



# PENNSYLVANIA CONFERENCE OF TEAMSTERS

AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
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**William Hamilton, President**

March 11, 2022

Chairman Hennessey, Chairman Carroll, and members of the House Transportation Committee,

On behalf of 95,000 working families across the Commonwealth, the Pennsylvania Conference of Teamsters ask that you oppose HB 2398 regarding Highly Automated Vehicles (HAVs). The incorporation of new technologies into our members' lives and workplaces is nothing new to our union. Our membership, which began in 1903, largely driving teams of horses, evolved throughout the 20<sup>th</sup> century with the move to motorized vehicles -- and we will do so again with whatever the future brings.

However, it is incumbent upon us, representing the interests of Pennsylvania working families, that we speak out against industry-written bills that seek to develop an overly broad landscape for companies to test unvetted technology alongside our families on public roads and infrastructure.

While the Teamsters oppose this legislation and take great concern in the evidence that 47% of US jobs are threatened by automation<sup>1</sup>, we believe labor organizations must be a key part of this ongoing conversation, and we appreciate the invitation to present testimony to this Committee. The autonomous vehicle industry is pushing, and will continue to push for, the broadest and least regulated framework in which to operate. There are many issue areas that this Committee, the Pennsylvania General Assembly, and the Governor need to take into consideration when discussing *anything* related to highly automated vehicles. These issue areas include workforce concerns, safety issues, liability matters, and others. Below are just a few of these issues along with suggestions for what the Committee needs to be considering when discussing this bill or any autonomous vehicle legislation:

### **100% Transparency in Safety/Crash Data in Both Simulations and Live Testing**

Companies that wish to operate in the state must provide *all* safety and crash data, which must also be made publicly available. If a company's technology is truly ready to be put on the road alongside unsuspecting Pennsylvania families, companies should be willing to provide this information.

Earlier this year, HAV company Waymo sued the state of California in order to keep driverless crash data secret, attempting to block a public records request<sup>2,3</sup>. Governments cannot accept the excuse that crash data is a trade secret and must insist on 100% transparency.

<sup>1</sup>[https://www.oxfordmartin.ox.ac.uk/downloads/academic/The\\_Future\\_of\\_Employment.pdf](https://www.oxfordmartin.ox.ac.uk/downloads/academic/The_Future_of_Employment.pdf)

<sup>2</sup><https://www.latimes.com/business/story/2022-01-28/waymo-robot-taxi-sues-state-secret-black-ice>

<sup>3</sup><https://www.theverge.com/2022/1/28/22906513/waymo-lawsuit-california-dmv-crash-data-foia>



## **Elimination of Preemption**

Local cities, towns, and municipalities know what the best fit is for their communities. There should be no provisions from an overreaching state government mandating what rules local leaders can or cannot set as it relates to HAVs. All localities should have the freedom to restrict or ban HAVs from their jurisdictions.

## **Liability**

As it relates to liability, a company that deploys HAVs must be liable for any damages to people or property caused by the vehicle and/or technology. HAV companies must not be able to pass on liability from faulty technology to individual workers.

Furthermore, there must be an appropriate, evidence-based liability dollar amount for operators of HAVs. While the current bill lists a \$1,000,000 liability figure, according to the Insurance Institute for Highway Safety, many other states, including Connecticut, Tennessee, and Washington, have liability insurance of at least \$5,000,000<sup>3</sup>. There must be a comprehensive study to evaluate the damage that HAVs can cause based on pedestrian/vehicle density, infrastructure integrity, and weather patterns.

Note: a current bill in front of the Kansas legislature has a \$1,000,000 liability dollar amount for a Personal Delivery Device weighing 150 pounds<sup>4</sup>. For vehicles weighing exponentially more (as addressed in this HB 2398), a much higher dollar amount is warranted.

## **Public-Facing Website for Incidents/Accidents**

Pennsylvania citizens, who otherwise would be unsuspecting test subjects for HAV companies, must have access to a state-run, public-facing website that lists all incidents, accidents, violations, and safety guidelines, and which also includes instructions on how to report citizen concerns as it relates to HAVs (malfunctioning equipment, vehicles, etc.).

## **Application Process**

Companies wishing to deploy HAVs must submit an application developed by the state that includes all necessary safety data, municipalities and counties where the vehicles will be deployed, a description of the training procedures and qualifications for vehicle operators, a description of the cargo the vehicles intend to deliver, information regarding the operational phase in which the HAVs are operating, how the vehicles can be stopped by law enforcement, a set schedule of state-enforced maintenance and inspection of the vehicles, and anything else appropriate. This application must only be granted for a set period of time (e.g. one year) and all information within must be open to the public via a public-facing website.

## **Workforce Issues**

Any HAV company that wishes to operate in the state must remain neutral in any union organizing effort, giving workers the choice to freely decide whether or not to form a union in order to bargain a negotiated contract with the company.

<sup>3</sup><https://www.iihs.org/topics/advanced-driver-assistance/autonomous-vehicle-laws#fn15>

<sup>4</sup>[http://www.kslegislature.org/li/b2021\\_22/measures/sb161/](http://www.kslegislature.org/li/b2021_22/measures/sb161/)



Given the immense responsibility of operating an HAV, companies should not be allowed to pass their liability on to third-party independent contractors. Any operator of an HAV must be an employee of the company.

There must be a human operator in all autonomous vehicles to act as both a human failsafe as well as to manually operate the more complex driving tasks necessary at ports, warehouses, etc.

Companies that deploy HAVs that will have an impact on an existing workforce must give appropriate notice on the change of responsibility or potential loss of job, bargain with employees regarding best practices for deployment of the vehicles, provide company-paid training for affected workers, give hiring priority to existing workers, and provide appropriate severance pay when necessary.

### **Phases of Operation/Public Testing**

A set schedule of phases of operation must be developed, where HAV companies can show that the technology is ready for full deployment. As part of this testing, a human operator/safety driver must be present in the vehicle and all data as it relates to the safety driver (the number of times a safety driver was forced to override the HAV's artificial intelligence to avoid a potential crash, etc.) must be recorded and publicly available.

### **Penalties**

Appropriate, enforceable, and escalating penalties must be developed to deter HAV companies from breaking any rules associated with applications, deployment, or general operations with the devices.

### **Power of the State to Revoke Operations**

The state must have the power to immediately revoke, suspend, deny issuance, or renewal of any HAV applications or authorizations. There could very well be a scenario where it is disclosed that HAV technology is not safe (an accident, etc.) or a specific company has been caught abusing the technology. The state must be able to react swiftly with appropriate measures to protect Pennsylvania citizens.

The Pennsylvania Conference of Teamsters welcomes further discussion with any elected official about this issue. Highly Automated Vehicles have the potential to completely upend our workforce, public safety, and local communities. However, as technology advances, there is also the opportunity to harness that technology for safer and better jobs for Pennsylvanians. The Teamsters will remain active in the ongoing conversation, making sure that workers are not shut out of these monumental challenges.

Sincerely,



John Mataya, State Legislative Director, International Brotherhood of Teamsters;  
on behalf of the Pennsylvania Conference of Teamsters and President William Hamilton

