



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2026-0958]

Parts and Accessories Necessary for Safe Operation; Application for Exemption from Aurora Operations, Inc.

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

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on Aurora Operations, Inc.'s (Aurora) application for a five-year exemption to allow commercial motor vehicles (CMVs) equipped with a Level 4 automated driving system (ADS) to use a set of cab-mounted warning beacons in lieu of placing reflective warning triangles or fuseses around the stopped vehicle. The exemption would apply to Aurora and to other motor carriers operating Level 4 ADS-equipped CMVs that notify FMCSA in writing prior to operating under the exemption. FMCSA is required by statute to publish a notice explaining each exemption request, and such notice does not indicate what decision FMCSA will ultimately reach on the request. After reviewing the application, safety analyses, and public comments submitted, FMCSA will grant or deny the exemption.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2026-0958 by any of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. See the Public Participation and Request for Comments section below for further information.
- **Mail:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58-213, West Building, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** 1200 New Jersey Avenue SE, W58-213, West Building, Washington, DC 20590-0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- **Fax:** (202) 493-2251. Each submission must include the Agency name and the docket number (FMCSA-2026-0958) for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL-14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>.

The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Mr. Vinay Nagabhushana, Acting Chief, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety; (202)-897-8923 or MCPSV@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2026-0958), indicate the specific section of this document to which your

comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2026-0958/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE,

Washington, DC 20590-0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, insert FMCSA-2026-0958 in the keyword box, select the document tab and choose the document to review. To view comments, click this notice, then click “Browse Comments.” If you do not have access to the internet, you may view the docket by visiting Docket Operations in the room W58-213 of the DOT West Building, 1200 New Jersey Avenue, SE, Washington, DC 20590--0001, between 9 a.m. and 5 p.m., 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 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 the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, 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 without the exemption, pursuant to the standard set forth in 49 CFR 381.305(a). The Agency must publish its 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, the effective period, and 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. Applicant's Request

Current Regulatory Requirements

Aurora requests an exemption from certain FMCSRs related to requirements for placing warning devices around a stopped CMV, requirements that exterior lamps be steady burning, and requirements that specific types of warning devices be used. Section 392.22(b) of the FMCSRs requires the driver of a CMV stopped on the traveled portion or shoulder of a road for any cause other than a necessary traffic stop to activate hazard warning signal flashers and place required warning devices as soon as possible, but within ten minutes, at specified locations behind and in front of the stopped CMV. Section 392.22(b) also specifies placement of warning devices in certain circumstances, such as during daylight hours, or where devices may be obstructed from view (e.g., when stopped within 500 feet of a curve or the crest of a hill).

Section 393.25(e) of the FMCSRs requires that all exterior lamps be steady burning, with exceptions not relevant here.

Section 393.95(f) of the FMCSRs specifies the types and number of warning devices to be used for stopped vehicles, namely 3 bidirectional emergency reflective triangles or at least 6 fusees. The reference to 3 liquid-burning flares was removed by a final rule published on February 19, 2026 (91 FR 7867). Other warning devices may be used in addition to required devices, as long as they do not reduce the effectiveness of required devices.

Applicant's Request

Aurora seeks an exemption from 49 CFR 392.22(b), 393.25(e), and 393.95(f) to allow Aurora to operate Level 4 ADS-equipped CMVs, as defined in SAE International, formerly Society of Automotive Engineers (SAE), standard J3016, using a set of cab-mounted beacons in lieu of placing the warning devices otherwise required by the FMCSRs. Aurora requests that the exemption include any other motor carrier operating Level 4 ADS-equipped CMVs, provided that the motor carrier notifies FMCSA in writing prior to operating under the exemption. The cab-mounted warning beacons consist of flashing amber lights that meet class 1 photometric performance requirements described in SAE J595, mounted high on each side of the cab.

Aurora notes that the exemption would apply to Level 4 ADS-equipped CMVs even if there were a human driver present and suggests that FMCSA consider extending the exemption to conventional CMVs operated by human drivers. Aurora states that it currently has 109 Class 8 CMVs and expects to have more than 200 Level 4 ADS-equipped CMVs by the end of calendar year 2026. Aurora projects that its fleet could expand to thousands of CMVs operating under the exemption over the next five years.

Limited Waiver

Currently, Aurora is operating under a limited waiver from the warning device placement requirements in 49 CFR 392.22(b), the steady-burning lamp requirement in 49 CFR 393.95(f), and the requirements for the types and number of warning devices in 49 CFR 393.25(e), subject to certain terms and conditions. The waiver allows Aurora to operate Level 4 ADS-equipped CMVs with cab-mounted beacons in lieu of the warning devices otherwise required by the FMCSRs. The waiver also permits other motor carriers operating Level 4 ADS-equipped CMVs to use the waiver, provided that the motor carrier notifies FMCSA in writing and certifying information specified in the waiver. Kodiak Robotics, Inc., provided written notification to FMCSA that it is also operating under the waiver. The waiver also requires each motor carrier operating under the waiver

to report any crashes that occurred while the cab-mounted warning beacons are activated or should have been activated, and submit a Waiver Term Report outlining the performance data of the cab-mounted warning beacons. As of the publication date of this notice, no crashes have been reported to FMCSA under the terms and conditions of the waivers. The current waiver will expire on July 9, 2026.

Applicant's Equivalent Level of Safety

Aurora states that the exemption will achieve a level of safety equivalent to that of the current regulations because cab-mounted warning beacons are reliable and highly visible, whereas warning triangles can be blown away or toppled over. In addition, cab-mounted warning beacons eliminate the need for a human to exit the CMV onto the shoulder or traffic lane of a road. Aurora states that it successfully used cab-mounted warning beacons under a waiver from October 10, 2025 through January 9, 2026 on 34 CMVs that traveled over 500,000 miles. During that period, the beacons activated for a total duration of nearly 10 hours. Aurora reports that, to the company's knowledge, the beacons were reliable and operated as expected without any faults, malfunctions, or power issues. Aurora's CMVs that operated under the waiver were not involved in, nor contributed to, any roadway collisions while stopped on the roadway and using the beacons.

Aurora also submits two reports that it says support the safety effectiveness of the cab-mounted warning beacons: an August 2022 Waymo-sponsored study titled "Stopped Automated Commercial Motor Vehicle Warning Device Surrogates" by the Virginia Tech Transportation Institute (VTTI), and an October 2022 report prepared by Aurora titled "Naturalistic Study of Warning Device Equivalency."

Aurora proposes terms and conditions for the exemption similar to the terms and conditions of the waivers that FMCSA has issued to Aurora. Aurora requests that it be allowed to operate double/triple trailers and tank vehicles under the exemption, which is

currently not allowed under the waivers. Aurora does not propose that the terms and conditions for the exemption allow for operations which would otherwise require a “H”, “P”, “S”, or “X” endorsement under 49 CFR 383.93—if a human driver were present.

A copy of Aurora’s application for exemption with supporting documents, including the waivers FMCSA issued to Aurora and the two 2022 studies, is available for review in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on Aurora’s application for a 5-year exemption from 49 CFR 392.22(b), 49 CFR 393.25(e), and 49 CFR 393.95(f). All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice.

Larry W. Minor,

Associate Administrator for Policy.

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