

August 26, 2026

The Honorable Jonathan Morrison
Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

RE: Federal Motor Vehicle Safety Standards; Modernization of FMVSS No. 135 To Accommodate ADS-Equipped Vehicles
Docket No. NHTSA-2026-0728

Administrator Morrison:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the National Highway Traffic Safety Administration's (NHTSA) Notice of Proposed Rulemaking (NPRM) regarding the proposed modernization of Federal Motor Vehicle Safety Standard (FMVSS) No. 135. Specifically, NHTSA intends to revise the current requirements that all light vehicles contain hand- or foot-operated brake controls for the purpose of removing those requirements for vehicles designed never to be operated by a human. For vehicles without manually operated driving controls, the agency proposes application of existing performance requirements through alternative test procedures. As America's largest transportation labor federation, TTD represents unions whose members work in all modes of transportation, including public transportation workers, others operating vehicles, and first responders who encounter autonomous vehicles (AVs) on our roads.¹ We have repeatedly expressed concerns about the regulatory approach NHTSA has taken with respect to the development and deployment of autonomous vehicles. We must reiterate these concerns here and respectfully request that NHTSA withdraw this NPRM. Additionally, we endorse the comments filed in this docket by our affiliate, the Transport Workers Union of America (TWU).

Regulatory Framework

As noted above, TTD has repeatedly highlighted the safety implications of NHTSA's patchwork approach to regulating autonomous vehicles.² A federal framework is necessary to meet the workforce, safety, and technological challenges presented by automated vehicles. AV deployments around the country have already resulted in breaches into active construction zones, interference with emergency response perimeters, and collisions with first responders' vehicles. Examples of these breaches were reflected in the July 8, 2026, letter the agency sent to developers describing the "clear pattern of driverless AVs interfering with law enforcement and

¹ Attached is a complete list of unions affiliated with TTD.

² <https://ttdd.org/policy/hearing-testimony/transportation-labor-urges-congress-to-act-on-autonomous-vehicle-safety/>

other first responders...”³ The NHTSA letter states: “The agency has documented multiple instances in which AVs drove directly into active emergency scenes, blocked the paths of ambulances and firefighters, or failed to recognize and respond to basic safety conditions like flashing lights, flares, smoke, fire, and traffic cones.” We agree with the agency that this a “distributing trend” and we call attention to their effects on a broad spectrum of transportation workers—flaggers, line crews, transit operators, emergency medical technicians, workers in active construction zones, and others—whose safety depends on predictable, compliant vehicle behavior in dynamic, often hazardous conditions.⁴ Given these concerns and demonstrated trend of the technology failing, with regard to this FMVSS revision proposal, it is not enough for NHTSA to passively monitor the emergence of this technology and adjust existing standards to “accommodate” it, as this proposed rulemaking suggests.

The federal government must establish a comprehensive framework with enforceable standards for autonomous vehicles prior to their deployment. Moreover, these standards must have a basis in safety. We categorically reject the premise that NHTSA should amend existing standards to accommodate or facilitate the deployment of untested autonomous technologies. Rather, it is NHTSA’s obligation to set minimum standards and testing requirements that must be met prior to these technologies operating on our roads.

Finally, while this proposed rulemaking does not directly address commercial motor vehicles (CMVs), it may facilitate the integration of autonomous technologies into CMVs in the future. We therefore reiterate that commercial operators will always be necessary on autonomous vehicles used in the provision of certain forms of transportation including public transportation. A strong federal safety framework on AVs will address the continued presence of a human operator and their appropriate training to oversee this technology.

Conclusion

A federal safety-focused regulatory response to AV operations on public roads is long overdue given the current piecemeal landscape. Accordingly, we respectfully request that NHTSA withdraw this proposed rulemaking and instead develop a framework of standards and regulatory requirements governing AV development and operations.

We appreciate the opportunity to comment on this proceeding and look forward to working with NHTSA in the future.

Sincerely,



Greg Regan
President

³ July 8, 2026 Letter, Jonathan Morrison, Administrator, NHTSA, <https://www.nhtsa.gov/sites/nhtsa.gov/files/2026-07/ADS-developers-letter-july-2026.pdf>

⁴ *Id* at 1.