



A bold voice for transportation workers

May 20, 2020

Richard Clemente
Office of Carrier, Driver, and Vehicle Safety
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

**RE: Hours of Service of Drivers; Exemption Applications: Pronto.ai, Inc.
Docket No. FMCSA-2020-0116**

Dear Mr. Clemente:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to FMCSA's request for comment on its notice *Hours of Service of Drivers: Pronto.ai, Inc. (Pronto); Application for Exemption*. TTD consists of 33 affiliate unions representing workers in all modes of transportation, including drivers of commercial motor vehicles.¹ We therefore have a vested interest in this policy.

In its exemption application, Pronto requests that drivers operating commercial motor vehicles (CMVs) equipped with the Copilot by Pronto advanced driver assistance systems and the SmartDrive® Video Safety Program, and who are operating under certain other conditions, be allowed to drive up to 13 hours during a period of 15 consecutive hours. The request represents an extension of the current 11-hour driving limit and 14-hour driving window in the Agency's hours-of-service (HOS) requirements found at 49 CFR 395.3.

TTD has consistently opposed these types of exemptions in comments filed to DOT and its modal agencies.² These exemptions inherently reduce safety on the nations' roadways. Additionally, permitting employers to force drivers to work grueling shifts is an attack on employees' dignity in the workplace and threatens their health and well-being.

¹ Attached is a list of TTD's 33 affiliated unions.

² <https://ttd.org/policy/ttd-responds-to-fmcsa-on-automation/>

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
Larry I. Willis, President / Greg Regan, Secretary-Treasurer

Pronto's request alleviates none of our concerns regarding safety risks to drivers and other motorists. A semi-autonomous system such as the one described by Pronto, may require the human operator to regain full operative control of the vehicle at any time. However, ensuring that the driver maintains the situational awareness required in order to reengage with the traditional driving operations poses a substantial challenge. *If an operator is required to maintain the same sense of vigilance and caution as they would while driving a traditional CMV, they would suffer the same fatigue regardless of the technology.*

Advanced Driver Assistance Systems (ADAS) like that described in Pronto's application do not have a proven history of safety or effectiveness. In fact, the NTSB found that the ADAS was a probable cause of a deadly 2018 Tesla crash in California.³ Even when the ADAS is operating as intended, previous crashes have shown that drivers may be unable to reengage with the vehicle in time to avoid collision. These tragedies reinforce our previously stated position that FMCSA must not dilute or reduce HOS requirements in response to automation.⁴

The application specifies that drivers would be in complete control of the vehicle at all times, consistent with ADS-SAE Level 2. As we have noted previously, it is this constant oversight and vigilance, not the physical operation of a wheel or pedal, that is most likely to cause the fatigue that drive time limits seek to curtail. Passive fatigue stemming from a lack of interaction with the vehicle due to the design of the human-machine interface, also cannot be ignored. Numerous studies confirm that low workload situations, such as monitoring an ADAS system may result in loss of alertness and task disengagement.⁵ The alertness monitoring in Pronto's technology has not been widely tested, and there is little evidence that it would proactively manage inattention.

Pronto's application asserts that its technology gives drivers "safety superpowers," and increases drivers' "physical comfort," yet no evidence is offered to support these statements. The application specifies that drivers will receive a single day of training on the new technology, which has the ability to fully control the vehicle at any time through the "safe landing" feature that monitors drivers for inattention and fatigue. This is an unacceptably miniscule amount of training on a technology that can take over control of a CMV.

The application also does not provide additional information about how the technology assesses inattention and fatigue. Pronto claims that safety would not be eroded because their proprietary database of "naturalistic driving events" found that fatigue contributed to *only* 1.5% of crashes. However, increasing drive time and requiring drivers to remain prepared to take over control of the vehicle at any time would undoubtedly cause that figure to increase. Further, this claim is much lower than the industry gold standard data on fatigue, the FMCSA Large Truck Crash Causation Study, which points to fatigue as the primary cause of 13% of accidents, causing their methodology to come into question.⁶

³ <https://www.nts.gov/investigations/AccidentReports/Reports/HAR2001.pdf>

⁴ <https://ttd.org/policy/federal-comments/ttd-continues-to-urge-fmcsa-to-consider-automation-concerns/>

⁵ https://ttd.org/policy/ttd-responds-to-fmcsa-on-automation/#_ftn3

⁶ <https://www.fmcsa.dot.gov/safety/research-and-analysis/large-truck-crash-causation-study-analysis-brief>

The application also argues that the exemption from HOS requirements would provide a necessary “carrot” to encourage adoption of ADAS technology, but this carrot should not be extended at the expense of safety. As a regulatory body, FMCSA should not allow a certain number of preventable crashes in order to promote the business success of unproven technology. While TTD acknowledges that future automation technology may change the industries our unions work in, expediting these developments by relaxing safety standards and cutting costs is not acceptable. It should be incumbent upon technology producers to promote adoption of their product through consumer confidence, not through government interventions to promote the product when there is a significant lack of safety information.

Finally, Pronto’s application argues that this exemption should be applied broadly but fails to recognize that the drivers of commercial motor vehicles have responsibilities beyond the physical operation of the vehicle which can be hampered by increased fatigue. For example, motorcoach operators have responsibilities related to keeping passengers safe, including in the event of an emergency. Hazardous materials drivers have regulatory obligations to monitor a vehicle during times when they are not at the wheel. The impact of fatigue on these drivers, and its effects on their abilities to perform these duties safely, can result in loss of life and, in the case of hazardous materials drivers, grave environmental damage. By ignoring these responsibilities, Pronto has shown that they have not adequately addressed safety needs and recklessly recommended exemption from HOS requirements. Safe transportation, particularly of hazardous materials or passengers, must always consider the human factor elements presented by a qualified, skilled, and alert human operator, as FMCSA currently requires.

We state unequivocally that the deployment of ADAS technology must not be used as an excuse to strip health and safety protections from workers. In any circumstance in which an operator is present, critical requirements like Hours of Service protections must not be abridged. The HOS requirements were put in place to protect from fatigue exceeding a level where drivers cannot exert sufficient attention to the responsibility of controlling a CMV. Pronto ADAS technology does not meaningfully reduce these burdens on drivers, and Pronto has failed entirely to make the case that this exemption would not reduce safety. Neither Pronto nor any company or carrier has made a compelling case that ADAS-related changes to HOS requirements are needed or justified.

We appreciate the opportunity to comment on Pronto’s request and look forward to continuing to work with the FMCSA as it evaluates this petition.

Sincerely,

A handwritten signature in black ink that reads "Larry I. Willis". The signature is written in a cursive, flowing style.

Larry I. Willis
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 (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

