



July 24, 2024

Via Email

Larry W. Minor
Associate Administrator for Policy
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington DC 20590

Re: Parts and Accessories Necessary for Safe Operation; Exemption Application From Waymo LLC, and Aurora Operations, Inc., Docket No. FMCSA–2023–0071

Associate Administrator Minor,

On behalf of the American Trucking Associations (ATA), I write in response to Waymo LLC and Aurora Operations Inc.'s open exemption application regarding current warning triangle requirements for disabled commercial motor vehicles (CMV) and a proposed alternative lighting solution. This exemption request was published to the Federal Register over 16 months ago on March 9th, 2023. Since publication of that notice, FMCSA has initiated a study of the safety benefits and unintended consequences of the warning triangles regulation entitled "Warning Devices for Stopped CMVs." While ATA did not initially comment on the exemption request, several factors presented to ATA in the intervening months have led ATA to affirm its support of efforts to identify alternatives to existing warning triangle requirements, including its consideration of the exemption request from Waymo and Aurora. These factors include the announcement of the upcoming study "Warning Devices for Stopped CMVs," feedback from membership about driver risks associated with placing warning triangles, and additional information submitted by Waymo and Aurora to address concerns about reliability. FMCSA should grant this exemption, collect the data needed to evaluate the exemption and consider potential renewals, and use the data to determine a long-term regulatory approach to warning triangle alternatives that is as safe as or safer than the current regulations.

In recent months, numerous concerns about the underlying warning triangle requirements and inquiries about the aforementioned exemption request have come to ATA's attention through discussions with our membership. ATA and its members are concerned about drivers being asked to leave their vehicle and place triangles at roadside – imperiling the driver's safety, particularly at night or on high-speed and low-visibility roads. Considering these concerns and FMCSA's promising research into the safety benefits of the existing regulations, ATA and its members are very interested in exploring potential alternatives that could both reduce crash risk and prevent situations that jeopardize a driver's safety when an emergency occurs. Additionally, while Waymo and Aurora's exemption request did not demonstrate a direct reduction in crash risk, the data accompanying their exemption request did show potential to be equivalent or better in both real-world performance and driver feedback.

It is worth noting that the current requirements for hazard warning lamps were established in the 1960s and have not changed since. This temporary exemption provides FMCSA an opportunity to explore alternatives which may work in conjunction with hazard warning lamps and digital communication capabilities that are widely adopted in trucking fleets. FMCSA should strive to identify solutions that improve visual communications and deliver superior human factors efficacy. Some of these solutions are already gaining traction in their implementation in both production vehicles and commercial fleets and are

supported by policy in the "Preventing Roadside Deaths" section of the Infrastructure Investment and Jobs Act (IIJA) of 2021.

ATA urges FMCSA to grant this exemption alongside any additional conditions the Agency deems necessary to monitor performance of vehicles operating under the exemption. ATA also urges FMCSA to leverage this exemption as a data collection opportunity to better understand and compare the advantages and drawbacks of alternatives in the future, including those studied in the Warning Devices for Stopped CMVs project. ATA believes that FMCSA has an opportunity to modernize its regulations regarding stopped CMVs in the next five to ten years by utilizing the research and data collection opportunities available now. The exemption request by Waymo and Aurora presents a unique opportunity, as any automated vehicles operating under this exemption would be exceptionally well-equipped to collect data. Additionally, the population of automated vehicles operating under this exemption is relatively small and would be subject to NHTSA's Standing General Order, meaning any crashes involving these vehicles would be reported in a timely manner to the DOT and could be evaluated in the context of the exemption. ATA also suggests that FMCSA use the granting of this exemption to lay the groundwork for evaluating other alternatives to warning triangles in the future, including future exemption requests.

Based on the reasons detailed above, ATA urges FMCSA to grant the exemption request alongside any necessary considerations to monitor and ensure the safety of vehicles operating under the exemption. In considering the approval of this exemption, FMCSA should recognize potential opportunities for expanded safety benefits should non-automated trucks be allowed to operate under this exemption or future designs to build on this exemption. The duration of the request is also limited such that improvements could be considered in any renewals as CMV technology – and automation technology specifically – evolves and matures. If you wish to discuss these comments further, please contact the undersigned at (703) 838-7980.

Sincerely,



Kevin Grove
Director, Safety and Technology Policy