

Testimony of Doug Bloch
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International Brotherhood of Teamsters
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Committee on Transportation and Infrastructure
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Chair Norton, Ranking Member Davis, Chairman DeFazio and Members of the Subcommittee, thank you for the opportunity to testify before you today on “The Road Ahead for Automated Vehicles” a subject that is of vital importance to America’s transportation workers and the traveling public.

Introduction

My name is Doug Bloch. I am the Political Coordinator for Teamsters Joint Council 7 in San Francisco. The Joint Council represents over 100,000 Teamster members in Northern California, the Central Valley and Nevada. The Teamsters Union is the nation’s largest transportation union, representing workers in almost every transportation industry. Teamster members could be delivering anything from bakery goods to ready mix concrete, palletized material to your latest online-ordered package - or getting you to work on time and safely transporting your kids to school.

While nearly 600,000 of our 1.4 million members turn a key in a truck to start their workday, the issues we will be discussing today don’t just impact those who drive vehicles for a living. A future that includes partial and fully autonomous vehicles could also change the nature of work for those in nearly every part of the transportation industry in our country. Congress will play a key role in determining whether these changes will be viewed by millions of Americans as something that is occurring for the better, or for the worse. In the case of self-

driving vehicles, I'm afraid that if we let large corporations write the rules themselves, unchecked, then it will surely be the latter.

Planning for the future and incorporating new technologies into our members' daily lives is not new to me or to my Union. Our Teamsters Union logo to this day proudly displays a team of horses, which was how our membership delivered goods in the early 1900's. Back then there were skeptics who thought that horses would never be replaced with motorized transportation, but the technology evolved, the workforce evolved, and the union adjusted to that change, just as we will with automated vehicles. But we will need your help to do so. It is the Federal government's responsibility to set the regulatory floor for AVs, but state and local government should not be preempted from adopting more stringent regulations. And, state and local entities must have the authority to revoke operational authority in response to accidents or incidents with malfunctioning technology that put the public in danger.

Congress must ensure that workers are trained for the new jobs that AV technology will bring and that highway and vehicle safety standards are maintained as automated vehicles are developed, tested, and deployed on our highways. Extensive data collection and reporting must be a mandate, as should the opportunity for human intervention in commercial AV use. And manufacturers must be required to cooperate with investigating agencies in the event of crashes and/or fatalities. These are all part of the *Labor Principles for Autonomous Vehicle Legislation*¹ that the Teamsters Union and the 34 unions comprising the Transportation Trades Department

¹ <https://ttd.org/policy/letters-to-congress/labor-principles-for-autonomous-vehicle-legislation/>

(AFL-CIO) have developed to address the issues that self-driving technology will introduce on our roads and in the workplace.

Data Collection and Reporting

Truck drivers, bus drivers and thousands of other frontline transportation workers will be sharing the road with AVs for years to come. In California, testing for truck platooning is already permitted with a driver in the vehicle. Testing for passenger cars, smaller package delivery vehicles, and delivery bots are authorized, automated shuttles are being tested and are coming to airports and other locations.

The performance of AVs will be of paramount importance to the safety of our members, not only for those who operate on the roads, but for those who work directly with those vehicles in other roles, such as performing maintenance or loading and unloading the vehicle. All workers deserve to know that an autonomous vehicle or bot traveling next to them is safe enough to share the same road or worksite. To that end, it is imperative that transparency exists in the development and testing of AVs. Extensive data collection and reporting by manufacturers is key to driving good policy and eventual promulgation of regulations in this AV space and must be required. Manufacturers and operators need to collect and report crash, injury and fatality data, much of what is required now under various state and federal laws, but also data relating to malfunctions, disengagements and interventions will better inform both regulators and the public about the safe operation of these vehicles. The more regulators know about human interface with technology in testing and development the better they will be equipped to ensure the safe operation of AVs.

Analysis of crash data is often essential in preventing further accidents from occurring. We've all seen the value of the black box in the airline industry in helping determine crash causation. Automated vehicles should be no different than any other transportation system user. Investigating agencies must be able to obtain a recorder or recorded information relating to an accident involving an AV. Therefore, it is incumbent on this committee to ensure that agencies like the NTSB and NHTSA have the clear authority to compel companies to provide post-accident information. AVs cannot be an exception.

The Teamsters Union strongly supports the *Tenets of Autonomous Vehicle (AV) Legislation*² developed by the Advocates for Highway and Auto Safety and endorsed currently by over sixty stakeholders. While these tenants apply to vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or less, much of the framework that Congress is developing for vehicles 10,000 lbs. and under will inform the work that this committee does in developing the regulatory framework for Automated Commercial Motor Vehicles (CMVs) greater than 10,000 pounds. Current voluntary initiatives for AVs must be replaced by DOT rulemaking on safety standards with time limits for issuance of final rules and compliance dates.

Workforce Protections

The United Parcel Service (UPS) is the Teamsters largest employer. It's the single largest collective bargaining agreement in the country, covering over 250,000 workers. Amazon is UPS' largest customer. Amazon has patented a highway network that controls self-driving trucks and

² <https://saferoads.org/wp-content/uploads/2020/11/AV-Tenets-11-24-20-1.pdf>

cars and is developing an app to match them with shipments from their distribution centers. They are also testing drones for deliveries and automating their warehouses. The impact that AVs will have on workers is not yet fully known. But attempting to tackle these issues after the fact is not acceptable. Congress has a unique opportunity to mitigate these impacts before they happen.

The Teamsters once had roughly 100,000 members working in the California canneries. For generations of families, especially Latino families, these jobs were the path to the middle class. Thanks mostly to automation, we now represent just 15,000 members in canneries. In 2012, when Campbell's Soup shut their Sacramento plant and 700 Teamsters lost their jobs, the government swooped in to provide job training assistance. In 2016, the Sacramento Bee reported on a second-generation Teamster from Campbell's. Her mom worked there for 40 years. As a single mom herself with two kids she made \$23 an hour plus benefits. After the closure, she received job training assistance. It took her three years to learn to become an ultrasound technician and find a job. She was forced to move her family in with her mom and struggled to cover costs when she had health issues. In the meantime, Campbell Soup's owner, who is a member of the 17th wealthiest family in the country, gave up his US Citizenship and moved to Ireland to avoid US taxes. This is where government comes in. We can't trust the companies to write the rules. We need commitments from them to retain and retrain incumbent workers. We need them to work with us to create strong programs for workers to learn the new skills and jobs – and those programs need to be directly linked to employment. And we need to make sure these are quality jobs. That is where the real innovation can happen. We can use

technology to augment jobs and make them safer instead of just automating them. We can ensure that workers profit from technology, not just the companies that are developing it or purchasing it.

This committee took a step in the right direction when it included the Surface Transportation Workforce Retraining Grant Program (Section 5305) in the Invest in America Act. This provision establishes a workforce retraining grant program for surface transportation workers whose jobs have been or will be affected by automation. The program would award grants to eligible entities to test new roles for existing jobs, to develop degree or certification-granting programs, and for direct worker training or train-the-trainer programs. Grants to transit agencies that deploy AVs providing public transportation (Section 2603 of the IAA) must require workforce development plans. This program and this requirement should serve as a model for mitigating job losses, wage degradation and allocating retraining funds for displaced workers.

It is also incumbent on Congress to ensure that as the AV industry grows in this country that it be made in America by American workers.

Automated Commercial Vehicles

The issues facing autonomous commercial vehicles are fundamentally different, and potentially more dangerous than those facing passenger cars, and warrant their own careful consideration. The consequences for getting this wrong could be deadly both for workers and other drivers on the roads. The public discussion in Congress on autonomous vehicles has tended to focus on the impact of small personal cars on our daily lives - increasing mobility for the

disabled, providing transportation access to the underserved, and alleviating congestion in our cities. These are all important topics. But taking a cookie cutter approach in dealing with those issues and applying it to large heavy vehicles could be very dangerous.

Regardless of the technology, automated heavy trucks will still have maneuverability issues including longer stopping distances, and their crash impact on smaller vehicles, occupants and pedestrians will still be devastating. Human intervention must remain as a necessary safety component to take over control of commercial AVs when technology fails. Alertness and reaction times are different for one who is actively performing a driving task than for a driver who may be disengaged from driving during autonomous operation of a commercial AV. So, the proper alerts must be incorporated to give the driver the time to react, re-engage and take control of the vehicle in the event of technology malfunction. In the case of an automated commercial vehicle, a human driver/operator should be in the vehicle regardless of the level of automation. And a level of training for the driver, perhaps with a specific AV endorsement for the CDL, should be mandated, so that only those trained on the AV technology can assume control of the vehicle when that technology fails to operate properly. This committee will have to give thought to how hours-of-service for drivers will affect the ability of automated commercial vehicles to operate over long stretches of time. Airline pilots who rely on auto-pilot technology are subject to hours-of-service in the cockpit, as are locomotive engineers who rely on positive train control. It should be no different for 18-wheel truck drivers in the cab and other drivers of automated commercial vehicles. This committee conducted extensive hearings on the failed automation of the Boeing 737-MAX and the consequences of relying exclusively on technology. Human oversight and intervention, when necessary, will ensure the safe deployment of autonomous vehicles. If

commercial AVs are monitored remotely, it will be important to establish a remote monitor/operator to vehicle ratio that ensures that a monitor can react quickly to technology malfunctions/failures, mitigate the situation and position the AV in a safety zone. That ratio should be 1:1 for large commercial vehicles.

It is interesting to note that most testing of self-driving trucks is occurring in states like Arizona, California, and Texas, where weather conditions are mild for the most part. And it's no coincidence that Texas passed a law in 2018 that essentially gave autonomous vehicles the same status as conventional vehicles. Inclement weather, including blinding rain and snow, dense fog, and hazardous road conditions can present challenges to sensors, cameras, and radars that AVs rely on to operate safely. *Advocates' Tenants* calls for a "Vision Test" for driverless cars which should also be a requirement for commercial automated vehicles. They must be proven to be able to operate on all roads and in all weather conditions, detecting all vehicles, people and objects in their path. While our members have experienced the benefits of technology that some motor carriers have implemented, like lane departure warnings and collision avoidance systems, we know firsthand that malfunctions have occurred. For example, our Teamster members have experienced problems with automatic emergency braking systems in snowy conditions. Drivers are a much-needed safety net for these unknown factors.

The Committee has been forward-thinking about automated commercial vehicles and initiated several provisions in its Invest in America Act that the Teamsters Union supports and are worth noting. Unfortunately, some were ultimately absent from the Senate version enacted into law. One such provision, Section 5308 of the INVEST Act, would require entities operating

automated CMVs in interstate commerce to report data to a repository, including the type of vehicle, level of automation, DOT number, where operation of the vehicle occurs and miles traveled, in addition to documenting training of drivers, fatigue management plans, law enforcement interaction plans and proof of insurance. While the public has access to the repository, identity of the specific entity reporting the data to DOT is shielded. The committee should revisit this restriction when it considers commercial AV legislation.

The current commercial use of vehicles with a GVWR of 10,000 pounds or less presents a agency jurisdictional issue which should also be addressed. Waymo recently teamed up with UPS in Arizona to use Waymo self-driving Chrysler Pacifica vans to pick up packages at UPS Stores and deliver them to a sorting center in Phoenix. And Nuro, which built a small self-driving package delivery vehicle, received California's first autonomous vehicle deployment permit in 2020. These are under 10,000 lb. AVs, but they are clearly operating as commercial vehicles. The Committee included Section 4104, Operation of Small Commercial Vehicles Study, in the INVEST Act, which would examine the safe operation of this class of vehicle. We would suggest that small commercial AVs fit within the parameters of this study, and the Committee should continue to explore this segment of the package delivery industry for appropriate regulation of these vehicles, including delivery bots.

Driver Retention and Misclassification

It's important to ask what the problem is that we are trying to solve with AV technology? We hear about the benefits of lower emissions, cost savings, and supposedly safer highways. The other big problem we have heard a lot about in recent months is the so-called

shortage of available drivers. The Teamsters know why it is difficult to attract and retain drivers in non-union truck driving jobs. Prior to the deregulation of trucking by the federal government in the 80s, driving a truck was a good middle-class job. After deregulation, a new model emerged of hiring truck drivers as independent contractors instead of employees. The independent contractor model allows trucking companies and their customers to outsource almost all the costs and risks of trucking onto the backs of the workers. Independent contractors are treated as small businesses under the law and as such they have no legal right to organize a union. In very little time, trucking went from a good job to one where drivers work an average of over 60 hours a week, much of it unpaid and away from home, and in many cases making less than minimum wage. Workers have no health insurance, unemployment, worker's comp, or social security.

This situation has only been exacerbated by recent supply chain congestion. Misclassified drivers can wait for hours on end for a single haul with no compensation for their time in queue. A 2019 Bureau of Labor Statistics report found a 94% turnover rate in large Truckload Carriers and nearly 80% in smaller Truckload Carriers, using data collected by the American Trucking Association. The ATA even estimates an annualized turnover rate for truckload drivers at large motor carriers at 92 percent in the fourth quarter of 2020. Such astronomically high turnover rates point to a problem with working conditions. Intentional misclassification is the cause of those poor working conditions. It is also one of the factors contributing to the congestion crisis at the ports. The problem is not a lack of drivers willing to do the job, but rather a system plagued by structural inefficiencies. To rationalize this system, we must first rein in misclassification with all the policy tools at our disposal, starting with

vigorous enforcement. Automation is industry's answer to a driver retention problem that industry itself created. The solution to the harmful consequences and negative impact of intentional misclassification and the subsequent degradation of good middle-class jobs is not to just do away with the workers.

For all the discussion here about the potential benefits that may accompany this AV technology, I urge you to consider these possibilities with a healthy dose of realism. When you hear manufacturers tell you that a list of strong safety metrics will translate into effortless deployment on the roads, this will not happen without proper Congressional oversight, regulatory guidelines, and a good amount of transparency by the companies as they test and deploy these vehicles on our roadways.

Self-driving vehicles have the potential to change the transportation industry as we know it. That can be for the better or for the worse depending on the actions that this committee, workers, and others take in guiding their implementation onto our roads. It is incumbent upon the members of this committee to help ensure that workers are not left behind in this process, and it is essential that American workers are not exposed to unproven technologies that could put their lives at risk. The Teamsters have strived to balance the incorporation of countless pieces of new technology into the workplace while ensuring that workers are guaranteed a right to avoid harassment and to always feel safe on the job. New technologies can co-exist in an environment where workers are given the opportunity to up-skill and fill those jobs of the future. In the trucking space where margins are consistently tight and competition is fierce, the fear of many transportation workers is that absent strong action and guidance from this committee and

others, a new generation of autonomous vehicles will provide limitless opportunity for disruption and displacement of the transportation workforce. Could workers see their jobs reclassified and their paychecks reduced because half of their job has now been automated away and their employer thinks that it can get away with no longer paying them the full wage they once did?

There are so many impacts for this committee to consider as you move forward with legislation. Issues such as worker harassment and tracking would be intertwined with existing collective bargaining agreements and workplace policies, along with whistleblower protections. Cybersecurity standards should prevent a truck driver from having to think about his rig being hacked and used as the next weapon in a terrorist attack

We applaud you for having this hearing with the Teamsters' voice at the table. We look forward to working with the Committee to ensure that the priorities and concerns of working families remain at the center of this debate. In all aspects of automation, but especially when we are considering commercial motor vehicles, it is more important to get it done correctly rather than just done quickly.

Thank you and I look forward to answering any questions you may have.