



*A bold voice for transportation workers*

May 10, 2018

Mr. Michael Huntley  
Division Chief  
Office of Carrier, Driver, and Vehicle Safety  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

**RE: FMCSR Barriers to CMV Automation  
Docket No. FMCSA-2018-0037**

Dear Mr. Huntley,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to provide comments on the Federal Motor Carrier Safety Administration (FMCSA)'s solicitations for information on how its regulations may be affected by autonomous technology. By way of background, TTD consists of 32 affiliate unions representing workers in all modes of transportation, including those who will be impacted by the development and deployment of automated driving systems.<sup>1</sup> We therefore have a vested interest in the notice.

In this docket, FMCSA requests information on how current safety regulations may hinder the testing and safe integration of ADS-equipped CMVs as well as on specific regulatory requirements that are likely to be affected by an increased integration of ADS-equipped CMVs. This docket is a follow-up to FMCSA's April 24, 2017 listening session and docket (FMCSA-2017-0114), to which TTD filed comments.

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<sup>1</sup> Attached is a complete list of TTD's 32 affiliate unions.



In our previous comments to the agency, we outlined some of the regulatory barriers and related safety concerns that FMCSA must address with the rollout of any autonomous technology. It continues to be our belief that any efforts to introduce autonomous technology must not undermine safety on the nation's roadways, and allowing the propagation of autonomous vehicles without serious regulatory oversight is an unacceptable risk. Many of the regulatory issues that we raised are also discussed in the Volpe Center report commissioned by the agency, and remain a concern for TTD and our unions that represent CMV drivers. However, we are disappointed with Volpe's determination concerning Hours of Service Regulations.

As long as a human remains in the vehicle and is tasked with any operational functions, it is imperative that critical requirements that fight worker fatigue and are shown to promote safety are not undermined. The ability to automate some part of vehicle operations does not eliminate the need to protect against fatigue and ensure dignified working conditions. In fact, studies suggest that operations in which a human oversees some level of autonomous function and takes over tasks as necessary actually increases fatigue as drivers struggle to maintain alertness needed to reengage quickly. As such, FMCSA must not dilute or reduce HOS requirements in response to automation. We do agree with Volpe's suggestion that all employees with operational responsibilities over a vehicle, regardless of how those responsibilities change from current operational tasks, could be covered by hours of service and other requirements.

In our earlier comments to FMCSA, we also discussed regulatory issues related to the automated transportation of hazardous materials, and have expanded on these issues in our comments to PHMSA's request for information, Docket No. PHMSA-2018-0001. Because 49 CFR §177.804 in PHMSA's Hazardous Materials Regulations requires motor carriers of hazmat to abide by the Federal Motor Carrier Safety Regulations, FMCSA has an important role in ensuring the safety of hazmat transportation. As we have stated, there are duties related to the transportation of hazmat that simply cannot be safely subsumed by a computer, and FMCSA should not alter these requirements.<sup>2</sup> The safe transportation of hazardous materials must always involve the human factor elements represented by a qualified and skilled human operator, as FMCSA currently requires.

Finally, as discussed in multiple comments TTD has filed, including to this agency and other modal agencies, FMCSA, DOT, and Congress must consider the workforce impacts of automation, which threatens millions of good-paying middle class jobs in the transportation industry. It is incumbent on federal policymakers to ensure that if steps are taken to promote and develop these technologies, that steps are also taken to prevent workers from being left behind. TTD unions are too familiar with the impacts of significant job displacement, and know well that displaced workers face high levels of unemployment and career-long negative effects on wages. FMCSA should consider its role in promoting and developing labor-market programs that support workers who lose their livelihoods to automation, as well as training and retraining programs for displaced workers and workers at risk of displacement.

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<sup>2</sup> As discussed in our comments to FMCSA and PHMSA, this includes regulations such as 49 CFR 397.5 - *Attendance and surveillance of motor vehicles*, 49 CFR 397.15 - *Fueling* and 49 CFR 397.101 - *Requirements for motor carriers and drivers*.

We appreciate the opportunity to comment on FMCSA's request, and look forward to continue working with the Agency as it evaluates its regulations.

Sincerely,

A handwritten signature in cursive script that reads "Larry I. Willis".

Larry I. Willis  
President



**Transportation Trades Department, AFL-CIO**  
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***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*

