

US Labor Groups Seek Greater DOT and NHTSA Oversight of Autonomous Vehicles

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On November 8, 2023, nearly thirty (30) labor groups including the International Brotherhood of Teamsters and the United Auto Workers (“Labor Groups”) sent a letter to the Secretary of Transportation and the Acting Administrator of the National Highway Traffic Safety Administration (“NHTSA”) urging immediate action by the federal

government to dramatically increase oversight of the autonomous vehicle industry.

The Labor Groups believe that autonomous vehicles (“**AVs**”) are creating serious safety concerns across the country, citing recent reported incidents where emergency responders were disrupted by an AV, near misses between AVs and pedestrians, and “operational chaos” caused by AVs failing to navigate public roads predictably. They join a growing contingent of vocal opponents to AV expansion, including San Francisco City Attorney **David Chiu** and community organizations such as **Safe Street Rebel**, who have used the recent incidents to validate and amplify their messages.

The Labor Group’s Specific Requests

The letter requests three (3) specific actions by the Secretary of Transportation and NHTSA:

- An updated Automated Vehicle Policy, which was **last updated** in January 2020. The current policies reflect a fairly “hands-off” approach at the federal level. The Labor Groups would like a dramatic change to the current regime, including a minimal federal safe operating standard for AVs and clear steps to hold AV manufacturers and operators accountable when their AVs operate in unexpected or unsafe ways on

public roads.

- Industry-wide investigations of AV companies to determine “the true extent of the safety failures behind the scenes.”
- Increased federal data reporting requirements. Currently, NHTSA’s **Standing General Order** requires AV companies identified in the Order to report “crashes,” as the term is defined in the Order, that occur when the AV technology was in use at any time within 30 seconds of the crash. The Labor Groups want the Order amended to require AV companies to report a much wider range of incidents. Specifically, the letter encourages NHTSA to impose reporting for “any incident in which an automated vehicle encounters any significant deviation from expected performance – including malfunctions, degradations, remote human interventions, clustering and connectivity incidents or reversion to a minimal-risk condition.”

Impact and Implications

The Labor Groups’ letter may attract the attention of DOT and NHTSA officials who may respond with greater oversight of AV technology companies to appease the Labor Groups’ concerns. It is unclear whether the specific investigations requested by the Labor Groups will occur. Recent developments, however, suggest that the federal government may, going forward, increase its scrutiny of AV technology to address the types of safety concerns highlighted by the letter.

AV technology manufacturers, operators, and suppliers should self-assess—with the assistance of experienced counsel and technical advisors—their safety policies and procedures to determine their preparedness for potentially more aggressive federal and state government safety investigations. This is especially true for AV companies that currently, or intend to, deploy fully driverless

technology on public roads. It may also be prudent for AV companies to increase their engagement with federal regulators and legislative bodies to have more insight and contribution over any new federal AV standards and regulations that may develop.

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