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Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building, Ground Floor, Room W-12-140
Washington, DC 20590-0001

Re: Safe Integration of Automated Driving Systems-Equipped Commercial Motor Vehicles (Docket No. FMCSA-2018-0037)

On behalf of the 14,000 members of the National Association of Manufacturers, the largest manufacturing association in the United States representing manufacturers in every industrial sector and in all 50 states, the NAM submits these comments in response to the Federal Motor Carrier Safety Administration's advanced notice of proposed rulemaking regarding the safe integration of automated driving systems-equipped commercial motor vehicles on our Nation's roadways.

Manufacturing employs more than 12.8 million men and women, contributes \$2.38 trillion to the U.S. economy annually, has the largest economic multiplier of any major sector and accounts for more than three-quarters of private-sector research and development. The NAM is the powerful voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

As automotive technologies continue to advance, manufacturers in the United States continue to take the lead in designing and making products that improve safety and enhance the driving experience. Manufacturers have been early innovators of the technologies and products found in Automated Driving Systems and are building on long-standing research, knowledge and success to advance the safe, timely and widespread deployment of autonomous vehicles.

The NAM represents all parts of the passenger and commercial vehicle AV supply chain, including original equipment manufacturers, suppliers, and entities involved in the design, testing and manufacturing of ADS, as well as multimodal transportation manufacturers and suppliers developing automated technologies to improve all types of freight movements. The NAM also represents manufacturers who rely on advanced transportation technology to better serve their customers and communities.

According to National Highway Traffic Safety Administration (NHTSA), human error remains the critical cause of 94 percent of vehicle crashes. As the NAM's *Building to Win* infrastructure blueprint states:

This is an exciting time for automotive and truck manufacturers as well as suppliers, but to maintain a mantle of leadership, our nation's elected officials and leaders must get safety regulations and the adoption of new technologies right... Also, a federal

regulatory approach that considers the industry a technology partner and allows for innovation will be instrumental to the further success of (ADS).ⁱ

The NAM believes commercial motor vehicles that will be equipped with well-tested and proven ADS will present a new opportunity to make our roadways safer. At every stage of the process, safety continues to be the primary objective for manufacturers that are designing, building, testing, operating and deploying autonomous vehicles. The NAM agrees with the Department of Transportation's AV 3.0 estimation that the best way to achieve the Federal Motor Carrier Safety Administration's (FMCSA) goal to enhance safety is to create a regulatory environment that encourages the safe acceleration and adoption of ADS in CMVs.

The NAM applauds the DOT and FMCSA for their flexible regulatory approach to AV technology as it applies to passenger and commercial motor vehicles because the evolving transportation landscape requires an ongoing modernization of regulatory policies. We encourage DOT to expand the process of reviewing antiquated policies to make the application of ADS consistent with other modes of transportation, such as rail. The NAM submitted comments in 2018 to "*Preparing for the Future of Transportation: Automated Vehicles 3.0*" (AV 3.0) and highlighted the need for ongoing collaboration with all transportation and manufacturing stakeholders to develop a voluntary, evolving framework that fostered further innovation in autonomous vehicle technology.

In addition to a focus on safety, FMCSA must advance a regulatory policy that allows for autonomous technology to deliver increasing gains in freight efficiency and mobility. Ongoing innovation requires continued flexibility and a federal framework that is focused on long-term progress and prepared for ongoing technology evolutions that can rapidly change. In AV 3.0, FMCSA correctly decided to "no longer assume that the CMV driver is always a human or that a human is necessarily present onboard a commercial vehicle during its operation." Manufacturers encourage FMCSA to further explain this future-forward approach in its Notice for Proposed Rulemaking and analyze future implications of that assumption regarding drivers so that manufacturers and suppliers can appropriately prepare products for the market.

Further, as technology advances specifically around deployment of more advanced AV systems, FMCSA will likely need to modify policies surrounding certifications and training for commercial drivers, new digital identification, hours of service or other factors outlined in the ANPRM. However, it is important that any modification to FMCSA's current regulations be technology neutral. FMCSA must avoid technology mandates that stifle innovation, limit competition or disrupt supply chains by picking winners and losers.

In support of interstate commerce, the Department of Transportation must continue to lead the development of safety-oriented policy to govern the continued introduction of AV technology. The FMCSA has a clear responsibility to regulate commercial motor vehicle safety and to assert federal leadership in order to avoid regulatory uncertainty and prevent the deleterious impacts of a 50-state patchwork. The NAM strongly supports the pre-emptive authority that FMCSA reiterated in its AV 3.0 framework.

Transformational automotive technologies are advancing around the world, and the United States has an opportunity to lead and maintain global competitiveness by creating an environment that fosters safe and timely adoption of ADS in commercial motor vehicles. DOT and FMCSA should continue to lead the regulatory promulgation with the input of all necessary stakeholders to support the many benefits of AV technologies. The NAM appreciates FMCSA's

consideration of these comments on behalf of manufacturers and remains committed to working with the FMCSA to accomplish this shared goal.

Comments Submitted by:

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ⁱ https://www.nam.org/wp-content/uploads/2019/05/IIHR.BTW_2019.v08.pdf