Truck & Engine Manufacturers Association®
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Docket Management Facility
U.S. Department of Transportation
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue SE
Washington, D.C. 20590-0001

RE: Docket No. NHTSA-2020-0106

The Truck and Engine Manufacturers Association ("EMA") hereby submits comments on the Advance Notice of Proposed Rulemaking ("ANPRM") titled *Framework for Automated Driving System Safety* that the National Highway Traffic Safety Administration ("NHTSA" or the "Agency") published in the Federal Register. See, 85 Fed. Reg. 78,058 (December 3, 2020).

EMA represents the world's leading manufacturers of heavy-duty engines and commercial motor vehicles with a gross vehicle weight rating ("GVWR") greater than 10,000 pounds. EMA member companies manufacture highly customized medium- and heavy-duty vehicles to perform a wide variety of commercial functions including interstate trucking, regional freight shipping, intracity pickup and delivery, local parcel delivery, refuse hauling, and construction. EMA member companies are developing Automated Driving System ("ADS") technologies for the trucks they produce and thus have a direct stake in the ANPRM and any future NHTSA framework for ADS safety.

The ANPRM requests input on the development of a framework for ADS safety. We enthusiastically endorse the Agency's efforts and the objective of achieving an ADS framework that "would objectively define, assess, and manage the safety of ADS performance while ensuring the needed flexibility to enable further innovation." See, *id.* Additionally, we fully support NHTSA's goals of "improving safety, mitigating risk, and enabling the development and introduction of new safety technologies." See, *id.* at 78,060. ADS technologies are advancing rapidly, and we appreciate the Agency's deliberate approach to conducting research, developing guidance, and issuing rulemakings related to ADS-equipped vehicles. We are providing these comments in the constructive and open-minded spirit of the ANPRM.

Due to the size and weight of medium- and heavy-duty vehicles, safety considerations place the upmost importance on crash avoidance. Motivated by that critical safety need, EMA members have been on the forefront of developing and deploying important heavy truck safety technologies such as anti-lock braking and electronic stability control. We have worked proactively to help the Agency develop effective amendments to Federal Motor Vehicle Safety Standard ("FMVSS") No. 121, *Air brake systems*, and to successfully establish FMVSS No. 136, *Electronic stability control systems for heavy vehicles*. See, 49 C.F.R. § 571.121 and § 571.136, respectively. The technologies implemented to meet the performance requirements in FMVSS Nos. 121 and 136 ensure that heavy trucks can decelerate quickly while avoiding rollovers and loss of directional control crashes. Additionally, truck manufacturers are developing and deploying the next phases of Advanced Driver Assistance System ("ADAS") technologies to enhance the driver's ability to safely control the vehicle. Examples of those advanced technologies include automatic emergency braking, adaptive cruise control, blind spot monitoring, and lane departure warning and intervention. As ADASs further evolve to include greater levels of automation, the underlying technologies serve as the building blocks for ADS. Truck manufacturers and their suppliers are currently researching and developing ADS technologies to enhance the safety and performance of specific medium- and heavy-duty truck configurations and applications.

Medium- and heavy-duty trucks are specialized commercial equipment and are sold in very low volumes, with overall sales less than five percent of passenger cars. At the same time, commercial trucks come in an extremely wide variety of shapes and sizes, from vans that deliver parcels in residential neighborhoods, to heavy-haul tractors used to move massive off-road construction equipment between job sites. Further, heavy trucks are not consumer products, but rather specialized equipment sold to a fleet customer to serve in a specific commercial application. In many cases, a commercial vehicle is built in multiple stages, with the "truck" manufacturer building a chassis-cab that is completed by a bodybuilder or upfitter. Due to the low sales volumes, high diversity of configurations, multi-stage manufacturing, and the business-to-business nature of the market, regulations that work for passenger cars are not necessarily effective for medium- and heavy-duty vehicles. Accordingly, a unique ADS approach may be warranted for commercial vehicles.

The Federal Motor Carrier Safety Administration ("FMCSA") provides safety oversite for commercial motor vehicles. When developing an ADS safety framework that applies to medium- and heavy-duty trucks, NHTSA must also take into consideration FMCSA's regulations, policies, and scope. We encourage NHTSA to work closely with FMCSA, and other Department of Transportation operating administrations, in developing an ADS safety framework for commercial vehicles.

We applaud NHTSA's careful and data-driven approach to ADS safety. Recognizing the state of technological development of ADS, voluntary guidance and best practices currently provide important safety structures without stifling innovation. When the evolution of ADS-equipped commercial vehicles has reached a point that regulatory controls become feasible, we believe that NHTSA's existing self-certification FMVSS framework will be appropriate for ADS – with the FMVSS hallmarks of practicable, objective, and repeatable performance requirements. In addition to the time needed for ADS technologies to mature, time is needed for the Agency to

conduct the necessary research to develop effective metrics and performance tests that are crucial elements of an FMVSS. It is important to note that NHTSA's existing regulations that require manufacturers to disclose potential defects, and impose recall obligations, will always apply to remedy safety defects.

We look forward to working closely and constructively with the Agency on the development of a framework for ADS safety. If there are any questions, or we could provide any additional information, please do not hesitate to contact Timothy Blubaugh at (312) 929-1972, or tblubaugh@emamail.org.

Respectfully submitted.

TRUCK & ENGINE
MANUFACTURERS ASSOCIATION

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