



TESTIMONY
OF
**FRANK SNYDER, SECRETARY-TREASURER
PENNSYLVANIA AFL-CIO**
ON
HOUSE BILL 2398
Highly Automated Vehicles
BEFORE THE
**HOUSE TRANSPORTATION COMMITTEE
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Good morning, Chairman Hennessey, Minority Chairman Carroll, and the House Transportation Committee.

Thank you for inviting me to testify today. My name is Frank Snyder, and I am the Secretary-Treasurer of the Pennsylvania AFL-CIO. We represent over 700,000 union working men and women in the Commonwealth. I am here to speak to you today about the impact the transition to a hybrid Highly Automated Vehicle (HAV) workforce can have in building an economically sustainable future for Pennsylvanians, and why we believe there are concerns regarding jobs and safety that need to be addressed with stakeholders before moving this bill to a vote.

The goals and intent behind House Bill 2398 are laudable. Technology is advancing rapidly each year, and we recognize that this will extend to the transportation industry as HAVs are introduced into the workforce. Understanding the trajectory of the future, we recognize that implementation is not a question of “if” but rather “when and how”.

As the stewards of the labor movement who will be impacted by this transition, we appreciate the opportunity to join you here today to discuss our membership’s concerns regarding the fast-tracked trajectory of House Bill 2398 and its companion legislation, Senate Bill 965, and to offer simple solutions on how we can build this future to be as safe and sustainable as possible for the workers and broader community impacted.

As a union leader, I see every day how a good job lifts a person up, giving them dignity and pride in the work they accomplish. Work in many ways defines who we are as Pennsylvanians and Americans. That’s why it is key that we take this opportunity to address concerns relating to the impact on jobs, public and worker safety, and infrastructure, and discuss how we can work together to prevent disruptions to local economies so that no one is left behind.

While we acknowledge that a transition to a hybrid workforce – which will include highly automated vehicles – is certainly part of our Commonwealth’s future, we believe that it is in the best interests of Pennsylvania’s workers not to unnecessarily rush this process without first taking the opportunity to address general stakeholder questions and concerns so that we can do this right.

We want to make it clear we are not simply opposed to automation. We believe it is critically important to have a stakeholder meeting – if not meetings – regarding the impact on jobs and public safety for workers across Pennsylvania before moving forward with on steps to enact this legislation.

Of particular interest to our membership are concerns regarding:

- The projected *impact on jobs* both immediately and long-term;
- The lack of proven *public and worker safety* surrounding current and projected HAVs;
- The *lack of appropriate infrastructure* to immediately support HAVs;

- The *lack of comprehensive testing*;
- The *lack of comprehensive application and licensing* processes; and
- The *lack of appropriate penalties* for those violating safety standards and regulations.

IMPACT ON JOBS

Over the past two years, Pennsylvania has experienced the highest rate of unemployment in a lifetime throughout the COVID-19 pandemic. We need to understand the importance our infrastructure plays in creating and maintaining good jobs that provide a steady livelihood to hardworking Pennsylvanians. Additionally, we need to guarantee that highly automated vehicles are legally never deployed without a properly trained operator on board.

While the transition to highly automated commercial vehicles is on the industry's horizon, we need to make sure that the transition to a hybrid workforce does not prevent workers from being able to build family sustaining careers nor lead to workers falling victim as scapegoats to the potential consequences that may result from future accidents systemically out of their control.

For reference, the 2018 Uber ATG crash that killed a pedestrian in Arizona led to terminated testing in Pittsburgh for a year, which ultimately resulted in the acquisition of Uber ATG by Aurora. Aurora did not keep on all 1500 employees, letting go of most of the non-engineering staff to the tune of a few hundred employees.

Furthermore, the backup driver in the Uber ATG vehicle that struck and killed pedestrian Elaine Herzberg was charged with negligent homicide, while Uber faced no criminal charges following a decision in 2019 that stated the company had “no basis for criminal liability”.

We only have one shot to get this right. To prevent another Pennsylvania-based AV company from failing in the wake of an AV testing fatality, we need to have a solid plan to manage the potential disruptions to local economies to ensure that our people are not left behind.

PUBLIC & WORKER SAFETY

We must make sure that throughout this process, we are addressing both the safety as well as the technology involved. We can project that HAVs will almost certainly impact jobs in both the private and public sectors.

Why is this relevant? It's a fact that public sector workers are not covered under the federal standards set forth by OSHA. This means that in addition to the concerns highlighted above, public sector workers impacted by future workplace safety incidents very likely will not have the same protections afforded to them by law that their private sector counterparts may have.

Currently in Pennsylvania, standards mandating the proper reporting and documentation of worker injury or death do not currently exist. This means that not only are public sector workers lacking basic legal protections, but with our current system, we will continue to not be able to

track the rate or type of incident to ultimately know the appropriate data for long-term study and prevention measures.

As we consider concerns for HAV safety of both drivers/passengers and pedestrians, we should not ignore the National Highway Traffic Safety Administration's (NHTSA; a top U.S. auto safety regulator) [investigation into Tesla's assisted driving autopilot system's failures](#) to detect and respond to emergency vehicles. NHTSA's investigation focused on a series of at least 11 separate incidents where [Tesla's Autopilot](#) crashed into parked emergency vehicles, resulting in 17 people injured and one woman killed.

LACK OF APPROPRIATE INFRASTRUCTURE

Pennsylvania needs a new investment in transportation infrastructure – one that is coming in the form of a once-in-a-generation federal infrastructural investment. Workers need good jobs that sustain families and a system that places them at the heart of our future. Workers aren't just doing a job; they are our neighbors, and we need to make sure that they are not left behind in the process.

The infrastructure to support commercial HAVs does not currently exist. While automated electric vehicles are rising in popularity, the infrastructure in place for every day drivers are currently limited. Multiply the need by commercial vehicle operators making long trips and we simply do not yet have the physical infrastructure in place to support this tomorrow, or even next year.

What we do have are federal economic and infrastructural investments coming into Pennsylvania through President Biden's Infrastructure Investment and Jobs Act, which should make this infrastructure possible over the next 5-10 years. And it's imperative that any toll infrastructure build out be completed by qualified union professionals.

There is no justification to rush through the planning process here. We are firmly requesting that the following steps be made with all relevant stakeholders present. This will allow the appropriate legislators, stakeholders, and industry experts to come to the table and work through this so that we can make this transition as smoothly and safely as possible.

Our suggestions to address these concerns and any additional for all stakeholders include:

- ***Having stakeholder meetings on jobs and public safety***, which includes the appropriate labor unions, academics, manufacturers, and policy makers, including public safety and HAV safety experts, city representation, the PA Department of Insurance, independent legal expertise with state law experience, and representations from constituents that will be most exposed to testing (i.e., District 5, Pittsburgh).
- ***Explaining how HAV operations will be safe***. For example, use of industry safety standards such as SAE J3018 as a safety standard.
- Acknowledging that the ***driver shortage we are facing today is largely the result of stagnant wages and benefits*** over the past three decades.

STAKEHOLDER MEETING

As Senator Langerholc correctly assessed about the HAV industry in his co-sponsorship memo for the senate companion bill, “We are at the precipice of an industry that will change the landscape of our Commonwealth’s jobs, economic activity, and investment.” As leadership elected to represent workers who will be directly impacted by this, we are standing before you to request a stakeholder meeting that isn’t heavily weighted towards the industry tech companies that are stakeholders, but to make sure that the impacted unions who we represent, are part of the process to build forward.

We also strongly believe that a stakeholder meeting on jobs and public safety surrounding HAVs should include the academics leading in this field, like Dr. Philip Koopman, an internationally recognized expert on Autonomous Vehicle (AV) safety and Associate Professor at Carnegie Mellon University who has been working on AV safety for over 25 years, and William Widen with the University of Miami School of Law, who has discussed a case study on how SB 965 can fail low-income communities.

As William Widen expressed in the case study [“Highly Automated Vehicle Testing & Discrimination Against the Poor”](#) we must also prepare ourselves to negate any disproportionate risks in loss of income to lower-income operators. In the case study linked above, Widen states that “Three principles to promote social justice emerge. Laws governing the testing of autonomous vehicles ought to take special care (i) to ensure that testing activity does not impose a disproportionate risk of loss on low-income persons and other communities of concern, (ii) to protect the rights of cyclists, pedestrians and bystanders (iii) and, to clearly identify the parties responsible for loss, the standards used to determine liability and the resources available to pay a judgement.”

HAV OPERATION SAFETY & SUGGESTED STANDARDS

For legislation permitting an HAV to operate without a natural person to pass, we must understand how the technology behind maintaining pedestrian, occupant, and overall traffic safe. We agree with Senator Langerholc’s assertion that this must be done in a safe and responsible manner. We simply want to ensure that, as Carnegie Mellon University continues to be an indisputable global leader on HAV technology, we are listening fully to the thoughts, concerns, and recommendations of the professionals who are offering guidance on safety, legal accountability, and technology promoted here.

As Professor Koopman has noted previously, the most important thing to keep in mind I regard to safety is that “Testing safety is not about the automation technology – it is about the *ability of the human safety driver to monitor and intervene* when needed to make safety.” Everything works until it doesn’t – being prepared to address these issues before they happen is what safety is about. Realistically speaking, the technology will experience failures. This is because the point of testing is to find those surprise failures and work to correct them.

Much like the 2018 Uber ATG crash reference earlier – if a failure of technology causes a fatality, then most likely the testing wasn’t being done safely enough. It should be mandated that human safety drivers be skilled and attentive enough to prevent catastrophic injury or loss events when such inevitable failures do occur.

The baseline of common ground between HAVs and safety are jobs and training. The technology needs to be safe for vulnerable road users, and consumers need to be informed and responsible. We must put emphasis on creating and delivering neutral education on the technology of HAVs and adopt appropriate driver training programs and guidelines.

The Society of Automotive Engineers (SAE) is a leading organization on industry safety standards. I mention this to reference SAE J3018, which is a safety standard from the SAE that provides guidance for driver training programs. It also addresses on-road testing of the prototype HAVs that we see on the roads today.

Basically, the standard ensures the driver is provided the proper training to supervise this technology we are discussing in this bill. You would not throw a guy on the mill floor without training. Why? Because it's a liability to the company – and because you (should) want your employees to be able to get the job done correctly and safely. This standard ensures that drivers receive the proper training before testing on public roads.

The standard was written by companies like GM, Ford, Toyota, and Aurora, and Argo AI already conforms to the safety standards highlighted in SAEJ3018. For reference, New York, Massachusetts, and other states are already adopting it. It's a no-brainer – this is an industry-supported solution to bring into the conversation to explain how HAV operations will be safe.

The Department of Transportation should consider:

- Following the American Association of Motor Vehicle Administrators (AAMVA) road testing guidelines, plus some additional key practices including the Voluntary Safety Self-Assessment (VSSA) reports from vehicle manufacturers and testing organizations.
- Defining how safe testing should be when considering the safety driver and vehicle system as a whole;
- Asking testers for conformance to SAE J3018 for road testing and a credible Safety Management System (SMS) approach, including a testing plan;
- Asking testers to provide metrics that show that their testing is safe (not just a promise up front, but also periodic testing safety metrics as they operate;
- Asking for conformance to safety standards for the mechanisms required to ensure safety (e.g., per ISO 26262) if testing takes place with a safety driver in a chase vehicle or remote; and
- Asking for conformance to industry-consensus safety standards for the autonomous vehicle itself.

We shouldn't let vehicles without fully mature safety technology operate without a human safety driver.

DRIVER SHORTAGE

We have decades of history and fact-based evidence to point to where the promise of a “just transition” failed workers. As we move forward in this decade, we must ensure without a doubt that hardworking Pennsylvanians are given adequate and fulfilling opportunities — not lose the

jobs that have created a good livelihood for them over their lifetime. We are excited for the future and believe that the best way forward is to create more jobs. Period.

Make no mistake – this HAV bill is about infrastructure, not worker shortages. We cannot use the COVID-19 pandemic as an excuse. The salaries of truck drivers have been stagnant for 30 years, with limited cost of living adjustments and benefits compared to time sacrificed on the job. Additionally, deregulation has made this one of the most unattractive careers in logistics, which make this simply unsustainable for many working families.

I came out of a local unionized steel mill 40 miles northwest of here. I know this because I did this job, for years. The last job that I had before I left the factory to work for the Steelworkers 30 years ago was driving a truck – and at that time, I earned similar wages to what the average truck driver is making today (often with far less benefits than I had then). The pay has not increased; according to the U.S. Bureau of Labor Statistics, median pay for a truck driver today is \$47,000 a year. I was making 30 years ago the same amount of money that the average truck driver is making today.

What's the difference? I was not an owner operator and I belonged to a union shop. Drivers in non-union shops today get sucked into a truck payment that costs twice as much as their mortgage. When I had to wait to pick up freight, I was getting paid for that time spent on the job. A lot of over-the-road truckers today can sit for hours or days waiting and on freight, and they won't get paid. How can they afford to make ends meet, let alone raise a family, take care of aging loved ones, be financially equipped for emergencies, or hope to retire with dignity – not with debt – all for a job they're dedicating their lives to?

We fully acknowledge that automation is part of our continually evolving future, and we understand that we only have one shot to get this right. To prevent another Pennsylvania-based AV company from failing in the wake of an AV testing fatality, as happened at former Uber ATG, we need to have a solid plan to manage the potential disruptions to local economies to ensure that our people are not left behind. With the significant federal monetary investments into our state's infrastructure and the gift of time on our side, we look forward to working together to address these concerns and get this done right.

For these reasons, Chairmen, we encourage you to host stakeholder meetings to discuss the wide array of stakeholder concerns and feedback and offer the opportunity for legislator and stakeholder education on jobs and public safety PRIOR to scheduling this bill for a committee vote. With the current lack of infrastructure in place, we can afford to take a little bit of time to ensure that the transition to a hybrid workforce is a strong, safe, and secure one for all involved.

For the reasons mentioned above, I am here before you today to reiterate that the Pennsylvania AFL-CIO firmly believes that this bill should not be passed without significant changes. As we map a more sustainable future, we will continue to work to ensure that working class people aren't left behind as we build forward together.

Thank you.