



March 20, 2023

***VIA ELECTRONIC FILING***

Docket Operations, M-30  
U.S. Department of Transportation (DOT)  
1200 New Jersey Avenue SE  
Room W12-140  
West Building Ground Floor  
Washington, DC 20590

**Re: Supplemental Advance Notice of Proposed Rulemaking, Federal Motor Carrier Safety Administration, United States Department of Transportation; Safe Integration of Automated Driving Systems-Equipped Commercial Motor Vehicles (88 Fed. Reg. 6,691-6,695, February 1, 2023)**

To Whom It May Concern:

The U.S. Chamber of Commerce (“the Chamber”) appreciates the opportunity to provide comments to the Federal Motor Carrier Safety Administration (“FMCSA”) in response to their supplemental advanced notice of proposed rulemaking (“SANPRM”) on the above referenced proceeding. The Chamber commends FMCSA for updating the record and addressing novel issues pertaining to ADS-equipped commercial motor vehicles (“CMVs”), which will help modernize outdated regulations and retain the Federal government’s role in regulating commercial motor vehicles.

ADS-equipped CMVs, or colloquially, automated trucks, can help improve America’s transportation system through enhancing safety, strengthening our supply chain, and enabling the efficient movement of goods across the country. Appropriate FMCSA action can provide a foundation for automated trucking to provide these benefits to American workers, businesses, and consumers. The Chamber looks forward to working with FMCSA on addressing these important questions in this SANPRM and in any future, related regulatory actions.

- I. **FMCSA Should Carefully Apply Existing Regulations to Remote Operations and Avoid New Requirements.**

The Chamber believes that remote operations can serve as an important and helpful technological tool in certain circumstances, including operations outside of the vehicle's operational design domain ("ODD"). The SANPRM requests comment on the oversight of remote assistants and operations.

First, as noted in our 2019 ANPRM comments, the Chamber continues to support the application of all requirements and prohibitions contained in 49 CFR parts 382, 391, 392.80, and 392.82 to any human responsible for the dynamic driving task of an ADS-equipped CMV, whether they are physically on-board or remotely located.<sup>1</sup> FMCSA should acknowledge, however, that rapid technological advances may require flexibility from FMCSA in applying these, and other requirements, to regulated entities. Second, the Chamber reiterates our concern from our 2019 ANPRM comments regarding imposing limitations on the number of vehicles managed remotely. ADS developers and motor carriers are pursuing numerous operational models, which often have differing approaches to remote management. FMCSA should continue to avoid establishing any new regulations limiting remote management at this time.

## **II. FMCSA Should Not Adopt Mandatory Notification Requirements.**

The Chamber recommends that the FMCSA not adopt mandatory notification requirements for ADS-equipped CMVs. The Chamber responded to Question 8.1 in the 2019 ANPRM asking whether a motor carrier should notify FMCSA if they are operating a Level 4 or 5 ADS-equipped CMV. In our comments, we expressed concern that notification requirement specific for Level 4 and 5 vehicles would run contrary to the technology-neutral approach held by the Department of Transportation ("DOT") considering other motor carriers are not held to that same requirement.

Those same concerns remain. First, a technological neutral approach was also endorsed by this DOT in their Innovation Principles, which notes that the "...Department must encourage an outcomes-based approach that is technology neutral."<sup>2</sup> A mandatory notification requirement conflicts with that principle. Second, DOT through NHTSA, has taken several actions to increase transparency on the use and potential safety risks posed by automated vehicle technology, including ADS-equipped CMVs. These actions include the Standing General Order on Crash Reporting and the National Highway Traffic Safety Administration's ("NHTSA") AV TEST Initiative. If FMCSA seeks to impose new requirements, FMCSA must demonstrate the presence of unique safety issues. Finally, even if FMCSA identifies

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<sup>1</sup> [https://americaninnovators.com/wp-content/uploads/2019/12/082819\\_C\\_TEC\\_Comments\\_ANPRM\\_FMCSA.pdf](https://americaninnovators.com/wp-content/uploads/2019/12/082819_C_TEC_Comments_ANPRM_FMCSA.pdf)

<sup>2</sup> <https://www.transportation.gov/priorities/transformation/us-dot-innovation-principles>

unique safety issues, the Chamber encourages FMCSA to partner with ADS developers and motor carriers to identify non-regulatory solutions to address those risks.

### **III. FMCSA Should Ensure All Regulatory Actions Maintain A Single, Uniform Regulatory Framework of Commercial Motor Vehicles.**

A single, uniform federal regulatory framework for commercial motor vehicles is critical to promote innovation and ensure America's economic competitiveness. Regulations governing the operation of commercial motor vehicles have long been an exclusive federal responsibility because uniform regulations improve commercial motor vehicle safety and are necessary to ensure the efficient flow of interstate commerce. The Chamber strongly encourages FMCSA to maintain the position taken in FMCSA's 2019 ANPRM that states should not adopt regulations or prohibitions on ADS-equipped CMVs to effectively facilitate interstate commerce and retain FMCSA's critical regulatory responsibilities.

### **IV. Conclusion.**

FMCSA has an important role to play in advancing the deployment of ADS-equipped CMVs through providing a national approach to motor carrier regulation through modernizing relevant FMCSRs while ensuring safety. The Chamber thanks FMCSA for its leadership on this SANPRM and looks forward to engaging with FMCSA as this rulemaking moves forward. For any questions, please reach out to Matt Furlow, U.S. Chamber Technology Engagement Center (C\_TEC) Policy Director at [mfurlow@uschamber.com](mailto:mfurlow@uschamber.com).

Sincerely,



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