



[4910-EX-P]

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2025-0085]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption from Yarde Metals, Inc., USDOT No. 299202

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

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant Yarde Metals, Inc.'s (Yarde Metals, USDOT No. 299202) application for a limited 5-year exemption to allow the use of an amber, brake-activated, pulsating auxiliary lamp positioned in the rear center outside frame rail of each of its commercial motor vehicles (CMVs) in addition to the steady-burning brake lamps required by the Federal Motor Carrier Safety Regulations (FMCSRs). The Agency has determined that granting the exemption would likely achieve a level of safety equivalent to or greater than the level of safety provided by the regulation.

DATES: The exemption is effective [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*] and expires **April 28, 2031**.

FOR FURTHER INFORMATION CONTACT: Mr. David Sutula, Chief, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001; (202) 366-2551; MCPSV@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2025-0085/document> and choose the document to review. To view comments, click this notice, then click “Document Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in 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 the 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 applications, 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 absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). 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. Background

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, except turn signal lamps; hazard warning signal lamps; school bus warning lamps; amber warning lamps or flashing warning lamps on tow trucks and CMVs transporting oversized loads; and warning lamps on emergency and service vehicles authorized by State or local authorities.

Applicant's Request

The application from Yarde Metals was described in detail in a Federal Register notice published on April 16, 2025 (90 FR 16422) and will not be repeated as the facts have not changed.

IV. Public Comments

The Agency received one comment from AWM Associates, LLC (AWM), and one comment from an anonymous individual. Both comments opposed the exemption request.

The anonymous individual stated that the “legal regulatory requirements are not in place under this application and the company has no authority to issue this type of request.”

AWM asserted that “any exemption is a bad idea.” AWM noted that the brake-activated pulsating lamps described in the application are not required under 49 CFR 393.11 and therefore fall outside the scope of the FMCSRs and the National Highway Traffic Safety Administration’s (NHTSA) Federal Motor Vehicle Safety Standards (FMVSS). AWM compared the lamp to other non-required lighting, such as “chicken lights” used along vehicle sides, which are generally only subject to State regulations regarding color. AWM further stated that, if such lights are installed professionally and do not interfere with a vehicle’s electrical system, they are simply considered supplemental. AWM concluded that because the amber brake-activated pulsating lamp is in addition to—rather than a replacement for—the two required rear brake lights, the

application should be denied, as it seeks an exemption for a feature that is not required under 49 CFR 393.11.

V. FMCSA Decision

FMCSA has evaluated Yarde Metals' exemption application materials along with the comments received. The Agency has determined that granting a temporary exemption to allow Yarde Metals to operate CMVs equipped with an amber brake-activated pulsating lamp—positioned on the rear center outside frame rail of each CMV—in addition to the steady-burning brake lamps required by the FMCSRs, would likely achieve a level of safety equivalent to or greater than the level of safety achieved without the exemption.

Rear-end crashes generally account for approximately 30 percent of all crashes. These types of crashes often result from a failure to respond (or delays in responding) to a stopped or decelerating lead vehicle. Data 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.^{1,2}

Research conducted by both FMCSA and NHTSA explored alternative rear signaling systems to address this issue. Specifically, FMCSA conducted research and development on Enhanced Rear Signaling (ERS) systems, which showed the ability of flashing lamps to draw visual attention. However, FMCSA ultimately decided not to pursue formal field operational testing of the prototype system due to concerns about implementation costs and fleets' willingness to invest in the technology. Nonetheless, the preliminary research showed that the ERS system performed well at detecting and signaling rear-end crash threats and drawing the gaze of following-vehicle drivers to the

¹ 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).

² 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).

forward roadway which, if implemented, could potentially reduce the number and frequency of rear-end crashes into the rear of CMVs.

Separately, NHTSA has performed a series of research studies intended to develop and evaluate rear signaling applications designed to draw drivers' visual attention to the forward roadway.³ The research demonstrated that people rated flashing all lights simultaneously or alternately flashing as attention-getting, even at levels of brightness within the current regulated limits.

In addition, NHTSA has conducted research on the effectiveness of rear turn signal color on the likelihood of being involved in a rear-end crash.⁴ FMVSS No. 108 allows rear turn signals to be either red or amber in color. The study showed that amber signals show a 5.3 percent effectiveness in reducing involvement in two-vehicle crashes where a lead vehicle is struck from the rear in the act of turning left, turning right, merging into traffic, changing lanes, or entering/leaving a parking space. The advantage of amber rear turn signals was shown to be statistically significant.

FMCSA acknowledges the concerns raised by the individual commenter and AWM regarding the permissibility and necessity of granting an exemption for the use of amber, brake-activated, pulsating auxiliary lamps that are not explicitly required under 49 CFR 393.11. FMCSA notes that while the lamp in question is not required under 49 CFR 393.11, when it is activated by the service brake system, it is subject to the steady-burning requirement under 49 CFR 393.25(e), which applies to both required and additional exterior lamps. As such, an exemption is appropriate when a motor carrier seeks to use a non-steady-burning lamp that is otherwise regulated under this provision.

³ U.S. Department of Transportation, National Highway Traffic Safety Administration (2009), Traffic Safety Facts – Vehicle Safety Research Notes, Assessing the Attention-Gettingness of Brake Signals: Evaluation of Optimized Candidate Enhanced Braking Signals, Report No. DOT HS 811 129, Washington, DC (May 2009).

⁴ U.S. Department of Transportation, National Highway Traffic Safety Administration (2009), Evaluation of Enhanced Brake Lights Using Surrogate Safety Metrics, Report No. DOT HS 811 127, Washington, DC (April 2009).

In conclusion, FMCSA is not aware of any evidence indicating that the use of brake-activated pulsating lamps—when operated under previously granted exemptions and in compliance with their conditions—has compromised safety. Considering this body of evidence, FMCSA concludes that the installation of an amber brake-activated pulsating lamp on the rear center outside frame rail of each CMV operated by Yarde Metals, in addition to the steady-burning brake lamps required by regulation, is likely to provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

VI. Exemption

FMCSA grants the exemption for a period of 5 years subject to the terms and conditions of this decision. The exemption is effective **[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**, through **April 28, 2031**, 11:59 p.m. local time, unless revoked.

A. Applicability of Exemption

During the exemption period, Yarde Metals may install an amber, brake-activated, pulsating auxiliary lamp positioned in the rear center outside frame rail of each CMV it operates in addition to the steady-burning brake lamps required by the FMCSRs.

B. Terms and Conditions

1. Limitation of Exemption:

- This exemption applies exclusively to CMVs operated by Yarde Metals, Inc. (USDOT No. 299202), and does not extend to any other motor carrier.

2. Recurring Data Reporting Requirements:

- Yarde Metals must provide recurring yearly data submissions to include information on rear-impact crashes and incidents involving CMVs equipped with Yarde Metals' amber brake-activated pulsating auxiliary lamps. The first

submission is due **April 28, 2027**, and subsequent submissions are due every 12-months thereafter until the exemption expires or is rescinded.

- The yearly data submissions must be sent via email to FMCSA at MCPSV@dot.gov.
- If Yarde Metals lacks certain categories of information, alternative information may be discussed with FMCSA and submitted if approved.

3. Data Reporting Requirements for Rear-impact Crashes and Incidents:

- At the end of each 12-month period, Yarde Metals must submit a report detailing crash rates; vehicle miles traveled; the number and type of CMVs operating under the exemption; and crash or incident information including the date of each crash or incident, along with the time, location, and a brief description of the event.
- Yarde Metals must provide any available information indicating malfunction of, or confusion caused by the use of, Yarde Metals' amber brake-activated pulsating lamps.
- Yarde Metals must provide FMCSA with any updated point of contact for information regarding this exemption.

4. Meetings:

- Yarde Metals must meet with FMCSA upon request to answer questions regarding data and information provided under the exemption.

C. 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.

VII. Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record. However, the exemption will be revoked if: (1) Yarde Metals, Yarde Metals' CMVs, or the drivers operating under the exemption 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).

Derek Barrs,

Administrator.

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