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August 28, 2019

Honorable Raymond P. Martinez
Administrator, Federal Motor Carrier Safety Administration
1200 New Jersey Ave. SE
Washington, D.C. 20590

RE: Docket no. FMCSA-2018-0037

Dear Administrator Martinez,

On behalf of Daimler Trucks North America, LLC ("DTNA") we would like to thank the Federal Motor Carrier Safety Administration (FMCSA) for publishing the Advanced Notice of Proposed Rulemaking (ANPRM) on May 28, 2019, entitled "Safe Integration of Automated Driving Systems-Equipped Commercial Motor Vehicles." We appreciate the proactive approach towards the re-evaluation of current Federal Motor Carrier Safety Regulations (FMCSR) as the agency fosters a collaborative environment that is necessary for ensuring the commercial success of Automated Driving System (ADS) technology. We appreciate the opportunity to provide input on the important issues raised in this ANPRM, and are grateful for FMCSA's continued attention to this subject.

DTNA is a part of the global Daimler family where we are not only the inventor of the world's first truck by Gottlieb Daimler in1896, but also the largest manufacturer of commercial vehicles in the world. In particular, DTNA is the leading U.S. manufacturer in market share, safety, efficiency, and innovation. Found within this pedigree at DTNA is a deep commitment to quality manufacturing, product validation, customer experience, and responsibility towards the saving of lives by reducing crashes. At DTNA, we have demonstrated a history of delivering key technologies at the right time when the appropriate levels of maturity and practicality intersect.

On May 5, 2015, DTNA authenticated our leadership in automation by unveiling the Freightliner Inspiration automated truck concept, the first licensed vehicle of its kind in North America. This proof of concept began our journey towards further developing automated technologies here in the United States and ultimately led to the advancement of our production active safety system that was released in 2017. Furthermore on June 6th, 2018, DTNA announced the opening of our new Automated Truck Research & Development Center in Portland, OR. Through this center, we are investigating and developing detailed protocols for safely testing ADS technology while also leveraging our global resources to understand its impact on society. Finally, DTNA continues to prove our leadership and dedication to automated technology by announcing in 2019, the first-ever Class 8 SAE Level 2 series production truck in North America, our majority stake acquisition of Torc Robotics, and formation of our global Daimler Trucks Autonomous Technology Group.

As we describe below, we urge the agency to continue approaching automation with an open and flexible mindset as ADS technology is still in its evolutionary stage. FMCSA must not put at risk the development of ADS by implementing premature policies or regulations that would hinder innovation. We encourage FMCSA to be a continually engaging partner that seeks feedback from the appropriate

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stakeholders before proceeding on any regulatory processes related to ADS technology. The following comments are DTNA's response to the issues raised in the ANPRM.

***Focus on ADS-Operated Vehicles*:** DTNA encourages FMCSA to focus the agency's efforts on ADS vehicles according to the Society of Automotive Engineers' (SAE) standard definitions for levels of automation.[1] Like FMCSA, we believe that the current federal motor carrier safety regulatory framework is sufficient to accommodate lower levels of automation that require, to varying degrees, a human to control the dynamic driving task. By contrast, incorporating the deployment of ADS technology do require the agency to review and revise its existing safety regulations to reflect the differences between human and ADS operators. Given ADS applications are still under development, we believe that it would be premature at this time for the agency to amend the definition of driver or craft new definitions in this area. Rather, the agency should look to using its interpretive authority within the FMCSRs and work closely with industry stakeholders as the technology advances.

DTNA also agrees with FMCSA's preliminary approach to avoid development of an entirely separate set of rules for ADS-equipped CMVs and their operation. We are encouraged by FMCSA's efforts to work alongside NHTSA to ensure a consistent approach for ADS in motor vehicles. FMCSA should rely on NHTSA to establish Federal standards, if necessary, applicable to ADS equipment manufacturers, while FMCSA focuses on rules necessary to ensure motor carriers operating ADS-equipped CMVs have a uniform regulatory framework within which to operate in interstate commerce.

***Regulatory Consistency*:** The U.S. needs a consistent approach to ADS-related laws and policies across all states. The rapid and safe deployment of potentially life-saving technologies depends on a seamless national regulatory structure. The emergence of a patchwork of inconsistent state laws related to autonomous vehicles could impede the expeditious and widespread distribution of safety-enhancing automated vehicle technologies. FMCSA's approach, in conjunction with NHTSA's efforts in the AV space, is helpful in ensuring a consistent national framework.

Flexible Standards: We encourage FMCSA to continue to work with industry to develop voluntary consensus standards and industry best practices for the safety of autonomous vehicle deployment in the commercial motor vehicle context, and incorporate these standards and best practices into the regulatory framework. We are encouraged by the agency's acknowledgement that "FMCSA would like to build upon best practices from the private sector" and that "would consider use of private sector standards to ensure cost-effective, performance-based safety requirements."[2] Adopting such an approach to the extent possible avoids the promulgation of static rules that can inhibit innovation and place unnecessary burdens on stakeholders unrelated to the safety mission.

Tech Neutrality: As automation in the CMV context continues to develop in the coming years, the agency should avoid taking regulatory action that would have the effect of favoring or disfavoring any specific

1 SAE International J3016, International Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles (J3016: June 2018); see also U.S. Department of Transportation's Automated Driving Systems 2.0: A Vision for Safety (adopting SAE International Levels of Automation and other applicable terminology).
2 Safe Integration of Automated Driving Systems-Equipped Commercial Vehicles, 84 Fed. Reg. 24,457 (May 28, 2019).

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technology under development. The manner in which ADS technology will be implemented by manufacturers and operators in the motor vehicle context is evolving at a rapid pace.

In that sense, we believe it would be premature for FMCSA to focus regulatory efforts on inspections, specific AV configurations, such as teleoperation, or other areas, such as markings, indicators or repair-related obligations including software updates or sensor placement, that will change dramatically as developers continue to research and test ADS equipment on CMVs. Rather, we believe that FMCSA's approach at this stage of development should focus on ensuring that existing regulations do not inhibit the development and safe rollout of ADS technology.

Cybersecurity: DTNA agrees with FMCSA that cybersecurity is a key issue to examine in the motor vehicle context. At the same time, we believe that cybersecurity must be addressed in the broader context of common cybersecurity issues that cut across all industries and the economy. FMCSA should not seek to develop its own separate cybersecurity methodology in the CMV context for automation, but rather leverage global and national flexible standards, such as the National Institute of Standards and Technology (NIST) Cybersecurity Framework, to ensure consistency with other industries and ensure that vulnerabilities and threats are addressed consistently and effectively.[3] Industry information sharing efforts also should be encouraged and adopted as a vital component of the holistic cybersecurity approach.

Information Sharing and Confidentiality: FMCSA has a responsibility to collect information necessary to fulfill its safety mission but should not seek to collect proprietary information about ADS technology or other confidential business information unless strictly related to a safety-critical issue. Standard privacy best practices dictate that sensitive information, like proprietary data, be shared only when and to the extent it is strictly necessary. We encourage policies that promote good cyber hygiene; data minimization is one such practice.

In closing, we appreciate the opportunity to provide these comments and look forward to working with FMCSA on the safe deployment of ADS-equipped CMVs. Safety is integral to the composition of our DNA as we share the same mission of reducing crashes, fatalities, and injuries for commercial vehicles in the United States. Please do not hesitate to contact us if you would like to further discuss the issues raised in this letter.

Sincerely,

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3 National Institute of Standards and Technology, Framework for Improving Critical Infrastructure Cybersecurity Version 1.1 (April 16, 2018), available at https://doi.org/10.6028/NIST.CSWP.04162018

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