

February 8, 2019

Administrator
National Highway Traffic Safety Administration
Attention: Recall Management Division
1200 New Jersey Avenue S.E.
Washington D.C. 20590

Re: Petition for Exemption from Notification and Remedy Provisions of Motor Vehicle Safety Act for Noncompliance with FMVSS No. 108, Lamps, Reflective Devices and Associated Equipment

Daimler Trucks North America (DTNA) has determined that certain vehicles it manufactured do not fully comply with the requirements contained in the Federal Motor Vehicle Safety Standard (FMVSS) 108, "Lamps, Reflective Devices and Associated Equipment", and has filed a Defect Information Report on January 16, 2019. DTNA hereby petitions the National Highway Traffic Safety Administration for an exemption from the notice and remedy requirements of the Motor Vehicle Safety Act, pursuant to 49 U.S.C. §§ 30118(d) and 30120(h), and 49 C.F.R. part 556, because DTNA believes that the noncompliance is inconsequential to motor vehicle safety.

Attached are copies of DTNA's Defect Information Report. In addition, DTNA provides the following information in accordance with 49 C.F.R. § 556.4(b)(3):

- Full name and address of applicant: Daimler Trucks North America LLC, 4747 N. Channel Avenue, Portland, OR 97217-7699
- Nature of organization: Limited Liability Company
- State or country under laws of which DTNA is organized: Delaware, USA

Background

Approximately 74,675 Freightliner New Cascadia vehicles ("subject vehicles") built from May 3, 2016 to December 17, 2018 are configured such that they illuminate brake lights when the low air warning illuminates.

Therefore, in certain very limited circumstances the brake lights may illuminate when there is no service brake application or application of any other device to decelerate the vehicle.

Illumination for reasons other than to signal the intent to stop or slow the vehicle more than the force of gravity can be viewed as an impairment of the effectiveness of the brake lights.

FMVSS 108 S6.2.1 states that "No additional lamp, reflective device, or other motor vehicle equipment is permitted to be installed that impairs the effectiveness of lighting equipment required by" Standard No. 108.

Potential impact on safety

The normal operating air pressure of the vehicle is between 110 and 130 PSI. There is a regulator that turns on the air compressor if the air pressure is below 110 PSI and turns off the air compressor when the system pressure is above 130 PSI. If the air pressure begins to drop and reaches approximately 70 PSI the air system pressure is not adequate to maintain optimum operation, a warning signal illuminates on the dash and buzzer activates to alert the driver to this condition. On these particular vehicles, the brake lights illuminate when the warning signal illuminates on the dash. The events contributing to a low air condition after initial vehicle startup are rare and are not expected in normal operation. If the condition was to occur during operation, the driver would be alerted to the circumstances with audible and visual low air warning and would be expected to apply the service brakes and pull over in a safe manner. Additionally, if the pressure in both air systems drops below 70 psi, the parking brakes will slowly begin to apply.

The Freightliner New Cascadia Driver's Manual states.... *"If the low air pressure warning is activated, check the air pressure gauges to determine which system has low air pressure. Although the vehicle's speed can be reduced using the foot brake control pedal, either the front or rear service brakes will not be operating at full capacity, causing a longer stopping distance. Bring the vehicle to a safe stop and have the air system repaired before continuing."*

Brakes are commonly applied - causing the brake lights to illuminate - when a driver sees a vehicle display warning or senses that the vehicle is experiencing a problem. Reducing vehicle speed in relation to a vehicle operational problem increases safety, providing following drivers the opportunity to increase the following distance. Low air warning would likely cause the vehicle driver to immediately engage the brake system and bring the vehicle to a safe stop. Brake light illumination for a brake system low air event would help provide early warning to following drivers to slow down.

In "Motorcoach Brake Systems and Safety Technologies", Federal Motor Carrier Administration issued guidance, while directed toward Motorcoach drivers, that supports the expectation that a driver, upon receipt of a low pressure warning, would apply brakes and off the roadway. FMCSA stated *"Low Pressure Warning - In most cases, you should notice an air leak or malfunction before getting a low pressure warning. When a low pressure warning occurs, immediately bring the motorcoach to a safe stop, off of the roadway. Continuing to operate the motorcoach could result in an automatic application of the park brakes, possibly leading to a loss of control or a stop in an unsafe position."*

DTNA is not aware of any accidents, injuries, owner complaints or field reports related to this condition on the subject vehicles.

NHTSA Precedents

DTNA notes that NHTSA has previously granted petitions for decisions of inconsequential noncompliance for lighting requirements where a technical non-compliance exists, but does not create a negative impact on safety.

In Docket No. NHTSA-2000-7312 (published on June 18, 2001) a Petition for Inconsequentiality by GM was granted by NHTSA. In this instance, certain models could have unintended CHMSL illumination briefly if the hazard warning lamp switch is depressed to its limit of travel. NHTSA stated: *"The intended use of a hazard warning lamp and the momentary activation of a CHMSL do not provide a conflicting message. The illumination of the CHMSL is intended to signify that the vehicles brakes are being applied and that the vehicle might be decelerating. Hazard warning lamps are intended as a more general message to nearby drivers that extra attention should be given to the vehicle. A brief illumination of the CHMSL while activating the hazard warning lamps would not confuse the intended general message, nor would the brief illumination in the absence of the other brake lamps cause confusion that the brakes were unintentionally applied."*

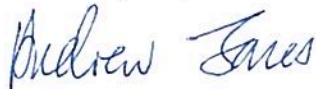
In Docket No. NHTSA-2014-0125 (published on Feb 02, 2018) a Petition for Inconsequentiality by GM was granted by NHTSA. In this instance, under certain conditions the parking lamps on the subject vehicles fail to meet the requirement that parking lamps must be activated when headlamps are activated in a steady burning state. NHTSA stated: "...The Agency agrees with GM that in this case this situation would have a low probability of occurrence and, if it should occur, it would neither be long lasting nor likely to occur during a period when parking lamps are generally in use. Importantly, when the noncompliance does occur, other lamps remain functional. The combination of all of the factors, specific to this case, abate the risk to safety."

In Docket No. NHTSA-99-5461; Notice 2 (published on Sept. 02, 1999) a Petition for Inconsequentiality by GM was granted by NHTSA. In this instance, a certain model equipped with an electronic turn signal was affected by random inputs that cause the internal timing of the electronic circuit to become unsynchronized causing the left front turn signal lamp to flash at a rapid rate while the left rear turn signal lamp illuminates but does not flash. These conditions can continue after the turn signal lever automatically returns to the off position. NHTSA stated: "We have concluded that the few vehicles affected by this noncompliance, as well as the fact that the turn signals show the driver that they have failed, warrant a finding that this noncompliance is inconsequential with regard to motor vehicle safety."

DTNA believes that a technical non-compliance exists, but does not create a negative impact on safety when the brake lamps illuminate during a brake system low air warning event. The brake light illumination serves to emphasize the message to following drivers that the vehicle is experiencing trouble and they should pay close attention. The Brake Air warning indication light on the driver's display panel shows the driver that there is an issue with the air brake system. This would result in the driver bringing the vehicle to a safe stop and having the air system repaired before continuing.

Please contact me if you have any questions, or concerns.

Sincerely yours,



Andrew Jones

Part 573 Safety Recall Report

19V-038

Manufacturer Name : Daimler Trucks North America LLC**Submission Date :** JAN 16, 2019**NHTSA Recall No. :** 19V-038**Manufacturer Recall No. :** FL-805**Manufacturer Information :****Population :**

Manufacturer Name : Daimler Trucks North America LLC

Number of potentially involved : 74,675

Address : 4747 N. Channel Avenue

Estimated percentage with defect : 100 %

Portland OR 97217-3849

Company phone : 800-745-8000

Vehicle Information :

Vehicle 1 : 2017-2019 Freightliner Cascadia

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : Certain Freightliner Cascadias built within the indicated production dates.

Production Dates : MAY 03, 2016 - DEC 17, 2018

VIN Range 1 : Begin :

NR

End : NR

☐ Not sequential**Description of Noncompliance :**

Description of the Noncompliance : On the affected vehicles, the brake lights illuminate when the low air warning light illuminates. Therefore, in certain very limited circumstances the brake lights may illuminate when there is no service brake application or application of any other device to decelerate the vehicle. Illumination for reasons other than to signal the intent to stop or slow the vehicle more than the force of gravity can be viewed as an impairment of the effectiveness of the brake lights.

FMVSS 1 : 108 - Lamps, reflective devices, and assoc. Equipment

FMVSS 2 : NR

Description of the Safety Risk : DTNA intends to petition the agency pursuant to 49 CFR 556 for exemption from the notice and remedy provisions of the Safety Act on the grounds this noncompliance is inconsequential as it relates to motor vehicle safety. The events contributing to a low air induced brake light activation after initial vehicle startup are rare. If the condition was to occur during operation, the driver would be alerted to the circumstances with audible and visual low air warning and would be expected to apply the service brakes and pull over in a safe manner.

Description of the Cause : NR

Identification of Any Warning NR
that can Occur :

Supplier Identification :

Component Manufacturer

Name : NR

Address : NR

NR

Country : NR

Chronology :

November 2018, DTNA became aware that on certain vehicle configurations, the brake lights illuminate when the low air warning indicator in the dash illuminates and began a comprehensive review of relevant regulations, legal interpretations and recall precedent. DTNA discussed the issue with external Counsel to understand the compliance implications of the issue. In late November-December 2018, DTNA reviewed the compliance of the subject vehicles and the brake light illumination strategy and requested a Compliance determination from external Counsel and a review of brake light illumination strategies for other DTNA chassis models. In December 2018, DTNA reviewed the external Counsel's compliance determination and requested additional clarity. January 2019, DTNA determined that a noncompliance existed and decided to file a Part 573 noncompliance information report and petition for exemption from the notice and remedy provisions of the Safety Act for this issue on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

Description of Remedy :

Description of Remedy Program : DTNA intends to petition the agency pursuant to 49 CFR 556 for exemption from the notice and remedy provisions of the Safety Act on the grounds this noncompliance is inconsequential as it relates to motor safety.

How Remedy Component Differs NR
from Recalled Component :

Identify How/When Recall Condition NR
was Corrected in Production :

Recall Schedule :

Description of Recall Schedule : DTNA intends to petition the agency pursuant to 49 CFR 556 for

exemption from the notice and remedy provisions of the Safety Act on the grounds this noncompliance is inconsequential as it relates to motor safety.

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

* NR - Not Reported