



August 28, 2019

BY ELECTRONIC SUBMISSION

Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
West Building Ground Floor, Room W12-140  
Washington, DC 20590-0001

**Re: Request for Comment on Advance Notice of Proposed Rulemaking:  
Safe Integration of Automated Driving Systems-Equipped  
Commercial Motor Vehicles  
Docket No. FMCSA 2018-0037**

Dear Sir or Madam:

The National Association of Trailer Manufacturers (“NATM”) welcomes the opportunity to comment on FMCSA’s consideration of possible amendments to the Federal Motor Carrier Safety Regulations (“FMCSRs”) to accommodate automated driving system (“ADS”)-equipped commercial motor vehicles (“CMVs”). We share the agency’s interest in the potential safety and efficiency benefits of ADS technologies.

NATM has been dedicated to improving trailer safety and performance for over 30 years. Our more than 900 members include leading manufacturers of light- and medium-duty trailers (26,000 lbs. gross vehicle weight rating and below), as well as suppliers of products and services to those manufacturers. Innovation is a key priority for our association and our members, as new technologies are instrumental to improving trailer safety.

In this regard, we agree with Secretary Chao’s assessment in the latest version of the Department of Transportation’s ADS policy guidance that “[w]ith the development of automated vehicles, American creativity and innovation hold the potential to once again transform mobility.”<sup>1</sup> These technologies have the potential to enable dramatic reductions in traffic

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<sup>1</sup> U.S. DEP’T TRANSP., AUTOMATED VEHICLES 3.0: PREPARING FOR THE FUTURE OF TRANSPORTATION ii (2018).

accidents and fatalities. Their broader impact extends to nearly every corner of the transportation industry, promising to change the way we think about mobility, infrastructure, urban planning, and environmental efficiency.

We are pleased that FMCSA is considering the transformative impact of ADS technologies in the CMV sector, as well as the regulatory amendments that may be needed to safely accommodate testing and deployment of ADS-equipped commercial vehicles. These technologies offer a potential way to overcome the country's severe shortage of commercial drivers, which impacts many operators of light- and medium-duty trailers. The current labor market dynamic ultimately places a burden on U.S. consumers, since the operators NATM is familiar with are often forced to pass along additional costs given the low-margin nature of their business.

Light- and medium-duty trailers are widely used across the commercial sector and will form part of the operating environment for ADS-equipped CMVs. These trailers present a number of special operational and safety considerations both for the vehicles that tow them and others on the road, which our member companies are already exploring through collaborative partnerships with vehicle manufacturers and motor carriers. We urge FMCSA, ADS developers, and the CMV industry more broadly to take these considerations into account as they move forward with ADS integration on the nation's roadways.

An inclusive policymaking process and collaboration among industry participants offer the best pathway to achieve this goal. We commend FMCSA for its active engagement with stakeholders through its public listening sessions on ADS and other industry outreach, and we urge the agency to continue these efforts going forward. NATM is eager to engage with FMCSA and the broader ecosystem of industry participants focused on developing and deploying ADS technologies to explore what these innovations mean for light- and medium-duty trailers.

The following topics discussed in the ANPRM raise issues that are especially relevant to our industry. We greatly appreciate your consideration of these comments, and we stand ready to assist the agency as a resource as the interactions between ADS technologies and trailers present new issues to address.

### ***General Observations***

FMCSA's discussion of the operational design domain ("ODD") of ADS-equipped CMVs highlights several factors that are relevant to establishing the operating conditions for particular systems.<sup>2</sup> We believe the presence (or absence) of a trailer and the particular

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<sup>2</sup> Advance Notice of Proposed Rulemaking: Safe Integration of Automated-Driving Systems-Equipped Commercial Motor Vehicles, Docket No. FMCSA-2018-0037, 84 Fed. Reg. 24,449, 24,452 (May 28, 2019) (hereinafter, the "ANPRM").

characteristics of that trailer are also important to consider as part of a vehicle's ODD. Just as for conventional vehicles, trailers can affect the steering and performance of ADS-equipped CMVs; they also carry brake light and other safety systems that must be properly integrated with the towing vehicle. As such, the presence of a trailer may change the operating assumptions of an ADS. These considerations underscore the importance of clear communication between ADS developers, vehicle manufacturers, and motor carriers about the capabilities and limitations of a particular system, including whether and what kind(s) of trailers are appropriate to use with an ADS. We support FMCSA's efforts to ensure that this crucial ODD information is conveyed and that operation of ADS-equipped CMVs is consistent with their applicable ODDs.

A related factor for FMCSA and the industry to consider in this area is that commercial vehicles with trailers may, depending on the circumstances, operate as noncommercial vehicles with the same cargo and configurations. The agency should consider whether additional guidance is necessary to distinguish noncommercial operation of ADS-equipped vehicles from commercial operations, as well as consider the potential implications of this distinction for law enforcement and compliance verification. At a minimum, the potential for dual-use ADS-equipped motor vehicles underscores the importance of coordination among FMCSA, NHTSA, and state authorities on the policy and regulatory framework for these vehicles.

### ***Training Requirements***

As noted above, the presence or absence of a trailer is an important factor in the ODD for particular ADS systems. NATM agrees that it is important for human drivers and operators of ADS-equipped CMVs to have a full understanding of the capabilities and limitations of such systems, including with respect to trailers. It is imperative that operators understand whether and what kind of trailer(s) are appropriate for use with particular ADS-equipped vehicles, and, for L3 vehicles and below, how trailers might affect system performance in ways that the human drivers of such vehicles should be prepared to anticipate.

Heeding FMCSA's observation that it would be premature to establish uniform CDL requirements for ADS-equipped CMVs at this stage of technology development, we fully support FMCSA's proposal to "provide guidance to ensure that human operators are aware of the technological capabilities of their vehicles."<sup>3</sup> Trailer operations should be addressed in any discussion of vehicle capabilities.

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<sup>3</sup> *Id.* at 24,453.

## ***Inspection, Repair, and Maintenance***

FMCSA raises important questions about the application of its inspection requirements to ADS-equipped CMVs. Any guidance or regulatory amendments the agency issues in this area should clarify the application of these requirements to trailers that may be used in conjunction with such vehicles. In addition to the en route inspection of cargo securement devices discussed in the ANPRM, trailers raise other en route issues that FMCSA should consider as this proceeding moves forward. For example, what is the appropriate system response if a trailer separates from an automated vehicle during travel? How can an automated system detect and resolve problems with a trailer's payload? While some of these issues may be addressed by the operating parameters of a particular system, others could require clarification by FMCSA to ensure a consistent approach that upholds safety.

## ***Cybersecurity***

NATM agrees that cybersecurity is an important consideration for ADS-equipped CMVs, and supports FMCSA's engagement with NHTSA and the automotive industry to develop a coordinated approach to this issue. To the extent that any current or future best practices or standards in this area encompass vehicle equipment like trailers, we encourage the agency to consider the relative compliance capabilities of industry stakeholders. Many manufacturers of light- and medium-duty trailers are small businesses that do not have the compliance resources of larger industry players. FMCSA should provide targeted cybersecurity resources and guidance for small businesses to ensure they are able to contribute meaningfully to upholding vehicle cybersecurity.

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In closing, we greatly appreciate FMCSA's foresight and leadership in initiating this rulemaking. NATM's leadership and members across the country are committed to continuing to support our mutual goal of improving the safety of our nation's roads—for the commercial sector and beyond. We look forward to continuing to engage with the agency to craft policy and regulation that responds to the needs of our industry today and into the future. If we may be helpful to your staff in any way, please do not hesitate to let me know.

Sincerely,

/s/ Kendra Ansley

Kendra Ansley

Executive Director

National Association of Trailer Manufacturers