



December 11, 2018

The Honorable Heidi King  
Deputy Administrator  
National Highway Traffic Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Ave., SE  
Washington, DC 20590

**RE: Notice of Proposed Rulemaking to Amend Federal Motor Vehicle Safety Standard No. 108 Lamps, Reflective Devices, and Associated Equipment to Permit Adaptive Driving Beam Headlighting Systems [Docket No. NHTSA-2018-0090]**

Dear Deputy Administrator King:

The Motor & Equipment Manufacturers Association (MEMA)<sup>1</sup> appreciates the opportunity to provide input regarding the National Highway Traffic Safety Administration's (NHTSA) notice of proposed rulemaking (NPRM) to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*, to permit the certification of Adaptive Driving Beam (ADB) headlighting systems.<sup>2</sup> MEMA represents 1,000 vehicle suppliers that manufacture and remanufacture components and systems for use in passenger cars and heavy trucks as new original equipment (OE) and aftermarket parts to service and repair vehicles. Among our members are manufacturers of vehicle lighting equipment, components and systems.

Vehicle lighting is a critical safety feature on vehicles. Suppliers of vehicle lighting equipment and systems are continuously innovating to provide the best possible illumination for driver visibility and optimal conspicuity for other vehicles and road users. Technology in this space has seen significant advancements over the years, however, some technology has been hampered by static regulations. As such, MEMA applauds NHTSA for recognizing the importance of amending the U.S. lighting standard to permit ADB headlighting systems, granting the 2013 petition for rulemaking,<sup>3</sup> and proposing performance requirements. As noted in the agency's NPRM, these ADB systems have been allowed in other global markets for several years. MEMA views this NPRM as an opportunity for NHTSA to modernize our nation's vehicle lighting standard.

However, while MEMA is pleased to see the agency make a step towards amending the standard, we are concerned that the NHTSA proposal does not align more with the SAE J3069<sup>TM</sup> recommended practice<sup>4</sup> or the UN ECE R123<sup>5</sup> requirements. Many of our vehicle lighting suppliers

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<sup>1</sup> MEMA represents its members through four divisions: Automotive Aftermarket Suppliers Association (AASA); Heavy Duty Manufacturers Association (HDMA); Motor & Equipment Remanufacturers Association (MERA); and, Original Equipment Suppliers Association (OESA).

<sup>2</sup> 83 *Fed Reg* 51766.

<sup>3</sup> Petitioner: Toyota Motor North America, Inc., March 29, 2013.

<sup>4</sup> SAE J3069<sup>TM</sup> Adaptive Driving Beam, June 2016.

<sup>5</sup> UN Regulation No. 123; Uniform provisions concerning the approval of adaptive front-lighting systems (AFS) for motor vehicles.



participate in the SAE International and were part of supporting and developing the SAE J3069™, which contains design guidelines, test procedures, and performance requirements. MEMA shares SAE's concerns and supports the technical comments they submitted to this docket.

NHTSA's proposal lacks harmonization with two well understood and internationally recognized standards. It would create additional regulatory testing and design burden on vehicle OEMs and suppliers because it would require different calibrations and different headlamp / forward camera sensor designs. This creates a separate standard such that the ADB headlighting system would only be unique to the United States. The vehicle industry is a global industry; lack of alignment with key standards and regulations adds unnecessary regulatory burdens on U.S. manufacturers and increases costs for the supply chain, our OEM customers and, ultimately, the American consumer. Examples of added burdens are:

- The test track elements of the proposed procedure are not feasible. The complexity of 13 road geometries, 34 maneuvers, specific data measurements, and other required conditions makes it difficult – if not impossible – to conduct on most proving grounds.
- The stimulus vehicle requirements potentially create multiple testing scenarios, which may introduce too many variations in test results. The parameters of NHTSA's proposed requirements (meaning the preceding five model years would need to be acquired continuously year over year for testing new models) adds significant, unnecessary costs and related burdens on manufacturers.
- The requirements on where the photometers should be placed would result in numerous possible positions (as they are also dependent on the dimensions of the chosen stimulus vehicle).

MEMA underscores these points because of the main concern about the repeatability of the proposed test procedures and reliability of the test results. The complexity of this proposal is simply unnecessary and for no real added safety benefit.

Amending FMVSS No. 108 should be viewed by the agency as an opportunity to align with existing protocols that are widely accepted in other comparable markets. Unfortunately, the agency's proposal will put the U.S. out of synch with other markets – most notably with Canada. The Canadian regulations accept either UN ECE R123 or the SAE J3069™. NHTSA's proposal is counter to a Memorandum of Understanding between the U.S. and Canada that strives to enhance – not diminish – regulatory cooperation between the U.S. and Canada.<sup>6</sup> In fact, the U.S. Office of Management and Budget's Office of Information and Regulatory Affairs is soliciting public comments on how to reduce and eliminate unnecessary regulatory differences between the U.S. and Canada.<sup>7</sup>

Certainly, MEMA supports NHTSA taking this important step to grant the petition and put forward a proposal for the industry's consideration. However, it is evident that there are many

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<sup>6</sup> Memorandum of Understanding Between the Treasury Board of Canada Secretariat and the United States Office of Information and Regulatory Affairs Regarding the Canada-United States Regulatory Cooperation Council, reaffirmed and signed June 4, 2018.

<sup>7</sup> The U.S. Office of Management and Budget's Office of Information and Regulatory Affairs is soliciting public comments on how the federal government can reduce or eliminate unnecessary regulatory differences between the United States and Canada via the Regulatory Cooperation Council. Docket ID No. OMB-2018-0006-0001.

challenges and concerns about the proposal, particularly the feasibility of conducting the test procedures. Allowing ADB headlighting systems on vehicles stands to yield substantial safety benefits for drivers and other road users. These systems increase the range of visibility without causing glare or other discomfort. Improved visibility also reduces the chance of collisions by enhancing the driver's ability to react.

MEMA appreciates NHTSA's consideration of our comments and applauds the agency's action to amend FMVSS-108 and permit ADB headlighting systems. At the same time, MEMA supports the technical input and comments from the SAE and we urge the agency to reconsider the NPRM's test procedure and align more with the SAE J3069™ recommended practice, which provides an objective and repeatable test procedure and acceptance criteria for ADB features. Doing so will reduce regulatory burden of having multiple test procedures and standards. Now, more than ever, governments and industry alike could benefit greatly from more alignment and less overall regulatory burden.

For further information, please contact me at (202) 312-9246 or [lmerino@mema.org](mailto:lmerino@mema.org).

Regards,

A handwritten signature in cursive script that reads "Leigh S. Merino".

Leigh S. Merino  
Senior Director, Regulatory Affairs