



Owner-Operator Independent Drivers Association

**National Headquarters: 1 NW OOIDA Drive, Grain Valley, MO 64029
Tel: (816) 229-5791 Fax: (816) 427-4468**

**Washington Office: 1100 New Jersey Ave. SE, Washington, DC 20003
Tel: (202) 347-2007 Fax: (202) 347-2008**

September 11, 2023

The Honorable Eric A. "Rick" Crawford
Chairman
Subcommittee on Highways and Transit
Committee on Transportation & Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Eleanor Holmes Norton
Ranking Member
Subcommittee on Highways and Transit
Committee on Transportation & Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

Re: Hearing - The Future of Automated Commercial Motor Vehicles: Impacts on Society, the Supply Chain, and U.S. Economic Leadership

Dear Chairman Crawford and Ranking Member Norton:

It is National Truck Driver Appreciation Week (NTDAW), but you wouldn't know it from the Subcommittee's hearing on the future of autonomous or automated trucks. It is bad enough this hearing is being held during a week that is supposed to thank truckers for their "dedication, commitment, and the many challenges they overcome," as is NTDAW's stated mission, but it is completely inexcusable to hold this hearing without a witness to represent the millions of professional drivers who will be affected by the deployment of these vehicles. Nothing says "thank you" like denying you a seat at the table for a discussion about how to take away your job.

In some ways though, this week's hearing and panel of witnesses is the perfect encapsulation of how the development of autonomous trucks has proceeded so far: We expect self-serving rhetoric and cheerleading about how automated technologies will make our roads safer; decision-making and discussions being led by people who have no experience driving truck and won't have their careers diminished or rendered obsolete; claims that regulatory requirements intended to promote safety should be side-stepped in the name of advancing technology; and all the while, drivers are left out of the conversation.

There is not a single representative of drivers participating in this hearing, so we want to ensure committee members hear truckers' voices about the development and deployment of autonomous or automated trucking technology.

Safety

First and foremost, truckers are concerned about safety – their own - as well as the driving public's. Despite unfounded forecasts and empty promises that automated vehicles will lead to zero deaths, there

continue to be real-world situations in which automation has devastatingly failed.¹ Fatal crashes involving a Tesla Level 2 automated vehicle which failed to see a tractor-trailer in the sun and an Uber car in Tempe, Arizona, which struck a pedestrian after failing to properly identify her, are unfortunate examples highlighting the safety risks that automated vehicles might impose. For truckers who must share the road with these vehicles to do their job, an accident caused by autonomous technology could put them out of business and cause serious injury or death. Unfortunately, current voluntary reporting requirements leave truckers and the public in the dark about the safety and reliability of autonomous technologies.

In congressional testimony from early 2022, the Autonomous Vehicle Industry Association (AVIA) cited the National Highway Traffic Safety Administration's (NHTSA) Automated Vehicle Transparency and Engagement for Safe Testing Initiative (AV TEST) as one of the primary ways it would provide the "public with direct and easy access to information about testing of automated driving system-equipped vehicles."² But a recent review of the AV TEST system fails to inspire any confidence that professional truckers or the general public can rely on it to understand the state of AV testing across the country.

As of September 5, 2023, this database indicates that Embark Trucks is currently testing heavy-duty trucks on public highways in multiple cities across the South and Southwest United States. The most recent citation for this information is a 2021 press release from the company itself. Given that news reports from March 2023 suggest Embark is ceasing operations, it would seem this is incorrect. To take another example, NHTSA's tool indicates that Cruise is operating AV test vehicles in San Francisco with safety drivers in vehicles and links to a 2019 blog post to provide more information. This is despite Cruise rolling out driverless services to the public earlier this year with much fanfare. Finally, Gatik has developed and deployed commercial driverless trucks in Arkansas and Dallas^{3,4}, but AV TEST indicates there is still an in-vehicle safety operator.

These inaccuracies make it difficult to believe AVIA's claims that it is closely working with NHTSA to make testing information public, or interested in ever doing so.

There is no way truckers or the public may reasonably rely on the AV TEST Initiative or any other voluntary reporting system to assess the safety of AV technologies. The woefully inadequate and out-of-date information made available through AV TEST should make it clear that this is not a viable way to gain truckers' or the public's trust. In order to achieve that, Congress must require mandatory data transparency – a request OOIDA and others in the trucking industry have been making for years. Earlier this year, our association recommended to NHTSA that AV TEST require mandatory data transparency from manufacturers to educate consumers, the industry, and regulators about the actual reliability and performance of autonomous technology. NHTSA responded that, "It is...outside of the scope of the project to make any reporting mandatory or to expand the collection to include safety information or information that NHTSA would use to evaluate the safety of automated driving systems operations." This is unacceptable.

¹ Tomas O. Lackman and Karl Soderlund, "Situations Saved by the Human Operator when Automation Failed," The Italian Association of Chemical Engineering (2013).

² <https://docs.house.gov/meetings/PW/PW12/20220202/114362/HHRG-117-PW12-Wstate-WolfA-20220202.pdf>

³ <https://www.cnbc.com/2022/08/31/autonomous-delivery-company-gatik-wins-new-pilot-program-with-pitney-bowes-in-dallas.html>

⁴ <https://www.nwahomepage.com/northwest-arkansas-news/walmart-gatik-operating-first-fully-driverless-delivery-routes-in-bentonville/>

Effects on the Future of Trucking Profession

OOIDA is frequently asked what truckers think about the development of autonomous technology and what it means for the future of their profession. To be frank: there's not a whole lot we can say about how the technology is performing or what exactly it means for truckers. Without mandatory reporting on performance and with AV trucking companies frequently delaying or canceling plans to launch the technology, we can only speculate these vehicles are not ready for safe deployment.

Here are a few examples of what we've seen:

- In July 2020, TuSimple originally projected establishing commercial service between Los Angeles and Jacksonville by 2022-2023.⁵ A few years later, after multiple rounds of layoffs, the most recent indications are that TuSimple will be exiting the U.S. market entirely.⁶
- Embark Trucks went public in 2021 anticipating driverless trucks operating in 2024.⁷ In March of this year, however, the company announced it would lay off 70% of its employees and begin winding down its operations.⁸
- In July of this year, Waymo announced that it was indefinitely pausing its efforts to develop autonomous trucking technologies.⁹

With this track record, drivers are understandably skeptical about claims regarding automated technology.

Regulatory Flexibility for AV Testing

One explanation offered by AV companies regarding the difficulty in deploying their trucks is the government's alleged failure to provide regulatory flexibility. To be clear, OOIDA has long advocated for greater flexibility from the dizzying and often counterproductive array of safety regulations that force our members to work amidst more challenges and less safety. Professional drivers are justifiably frustrated at the potential for the federal government to loosen regulations to help test new technologies that will one day replace them on our roads.

Truckers feel like they are under the microscope at all times from regulators and law enforcement, and too often they are portrayed as outlaws when asking for relief. It would be hypocritical for Congress or federal regulators to relax or waive existing requirements for the mere potential of safety improvements touted by AV developers when truckers have been denied regulatory relief after making comprehensive and sound cases for it.

⁵ <https://www.ttnews.com/articles/tusimple-partners-major-fleets-launch-autonomous-freight-network>

⁶ <https://www.freightwaves.com/news/tusimple-prepares-to-exit-us-autonomous-trucking-market>

⁷ <https://www.freightwaves.com/news/embark-trucks-tallies-14200-prelaunch-reservations-for-driverless-software>

⁸ <https://www.freightwaves.com/news/embark-trucks-laying-off-70-of-employees-winding-down-business>

⁹ <https://www.theverge.com/2023/7/26/23809237/waymo-via-autonomous-truck-delay-timeline-layoffs>

To put it simply: If something is part of federal safety regulations and is required to ensure safety on our roads, that means it's critical enough to apply to every truck and operation, whether or not it is autonomous. If a safety regulation isn't important enough for autonomous vehicles, then it shouldn't apply to anyone. Furthermore, we question why DOT is considering allowing more driverless vehicles on the roads without more assurances that they perform safely.¹⁰ Since 2016, NHTSA has opened more than three dozen Tesla special crash investigations in cases where driver systems such as Autopilot were suspected of being used, with 23 crash deaths reported to date.¹¹ Yet, NHTSA is currently formulating a proposal it brazenly said would, "open up a wealth of data and allow for deployment of noncompliant vehicles." In other words, NHTSA claims it is unable to require mandatory reporting that would generate this supposed wealth of data, but is capable of putting more noncompliant vehicles on the road.

The Myth of the Driver Shortage

One thing that we can definitively say is that automated technologies are not needed to address an alleged shortage of truck drivers *because there is in fact no driver shortage*. Despite the self-serving narrative of the driver shortage being peddled for decades by organizations like the American Trucking Associations (ATA) or more recently by AVIA, there are more than enough new truckers to meet the needs of the supply chain. The Federal Motor Carrier Safety Administration estimates that states issue at least 400,000 new commercial driver's licenses (CDLs) annually, and there have been a record number of CDLs issued in recent years. In fact, according to the White House, states have issued more than 876,000 CDLs between January 2021 and April 2022 alone.¹² Furthermore, a sufficient supply of drivers is partly why freight rates have been falling since the second quarter of 2022. Market dynamics do not allow for both declining rates and a driver shortage simultaneously, and suggestions to the contrary are just not true.

Instead, the trucking industry, especially its largest carriers, experience extremely high employee turnover. Large carriers consistently report turnover rates around 90% annually. If you were told that a workplace or industry consistently turned over critical employees at this level, it would indicate a problem with the employer or job, not that there weren't enough job seekers. Even if there were a need to attract tens of thousands of new individuals to the profession, it would seem that publicly discussing efforts to develop technology that will displace professional drivers or severely diminish their work would be counterproductive to attracting new entrants.

If lawmakers want to know what will attract and keep individuals in the industry, listen to what drivers say. The American Transportation Research Institute conducts an annual survey of drivers and motor carriers, and the top 5 issues cited by commercial drivers in 2022 were: truck parking, fuel prices, driver compensation, detention time and delays at facilities, and speed limiters.¹³ Notably absent from this list is "making trucking cool" with technology, as ATA previously claimed would help address the driver shortage during a Senate hearing on autonomous vehicles.¹⁴

¹⁰ <https://cars.usnews.com/cars-trucks/features/nhtsa-announces-new-autonomous-driving-regulations>

¹¹ <https://www.reuters.com/business/autos-transportation/us-will-resolve-tesla-autopilot-probe-could-make-announcement-soon-official-2023-08-24/>

¹² <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/04/fact-sheet-the-biden-administrations-unprecedented-actions-to-expand-and-improve-trucking-jobs>

¹³ <https://truckingresearch.org/wp-content/uploads/2022/10/ATRI-Top-Industry-Issues-2022.pdf>

¹⁴ <https://www.govinfo.gov/content/pkg/CHRG-115shrg34306/pdf/CHRG-115shrg34306.pdf>

Even highly automated vehicles offer little opportunity for future driver candidates, as reducing the training, skills and experience necessary to operate a commercial motor vehicle is unlikely to increase the stagnant compensation that is in large part fueling today's driver churn. While there is no shortage of drivers today, the short-sighted rush to deploy autonomous trucks will undoubtedly affect future recruitment and retention.

Conclusion

The CEO of Cruise recently gave an interview to the Washington Post regarding the public's concerns about autonomous vehicles.¹⁵ While Cruise isn't developing trucking technology, they are a member of AVIA and we believe are representative of the approach of autonomous technology companies more generally. In the interview, he said that the public needs to give AV companies a break on unsafe driving because these are "mundane" issues that, according to him, drivers do every day. Clearly, he doesn't understand the reality that truckers face. Professional drivers can and do have every single movement and decision scrutinized. ELDs track their work down to the second, law enforcement is happy to write a ticket for any potential infraction, and federal regulators are looking for ways to assign a safety score to trucking companies based on factors wholly unrelated to actual safe driving performance.

To suggest that the public should give a free pass to automated technologies because executives think unsafe driving should be excused shows a complete lack of respect for professional drivers who get behind the wheel every day with the unwavering goal of doing their jobs as safely as possible. This dismissive approach to safety from Cruise illustrates yet again why this hearing on autonomous trucks is pointless without a representative of drivers to testify about what they've experienced and observed on our roads, or what solutions would address safety and working conditions for drivers.

Millions of professional drivers deserve better from you than allowing those who stand to benefit financially from the deployment of autonomous trucks to promote the technology in the midst of National Truck Driver Appreciation Week. Excluding drivers from the conversation only demonstrates how out-of-touch or alarmingly apathetic this panel is on how automation will affect American truckers.

Thank you,



Todd Spencer
President & CEO
Owner-Operator Independent Drivers Association, Inc.

¹⁵ <https://www.washingtonpost.com/technology/2023/09/07/robotaxis-san-francisco-cruise-ceo/>