

complaint or appeal pursuant to 29 CFR part 1614 shall not toll the time for filing a civil action.

### Whistleblower Protection Laws

A USDOT employee with authority to take, direct others to take, recommend, or approve any personnel action must not use that authority to take, or fail to take, or threaten to take a personnel action against an employee or applicant because of a disclosure of information by that individual that is reasonably believed to evidence violations of law, rule, or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless the disclosure of such information is specifically prohibited by law and such information is specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against a USDOT employee or applicant for making a protected disclosure is prohibited (5 U.S.C. 2302(b)(8)). If you believe you are a victim of whistleblower retaliation, you may file a written complaint with the U.S. Office of Special Counsel at 1730 M Street NW, Suite 218, Washington, DC 20036-4505 using Form OSC-11. Alternatively, you may file online through the OSC website at <http://www.osc.gov>.

### Disciplinary Actions

Under existing laws, USDOT retains the right, where appropriate, to discipline a USDOT employee who engages in conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection laws up to and including removal from Federal service. If OSC initiates an investigation under 5 U.S.C. 1214, USDOT must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation (5 U.S.C. 1214). Nothing in the No FEAR Act alters existing laws, or permits an agency to take unfounded disciplinary action against a USDOT employee, or to violate the procedural rights of a USDOT employee accused of discrimination.

### Additional Information

For more information regarding the No FEAR Act regulations, refer to 5 CFR part 724, as well as the appropriate office(s) within your agency (e.g., EEO/ civil rights offices, human resources offices, or legal offices). You can find additional information regarding Federal antidiscrimination, whistleblower protection, and retaliation laws at the EEOC website at

<http://www.eeoc.gov> and the OSC website at <http://www.osc.gov>.

### Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands, or reduces any rights otherwise available to any employee, former employee, or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

Issued in Washington, DC, on October 2, 2018.

**Charles E. James, Sr.,**

*Director, Departmental Office of Civil Rights,  
U.S. Department of Transportation.*

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**BILLING CODE 4910-9X-X**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. DOT-OST-2018-0149]

### Notice of Request for Comments: Preparing for the Future of Transportation: Automated Vehicles 3.0 (AV 3.0)

**AGENCY:** Office of the Secretary (OST), U.S. Department of Transportation (DOT).

**ACTION:** Notice of request for comments.

**SUMMARY:** The Office of the Secretary of Transportation (OST) invites public comment on the document, *Preparing for the Future of Transportation: Automated Vehicles 3.0 (AV 3.0)* [ISBN 978-0-16-094944-9]. This document builds upon *Automated Driving Systems 2.0: A Vision for Safety* and expands the scope to provide a framework and multimodal approach to the safe integration of AVs into the Nation's broader surface transportation system.

**DATES:** You should submit your comments within 60 days after the publication of AV 3.0.

**Written Comments:** Comments should refer to the docket number above and be submitted by one of the following methods:

- **Federal Rulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- **Hand Delivery:** 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.

**Instructions:** For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**Privacy Act:** Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or at <https://www.transportation.gov/privacy>.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or to the street address listed above. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** Please contact us at [automation@dot.gov](mailto:automation@dot.gov) or Sujeesh Kurup (202-366-9953) for policy issues or Timothy Mullins (202-366-9038) for legal issues.

**SUPPLEMENTARY INFORMATION:** *Preparing for the Future of Transportation: Automated Vehicles 3.0 (AV 3.0)* builds upon *Automated Driving Systems 2.0: A Vision for Safety*, expands the scope to all surface on-road transportation systems, and was developed through the input from a diverse set of stakeholder engagements<sup>1 2</sup> throughout the Nation. AV 3.0 is structured around three key areas: (1) Advancing multi-modal safety, (2) Reducing policy uncertainty, and (3) Outlining a process for working with DOT. The AV 3.0 document is available at: [www.transportation.gov/av](http://www.transportation.gov/av).

The U.S. DOT sees AV 3.0 as the beginning of a national discussion about the future of our on-road surface transportation system. The U.S. DOT is seeking public comments on the document, *Preparing for the Future of Transportation: Automated Vehicles 3.0* [ISBN 978-0-16-094944-9]. This document will necessarily evolve over time, changing based on public comment, the experience of the Department, manufacturers, suppliers, consumers, and others, and further technological innovation. The Department intends to revise and refine its approach to automation, as needed, to reflect such public input, experience,

<sup>1</sup> <https://www.transportation.gov/av/publicnotices>.

<sup>2</sup> <https://www.transportation.gov/av/events>.

and innovation, and will address significant comments received in the next revision of this document.

### Public Participation

#### *How do I prepare and submit comments?*

Your comments must be written and in English. To ensure that your comments are filed correctly in the docket, please include the docket number of this document in your comments.

Please submit one copy (two copies if submitting by mail or hand delivery) of your comments, including the attachments, to the docket following the instructions given above under **ADDRESSES**. Please note, if you are submitting comments electronically as a PDF (Adobe) file, we ask that the documents submitted be scanned using an Optical Character Recognition (OCR) process, thus allowing the agency to search and copy certain portions of your submissions.

#### *How do I submit confidential business information?*

Any submissions containing Confidential Information must be delivered to OST in the following manner:

- Submitted in a sealed envelope marked “confidential treatment requested”;
- Accompanied by an index listing the document(s) or information that the submitter would like the Department to withhold. The index should include information such as numbers used to identify the relevant document(s) or information, document title and description, and relevant page numbers and/or section numbers within a document; and
- Submitted with a statement explaining the submitter’s grounds for objecting to disclosure of the information to the public.

OST also requests that submitters of Confidential Information include a non-confidential version (either redacted or summarized) of those confidential submissions in the public docket. In the event that the submitter cannot provide a non-confidential version of its submission, OST requests that the submitter post a notice in the docket stating that it has provided OST with Confidential Information. Should a submitter fail to docket either a non-confidential version of its submission or to post a notice that Confidential Information has been provided, we will note the receipt of the submission on the docket, with the submitter’s organization or name (to the degree

permitted by law) and the date of submission.

#### *Will the agency consider late comments?*

The U.S. DOT will consider all comments received before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, the agency will also consider comments received after that date. Given that we intend for the policy document to be a living document and to be developed in an iterative fashion, subsequent opportunities to comment will also be provided periodically.

#### *How can I read the comments submitted by other people?*

You may read the comments received at the address given above under **COMMENTS**. The hours of the docket are indicated above in the same location. You may also see the comments on the internet, identified by the docket number at the heading of this notice, at <http://www.regulations.gov>.

Issued in Washington, DC, on October 3, 2018, under authority delegated at 49 U.S.C. 1.25a.

#### **Finch Fulton,**

*Deputy Assistant Secretary for Transportation Policy.*

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**BILLING CODE 4910–9X–P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. DOT–OST–2018–0150]

#### **Notice of Request for Comments: Scope of the Study on the Impact of Automated Vehicle Technologies on Workforce**

**AGENCY:** Office of the Secretary (OST), U.S. Department of Transportation (DOT).

**ACTION:** Notice of request for comments.

**SUMMARY:** OST is announcing a request for information to solicit comment and feedback on the scope of the congressionally-required comprehensive analysis of the impact of automated vehicle technologies on workforce. This study will be conducted by DOT in consultation with the Department of Labor to provide a comprehensive analysis of the impact of [Advanced Driver Assist Systems] ADAS and [Highly Automated Vehicles] HAV technologies on drivers and operators of commercial motor vehicle, including the potential for any labor displacement. DOT will also coordinate this initiative with the U.S. Departments of Commerce

and U.S. Department of Health and Human Services.

Each component of the study will engage the relevant interested and affected stakeholders such as industry representatives, driver and operator groups, and workforce training providers to ensure input from across the diverse commercial and non-commercial driver industry. While it may not be feasible to precisely predict the exact capabilities or timing of new automated vehicles technologies entering the marketplace, this study may construct statistical models, use-cases, and scenarios based projections based on the best available data on market forecasts, industry trends, and relevant labor markets to evaluate different technology penetration scenarios and their potential effects on the workforce and related factors.

The objectives of the request for comments on the comprehensive analysis of the impact of automated vehicle technologies on workforce are to obtain feedback into the scope of the study regarding the magnitude of the potential pace of transition in the transportation workforce and how other sectors of the workforce will adapt to the quality of life effects due to automation. The study will also examine training availability and what will be required to transition the traditional commercial driver into the new environment including transit bus automation. Finally, the study will analyze the issues of driver situational awareness in vehicles which may require operator re-engagement, the safety of truck platooning, and related traffic management.

*Background:* The pace of development and deployment of automated vehicle-related technology is expected to accelerate over the next decade. Likewise, the effects of this new technology on the current workforce is a concern to operators and industry. In August 2017, a Department of Commerce’s Office of the Chief Economist study focused on “workers impacted by the adoption of autonomous vehicles used on roadways, such as automobiles, buses, and trucks (*The Employment Impact of Autonomous Vehicles*,<sup>1</sup> Economics and Statistics Administration Issue Brief #05–17). The study found that “. . . the adoption of AVs has the potential to impact a sizable share of jobs in the economy.” This could include job creation as well as displacement. Also, the *America’s Workforce and the Self-*

<sup>1</sup> [http://www.esa.doc.gov/sites/default/files/Employment%20Impact%20Autonomous%20Vehicles\\_0.pdf](http://www.esa.doc.gov/sites/default/files/Employment%20Impact%20Autonomous%20Vehicles_0.pdf).