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

Via Electronic Filing: www.regulations.gov

Re: Comments on Application for Exemption – Con-Way Freight *et al.*
Docket No. FMCSA-2010-0166

The American Trucking Associations, Inc.¹ (“ATA”) submits these comments in response to the application for exemption from Con-Way Freight, TK Holdings and Iteris (“Applicants”) regarding the placement of lane departure warning system sensors at the top of the windshields of commercial motor vehicles.² As the national representative of the trucking industry, ATA is interested in matters affecting commercial motor vehicle safety, including new technologies to improve driver performance.

ATA supports the exemption request referenced above to allow the use of lane departure warning systems. The exemption is necessary to permit the installation of a small sensor that must be mounted in the swept area of the windshields of commercial motor vehicles, which currently is prohibited by 49 CFR § 393.60(e)(1). ATA believes that FMCSA should grant the exemption and not turn its back on the potential safety benefit that these technologies could produce, especially in light of the fact that since trucks and buses have elevated seating positions, mounting of sensors near the upper edge of the windshield should be well outside of the driver's primary field of forward vision and should not adversely impact the driver's ability to clearly see out the windshield. We also note that the Federal Motor Carrier Safety Administration granted a similar exemption in connection with the DriveCam video event recording technology.³

¹ ATA is a united federation of motor carriers, state trucking associations, and national trucking conferences created to promote and protect the interests of the trucking industry. Directly and through its affiliated organizations, ATA encompasses over 37,000 companies and every type and class of motor carrier operation.

² See 75 *Federal Register* 33666 (June 14, 2010).

³ See 74 *Federal Register* 17549 (April 15, 2009).

As with the DriveCam exemption, the video sensors that are the subject of this exemption would be mounted lower than currently allowed in the regulations, but outside the driver's sight lines to the road and highway signs and signals. Given that sight lines are not obstructed and that the technology will assist drivers in identifying unintentional lane departures, the exemption has the potential to provide a greater level of safety.

Most lane departure warning systems use cameras to determine that a vehicle is within the center of the lane markings, just as human drivers do with their eyes. These systems require the same cleared area as the driver to "see" properly. When the system determines that it can not "see" well enough to determine the lane markings, it will emit a warning signal to the driver and go offline until the visibility is restored. While offline, any safety benefit is negated.

FMCSA's field tests of lane departure warning systems have concluded that these systems warn the driver when the vehicle is drifting out of lane. Alerting the driver to make these corrections may prevent serious accidents such as sideswipes or head-on collisions.

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In light of the potential safety benefits of the lane departure warning technology and the fact that it will not interfere with the commercial motor vehicle driver's ability to clearly see out the windshield, ATA supports the request for an exemption from 49 CFR § 393.60(e)(1).

ATA believes that the use of video devices to enhance on-board vehicle safety systems will grow in the future. The DriveCam system has a similar need for a cleared windshield area and other forward collision avoidance/warning systems could incorporate video input of a similar nature. For this reason, ATA would like to work with the Agency to modify the Federal Motor Carrier Safety Regulations to allow the use of these safety systems.

If you have any questions concerning these comments, please contact the undersigned at (703) 838-1910.

Respectfully submitted,



Richard Moskowitz