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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2024-0238]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption from Coffeyville Resources Crude Transportation, USDOT#1236378

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

ACTION: Notice of final disposition; grant of exemption.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) announces its decision to grant an application from Coffeyville Resources Crude Transportation, USDOT #1236378, (Coffeyville) for an exemption to allow it to operate commercial motor vehicles (CMVs) equipped with a module manufactured by Intellistop, Inc. (Intellistop). The Intellistop module is designed to pulse the required rear clearance, identification, and brake lamps from a lower-level lighting intensity to a higher-level lighting intensity 4 times in 2 seconds when the brakes are applied and then return the lights to a steady-burning state while the brakes remain engaged. FMCSA has determined that granting the exemption to Coffeyville would likely achieve a level of safety equivalent to, or greater than, the level of safety achieved by the regulation.

DATES: This exemption is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] and ending April 16, 2030.

FOR FURTHER INFORMATION CONTACT: Mr. David Sutula, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC-PSV, (202) 366-9209, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001; MCPSV@dot.gov.

I. Viewing Comments and Documents

To view comments, go to www.regulations.gov, insert the docket number "FMCSA-2024-0238" in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, click "Browse Comments."

To view documents mentioned in this notice as being available in the docket, go to www.regulations.gov, insert the docket number "FMCSA-2024-0238" in the keyword box, click "Search," and chose the document to review.

If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, 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 Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs) to regulated entities. 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 the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

FMCSA reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard in 49 U.S.C. 31315(b)(1). The Agency must publish the decision in the Federal Register (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt and the effective period and will explain all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is

denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

A. Current Regulatory Requirements

Section 393.25(e) of the FMCSRs requires all exterior lamps (both required lamps and any additional lamps) to be steady burning, with certain exceptions not relevant here. Two other provisions of the FMCSRs—section 393.11(a) and section 393.25(c)—mandate that required lamps on CMVs meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 108 in effect at the time of manufacture. FMVSS No. 108, issued by the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA), includes a requirement that installed brake lamps, whether original or replacement equipment, be steady burning.

B. Applicant's Request

Coffeyville applied for an exemption from 49 CFR 393.25(e) to allow it to operate CMVs equipped with Intellistop's module. When the brakes are applied, the Intellistop module is designed to pulse the rear clearance, identification, and brake lamps from a lower-level lighting intensity to a higher-level lighting intensity 4 times in 2 seconds and then maintain the original equipment manufacturer's (OEM) level of illumination for those lamps until the brakes are released and reapplied. Intellistop asserts that its module is designed to ensure that if the module ever fails, the clearance, identification, and brake lamps will default to normal OEM function and illumination.

Coffeyville's application followed the Agency's October 7, 2022, denial of Intellistop's application for an industry-wide exemption to allow all interstate motor carriers to operate CMVs equipped with the Intellistop module. 87 FR 61133. While the Agency determined that the scope of the exemption Intellistop sought was too broad to ensure that an equivalent level of safety would be achieved, the Agency explained that

individual motor carrier applications for exemption may be more closely aligned with FMCSA authorities. Exemptions more limited in scope would allow the Agency to ensure compliance with all relevant FMCSA regulations because the individual exemptee would be easily identifiable and its compliance with applicable regulations could be monitored, thus providing a level of safety equivalent to compliance with 49 CFR 393.25(e).

Coffeyville stated that previous research demonstrated that the use of pulsating brake-activated lamps increases the visibility of vehicles and should lead to a significant decrease in rear-end crashes. In support of its application, Coffeyville cited the similar exemption granted to Gemini Motor Transport (89 FR 40529) which relied on several reports of research conducted by NHTSA on the issues of rear-end crashes, distracted driving, and braking signals.[1, 2, 3] This same body of research was also referenced in Intellistop's industry-wide exemption application. Relying on these studies, Coffeyville stated that the addition of brake-activated pulsating lamp(s) will not have an adverse impact on safety and would likely maintain a level of safety equivalent to or greater than the level of safety achieved without the exemption.

A copy of the application is included in the docket referenced at the beginning of this notice.

IV. Comments

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[1] See NHTSA Study—Evaluation of Enhanced Brake Lights Using Surrogate Safety Metrics https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/811127.pdf; As part of the General Findings the NHTSA study report concluded that "rear lighting continues to look promising as a means of reducing the number and severity of rear-end crashes."

[2] See also NHTSA Study—Enhanced Rear Lighting and Signaling Systems https://tinyurl.com/y2romx76 or https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/task_3_results_0.pdf; As part of the conclusions NHTSA found that enhanced, flashing brake lighting "demonstrated improvements in brake response times and other related performance measures."

[3] See also NHTSA—Traffic Safety Facts https://tinyurl.com/yxglsdax or https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/tsf811128.pdf; which concluded that flashing brake lights were a promising signal for improving attention-getting during brake applications.

FMCSA published a notice of the Coffeyville application in the Federal Register on November 21, 2024, and asked for public comments (89 FR 92274). The Agency received 19 comments from organizations and individuals, including Intellistop, Inc.; National Tank Truck Carriers, Inc. (NTTC); Motor Vehicle Lighting Manufacturers Safety Institute (MVLMSI); American Trucking Associations (ATA); and 15 other commenters. All nineteen commenters favored the exemption application, with none expressing concerns.

Intellistop supported the applicant's request for exemption. It commented that for over 20 years, multiple States have allowed pulsing or flashing of brake lamps. Many State driver training schools recommend tapping brakes when a CMV is slowing or stopping to warn other drivers. Intellistop stated that it is unlikely that other motorists would confuse the use of their module with the recommendation to tap brakes when a CMV is slowing or stopping.

The MVLMSI supported the potential of motor vehicle safety advances with the technology offered by Intellistop modules. The benefit of the flashing brake lights is to draw attention to the vehicle slowing down, and the MVLMSI sites current NHTSA allowable use cases for flashing red lamps include flashing warning lamps under FMVSS 49 CFR 571.108, Table I-a—Required Lamps and Reflective Devices, and school bus flashing lamps under S7.11 School bus signal lamps.

The ATA believes that granting this exemption can provide valuable real-world experience and data for a safety technology with the potential to reduce crashes. It also can inform future design considerations, best practices, and regulatory actions related to lighting technologies, rear signaling, and commercial vehicle conspicuity.

The NTTC stated that the Intellistop module does not have an adverse impact on safety, and adherence to the terms and conditions of the exemption as requested would likely achieve a level of safety equivalent to or greater than the level of safety achieved

without the exemption. The NTTC was granted an exemption on October 8, 2020, (FMCSA–2019–0260) to install amber brake-activated pulsating lamp similar to the Intellistop module. Based on the NTTC's own experience, it supports all reasonable rear pulsating light exemption requests designed to reduce rearend crashes to tank trailers.

Fifteen additional individual comments supported granting the exemption. These commenters believe that any technology that has been shown to reduce rear-end crashes should be allowed and cited various benefits of brake activated pulsating lamps, including (1) enhanced awareness that the vehicle is making a stop, especially at railroad crossings, (2) increased visibility in severe weather conditions, and (3) grabbing the attention of distracted drivers. Several commenters noted that 37 States currently allow brake lamps to flash. In addition, three commenters noted that the guidelines developed by the American Driver and Traffic Safety Education Association advise driving instructors to teach new drivers to pulse brake lamps when stopping to improve visibility.

V. Equivalent Level of Safety Analysis

Coffeyville requested that FMCSA grant an exemption from 49 CFR 393.25(e) – requiring certain exterior lamps to be steady burning – to allow it to operate CMVs equipped with Intellistop's module. FMCSA has determined that in order for Coffeyville to operate vehicles in compliance with the FMCSRs, an exemption from 49 CFR 393.25(e) must be accompanied by limited exemptions from 49 CFR 393.11(a) and 393.25(c), both of which mandate that required lamps on CMVs operated in interstate commerce must, "at a minimum, meet the applicable requirements of 49 CFR 571.108 (FMVSS No. 108) in effect at the time of manufacture of the vehicle." FMCSA grants exemptions only when it determines "such exemption[s] would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent the exemption[s]."

Rear-end crashes generally account for approximately 30 percent of all crashes. They often result from a failure to respond (or delays in responding) to a stopped or decelerating lead vehicle. Data on crashes that occurred between 2010 and 2016 show that large trucks are consistently three times more likely than other vehicles to be struck in the rear in two-vehicle fatal crashes.[4, 5] FMCSA is deeply interested in the development and deployment of technologies that can reduce the frequency, severity, and risk of rear-end crashes.

Both FMCSA and NHTSA have examined alternative rear-signaling systems to reduce the incidence of rear-end crashes. While research efforts concluded that improvements in the incidence of rear-end crashes could be realized through certain rear-lighting systems that flash,[6] the FMCSRs do not currently permit the use of pulsating, brake-activated lamps on the rear of CMVs. FMCSA believes that the two agencies' previous research programs demonstrate that rear-signaling systems may be able to "improve attention getting" to reduce the frequency and severity of rear-end crashes. Any possible benefit must be balanced against a possible risk of increased driver distraction and confusion. In balancing these interests, the Agency was compelled to deny the Intellistop application for exemption because the industry-wide scope of the request was too broad for the Agency to effectively monitor for the potential risk of driver distraction or confusion.

The Agency acknowledges the limitations of the research studies completed to date and the overall data deficiencies in this area. Nonetheless, as noted in its Intellistop decision, the Agency recognizes that existing data do suggest a potential safety value in

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[4] U.S. Department of Transportation, National Highway Traffic Safety Administration (2012), Traffic Safety Facts – 2010 Data; Large Trucks, Report No. DOT HS 811 628, Washington, DC (June 2012), *available at: https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/811628*.

[5] U.S. Department of Transportation, National Highway Traffic Safety Administration (2018), Traffic Safety Facts – 2016 Data; Large Trucks, Report No. DOT HS 812 497, Washington, DC (May 2018), *available at: https://crashstats.nhtsa.dot.gov/Api/Public/Publication/812497*.

[6] Expanded Research and Development of an Enhanced Rear Signaling System for Commercial Motor Vehicles: Final Report, William A. Schaudt *et al.* (Apr. 2014) (Report No. FMCSA-RRT-13-009).

the use of alternative rear-signaling systems, generally. Specifically, FMCSA considered NHTSA's research concerning the development and evaluation of rear-signaling applications designed to reduce the frequency and severity of rear-end crashes via enhancements to rear-brake lighting. The study examined enhancements for (1) redirecting drivers' visual attention to the forward roadway (for cases involving a distracted driver) and (2) increasing the saliency or meaningfulness of the brake signal (for inattentive drivers).[7] The research considered the attention-getting capability and discomfort glare of a set of candidate rear brake lighting configurations using driver judgments and eye-drawing metrics. The results of this research served to narrow the set of candidate lighting configurations to those that would most likely be carried forward for additional on-road study. Based on subjective participant responses, this research indicates some form of flashing or variation in brake light brightness may be more than two times more attention-getting than the baseline, steady-burning brake lights for distracted drivers.[8]

While some of the data collected in the study may not be statistically significant, the study results nonetheless indicate that additional efforts to get drivers' attention when they are approaching the rear of a CMV that is stopping may be helpful to reduce driver distraction and, ultimately, rear-end crashes. This was among several reasons why researchers concluded that the promising nature of enhanced brake lighting systems warranted additional work and research. FMCSA believes the acquisition of relevant data through real-world monitoring is of critical importance as the Agency continues to seek

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[7] See NHTSA Study—Evaluation of Enhanced Brake Lights Using Surrogate Safety Metrics https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/811127.pdf.

[8] Ibid. While data demonstrated that brighter flashing lights were the most attention-getting combination for distracted drivers in this study, flashing lights with no increase in brightness were still more effective at capturing a distracted driver's attention than the baseline steady-burning brake lamps. Both look-up (eye drawing) data and interview data supported the hypothesis that simultaneous flashing of all rear lighting combined with increased brightness would be effective in redirecting the driver's eyes to the lead vehicle when the driver is looking away with tasks that involve visual load.

new and innovative options for reducing crashes. This is particularly true given the data limitations noted in previous studies.

Despite finding a potential safety value in the use of alternative rear-signaling technology, in the Intellistop decision the Agency determined that the data presently available did not justify an exemption to allow all interstate motor carriers to alter the performance of an FMVSS-required lighting device (*i.e.,* stop lamps) on any CMV. In contrast, however, Coffeyville's application requests an exemption from the steady-burning brake lamp requirement for CMV operations by only one interstate motor carrier. As FMCSA noted in its denial of Intellistop's industry-wide exemption application, individual motor carrier exemption requests more closely align with FMCSA and NHTSA authorities to ensure compliance with all other applicable regulations and with the safety performance of the smaller population of affected motor carriers. With an individual motor carrier exemption, the Agency can also more easily monitor compliance with terms and conditions intended to ensure operations conducted under the exemption do in fact provide an equivalent level of safety. Coffeyville's application demonstrates why this is particularly true, since the vehicles operated by Coffeyville under the exemption would be easily identifiable, and compliance with NHTSA's "make inoperative" prohibition and other related regulations could be readily checked.

The Agency's decision to grant this exemption is based on the data suggesting enhanced rear signal systems, such as pulsing brake lights, may help reduce the frequency and severity of rear-end crashes, as well as on the limited number of vehicles operating under the exemption. Coffeyville currently operates a nationwide fleet of approximately 185 CMVs. The installation of the module on a finite number of CMVs operated by a single motor carrier provides the opportunity for the Agency to collect data on the effects of pulsing brake lights in real-world conditions. The terms and conditions

FMCSA imposes through this exemption will ensure appropriate Federal oversight in the use of these devices on a finite number of CMVs utilizing a phased-in approach.

Initially restricting the application of this exemption to a limited portion of Coffeyville's fleet will allow for a comparison between the crash involvement of Coffeyville CMVs equipped with the Intellistop device, those without the device, and the overall crash involvement of CMVs operated by similarly sized motor carriers with similar operations and overall safety performance. Data collected through this exemption and any other similar exemptions the Agency may grant in the future will allow for an evaluation of how the Intellistop module may improve following-vehicle driver responses to CMV braking. Consideration of the scope of any particular carrier's operation and the number and types of vehicles the carrier operates are critical to ensuring FMCSA gathers the most relevant data as the Agency considers safety benefits gained by the deployment of these rear brake lamp systems in CMV operations. The Agency's incremental approach in granting this limited exemption will also allow FMCSA to investigate and respond as appropriate to any incidents of alleged driver confusion attributable to use of the brake lamp systems in CMV operations.

Coffeyville maintains two fleets of vehicles, a Clean Products division (approximately 80 combination units) that primarily operates on highways and a Crude Products division (approximately 100 combination units). Coffeyville reports that it intends to install the devices on only the Clean Products division vehicles, and expects that by running the two fleets, a good comparison of effectiveness may be made. FMCSA disagrees with Coffeyville that the Crude Products division would make a good control for comparison to the Clean Products division. As Coffeyville notes in its application, the use cases of the two fleets are different, with the Crude Fleet operating under differing road conditions ("bumpy roads and debris"). Coffeyville cites in its application concerns about maintenance under these rough road conditions and FMCSA shares these concerns.

Rather, FMCSA believes it sufficient to limit installations to the Clean Products division in a similar manner to other exempted carriers using the Intellistop module. FMCSA is therefore limiting Coffeyville's exemption to only the Clean Products division vehicles.

FMCSA acknowledges that, until recently, all pulsating rear lamp exemptions the Agency granted involved the addition of non-mandatory auxiliary lights while the Intellistop module that Coffeyville seeks to install alters the functionality of original equipment manufacturers' lamps. Nonetheless, those previous exemptions are instructive. Most notably, the Groendyke exemption involved auxiliary lamps rather than required lighting, but, like the Intellistop module, the modulation of the auxiliary lamps occurs during braking. More importantly, the Groendyke exemption also involved a technology installed on a number of the carrier's CMVs, which allowed the Agency to monitor its compliance more realistically with other applicable regulations. When granting the exemption, FMCSA found Groendyke's experience with brake-activated pulsating warning lamps, which resulted in a 33.7 percent reduction in rear-end crashes, to be compelling. Through the granting of the Groendyke exemption, the Agency was able to collect additional real-world data about the operation of the module at issue. Similarly, limited exemptions with narrowly tailored terms and conditions permitting the use of the Intellistop module will allow the Agency to collect data about the reliability and safety benefits of an integrated alternative rear-signaling system.

FMCSA notes that Coffeyville failed to provide any evidence beyond what is publicly available about the integration of the Intellistop module with its CMVs' existing systems or to support the claim that a malfunction of the device would result in the brake lights returning to OEM functionality. Nonetheless, based on the Agency's understanding of the device's design and assertions made in publicly available materials, FMCSA believes concerns about both the reliability and integration of the device are sufficiently alleviated in this instance because of the narrow scope of the exemption and the stringent

requirements imposed by the Agency in the terms and conditions. Any evidence that module failure results in anything less than a return to brake light OEM functionality will result in revocation of the exemption.

Likewise, granting this exemption to an easily identifiable carrier alleviates concerns the Agency previously articulated about its inability to monitor compliance with NHTSA's "make inoperative" prohibition. FMCSA can monitor compliance with this exemption and ensure that only Coffeyville installs the module on its own CMVs.

Notwithstanding the promise the Agency sees in this technology, exemptions are warranted only if the applicant can demonstrate that an equivalent level of safety likely will be maintained. For this reason, the Agency believes it is important to consider the safety record of the applicant motor carrier. The Agency carefully considered Coffeyville's existing on-road safety performance record prior to granting this exemption. Coffeyville's out-of-service (OOS) rate is below the national average, with a vehicle OOS rate of only 1.3 percent (national average—21.4 percent), a driver OOS rate of 0.6 percent (national average—6 percent), and hazardous material OOS rate of 0 percent (national average—4.5 percent). Coffeyville maintains a Satisfactory safety rating.

FMCSA has authority to grant temporary exemptions to the FMCSRs only to motor carriers and not to CMV manufacturers or vehicle alterers. FMCSA acknowledges that the research described above did not fully address all of the implications of allowing pulsating stop lamps, especially by automobiles where stop lamp design is stylized and often brand-specific, and that it remains unclear whether deviation from the uniform brake-light patterns of CMVs may cause confusion among highway users when the lamps are pulsated during braking. When Intellistop sought an industry-wide exemption, FMCSA concluded that the potential risks of widespread adoption outweighed the potential benefits. But FMCSA reaches a different conclusion here, where any risks will

be more limited and easier to monitor. FMCSA notes, moreover, that the research suggests that the use of rear-signaling systems may be a means to reduce the frequency and severity of rear-end crashes involving CMVs, as do the reductions in rear-end crashes reported by Groendyke (84 FR 17910, April 26, 2019) utilizing an auxiliary flashing rear-signaling system. These facts and the specific safety record of the applicant motor carrier support the conclusion that permitting the use of Intellistop's pulsating-lamp module among a limited and known population of vehicles of a single motor carrier, subject to terms and conditions for monitoring, is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

VI. Exemption Decision

a. Grant of Exemption

FMCSA has evaluated Coffeyville's exemption application and the comments received. The Agency believes that granting a temporary exemption to section 393.25(e), and temporary limited exemptions to the requirements of 49 CFR 393.11(a) and 393.25(c) to allow Coffeyville to operate a limited number of CMVs equipped with Intellistop's pulsating-brake module will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

This exemption is restricted to vehicles in Coffeyville's Clean Products division fleet and provides relief from the steady burning requirement for rear clearance, identification, and brake lamp activation for 2 seconds following brake activation. All other FMVSS No. 108 requirements cross-referenced or incorporated within the FMCSRs remain in effect, with a limited exception to the requirement exempted here in sections 393.11(a) and 393.25(c) for only the first two seconds of brake engagement. In addition, through the terms and conditions, FMCSA will be able to monitor to performance of these CMVs to determine whether they were involved in a crash and whether they appear to be overrepresented in crashes compared to a control group

(comprised of Coffeyville vehicles that are not equipped with the Intellistop unit but are operating on similar routes with similar schedules, etc., as further described in the Terms and Conditions).

The Agency has evaluated the application and hereby grants the exemption for a 5-year period, beginning [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] and ending April 16, 2030. During the temporary exemption period, Coffeyville (Applicant) may operate CMVs, in its Clean Products division equipped with Intellistop's module that pulses the rear brake, clearance, and identification lamps from a lower-level lighting intensity to a higher-level lighting intensity 4 times in 2 seconds. This grant applies only to the "steady-burning" requirement as specified in FMVSS 108 S7.3, and Tables I-a, I-b, and I-c. All other photometric and requirements for stop lamps specified in FMVSS 108 must still be met.

b. Terms and Conditions of the Exemption

(i). Installation of the Intellistop module. The Applicant is responsible for installing the Intellistop module. This exemption applies only to CMVs owned and operated by the Applicant. THE PRODUCT MUST BE INSTALLED ONLY BY THE OWNER OF THE VEHICLE. IN ACCORDANCE WITH FEDERAL LAW (49 U.S.C. 30112(a)(1) AND 49 U.S.C. 30122), THE PRODUCT MAY NOT BE INSTALLED BY ANY MANUFACTURER, DISTRIBUTOR, DEALER, RENTAL COMPANY, OR MOTOR VEHICLE REPAIR BUSINESS.

The Applicant may not install the Intellistop module on more than 25% of its power units, and 25% of its trailers in the Clean Products division fleet during the first year of operation under the exemption, or on more than 50% of its power units, and 50% of its trailers in the Clean Products division fleet during the second year. The Applicant must provide the vehicle identification numbers for the power units and trailers that will be operating under the exemption.

The Applicant must maintain a control group of equal size to the group of power units and trailers equipped with the Intellistop unit during the first year of the exemption. And the CMVs in the control group must operate on routes with schedules that are similar to those of the Intellistop-equipped vehicles.

Installed modules may be used only to modulate rear clearance, identification, and stop lamps.

Within 30 business days of its first installation of the Intellistop module, the Applicant must notify the Agency via email at MCPSV@dot.gov of the number and type of CMVs it is operating, or intends to operate, with the Intellistop module installed; the module type and/or sub-type; and any troubleshooting, repair, or other use of an Intellistop module covered by this exemption. Amended installation information, including CMVs on which the device is installed or uninstalled, may then be submitted via the quarterly submission specified in sub-paragraph (iv) *Recurring Reporting Requirements* below.

If the Applicant sells or transfers ownership of any CMV equipped with an Intellistop module under this exemption, or if the exemption is terminated for any reason, the Applicant must remove the module and restore the CMV to full compliance with the FMCSRs and FMVSSs prior to the transfer of ownership, or upon termination of the exemption. The Applicant must also certify in writing to the purchaser/transferee and FMCSA that the CMV has been restored to compliance with the FMCSRs and FMVSSs.

(ii). Driver Pre-Trip Vehicle Inspections. The Applicant must ensure that each driver of an Intellistop-equipped CMV performs a pre-trip inspection to confirm that the Intellistop module operates only for 2 seconds and does not interfere with the normal operation of lamps after 2 seconds. If the lamps are not steady burning after 2 seconds, the CMV must not be dispatched until repairs are made. At the end of each work shift, drivers must note any problems observed by or reported to them concerning the

Intellistop module on a driver vehicle inspection report (see 49 CFR 396.11), and the motor carrier must correct the problem before the vehicle is dispatched again.

(iii). Safety Notification to FMCSA. The Applicant must notify FMCSA within 5 business days after it becomes aware, or otherwise determines, that the continued use of a module or entire type or subtype of module covered by this exemption is no longer likely to maintain a level of safety that is at least equivalent to the level that would be achieved absent this exemption. Notification must be made by sending an email to FMCSA at MCPSV@dot.gov.

(iv). Recurring Reporting Requirements. During the exemption period, the Applicant must provide quarterly submissions to FMCSA of the data described below. The Applicant's first quarterly submission is due on July 16, 2025, and thereafter will be due every 3 months, on the first business day of the month. The first quarterly submission must include the required data beginning 60 days prior to the date of module installation. All quarterly submissions must include data through at least the 14th day (inclusive) of the month immediately preceding the submission. Unless otherwise agreed to by FMCSA, quarterly submissions must be sent via email to FMCSA at MCPSV@dot.gov. If the Applicant does not have one or more categories of information described below, it must, within 20 days of the effective date of this exemption, discuss with FMCSA other available information. If the Agency accepts such alternative information, the Applicant must submit that data in lieu of the information specified below.

In the quarterly submission, the Applicant must provide FMCSA the following information known to the Applicant regarding all crashes and other incidents ("crash or incident") involving a CMV equipped with an Intellistop module covered by this exemption where the Intellistop module is potentially implicated. Crashes involving a CMV equipped with an Intellistop module that are "head-on" or otherwise involve only the front of the Intellistop-equipped CMV impacting some other object (such that the

Intellistop module, without question, could not be implicated) are not subject to this condition. For the first quarterly submission, data must include any crash or incident occurring in the 60 days prior to installation of the Intellistop module that would have been contained in this reporting category had the module been installed at the time of the crash or incident. The Applicant's knowledge includes, but is not limited to: (1) outreach from a consumer, lawyer, or any other person or organization (via letter, email, fax, telephone call, social media, or any other medium); (2) lawsuits to which the Applicant is a party, or otherwise knows exist where an Intellistop module covered by this exemption is an issue in the litigation; and (3) insurance claims against the Applicant related to use of the Intellistop module. When in the Applicant's possession, information provided to FMCSA shall include:

1. The date of first contact regarding, or the Applicant's first awareness of, the crash or incident;
2. The date of the most recent follow-up contact, if any, between the Applicant and the other party;
3. The date, time, and location of the crash or incident;
4. A brief description of the crash or incident;
5. The Intellistop module type and/or subtype(s) involved in the crash or incident; and
6. Information, if any, indicating that the Intellistop module is, or was, not working as intended, or caused confusion or a roadway hazard for either the consumer or other motorists.

Annual data. At the end of each 12-month period this exemption is in effect, the Applicant shall, within 60 days, submit a report detailing all information in its possession regarding crash rates and vehicle miles traveled by CMVs equipped with a module covered by this exemption. Additionally, the report shall specify the number and type of

CMVs the Applicant is operating under the exemption, the module type or sub-type installed on each CMV, the affected lamps (rear clearance, identification, and/or brake lamps), the number of covered vehicles sold or transferred in ownership during the 12-month reporting period, and a statement certifying that any sold/transferred vehicle(s) have been restored to compliance with applicable FMVSSs and FMCSRs.

Meetings. The Applicant shall, at FMCSA's request, meet with FMCSA to answer questions regarding data and information provided by the Applicant under this exemption.

(v). Early Termination

The exemption is valid for 5 years from the date of issuance unless rescinded earlier by FMCSA. FMCSA will terminate the exemption if: (1) the Applicant fails to comply with the terms and conditions; (2) the exemption results 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).

(vi). Notification from the Public

Interested parties possessing information that would demonstrate that Coffeyville's CMVs equipped with Intellistop's pulsating rear-light module may not be 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.

(vii). Non-Endorsement

This limited and conditional exemption does not constitute an endorsement of the Intellistop product by FMCSA, NHTSA, the U.S. DOT, or any of their components, or by any of these agencies' employees or agents. As a condition of the continued effectiveness of this exemption, Intellistop is expressly prohibited from describing its product as

approved by, endorsed by, or otherwise authorized by FMCSA, NHTSA, or U.S. DOT, or as compliant with Federal safety regulations.

VII. 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. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Sue Lawless,
Chief Safety Officer\Assistant Administrator.
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