



**NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION
DOCKET NO. NHTSA-2020-0014**

**Comments to Notice of Proposed Rulemaking:
Occupant Protection for Automated Driving Systems**

SUBMITTED BY:

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The American Trucking Associations, Inc., (ATA) submits these comments to the National Highway Traffic Safety Administration (NHTSA) in response to the agency's notice of proposed rulemaking (NPRM) on *Occupant Protection for Automated Driving Systems*.¹

As the national representative of the trucking industry, ATA has a strong interest in matters affecting our nation's transportation system and is committed to advancing connected and automated vehicle technology in ways that benefit the common good, including improving highway safety for all motorists, reducing traffic congestion and vehicle emissions, as well as facilitating the efficient movement of freight. Directly and through our affiliated organizations, ATA's united federation of motor carrier and allied members, state trucking associations, and national trucking conferences and councils represent nearly 40,000 industry stakeholders in the United States—encompassing every type and class of motor carrier operation. Our diverse membership also includes original equipment manufacturers, supply chain and logistics companies, retail corporations, and new technology firms engaged in the testing and development of automated vehicle (AV) technology.

Highways are the motor carriers' and drivers' workplace. Employing more than 7.8 million people and moving 10.8 billion tons of freight annually,² trucking is the industry most responsible for moving America's economy. The trucking industry moves more than 80 percent of our nation's domestic freight and is a critical player in the safety of our nation's roadways – spending approximately \$10 billion per year on safety training, technology, equipment, and management. As these statistics demonstrate,

¹ 85 Fed. Reg. 17624, March 30, 2020.

² ATA. (2019). *American Trucking Trends 2019*. Arlington, VA. American Trucking Associations.

trucking is an integral component of our nation's transportation system and economy. The industry has a substantial stake in the success of connected and AV technology to improve safety, reduce traffic congestion and decrease vehicle emissions.

ATA appreciates the work being done by NHTSA and throughout the Department of Transportation (DOT) to review current regulations and propose changes to facilitate adoption of automated driving system (ADS) technologies to improve safety throughout the U.S. surface transportation system. ATA supports the development of ADS technology for all vehicle types and is committed to working with DOT and other stakeholders to bring the benefits of ADS technology to freight transportation.

Overall, ATA supports this proposal to modernize many of the crashworthiness (200-series) federal motor vehicle safety standards (FMVSSs) to remove unnecessary barriers to ADS-equipped vehicles. While most of the FMVSSs addressed in this NPRM apply to light-duty passenger vehicles, several have provisions that apply to trucks with a GVWR greater than 10,000 lbs. – specifically: FMVSS 204, Steering Control Rearward Displacement; FMVSS 205, Glazing Materials; FMVSS 207, Seating Systems; and FMVSS 208, Occupant Crash Protection. ATA believes that the changes proposed for these FMVSSs adequately address the ambiguities that would arise when trying to apply them to ADS-equipped heavy trucks without traditional manual controls.

In the discussion on the scope of the NPRM, NHTSA addresses the topic of ADS vehicles designed exclusively to carry property ("occupant-less vehicles") and concludes that occupant-less vehicles meet the Part 571.3 definition of a truck³, but also states that:

"NHTSA acknowledges that the future implementation of occupant-less vehicles may be on vehicle platforms which do not appear to be what many would consider a "truck." Nonetheless, the current definitions of "truck" in 571.3 is the only vehicle type definition, (i.e., bus, multipurpose passenger vehicle, passenger car, and truck), that specifically covers vehicles designed to carry property and not "persons." In response to requests from stakeholders, the agency is evaluating whether a new vehicle class may be necessary for certain delivery vehicles, including occupant-less ones."⁴

Regarding the NHTSA evaluation of whether a new vehicle class may be necessary for certain delivery vehicles, including occupant-less ones, ATA suggests that the current method proposed in this NPRM for FMVSSs 205, 207, and 208 of clarifying when an FMVSS only applies to "trucks with at least one designated seating position" seems to be an acceptable and efficient means for addressing the potential of occupant-less trucks that NHTSA contemplates within the context of this NPRM. As NHTSA considers whether a new vehicle class may be necessary for certain delivery vehicles, including occupant-less ones, ATA would be happy to engage with NHTSA, and FMCSA as appropriate, to discuss the potential ramifications of establishing a new vehicle class or other options for addressing this type of vehicle within the agency's regulations.

³ 85 Fed. Reg. 17631, March 30, 2020.

⁴ 85 Fed. Reg. 17635 (footnote 54), March 30, 2020.

Thank you for the opportunity to submit these comments. If you have any questions, please contact Ross Froat at (703) 838-7980 or rfroat@trucking.org.