

AWM Associates, LLC  
Albuquerque, NM

January 21, 2025

Federal Motor Carrier Safety Administration  
Washington, D.C.

Reference: FMCSA-2024-0255

Dear Sir or Madam:

**(1) whether the proposed collection is necessary for the performance of FMCSA's functions;**

Warning triangles are a useful safety device when utilized. The FMCSA's recent decision to deny the application for an exemption from warning triangles and lawsuit substantiate the need for the devices. The use of warning triangles is a risk mitigation factor and when warning triangles are properly used assist drivers in mitigating injury claims. In 2000 a vendor approached the Illinois Division promoting his flashing inserts to warning triangles to make them more visible. The insert was powered by a battery and sit within the warning triangle frame flashing a bright yellow light to alert the motor public of the presence of the warning triangle. The vendor was advised the FMCSR set the minimum safety standard and nothing prevented him of selling the devices to willing subjects; however, I doubted the FMCSR would be modified to mandate them.

How the FMCSA utilizes the comments is yet to be seen; therefore, one cannot predict the usefulness of collecting data.

**(2) the accuracy of the estimated burden;**

The FMCSA's assessment seems to miss the value of warning triangles for "Parked Disabled Commercial Motor Vehicles" (PDCMV), e.g. warning the motoring public. The safety issues associated with autonomous vehicles (AV) broke down is serious. AV has no safety measures to alert the public of a large obstruction on or near the road. AV manufacturers have been allowed to use the public as their Guinea Pigs in performance and safety issues when an AV breaks down. A PDCMV has a driver that can take precautionary measures to alert the public of the impending hazard of a PDCMV nearby. AVs do not. As a mainframe technician 1982 to 1991 and employed by an AV developer, I fully understand that electronic devices are great until they aren't.

Do AV manufacturers also desire exceptions from 49 CFR Part §392.2 observation of local laws, and Part §396.7 Unsafe Operations Forbidden? The Federal Motor Carrier Safety Regulations (FMCSR) is intertwined with some parts impacting other parts. It's difficult to be excluded from a single part without violating another part.

The FMCSA's obligation is to the safety of the public, not simplifying AV manufacturer's obligation in protecting the public near the AV. If the data collected assist the FMCSA in defending its stance in denying the application from AV manufacturers for an exemption from placing warning triangles? Then so be it. AV manufacturers have an obligation to alert the motoring public one of their AVs is broke down on or near the road.

**(3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and**

AV manufacturers should be required to have a stand-alone device that activates when an AV is broken down on or near the highway to alert the public of its presence, and a clear plan to mitigate dispatching a tow truck, or technician to remove the broke down AV from or near the highway.

For now AVs have restricted routes; however, as slow as the regulatory process is it's necessary to start developing regulations now, not two years from now.

The FMCSA should clarify the issue at hand, a lawsuit filed by Aurora Innovation, Inc. to allow cab mounted warning beacons vs warning triangles.

Cab mounted warning beacons may not be effective for AVs towing trailers. Do the cab mounted warning beacons have a stand-alone power source? If not, the device may not function if the AV's power source is drained.

**(4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.**

The rulemaking/rulemaking revision process in-of-itself is complicated. Too often regulations are developed too quickly and poorly worded creating loopholes and problems for those impacted. The FMCSA's Exemptions website has multiple exemptions granted to entities instead of being implemented in the FMCSR creating an unfair playing field as the rules don't apply equally to those subject to the FMCSR.

The FMCSA should consider a technical advisory panel of FMCSA, MCSAP, motor carriers, and industry similar to CVSA to review proposed rulemakings and revisions of regulations to finalize details. The panel/s should have criteria to qualify an entity to participate to ensure the integrity of panel's outcome. The panel's recommendations can be processed by the Ombudsman to ensure it meets the regulatory requirements of the OMB.

Respectfully Submitted;

*Michael Millard*

Michael Millard  
President & Chief Safety Officer