April 8, 2022

Office of the Secretary
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590


On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the U.S. Department of Transportation’s (DOT) notice regarding the Non-Traditional and Emerging Transportation Technology (NETT) Council’s request for comments. TTD consists of 37 affiliate unions representing workers across all modes of transportation. Those unions, and the millions of workers they represent, bring a critical perspective to the questions put forward in this notice.

As you know, the Infrastructure Investment and Jobs Act (IIJA) tasked the NETT Council with resolving jurisdictional and regulatory gaps or inconsistencies associated with nontraditional and emerging transportation technologies and coordinating DOT’s response to nontraditional and emerging transportation technology projects. While TTD supports an agency-wide approach to evaluating the regulatory challenges presented by new and emerging technologies, the agency’s success in meeting these challenges will hinge squarely on the direct involvement of labor unions. History has proven that strong unions and worker engagement are essential to mitigate the harms inherent in rapid technological changes to industries, and this is particularly true in the transportation sector, which has enjoyed relatively strong union density over the past century.

We are pleased that the Biden administration shares our views on the importance of labor engagement, which was made clear in the White House Task Force on Worker Organizing and Empowerment and the recently issued US DOT Innovation Principles.1 Transportation workers


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have always stood on the front lines of technological change, but their voices have been left on the sidelines too often by previous administrations. We appreciate the opportunity to respond to this notice and look forward to our continued work with this administration on these important issues.

1. How can the NETT Council most effectively serve as an entry point for nontraditional and emerging innovation and technologies ready for integration into the transportation system?

TTD supports some of the general principles put forward in the Pathways to the Future of Transportation report, which established the goals of the NETT Council prior to the passage of the IIJA. A comprehensive approach is important for technologies that do not fit neatly into one subagency’s expertise and purview, or which pose novel regulatory challenges that require a broad, agency-wide perspective to address.

In practice, however, we had serious concerns that under President Trump’s administration, the NETT Council’s true objective was to cheerlead and usher in new technologies without adequate review or oversight. To be sure, they made no effort to disguise this fact. In the release of its NETT Council vision, the agency mentioned the word “jobs” once and Hyperloop 19 times.

Our broad concerns about the previous administration’s hands-off approach to new technologies were repeatedly addressed in regulatory filings, testimonies, and other public communications. While the tech industry and their allies in government repeatedly decry the so-called burden of regulation and oversight, it is because of strong federal oversight that our transportation system remains one of the safest in the world, and that must be the primary focus of this body.

We have reached an inflection point in the transportation sector as the pace of technological advancement places historically unique strain on policymakers. These technologies must nonetheless face rigorous scrutiny, and the role of the NETT Council in serving as a deliberative oversight body must be made explicit and clear.

2. What has worked well, and not well, about the current structure and activities of the NETT Council?

Policies that impact working people can only be successfully crafted and implemented when their voices are represented. Moreover, in the case of technological changes that pose serious safety

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challenges (e.g., automated vehicles), transportation workers know better than anyone – particularly the tech industry and their shareholders – the challenges of the unique operating environments in which those technologies may someday be implemented. Notably absent from the NETT Council’s work under the Trump administration, however, was any consultation with workers or labor unions.

We strongly support the recommended policy changes included in the White House Task Force on Worker Engagement and Empowerment report, which states this administration will, “Instruct the Department of Transportation to issue a new set of principles on innovation, and reframe institutions such as the Non-Traditional and Emerging Transportation Technology (NETT) Council that screens emerging technologies, to focus on key priorities and ensure labor’s involvement in discussions of autonomous vehicles and automation in transit systems and trucking.”

3. How can the NETT Council best incorporate the perspective of and engage with other Federal agencies and a broad range of stakeholders to fully understand potential issues and opportunities related to transportation innovation?

The workforce pressures that accompany the emergence of new technologies comes at a time when many working people are already struggling to make ends meet. Wages remain stagnant despite significant gains in worker productivity over the past forty years. Meanwhile, attacks on unions by the courts and state legislatures, offshoring, employee misclassification, labor arbitrage, and corporate tax breaks that have done little to benefit the workforce are already posing immense pressure on millions of Americans.

Through the collective bargaining process, labor unions have been directly involved in managing disruptions to the workforce and safety challenges inherent to technological change and innovation for more than 120 years. Because of this, we are uniquely positioned to assist the NETT Council in meeting the goals of this administration. While we know this administration shares our view on this matter, labor unions have a long history of being underrepresented on federal advisory bodies, while private sector interests are given an outsized voice. We encourage the DOT to ensure that a broad selection of workers and labor unions that cover the entirety of the multimodal purview of the council are included in the council’s work and are given an equal voice to other stakeholders.

4. How can the NETT Council more effectively reflect inputs from a broad range of transportation stakeholders to assess the positive and negative consequences of transportation innovation?

Agencies must vigilantly examine the impact of new and rapidly advancing technologies. It is essential that we do not abdicate key safety roles to the mirage of self-regulation by industries

whose only responsibility is to their shareholders and investors. Keeping workers and the public safe must always be the highest priority before cost-reduction for corporations or permitting the deployment of untested technology. As previously stated, nobody knows better the challenges presented by new technologies than the frontline workers in the transportation sector. Unlike those who seek the rapid proliferation of new technologies for the sake of profit, it is the workers in this industry who know firsthand the challenges of the operating environments in which they work, and their expertise must be given due consideration.

To be sure, TTD and our affiliated unions have long supported the adoption of innovative technologies. Countless innovations have improved safety and working conditions for frontline workers. But we remind you that the safe adoption and integration of these technologies has only ever been successful when the collective bargaining process ensures workers’ voice in their adoption paired with federal regulatory environments that place a premium on safety and oversight. When that hasn’t been the case, we have all seen the tragic consequences that result.

5. Are there additional stakeholders the NETT Council's analysis should reflect?
We urge the administration to continue to solicit input from the transportation workforce on regulatory changes, particularly through robust labor participation and representation in advisory committees, working groups, and panels. Our members are experts in their fields and are the most familiar with the realities they witness while operating, maintaining, and servicing our transportation system. Regulatory policies directly affect the way our members do their jobs. Without their input, it is too easy to overlook critical details about on-the-ground conditions.

6. Are there stakeholder groups that have been marginalized in transportation technology innovation that should be better represented in the NETT Council's analysis and work?

In January 2022, the DOT, under the leadership of Secretary Buttigieg issued departmental innovation principles, which commits this Administration to transportation innovation policies that empower workers and expand access to skills, training, and the choice of a union, and guarantees workers a seat at the table in shaping innovation. This commitment is critically important from an equity perspective, as “innovative” technologies, including automation, stand to have a disproportionate impact on workers of color. For example, across all industries, a recent report found that automation stands to displace 4.6 million Black workers alone. TTD’s position on this matter is further articulated both generally and with specific regard to technology in our recent policy statement, “Building a Strong and Equitable Transportation Workforce”.

7. Using DOT's authorities, what nontraditional and emerging innovation and technologies should NETT Council prioritize for analysis as most impactful, positive or negative, for the transportation system? What emerging innovations have the most significant potential impact on DOT's strategic goals of safety, economic strength & global competitiveness,

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7 https://ttd.org/policy/policy-statements/building-a-strong-and-equitable-transportation-workforce/
including creating good-paying jobs, equity, climate and sustainability, transformation, and organizational excellence?

TTD stands ready to support any innovations and technology developed and tested in partnership with frontline workers, who are best qualified to determine if those items are indeed creating good-paying jobs and increasing safety. While there is a pervasive and undue misconception that labor unions are anti-technology, we are often the biggest proponents of innovations that increase worker safety and improve their quality of life, and we have fought industry efforts to delay the deployment of those technologies.

8. What emerging innovations face gaps in focus, support, and/or regulation under DOT's existing regulatory frameworks, and should be reviewed by the NETT Council?

New technologies such as automated vehicles may not fit neatly within existing regulation and regulatory frameworks. By way of example, NHTSA has taken lead on automated vehicles, but other subagencies, including FMCSA, FTA, and PHMSA will be directly affected by the manufacturing standards NHTSA ultimately adopts. These decisions must not be made in silos and necessarily require broad agency-wide discussions and consultation with stakeholders, including labor unions.

The NETT Council can provide valuable oversight on a host of other anti-worker and anti-safety industry practices that have been rolled out under the guise of innovation. Whether it is the exploitative labor practices inherent to gig-economy jobs, which have flown under the radar of meaningful federal oversight for too long; new and dangerous practices in the rail industry, including BNSF's new Hi-Viz policy\(^8\), which will undoubtedly serve as a model for employers in other industries without serious consideration of its risks; or the countless other industry-led attempts we have seen to undermine workers in the name of innovation and new technology; this council will have a serious role to play in providing broad, agency-wide oversight.

10. What other pressing issues, challenges, and opportunities for transportation innovation should be addressed through the NETT Council?

As recent history has shown us, the tech industry, their partners in the transportation sector, and their allies in government have a vested interest in promoting their new technologies in minimal-oversight environments. The DOT has both the power and responsibility to assert its regulatory authority and oversight to ensure workers and the public are safe as we implement new technologies. As we expressed in our comments on A.V. 4.0, as a general principle, we believe that non-binding guidance and voluntary consensus standards are wholly inadequate to fulfill the department’s responsibility to ensure safety and security in transportation. The department, under Secretary Chao’s leadership during the Trump administration, stated that it supported “flexible, technology-neutral policies that will allow the public to choose the most economically efficient

and effective transportation and mobility solutions.” However, the public cannot make informed choices about technology and its safety if companies are not required to meet understood regulatory thresholds or make public any safety information. Allowing self-regulated entities to make these standards themselves is a dangerous policy that should not be carried forward.9

We appreciate the opportunity to comment on the NETT Council’s priorities and look forward to working with DOT and the NETT Council in the future.

Sincerely,

Greg Regan
President

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