



[4910-EX-P]

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2020-0106]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption from Nauto, 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 Nauto, Inc. (Nauto) application for a limited 5-year exemption to allow its multi-sensor device 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 multi-sensor device would not have an adverse impact on safety and that adherence to the terms and conditions of the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety provided by the regulation.

DATES: This exemption is applicable [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] and ending October 9, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. José R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC-PSV, (202) 366-5541, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

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. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Docket Operations. The online Federal document management system is available 24 hours each day, 365 days each 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 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)).

Nauto's Application for Exemption

Nauto applied for an exemption from 49 CFR 393.60(e)(1) to allow its multi-sensor device to be mounted lower in the windshield than is currently permitted by the Agency's regulations to allow optimal functionality of the multi-sensor device. 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 § 393.5, 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, Nauto states that its technology uses a real-time, AI-powered Driver Behavior Learning Platform that utilizes a sophisticated road- and driver-facing, multi-sensor device equipped with interior and exterior image sensors on the windshield that continuously analyze driving activities. Nauto states that the interior image sensors identify and analyze driver actions and objects to detect distracted, drowsy, and risky

driving, while the exterior image sensors detect threats such as vehicles ahead. In addition to the visual risks detected through AI on the image sensors, Nauto fuses all sensor data, including vehicle speed, location, and telemetry data, to build a complete, real-time risk assessment and predict risky events in context. Nauto states that its technology helps predict, prevent and reduce distracted/risky driving, alerts drivers in real time, and allows for on-demand coaching of drivers. The technology also allows for the monitoring of fleets and drivers, which assists companies in identifying safety problems that can inform safety programs and policies.

Nauto states that its technology “cannot function properly unless the device is mounted on a windshield at a location that allows the multiple sensors to have sufficient viewing angles to both the driver and exterior environment surrounding the vehicle and to ensure visibility of sensors to the roadway ahead the sensor placement must be within the area swept by the windshield wipers.” While the FMCSRs permit vehicle safety technologies to be placed within the swept area of the windshield under specified conditions, Nauto states that in some vehicles, its multi-sensor device must be placed lower than permitted by the regulation. Specifically, Nauto notes that its device is:

...typically placed in the top of the center of the vehicle's windshield. When possible, the device is located just below the vehicle's headliner, outside of the driver's field of vision. Sometimes such a placement is not possible, and the device is placed on either side of the mirror, no more than four inches below the upper edge of the area swept by the windshield wipers. But in some vehicles, the device must be placed more than four inches below the upper edge of the area swept by the windshield wipers...The device's placement is never within the driver's sight lines to the road and to highway signs and signals, and would not impair a driver's ability to safely operate the vehicle. In the largest vehicles, the device may be placed up to eight inches below the upper edge of the area swept by the wipers, but in no event in a location that could impair a driver's ability to safely operate the vehicle.

Without the proposed exemption, Nauto states that it will not be able to deploy its multi-sensor device in a manner that would provide the range of benefits achievable with the technology because for the device to fully function, placement must be, in some cases, outside of the mounting area allowed by the FMCSRs. The exemption would apply to all CMVs equipped with Nauto's multi-sensor device mounted on the windshield. Nauto believes that mounting the system as described will maintain a level of safety that is 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 April 2, 2020, and asked for public comment (85 FR 18632).

The Agency received no comments on the exemption application.

FMCSA Decision

FMCSA has evaluated the Nauto exemption application. In certain vehicles, the multi-sensor device must be located up to 8 inches below the top of the area swept by the windshield wipers. The device needs to be mounted in this location to ensure that the multiple sensors have sufficient viewing angles to both the driver and exterior environment surrounding the vehicle, and to ensure the clear visibility of the sensors to the roadway ahead. The Agency believes that granting the exemption to allow placement of the multi-sensor device lower than currently permitted by Agency regulations will likely 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 multi-sensor device would obstruct drivers' views of the

roadway, highway signs and 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 will be reasonable and enforceable at roadside. In addition, the Agency believes that the use of the multi-sensor device by fleets is likely to improve the overall level of safety to the motoring public.

This action is consistent with previous Agency action permitting the placement of similarly-sized devices on CMVs outside the driver's sight lines to the road and highway signs and signals. FMCSA is not aware of any evidence showing that the installation of other vehicle safety technologies mounted on the interior of the windshield has resulted in any degradation in safety.

Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 5-year period, beginning [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] and ending October 9, 2025. During the temporary exemption period, motor carriers will be allowed to operate CMVs equipped with Nauto's multi-sensor device in the approximate center of the top of the windshield and such that the bottom edge of the multi-sensor device housing is approximately 8 inches below the upper edge of the area swept by the windshield wipers, outside of the driver's and passenger's normal sight lines 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 Nauto's multi-sensor device 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 the 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 W. Deck,
Deputy Administrator.

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