfect Trade Adjustment Assistance (TAA) program. Given that the federal government has financed and supported many of the technology breakthroughs necessary for AVs, and that DOT and NHTSA are creating an express legal framework for the deployment of these vehicles, we believe the DOT and more broadly, this Administration must respond to the legitimate job concerns associated with automation.

Finally, TTD urges NHTSA and other agencies to include the voice of transportation labor as this technology is developed, regulated, and potentially deployed. Labor unions have been longtime participants in technical advances and have witnessed first-hand decades of changes in the employment landscape. For over a century, unions have managed through technological change and have provided a strong voice for those employees who find themselves in harm's way in the face of emerging innovations in the marketplace.

There is little doubt that transportation automation pursuits are moving at a fast pace. However, the pace of these innovations necessitates a clear response from our government in determining what regulations are necessary to protect against the degradation of safety and security and to intervene on behalf of those who face displacement. This is especially important because we know that the big tech corporations are spending massive resources to advance their interests in Washington and in the states, downplay the need for and work against new federal regulations, and eventually earn billions in new profits. In other words, the stakes are high and how policy leaders respond will have profound effects on our economy and on working people. As such, the voices of the men and women who will experience these technologies first-hand will be vital, both in the workplace and in the various government agencies that are considering regulatory options.

Safety

TTD also expresses concern regarding the impact fully autonomous vehicle technology will have on highway safety. Proponents of AV suggest that the technology will improve safety, claiming that AV, V2V, and V2I technologies are less vulnerable to distractions and limitations than human operators. However, thus far AV technologies have hardly been error-free, as evidenced by incidents of collisions, failure to detect large hazards on highways and running red lights in cities. Company-reported data is also alarming, as all companies testing technology on California's roads, for example, reported technology failures requiring human intervention. One company reported that its self-driving technology failed 341 times while seven other companies reported another 2,700 instances of human intervention. This technology should not be tested on public roadways where errors can cost human lives.

Similarly, we are concerned that AV technology is vulnerable to cybersecurity attacks. In 2015, hackers showed they could break into a Jeep Cherokee's digital systems through the internet, stopping the car while in highway traffic, adjusting the steering, and disabling the brakes at low speeds. As a result, Chrysler recalled 1.4 million of its vehicles for software updates. In 2016, those hackers broke into deeper systems of the vehicle, adjusting the steering digitally despite the driver's attempt to regain control, and adjusting cruise control. Any regulatory proposal regarding AV technology cannot, as some will advocate, ignore these threats and in the process introduce additional risk or weak points into our nation's transportation systems.

V2V Liability Issues

We have concerns over the potential for increased liability incurred by a driver operating a vehicle equipped with V2V technology. Drivers in vehicles equipped with V2V must not face increased liability for accidents for which they would not have been held responsible in an unequipped vehicle. As an example, we are concerned about the liability incurred by a driver who heeded an incorrect warning from a V2V system, or did not take action from a V2V alert. Our concern with liability extends to the future of AV technology as well. In an environment with largely autonomous vehicles, transportation workers may be found liable and blamed for errors made by the technology. We find it especially galling that if emerging technologies are designed to take some, if not most control out of the hands of transportation workers, that liability would attach to the employee, not the employer or the seller or developer of the technology. NHTSA and other agencies regulating on this topic must take great care to ensure that transportation workers are not held responsible for incidents caused by failures of AV technology.

Finally, TTD is concerned with NHTSA's creation of a two-tiered safety system on the nation's roadways. Following the effective date of the rule, new light duty vehicles equipped with V2V will share the road with vehicles not equipped with V2V. Drivers may make decisions based on information generated by the V2V system that they may not have made without it. There is no guarantee that these decisions will actually be safer. This risk may be exacerbated by the asymmetry of information between drivers. In turn, this may have the opposite effect of NHTSA's intent and lead to more accidents.

As transportation automation advances, transportation labor is committed to ensuring that technology is used to enhance safety, security and service and that heavy handed lobbying by commercial interests do not result in weak or ineffective regulations. We urge NHTSA and the Trump Administration more broadly to consider the impacts of the technology on these issues, as well as on transportation workers who face the real possibility of mass dislocation due to AV deployment.

We appreciate the opportunity to comment on NHTSA's proposal and encourage the agency to consider our concerns as it moves forward with this rulemaking and other actions that may follow.

Sincerely,

Edward Wytkind
President

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, ILA **(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 Mine Workers of America **(UMWA)**
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union **(USW)**

These 32 labor organizations are members of and represented by the TTD