

BEFORE THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

APPLICATION OF PRONTO.AI, INC.

FOR AN EXEMPTION FROM 49 CFR 395.3(a)(2) and 395.3(a)(3) FOR MOTOR CARRIERS USING CERTAIN ADVANCED DRIVER ASSISTANCE SYSTEMS

Pursuant to 49 C.F.R. § 381.300 *et seq.*, Pronto.ai, Inc. (“Pronto”) requests, on behalf of its interstate motor carrier customers, a renewable five-year exemption from the following two hours-of-service (HOS) requirements:

1. 49 CFR 395.3(a)(2), which states “A driver may drive only during a period of 14 consecutive hours after coming on duty following 10 consecutive hours off duty.”
2. 49 CFR 395.3(a)(3), which states, “A driver may drive a total of 11 hours during the 14-hour period specified in (a)(2) of this section.”

A. The Exemption Request

With respect to 49 CFR 395.3(a)(2) and (3) above, Pronto is requesting that drivers working for motor carriers whose commercial motor vehicles (CMVs) are equipped with the Copilot by Pronto advanced driver assistance systems (ADAS), the SmartDrive® Video Safety Program, and the additional safeguards listed in this request, be allowed to drive up to 13 hours during a period of 15 consecutive hours after coming on duty following 10 consecutive hours off duty.¹

B. Justification

This unique exemption promotes a significant improvement in the safe operation of CMVs on the highways. It requests additional driving and duty-period hours for drivers of vehicles equipped with advanced technologies that greatly mitigate the risks of driver distraction and inattentiveness and assist the driver in maintaining safe operations. The HOS exemption requested does not involve cumulative fatigue because it does not request exemption from required rest breaks, the requirement for 10 hours off duty between duty periods, or the ‘60/70 hour rule.’ A driver operating under the exemption would be “hands on” and in complete control of the vehicle at all times. As explained below, a distinctive combination of advanced safety technologies would reduce physical and mental stress for the driver, thereby allowing a modest increase in certain HOS parameters. Plus, these same technologies would provide additional levels of safety by reducing the risk of the driver becoming drowsy or distracted and assist the driver in maintaining safe and proper control of the vehicle. In concert, these technologies provide a level of safety that is equivalent to or greater than would result from operation without the requested exemption.

The relevant Pronto and Smart Drive safety technologies, explained in detail below, include:

1. Collision mitigation, including vastly improved systems of collision threat tracking and braking that can bring a CMV to a full emergency stop.

¹ 13 hours of driving within a work shift is the same as the longstanding Canadian driving limit, and the 15 consecutive hour limit is one hour less than the ‘16 hour’ rule in the Canadian hours of service rules.

2. Technology to immediately identify an unresponsive driver and safely bring the vehicle to a stop on the shoulder, and alert the carrier.
3. Advanced adaptive cruise control at all speeds, including in heavy or even stop-and-go traffic.
4. Automatic lane centering on a proactive basis (versus reactive lane departure warning).
5. Real-time driver performance monitoring through video cameras and sensors to detect and immediately alert the driver and carrier of incidents involving distraction and inattentiveness, aggressive speeding, and related behaviors.

These technologies provide Level 2² ADAS. As such, this exemption request is consistent with stated FMCSA goals to accelerate the deployment of ADAS in CMV.³

C. Need for the Exemption

As detailed in this application, this exemption is needed to:

1. Better align safety incentives in order to make it easier for motor carriers to invest in proven, lifesaving technologies.
2. Provide a meaningful operational incentive for investment in these technologies, which will also help overcome some driver resistance to using ADAS and video-based onboard safety systems, especially driver-facing cameras.
3. Catalyze a virtuous cycle for the adoption of safety technologies by truck OEMs and motor carriers, thereby helping to bridge the wide safety technology gap between commercial trucks and passenger cars.
4. Ensure that vehicle automation is introduced and scaled in the trucking industry in the safest possible, evolutionary manner that benefits (rather than replaces) drivers.
5. Work hand-in-glove with FMCSA's recently launched ADAS adoption initiative.

D. Equivalent Level of Safety - Meeting the Standard

Drivers and carriers operating under the exemption will achieve a level of safety equivalent to, or greater than, the level of safety that would be obtained by complying with the current regulation, as a result of safety improvements from:

1. Required use of the most sophisticated Level 2 ADAS system on the market, coupled with SmartDrive's best-in-class video-based safety program and intelligence platform;
2. A significant increase in a driver's physical comfort, resulting in less physical fatigue during a shift;
3. An "active management" approach to the technology roll-out with carriers and drivers, achieved through Pronto's compulsory, full-day driver training program and the ability of SmartDrive's platform to enable rapid identification of drivers needing additional training;
4. Pronto's unique "Safe Landing" feature that identifies highly inattentive or non-responsive drivers, and attempts to safely and gradually bring the truck to a complete stop; and,
5. SmartDrive's fatigue-monitoring and alerting system, SmartSense, which provides real-time in-cab alerts to the driver and triggers a video for immediate verification and intervention by the carrier.

² The references to "Level 0," "Level 1," and "Level 2" throughout this application refer to SAE International's "Levels of Driving Automation," as the internationally recognized levels of automation of onboard vehicle technology. (See <https://www.sae.org/news/2019/01/sae-updates-j3016-automated-driving-graphic>)

³ FMCSA's "Tech-Celerate" initiative is focused on reducing fatalities and preventing injuries from crashes by encouraging adoption of ADAS systems. See <https://tech-celeratenow.org/>.