



Transit Agencies Can Tackle Labor Concerns Related to Autonomous Vehicles

Insights

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Transit agencies are poised to reap many benefits by implementing autonomous vehicle technology, but numerous barriers to implementation exist. At least that's what the Federal Transit Authority says in its 2018 [Strategic Transit Automation Research Plan](#) (the "STAR Plan").

The STAR Plan outlines an FTA research agenda for transit bus automation over five years. It provides a framework for the transit industry to pursue transit bus automation on the shoulders of (i) research, (ii) technology demonstrations, and (iii) strategic partnerships. The early stages of the plan focus on "enabling research," which is a fancy way of saying research to help identify and resolve barriers to broader implementation of automation technologies.

Chief among the numerous barriers identified to date are those related to labor relations. The FTA notes that labor concerns are not limited to full automation, which obviously would reduce the need for transit operators. Rather, partial automation—which is ready for immediate implementation—likewise presents labor concerns. Indeed, partial automation is currently in use many instances across the country. Examples of partial automation and the labor concerns it raises include:

- **Narrow lane/shoulder operations:** where advanced driver assistance systems are used to keep a bus in its lane, or even allow it to operate in a narrow bus-only lane at a higher speed adjacent to rush hour traffic. Although operators find this technology to be stress-reducing, they worry it will eliminate overtime opportunities as buses find it easier to stay on schedule. They also fear it will result in the "de-skilling" of bus operators.
- **Precision movement for fueling, servicing and washing; Automated parking and recall:** This type of automation enables buses to park themselves in the bus yard and to recall and present themselves to an operator at the beginning of their shift. It also allows for more buses to be parked in a smaller area, for them to be parked more safely and efficiently, and may eliminate the need to pay operators to spend time walking across the (sometimes very large) bus yards to identify, retrieve, and return their vehicles at the beginning and end of their shifts. This technology would also eliminate the need for bus operators and other employees to spend time presenting vehicles for inspections, servicing, and cleaning. This will eliminate bus yard positions and reduce hours for bus operators, while reducing delays that often result in overtime.

Although transit agencies cite labor concerns as an impediment to even partial automation, the concerns are more of a mole hill than a mountain. Of course, there are specific legal protections for transit labor in Section 13(c) of the Federal Transit Act, and additional labor protections may be found in state law or collective bargaining agreements. Decisions to implement even partial automation may be deemed a “mandatory” subject of bargaining under the National Labor Relations Act. Moreover, automation will likely require agencies to hire new workers with skills sufficient to manage complex automated systems. In other words, transit agencies need “cradle-to-grave” legal advice with respect to labor and employment concerns. However, the issues to be tackled are not unprecedented despite the comparatively unprecedented use of autonomous technology. [Fisher Phillips’ Autonomous Vehicles Practice Group](#) stands ready to help transit agencies cross this new terrain.

If you have questions or concerns regarding how the adoption of AV technology may impact your company, contact [Mike Greco](#) or any member of our [Fisher Phillips’ Autonomous Vehicles Practice Group](#).

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