DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0244]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Lytx Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) announces its decision to grant the Lytx Inc. (Lytx) application for a limited five-year exemption to allow its advanced driver-assistance systems (ADAS) to be mounted lower in the windshield on commercial motor vehicles (CMV) than is currently permitted. The Agency has determined that lower placement of the ADAS would not have an adverse impact on safety and that adherence to the terms and conditions of the exemption would achieve a level of safety equivalent to, or greater than, the level of safety provided by the regulation.

DATES: This exemption is effective May 21, 2020 and ending May 18, 2025.


Docket: For access to the docket to read background documents or comments submitted to notice requesting public comments on the exemption application, go to www.regulations.gov at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The online Federal document management system is available 24 hours a day, 365 days a year. The docket number is listed at the beginning of this notice.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the Federal Register (49 CFR 381.315(a)). The Agency must also provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the Federal Register (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Lytx’s Application for Exemption

Lytx applied for an exemption from 49 CFR 393.60(e)(1) to allow its ADAS to be mounted lower in the windshield than is currently permitted by the Agency’s regulations in order to utilize a mounting location that allows optimal functionality of the camera system. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.60(e)(1)(i) of the FMCSRs prohibits obstruction of the driver’s field of view by devices mounted at the top of the windshield. Antennas and similar devices must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield, and must be outside the driver’s sight lines to the road and highway signs and signals. However, § 393.60(e)(1)(i) does not apply to vehicle safety technologies, as defined in § 390.5, that include “a fleet-related incident management system, performance or behavior management system, speed management system, forward collision warning or mitigation system, active cruise control system, and transponder.” Section 393.60(e)(1)(ii) requires devices with vehicle safety technologies to be mounted (1) not more than 100 mm (4 inches) below the upper edge of the area swept by the windshield wipers, or (2) not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers, and (3) outside the driver’s sight lines to the road and highway signs and signals.

In its application, Lytx states that it believes that mounting the system as described will maintain a level of safety equivalent to, or greater than, the level of safety achieved without the exemption.

Comments

FMCSA published a notice of the application in the Federal Register on December 3, 2019, and asked for public comment (84 FR 66271). The Agency received three comments, from the American Trucking Associations, the National Waste & Recycling Association, and the International Foodservice Distributors Association. Each organization supported the Lytx exemption application, and noted that granting it would (1) allow for increased use of the ADAS technologies in CMVs, (2) improve safety, and (3) be consistent with previous FMCSA actions granting exemptions for similarly-sized devices.
FMCSA Decision

FMCSA has evaluated the Lytx exemption application. The ADAS camera system housing is approximately 4.2 inches tall, and is mounted near the top of the center of the windshield, with the bottom of the camera housing located approximately 8 inches below the top of the area swept by the windshield wipers. The camera needs to be mounted in this location for optimal functionality of the ADAS system. The size of the camera system precludes mounting it (1) higher in the windshield, and (2) within 4 inches from the top of the area swept by the windshield wipers to comply with § 393.60(e)(1)(ii)(A).

The Agency believes that granting the temporary exemption to allow placement of the ADAS lower than currently permitted by Agency regulations would provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because (1) based on the technical information available, there is no indication that the ADAS would obstruct drivers’ views of the roadway, highway signs and signals surrounding traffic; (2) generally, trucks and buses have an elevated seating position that greatly improves the forward visual field of the driver, and any impairment of available sight lines would be minimal; and (3) the mounting location 8 inches below the upper edge of the windshield and out of the driver’s normal sightline to the road ahead, highway signs and signals, and all mirrors. The exemption will be valid for 5 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that motor carriers operating CMVs equipped with Lytx’s ADAS are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no state shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

James A. Mullen,
Acting Administrator.

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice To Rescind Notice of Intent To Prepare a Supplemental Draft Environmental Impact Statement for the Proposed Transit Improvements in the Eastside Transit Corridor Phase 2, Eastern Portion of Los Angeles County, California

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Rescind Notice of Intent to prepare a Supplemental Draft Environmental Impact Statement.

SUMMARY: The FTA in cooperation with the Los Angeles County Metropolitan Transportation Authority (LACMTA) is issuing this notice to advise the public that the Notice of Intent (NOI) to prepare a Supplemental Draft Environmental Impact Statement (EIS) for the proposed Eastside Transit Corridor Phase 2 Project in eastern Los Angeles County, California is being rescinded.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Nguyen, Environmental Protection Specialist, Federal Transit, Administration Region 9, Los Angeles Office, 888 South Figueroa Street, Suite 440, Los Angeles, CA 90017–5467, Phone (213) 202–3960, email mary.nguyen@dot.gov.

SUPPLEMENTARY INFORMATION: The FTA, as lead federal agency, and LACMTA published an NOI on May 29, 2019 (80 FR 24857) to prepare a Supplemental Draft EIS for the LACMTA Eastside Transit Corridor Phase 2 Project. The Project would extend the existing Metro (Gold) Line from its current terminus at Atlantic Station in the unincorporated area of East Los Angeles to eastern Los Angeles County to South El Monte via the State Route 60 freeway alignment, to Whittier along the Washington Boulevard alignment, or to both South El Monte and Whittier with the Combined Alternative. The Project would traverse densely populated, low-income, and heavily transit-dependent communities with major activity centers within the Gateway Cities and San Gabriel Valley subregions of Los Angeles County. Following the publication of the NOI, LACMTA reevaluated its funding sources and has identified that the Project can be funded through state and local sources. Thus, LACMTA is not seeking federal funding from FTA at this time, and FTA is rescinding the May 29, 2019 NOI. LACMTA Board of Directors took action at its February 27, 2020 Board meeting to proceed with the California Environmental Quality Act (CEQA) only for the Project’s environmental study. Comments and questions concerning the proposed action should be directed to FTA at the address provided above.

Raymond Tellis,
Regional Administrator, FTA Region 9.